

SAINT VINCENT AND THE GRENADINES
HUMAN DEVELOPMENT SERVICE DELIVERY PROJECT

Terms of Reference for Consultancy Services

(Individual Consultant)

for the

Drafting of the Disability Act

SVG-HDSD-CS-INDV-68

1. INTRODUCTION

1.1. The Government of St. Vincent and the Grenadines (GoSVG), through the Ministry of Finance, Economic Planning, Sustainable Development, and Information Technology (MoFEP) has received funding from the World Bank (WB) toward the implementation of the Human Development Service Delivery (HDSD) Project. The project is designed, in part, to improve the efficiency of the social protection systems, to enhance the labour legislative framework, and to improve the effectiveness of the labour market system.

1.2. The Ministry of National Mobilization, Social Development, Family, Gender Affairs, Persons with Disabilities and Youth (MoNM), is one of the institutions that is responsible for administering the social protection initiatives of the GoSVG under the Project, which has already committed resources to support the modernisation of the delivery of those initiatives, and to develop appropriate policy and legislation that are reflective of good practice in the delivery of social protection services to all its citizens. More specifically, the project will finance the drafting and adoption of the Disability Act so as to provide the legislative framework for one of the MoNM's main portfolios that addresses matters relating to the protection and care of persons with disabilities.

1.3. The 2001 National Census showed that over 5,000 persons, which represented about 5% of the population of St. Vincent and the Grenadines (SVG) had a disability. In 2009, Projects Promotion Limited conducted a national survey to develop a register of persons with disabilities in SVG on behalf of the National Society of Persons with Disabilities (NSOPD), aimed at creating a more structured and systematic record of the number of persons with disabilities in SVG. The survey was conducted largely because the NSOPD felt that a significant percentage of persons with disabilities were kept at home and away from the public due to the sensitivity of their parents or caretakers and as a consequence, these persons were not receiving the kind of assistance, if any, from government agencies and other service providers, for the purpose of easing their disabilities. Following the completion of the survey, records were created and stored for 2,549 cases of persons with disabilities in SVG.

1.4. However, a later nation-wide study conducted in 2010 under the Lives To Live initiative identified a total of 2,332 persons with disabilities in SVG, reflecting a prevalence rate of 2.13% of the population. It must also be noted that the World Health Organisation (WHO) has estimated that in any given population, ten percent (10%) of that Population has a disability defined by the United Nations (UN) as “any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being”.

1.5. The GoSVG is cognizant of the fact that persons with disabilities do have the same rights and responsibilities as other members of society to participate in the social, cultural, economic and political life of their communities. It recognises the critical role that it must play in promoting their fullest inclusion in every aspect of societal life and commits to ensuring that such persons are adequately provided for through the execution of appropriate projects/programmes and the adoption of suitable policy measures, including the adoption of the proposed Disability Act to facilitate the integration of those persons into the mainstream of community life as far as is feasible. In 2010, SVG ratified the UN’s Convention on the Rights of Persons with Disabilities as well as the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

2. OBJECTIVES OF THE CONSULTANCY

2.1 This consultancy broadly seeks to develop an appropriate legislation that would provide adequate protection of the rights of persons with disabilities in SVG and, ensure their inclusion/integration in all aspects of life within the Vincentian society. The legislation must be guided by the UN’s Convention on the Rights of Persons with Disabilities and should reflect current national and international best practices, applicable to the realities and capabilities of SVG.

2.2 More specifically, the legislation to be developed, must reflect in its provisions but not limited to, the following:

- The protection, promotion and development of the rights, liberties and freedoms of persons with disabilities;
- The elimination of discrimination and prejudice against all persons with disabilities and the promotion of the equalisation of opportunities for persons with disabilities in employment, education, health care, sports and politics;
- Ease of access to public buildings for purposes of employment, sports, education, health care, for accessing public services and conducting business, as well as appropriate access to public information disseminated through the print or electronic media;

- The creation of an enabling social and physical environment that promotes integration and full participation in society of persons with disabilities, which would include, among other things, parking spaces, wheelchair ramps, etc.;
- Preventive, including penal and compliance/enforcement, measures to deter the occurrence of needless or further disabilities to the disabled that might be caused by persons who are not disabled;
- Facilitation of co-operation between government agencies and stakeholder NGOs/organisations representing persons with disabilities;
- Ensuring the involvement of representative organisations for persons with disabilities and disabled individuals in the decision-making process aimed at improving the quality of life of persons with disabilities;
- Strengthening of existing organisations as well as providing adequate support to these organisations involved in the provision of rehabilitative and other services to persons with disabilities; and
- Monitoring mechanisms to ensure that adequate and appropriate services are provided by government departments and other organisations involved in rehabilitative services to persons with disabilities.

3. SCOPE OF WORK

3.1 The consultant will be required to:

- a) Provide an Inception Report and Work Plan detailing the scope of work, programme schedule with realistic timelines and appropriate methodologies/approaches to be used throughout the duration of the consultancy. The work plan should take the form of a monitoring and evaluation framework, which outlines performance indicators (outputs and outcomes) with clear definitions for each activity.
- b) Work closely with the Project Implementation Team and the MoNM through the Ministry's Focal Point in carrying out all aspects of this consultancy.
- c) Undertake a careful examination/review of all relevant documents including but not limited to, the following:
 - i. The UN's Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities both of which were acceded to by SVG on 29th October, 2010;
 - ii. The ILO's Discrimination (Employment and Occupation) Convention, 1958 (C.111) ratified by SVG;

- iii. The ILO’s Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983, (C.159);
 - iv. The ILO’s Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983, (R.168);
 - v. The ILO’s Occupational Safety and Health Convention, 1981 (C.155) and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (P.155);
 - vi. The ILO’s Publications – “COVID-19 and the World of Work: Ensuring the Inclusion of Persons with Disabilities at all Stages of the Response”, “Disability Inclusion in Company Responses to Covid-19”; and “Questions on Disability and Work”; and
 - vii. The following legislations from SVG and other regional countries:
 - Child Care and Adoption Act
 - Domestic Violence Act
 - Mental Health Act
 - Child Justice Act
 - Occupational Safety and health Act, 2017
 - The Employment Relations Draft Bill, 2020
 - Disabilities and Equal Opportunities Act, 2017 (Antigua & Barbuda);
 - Equal Opportunity Act, Cap 22.03 (Trinidad & Tobago), and
 - Persons with Disabilities (Equal Opportunities) Act, 2014 (Bahamas);
 - The Disabilities Act, 2014 (Jamaica)
 - Any relevant legislations from other countries in the region.
- d) Conduct focus group sessions with all representative organisations as well as some individual persons with disabilities in SVG to ensure that all views/perspectives/suggestions are reflected in the final versions of the draft disability legislation and/or reports.
- e) Consult with key personnel from the relevant departments and ministries within SVG and also the above-mentioned regional countries to determine successes and challenges with respect to the implementation and administration of the respective legislations dealing with persons with disabilities.
- f) Consult with key national stakeholders and develop consultation reports containing consultation outcomes, analysis of the recommendations from consultations, and a list of people consulted from the following:
 - National Society of Persons with Disabilities (NSOPD)
 - School for Children with Special Needs

- Special Olympics National Committee
 - National Society of and for the Blind
 - Ministry of Health and the Environment (MoHE)
 - Ministry of Education etc. (MoE)
 - Department of Labour (DoL)
 - Ministry of National Mobilisation etc. (MoNM)
 - National Insurance Service (NIS)
 - Any other related organisations or influential persons associated with persons with disabilities
- g) Draw on international best practices (where necessary) in providing appropriate recommendations to inform the contents of the proposed Disability Act. The recommendations must be supported by a specific set of findings and must be action-oriented, practical and specific, with defined responsibility for the action, to the extent possible.
- h) Liaise with the Attorney General (AG)'s Office responsible for legislative drafting on the development of the proposed Disability Act.
- i) Prepare and present the draft of the proposed Disability Act at a stakeholders' validation workshop for review and comments.
- j) Prepare a final draft of the proposed Disability Act and the corresponding Regulations on the basis of feedback from the stakeholders' validation workshop.
- k) Submit a Final Review Report which would also include the following: (a) the final versions of the proposed Disability Act, (b) an explanatory memorandum of all recommendations put forward, and (c) legislation implementation plan for the proposed Disability Act. The report must also highlight the nature of the work undertaken and noting the level of success and constraints in terms of methodology used, the nature and quality of stakeholder participation and lessons learnt during the process.

4. METHODOLOGY

4.1 It is expected that the methodology employed by the Consultant will include, but not limited to desk reviews, structured interviews, focus groups discussions, consultations with key stakeholders, administering questionnaires, PowerPoint presentations and report writing.

5. DURATION

5.1 The anticipated time required for completion of the consultancy is approximately six (6) months commencing September, 2021 to March, 2022.

6. DELIVERABLES

Deliverables		Proposed Completion Deadline	Payment Schedule
6.1	Submission and Approval of Inception Report and high-level Work Plan in accordance with 3.1 (a) above.	Ten (10) days after contract signing	10%
6.2	Submission and Approval of a Comprehensive Review Report on the legislative, administrative, regulatory and governance framework in accordance with 3.1 (c), (d), (e), (f)	Eight (8) weeks after contract signing	18%
6.3	Submission and Approval of the first draft of the proposed Disability Act following the initial stakeholders' consultations and review of relevant documents.	Fifteen (15) weeks following contract signing	22%
6.4	Submission and Approval of final version of the proposed Disability Act following the stakeholders' validation workshop.	Twenty (20) weeks following contract signing	25%
6.5	Submission and Approval of a Final Review Report that would include the final versions of the proposed Disability Act in accordance with paragraph 3.1 (j) above.	Twenty-four (24) weeks following contract signing	25%

7. INPUTS

7.1 The MoNM will make available copies of all locally prepared and published documents by SVG (all other above-mentioned documents can be accessed online).

7.2 The Ministry will also be responsible for all logistics and coordination activities to facilitate the completion of the consultancy.

8. QUALIFICATION & EXPERIENCE, COMPETENCES & KNOWLEDGE REQUIRED

8.1 Qualification and Experience

- Minimum of a Bachelor's Degree in Law, Social Policy Protection and/or Development, Public Administration, Development Studies or related discipline.
- A postgraduate degree in Social Policy Protection and/or Development would be an advantage.
- At least five (5) years' experience working in the field of Social Policy Protection and/or Development.
- Admission to practice as a Barrister at Law and/or Solicitor in the jurisdiction of St. Vincent and the Grenadines or any other Commonwealth Country would also be an advantage.
- Demonstrated experiences in drafting policy and or legislation for persons with disabilities.
- To be able to conduct focus group sessions with persons with disabilities and other vulnerable groups of people.
- Involvement in development work with persons with disabilities will be an advantage.

8.2 Competences & Knowledge

- Ability to identify priority activities and assignments and, allocation of appropriate amount of time and resources for completing the work.
- Excellent communication skills as well as the ability to communicate fluently in English (spoken and written).
- Having well-rounded experience in using various communication tools.
- Ability to ask appropriate questions for clarification and exhibit interest in having two-way communication and to be able to demonstrate openness in sharing information and keeping stakeholders informed.
- Strong analytical skills.
- Good presentation skills.

- Excellent interpersonal skills.
- Ability to work independently and respond to feedback in a timely and professional manner.
- Knowledge and understanding of the laws (constitution, statutes, subsidiary laws) and legislative systems of SVG and/or other Commonwealth Countries.
- Understanding of the culture with respect to people's perception and treatment of persons with disabilities in SVG and/or in the OECS region.

9. REPORTING LINES

9.1 The Consultant is expected to work closely with the Project Coordinator and the Project Implementation Team who will monitor the progress of this consultancy to ensure that all activities are executed as planned and all deliverables are completed on schedule.

9.2 The Consultant will be required to work under the guidance of the Permanent Secretary in the MoNM and/or the MoNM Focal Point.

9.3 The consultant will report to the MoNM Focal Point and/or the Permanent Secretary for discussions and approval of deliverables and, technical matters and recommendations made under this consultancy.