

Terms of Reference (ToR)

For a National Consultant to Conduct a Legal Environment Assessment (LEA) in Belize

I. BACKGROUND/DESCRIPTION

Background:

Belize has an estimated total population of 370,300, of whom approximately 42% are under 25 years of age. Although an upper-middle-income country by World Bank classification, the heavily indebted, highly vulnerable to economic and disaster shocks, and weak national capacity of Belize disguises and denies significant rates of poverty, unemployment, chronic malnutrition, drug abuse and violence as well as other specific conditions that drive the HIV epidemic. Belize has an estimated adult prevalence of 1.2% for persons 15-49 years, and more than 3,300 people diagnosed with HIV/AIDS.

The current Global Fund HIV/TB grant extends its focus on health systems strengthening and human rights for all as critical areas of support to ensure effective HIV and TB interventions. It is under this purview that the thrust for supporting the 90:90:90 targets of UNAIDS/WHO, the UNDP SDGs 3, 10 and 15 and Belize's National HIV Strategic, Operational and M&E plans comes, appreciating fully that if the legal and policy environments are not amended to enable fair and equitable spaces for all persons, including key populations most vulnerable to the diseases, then the epidemic will continue to debilitate national development systems unabated.

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 have 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, personal and social dynamics.

The Legal Environment Assessment aims to determine how 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.

Objectives:

- 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 and trans-populations.
- It will also 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 will form the basis for drafting the National Advocacy Strategy (NAS) & National Action Plan (NAP) based on LEA recommendations for 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.

II. SCOPE OF WORK

The assessment will include the following:

- Identifying and collecting relevant policies, legal and research documents – including the existing though incomplete legal review -- for literature review, such as but not limited to the Report of the Global Commission on HIV and the Law, Anti-stigma Framework and the Regional Model Policy and Model Antidiscrimination Legislation, developed by PANCAP
- Identifying key stakeholders to be consulted, including relevant MOH staff, media personalities, parliamentarians/judiciary, civil society, private sector, faith organizations and youth
- 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, which includes an action plan and recommendations for sustained engagement among government, civil society, technical partners and communities following the release of the report.

Duties and Responsibilities:

Under the supervision of the Executive Director, NAC Belize and Project Manager, UNDP-GF, the consultant will work closely with all stakeholders to:

- Conduct the LEA as per the guidance
- Complete a desk review assessment of the legal environment
- Carry out interviews with key stakeholders and
- Draft the report and present it to the NAC and UNDP and
- Finalize the report.

III. EXPECTED OUTPUTS AND DELIVERABLES

- A report of the Stakeholders Interviews/Surveys/Questionnaires/Focus Group Discussion
- A draft National Legal Review Report that assesses the current legal and policy environment to respond to HIV and AIDS with a specific focus on issues and key populations such as:
 - MSMs
 - Trans-populations
 - Women
 - Children, adolescents, OVCs
 - Men-at-risk
 - Criminal laws and HIV
 - Access to Treatment
 - Identifies strengths, weaknesses and gaps in the current legal and policy environment, including the extent to which the current environment complies with human rights obligations, addresses key issues and promotes universal access to HIV prevention, treatment, care and support
- Makes recommendations toward passing PANCAP model legislation on elimination of stigma and discrimination to strengthen the legal and policy environment in Belize so as to ensure a response which complies with international, regional and national human rights obligations, addresses key human rights issues in the context of HIV and AIDS, including the rights of most-at-risk populations, promotes universal access, and balances public health and human rights imperatives
- A consultative Workshop Report that sets out the outcome of the consultation with key stakeholders on the draft findings and recommendations
- A final National Legal Review Report, based on the outcome of the final consultative process and a formatted Cabinet paper representative of the final National Legal Review for presentation to parliamentarians
- A draft and final National Advocacy Strategy (NAS) & National Action Plan (NAP) based on recommendations in the Legal Review incorporating mechanisms and processes to support further uptake of recommendations made by the Assessment.

No.	Deliverables / Outputs	Estimated Duration to Complete	Payment Schedule
1	A report of the Stakeholders Interviews/Surveys/Questionnaires/Focus Group Discussion	4	5%
2	A draft National Legal Review Report that assesses the current legal and policy environment to respond to HIV and AIDS	5	50%
3	A consultative Workshop Report that sets out the outcome of the consultation with key stakeholders on the draft findings and recommendations	2	5%
4	A final National Legal Review Report, based on the outcome of the final consultative process	3	15%
5	A draft and final National Advocacy Strategy (NAS) & National Action Plan (NAP) based on recommendations in the Legal Review	3	25%

	incorporating mechanisms and processes to support further uptake of recommendations made by the Assessment.		
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IV. INSTITUTIONAL ARRANGEMENT / REPORTING RELATIONSHIPS

The National Consultant will report to the Executive Director of NAC Belize and Project Manager, UNDP-GF.

V. DURATION OF THE WORK

17 working, business days over 45-day period.

VI. QUALIFICATIONS

- University degree in Law
- Experience in working on issues related to the intersection of HIV/TB and human rights or the promotion of gender equality is a strong asset
- Minimum of 5 years experience at the national level
- Ability to produce high quality outputs in a timely manner
- Ability to work independently
- Excellent written and spoken English
- Demonstrates integrity by modelling the UN's values and ethical standards
- Displays cultural, gender, religious, racial, nationality and age sensitivity and adaptability
- Fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment.

VII. PRESENTATION OF OFFER AND CRITERIA FOR SELECTING THE BEST OFFER

Recommended Presentation of Offer

For purposes of generating Offers whose contents are uniformly presented and to facilitate their comparative analysis, it is best to recommend the preferred contents and presentation of the Offer to be submitted, as well as the format/sequencing of their presentation. The following documents may be requested:

- a) Duly accomplished **Letter of Confirmation of Interest and Availability** using the template provided by UNDP
- b) **Personal CV or P11**, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate and at least three (3) professional references
- c) **Brief description** of why the individual considers him/herself as the most suitable for the assignment, a methodology and proposed workplan on how they will approach and complete the assignment
- d) **Financial Proposal** that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided.

Criteria for Selection of the Best Offer

This section should indicate all the criteria which shall serve as basis for evaluating offers, which may be done in either of the following manner:

- a) Combined Scoring method – where the qualifications and methodology will be weighted a max. of 70% and combined with the price offer which will be weighted a max of 30%.

VIII. 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 NAC Belize and UNDP.

IX. SUBMISSION OF APPLICATION PACKAGE

Proposals are required to submit by email or in 1 sealed envelope clearly labeled *RFP: Consultancy to Conduct a Legal Environment Assessment (LEA) in Belize*.

United Nations Development Programme
Attn: Procurement Associate
3rd Floor, Lawrence Nicholas Building. Belmopan
Cayo District, Belize, C.A.
Tel: (501) 822-2688, 0467, 4228
Email: procurement.bz@undp.org

Deadline for submission is September 8th, 2016 at 4:00p.m.