



**HIRING A CONSULTANT TO CONDUCT A NEEDS ASSESSMENT FOR DEVELOPING
BYELAWS TO INCREASE ACCESS TO HIV/TB SERVICES FOR KEY POPULATIONS IN
JINJA CITY**

TERMS OF REFERENCE

AUGUST 2022.

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8th August 2022.

TERMS OF REFERENCE FOR THE CONSULTANT

1. About Human Rights Awareness and Promotion Forum

Human Rights Awareness and Promotion Forum is a human rights not for profit organisation whose mission is to promote respect and protection of human rights of marginalised persons and most at risk populations through enhanced access to justice, research and advocacy, legal and human rights awareness, capacity enhancement and strategic partnerships.

2. Introduction.

Human Rights Awareness and Promotion Forum(HRAPF) with support from the Global Fund is currently implementing a project aimed at promoting the human rights of key populations through reducing legal and human rights barriers to access HIV/TB prevention and care services. HRAPF is to support the City council to develop and pass ordinances to end violation of human rights barring access to HIV prevention and care services among the Key Populations in Jinja City.

To achieve the above, a needs assessment needs to be carried out to identify the gaps in the byelaws affecting key populations and aid the development of byelaws that will support to put to an end the violation of human rights among key populations.

3. Background

In the context of HIV and TB, LGBTI persons, sex workers and persons who use and inject drugs (PWUIDS) are discriminated, marginalised and suffer from several human rights abuses that increase their vulnerability to HIV.¹The marginalisation and discrimination suffered are institutionalised and as such, the rights of these persons are violated by both state and non-state actors.²Among the most common rights violated for key populations is their right to health. In 2014, 72% MSM reported being uncomfortable explaining their sexual practices to health workers and 51.8% had experienced troubles accessing health care services due to failure to afford health care services, stigma and lack of personnel to handle MSM special need.³Roughly, quarter of the 580,000 new infections in Uganda in 2019 were among the key populations and their sexual partners.

Uganda's legal system also criminalises same sex practices under S.145, use of drugs under S.6 of the Narcotic Drugs and Psychotropic Substances (Control) Act 2015. Key Populations are also targeted under section 160 of the Penal Code Act for the offence of Nuisance, impersonation under Section 381 of the Penal Code Act by the Police. This makes Key Populations to fail to access HIV related services for fear of being arrested on spot which in turn increases the number of HIV/ AIDS infections among the KPs. Persons who use and inject drugs, sex workers, MSM, transgender persons and communities are being recognised as high

¹ The Global fund, Fact Sheet, Key Populations: A definition (2006) <https://www.google.com/url/wwww>

² Human Rights Awareness and Promotion Forum Report of human rights violations against key populations in Uganda January –June 2022

³ Makerere School of Public Health; Barriers and opportunities for increasing access to HIV services among MSM in Uganda, 2014

risk groups for infection with HIV/AIDS. The prevalence rate is at 37% among sex workers, 13% among MSM, 20% among transgender and 16.7% among persons who use and inject drugs.⁴

All districts and cities in Uganda have regulations made by the local authority. The law plays an important role in terms of enabling stigma and promoting access to service delivery. The laws also cover several aspects of laws governing the cities including health related issues. However, formulation of these ordinances has been one of the challenges faced by the local governments due to limited funding and expertise. It is upon this back ground that HRAPF intends to hire a consultant to conduct a needs assessment for developing ordinances to increase access to HIV/TB services for key populations

4. Objective of the consultancy.

The overall objective of the consultancy is to identify existing byelaws on health service provision, identify the gaps that exist for the provision of services and draft ordinances necessary to address the human rights violations of KPs in Jinja City.

5. Major tasks of the consultant.

- I. **Developing an inception report for the assignment.** The consultant will draft an inception report detailing the structure and methodology to be used to execute this assignment.
- II. **Collect and compile data/information.** The consultant will identify existing byelaws and the gaps therein on the provision of health services to KPs. The consultant will also facilitate consultative meetings with key stakeholders in the city to obtain information for the development of the byelaws.
- III. **Develop a position paper.** The consultant will also develop a position paper with recommendations on the byelaws to be drafted.
- IV. **Draft and present byelaws to HRAPF.** The consultant will be required to draft and present the ordinances within a specified time frame.
- V. Be available to present the final byelaws to HRAPF and the City.
- VI. To carry out the assignments within timelines of the consultancy proposal and with regards to any changes as may be proposed by HRAPF.

6. Expected deliverables.

The consultant will be required to provide the key deliverables below.

- I. An inception report.
- II. Field data
- III. Needs assessment report.
- IV. Position paper
- V. Byelaws

⁴ Uganda AIDS commission, The Uganda HIV/AIDS Country Progress report

7. Qualification and experience.

- a) The prospective consultant will be selected based on their proven experience, qualification and ability to deliver good quality work in a timely and effective manner. The minimum qualifications, experience, knowledge and other capabilities of the consultant will include;
- b) A degree, preferably to the field of human rights, laws to any other relevant degree from a reputable University. A Master's degree in human rights or other related field is an added advantage.
- c) Proven record of conducting research and /or development of byelaws.

8. Supervision.

The Deputy Executive Director will be in charge of supervising the entire assignment and ensuring that all terms and conditions of this assignment are executed as agreed.

9. Remuneration.

- a) The remuneration for this assignment will be determined and agreed upon during the first meeting with the successful candidate.
- b) 30% payment of the quoted amount will be paid shortly after signing of the contract and submission of the inception report.
- c) Another 20% will be submitted after submission of the needs assessment report.
- d) The final payment of 50% will be released upon the resource person delivering the final draft of the byelaws. All payments will be subject to statutory deductions as per the laws of Uganda.
- e) All payments will be made by cheque or any other means as may be convenient upon submission of an invoice by the consultant.

10. Commencement of work.

The consultant shall begin work immediately after signing the contract with HRAPF and the resource person shall deliver in good faith the best possible quality of work for the satisfaction of the contract.

11. Application procedure.

- i. The interested consultant must submit the following documents/information not later than Friday 19th August 2022 at 5:00pm.
- ii. Expression of interest explaining why you are the most suitable person for the work.
- iii. A detailed methodology on how you will approach and conduct the work.
- iv. Personal C.V including experience in similar projects and at least 3 references with more than one consultancy you have been involved in, clearly indicating the overall lead consultant and responsible persons.
- v. An expression of the daily rate and expected remuneration for undertaking the assignment.
- vi. Interested persons are encouraged to send their expression of interest with all the required documents to infor@hrapf.org copying in rkyamanywa@hrapf.org

Evaluation criteria.

All applicants will be evaluated based on the following.

- a) **Submission of all required documents.** Only applicants who submit all required documents and have the needed qualifications will be shortlisted for technical and financial evaluations.
- b) The applicants with the best methodology and financial estimates will be considered for final assessment