



TERMS OF REFERENCE FOR CONSULTANCY SERVICES

TO

DEVELOP SCORECARD AS AN ACCOUNTABILITY TOOL FOR MONITORING THE UTILIZATION AND IMPACT OF ALL RELEVANT LAW, REGULATIONS, POLICIES AND GUIDELINES ON PEOPLE LIVING WITH HIV, TB AND KP IN UGANDA.

Programme: Strengthening community systems and reducing human rights related barriers to HIV/TB services in Uganda.”

Location: UGANET

Starting date: Upon signature of Contract

Expected Duration of Assignment: 60 working days

August 2021

A. About UGANET

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. 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.

B. About the project

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

The project aim is to address human rights related barriers to HIV/TB services in Uganda. This involves developing scorecard as an accountability tool for monitoring the utilization and impact of all relevant law, regulations, policies and guidelines on People living with HIV, TB and Key Population. Thus, this study.

C. Background

Human rights are universal legal guarantees that protect individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity.ⁱ The Sustainable Development Goals (SDGs) feature a strong equity focus and a rights-based approach, putting non-discrimination and equality at the heart of sustainable developmentⁱⁱ.

It is also noted that several of the SDG targets are relevant for a rights-based response to HIV, including SDG 3 (“Ensure healthy lives and promote wellbeing for all at all ages”), SDG 5 (“Achieve gender equality and empower all women and girls”), SDG 10 (“Reduce inequality within and among countries”) and SDG 16 (“Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”).ⁱⁱⁱ

As recognized by all United Nations (UN) Member States in the General Assembly resolutions on HIV, the realization of human rights is an essential element of the HIV response. It has long been recognized that access to human rights is an essential element to a successful HIV response, and that violations of human rights, including acts of discrimination and criminalization are major barriers to effective national responses to HIV.^{iv}

Through the 2016 Political Declaration on Ending AIDS, Member States recommitted to protecting the human rights of key and vulnerable populations in the context of HIV.^v Many of the commitments within the 2016 Political Declaration on Ending AIDS relate

directly to human rights and gender equality. The Declaration calls for eliminating gender inequalities and ending all forms of violence and discrimination against women and girls, people living with HIV and key populations. This includes HIV-related stigma and discrimination and HIV criminalization. The Declaration also focuses on empowering people living with, at risk of and affected by HIV to know their rights and to access justice and legal services to prevent and challenge violations of human rights.

To track Uganda's progress on these commitments^{vi}, UGANET has for the last 2 years documented the impact of HIV /TB related laws on people living with HIV, TB and key population in Uganda. The reports indicate that laws and regulations continue to fuel criminalize HIV and TB and a case in point is *Sylvia Komuhangi verses Uganda criminal appeal No. 00019 of 2019* https://drive.google.com/file/d/1a0oA5twGxNOM_IA5PI5Ldswv3-d1frdK/view?usp=sharing. The reports further indicate that because of the legal environment is not enabling, people living with HIV, TB and Key Population continue to suffer all forms of violations among which is hinderance to access to HIV-related services.

It is based on this background that UGANET seeks for a consultant to develop scorecard as an accountability tool for monitoring the utilization and impact of all relevant law, regulations, policies and guidelines on People living with HIV, TB and Key Population in Uganda.

D. Objective

The objective of this score card is to provide comprehensive indicators of the impact of HIV and TB related laws, policies and regulations on people living with HIV, TB and Key population in Uganda. In particular, the scorecard will give indicators on:

- How laws, policies and regulations address HIV-related human rights commitments as per SGD 3,5,10 and 16
- What is the impact of laws, policies and regulations on People living with HIV, TB and Key Population.
- What is the existing strength and gaps in national laws, policies and regulations in regard to promoting the rights of people living with HIV, TB and Key population.

E. Scope of work

In order to achieve the above objectives, the consultant will perform the following tasks:

i. Developing an inception report for the assignment

The consultant will draft an inception report detailing the structure and methodology of the study. The consultant shall discuss the report with implementation road map on how the assignment shall be accomplished.

- Develop an issues paper that analyses the strength and gaps in the HIV, TB related national laws, policies and regulation

- Do a comparative analysis the laws, regulations at National and international level that promote the rights of people living with HIV, TB and Key Population.
- Analyze the strength, weaknesses, gaps and shortcomings of the existing legal framework.
 - i. **Developing a draft scorecard on the impact of laws, policies and regulations on people living with HIV, TB AND Key population in Uganda:**

The consultant will be expected to develop a draft scorecard on the impact of laws, policies and regulations on people living with HIV, TB AND Key population in Uganda and submit the same for review. He/she will hold validation meetings with national task force and other stakeholders at national level.

- ii. **Presenting a score card scorecard as an accountability tool for monitoring the utilization and impact of all relevant law, regulations, policies and guidelines on people living with HIV, TB and KP to UGANET.**

The consultant will present a final score card to UGANET incorporating all comments made for launch and publishing.

F. Proposed tasks and time frame

The task will take 60 working days and within this period, the consultant will produce will submit regular progress reports that provide details on the progress of the assignment, activities performed, any issues and problems identified and solutions proposed as agreed in the implementation road map proposed in the inception report.

G. Deliverables

The consultant will produce and submit to the UGANET the following list of deliverables

- A well thought through inception report outlining details of activities with a proposed methodology and delivery dates.
- A highly analytical and well-researched issue paper on the impact of laws, policies and regulations on People living with HIV, TB and Key population both soft and hard copy.
- A draft score card accountability tool on impact of laws, policies and regulations on PLHIV, TB and Key population in Uganda.
- A final score card accountability tool on impact of laws, policies and regulations on PLHIV, TB and Key population in Uganda.

H. Reporting arrangements

The consultant will report to the UGANET Executive Director through the Head, Advocacy and Strategic Litigation manager.

I. Qualification of the consultant

It is envisaged that, this exercise will be conducted by a person with legal background or with experience from the related fields given that it will be assessing the impact of laws, policies and regulations. As such, the consultant will demonstrate highly intelligible skills and expert understanding of this subject as described in the desired functional competencies below:

Required Skills and Experience

Academic Qualifications:

Master's Degree law, human rights or equivalent

Working experience. 10years experience of working with legal aid service providers will be advantage,

At least 3 years of previous experience in research and studies on the law and its application in Uganda.

Experience in monitoring and evaluation impact of laws and regulations of legal is an added advantage.

Competencies:

- A demonstrated understanding of SDG 3,5, 10 and 16
- Very good knowledge and understanding of communities of People living with HIV, TB and Key Population.
- Knowledge/well-grounded on human rights, laws and policies related to HIV, TB and Key population

Consulting team qualities:

- Proven commitment to the core values of the human rights principles, in particular, respecting differences of culture, gender, religion, ethnicity, nationality, language, age, HIV status, disability, and sexual orientation, or other status;
- Responsibility, creativity, flexibility and punctuality.

J. Scope of proposal price and schedule of payments

- The contract price will be a fixed output-based price regardless of extension of duration
- The potential consultant should submit an all-inclusive bid with detailed costing for professional fees, operational costs, travel costs anticipated etc.
- Payment will be made by UGANET upon achievement of the corresponding milestones identified and outlined in this TOR in accordance with an approved work plan and budget.
- 50% payment of the agreed amount will be paid on submission and approval of the inception report.
- The final payment will be made when the final document is submitted to UGANET and approved.
- All payments will be subject to statutory deductions as per the laws of Uganda in force at the time.

- All payments will be made by cheque or any other means as may be convenient upon;
- Submission of an invoice by the Consultant.

K. Application instructions

Interested individual consultants must submit the following documents/information to demonstrate their qualifications:

- Expression of interest explaining why you are the most suitable person for the work and providing a brief proposal on how you will approach and conduct the work
- Personal CV including experience in similar projects. Attach at least one reference sample work done in the past indicating your role.
- An expression costs involved (daily rate and expected remuneration) for undertaking the assignment.
- At least one referee from the legal or related field for whom the candidate has ever conducted an analysis or study.

Interested persons are encouraged to send their expression of interest with all the required documents to applications@uganet.org copying owomugishab@uganet.org, not later than September 17th 2020 5:00pm EAT. Only successful candidates will be contacted.

All applications should be addressed to;

Executive Director, UGANET
Plot 19, Valley Road Ministers' Village
Ntinda- Kampala.
Office Telephone: +256414574531

Note:

UGANET does not discriminate on any possible ground be it racial, origin, and tribal, sexual or otherwise that violates a right of equality for all humankind.

References

ⁱ UNAIDS, Office of the United Nations High Commissioner for Human Rights (OHCHR). International guidelines on HIV/AIDS and human rights. 2006 consolidated version. Geneva: UNAIDS; 2006 (Available at: <http://www.ohchr.org/Documents/Publications/HIVAIDSGuidelinesen.pdf>, accessed 18 March 2019).

ⁱⁱ Transforming our world: the 2030 agenda for sustainable development. In: Seventieth session of United Nations General Assembly, 25 September 2015. New York: United Nations General Assembly; 21 October 2015 (A/RES/70/1; http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E, accessed 18 March 2019)

ⁱⁱⁱ <https://sustainabledevelopment.un.org/topics/sustainabledevelopmentgoals>

^{iv} Global AIDS Monitoring 2019: indicators for monitoring the 2016 United Nations Political Declaration on HIV and AIDS. Geneva: UNAIDS; 2019 (http://www.unaids.org/sites/default/files/media_asset/global-aidsmonitoring_en.pdf, accessed 18 March 2019).

^vhttps://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2016/june/20160608_PS_HLM_PoliticalDeclaration

^{vi} https://sustainabledevelopment.un.org/content/documents/26354VNR_2020_Uganda_Report.pdf