



## TERMS OF REFERENCE FOR CONSULTANCY SERVICES

TO

DEVELOP A HANDBOOK ON HIV & THE LAW FOR PARLIAMENTARIANS.

**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:** 30 working days

**August 2021**

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### **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 being working with court mediators (6 regions, Central, West, East, North, Karamoja and West Nile) in Uganda. Mediators will be sensitized on human rights, Key and Vulnerable population, and gender, HIV and TB using the handbook.

### **C. Background**

UNAIDS Country factsheets UGANDA | 2020 indicates that 1 400 000 [1 300 000 - 1 600 000] Adults and children living with HIV. UAC country progress report 2017 further indicate that in 2016, an estimated 1.3 million people were living with HIV, and only an estimated 26,000 Ugandans died of AIDS-related illnesses.<sup>1</sup> The fact sheet further indicate that Women aged 15 to 49 HIV prevalence rate 6.8 [6.3 - 7.4], Men aged 15 to 49 HIV prevalence rate 3.9 [3.3 - 4.2], HIV prevalence among young women 2.6 [1.4 - 3.7] and HIV prevalence among young men 1.1 [0.7 - 1.4]. There has been a gradual increase in the number of people living with HIV accessing treatment. These data show that women and girls are highly burden by the disease. In addition, the country progress reports indicated that persistent disparities remain around who is accessing treatment and many people living with HIV experience stigma and discrimination.

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<sup>1</sup> Uganda Population based HIV Impact Assessment of 2017

Although there is a sufficient legal framework and policies in place in the country, HIV related stigma and HIV criminalization remain a battle ground for the multi sectoral AIDS response. Ending HIV requires enabling legal and social environments that guarantee the health, dignity and security of all people living with or at risk of HIV /TB and thus ensure that all those in need of HIV/TB prevention, treatment, care and support have access to these services without fear of discrimination. <sup>i</sup>

Further, the “*A National Plan for Achieving Equity in Access to HIV, TB and Malaria Services in Uganda 2020-2024*”, under Result Area 3 of the plan, law makers and law enforcement agents must understand and fulfil their role to respect, protect and promote health and rights.

Further to note is that HIV criminalization is the new face of stigma and discrimination for PLHIVs and that it is watering down the efforts and goals set worldwide to address and end HIV by 2030. HIV criminalization as one of the policies and law gaps identified in Uganda-refers to the use of criminal law to penalize alleged, perceived or potential HIV exposure; alleged nondisclosure of a known HIV-positive status prior to sexual contact (including acts that do not risk HIV transmission); or non-intentional HIV transmission. By placing those who are aware of their HIV-positive status at increased risk of prosecution, HIV criminal laws contradict public health goals seeking to expand HIV testing and engagement in care and treatment.

In 2014, the Parliament of Uganda enacted and passed “*The HIV/AIDS Prevention and Control Act, 2014*”<sup>ii</sup> to address the issue of HIV prevention, spread, treatment and the related human rights issues in the context. The Penal Code Act Cap 120<sup>iii</sup> as Amended in 2007 makes HIV an aggravating factor in Sexual Offences and many have been charged under this law specifically. These together with other existing laws of Uganda have had an impact on the lives of PLHIV/TB.

It is against this background that in 2020 UGANET started on the process of documenting a handbook for members of parliament - a reference book for members of parliament when passing HIV-related laws. Thus, UGANET seeks a technical resource person/consultant to support the finalizing of the development of the handbook on HIV & the law for parliamentarians.

#### **D. Objective**

The main objective of this consultancy is;

- a. To compile and review parliamentary committees' recommendations generated in NFM2
- b. Review and finalize the draft parliamentary handbook on HIV and the Law.

#### **E. Scope of work**

The Consultants shall perform the following tasks:

##### **1. Developing an inception report for the assignment:**

The consultant will draft an inception report detailing the structure and methodology of the consultancy. The consultant shall discuss the report and show a way forward on how the assignment shall be accomplished.

##### **2. Develop an issues paper that analyses the Uganda country Situation on HIV, TB and human rights from the parliamentary Perspective**

- Conduct a preliminary review of the national HIV situation – the current status of the epidemic, the science and the response
- Analyze the International law and human rights frameworks as applicable to HIV in Uganda in connection with the role of members of parliament
- Analyze any gaps in national law and human rights frameworks as applicable role of parliamentarians in HIV- related matters in comparison with other jurisdiction
- Detail issues, review and analyze recommendation from symposium with members of parliament in NFM 2 and make recommendation that identifies salient knowledge and application strength and gaps that will then be enhanced/ addressed by the parliamentary handbook.

##### **3. Develop a detailed parliamentarian handbook on HIV/TB, Human rights and the law:**

- The Consultant is expected to prepare a handbook/ a reference manual that will guide members of parliament when passing HIV -related laws.
- The handbook should be relevant to advocates, lawyers and other legal practitioners that seek to gain specific understanding of HIV-related legal issues and the potential role of the parliamentarians in advancing human rights in the context of the HIV and TB.

- Based on international legal and human rights standards, the handbook should contain examples of passed HIV-related laws in Uganda and from other different jurisdictions.

#### **F. Proposed Methodology**

1. Conduct a preliminary desk review.
2. Adopt a consultative and participative approach. This will include holding workshops with national stakeholders, committee chairperson and committee clerks. Consultant will conclude with the submission of a report from consultative meetings.
3. 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.
4. Perform other assignment related tasks.

#### **G. Time Frame**

The consultancy will run for a period of 30 working days.

#### **H. Deliverables**

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

- (a) A well thought through inception report that confirms full understanding of this TOR
- (b) A well-documented paper with recommendations from NFM 2 symposium with members of parliament.
- (c) All well written stakeholder workshops and consultative reports
- (d) A well organized and coherent parliamentarian hand book in both electronic and hard copy formats.

#### **I. Reporting Arrangements**

- The consultant will report to the UGANET Executive Director through the Head, Advocacy and Strategic Litigation manager.
- The consultant will maintain direct coordination with UGANET technical staff.
- The consultant will start to work upon signing of the consultancy agreement

#### **G. Qualification of the Consultant**

It is envisaged that this exercise will be conducted by a highly competent consultant firm or senior lawyer and MUST 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 (10-year university education) in Law or equivalent working experience;
- At least 10 years of previous professional experience in HIV, human rights and a legal academic
- At least 3 years of previous experience in teaching law on academic or professional training levels; providing professional trainings to legislators is an added advantage;
- Experience in developing training programmes curricula and reference training resources for legal professionals is an advantage.

#### **Competencies:**

- A demonstrated understanding of social justice legislation including on issues of HIV, health and gender equality
- Knowledge of differences in techniques and approaches to HIV and health related issue at National, regional and international level.
- Knowledge in legislative drafting is an added advantage
- Knowledge/well-grounded on the impact of HIV/TB related laws on right holders a strong asset;

#### **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.

### **H. Scope of Proposal Price and Schedule of Payments**

- a) The contract price will be a fixed output-based price regardless of extension of duration;
- b) The potential consultant should submit an all-inclusive bid with detailed costing for professional fees, operational costs, travel costs anticipated etc.

- c) 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.
- d) 50% payment of the agreed amount will be paid on submission and approval of the inception report.
- e) The final payment will be made when the final handbook is submitted to UGANET and approved.
- f) All payments will be subject to statutory deductions as per the laws of Uganda in force at the time.
- g) All payments will be made by cheque or any other means as may be convenient upon submission of an invoice by the Consultant.

**J. Application Instructions:**

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

1. Personal CV including experience in similar projects. Attach at least 1 reference handbook or training manual clearly indicating the applicant's role.
2. 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.
3. An expression costs involved (daily rate and expected remuneration) for undertaking the assignment.
4. At least one referee from the legal and judicial field for whom the candidate has ever conducted an analysis or study.
5. Interested persons are encouraged to send their expression of interest with all the required documents [applications@uganet.org](mailto:applications@uganet.org) copying [owomugishab@ugnaet.org](mailto:owomugishab@ugnaet.org) not later than **17<sup>th</sup> September, 2021**. Only the successful candidate will be contacted

All applications should be addressed to;

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

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<sup>i</sup> Uganda HIV/AIDS Country Progress Report July 2017-June 2018

<sup>ii</sup> <https://www.parliament.go.ug/documents/1263/acts-2014>

<sup>iii</sup> [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=92140&p\\_country=UGA&p\\_count=130](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=92140&p_country=UGA&p_count=130)