



**USAID**  
FROM THE AMERICAN PEOPLE

April 23, 2014

Richard Blewitt  
United Nations Resident Coordinator and  
UNDP Resident Representative  
Trinidad and Tobago, Suriname, Aruba, Curaçao and Sint Maarten  
UN House, 3A Chancery Lane  
Port-of-Spain, Trinidad and Tobago

Subject: Grant No. AID-538-IO-14-00002

Dear Mr. Blewitt:

Under the authority contained in the Foreign Assistance Act of 1961, as amended, the U.S. Agency for International Development (USAID) hereby grants to United Nations Development Programme Trinidad & Tobago (UNDP), the sum of \$4,545,765 to provide support for a program in "Trinidad and Tobago Juvenile Court Project" as described in Attachment 1 (the Schedule) of this grant and in Attachment 2, entitled "Program Description."

This grant is effective and obligation is made as of the date of this letter and will apply to expenditures made by the Grantee in furtherance of program objectives during the period beginning with the effective date and ending April 22, 2017.

This grant is made to the Grantee on condition that the funds are administered in accordance with the terms and conditions as set forth in Attachment 1 (the Schedule); Attachment 2 (the Program Description); Attachment 3 (Branding & Marking); and Attachment 4 (the Standard Provisions); all of which have been agreed to by your organization.

Please sign the original and all enclosed copies of this letter to acknowledge your receipt of the grant, and return the original and all but one copy to me.

Sincerely yours,

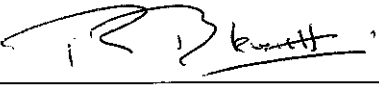
Judy Webb  
Grant Officer

Attachments:

1. Schedule
2. Program Description
3. Branding & Marking Plan
4. Standard Provisions

ACKNOWLEDGED:

United Nations Development Programme

BY: 

TITLE: Regional Representative UNDP Trinidad + Tobago.

DATE: 25/04/2014.

FISCAL DATA

GLAAS Req. No.: REQ-538-14- 000006

Line 1:  
Budget Fiscal Year: 2010/2011  
Operating Unit: CARIB\_REG  
Fund: ES/A07/A031  
Benefiting Geo Area: 538  
Distribution Code: 538-M  
Obligated Amount: \$399,935.00  
SOC: 4100202

Line 2:  
Budget Fiscal Year: 2011/2012  
Operating Unit: CARIB\_REG  
Fund: ES/A07/A031  
Benefiting Geo Area: 538  
Distribution Code: 538-M  
Obligated Amount: \$864,000.00  
SOC: 4100202

Line 3:  
Budget Fiscal Year: 2012/2013  
Operating Unit: CARIB\_REG  
Fund: ES/A07/A031  
Benefiting Geo Area: 538  
Distribution Code: 538-M  
Obligated Amount: \$2,114,485.00  
SOC: 4100202

Line 4:  
Budget Fiscal Year: 2013/2014  
Operating Unit: CARIB\_REG  
Fund: ES/A07/A031  
Benefiting Geo Area: 538  
Distribution Code: 538-M  
Obligated Amount: \$19,890.00  
SOC: 4100202

Development Objective: DO1-Youth Involvement on Crime and Violence in Targeted Communities Reduced  
Obligated Amount this Action: \$3,398,310  
Total Obligated Amount: \$3,398,310  
Total Estimated Amount: \$4,545,765  
Activity Title: Trinidad and Tobago Juvenile Court Project  
DUNS No.: 782758080  
LOC: 17A8P

Paying Office:

USAID  
Office of Financial Management  
1300 Pennsylvania Avenue, NW  
Room 7.07, RRB M/CFO/CMP/RP  
Washington, DC 20523  
E-Mail: loc@usaid.gov

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## **ATTACHMENT 1: SCHEDULE**

### **A. Purpose of Grant**

The purpose of this grant is to provide support for “Trinidad and Tobago Juvenile Court Project”, as more specifically described in Attachment 2 (the Program Description) of this grant.

### **B. Period of Grant**

1. The effective date of this grant is April 23, 2014. The expiration date of this grant is April 22, 2017.
2. Funds obligated hereunder are available for program expenditures for the estimated period from April 23, 2014 to April 22, 2016 as shown in the Grant Budget below.

### **C. Amount of Grant and Payment**

1. The total estimated amount of this grant for the period shown in B.1 above is \$4,545,765.
2. USAID hereby obligates the amount of \$3,398,310 for program expenditures during the period set forth in B.2. above and as shown in the Grant Budget below.
3. Payment will be made to the Grantee in accordance with the procedures set forth in Attachment 4 (the Standard Provisions).
4. Additional funds up to the total amount of the grant shown in C.1. above may be obligated by USAID subject to the availability of funds, the mutual agreement of the parties to proceed, and the requirements of the Standard Provision of the Grant entitled "Award Budget Limitations and Revisions (April 2011)."

### **D. Grant Budget**

The following is the Grant Budget. Revisions to this Budget may be made only in accordance with the Standard Provision of this Grant entitled "Award Budget Limitations and Revisions (April 2011)."

<b>Line Item</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Programmatic Cost	375,593	1,780,131	572,258	2,727,982
Office Rental Cost	39,600	39,600	39,600	118,800
Office Equipment Cost	10,460	-	-	10,460
Utilities & Stationary	19,200	19,200	19,200	57,600
Staff Remuneration	431,400	431,400	431,400	1,294,200
<b>Sub-Totals</b>	<b>876,253</b>	<b>2,270,331</b>	<b>1,062,458</b>	<b>4,209,042</b>
UNDP GMS (8%)	70,100	181,626	84,997	336,723
<b>Total USAID</b>	<b>946,353</b>	<b>2,451,957</b>	<b>1,147,455</b>	<b>4,545,765</b>
T&T Judiciary's Contribution	50,000	200,000	200,000	450,000
<b>Total Program</b>				<b>4,995,765</b>

## **E. Reporting and Evaluation**

### **1. Financial Reporting**

- (1) The recipient must submit the Federal Financial Form (SF-425) semi-annually via electronic format to the U.S. Department of Health and Human Services (<http://www.dpm.psc.gov>). The recipient must submit a copy of the FFR at the same time to the Agreement Officer and the Agreement Officer's Representative (AOR). To the extent possible, amounts spent in Trinidad and in Tobago should be identified in the "Remark" section of this form.
- (2) UNDP is requested to submit accrued expenditures reports at least two weeks prior to the end of the calendar quarter using a format to be provided by USAID/Barbados and Eastern Caribbean.
- (3) The recipient must submit the original and two copies of all final financial reports to USAID/Washington, M/CFO/CMP-LOC Unit, the Agreement Officer, and the AOR. The recipient must submit an electronic version of the final Federal Financial Form (SF-425) to U.S. Department of Health and Human Services in accordance with paragraph (1) above. To the extent possible, this information should be divided between amounts spent in Trinidad and in Tobago.

### **2. Program Reporting**

All work under the Award shall be completed, as per the following schedule:

- (1) *Annual Work Plan* within 45 days of the award, written in English, indicating specific objectives of the activity with measurable benchmarks, and a schedule of activities - technical assistance, training, and other inputs/outputs. The first year Work Plan shall run from the effective date of the agreement to September 30, 2014. All subsequent annual Work Plans shall be submitted to the AOR for approval by August 31 of each year for work to be carried out over the succeeding period commencing October 1 through to September 30 of the following year. The detailed section of the Work Plan shall incorporate scope, budget, schedule, approvals, relationships, control, and resource allocation. Elements will include the breakdown of activities in the program; how gender integration will be handled and reported;



identification of responsibilities; identification of critical completion milestones and project interfaces; inventory controls; financial, budget and administrative procedures as relevant.

- (2) *Quarterly Performance Reports*: The Recipient shall submit one copy of the quarterly program performance report to the AOR 30 days after the calendar quarter reporting period highlighting the following:
- (i) A comparison of actual accomplishments with the goals and objectives established for the period. Performance information should indicate differences in achievements between Trinidad and the island of Tobago.
  - (ii) Reasons why established goals were not met, if appropriate.
  - (iii) Other pertinent information including consultant reports and, when appropriate, analysis and explanation of cost overruns or high unit costs.
  - (iv) Report should consist of 3-4 pages including events planned for next quarter.
- (3) *Detailed End-of-Program Final Report* in English, reporting on indicators identified in the PMP and summarizing activities carried out, results achieved and lessons learned, will be submitted to USAID/Barbados and Eastern Caribbean's Office in Bridgetown, Barbados no later than 90 days after the completion date of the Award. Electronic version (in English) of all reports must be submitted to relevant Agreement Officer's Representative (AOR).

The Grantee must prepare and submit a copy of the final report required by this grant to the Bureau for Program and Policy Coordination, Development Experience Clearinghouse PPC/DEI). E-Mail all documents to [docsubmit@dec.cdie.org](mailto:docsubmit@dec.cdie.org). If you wish to mail the documents, you may do so to:

Development Experience Clearinghouse  
8403 Colesville Road, Suite 210  
Silver Spring, MD 20910

or you may fax it to (301) 588-7787.

The title page of all reports forwarded to USAID must include a descriptive title, the author's name, grant number, the project number and title, the grantee's name, the name of the USAID office, and the publication or issuance date of the report.

## **F. Agreement Officer Representative**

The Agreement Officer's Representative (AOR) for this award is Mr. Walter Doetsch. The AOR is authorized to perform all the duties and responsibilities as outlined in the AOR Designation Letter.

In the event of any question regarding the authority of the AOR to take any specific action, it is the responsibility of the Recipient to bring the issue to the attention of the Agreement Officer.

## **G. Special Provisions**

### **a. Environmental Regulations Compliance**

The IEE LAC-IEE-14-05 granted a categorical exclusion for the types of planned activities for this award with the exception of small scale construction. Any construction activities undertaken will be small scale and limited to rehabilitation of existing building and UNDP will follow its own environmental guidelines for such activities. Any changes in the environmental conditions for the planned activities or addition of new activities will require notification to USAID by the Recipient in writing to the Agreement Officer and Agreement Officer's Representative. The Recipient will submit a request for environmental review which will be completed based on the PIO's own environmental policies per ADS 308.3.11 (c). If a situation is not covered in the PIO's own environmental policies, then 22 CFR 216 will guide the review. The Recipient will submit the request for review and not start new or changed activities until the matter has been resolved between the Recipient and USAID. If USAID has not responded to the request within 45 calendar days, the Recipient may move forward with the activity.

### **b. Ineligible and Restricted Commodities**

Funds provided by USAID under this grant shall not be used to purchase any of the following, unless specifically authorized by USAID in writing in advance: military equipment; surveillance equipment; commodities and services for support of police or other law enforcement activities; abortion equipment and services; luxury goods and gambling equipment; weather modification equipment; agricultural commodities; motor vehicles; pharmaceuticals; pesticides; used equipment; U.S. Government-owned excess property; and fertilizer.

### **c. Restrictions on Police/Prison Assistance and Required Advance Notice for Training of Law Enforcement Personnel**

U.S. law generally restricts the use of foreign assistance funds to provide training or support for police, prisons, or other law enforcement forces for any foreign government. With respect to this Grant, USAID has legal authority to provide the training to police to support juvenile justice reform as specified in the attached Program Description. However, no further assistance to police or prisons is permitted unless authorized by USAID in advance in writing.

With respect to training of law enforcement forces, including police, any such training under this grant requires advance approval in writing from USAID. Names of law enforcement personnel proposed for training must be submitted to USAID a minimum of twenty days in advance of the proposed training.

### **d. UNDP's National Implementation Procedures**

UNDP intends to administer the Grant using its National Implementation (NIM) procedures. UNDP as the Grantee is the responsible party vis-à-vis USAID for complying with grant terms and conditions and effectively carrying out the assistance project with USAID financing. Assessing and managing any additional risk presented by the use of NIM procedures in carrying

out this grant is UNDP's responsibility.

**e. Branding and Marking**

For purposes of giving appropriate publicity to the Grant as a program to which the United States has contributed, UNDP administer the Grant in compliance with Attachment 3, Branding and Marking Plan.

**f. Training Requirements**

a. The Recipient shall provide the following information to the USAID representative for all training that takes place under this Grant in any location other than the United States no later than 30 calendar days after the training session concludes:

- a. A description of the training program;
- b. The training dates;
- c. The method of instruction used (in-person or distance/virtual);
- d. The training provider's name, address and type;
- e. A brief description of the training program subject;
- f. The amount USAID funded for the instructor, materials, and trainee costs, including travel, per diem or registration fees;
- g. The amount funded for the training from all other sources;
- h. A description of the group of individuals trained;
- i. The number of males and females trained; and
- j. All of the countries of residence for the individuals trained.

b. The Grantee shall not conduct any training under this Grant for which attendees must travel to the United States without prior approval from the USAID designated representative for this Grant. The USAID designated representative for this Grant will provide further requirements and instructions to the Recipient for any such training.

**g. Trafficking in Persons**

a. To the extent the grantee uses USAID-provided funding under this award to provide grants to, or enter into contracts with, third parties that are private entities, such third parties may not, during the period of time that the award is in effect, engage in:

- (1) trafficking in persons, as defined in the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime;
- (2) procurement of a commercial sex act; or
- (3) use of forced labor.

b. If USAID determines that there is a reasonable basis to believe that any subgrantee or contractor has violated a prohibition in paragraph a. of this provision or that an employee of the subgrantee or contractor has violated such a prohibition where that employee's conduct is associated with the performance of this award or may be imputed to the subgrantee or contractor, USAID may terminate this award in accordance with the Termination Procedures provision set forth herein.

**h. Partner's Contribution**

The Judiciary of Trinidad & Tobago is expected to contribute to this project the amount of \$450,000 in form of facilities to host trainings and workshops for NGOs, and operating expenses for the juvenile court building including the courts administration during the pilot court sessions.

## **ATTACHMENT 2: PROGRAM DESCRIPTION**

### **1: SITUATIONAL ANALYSIS**

#### Proposal Development: Background

The Judiciary of Trinidad and Tobago has invested a tremendous amount of work over a period of time into drafting a concept note for the Juvenile Court Project (JCP) where it seeks to obtain project funding from international donor, United States Agency for International Development (USAID). The last review and comments from USAID regarding the concept note to the Judiciary was on the 11<sup>th</sup> March 2013. In July 2013, The UNDP was invited by USAID to assist the Judiciary regarding the JCP. There was a need to expedite the proposal development / writing stage as well as leading on project management / assurance for the project. The UNDP is very pleased to create this new partnership in Trinidad and Tobago with the Judiciary, and USAID given a similar partnership in juvenile justice in Jamaica with UNDP and USAID. The project's focus on juveniles is timely for UNDP given its recent signing of the United Nations Development Assistance Framework (UNDAF) with the Government of Trinidad and Tobago where UNDP has leadership on the area of citizen security; in addition to UNDPs increasing focus on youth development and empowerment for the upcoming period.

The contractual agreement (referred to by UNDP as Cost Share Agreement) for the Grant is between the UNDP and USAID. The project will be implemented using the National Implementation Model in keeping with UNDP's policy for promoting country ownership. UNDP and the Judiciary will solidify its contractual agreement through the signing of this project document.

There are various challenges to improving public peace and security in Trinidad & Tobago (T&T). Like many countries in the CARICOM region, transnational crimes such as the trafficking of illicit drugs and weapons have contributed to significant increases in crime and violence in T&T. More frequently, gang rivalry, and disaffected and at-risk youth are perpetrators or victims of violent crimes. Based on the increased number of youth entering the criminal justice system, it is clear that the justice system and the traditional punitive approach have failed to deter those at-risk from the allure of a life of crime and violence. Further, judicial officers have noted with alarm that they see the juvenile re-appear before them and on increasingly serious offences, thus suggesting a failure of the system to reduce recidivism rates. Cognisant of the need to reform the juvenile justice system, T&T recently adopted the Children Act (2012), based on principles of restorative justice, and intends to embrace a more rehabilitative and less retributive approach.

For example, The Children Act 2012 at Section 59(1) provides for reports, submissions and services to be taken into account in sentencing and further at Sec 59 (2) gives the court wide latitude to make various orders many of which require support services.

#### **1.1 The Package of Children's Legislation:**

In 2000, Trinidad and Tobago embarked on a package of Children legislation. The original package of Children's Legislation was passed in 2000.

It comprised the following:

1. The Children's Authority Act (No 64 of 2000).
2. The Children's Community Residences, Foster Homes and Nurseries Act (No. 65 of 2000).
3. The Miscellaneous Provisions (Children) Act (No 66 of 2000).
4. The Adoption of Children Act (No. 67 of 2000).
5. The Children (Amendment) Act No 68 of 2000.
6. A draft Family Court Bill.

However on reflection, several fatal flaws became evident. The Family Court Committee was mandated in 2002 to review the package of Children's Legislation with a view to making comments and suggesting necessary amendments so that the various Acts could be implemented.

This review has resulted in the following pieces of legislation passed in Parliament:

- Children's Authority (Amendment) Act (No. 8 of 2003).
- The Children's Community Residences, Foster Homes and Nurseries (Amendment Act).
- The Children Act No 12 of 2012.
- The International Child Abduction Act Chapter 12:08.

And the following draft pieces of legislation are awaiting the attention of Parliament:

- Adoption of Children (Amendment) Bill 2007 [this lapsed on 28 September 2007 and is to be re-introduced. It was to amend deficiencies in Adoption of Children Act (67/2000) which is not yet proclaimed].
- Draft Status of Children (Amendment) Bill to provide for paternity testing by DNA.
- Draft Family Court Bill (2012) to provide legislative framework for the operations of the Family Court nationwide.

## 1.2 Family and Juvenile Justice

The child or young person involved in the criminal justice system does not get there by himself. A host of factors contribute to the child or young person's introduction to and involvement in the criminal justice system. Consistent with the adage, 'it takes a village to raise a child', there must be the robust support of many if he is to be extricated from the system or rehabilitated successfully therefrom. Such children are a part of our society, and it stands to reason that in many cases the best interests of society and of the individual child would be better served by efforts to help him along a developmental path that will make him a productive member of our society. This is particularly so when one considers that the current structure of the criminal justice system provides limited opportunities for the child to get back on track, and may expose him to undesirable influences offering him guidance in precisely the worst direction.

Juvenile justice therefore must not only focus on the juvenile, but must identify the areas where support of some kind can improve outcomes. It must be part of a family centered justice system which includes all matters which affect the family in a real way.

The purpose of family and juvenile courts should reflect the ultimate goals of Family Law and modern thought on families. They should be:

- ii) Protective - to guard members of a family from physical, emotional or economic harm;
- iii) Adjustive - to help families which have broken down to adjust to new lives apart; and,
- iv) Supportive - to encourage and support family life<sup>1</sup>.

However the nature of the criminal element of juvenile courts also introduces to this the fact that in their supportiveness and 'adjustiveness', they must be rehabilitative to the individual youth; in their protectiveness, they must be preventive and appropriately punitive. A child perpetrator may be from age 7 to 17 and that child's crime may vary from a petty theft to a grossly violent act of rape or murder.

Trinidad and Tobago has created a Family Court which is still in its pilot phase but which is overdue for roll out to the entire country. However it has not assumed the role of the Juvenile Court, and its jurisdiction is almost entirely civil. The Family Court has been however dealing with children in the St George West Magisterial district<sup>2</sup> (the focus of the magisterial portion of the Family Court Pilot.) who are brought by their parents as "beyond control". In other districts these children are dealt with by the Magistrate's Court. Many of these children are placed by the courts in community residences and oftentimes end up sharing quarters with children convicted of crimes- a highly undesirable situation. It is anticipated that these Children will be dealt with both by the Family Court and the Juvenile Court as these matters are sometimes quasi-criminal in nature.

The new Children Act 2012 provides at Section 61 as follows:

*"Where a parent, guardian or person with responsibility for a child proves to the Court with jurisdiction in family matters that he is unable to control the child, and he desires the child to be sent to a Community Residence under this Part, the Court shall order that the child be brought to the attention of the Authority."*

### 1.3 About the Family Court of TT

This pilot began with the formation of The Family Court Committee in 2002. Its membership included representatives from the Judiciary and diverse stakeholders in the Family Dispute Resolution System. Its mandate was ( i). To Identify ways in which measures can be introduced to enhance the functioning of the present family jurisdiction of the courts; and (ii) To design a Family Court Structure suitable to the needs of Trinidad and Tobago and advise on its establishment.

The decision was to create a well-resourced unified Family Court Pilot in Port of Spain with built-in access to social services and mediation. This Court would deal with matters in the High Court Port of Spain and the St. George West Magisterial District using a separate purpose-designed building. The Family Proceedings Rules which had been drafted in 1998 would be implemented for the High Court matters and a monitoring committee would be appointed by the Chief Justice to monitor the pilot.

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<sup>2</sup> The TT Magistracy is divided into districts. The St George West Magisterial District is the largest and includes the Port of Spain Magistrates' Court.

Implementation was by the Judiciary and included extensive judicial and staff education, locating the building and designing and preparing the interior in accordance with the purpose and the standards envisioned; finalising rules, designing case flow and workflow, customising software and implementing other ICT systems, developing a specialised library and modern court records management system, developing policies and procedures and developing monitoring tools and systems. The Committee also drafted two pieces of legislation; one to enable referral to social services, mediation and other support services; and the other to provide for a regulated mediation profession.

Extensive monitoring was done of the pilot, and changes were made along the way to address issues which arose. The pilot has been highly successful<sup>3</sup> and public and bar have been clamouring for the system to be rolled out throughout the country. As High Court matters may be filed anywhere, most High Court family matters are now filed in the pilot Family Court in Port of Spain.

### 1.3.1 Family Courts

The success of the Family Court of T&T demonstrates the commitment of the judiciary to deliver justice while meeting the needs of families. The Family Court, however, has jurisdiction over non-criminal matters and is still considered a “pilot project” pending roll out to various locations and formal legislation (The Family Court Bill). The effectiveness of the Family Court Pilot has shown the importance of well planned and resourced problem solving courts to certain justice issues. The Family Court pilot is now poised for ‘roll out’ to four other locations in the country. A bill which will take the Family Court from a Pilot to a full Family Court Structure which will address inter alia the roll out of the court through the country, has been drafted, is being reviewed and is expected to be before the Parliament soon.

The Judiciary has prepared a plan for the roll out of the Court and a building in the second city of San Fernando has been purchased by the State for refurbishment as a Family Court site. Human resource development and training is necessary to ensure successful roll out as is infrastructural work. A building is yet to be selected in Tobago, Eastern Trinidad, or Central Trinidad.

### 1.3.2 Juvenile Courts

The Children Act 2012, defines a child as a person under the age of 18. When you look at sections 60(3), (4) and 64(1) and 65(1) [which deals with the placement of children in either Rehabilitation Centres or Orphan Homes], it contemplates a situation where children between 10-18 or even below 10 can come before the Juvenile Court. Juveniles therefore are legally all children.

The Judiciary of Trinidad and Tobago has decided that matters of juvenile crime (capable of being committed by children ages 7-17) be addressed in the Juvenile Court, but that the Juvenile Court be given the power and authority to transfer a matter to the Family Division of the High Court if the Magistrate hearing the matter in the Juvenile Court is of the view that a particular matter requires the resources or setting of the Family Court. For example, non-violent petty crimes in which a child who obviously appears to be able to benefit from the support of a Family Court setting and appropriate services is charged; or a crime allegedly committed by a very young child. The Judiciary wishes however to ensure that the social service support of the type available to the child at the Family Court should also be made available to the child in Juvenile Court.

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<sup>3</sup> See in this regard, Monitoring reports of the Family Court.



Important reforms in the package of Children's legislation provides for a Juvenile Court to sit in a different building, room, on different days or at different times from which ordinary sittings are held unless the child is charged jointly with another person who is not a child. It also provides for separate waiting areas and means of conveyance from adults and privacy for the child. The Act makes provision for video and audio digital depositions of children giving evidence<sup>4</sup> and for their admissibility<sup>5</sup> as well as examination of a child through a single intermediary qualified for this purpose.<sup>6</sup>

At present, a Juvenile Court sits only in one location in Port of Spain but is, other than a probation officer, devoid of services necessary to support it adequately.

The Children Act 2012 provides for reports submissions and services to be taken into account in sentencing and allows the court great latitude in the making of orders. Section 59 provides:

*59. (1) Notwithstanding any other written law, in determining the sentence of any child who has been convicted of any offence, the Court may—*

*(a) request an investigation and report by—*

- (i) a probation officer or social worker;*
- (ii) a child psychologist, or a child psychiatrist;*
- (iii) a Children's Home; or*
- (iv) the Authority,*

*and take the report into account;*

*(b) in relation to a child, request a copy of any proceedings from the Court with jurisdiction in family matters which relate to the child and take into account those proceedings;*

*(c) hear and take into account submissions on behalf of the Authority;*

*(d) hear and take into account submissions by the Children's Attorney or any other attorney-at-law representing the child who has been convicted; or*

*(e) hear and take into account submissions by the Children's Attorney or any other attorney-at-law representing the child victim.*

*(2) Where a child charged with any offence is tried by any Court, and the Court is satisfied of his guilt, the Court shall take into consideration the provisions of any written law enabling the Court to deal with the case and the Court may—*

*(a) dismiss the charge;*

*(b) discharge the offender on his entering into a recognisance;*

*(c) discharge the offender and place him under the supervision of a probation officer;*

*(d) place the offender in the care of a fit relative or other fit person;*

*(e) commit the offender to a Community Residence appropriate to the age of the child;*

*(f) order the offender to pay a fine, damages, and costs;*

*(g) order the parent or guardian of the offender or person with responsibility for the offender to pay a fine, damages and costs;*

*(h) order the parent or guardian of the offender or person with responsibility for the offender to give security for his good behaviour;*

*(i) make a Supervision Order as described in section 25K of the Children's Authority Act;*

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<sup>4</sup> Section 90, 92, 93, 94, 95, 96

<sup>5</sup> Section 93

<sup>6</sup> Section 99

- (j) order that the offender be deemed in need of care and protection and referred to the Authority, which shall investigate and seek any appropriate order of the Court with jurisdiction in family matters or the Juvenile Court;*
- (k) make an order for counselling, any other rehabilitative intervention or treatment or for psychological evaluation and resultant assistance;*
- (l) make an order for community service;*
- (m) order that no conviction be recorded;*
- (n) order that the proceedings be sealed and not divulged without an order of the Court; and*
- (o) make any other order as the Court deems fit.*

*(3) Where a child is convicted of any offence and the offence is his first offence, the Court may pronounce a custodial sentence only if convinced that–*

- (a) the offence is so grave that no other punishment or course of action that it is authorised to impose under this Act is sufficient; and*
- (b) having regard to such information revealed pursuant to subsection (1), it is in the best interest of the child that he be placed in an appropriate Community Residence.*

*(4) If a custodial sentence is pronounced on a person who was at the time of his sentencing, a child, and the period of that sentence extends beyond the time that the person would have attained the age of eighteen years, the High Court shall, on his attaining the age of eighteen years, review the sentence and may order that–*

- (a) the remainder of the sentence be served in prison;*
- (b) the sentence be commuted to time served subject to paragraph (d);*
- (c) the sentence be reduced and the remainder of the sentence be served in prison;*
- (d) the person be discharged from placement but placed on a bond for a period of time not exceeding fifteen years during which time he attends counselling, on condition that failure to attend and participate in counseling may result in the requirement that he completes the sentence in prison; or*
- (e) the person be placed under the supervision of a probation officer and attend counseling on condition that failure to attend upon the probation officer or to attend and participate in counselling may result in the requirement that he completes the sentence in prison.*

*(5) An order made under subsection (4) (e) may be made in addition to any order made under paragraphs (b) and (c).*

In addition to developing the institutional capacity of the Juvenile Court, there is an urgent need for court-annexed diversion programmes that will be rehabilitative in nature and which will aspire to reduce recidivism of young offenders. While the law provides magistrates and judges with various sentencing options, there is an obvious lack of diversion programmes as alternatives to or in conjunction with correctional and residential facilities. As indicated in the USAID - Caribbean Basin Security Initiative Juvenile Justice Assessment – Final Report, June 2011 (Report), boys adjudicated as “beyond control” are sent to Youth Training Center, the facilities that houses serious violent offenders<sup>7</sup>

There is no physical separation of non-criminal offenders or younger boys from the general populations. The Report also highlighted evidence from the residential homes which stated, unlike previous years, the typical resident was no longer a child in conflict with the law, but children who had

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<sup>7</sup> Report, page 42

been bought before the courts by parents seeking a “criminal justice response” to what is essentially a “social problem.”<sup>8</sup> Due to the lack of options, courts have had no alternative, but to place children in a residential home. These are the very children who are at-risk of engaging in criminal activities in the future. Similarly, females (ages 16-18) with “chronic behaviour that cannot be managed by the facility are sent to the adult female institution,”<sup>9</sup> rather than provided rehabilitative services. This project seeks to find alternative measures of addressing juvenile matters and not having non-criminal juveniles placed in facilities with criminally convicted juveniles/ adults.

The new Children Act 2012 provides at Section 60 for restriction on punishment of children and substitution of custody in place of detention for imprisonment that:

60. (1) A Court shall not order a child to be detained in an adult prison. ...

..... the Court may–

- I. order that he be placed in a Community Residence named in the order for such term as may be specified in the order, not exceeding the term for which he may, but for this Part, be sentenced to imprisonment or committed to prison;
  - II. order that the offender be deemed in need of care and protection and referred to the Authority, who shall investigate and seek any appropriate order of the Court with jurisdiction in family matters;
  - III. order that the offender be referred for counselling or any other rehabilitative intervention or treatment;
  - IV. order that any family members, members of the offender’s household or persons connected to the offender be referred for counselling;
  - V. order that no conviction be recorded;
  - VI. order that the proceedings be sealed and not divulged without an order of the Court; or make any other order as the Court may deem fit.
- (3) Where the child offender is between the ages of ten years and under eighteen years, the Court may order that he be placed at a Rehabilitation Centre.
  - (4) Where the child offender is under ten years of age and is charged before a Court, the Court may order that the child be placed at a Children’s Home.
  - (5) Where a child is detained in any facility he shall not be allowed to associate with adult prisoners except with the express permission of the Court in respect of the adult prisoner named in such order.

The Children Act 2012 provides at Section 61<sup>10</sup> for children adjudged “beyond control” to be brought to the attention of the Authority, the purpose being to develop a child care plan appropriate to the child and his situation and circumstances. This plan must however be approved by the Court and may include placement in a Community Residence.

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<sup>8</sup> Report, page 42

<sup>9</sup> Report, page 42

<sup>10</sup> 61. Where a parent, guardian or person with responsibility for a child proves to the Court with jurisdiction in family matters that he is unable to control the child, and he desires the child to be sent to a Community Residence under this Part, the Court shall order that the child be brought to the attention of the Authority.

The need exists for the Court to have a clear idea of the placement options available so that children can be properly matched with homes. The Children's Authority has identified 51 Community Residences across Trinidad and Tobago which provides care for 820 children. A significant number of these children are placed by the Court. The Children's Authority is in the process of garnering information on the unique characteristics of each home and creating standards which must be achieved by each home.

Another problem that has plagued the court is the lack of legal representation for children. For instance, rather than remand a juvenile to await appointed counsel, normally lengthy period, magistrates often adjudicate cases without the presence of an attorney.<sup>11</sup> The problem of providing legal representation for children has been alleviated by the Children Act,<sup>12</sup> which establishes the office of the Children's Attorney. Once fully operational, this office will provide legal representation for children in any court proceedings based on a request to the Solicitor General by the Court. In addition, under the new law, the Court may also make an application for legal aid assistance on behalf of the child or the Permanent Secretary in the Ministry of the Attorney General may contract an attorney(s) for the purpose of the performing the function of the Children's Attorney.<sup>13</sup> Finally, the Juvenile Court cannot fully implement the Children Act without the necessary resources and inter-agency coordination with social services, DPP, Police, Children's Authority, Children's Attorney, Probation Department and NGOs.<sup>14</sup>

#### 1.4 Juvenile Justice Institutions and actors

The package of Children's legislation is an important framework for meaningful reform which created important institutions such the Children's Authority and office for Children's Attorney.

The Children's Authority was recently established to oversee all matters related to vulnerable and at-risk children including regulatory oversight for children's homes and residences. It also provides for the Authority to provide homes itself. Unfortunately, the Authority has not yet been resourced to provide for the development of policies, standards and procedures required for full start up.

While the Board has been appointed and has identified and prepared a building for offices and for a children's residence, the ground work has been suffering from the failure of the authority to attract necessary staff at the level required to undertake start up work such as setting standards and designing processes. Key work for servicing of juveniles may therefore have to be undertaken by consultants who then transfer know-how, or having done the ground work, enable operations to continue. The project will seek to address this challenge through the use of consultancies in key areas.

These institutions whose work will be critical to the proper implementation of the Juvenile court system, therefore, are in need of institutional capacity building assistance in order to carry out their mandates of protecting and serving children.

In addition to the array of sentencing options that can be imposed by the court, the new law imputes specific obligations on the Police. For instance, the law authorises a police officer to use discretion in

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<sup>11</sup> Report, page 41

<sup>12</sup> Part XI, Section 66

<sup>13</sup> Part XI, Section 66

<sup>14</sup> Inter-Agency coordination recommended in Report, Major Gaps – page43

releasing the child on bail subject to a duty to appear before a Magistrate.<sup>15</sup> The officer is also required to bring the child to the attention of the Children's Authority. In other cases, the Police must notify the Children's Authority before placing the child in a Community Residence pending a court appearance. Close coordination with the Police and Children's Authority will thus be required to ensure compliance with the law. The newly established institutions and the Police will require process development and training on their new roles and obligations in order to fulfill their respective mandates.

Based on the Report, the role of the Children's Authority in cases where the child is a victim is clear, but less so, where the child has been in conflict with the law.<sup>16</sup> This project will seek to clarify the roles and responsibilities of the new institutions as well as justice sector actors in order for the law to be successfully implemented. This will be addressed by process design engineering together with training persons in newly engineered processes. At present, there exists no coordination mechanisms for coordination between the courts or others institutions that support or are actively involved with juveniles.

As stated in the Report, "there is an urgent need for a comprehensive juvenile justice policy and for a clear delineation of responsibilities for the management and care of juveniles who come in conflict with the law."<sup>17</sup> Also, while NGOs play a vital role in the juvenile justice system providing direct services to juveniles, some organisations, though partially supported by the Government, do not provide rehabilitative services which demonstrate a lack of a coordinated policy on juvenile justice reform.

### 1.5 Youth Court – Preventative/Diversory Measures

Equally important to the T&T juvenile justice reform is the need to institute a set of measures aimed at preventing juveniles from coming in further conflict with the law - particularly those at-risk of becoming victims or perpetrators of violent crimes. Another option which has been mooted in Trinidad and Tobago for minor offences for which non-custodial sentencing options and diversionary sentences such as restitution or community service are appropriate tools to encourage rehabilitation, has been a Youth Court which would involve peer support, peer advocacy and peer "sentencing" under the watchful and guiding eye of appropriate attorneys, social workers and judicial officers. It is anticipated that the age range of child defendants would be determined by the Committee developing the policy and procedures of the Youth Court.

An explanation of the Youth Court concept is:

*Teen courts are problem-solving courts authorised by law in many states in America. The terms teen court, youth court, and peer court are used interchangeably. Their purpose is to provide an alternative disposition for juveniles who have committed a delinquent act, have committed a minor offence or have been charged with a misdemeanour, and are otherwise eligible for diversion. Depending on their training, community support, and agreements with traditional court systems, most teen or youth courts are recognized as valid, legal venues for the process of hearing cases, sentencing and sentence fulfilment.*<sup>18</sup>

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<sup>15</sup> Section 49

<sup>16</sup> Report, page 41

<sup>17</sup> Report, page 43

<sup>18</sup> [http://en.wikipedia.org/wiki/Youth\\_courts](http://en.wikipedia.org/wiki/Youth_courts)

The four primary youth court programme models in the US are the Adult Judge, Youth Judge, Peer Jury, and Youth Tribunal Models. The establishment of Youth Courts, based on principles of restorative justice, has proven to be an effective tool in deterring future criminal involvement with justice system.<sup>19</sup> Youth Courts, tailored to the needs of Trinidad and Tobago, annexed to either Family or Juvenile Court will no doubt show similar success. The primary function of most youth court programmes is to determine a fair and restorative sentence or disposition for the youth respondent.

## 1.6 Tobago

With regard to juvenile justice system reform in Tobago, it should be noted that Tobago differs from Trinidad in some respects and as such, solutions should be tailored to the needs of Tobagonians. In fact, historically, there has always been resistance from Tobago to Trinidad led solutions to its problems. As such, juvenile justice system reforms should be developed from within Tobago (At the very minimum, a special assessment will be conducted in Tobago for a pilot juvenile court and youth court). The geographical element is of greater import with regard to juveniles in Tobago as they should not be taken away to Trinidad. With the small population of Tobago, consideration has to be given to how the range of options and programmes may be offered to juveniles in Tobago.

This may require travel or it may require less specialisation so that programmes can have broader spectrum effect. Critical to this will be consultation with social services in Tobago and tracer studies which will be undertaken in the early stages of this project.

## **2: PROJECT OBJECTIVES AND STRATEGIES**

While notable strides were made with the recent enactment of the Children Act, T&T must now make efforts to ensure the successful implementation of this new law. The Judiciary of T&T is well positioned to take the appropriate steps that will add impetus to the reforms underway by implementing targeted interventions, grounded on principles of restorative justice and a rehabilitative approach as suggested by the legislation.

This project aims to ensure successful implementation of the package of Children's legislation enacted in Trinidad and Tobago by ensuring the judiciary's ability and capacity to use the disposition powers provided and to encourage the implementation of the supportive mechanisms. It seeks to improve critical aspects of the juvenile justice system through system reforms and related capacity building. Such system reforms will have a salutary and beneficial effect on at risk youth and their families, will be based on principles of restorative justice and focus on targeted interventions and diversionary programmes. With the lessons of the successful implementation and sustainability of the Family Court of Trinidad and Tobago which includes social and support services, the Judiciary is well poised to implement other problem solving courts providing solutions in the area of Family and Juvenile Justice. The Judiciary has the constitutional responsibility for adjudicating and sentencing in criminal matters large and small and this includes matters in which juveniles offend. The intent of Parliament in passing the package of children's legislation is to address children's issues in a more nurturing way. The Judiciary shares this view and wishes to undertake its constitutional responsibility in accord with this approach.

Core objectives of the projects include:

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<sup>19</sup> ([http://www.youthcourt.net/?page\\_id=24](http://www.youthcourt.net/?page_id=24)).

Establishment of two pilot juvenile courts in Trinidad and one in Tobago that meet standards for adjudicating juvenile cases.

Building of institutional capacity of juvenile courts to adjudicate cases in an efficient and effective manner in accordance with new laws and principles of restorative justice through training to improve adjudication, case management, implementation of rules and procedures, and court-annexed programs in collaboration with government agencies, NGOs, CSOs and Children's Authority.

Building of institutional capacity of organizations providing services to children in conflict with the law through: the creation of effective referral and coordination mechanisms, training on new laws and procedures, improved programs and ability to fulfill the reporting and monitoring requirements of the juvenile courts.

Establishment of youth courts based on principles of restorative justice and development of a cadre of youth leaders. Youth courts will facilitate the adjudication of minor offenses committed by persons falling within the ambit of the Children's Act.

Execution of public awareness campaigns to educate and sensitize the public to the reform of juvenile justice system and the JJP initiatives to support the implementation of the Children's Act.

Generally the project implementation strategy will include:

- Capacity building of staff in the Judiciary, Children's Authority, relevant government agencies and relevant areas of civil society;
- Training for the Police Service on the reform of juvenile justice system including duties mandated by the Children's Act and the necessary coordination with the juvenile court and Children's Authority. Police that effectively carry out new duties in accordance with the law will contribute to the efficient adjudication of juvenile court cases. Training will be conducted in collaboration with the Police Academy and with the police in pilot courts location. The project anticipates training 75-100 police officers. This will include police officers in the courts and process unit who handle juvenile detainees and 10 who work with children who will be provided inter-alia social context training and trained in sensitively adducing children's evidence. They will be trained also to understand the expectations of the judiciary in the handling of children before the courts in order to benefit the juvenile court in achieving its goals. Interactive training sessions will also provide opportunities for each agency to advise each other of the services required and the services offered so that there may be greater harmonisation of the solutions and so that the judiciary will actually be provided with the options anticipated by the Children Act.
- A participatory approach to the development of the strategy would include State and non-State actors such as non-governmental bodies that work to reduce poverty, civil society organisations and academia; and
- The development of milestones for goal attainment that can be tracked by quantitative and qualitative means.
- Establishing linkages between the juvenile and youth courts including the referral of cases to the youth courts by juvenile and family courts. Key activities are: Development of a Concept and Framework for Youth Court. Legislative drafting including primary and secondary legislation and rules and procedures. Training of youth participants, judicial officers, attorneys and social

workers and court staff. Monitoring and evaluation of the training and the pilot programme. The youth court will also be supervised by the juvenile court authorities. Magistrates, judges and lawyers that will play a role in overseeing the work of the youth court.

## Gender Equity

Trinidad and Tobago is primarily a gender normative, heteronormative society with an adherence to more traditional gender roles, with very simplistic (sometimes too simplistic) definitions of masculinity and femininity. As with most stereotypes, these definitions are used for convenience, and are thus not questioned nor challenged as much as they are generally accepted. These stereotypes are inherently restrictive, particularly for at-risk youth who often find themselves on the wrong end of gender discrimination. Various traditional values such as; caregiving is “woman’s work” and, therefore, unfit for males have mostly theoretically been challenged in Trinidad and Tobago. Women enjoy relatively high levels of gender equality in many aspects of public life. The Prime Minister of Trinidad and Tobago is a woman, approximately 80 percent of UWI law graduates are women and well over 90 percent of all magistrates are women. Women increasingly hold professional positions and positions of power, and many out-earn their male counterparts. It may be concluded that female youth are more engaged and presented with more opportunities for advancement than male youth.

Given that women participate fully in public life and are now in many important decision-making positions in the country, this tends to mask some of the more fundamental issues of gender equality however, to the extent that many people deny the existence of gender-based discrimination. The situation is exacerbated by the fact that young men have become increasingly disaffected; many drop out of school actually or constructively, at an early age, fall prey to gangs and become the perpetrators of violent crimes. Underlying this problem is a lack of services and support programmes for female-headed households, of which there are many, particularly among the poor (Tafari-Ama and Campbell, 2011) and more and more among the lower and lower middle working class.

Gender disparities, even when not caused by exclusion or discriminatory treatment, can also be harmful for men and boys as dominant notions of masculinity can contribute to higher levels of educational under-achievement, vulnerability to involvement in the informal and illegal economy and criminal or counter-culture activity. Male youth between the age of 14 and 24 are the predominant victims and perpetrators of crime in CARICOM, according to the World Bank (2007). High levels of unemployment and poverty, as well as delinquency and low levels of employability skills, in youth at risk undermining the rule of law as significant numbers of disaffected youth join gangs and perpetrate serious criminal offences (CARICOM Commission on Youth Development, 2010). In male headed households, there are high levels of sexual and domestic violence, which are often under-reported and ineffectively dealt with by the system (United Nations Development Fund for Women [UNIFEM] and the Association of Caribbean Commissioners of Police [ACCP], 2009). Conviction rates for sexual offences tend to be low in the country as in the rest of the region. (UNIFEM and ACCP, 2009). Although the reasons for this are many – weak forensic capability on the part of the police, among them – gender inequality in the justice system is at the root of the problem. The lack of male representation in the justice sector including magistracy, probation, social services and other institutions is problematic. These deficiencies in male representation are lost opportunities for creating role models that can positively impact young men that are in conflict with the law.



There must be a multifaceted approach to this dilemma. Each arm of the State must do its part and must do so in a fashion which complements the work of the other arms. This must however be done recognising the independence of each arm and in particular the independence of the judiciary.

The JCP seeks to ensure that the judiciary is well prepared to play its part in the varying solutions required. It will also endeavor to achieve gender equity in all project activities. Initiatives will be designed to promote gender sensitivity and to achieve gains in gender equality. Activities will incorporate efforts to target boys/men to ensure equity in gender representation throughout the life of the program. In some instances girls/women will be the targeted beneficiaries and important contributors to the reform of the juvenile justice system. Illustrative initiatives to address gender imbalances and real or perceived barriers to gender equality are:

- Improved rehabilitation programmes and social services for female juvenile offenders
- Gender-sensitivity training incorporated into training of justice sector actors
- Promotion of the participation of male magistrates in project activities
- Promotion of gender balance on project committees and sub-committees
- Identification of young men to serve as leaders in the youth court program
- Through court-annexed rehabilitation programmes, promote increased social services and support for female-headed households of children in conflict with the law

## **2.1 Project Components:**

The Juvenile Court Project will embark upon justice system modernisation and reform initiatives, which have three (3) associated programme components, these are:

- Support for the implementation of the provisions of the Children Act 2012 inclusive of the development of a pilot juvenile court system.
- Conduct a Pilot Juvenile Court, inclusive of Youth Court, which has sittings in at least two locations in Trinidad, and based on assessments during the project, sittings in Tobago. These locations will be determined by the Youth Court Committee.
- Execute a Public Education and Sensitisation Programme. The proposed project is a highly visible one which will have tangible effects on the quality of justice for children and families, and on the society as a whole. A good Public Education and Sensitisation Programme is a necessary part of project success as has been seen from the public education undertaken for the Family Court Pilot. Apart from improving the knowledge of the services offered, it also proved to heighten sensitivity to the issues at hand in the society and to family issues.

### **2.1.1 The implementation of the provisions of the Children Act 2012 inclusive of the development of a pilot juvenile court system**

- This objective will support the implementation of the provisions of the Children Act 2012 by undertaking the development of a pilot juvenile court system. It is proposed that a pilot be developed for a juvenile court system with one specialised juvenile court facility in at least two locations in Trinidad and Tobago. This will require:
  - The outfitting of space to meet standards which will be set for the hearing of juvenile matters.
  - The development of court rules, policies and procedures for the handling of juvenile matters.

- The development (in partnership with the Children’s Authority and with the assistance of relevant NGOs) of policies and procedures which impact the operations of the juvenile court.
- The support for government agencies and NGO’s in improvement of diversionary programmes by the use of a responsive fund managed by the Project Manager as per the UNDP rules and regulations similar to its Small Grants Programme and Standard Agreement with NGOs.
- The training of all actors in the juvenile justice system on new legislation as well as on new rules and procedures for the handling of juvenile matters. This will include sensitivity training.
- The building of capacity to support the juvenile court to manage cases in an effective and efficient manner. This will include:
  - ❖ The creation of coordinating and referral mechanisms.
  - ❖ The training of persons who will provide legal representation to children in a juvenile court.
  - ❖ The skills training of judicial officers in the handling of matters where decision making involves children- with special focus on matters in which children are accused as perpetrators of crime but also where children are witnesses, victims or otherwise children at risk.
  - ❖ The training of juvenile court staff in juvenile court process and skills.
  - ❖ The procurement and installation of appropriate ICT for the juvenile court.
  - ❖ Monitoring and evaluation of the Juvenile Court Pilot.
  - ❖ Creation of risk assessment to assist juvenile court judges in adjudication cases and referrals to rehabilitation and diversion programs.
  - ❖ Creation of tracking system in connection with the production of recidivism report.

### 2.1.2 Conduct Pilot Juvenile Court sittings.

It is proposed that a system be developed by which youth are involved in the decision making process in certain juvenile matters selected by the judiciary. This is an education by participation initiative. By this system, the youth selected to be involved will be trained to understand the operation of law, the concept of rule of law, and the operation of the judicial system as well as the roles of the actors in the system. This training will culminate with their active involvement in selected cases in a capacity to be decided by the judiciary and/ or the legislature depending on the role to be afforded the young participants. This culminating activity will be juvenile court sitting over a specific duration in which a set number of cases are heard. The court sittings will take place in at least two locations in Trinidad. An assessment will be undertaken in Tobago to determine if a juvenile court sitting is feasible, if so sittings will take place in at least one location in Tobago. If it is not feasible a mock youth court initiative will be explored to engage and sensitise the population.

In order for this to be achieved the project will undertake the:

- Development of a Concept and Framework for Youth Court.
- Legislative drafting including primary and secondary legislation and rules and procedures.
- Training of youth participants, judicial officers, attorneys and social workers and court staff.
- Monitoring and evaluation of the training and the pilot programme.

### 2.1.3 Execute a Public Education and Sensitisation Programme

A focused, targeted communications and public education programme will be designed and implemented to advocate, educate, promote and inform about the project, its objectives and benefits. A general public education effort will focus on sensitising the national community on the issues of juveniles before the courts; and the project objectives and outcome to generate national interest and also to educate the public on how the juvenile court will operate. Communication initiatives will be implemented with specific messaging aimed at engaging key stakeholders and facilitating appropriate opportunities for collaboration. One key target group is the youth/ student population; a Judiciary Youth Outreach will be executed with specific focus on this group. The objectives are to educate the youth about the judicial system; generate interest in the pilot Youth Court; and disseminate information, packaged in innovative mediums.

Key Communications Strategies include:

- To strengthen relationships and collaborate with stakeholders by facilitating opportunities for contribution to the project outcomes.
- To develop strong yet appropriate working relationships with the media, to promote informed reporting of project activities.
- To utilise traditional and new media platforms to reach stakeholders groups, engage dialogue and opportunities for participation and inclusion by all.
- To engage strategically in well-coordinated, innovative communications messaging and mediums to reach each stakeholder group.

## 3. Monitoring and Evaluation

### **National Level Indicators**

Recidivism Rates among juvenile offenders

% of juvenile offenders housed separately in juvenile incarceration facilities

% of juvenile offenders processed via diversion/ alternative rehabilitation programme as a result of USG assistance

In accordance with the programming policies and procedures outlined in the UNDP User Guide, the project will be monitored through the following:

#### Within the annual cycle

- On a quarterly basis, a quality assessment shall record progress towards the completion of key results, based on quality criteria and methods captured in the Quality Management table below.
- An Issue Log shall be activated in Atlas and updated by the Project Manager to facilitate tracking and resolution of potential problems or requests for change.
- Based on the initial risk analysis submitted (see annex 1), a risk log shall be activated in Atlas and regularly updated by reviewing the external environment that may affect the project implementation.

- Based on the above information recorded in Atlas, a Project Progress Reports (PPR) shall be submitted by the Project Manager to the Project Board through Project Assurance, using the standard report format available in the Executive Snapshot.
- a project Lesson-learned log shall be activated and regularly updated to ensure on-going learning and adaptation within the organization, and to facilitate the preparation of the Lessons-learned Report at the end of the project
- a Monitoring Schedule Plan shall be activated in Atlas and updated to track key management actions/events

Annually

- **Annual Review Report.** An Annual Review Report shall be prepared by the Project Manager and shared with the Project Board and the Outcome Board. As minimum requirement, the Annual Review Report shall consist of the Atlas standard format for the QPR covering the whole year with updated information for each above element of the QPR as well as a summary of results achieved against pre-defined annual targets at the output level.
- **Annual Project Review.** Based on the above report, an annual project review shall be conducted during the fourth quarter of the year or soon after, to assess the performance of the project and appraise the Annual Work Plan (AWP) for the following year. In the last year, this review will be a final assessment. This review is driven by the Project Board and may involve other stakeholders as required. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

**National Level Indicators**

Recidivism Rates among juvenile offenders

% of juvenile offenders housed separately in juvenile incarceration facilities

% of juvenile offenders processed via diversion/ alternative rehabilitation programme as a result of USG assistance

Other Indicators

Change in capacity of the justice system to provide rehabilitative measures for juvenile offenders

**Quality Management for Project Activity Results**

<b>Output 1:</b> ATLAS ID	Project start up and implementation: recruitment of project staff, secure project staff office space, procure office equipment	<b>Start Date:</b> April 2014 <b>End Date:</b> August 2014
<b>Purpose</b>	Ensure project human resource and equipment for project start up	
<b>Description</b>	<ul style="list-style-type: none"> <li>• Finalization of TOR for all staff</li> <li>• Advertising and recruitment process</li> <li>• Selection of staff</li> <li>• Identification of building</li> </ul>	

	<ul style="list-style-type: none"> <li>• Assessment and modification to building</li> <li>• Procurement of office equipment</li> <li>• Renovations Develop</li> </ul>	
<p><b>Quality Criteria:</b>                  Select staff that meets the academic/ experience and skills requirement for the job. Office space is safe, ideally located to facilitate fast and easy interaction and access with key players</p>	<p><b>Quality Method:</b>                  Ensure transparent process for selection of the right staff</p> <p>Select office location/ space and equipment to meet the needs of the project</p>	<p><b>Date of Assessment</b></p>
<p><b>Output 2:</b>                  ATLAS ID</p>	<p>One specialised juvenile court facility is operational in at least two locations in T&amp;T</p>	<p><b>Start Date:</b></p> <p><b>End Date:</b></p>
<p><b>Purpose</b></p>	<p>Create an environment conducive to the adjudication of juvenile cases and reflective of adhering to restorative.</p> <p>Pilot court facilities and administration to meet performance measurements indicators for court excellence.</p>	
<p><b>Description</b></p>	<ul style="list-style-type: none"> <li>• Identification of buildings (POS &amp; San Fernando)</li> <li>• Assessment</li> <li>• Procurement</li> <li>• Renovations Develop</li> <li>• Performance measurements established with Court Admin Sub Committee</li> <li>• Conduct Pilot Youth Court in Trinidad 2 locations, and possible 1 location in Tobago (subject to needs assessment)</li> </ul>	
<p><b>Quality Criteria:</b>                  Pilot court facilities meet performance measurement indicators for court excellence.</p> <p>Pilot court fully operational in accordance with the performance</p>	<p><b>Quality Method:</b>                  Creation of an environment conducive to principles of restorative justice</p> <p>Design and development of a pilot juvenile court in alignment with global best practices</p> <p>Monitoring and Evaluation of court performance</p>	<p><b>Date of Assessment</b></p> <p>Ongoing</p>

measurements established.		
<b>Output 3:</b> ATLAS ID	Develop rules of the court, policies and procedures for handling of juvenile matters	<b>Start Date:</b> July 2014 <b>End Date:</b>
<b>Purpose</b>	Subsidiary rules, policies and procedures are necessary to implement the Children Act 2012	
<b>Description</b>	<ul style="list-style-type: none"> <li>• Draft of court rules, policies and procedures</li> <li>• Adopt court rules, policies and procedures approved and disseminated to court and key stakeholders</li> <li>• Training conducted for all juvenile justice actors</li> </ul>	
<b>Quality Criteria:</b>  Working document with rules, policies and procedures created.  Adoption of checklist outlined in the UN Convention on the Rights of the Child.	<b>Quality Method:</b> <ul style="list-style-type: none"> <li>• Court rules, policies and procedures established</li> <li>• Justice sector actors increased knowledge of Children Act and court rules and procedures</li> <li>• Progress against the checklist on the UN Convention on the Rights of a Child</li> </ul>	<b>Date of Assessment</b>
<b>Output 4:</b> ATLAS ID	Develop referral mechanisms in collaboration with the judiciary, government agencies and NGOs to establish formal link to diversionary programmes and juvenile courts.	Start Date  End Date:
<b>Purpose</b>	Enhanced institutional capacity improves effectiveness of diversionary programmes.  Improved collaboration between government agencies, NGOs, and juvenile courts strengthened.	
<b>Description</b>	<ul style="list-style-type: none"> <li>• Court Administration Sub-Committee established to create referral mechanism.</li> <li>• Referral mechanism developed</li> <li>• Children's home database established</li> <li>• Train approx 50-75 persons in the related Justice sector (Police, Children's Authority, Probation, Lawyers, NGOs, Legal Aid, Prosecutors, etc) trained on rules, policies and procedures in about 4-6 sessions</li> </ul>	
<b>Quality Criteria:</b>	<b>Quality Method</b>	<b>Date of</b>

<p>Involvement, participation of key stakeholders and resources allocated.</p> <p>The number of juveniles deferred from incarceration to diversionary programmes increased.</p>	<ul style="list-style-type: none"> <li>• Referral mechanisms created number of referrals made.</li> <li>• Number of juveniles deferred.</li> <li>• Collaboration between government agencies, NGOs, and juvenile courts strengthened.</li> <li>• Monitoring and Evaluation of referral mechanism to establish best practices and lessons learned</li> </ul>	<p><b>Assessment</b></p> <p>Ongoing</p>
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<p><b>Output 5:</b> ATLAS ID</p>	<p>Build institutional capacity among NGOs, the Children's Authority, and other government agencies with diversionary programmes</p>	<p><b>Start Date</b> August 2014 <b>End Date:</b></p>
<p><b>Purpose</b></p>	<p>Enhanced institutional capacity improves effectiveness of diversionary programmes.</p>	
<p><b>Description</b></p>	<p>Training conducted for NGOs, Children's Authority and Government agency                  Assessment of diversionary programmes and services for children in conflict with the law                  Assist in developing an action plan for the Children's Authority</p>	
<p><b>Quality Criteria:</b>                  Number of NGOs and government agency staff members trained and development of policies and procedures that impact operations of juvenile courts.</p> <p>Action Plan implemented by the Children's Authority.                  Strengthened monitoring and reporting mechanisms by NGOs</p>	<p><b>Quality Method:</b></p> <ul style="list-style-type: none"> <li>• NGO and government agency staff are aware of new legislation and new rules and procedures for the handling of juvenile matters</li> <li>• Policies and procedures are created to strengthen the collaboration between juvenile courts and government agencies/NGOs</li> <li>• Enhanced institutional capacity improves effectiveness of diversionary programmes through training of approx 30 lawyers in connection with providing legal representation to children in juvenile court</li> <li>• Monitoring and evaluation of legal services provided</li> </ul>	<p><b>Date of Assessment</b></p> <p>Ongoing</p>

<b>Output 6:</b> ATLAS ID	Build capacity among juvenile courts and juvenile justice actors to manage cases in an effective and efficient manner.	<b>Start Date:</b> August 2014 <b>End Date:</b>
<b>Purpose</b>	To enhance the capacity of juvenile court to reduce delays and decrease number children incarcerated	
<b>Description</b>	<ul style="list-style-type: none"> <li>• Judicial officers receive training on handling decisions involving children, with a special focus on children accused as perpetrators as well as victims and witnesses.</li> <li>• Judicial court staff receive training on court processing and skills</li> <li>• Lawyers receive training on how to provide legal representation to children in juvenile court.</li> <li>• Monitoring and evaluation of adjudication of juvenile cases including services provides to victims and witnesses</li> </ul>	
<b>Quality Criteria:</b> Number of actors in juvenile justice system trained.  Increased number of cases referred to diversion programmes and other social services.	<b>Quality Method:</b> Efficient management and processing of juvenile cases and representation of children/juveniles	<b>Date of Assessment</b>

<b>Output 7:</b> ATLAS ID	Framework created for establishment of Youth Courts.	<b>Start Date:</b> <b>End Date:</b>
<b>Purpose</b>	To build the capacity of youth participants, judicial officers, attorneys and social workers to engage with the Youth Court.	
<b>Description</b>	<p>Provide training to a total of 180 children and training sessions with approx 150 judicial officers, attorneys and other active participants in the Youth Court.</p> <p>Conduct training sessions with approx 150 judicial officers, attorneys and other active participants in the Youth Court.</p>	



	Continued training of 60-75 youth court participants including judicial officials, attorneys, social workers	
	Host 15 children on a study tour to observe Youth Courts in the US	

<b>Output 8:</b> ATLAS ID	Draft legislation, rules and procedures for Youth Court	<b>Start Date:</b> <b>End Date:</b>
<b>Purpose</b>	To provide a system and process for Juvenile Court	
<b>Description</b>	Primary and secondary legislative drafts created to establish Youth Court.  Referral system for Youth Court developed and approved by Sub-Committee	
<b>Quality Criteria:</b>  Primary and secondary legislation drafted to establish rules and procedures for Youth Courts in alignment with international best practices and standards.	<b>Quality Method:</b> <ul style="list-style-type: none"> <li>• Court rules, policies and procedures established</li> <li>• Justice sector actors increased knowledge of Children Act and court rules and procedures</li> <li>• Progress against the checklist on the UN Convention on the Rights of a Child</li> <li>• Monitoring and Evaluation of Youth Court Performance</li> </ul>	<b>Date of Assessment</b> Ongoing
<b>Quality Criteria:</b> Working document with rules, policies and procedures created.  Adoption of checklist outlined in the UN Convention on the Rights of the Child.	<b>Quality Method:</b> <ul style="list-style-type: none"> <li>• Court rules, policies and procedures established</li> <li>• Justice sector actors increased knowledge of Children Act and court rules and procedures</li> <li>• Progress against the checklist on the UN Convention on the Rights of a Child</li> <li>• Monitoring and Evaluation of Youth Court Performance</li> </ul>	<b>Date of Assessment</b>  Ongoing

<b>Output 9:</b> ATLAS ID	Build capacity of youth participants, judicial officers, attorneys and social workers to manage court	<b>Start Date:</b>  <b>End Date:</b>
Purpose	Reduced recidivism rates will reduce crime, increase public safety and foster national confidence in rehabilitation and restorative justice approaches to juvenile justice reform	
Description	<ul style="list-style-type: none"> <li>Analyse data collected on adjudicated cases and juvenile offenders</li> <li>Produce report on recidivism and public safety</li> <li>Train police and staff of detention institutions on issues of inappropriate housing</li> <li>Support efforts to institute appropriate housing schemes in accordance with the Children’s Act.</li> </ul>	
Quality Criteria	Quality Method	<b>Date of Assessment</b>
Decrease in recidivism rates by juvenile offenders that participated in diversion and rehabilitation programs	Full participation of justice sector institutions needed to ensure accuracy and quality of report	Ongoing

<b>Output 10:</b> ATLAS ID	Identify and map key stakeholders; and conduct targeted communication, education and consultation to support the project objectives and open dialogue for an inclusive approach. Create a package of information for key stakeholder groups based on interests.	<b>Start Date:</b>  <b>End Date:</b>
Purpose	To educate the public about the project and its objectives. To enable feedback from and dialogue with those key stakeholders and from the public.	
Description	<ul style="list-style-type: none"> <li>Develop Stakeholder Map and Identify interests and influences;</li> <li>Conduct survey online and offline.</li> <li>Establish social media and web presence.</li> <li>Design and produce literature/ material.</li> <li>Conduct media sensitisation seminars</li> <li>Conduct a series of sensitisation workshops and seminars (5 in T’dad / 1 in Tobago) for key stakeholders.</li> </ul>	
Quality Criteria	Quality Method	<b>Date of Assessment</b>
Involvement, participation	Knowledge of stakeholders is tested to determine	

and support from the targeted stakeholders in the advocacy and education of the need for a juvenile justice.	understanding and level of knowledge.	
Establish a baseline on awareness of Juvenile Justice Reforms	The number of visitors to the social media sites (likes, share, comment, retweet, tweet, mentions, plays).	
	Number of attendees to seminars and workshops, feedback via questionnaires.	
	Number of media articles.	

<b>Output 11:</b> ATLAS ID	Design and implement a public education and communications campaign targeted at the national community and the youth population.	Start Date: July 2014 End Date:
Purpose	To generate support from and educate the national community. Develop active interest and participation by the youth/ students. To empower people with information thus enabling compliance and understanding if/when required to participate in juvenile justice related initiatives.	
Description	<ul style="list-style-type: none"> <li>• Conduct a series of outreach meetings, media conferences. Online and offline consultations.</li> <li>• Implement a national awareness campaign, and school outreach programme to target youth.</li> </ul>	
Quality Criteria	Quality Method	<b>Date of Assessment</b>
Change in awareness of juvenile justice reforms	Documented responses and surveys from outreach meetings and consultations. Number of requests and follow up stories/articles in the media on the topic.	
Level of improved knowledge and understanding of youth court and juvenile justice.  Comments and feedback from members of the public.	Number of volunteers for participation in the pilot project. Knowledge tested to determine the changes improved understanding.	

## ATTACHMENT 3: BRANDING & MARKING PLAN

### Branding and Marking Plan

Project Name	Trinidad and Tobago Juvenile Court Project
Donor	United States Agency for International Development (USAID)
Implementing Agency	United Nations Development Programme (UNDP) Judiciary of the Republic of Trinidad and Tobago

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#### 1. Branding / Positioning

- 1.1. Logo of the donor and implementing agencies will receive equal size and prominence on branding for all activities or products under this project.
- 1.2. USAID, UNDP and Judiciary logos will be clearly displayed on the following items that are financed with USAID funds for this project.
  - 1.2.1. Printed publications such as: reports, success stories, brochures, banners, posters, newsletters, fliers, commodities.
  - 1.2.2. Events, such as training courses, seminars, media events.

#### *Illustration of positioning for logos described in (a) and (b) above*



- 1.3. Audio, visual, or electronic public communications financed with USAID funds for this project will state the following acknowledgment:
  - 1.3.1. *The Trinidad and Tobago Juvenile Court Project (JCP) is made possible through the United States Agency for International Development (USAID). The JCP is implemented by the United Nations Development Programme (UNDP) and the Judiciary of the Republic of Trinidad and Tobago.*
- 1.4. No USAID identity (logo) will be used on administrative communications, materials or equipment, such as:
  - 1.4.1. Business cards.

- 1.4.2. Communications related to award administration, such as employment ads and renting office space or equipment, offices and office supplies.
- 1.4.3. Letterhead, when used for administrative purposes.
- 1.5. If the items are used for both programmatic purposes the USAID identity will be used.
- 1.6. USAID Branding Guidelines will be followed according to the USAID Identity on [www.usaid.gov/branding](http://www.usaid.gov/branding) and as guided by the designated USAID representative for this project.

## 2. Exceptions and Waivers

- 2.1. Waivers may be requested, based on situational or security circumstances that are caused by the local environment and on consultation with the Judiciary.
- 2.2. Waivers will be required for small commodity items (such as pens and/or pencils) which may not be able to accommodate the various logos due to available print space and size, or inability to print due to surface texture. In such cases, only the name of the project will be printed (if possible)
- 2.3. Waiver requests will be made in a timely manner to the designated USAID representative for this project.

## 3. Disclaimers

- 3.1. Guidance on *Disclaimers* will be sought from the designated USAID representative for this project.
- 3.2. Where applicable, public communication will include the following disclaimer:

*"The communication/ views expressed does not necessarily reflect the views of USAID, or the UNDP."*

## 4. Programme Communications and Marketing

- 4.1. The project has a specific component (#3) titled, *Public Education and Sensitisation Programme* which ensures the project objectives and activities are strategically and effectively promoted.
- 4.2. Component 3 in the Project Work plan encompasses outputs #9 and #10. Activities under these outputs will also seek to promote the wider programme purpose and goal, these activities include but are not limited to:
  - 4.2.1. Media sensitisation workshops.

- 4.2.2. Media interviews.
  - 4.2.3. National/ School outreach programmes.
  - 4.2.4. Flash mobs.
  - 4.2.5. Online campaigns.
- 4.3. The project will be publicised through traditional and social media. These include:
- 4.3.1. Print/ TV/ Radio media.
  - 4.3.2. Social media: Facebook, Instagram, Twitter, YouTube.
  - 4.3.3. Press releases, opinion editorials, news articles, media interviews.
  - 4.3.4. UNDP web site.
- 4.4. Key milestones will be highlighted and publicised.
- 4.4.1. Project launch.
  - 4.4.2. Key activities/ events.
  - 4.4.3. Training workshops.
  - 4.4.4. Project completion.

## **ATTACHMENT 4: STANDARD PROVISIONS**

### **Mandatory Standard Provisions for Cost-Type Awards to Public International Organizations (PIOs)**

#### **Allowable Costs (April 2011)**

- a. The recipient must use funds provided under the award for costs incurred in carrying out the purposes of the award which are reasonable, allocable, and allowable.
  - (1) “Reasonable” means the costs do not exceed those that would ordinarily be incurred by a prudent person in the conduct of normal business.
  - (2) “Allocable” means the costs are necessary to the award.
  - (3) “Allowable” means the costs are reasonable and allocable, and conform to any limitations set forth in the award.
- b. The recipient is encouraged to obtain the Agreement Officer’s written determination in advance whenever the recipient is uncertain as to whether a cost will be allowable.

#### **Amendment (April 2011)**

The parties may amend the award by mutual agreement, by formal modifications to the basic award document, or by means of an exchange of letters between the Agreement Officer and the recipient.

#### **Nonliability (April 2011)**

USAID does not assume liability for any third party claims for damages arising out of the award.

#### **Notices (April 2011)**

Any notice given by USAID or the recipient will be sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax. Notices to USAID should be sent to the Agreement Officer at the address specified in the award and to any designee specified in the award. Notices to the recipient should be sent to the recipient’s address shown in the award or to such other address designated in the award.

Notices will be effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

### **Payment (Letter of Credit) (April 2011)**

- a. Payment under the award is completed through a Letter of Credit (LOC), in accordance with the terms and conditions of the LOC and any instructions issued by the USAID Bureau for Management, Office of the Chief Financial Officer, Cash Management and Payment Division (M/CFO/CMP).
- b. As long as the LOC is in effect, the terms and conditions of the LOC and any instructions issued by M/CFO/CMP constitute the payment conditions of the award over any other payment clause of the award.
- c. The recipient should have written procedures that minimize the time elapsing between the transfer of funds and disbursement by the recipient. The recipient must exercise prudent management of Federal funds by drawing only those funds that are required for current use. The timing and the amount of the drawdown must be as close as is administratively possible to the actual disbursements by the recipient for direct program or activity costs and the proportionate share of any allowable indirect costs.
- d. Revocation of the LOC, in accordance with its terms and conditions, is at the discretion of M/CFO/CMP, after consultation with the Agreement Officer. Notification of revocation must be in writing and must specify the reasons for such action. If the LOC is revoked, payments may be made on a cost-reimbursement basis. For reimbursement, the recipient must submit to the USAID Controller an original and three copies of **SF-1034, Public Voucher for Purchases and Services Other Than Personal** ([http://contacts.gsa.gov/webforms.nsf/0/57675C8BB6CE880B85256A3F004125BD/\\$file/SF%201034.pdf](http://contacts.gsa.gov/webforms.nsf/0/57675C8BB6CE880B85256A3F004125BD/$file/SF%201034.pdf)), and **SF-1035, Continuation of SF-1034** ([http://contacts.gsa.gov/webforms.nsf/0/213A354B84AE05B085256A81004632C8/\\$file/SF%201035.pdf](http://contacts.gsa.gov/webforms.nsf/0/213A354B84AE05B085256A81004632C8/$file/SF%201035.pdf)), normally once a month, but in any event no less than quarterly. Each voucher must be identified by the award number and must state the total costs for which reimbursement is being requested.

### **Audit and Records (UN) (August 2011)**

- a. The recipient agrees to furnish the U.S. Government (USG) with a final report on activities carried out under the award, including accounting for award funds in sufficient detail to enable USAID to liquidate the award. The report must be submitted to the address specified in the award.
- b. It is understood that financial records, including documentation to support entries on accounting records and to substantiate charges against the award, will be maintained in accordance with the recipient's usual accounting procedures, which must follow generally accepted accounting practices. The recipient must maintain such financial records for at least three years after the recipient's final disbursement of funds under the award.
- c. The recipient confirms that the award will be audited applying established procedures under appropriate provisions of the financial regulations and rules of UNDP. The recipient agrees



to make available these audit reports to the USG, in accordance with the UNDP Oversight Policy and relevant decisions of the UNDP Executive Board. The recipient also agrees to provide additional clarifications as may be reasonably requested by the USG with respect to questions arising from the audit report. In the event that USAID becomes aware of factors that would indicate a need for closer scrutiny of USAID-funded activities, USAID will bring these factors to the attention of UNDP Office of Audit and Investigations who will determine, after consultation with USAID if necessary, the need for a special independent audit. The costs of such an audit shall be borne by the USG.

### **Refunds (April 2011)**

- a. If the recipient earns interest on Federal advances before expending the funds for program purposes, the recipient must remit the interest annually to USAID. Interest amounts up to \$250 per year may be retained by the recipient for administrative expenses.
- b. Funds obligated by USAID, but not disbursed to the recipient before the award expires or is terminated will revert to USAID, except for funds committed by the recipient to a legally binding transaction applicable to the award. Any funds advanced to, but not disbursed by, the recipient before the award's expiration or termination must be refunded to USAID, except for funds committed by the recipient to a legally binding transaction applicable to the award.
- c. If, at any time during the life of the award, or as a result of an audit, the Agreement Officer determines that USAID funds provided under the award have been expended for purposes not in accordance with the terms of the award, then the recipient must refund the amount to USAID.

### **Award Budget Limitations and Revisions (April 2011)**

- a. The approved award budget is the financial expression of the recipient's program as approved during the award process. USAID is not obligated to reimburse the recipient for any costs incurred in excess of the total amount obligated under the award.
- b. The recipient must immediately request approval from the Agreement Officer when there is reason to believe that, within the next 30 calendar days, a revision of the approved award budget will be necessary for any of the following reasons:
  - (1) To change the scope or the objectives of the program or to add any new activity.
  - (2) To revise the funding allocated among program objectives by more than ten percent (10%) of the total budget amount unless the award states otherwise.
  - (3) Additional funding is needed.
  - (4) The recipient expects the amount of USAID authorized funds to exceed its needs by more than \$20,000 or ten percent (10%) of the USAID award, whichever is greater.

- c. The recipient will not be obligated to continue performance under the award (including actions under the “Termination Procedures” provision) or otherwise to incur costs in excess of the amount obligated under the award, unless and until the Agreement Officer notifies the recipient in writing that the obligated amount has been increased and specifies the new award total amount.

### **Termination Procedures (April 2011)**

The award may be terminated by either party, in whole or in part, at any time with 30 days written notice of termination. After receiving a termination notice from the Agreement Officer, the recipient must take immediate action to cease all expenditures financed by the award and to cancel all unliquidated obligations if possible. The recipient may not enter into any additional obligations under the award after receiving the notice of termination, other than those reasonably necessary to effect the close out of the award. Except as provided below, no further reimbursement will be made after the effective date of termination. As soon as possible, but in any event no later than 120 days after the effective date of termination, the recipient must repay to USAID all unexpended USAID funds that are not otherwise obligated by a legally binding transaction applicable to the award. If the funds paid by USAID to the recipient before the effective date of termination are not sufficient to cover the recipient’s obligations under a legally binding transaction, then the recipient may submit a written claim for such amount to USAID within 120 days after the effective date of termination. The Agreement Officer will determine the amount(s) to be paid by USAID to the recipient under the claim in accordance with the “Allowable Costs” provision of the award.

### **Financial Management, Procurement, and Evaluation (April 2011)**

To the extent not inconsistent with other provisions of the award, USAID and the recipient understand that funds made available to the recipient must be administered in accordance with the recipient’s own financial rules and regulations, and that the recipient will follow its own procurement and evaluation policies and procedures.

### **Dispute Resolution (April 2011)**

USAID and the recipient will use their best efforts to amicably settle any dispute, controversy, or claim that results from, or relates to, the award.

### **Title to and Disposition of Property (UN, August 2011)**

Ownership of equipment supplies and other property purchased with funds under the award will vest in the recipient during the life of the award. Disposition of property financed under the award will be made in accordance with UNDP’s policies and procedures.

### **USAID Disability Policy and UN Convention on the Rights of Persons with Disabilities Assistance (April 2011)**

- a. The principles of the present UN Convention on the Rights of Persons with Disabilities include promoting: (1) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; (2) nondiscrimination; (3) full and effective participation and inclusion in society; (4) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; (5) equality of opportunity; (6) accessibility; (7) equality between men and women; and (8) respect for the evolving capacities of children with disabilities. The full text of the Convention can be found at the following Web site: <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.
- b. USAID requires that the recipient not discriminate against persons with disabilities in the implementation of USAID-funded programs and make every effort to respect the principles of the Convention on the Rights of Persons with Disabilities in performing the program under the award. One of the objectives of the USAID's Disability Policy is to engage other U.S. Government agencies, host country counterparts, governments, implementing organizations, and other donors in fostering a climate of nondiscrimination against people with disabilities. To that end, and to the extent it can accomplish this goal within the scope of the program objectives, the recipient should demonstrate a comprehensive and consistent approach for including men, women, and children with disabilities.

### **Terrorist Financing Clause (UN) (April 2011)**

Consistent with numerous United Nations Security Council resolutions, including **S/RES/1269 (1999)** ([http://www.undemocracy.com/S-RES-1269\(1999\).pdf](http://www.undemocracy.com/S-RES-1269(1999).pdf)), **S/RES/1368 (2001)** ([http://www.undemocracy.com/S-RES-1368\(2001\).pdf](http://www.undemocracy.com/S-RES-1368(2001).pdf)), and **S/RES/1373 (2001)** ([http://www.undemocracy.com/S-RES-1373\(2001\).pdf](http://www.undemocracy.com/S-RES-1373(2001).pdf)), both USAID and the recipient are firmly committed to the international fight against terrorism, and in particular, against the financing of terrorism. It is the policy of USAID to seek to ensure that none of its funds are used, directly or indirectly, to provide support to individuals or entities associated with terrorism. In accordance with this policy, the recipient undertakes to use reasonable efforts to ensure that none of the USAID funds provided under the award are used to provide support to individuals or entities associated with terrorism.

**Required as Applicable Standard Provisions for Cost-Type Awards to Public International Organizations**

**Prohibition on Assistance to Military or Paramilitary (April 2011)**

No funds or other support provided under the award may be used for support to any military or paramilitary force or activity.

**Publications and Media Releases (April 2011)**

- a. If the recipient intends to identify USAID's contribution to any publication, video, or other information/media product resulting from the award, the product must state that the views expressed by the author(s) do not necessarily reflect those of USAID. Acknowledgements must identify the sponsoring USAID Bureau/Independent Office or Mission and the U.S. Agency for International Development substantially as follows.

“This [publication, video, or other information/media product (specify)] was made possible through support provided by the Office of \_\_\_\_\_, Bureau for \_\_\_\_\_, U.S. Agency for International Development, under the terms of Award No. \_\_\_\_\_. The opinions expressed in this [publication, video, or other information/media product] are those of the author(s) and do not necessarily reflect the views of the U.S. Agency for International Development.”

- b. The recipient must provide USAID with one copy of all published works developed under the award and with lists of other written works produced under the award.
- c. Except as otherwise provided in the terms and conditions of the award, the author or the recipient is free to copyright any books, publications, or other copyrightable materials developed in the course of or under the award, but USAID reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for U.S. Government purposes.

**Reporting of Foreign Taxes (UN) (April 2011)**

The recipient is not subject to taxation of activities implemented under the award based on its privileges and immunities as a public international organization (PIO). However, should it be obligated to pay value-added taxes or customs duties related to the award, the recipient must notify the USAID Agreement Officer's Representative (AOR).

### **Foreign Government Delegations to International Conferences (April 2011)**

Funds provided under the award may not be used to finance the travel, per diem, hotel expenses, meals, conference fees, or other conference costs for any member of a foreign government's delegation to an international conference sponsored by a public international organization, unless approved by the Agreement Officer.

### **Standards for Accessibility for Persons with Disabilities in USAID Assistance Awards Involving Construction (Standard) (April 2011)**

The recipient must ensure that in all construction or substantial renovation activities appropriate measures are taken, including compliance with, inter alia, host country standards for accessibility, the International Building Code (IBC) and Article 9 and other requisite articles under the **UN Convention on the Rights of Persons with Disabilities** (<http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>), to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.