

## TERMS OF REFERENCE

### DEVELOPMENT OF REGULATIONS FOR THE CHILDREN PROTECTION AND WELFARE ACT 2012

<b>PART I</b>		
Title of Assignment	Consultant for Drafting of Regulations for the CPWA 2012	
Section	APLD	
Location	Mbabane, Swaziland	
Duration	45 working days (over a 4-month period)	
Start date	<b>From:</b> 25/09/2017	<b>To:</b> 31/12/2017

#### Background and Justification

In 2012, Swaziland enacted the Child Protection and Welfare Act (CPWA), an Act that sought to extend the provision of Section 29 of the Constitution of the Kingdom of Swaziland and other instruments, protocols, standards and rules on the protection, care and welfare of children, including the UN Convention on the Rights of the Child (CRC), Optional Protocols on CRC, and the African Charter on the Rights and Welfare of the Child. .

The CPWA 2012 comprehensively and holistically provides for the rights and protection of children, based on the overarching principle of the best interest of the child, as well as the responsibilities of the State institutions, parents, guardians, communities, civil society and other child rights duty bearers. The Act also comprehensively provides for various processes, institutions, committees and personnel to facilitate the realization of the rights as provided for in the legislation. The holistic implementation of the CPWA, therefore, rests on the successful translation the rights contained therein into full realization of these rights for the benefit of children of Swaziland. Hence the need to develop institutional processes and mechanisms which will give effect to the Act as intended.

#### Scope of Work

1) **Goal and Objective:**

The objective of the consultancy is the development of Regulations to establish the operational mechanisms under the Child Protection and Welfare Act 2012. The process of drafting the Regulations will involve consultations with a number Ministries, departments and sectors that are responsible for implementing parts of the CPWA, including but are not limited to the following:

- The Ministry of Justice and Constitutional Affairs;
- The Judiciary;
- Royal Swaziland Police;
- Correctional Services;
- Deputy Prime Minister's Office;
- Ministry of Health;
- Ministry of Home Affairs;
- Ministry of Education and Training;
- Ministry of Tinkhundla;
- Commission on Human Rights and Public Administration;
- Relevant development partners and civil society organizations.

**2) *Activities and Tasks:***

The consultant will deliver on the following specific activities:

- Review the CPWA 2012 and identify all Ministries, departments, sectors and institutions that are responsible for implementing the different provisions of the Act;
- Develop and present to the consultancy Technical Working Group (TWG) an inception report outlining the results of the desk review, a proposed methodology and work plan/ roadmap with clear timeframes;
- In consultation with the TWG, finalize the list of key stakeholders, including ministries, departments, sectors and institutions that will be consulted;
- Facilitate and consult with all relevant stakeholders identified above input on issues for consideration for the CPWA Regulations;
- Draft the Regulations for the Children’s Protection and Welfare Act 2012;
- Present draft Regulations to TWG and broader stakeholder group for validation; and
- Review and finalize regulations and present final draft to the TWG and Deputy Prime Minister’s Office.

**3) *Responsibilities of the parties involved in the assignment:***

The PS Deputy Prime Ministers Office and the Chief, Adolescent and Youth Development will provide the oversight and guiding role for the assignment. The consultancy will be monitored periodically by a multi-sector Technical Working Group constituted by the Deputy Prime Minister’s Office and lead by the Director Child Services Department.

**4) *Outputs/Deliverables:***

- Inception report (with proposed methodology and roadmap)
- Consultations with TWG and all identified stakeholders
- Presentation of draft CPWA Regulations for stakeholder validation
- Final Regulations of the CPWA 2012.

<b>Deliverables</b>	<b>Duration (Estimated # of days or months)</b>	<b>Timeline/Deadline</b>	<b>Schedule of payment</b>
Inception report	7 days	03 October 2017	30% of contract amount
Consultations stakeholders (including TWG meetings)	15 days	20 October 2017	
Drafting of draft CPWA Regulations	12 days	08 November 2017	
Presentation of draft CPWA Regulations at stakeholder review	1 day	15 November 2017	30% of contract amount
Incorporation of stakeholder inputs	5 days	24 November 2017	
Presentation of final report	5 days	30 November 2017	40% of contract amount

## Payment Schedule

Terms of payment: Payment upon completion of the deliverables in the agreed work plan:

- 30% on submission and approval of satisfactory inception report
- 30% on submission satisfactory first draft of the Regulations
- 40% on submission of final Regulations

As per UNICEF DFAM policy, payment is made against approved deliverables. No advance payment is allowed unless in exceptional circumstances against bank guarantee, subject to a maximum of 30 per cent of the total contract value in cases where advance purchases, for example for supplies or travel, may be necessary.

## Desired competencies, technical background and experience

- a) A minimum qualification of an advanced degree in law (Bachelor of Laws - LLB).
- b) At least 10 years' experience in legal and legislative drafting, preferably in Swaziland.
- c) Proven knowledge and experience in the Swaziland child protection and justice system.
- d) Strong research, analytical and report writing skills.
- e) Capacity to ensure deliverables are within specified timeframes.
- f) Demonstrated ability to effectively cooperate with Government and other stakeholders.
- g) Ability to work on tight timeframes; excellent and concise writing skills; excellent computer skills.
- h) Excellent oral and written communication skills in both English and SiSwati.

## Administrative issues

Under the direction of the Principal Secretary (PS) of the Deputy Prime Minister's Office (DPMO) and a multi-sector Technical Working Group constituted by the Deputy Prime Minister's Office, and led by the Director Child Services Department.

Consultant will report to the Chief, Youth and Adolescent Development at UNICEF. Progress updates meetings will be held at the UNICEF Swaziland office with the supervisor. The Consultant will submit monthly progress reports to the Chief, Youth and Adolescent Development.

## Conditions

- The Consultant is expected to work in an office space made available for the Consultant at DPMO.
- The consultant should include costs of duty travel and communication within the consultancy proposal.
- The Consultant will provide his/her computer for the assignment.
- The selected candidate will be governed by and subject to UNICEF's General Terms and Conditions for individual contracts.

## Risks

The following risks have been identified and mitigation measures in place:

Risks	Mitigation
Delay in finalizing stakeholder consultations	<ul style="list-style-type: none"> <li>• Weekly update meetings with TWG</li> <li>• 45 working days spread over a 90 day period</li> <li>• DPMO office to coordinate/convene all stakeholder consultations</li> </ul>

## How to Apply

Qualified candidates are requested to submit a cover letter, CV, a proposal and *signed* P11 form (which can be downloaded at [http://www.unicef.org/about/employ/index\\_53129.html](http://www.unicef.org/about/employ/index_53129.html)) to [tdlamini@unicef.org](mailto:tdlamini@unicef.org) with subject line “Consultant for Drafting of Regulations for the CPWA 2012” by “15th September,2017”. Please indicate your ability, availability and rate (daily? Monthly?) to undertake the terms of reference above.

**Applications submitted without a fee/ rate will not be considered.**