



TERMS OF REFERENCE FOR CONSULTANCY SERVICES

TO

MONITOR AND EVALUATE THE QUALITY OF LEGAL SUPPORT SERVICES FOR KEY AND VULNERABLE POPULATION, ADOLESCENT GIRLS AND YOUNG WOMEN, PEOPLE LIVING WITH HIV AND TB IN UGANDA.

Programme: “Strengthening Community Systems and Reducing Human Rights Related Barriers to HIV/TB Services in Uganda”

Location: UGANET

Start Date: Upon signing the contract

Expected Duration of Assignment: 24 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 will be achieved through different interventions – one of it; working with a consultant to monitor and evaluate the quality of legal services by working with communities of PLHIV, KP, PWD, Women and Girls, Malaria and TB in Uganda. The consultant will also conduct regional and national meetings to validate a study report on the Quality of access to Justice for KVPs, AGYW, and PLHIV, TB.

C. BACKGROUND

Enhancing access to justice for all persons is a key objective of the Justice Law and Order sector. This includes enhanced physical access to Justice Law and Order Sector services and improved efficiency in services delivery. Access to justice however also entails special measures to ensure improved access to services by the most vulnerable members of the society.

Legal aid, including legal assistance is a cornerstone of the justice system and contributes to equitable access to justice by the whole community. The Justice Law and Order Sector is currently developing a comprehensive national policy on legal aidⁱ to provide the framework for the provision and regulation of legal aid services in Uganda, in line with Uganda's national, regional and international obligations.

The State is obligated to ensure the equal protection of all persons under the lawⁱⁱ and this includes equitable access to legal services. States are obligated in the interests of justice to provide free legal services to persons who cannot afford these services.ⁱⁱⁱ However, the availability of free legal services by the state differs depending on the Country.

In Uganda, the state is mandated to provide free legal services to persons accused of criminal offences that carry the penalty of death or life imprisonment.^{iv} Largely legal aid services have been left to Non -Governmental Organization sector actors.

As of October 2017, there were 47 legal aid service providers in Uganda with Justice Centers Uganda as almost the only legal aid service provider connected to the State^v.

This limited state interest directly contradicts the state's responsibility to recognize and support basic human rights, including the provision of and access to legal aid for persons in the criminal justice system.^{vi} Nevertheless, non-state actors such as Civil Society Organisations have tried to cover the gap left by the state in the provision of legal aid services.

The legal aid services are not only limited to Advocates and Lawyers but include networks of paralegals under Civil Society Organisations that provide legal aid services. To this end, Civil Society Organisations have gone a step further to commit to strengthening the quality and consistency of community paralegal efforts, through mechanisms for training, supervision, evaluation, and community oversight. Through these efforts, there is access to free legal aid services to key and vulnerable Population. That noted, the demand for legal aid services remain high yet there are few legal aid prayers across the country. This affects the quality of services, as many cases are not followed through the justice system, other end at mediation without clear solutions to the litigants and others cases never get there first day in court mention /hearing.

Further, we note that they are few legal aid service providers that focus on key and marginalized populations –PLHIV, PWDS, AYGW and TB hence, limiting access to justice. It is upon this background that UGANET will monitor and evaluate the accessibility of quality legal aid services for PLHIV, PWDS, AYGW and TB. The evaluation will detail Legal aid service providers, their legal status what services are offered and to whom, the successes of these legal aid service providers if any, and challenges. The evaluation will include recommendations on what can be done to improve access to justice through the provision of legal aid services to People living with HIV, People with disability, adolescent girls and young women and people with TB. The study should provide a national picture of available and operational legal services to the described communities.

D. OBJECTIVE

I. To Monitor and evaluate the environment and context of legal aid services available to People living with HIV, Adolescent Girls and Young Women(AGYW), people with disabilities and people with TB.

2. To map out available and functional legal aid service providers that provide comprehensive legal aid services to People living with HIV, Adolescent Girls and Young Women, PWDs and people with TB.
3. To evaluate the accessibility of quality legal aid services to Key and Vulnerable groups.
4. To make recommendations for improved legal aid services to key and vulnerable groups, people with disabilities, adolescent young women, girls, and people with TB.

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.

ii. Develop an issues paper that analyses gaps in legal aid services to KVP, AYWG, PWDs, PLHIV and TB.

- Conduct a preliminary review of quality of legal aid services provided to KVP, AYWG, PWDs, PLHIV and TB.
- Do a comparative analysis the laws, regulations at National and international level that regulate the provision of legal aid services.
- Analyze the quality and accessibility of legal aid services by the KVP, AYWG, PWDs, PLHIV and TB.
- Analyze the strength, weaknesses, gaps and shortcomings of the existing legal aid services

iii. Collect and compile data for the study:

The consultant will then compile information for the study following the methodology within the inception report. But also through;

- Hold consultative meetings from communities of KVP, PLHIV, AGYW, Women and Girls, PWD, TB and Malaria

iv. Developing a draft evaluation report on the availability and accessibility of quality legal aid services for KVPs, AGYW, PWDs, and PLHIV and TB in Uganda:

The consultant will be expected to develop a draft evaluation report on the availability and accessibility of quality legal aid services to KVPs, AGYW, PWDs, and PLHIV and TB in Uganda and submit the same for review. This includes facilitating a national meeting to validate a study report on the quality of access to justice report for KVPs, AGYW, PWDs, and PLHIV and TB, targeting 40 participants (20 at regional and 20 at national level)

v. Presenting of the monitor and evaluation report of legal aid services to KVP, AGYW, PLHIV PWDs and TB to UGANET

The consultant will present the second draft of the evaluation report to UGANET incorporating all comments made. After incorporating the desired changes from UGANET, the consultant will make their final edits and submit the final report to UGANET to launch and publish.

F. PROPOSED TASKS AND TIME FRAME

The task will take 24 working days as described in the table below;

NO.	TASK	TIME FRAME
1.	Developing an inception report for the assignment <ul style="list-style-type: none"> • Detailing the structure and methodology of the study. • Discuss the report with implementation road map with UGANET 	5 working days after signing of consultancy agreement
2.	Develop an issues paper that analyses gaps in legal aid services to KVP, AYWG, PWDs, PLHIV and TB.	5 working days after approval of the implementation road map
3.	Collect and compile data for the study	Within a period of 12 working days from the date of approval of the inception report.
4.	Developing a draft evaluation report on the availability and accessibility of quality legal aid services for KVPs, AGYW, PWDs, and PLHIV and TB in Uganda <ul style="list-style-type: none"> • Hold stakeholders meeting to valid the draft report 	5 working days after compilation data
5.	Present a final report	2 working days stake holders validation meeting

Produce regular progress reports; the consultant will submit regular progress reports that would provide details on the progress of the assignment, activities performed, any issues and problems identified and solutions proposed.

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 quality of legal services provision in both soft and hard copy.

- A draft evaluation report on the accessibility and availability of quality legal aid services KVP, AYWG, PWDs, PLHIV and TB in Uganda.
- c. A final evaluation report on the accessibility of quality legal aid services for KVP, AYWG, PWDs, PLHIV and TB 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 quality of legal services dispensed at a national level. 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:

- a) Master's Degree or equivalent (5-year university education) in Law;
- b) Working experience. Experience of working with legal aid service providers will be advantage,
- c) At least 3 years of previous experience in research and studies on the law and its application in Uganda.
- d) Experience in monitoring and evaluation of legal services for professional reasons is an added advantage.

Competencies:

- A demonstrated understanding of social justice legal aid service provision with experience on issues of HIV, health and gender equality
- Very good knowledge and understanding of communities of KVP, AYWG, PWDs, PLHIV and TB;
- Knowledge/well-grounded on provision of legal aid services

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:

1. 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
2. Personal CV including experience in similar projects. Attach at least one reference sample work done in the past indicating your role.
3. An expression costs involved (daily rate and expected remuneration) for undertaking the assignment.
4. 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 or copy owomugishab@uganet.org, not later than September 17, 2021. 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

ⁱ Draft National Legal Aid Policy <https://www.jlos.go.ug › index.php › legal-aid › file>

ⁱⁱ The Constitution of Uganda, 1995, Article 21

ⁱⁱⁱ The Advocates (Legal Aid to Indigent Persons) Regulations, 2007. Regulation

^{iv} International Covenant on Civil and Political Rights (ICCPR), Article 14 (3) (d)
And Article 28 (3) (e)

^v <https://lawcouncil.go.ug/page-approved.html>

^{vi} Uganda Law Society, 'List of Approved Aid Service Providers as at 23rd October, 2017'
<https://lawcouncil.go.ug/page-approved.html>

Abbreviations

PLHIV:	People living with HIV
KP :	Key Population
PWDs:	People With Disabilities
KVPs :	Key and Vulnerable Groups
AGYW:	Adolescent Girls and Young Women
TB:	Tuberculosis
UGANET :	Uganda Network on Law, Ethics and HIV