

**ACUERDOS BILATERALES/ BILATERAL AGREEMENT/
ACORDOS BILATERAIS/ACCORDS BILATERAUX**

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Entry Date: May 31, 2022.
Date d'entrée:
Data de Admissão:

Nombre del Acuerdo:
Name of the agreement: Memorandum of understanding and technical assistance between the General Secretariat of the Organization of American States and Government of Barbados for the creation and promotion of model-Courts supervised treatment alternatives to incarceration

Nom de l'accord:

Nom de l'accord:

Nome do Acordo:

Materia:
Subject: Creation of a model Program on Drug Treatment Courts through the start-up of a pilot project that will enable the model to be validated in Barbados

Materia:

Partes:
Parties involved: GS/ Barbados
Parties:
Partes:

Referencia:
Reference: Barbados
Référence:
Referência:

Fecha de Firma:
Signature Date: March 25, 2013.
Date de la signature:
Data de Assinatura:

Fecha de Inicio:
Start Date:
Date du commencement:
Data de Início:

Fecha de Terminación:
End Date:
Date de résiliation :
Data de Rescisão :

Lugar de Firma:
Place of Signature: Bridgetown, Barbados
Lieu de la signature:
Lugar de assinatura:

Unidad Encargada:
Unit in Charge: Executive Secretariat of CICAD
Unité responsable:
Unidade Encarregada:

Persona Encargada:
Person in Charge:
Personne responsable:
Pessoa Encarregada:

Cierre del proceso:
Closure of proceedings:
Clôture des procédures:
Fechamento do processo:

Notas adicionales/Additional notes/Notes supplémentaires/Notas adicionais:

ORGANIZACIÓN DE LOS ESTADOS AMERICANOS



COMISIÓN INTERAMERICANA PARA EL CONTROL DEL ABUSO
DE DROGAS

cicad

**MEMORANDUM OF UNDERSTANDING AND TECHNICAL ASSISTANCE BETWEEN
THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES,
THROUGH THE EXECUTIVE SECRETARIAT OF THE INTER-AMERICAN DRUG
ABUSE CONTROL COMMISSION OF THE SECRETARIAT FOR
MULTIDIMENSIONAL SECURITY, AND THE GOVERNMENT OF BARBADOS ,
THROUGH THE NATIONAL COUNCIL ON SUBSTANCE ABUSE (NCSA), MINISTRY
OF HOME AFFAIRS, FOR THE CREATION AND PROMOTION OF MODELS OF
COURT-SUPERVISED TREATMENT ALTERNATIVES TO INCARCERATION
(INCLUDING DRUG TREATMENT COURTS FOR DRUG-DEPENDENT OFFENDERS)
IN BARBADOS**

ORGANIZACIÓN DE LOS ESTADOS AMERICANOS



COMISIÓN INTERAMERICANA PARA EL CONTROL DEL ABUSO
DE DROGAS

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**MEMORANDUM OF UNDERSTANDING AND TECHNICAL ASSISTANCE
BETWEEN THE GENERAL SECRETARIAT OF THE ORGANIZATION OF
AMERICAN STATES, THROUGH THE EXECUTIVE SECRETARIAT OF THE
INTER-AMERICAN DRUG ABUSE CONTROL COMMISSION OF THE
SECRETARIAT FOR MULTIDIMENSIONAL SECURITY, AND THE
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SUBSTANCE ABUSE, MINISTRY OF HOME AFFAIRS, FOR THE CREATION
AND PROMOTION OF MODELS OF COURT-SUPERVISED TREATMENT
ALTERNATIVES TO INCARCERATION (INCLUDING DRUG TREATMENT
COURTS FOR DRUG-DEPENDENT OFFENDERS) IN BARBADOS.**

The Parties, the General Secretariat of the Organization of American States ("GS/OAS"), through the Executive Secretariat of the Inter-American Drug Abuse Control Commission ("ES/CICAD") of the Secretariat for Multidimensional Security ("SMS/OAS"), and the Government of Barbados, through the National Council on Substance Abuse (NCSA), (hereinafter called "the Parties"), have agreed to sign the present Memorandum of Understanding and Technical Assistance (hereinafter called the "Memorandum") for the creation and promotion of models of court-supervised treatment alternatives to incarceration (including drug treatment courts for drug-dependent offenders (hereinafter called "DTCs") in Barbados.

Under this international cooperation Memorandum of Understanding, it is understood that the NCSA, the entity that represents Barbados in CICAD, will serve as the institutional link for the activities to be carried out in coordination with the other parties involved in executing this activity, including the Office of the Attorney General, Ministry of Home Affairs and the Ministry of Health.

The GS/OAS is the central and permanent organ of the Organization of American States and is authorized to carry out relations of cooperation in accordance with Article 112(h) of the Charter and OAS General Assembly Resolution AG/RES. 57 (I-O/71).

Background

During the forty-eighth regular session of CICAD, held in Washington, D.C. in December 2010, ES/CICAD presented to the member states the programme on Drug Treatment Courts (DTCs) for the Americas. During that meeting, and subsequently at the fiftieth regular session of CICAD (Buenos Aires, November 2011), Barbados was one of the countries that stated its interest in participating in this programme.

During 2011-2012, prior to the signature of the present Memorandum, ES/CICAD carried out a number of preparatory technical assistance and support activities. See Annex I for details.

The outcome of this sequence of activities and events is the signature of this Memorandum, which will enable the execution phase of the project to begin, and the first DTC pilot project to be started in the country in 2013, with follow-up in late 2013 and 2014. For this purpose, the present Memorandum sets out the actions that will be taken in 2013-2014, along with a parallel process in the country, which will be accompanied by technical assistance from ES/CICAD as detailed below (Article 3. Commitments by ES/CICAD) in the present Memorandum.

Wherefore, in order to cooperate in the creation and promotion of models of court-supervised treatment alternatives to incarceration, including DTCs for drug-dependent offenders, in Barbados, the Parties agree to enter into the present Memorandum:

Article 1. Purpose

The purpose of the present Memorandum is to agree on the technical assistance that ES/CICAD will provide for the creation of the DTC model through the start-up of pilot projects that will enable the model to be validated in Barbados.

Article 2. Plan of Activities

2.1. Setting in place the human resources needed for the coordination, management, execution and evaluation of the project. This activity includes, inter alia:

- Formation of an **Executive Committee**
- Selection of a DTC project **Coordinator** in the country
- Selection of a **Judge to lead** the DTC project in the country
- Selection of the **multidisciplinary team**

2.2. In the Justice sector:

- Design of a **work plan**
- **Need assessment** (judicial component)
- Determination of the **legal and administrative framework**

- Completion of the **feasibility study** (court component)
 - **Selection of a court**
 - Description of **eligibility criteria**
 - Development of **action protocols**
 - Design and put a **training plan** into effect
- 2.3. In the Health sector:
- Design of a **work plan**
 - **Need assessment** (health component)
 - Description of **eligibility criteria**
 - Development of **action protocols**
 - Design and put a **training plan** into effect
 - Availability of **treatment services**
- 2.4. With regard to the aftercare and re-entry of the person into society and follow-up on cases:
- Formation of an interagency **task force**
- 2.5. Creation of a model for scientific evaluation of DTC in the country
- Formation of an **Evaluation Committee**
 - DTC evaluation manual
 - **Documenting the model**
 - External evaluation (operational aspects and outcomes)
- 2.6. Human resources training and professional exchange visits
- **Curriculum development**, production, selection and publication of training materials
 - **Face-to-face training**
 - Carrying out a programme of professional **exchange visits**
- 2.7. Development of an action plan for carrying out the various stages of implementation of the pilot projects
- 2.8. Start-up of a pilot project or projects.

Article 3. Commitments undertaken by ES/CICAD

- 3.1. **Provide technical assistance**, depending on the limits and specific provisions set by the funds contributed to ES/CICAD for the program on drug treatment courts in the Americas. ES/CICAD will provide technical assistance to the NCSA, and through it, to the other participating institutions, for at least the first two years of project execution (2013-2015), and specifically, to provide technical assistance on, *inter alia*:
- Cooperate with the Executive Committee in reviewing the action plan to start the DTC model in the country.

- The design of work plans for the court and health teams
- Description and determination of eligibility criteria
- Creation of a database (treatment services for the DTC)
- Design and execution of a plan for monitoring and scientific evaluation.
- Development of action protocols (including roles, pre-court meetings, documents to be used, and forms)
- Design and carry out a training plan
- Start-up of the pilot project
- Strategy for the social integration of the person, and follow-up on cases

3.2. Conduct ongoing follow-up of progress in the execution of the project on DTCs for the Americas in Barbados.

3.3. Together with the NCSA, and through it, with the other participating institutions, develop a system for the **monitoring and scientific evaluation of the model**, to produce local evidence on its efficacy. The monitoring and evaluation will cover both the outcomes and operational details of the model. For this purpose:

- An **Evaluation Committee** will be formed, consisting of a professional team that shall include, at a minimum: ES/CICAD (Institution-Building and The Inter-American Observatory on Drugs (OID), and the task force on evaluation), NCSA (through the observatory on drugs), and a university or research center. A university or external research center approved by this Committee will be responsible for conducting an outside scientific evaluation of the project.
- Through the Inter-American Observatory on Drugs (OID) and the Institution-Building Section, supply an **evaluation manual** to serve as a reference guide for conducting the evaluation in Barbados.
- Foster a capacity for observing and documenting which methodological approaches are successful or not in implementing the model in the country.

3.4. Offer **training and professional exchange visits** with other specific countries on application of this model, including:

- Production, selection and publication of training materials for the development and execution of this initiative.
- Training in person, on-line or blended for the teams that are working in the pilot project(s), with at least two sessions of comprehensive multidisciplinary training in 2013 and 2014.

- Development and carrying out of programs of professional exchange visits, which, on a horizontal basis, will foster an exchange of know-how and good practices with countries that already have such a model (such as Canada, Jamaica, and the United States).

3.5. Conduct **awareness activities** for the various institutions, the media and public opinion that will help foster a better understanding of the model.

Article 4. Commitments by the NCSA

4.1. The NCSA, as the liaison with the other institutions making up the Executive Committee in the country, undertakes to assure the financial, human and material resources needed for the creation of the pilot project or projects, as described in the present Memorandum under existing budgetary allocations in order to finance these actions, if necessary.¹

4.2. Human resources needed:

- Formation of an **Executive Committee**: Appointment of an Executive Committee that should include representatives of all branches of Government, and State agencies and institutions, whether from the central government or local governments, should be involved in decision-making on this programmeⁱⁱ.
- Selection of a **DTC Project Coordinator** in the country.
- Selection of a **Judge who will lead** the process of starting the DTC project in the country. It is recommended that a second judge be appointed as an alternate to handle those cases for which the principal judge is not available. Experience in countries where a single judge has been appointed shows that there is a high risk that the pilot will not be sustainable and that follow-up cannot be assured.
- **Selection of the multidisciplinary team** that will execute the pilot project in the country. The team shall consist of at least: two judges, a Public Prosecutor, a defense lawyer, a probation officer, an individual

¹ The experience of other countries that have instituted similar experiences shows the need to maximize existing resources and use existing budgetary allocations in order to finance these actions. In many cases, it will be a question of assigning functions and actions to resources already available. It is the responsibility of the government of each country in which these projects are started to ensure that the pilots have the human and financial resources needed to meet the programme's objectives (for example, one objective might be to set a maximum of 25 persons who may be admitted to the pilot each year. If that is the case, sufficient resources should be provided to follow through on these 25 cases, both from the standpoint of the court and the health services).

ⁱⁱ An example of the composition of the Executive Committee might be: Executive Branch; Ministry of Justice; Judiciary; Public Defender's Office/Legal Aid; Office of the Director of Public Prosecutions/Crown Counsel; Ministry of Health (social services); the Police, Ministry of Finance.

responsible for treatment services, an administrator/coordinator, and a police officer.

4.3. The Justice/Court system

- Design a **work plan** for the court team.
- Define and determine the **law** under which this initiative is to be carried out. In the event there is no appropriate legislation, develop an action plan for moving forward on the issue with the legislature.
- **Need Assessment** (court/judicial component), to include existing needs: Description of the human and material resources needed for: (1) pilot phase in 2013 and 2014, and (2) consolidation phase, 2014 and beyond.
- **Selection of a court** in which the pilot project will be carried out.
- Description of the **eligibility criteria** (criteria for selection of candidates for the pilot). Number of candidates per year, type of eligible crimes, individual profile, laws covering this eligibility.
- Development of action **protocols** (roles, preliminary hearings, documents, forms)
- Design and start-up of a **training plan** inside the country, to follow up on the technical assistance received from ES/CICAD in the different areas described in Article 3. Commitments of ES/CICAD.

4.4. The Health Sector

- Design of a **work plan** for the health team.
- **Needs Assessment** (health component), including existing needs: Description of the human and material resources needed for: (1) pilot phase, 2013 and (2) consolidation phases, 2014 and beyond.
- Description of **eligibility criteria** (criteria for selection of candidates for the pilot). Number of candidates per year, drug(s) used, profile of the individual. (See details in Article 5. Timetable of Activities)
- Development of action **protocols** (role, documents to be used, forms, assessment and clinical diagnosis, tests, including, *inter alia*, urinalysis).
- Design and implementation of a **training plan** inside the country to follow up on the technical assistance received from ES/CICAD in the various areas described in the Article 3. Commitments of ES/CICAD.

- **Treatment services:** The Executive Committee shall use as a reference guide the standards for quality of care applied in each country (if pertinent, refer to the regulations or orders). It will be important, among other points, to define: type of service offered (outpatient, residential, accessibility, availability) professional team, and location.

Social Integration Issues

- **Formation of an interagency task force** involving the Office of the Attorney General, the Ministries of Home Affairs, Health, Labour, Housing, Social Care, Education, and other related agencies, to assure a system and protocol for the social integration of drug-dependent offenders.

Monitoring and scientific evaluation of the model:

- Cooperate with ES/CICAD in forming an **Evaluation Committee**, consisting of a professional team that shall include at least: ES/CICAD, NCSA, and a university or research center. A university or research center approved by this Committee will be responsible for conducting an outside scientific evaluation of the project.
- Ensure that a DTC evaluation manual is used in the country. For this purpose, ES/CICAD will provide the NCSA with an **evaluation manual** that could serve as a reference for use in Barbados.
- **Document the model.** Foster a capacity for observing and documenting which methodological approaches are successful or not in implementing the model in the country.

Stages of implementation of the pilot project(s):

- **Updating the action plan.** An initial meeting will be held between the Executive Committee and the ES/CICAD project manager to review and finalize the details of the action plan to start the DTC model in the country, via pilot project(s).
- **Initial temporary action plan:** Open the first DTC pilot for adult offenders, in the location selected, before the end of 2013.
- **Consolidation and expansion:** In 2014 and beyond (see details in Article 5. Timetable of Activities), the model will be consolidated, the work will be evaluated, and other pilots will be started (if pertinent), or else, in parallel, depending on the country's interest, drug treatment courts for juvenile offenders may be started.

Participation in training activities and exchange visits promoted by ES/CICAD

- Cooperate with ES/CICAD in organizing training activities in the country in order to maximize resources.
- Selection and participation of suitable qualified representatives in activities for which ES/CICAD invites participation (seminars, workshops, exchange visits).

Article 5. Timetable of Activities

The activities listed below and the order in which they are carried out may be amended by the agreement of the Parties. The initial action plan, which should be set out in detail as a consequence of the signature of the present Memorandum, calls for the following initial timetable:

- Review and signature of the present Memorandum, and of the activities and timetable, no later than June and July 2013.
- Formation of teams and committees (as per the activities described in the present Memorandum), to be completed before the end of June 2013.
- Initial training of the teams, and development of protocols, by the end of 2013.
- Launch of the first pilot project, before the end of 2013.
- Ongoing monitoring, mid-term reports every six months.
- Technical assistance during 2013 and 2014.
- Treatment for the first cohort of admissions, before May 2013.
- Training and exchange visits to other countries, during 2013.
- Follow-up on cases and admission of the next cohort, during 2013.
- Graduation of the first cases (first cohort), before the end of 2013.
- Evaluation of outcomes, before the end of 2013.
- Graduation of the second cases (second and subsequent cohorts, 2013 onward).
- Consolidation of the model. 2014.
- Impact evaluation, 2014-2015.

Article 6. Identification and Implementation of Programmes, Projects, and/or Joint Activities:

6.1. After the signing of this Memorandum, the Parties will develop work programmes in relation to the subject matter of this Memorandum.

6.2. Once the Parties have determined what programmes, projects and/or activities are to be implemented and the corresponding authorizations and funds have been obtained, the Parties shall conclude a supplementary agreement, memorandum of understanding or exchange of letters containing the applicable conditions for each programme, project and/or activity. Each such supplementary agreement, memorandum of understanding or exchange of letters shall be signed by the duly authorized representatives of the parties and should specify in detail, the following:

- The agreed-upon programme, project and/or activity;
- The objectives sought;
- The dependencies of each of the Parties that will execute the programme, project and/or activity;
- The work plan: stages, planning and chronology of development;
- The budget and the human and material resources required by the programme, project and/or activity, specifying the financial responsibilities and contributions of each Party (indicating the nature and the amount), the schedule of the contributions and, as required, the property of the material resources that are acquired;
- A provision relating to the coordination, notification and follow-up of the programme, project and/or activity; and
- A provision acknowledging this Memorandum as the programmatic and juridical framework for the programme, project or activity.

Article 7. Financial Provisions:

Without prejudice to what the Parties may provide in the supplementary agreements, memoranda of understanding and/or exchange of letters entered into pursuant to this Memorandum for the joint implementation of programmes, projects and/or activities, this Memorandum in and of itself does not create obligations of a financial nature for either of the Parties.

Article 8. Coordination and Notifications:

8.1. Within the GS/OAS, the dependency responsible for coordinating GS/OAS activities under this Memorandum is the Inter-American Drug Abuse Control Commission (CICAD), Secretariat for Multidimensional Security of the Organization of American States (OAS). Notifications and communications should be directed to the Coordinator at the following street address, fax and electronic mail:

General Secretariat of the OAS
 Inter-American Drug Abuse Control Commission (CICAD),
 Secretariat for Multidimensional Security
 1889 F Street, N.W.
 Washington, D.C. 20006
 United States of America
 Tel.: (1-202) 458-3130
 Fax: (1-202) 458-3658
 Electronic Mail: psimons@oas.org

8.2. The dependency responsible within Barbados for coordinating the activities of the Government of Barbados under this Memorandum is the National Council on Substance Abuse. Notifications and communications should be directed to the Coordinator at the following street address, fax and electronic mail:

Permanent Secretary
Ministry of Home Affairs
Jones Building
Webster Business Park
Wildey
St. Michael
BARBADOS
Tel.: (1-246) 621-0228
Fax: (1-246) 427-3794
Electronic Mail: ps@mha.gov.bb

Permanent Secretary
Office of the Attorney General
Jones Building
Webster Business Park
Wildey
St. Michael
BARBADOS
Tel.: (1-246) 621-0130
Fax: (1-246) 228-5433
Electronic Mail: ps@oag.gov.bb

8.3. All communications and notifications under this Memorandum will be validly made only when they are sent by mail, facsimile, or electronic mail addressed to the Coordinators whose names are set out in Articles 8.1 and 8.2, above. When the communications and notifications are transmitted by electronic mail, they shall be valid when they are sent directly from the electronic address of the Coordinator of one of the Parties to the electronic address of the Coordinator of the other.

8.4. Either Party may change the responsible dependency, the designated Coordinator, the address, telephone, fax or electronic mail indicated by notifying the other Party in writing.

Article 9. Privileges and Immunities

9.1. Nothing in this Memorandum constitutes an express or implied waiver of the privileges and immunities of the OAS, the GS/OAS, their personnel, and their assets, in accordance with the OAS Charter, relevant agreements, applicable national law, or the general principles and practices of international law.

Article 10. Dispute Resolution and General Provisions

10.1. Any dispute or complaint that may arise in conjunction with the application or interpretation of this Memorandum, or supplementary agreements, memoranda of understanding or exchange of letters pursuant to Article 8, above, shall be settled by direct negotiations between the Parties. If a solution satisfactory to both Parties cannot be reached, then the Parties shall submit their differences to arbitration pursuant to the Arbitration Rules of the United Nations Commission on International Trade Law ("UNCITRAL") or of the International Commercial Arbitration Commission ("IACAC") currently in effect. The place of arbitration shall be Washington D.C, U.S.A. iii The language in the proceedings shall be English unless the Parties agree otherwise. The three arbitrators or, as the case may be, the one arbitrator shall decide the dispute as amiable compositeur or ex aequo et bono. The arbitrator's decision shall be final, binding and not subject to appeal.

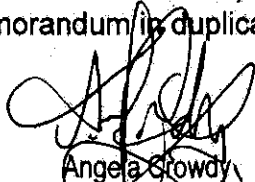
ⁱⁱⁱ With the prior written approval of the Department of Legal Services, the Parties may also opt to hold the arbitration proceedings in the capital city of the country where the programme, project or activity was carried out.

10.2 Modifications to this Memorandum may only be made by mutual agreement in writing by the duly authorized representatives of the Parties. The instruments in which the modifications are set out shall be attached as annexes to this Memorandum and shall form part of it.

10.3. This Memorandum shall enter into force upon signature by the duly authorized representatives of the Parties and shall remain in force in accordance with article 10.4.

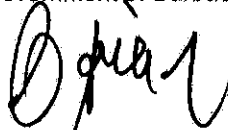
10.4 This Memorandum may be terminated by mutual consent or by either of the Parties by written notice from one to the other with not less than thirty days notice. Notwithstanding the termination of this Memorandum, the supplementary agreements, memoranda of understanding and letters referred to in Article 6 that the Parties have signed and that have been duly financed shall be continued to completion unless the Parties mutually decide otherwise.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Memorandum in duplicate on the date and at the place indicated below:



Angela Crowley
Acting Assistant Executive Secretary
Inter-American Drug Abuse Control
Commission (CICAD)

The Honourable Adriel Brathwaite, Q.C., M.P
Attorney General and
Minister of Home Affairs
Government of Barbados



Date: 25th March 2013
Location: Bridgetown, Barbados.

Date: 25. 03. 13
Location: Bridgetown, Barbados

ANNEX I

ACTIVITIES CARRIED OUT DURING 2010-2012 UNDER THE DRUG TREATMENT COURT PROGRAMME FOR THE AMERICAS IN COOPERATION WITH BARBADOS.

During 2011-2012, prior to the signature of the present Memorandum, ES/CICAD carried out a number of preparatory technical assistance and support activities, among them:

- December 2010: The Government of BARBADOS adhered to the DTC programme for the Americas coordinated by ES/CICAD.
- March 2012: The Attorney General of Barbados, together with the Chief Justice, a Judge, and a representative from the NCSA, participated in the Study Visit and Exchange Programme for the Caribbean organized by ES/CICAD, and CADTCP. Toronto, Canada.

