

Terms of Reference Individual Consultant

Title	National Consultant (Development of Legislative Instrument for the new Registration of Births and Deaths Act, 2020 (Act 1027)
Purpose	Provide technical support for the development of a Legislative Instrument (L.I.) based on the new Registration of Births and Deaths Act, 2020 (Act 1027), which aligns with Ghana's current decentralisation process.
Expected fee	TBD
Location	Based in Accra with possible travel to locations outside Accra
Duration	40 days spread over 6 months
Start Date	June 2021
Reporting to	Child Protection Specialist
Budget Code/PBA No	Non Grant
Project and activity codes	Government of Ghana/UNICEF Child Protection Programme work plan. Act 22.2

Background

A new Registration of Births and Deaths Act, 2020 (Act 1027) was passed by Parliament and received Presidential assent in December 2020. The Act which replaces Act 301 and provides for the decentralisation of the Births and Deaths Registry (BDR) in line with the decentralisation programme of the country.

Ghana's decentralisation programme is aimed at empowering local populations at the district level to take decisions that affect their lives. As a result, the Local Government Act, 1993 (Act 462) envisaged the reconstitution of the twenty-two decentralised departments at the district level into sixteen departments in the Metropolitan Assemblies, thirteen in the Municipal Assemblies and eleven in the District Assemblies through various forms of mergers. The Ministry of Local Government and Rural Development was to bring about the creation of these decentralised departments through a Legislative Instrument. This was done by the Local Government (Department of District Assemblies) Commencement Instrument, 2009 (L.I. 1961). Some of the departments that were to be part of these decentralised departments as specified in the Second Schedule to L.I. 1961 were established by Acts of Parliament. The Acts establishing them, therefore, needed to be amended or reviewed to bring them in line with the general decentralisation framework.

The Registration of Births and Deaths Act 1965 (Act 301) was one such legislation. It created the BDR under the Ministry of Local Government, Decentralisation and Rural Development (MLGDRD) as a centralised department of government with local offices in designated places as registration districts. It made the BDR responsible for the registration of all births and deaths in the country, contributing to the generation of vital statistics, defining standards and quality control procedures for the collection and use of the records and information collected through the registration system and guarantees the privacy and security of those records.

The new Act 1027 is intended to assign responsibility for the registration of births and deaths to MMDAs who in consultation with the Registrar, are required to appoint a District Registrars and Registration Officers for the district office of the BDR. The purpose of the new act is therefore to allow

for the registration of births and deaths in the whole country and make the District Registrar responsible to the MMDAs to ensure that all registration officers at post continue in employment. In order to make the implementation of the law easy, it is necessary that the Legislative Instrument (L.I) to the law be developed as soon as possible and pave the way for ease of decentralisation of BDR.

Justification

UNICEF Ghana is seeking technically experienced individual who is able to provide support with regards to the drafting of Legislative Instrument for the new Registration of Births and Deaths Act, 2020 (Act 1027). It is expected that the selected individual will have well-documented experience in drafting laws, policies and legislative instruments. The child protection section of UNICEF have inadequate capacity to effectively undertake the drafting of Legislative Instrument, within the time required. A consultant will be engaged to provide the required technical assistance in close collaboration with key stakeholders led by the BDR.

This activity is in line with the signed Child Protection Programme work plan 2020-2021, output 22 “Birth registration services are more efficient for the registration of girls and boys under 5 years of age”

Specific Tasks

In close collaboration with the BDR and under the direct supervision of the UNICEF Child Protection Specialist (NOC) and overall guidance of the Chief of Child Protection programme, the consultant is expected to undertake the following tasks:

1. Undertake a review of the new Registration of Births and Deaths Act, 2020 (ACT 1027), and any other document relevant to the drafting of L.I. The consultant will also be required to conduct semi-structured interviews where necessary with key stakeholder to collect additional information needed to develop the LI. Based on the review, submit an initial draft of the L.I. to BDR for consideration.
2. Attend two subsequent consultations to be organised by BDR and incorporate feedback from these two consultations and other reviews in the original draft.
3. Present the draft L.I. at the validation meeting and incorporate the feedback from validation in the final draft and share the final document back with BDR
4. Help BDR draft a memorandum to the L.I. to be sent to the Cabinet by the MLGDRD.

The BDR will be responsible for organising the consultations and will support the consultant in setting up the meetings with relevant stakeholders.

Methodology

The consultant is expected to undertake desk review of relevant literature, and other information necessary for preparing for the assignment. Particular documents of reference include;

1. The new Registration of Births and Deaths Act, 2020 (ACT 1027)
2. Registration of births and deaths regulations, 1970 (L.I. 653)
3. The standard operating procedures of the Births and Deaths Registry
4. The Local Government ACT of 1993 (ACT 462)
5. The Commencement Instrument, 2009 (L.I. 1961)
6. The Civil Registration and Vital Statistics comprehensive assessment report (June 2015)
7. The Bottleneck Analysis Report (2013)
8. Draft strategic plan for CRVS
9. Decentralisation Policy and Action Plan

The assignment shall be undertaken in consultation with key stakeholders from the Government, this includes the MLGDRD, Inter-Ministerial Coordinating Committee (IMCC), Ghana Statistical Service, Office of Head of Local Government Service, Ghana Health Service, Regional Coordinating Councils, National Identification Authority, National Development Planning Commission, the select committees on Local Government and Rural Development, Ministry of Finance and others. Regular updates and discussions with the UNICEF are also envisaged throughout the contract.

The consultant is also expected to stay abreast of other development initiatives concerning decentralisation, governance and civil registration and vital statistics system strengthening in Ghana and apply these to achieving the objectives of the assignment. It will be necessary for the consultant to work closely with stakeholders concerned and knowledgeable of the ongoing CRVS reform process, especially the National Identification Authority.

Expected Deliverables

Specific Tasks (as outlined above)	Deliverables	Timeframe
Undertake a review of the new Registration of Births and Deaths Act of 2020 (Act 1027), laws and policies mentioned above related to decentralisation in Ghana and any other document relevant to the development of LI. The consultant will also be required to conduct semi-structured interviews where necessary with key stakeholder to collect additional information needed for the development of the L.I. Based on the review, submit an initial draft of the L.I.	Initial good quality draft L.I. submitted	20 days
Attend two consultations with stakeholders based on the draft L.I. and incorporate feedback into the draft LI and share updated LI	Second improved version of the draft L.I. submitted	12 days
Attend a validation workshop with key	Third and improved version	6 days

stakeholders based on the second draft LI and incorporate comments from the validation workshop	of the draft shared after validation	
Draft memorandum to the LI for the Cabinet	Draft memorandum to the L.I is shared	2 days
Total Number of Days		40 days

Reporting/Supervision

The consultant will be working closely with the Births and Deaths Registry. Formal reporting will be to the Child Protection Specialist.

Proposed Payment Schedule:

- 30% of fee upon completion of literature review, submission of first draft LI to the BDR Act (Deliverable 1)
- 20% of fee upon approval of second draft (Deliverable 2)
- 20% of fee upon approval for the third draft after validation meeting (Deliverable 3)
- 30% of fee upon approval of the draft cabinet memorandum

Expected background and experience

- Academic qualifications – Master’s Degree in Law or other related field with (10) years progressive experience within the Ghanaian legislative and justice system
- An understanding of the decentralisation mechanisms and the Civil Registration and Vital Statistics framework in Ghana particularly, the operations of the Office of the Head of Local Government Service
- Fluency in Spoken and written English
- Excellent research, assessment and analysis skills with strong report writing abilities.
- Good computer skills and familiarity with standard software applications is required.

The candidate should have proven competencies in the following areas:

1. Legal drafting
2. Communication, including strong facilitation and advocacy skills
3. Planning and Organising

General Conditions: Procedures and Logistics

- The assigned duty station for this assignment is Accra Ghana, with expected travel to the field
- The assignment cost will include professional fees and applicable Daily Subsistence Allowances (DSAs) while on travel outside Accra
- When in the field on official travel, the consultant will have access to UNICEF transport if available. Otherwise resort to hiring services in the absence of UNICEF providing

transport. In such a case, the travel and mode of travel must be approved by UNICEF in advance. When transport is provided by UNICEF, the mode of transport would be determined by UNICEF and in line with applied procedures including clearance in line with UN Ghana COVID-19 travel protocols.

- The consultant will mainly work from a remote location but will be expected to meet with GoG staff and UNICEF staff on a regular basis and in the office of the Births and Deaths Registry or otherwise stated.
- The consultants shall provide his/her own materials, i.e. computer, office supplies for the assignment except that required for the use of third parties.

Policy both parties should be aware of:

- Under the consultancy agreements, a month is defined as 21 working days, and fees are prorated accordingly. Consultants are not paid for weekends or public holidays.
- Consultants are not entitled to payment of overtime. All remuneration must be within the contract agreement.
- No contract may commence unless the contract is signed by both UNICEF and the consultant or Contractor.
- No consultant may travel without a signed travel authorization prior to the commencement of the journey to the duty station.
- Unless authorized, UNICEF will buy the tickets of the consultant. In exceptional cases, the consultant may be authorized to buy their travel tickets and shall be reimbursed at the “most economical and direct route” but this must be agreed to beforehand.
- Consultants will not have supervisory responsibilities or authority on UNICEF budget.
- Consultant will be required to sign the Health statement for consultants/Individual contractor prior to taking up the assignment, and to document that they have appropriate health insurance, including Medical Evacuation.

The Form 'Designation, change or revocation of beneficiary' must be completed by the consultant upon arrival, at the HR Section