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## TERM OF REFERENCE (ToR) FOR THE RECRUITMENT OF INDIVIDUAL CONTRACTOR (IC)

### GENERAL INFORMATION

**Services/Work Description:** Recruitment of Regional Consultant for the Legal Environment Assessment (LEA) and Facilitation of the African Key Populations Expert Meeting

**Project/Program Title:** HIV, Health and Development/African Regional HIV Grant-Removing Legal Barriers (QPA-H-UNDP)

**Post Title:** **Regional Consultant**

**Consultant Level:** Level B (Specialist)

**Duty Station:** Home Based

**Expected Places of Travel:** As required in the course of the Assessment

**Duration:** 68 days (during the period March 1, 2016 – November 30, 2018)

**Expected Start Date:** 1 March 2016

### I. BACKGROUND / PROJECT DESCRIPTION

#### Background:

The Bureau for Policy and Programme Support (BPPS) has corporate responsibility for developing all relevant policy and guidance to support the results of UNDP's Strategic Plan. BPPS's staff provides technical advice to Country Offices; advocates UNDP corporate messages, represents UNDP at multi-stakeholder fora including public-private dialogues, government and civil society dialogue initiatives, South-South and Triangular co-operation initiatives and engages in UN inter-agency coordination in specific thematic areas. BPPS works closely with UNDP's Crisis Response Unit (CRU) to support emergency and crisis response. BPPS assists UNDP and partners to achieve higher quality development results through an integrated approach that links results based management and performance monitoring with more effective and new ways of working. BPPS supports UNDP and partners to provide high quality, technical support to UNDP Country offices for the design, implementation, monitoring and evaluation of programme support activities.

#### HIV, Health and Development Approach:

UNDP is a founding cosponsor of the Joint UN Programme on HIV/AIDS (UNAIDS), a partner of the Global Fund to Fight AIDS, Tuberculosis and Malaria, and a co-sponsor of several other international health partnerships. UNDP's work on HIV, health and development leverages the organization's core strengths and mandates in human development, governance and capacity development to complement the efforts of specialist health-focused UN agencies. UNDP delivers three types of support to countries in HIV, health and development.

First, UNDP helps countries to mainstream attention to HIV and health into action on gender, poverty and the broader effort to achieve and sustain the SDGs. For example, UNDP works with countries to understand the social and economic factors that play a crucial role in driving health and disease, and to respond to such dynamics with appropriate policies and programmes outside the health sector. UNDP also promotes specific action on the needs and rights of women and girls as they relate to HIV.

Second, UNDP works with partners to address the interactions between governance, human rights and health responses. Sometimes this is done through focused or specialized programmes, such as promoting attention to the role of legal environments (law and access to justice) in facilitating stronger HIV responses, including the use of flexibilities in intellectual property and human rights law to lower the cost of drugs and diagnostics and to increase access to HIV-related treatment. UNDP also works to empower and include people living with HIV and marginalized populations who are disproportionately affected by HIV - also known as key populations - such as sex workers, men who have sex with men, transgender people. Beyond these focused efforts, UNDP plays a key role in ensuring attention to HIV and health within broader governance and rights initiatives, including support to district and municipal action on SDGs, strengthening of national human rights institutions and increasing access to justice for marginalized populations.

Third, as a trusted, long-term partner with extensive operational experience, UNDP supports countries in effective implementation of complex, multilateral and multi-sectoral health projects, while simultaneously investing in capacity development so that national and local partners can assume these responsibilities over time. The UNDP/Global Fund partnership is an important part of this work, facilitating access to resources for action on HIV, TB and Malaria by countries that face constraints in directly receiving and managing such funding. UNDP partners with countries in crisis/post-crisis situations, those with weak institutional capacity or governance challenges, and countries under sanctions. When requested, UNDP acts as interim Principal Recipient in these settings, working with national partners and the Global Fund to improve management, implementation and oversight of Global Fund grants, while simultaneously developing national capacity for governments or local entities to be able to assume the Principal Recipient role over time.

UNDP is Principal Recipient, working with four sub-recipients (ARASA, ENDA, KELIN, SALC) for the Global Fund Africa Regional Project on HIV and Human Rights which will be implemented at the AUC and REC levels and in 10 countries (Botswana, Cote d'Ivoire, Kenya, Malawi, Nigeria, Senegal, Seychelles, Tanzania, Uganda, and Zambia). The value of the regional grant is approximately \$10.5 million over three years.

#### **Legal Environment Assessment (LEA):**

An assessment of a country's national legal and regulatory framework is an important step in strengthening a country's response to HIV and AIDS. The primary aim of a legal and regulatory assessment is to identify and review HIV, health and any other related laws, regulations and policies and practices to identify which laws, policies and practices are relevant and having an impact in the national response to HIV. A range of laws (not just health laws) are implicated because HIV is not just a health/medical issue, but also a phenomenon that requires deep inquiry into structural factors of inequality, power, and personal and social dynamics.

The Legal Environment Assessment aims to determine how the laws, policies and practices are **implemented** in the country in order to determine the extent to which the legal framework protects rights and promotes an enabling environment for the national response to HIV, including access to HIV-related services. It also aims to identify how these laws, policies and practices affect people living with and/or affected by HIV.

#### **The Annual Meetings of the Africa Key Population Experts:**

The Annual Meeting of the Africa Key Population Experts is a Regional platform for Key population experts from the communities to brainstorm on emerging issues around the human rights situation in Africa and proffer solutions. Inputs into key tools and policy recommendations to address Key Population issues are also generated at such an annual Meeting. This group also acts as an advisory group to the Global Fund Africa Regional Project on HIV and Human Rights.

**Objectives of the Consultancy:****(a) LEA:**

- The LEA aims to identify and examine all important legal and human rights issues affecting and particularly people living with HIV and those at higher risk of HIV exposure such as the Key and Affected Populations – MSMs, FSWs and IDUs.
- It will also focus to determine the extent to which the current legal framework protects rights and/or acts as a barrier to access to HIV-related services.
- The findings of the national Legal Environment Assessment is expected to form the basis for recommendations and action planning on the review, implementation and enforcement of strengthened HIV-related laws, regulations and policies, and measures to improve access to justice and law enforcement for HIV-related rights.

**(b) African Key Population Experts Meeting:**

The main purpose of the meeting is to develop methods/approaches for key population-led research, for advocacy and for strengthening national and regional policy, strategy and programmatic environments relating to HIV prevention, treatment and care interventions for key populations

**II. SCOPE OF THE WORK****(a) LEAs in Two Countries:**

The assessment will include the following:

- Identifying and collecting relevant policies, legal and research documents for literature review
- Identifying key stakeholders to be consulted
- Reviewing all available documents on international, regional and national human rights obligations, particularly those relevant to HIV and AIDS
- Reviewing all relevant national laws and policies, including laws that impact on vulnerable and key populations as well as recent and ongoing law reform initiatives and proposals
- Reviewing all relevant national public health – related policies and recent and ongoing law reform initiatives and proposals in relation to their impact on vulnerable and most at risk populations
- Reviewing access to justice including institutional frameworks for access to justice and law enforcement in relation to health services with particular attention to HIV and AIDS prevention, treatment and care.
- Assessing the current legal, regulatory and policy environment in terms of the extent to which it is conducive to HIV and AIDS national response
- Identifying protective laws, regulations, policies and programmes, which support human rights and access to health services within the context of HIV and AIDS
- Identifying punitive laws and prohibitive policies which pose barriers to human rights and access to health services within the context of HIV and AIDS
- Identifying gaps and weaknesses in the current legal, regulatory and policy frameworks for HIV prevention, AIDS treatment and care and impact mitigation.
- Compiling recommendations for public health –related legal and policy environment, law review and reform, strengthening access to justice as well as ensuring enforcement of rights, and creation of an effective response to HIV and AIDS

**Duties and Responsibilities:**

As per ToR in LEA Guidance, and based on experience of conducting LEAs in 10 African countries, in addition to National Consultants based in each country, the LEA requires an experienced regional consultant to provide guidance, training and support the LEA process.

Under the overall supervision of the UNDP PMT, the Regional Consultant will provide technical support to the National Consultants to:

- Conduct 2 LEAs as per the guidance
- Develop an inception report
- Complete a desk review assessment of the legal environment;
- Carry out interviews with key stakeholders and
- Draft the report and present it to the national SC; and
- Finalize the report.

**(b) African Key Population Experts' Meeting:**

The assignment will include the consultant developing background materials, concept and agenda for the meetings which are held over 3 days for 50 people. The consultant will facilitate the meetings, prepare draft report and finalize the report, along with the co-facilitator.

**Duties and Responsibilities:**

Under the overall supervision of the UNDP PMT, the Expert Consultant will:

- (c) Develop background materials, concept and agenda
- (d) Facilitate the meetings
- (e) Prepare draft report
- (f) Finalize the report.

**III. EXPECTED OUTPUTS AND DELIVERABLES**

- a. The key outputs and deliverables are:
  - Finalized LEA Report for Cote d'Ivoire
  - Finalized LEA Report for Senegal
  - Report on Key Populations Expert Group meeting
- b. The duration of the assignment is expected to be **68 (Sixty Eight) days** beginning on **1<sup>st</sup> March (or the day contract is signed)** and ending by **30 November 2018**.
- c. Specific dates for different assignments: This assignment has too many variables; however, some tasks are requested to be finished within days of hiring and some tentative number of days required for these specific outputs are mentioned in the table below. The consultant will begin work immediately upon signing the contract.
- d. The reviewing authority for the tasks completed will be Ms. Deena Patel - Programme Manager (GF-Africa Grant for Removing Legal Barriers) RSCA. The overall supervising and certifying authority for the consultant will be Ms Tilly Sellers HHD Team Leader RSCA.
- e. As mentioned in section II (above) and in Section III (a), the tasks to be undertaken and completed by the consultant cannot be specifically enumerated at this time – as there are too many variables. Some indicative tasks are however summarised in the table below:

No.	Deliverable	# of days
1	Support to Cote D'Ivoire country office with their LEA	30
2	Support to Senegal country office with their LEA	30
3	Facilitation and preparation of the Key Populations Expert Group meeting	8
	Total	68

#### **IV. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS**

The Regional Consultant will report to the UNDP PMT, Addis Ababa

#### **VI. DURATION OF THE WORK**

68 days

#### **VII. QUALIFICATIONS OF THE CONSULTANT**

##### **a. Academic Qualifications:**

- Advanced University degree in Law or any of the Social Sciences

##### **b. Years of experience:**

- Minimum of 7 years of relevant experience is required

##### **c. Functional Competencies:**

- Expert knowledge of human rights, health and the law
- Experience of conducting assessments
- Experience of providing technical assistance to colleagues at national level
- Ability to research and write at a high level

##### **d. Core Competencies:**

- Ability to produce high quality outputs in a timely manner while understanding and anticipating the evolving client needs.
- Strong organizational skills.
- Ability to work independently, produce high quality outputs.
- Sound judgment, strategic thinking and the ability to manage competing priorities.

##### **e. Language and other skills:**

- Excellent written and spoken English.
- Experience in the usage of computers and office software packages (MS Word, Excel, ERP etc)

##### **f. Compliance of the UN Core Values:**

- Demonstrates integrity by modelling the UN's values and ethical standards
- Promotes the vision, mission, and strategic goals of UNDP;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability
- Treats all people fairly without favouritism;
- Fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment.

#### **VIII. CRITERIA FOR SELECTING THE BEST OFFER**

Upon the advertisement of the Procurement Notice, qualified Individual Consultant is expected to submit both the Technical and Financial Proposals. Accordingly; Individual Consultants will be evaluated based on Cumulative Analysis as per the following scenario:

- Responsive/compliant/acceptable, and
- Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation. In this regard, the respective weight of the proposals are:
  - a. Technical Criteria weight is **70%**
  - b. Financial Criteria weight is **30%**

Criteria	Weight	Max. Point
<b>Technical Competence (based on CV, Proposal and interview (if required))</b>	<b>70%</b>	100
▪ Understanding the Scope of Work (SoW); comprehensiveness of the methodology/approach; and organization & completeness of the proposal		50 pts
▪ Minimum educational background as per the requirement in the ToR		10 pts
▪ Minimum 5 years of experience in similar consultancy projects		30 pts
▪ Knowledge of Global Fund and/or UNDP policies and procedures		10 pts
<b>Financial (Lower Offer/Offer*100)</b>	<b>30%</b>	30 pts
<b>Total Score</b>	<b>Technical Score * 70% + Financial Score * 30%</b>	

#### IX. PAYMENT MILESTONES AND AUTHORITY

- The Daily Rate payable for this consultancy is negotiable based on candidate's qualifications and experience.
- The contract price for this assignment is based on a Daily Rate adjustable in accordance to any extension or reduction in the duration of engagement. It is expected that the assignment will be completed within the overall time period mentioned above.
- Travel and living allowances will be based on actual as per UNDP regulations, when the consultant has to undertake travel in discharge of her/his assignment. All flights undertaken during this assignment will be minimum distance economy fares.
- The prospective consultant will invoice UNDP using the Certificate of Payment (COP) form at the end of each month, ***according to the number of days worked in each period as agreed by the HIV Team Leader.***
- UNDP will provide the consultant with contact and other information necessary to complete the assignment and will assist with travel arrangements as required.

#### X. RECOMMENDED PRESENTATION OF TECHNICAL PROPOSAL

For purposes of generating proposals whose contents are uniformly presented and to facilitate their comparative review, you are hereby given a template of the Table of Content. Accordingly; your Technical Proposal document must have at least the preferred content as outlined in the IC Standard Bid Document (SBD).

#### XI. CONFIDENTIALITY AND PROPRIETARY INTERESTS

The Individual Consultant shall not either during the term or after termination of the assignment, disclose any proprietary or confidential information related to the consultancy service without prior written consent. Proprietary interests on all materials and documents prepared by the consultants under the assignment shall become and remain properties of UNDP.