

## TERMS OF REFERENCE FOR INSTITUTIONAL SERVICES

### *Strengthening the Administration of Justice for Children Government of Guyana, Rights of the Child Commission and UNICEF Guyana*

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#### **1. Background**

Guyana has made a number of progressive steps in the area of justice for children and the establishment of child justice systems. This includes the approval of modern legislation (Juvenile Justice Act, 2018; Restorative Justice Act, 2022 and Juvenile Justice (Amendment) Act, 2022, the creation of specialised courts for children, access to legal aid and capacity building for juvenile justice administrators- including members of the Guyana Police Force. To complement this work, there is also a need to review, update and implement key recommendations on standards, procedures, mechanisms, and provisions specifically applicable to, children in contact with the law or involved in the justice process<sup>1</sup>. These processes involve a number of partners and would ultimately enhance the Child Protection system and aid in the implementation of Justice for Children related legislation.

Moreso, General comment No. 24 (2019) on children’s rights in the child justice system recommends that “that States parties set and implement time limits for the period between the commission of the offence and the completion of the police investigation, the decision of the prosecutor (or other competent body) to institute charges, and the final decision by the court or other judicial body. These time limits should be much shorter than those set for adults but should still allow legal safeguards to be fully respected. Similar speedy time limits should apply to diversion measures.”

To this end, the Ministry of Home Affairs (as the lead agency) in partnership with the Rights of the Child and UNICEF, seeks to strengthen efforts for investigation and related procedures for.

1. Child victims and witnesses<sup>2</sup>
2. Children who are offenders (or alleged offenders/offenders), suspects and actual perpetrators of crimes<sup>3</sup>
3. Children who are in contact with law are in alternative care institutions (that is not on remand or in detention centres)

#### **2. Purpose and objectives of the consultancy/Contract**

The consultancy will:

- Review procedures, standards and mechanisms (including Police Standing Orders) that cover children in all aspects of the justice systems, including child victims and witnesses of crime, children in welfare proceedings and children before administrative tribunals.
- Delineate SOPs (with practical timelines) based on the review above
- Develop guidance notes to guide professionals in the justice process and to ensure child sensitive approaches (based on any good practices or gaps)
- Outline and provide guidance on any additional steps to be taken for children who may be involved in the justice or welfare system, due to their migration status. (This will be crucial for follow-up)
- Provide practical recommendations and multi-year road to stakeholders on next steps for implementation, following this initial review in order to improve outcomes for children.

#### **3. Work Assignments/TOR**

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<sup>1</sup> Justice process encompasses detection of the crime, making of the complaint, investigation, prosecution and trial and post-trial procedures, regardless of whether the case is handled in a national, international or regional criminal justice system for adults or juveniles, or in a customary or informal system of justice

<sup>2</sup> “Child victims and witnesses” denotes children and adolescents, under the age of 18, who are victims of crime or witnesses to crime regardless of their role in the offence or in the prosecution of the alleged offender or groups of offenders;

The team is expected to work independently, including the coordination of meetings/logistics for interviews and related matters. Additionally, workspace will not be provided to the Ministry as part of the assignment. Any delays experienced during the duration of the consultancy should be communicated in advance to allow planning of new timelines and review of deliverables. Although the total number of days (in relation to the fees) will be agreed on, the period of the contract will be extended to cater for any delays/circumstances outside of the scope of the consultancy.

#### 4. Deliverables

These are as follows:

#	Deliverables	Days	Percentage of Fee
1	Inception report (this includes workplan, details on methodology for assignment and preliminary desk review)	10	20
2	Report on review of procedures that cover children in all aspects of the justice systems, including child victims and witnesses of crime, children in welfare proceedings and children before administrative tribunals. The report must consider both the current practice (including roles of the different sectors, legislation and international good practice in the areas. As part of the validation process, the consultant is expected to present findings to stakeholders).	20	25
3	Revised SOPs for key agencies (this includes Standing Order 19 for the Guyana Police Force and related Standing Orders)	15	25
4	Guidance notes (based on local context and best practice) in at least 4 areas based on the review- for instance, processing centre, investigations and virtual hearings.  Also, list of practical recommendations with suggested timelines on procedures.	30	30
5	A comprehensive final report which includes an analysis and practical recommendations for action on <i>standards, procedures, mechanisms and provisions specifically applicable to, and institutions and bodies set up to deal with, children in contact with the law. (this would also enhance the Child Protection system and aid in the implementation of Justice for Children related legislation)</i>		
6	Power point presentation on key findings (stakeholder meeting)	1	

#### 5. Reporting Requirements

All reports must be submitted in soft copy as per implementation schedules. Reports include the following:

- Inception Report
- Progress Reports and Minutes of Meetings
- Mission Reports (where applicable)

- Technical Reports
- Draft and Final Report
- Training material
- Presentation material
- Workshop/training evaluation report

## 6. Location and Duration

- Starting period: 10 January 2023
- Foreseen finishing period or duration: 10 June 2023
- Indicative schedule of the assignment, activity schedule or project time frame
- Specific timelines and milestones for individual activities, and whether or not timeframes are negotiable - and if so under what circumstances
- Location(s) and schedule of the assignment: how many journeys/missions are anticipated throughout the contract duration (if required)

## 7. Qualifications or Specialized Knowledge/Experience Required

This is an institutional consultancy and the team is expected to include at least an Attorney-at-law with at minimum 3 years' experience on justice for children issues, a Social Worker (including practising Social Worker with Probation and Child Protection Experience) and at least a criminal justice expert (this can include an expert who has worked on law enforcement services, detention matters). All experts must have practical experience working in Guyana and team lead must have the following:

1. A post-graduate qualification in Social Sciences or related field at least 4 years research experience
2. Sound knowledge of local legislation and practice related to children in contact with the law.
3. Skills in facilitation, engaging with State and non-state actors
4. Sound awareness of children's rights.

## 8. Evaluation process and methods

- The proposal will be technically evaluated and based on this review by UNICEF, MoHA and RCC shortlisted candidates will be invited to submit a financial proposal.
- The weight allocated between technical and price proposal is 70/30 (technical/commercial).
- Please refer to Annex 1 for on technical criteria and relative points.

## 9. Administrative Issues

- Bidders shall be required to include the cost of travel in the financial proposal. Note that all travel will be local travel and it is expected that visits will be done in 3 Regions (the costs for travel will be determined by UNICEF and included by UNICEF in the final contract)
- Resources and facilities to be provided by UNICEF will be access to printing services

## 10. Payment Schedule (Please link to deliverables to the extent possible):

Specify payment terms in relation to key deliverables in percentages. The proposed payment terms must be attractive to bidders, while balancing the risk for the organization. Advanced payments should not be included unless it is a requirement for successfully attracting bidders, and after consultation to ensure proper risk management measures are in place.

Payment approval mechanism shall be clearly identified, mentioning relevant authorised officials.

The ToR shall include the following standard text related to fees:

*Fees shall be calculated based on the days offered to complete the assignment and shall be considered the maximum compensation as part of a lump sum contract. No additional fees shall be paid to complete*

*the assignment. Payment will be made upon submission and approval of deliverables and full and satisfactory completion of the assignment*

## ANNEX 1

### TECHNICAL EVALUATION CRITERIA

Item	Technical Evaluation Criteria	Max. Points Obtainable
<b>1</b>	<b>Overall Response</b> e.g. the understanding of the assignment by the proposer and the alignment of the proposal submitted with the ToR	<b>20</b>
.1	Completeness of response	10
1.2	Overall concord between RFP requirements and proposal	10
<b>2</b>	<b>Company and Key Personnel</b>	<b>25</b>
2.1	Range and depth of organizational experience with similar projects	10
2.2	Samples of previous work	5
2.3	Client references	5
2.5	Key personnel: relevant experience and qualifications of the proposed team for the assignment	5
<b>3</b>	<b>Proposed Methodology and Approach</b> e.g. Work plan showing detail sampling methods, project implementation plan in line with the project	<b>25</b>
3.1	Proposed work plan and approach of implementation of the tasks as per the ToR	10
3.2	Implementation strategies, monitoring and evaluation, quality control mechanism	10
3.3	Innovative approach	5
<b>TOTAL TECHNICAL SCORES</b>		<b>70</b>

**Minimum technical required score: 60**