



TERMS OF REFERENCE FOR A TECHNICAL LEGAL RESOURCE PERSON TO IDENTIFY ISSUES FOR STRATEGIC LITIGATION CONTEXT OF HIV, TB AND MALARIA SERVICES

LEGAL COUNSEL/FIRM RETAINER CONSULTANCY

1.0 Background

Uganda Network on Law Ethics and HIV/AIDS (UGANET) is a national non-governmental organization that was established to bring together organizations and individuals who are interested in advocating for the development and strengthening of an appropriate policy, legal, human rights and ethical response to Health and HIV/AIDS in Uganda. For the past 20 years, UGANET's mandate lies in promotion of social justice on the foundation that the law, legal policies and human rights are critical enablers in influencing the success of Health, Gender equality and HIV interventions intended to prevent further spread and also mitigate the adverse social impact and suffering caused by gender inequality, HIV and other Health conditions.

UGANET in a consortium with International Community of Women Living with HIV East Africa Chapter (ICWEA) and HRAPF is implementing the Global Fund RSSH and Human Rights project "*Strengthening community systems and reducing human rights related barriers to HIV/TB services in Uganda.*"

2.0 Justification

Strategic litigation is a creative and powerful means of advocacy however to successfully pursue this means of advocacy there is a need to think through and identify evidence-based issues for litigation. Noting that the law plays a critical role in advancing public health and in promoting the health of marginalized populations in particular. This has been emphasized by The Global Commission on HIV and the Law which documented the positive role that strong legal protections can play specifically in addressing HIV.

Further to note is that the burden to bring justice for PLHIV, KP AYWG and the marginalized communities is so great that it can never be done by a single stakeholder. This is mostly because the people that need to be supported are so many, while the issues at hand are even more, ranging from stigma to discrimination, HIV criminalization, unjust legal environment among others. This is why UGANET seek to facilitate a legal technical resource person/firm to identify and litigate issues from

scorecard findings and others identified by CSO actors on the impact of protective and punitive laws context of HIV, TB and Malaria. The legal technical person is expected to be well conversant with litigation human rights cases in context of HIV, TB and other health related issues.

3.0 Objective of the assignment

To provide a leadership role in identifying issues for litigation and litigate case in the courts of judicature

1.0 Scope of work

The consultant/legal technical resource person will work with cso actors from PLHIV, TB, young girls and adolescent women, people with disabilities to identify the different strategic litigation issues and to also understand what laws different communities consider punitive and which laws are considered protective in order to have enough evidence to start on the process of strategic litigation

The resource person will;

- To facilitate research on evidence based strategic litigation in the context of HIV, TB and other health related issues
- To identify issues for strategic litigation
- To facilitate strategic litigation surgery of cases developed
- Play a leadership role in case development meeting
- Provide case by case litigation progress reports

1. Key Deliverables

The following deliverables are expected from the assignment.

- a) A completion of issues to be litigated
- b) Case development meeting reports and litigation surgery reports
- c) Case progress reports on case-by- case litigated

5.0 Methodology

- Issues to litigate will be identified through the scorecard findings and from CSO HIV law coalition meeting reports
- Case development meeting will be held
- Strategic litigation surgery of case developed will be held
- Cases will be filed and litigated

7.0 Experience & Expertise required of the Consultant

The person/firm must be having experience in litigating social justice and human rights cases in context of Health, HIV and gender. Experience in handling

constitutional matters will be of advantage. The applicant should attach to a law firm or a law firm approved by Law Council.

A practicing certificate and approval of chambers 'certificate are a must.

8.0 Indicative timeframe

2. Duration of Consultancy and Key Deliverables

This is a retainer consultancy which shall be renewed on a yearly basis upon satisfactory assessment report.

9.0 Management and supervision

The consultant shall report to the Head of Advocacy and Strategic Litigation.

10.0 Terms of payment

UGANET shall pay the first instalment upon presentation of draft issues collected from the assessment and second installment will be upon completion of the Assignment. **In case more work beyond this assignment arises, new terms shall be generated.** Both UGANET and the resource person shall agree to the terms prior to the assignment.

11.0 Application process

The ideal law firm or legal consultant is to share their CV/ CVs with a cover letter of expression of interest with UGANET via email procurements@uganet.org copying owomugishab@uganet.org or through hand delivery to Plot 19 Valley Road, Ntinda. The successful candidate shall be selected based on their competences and budgets.

All applications should be submitted before close of business 17th Sept,2021 and only successful candidates will be contacted.