TERMS OF REFERENCE (TOR) FOR A CONSULTANT TO DEVELOP A POLICY BRIEF TO INFORM POLICY AND ADVOCACY ON LEGAL RIGHTS OF KEY POPULATIONS UNDER THE AFRICAN REGIONAL HIV GRANT – REMOVING LEGAL BARRIERS.

**General Information**

**Intervention:** Legal and policy environment assessment and law reform  
**Work Description:** Consultant to develop a policy brief to inform advocacy on legal rights  
**Project Title:** African Regional HIV Grant-Removing Legal Barriers  
**Duration:** 25 Consultancy Days  
**Expected Start Date:** 9 November 2018

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**1.0 BACKGROUND / PROJECT DESCRIPTION**

KELIN is an independent Kenyan civil society organization working to protect and promote health-related human rights in Kenya. We do this by: Advocating for integration of human rights principles in laws, policies and administrative frameworks; facilitating access to justice in respect to violation of health related rights; training professionals & communities on rights-based approaches and initiating and participating in strategic partnerships to realize the right to health, nationally, regionally and globally.

Over the years a number of political declarations including: The United Nations General Assembly (UNGASS) Declaration of Commitment on HIV and AIDS 2006: The High Level meeting in June 2011 that led to the adoption of The Political Declaration on HIV & AIDS 2011: “Intensifying our Efforts to Eliminate HIV”; The Political Declaration HIV and AIDS 2016 and The Abuja Declaration on HIV, TB and other opportunistic infections 2001, all underscore the centrality of human rights in national responses to HIV. They evidence the realization by Governments that human rights must be protected if HIV is to be overcome and their commitment to achieving concrete, time bound targets.

The legal environment (laws, enforcement and justice systems) has immense potential to better the lives of all and to help turn the crisis around, but this has not been effectively exploited for various reasons. The existing legal frameworks constituted to protect and safeguard HIV interests and address the issue of violation of the rights of PLHIV remains under-utilized. Despite the existence of a progressive Constitution and judiciary, Kenya still has some old punitive laws that
hinder the access and provision of HIV services to key and affected populations, specifically, sexworkers, men who have sex with men and intravenous drug users.

As part of an Africa Regional HIV Grant for Removing Legal Barriers to Access, a partnership of organizations has been formed to strengthen the legal and policy environment to reduce the impact of HIV and TB on key populations in 10 countries in Africa (Botswana, Cote D'Ivoire, Kenya, Malawi, Nigeria, Senegal, Seychelles, Tanzania, Uganda and Zambia). The goal of this programme is to strengthen the legal and policy environment to reduce the impact of HIV and TB on key populations in Africa. The value of the regional grant is approximately $10.5 million over three years.

2.0 SCOPE OF THE WORK

In most African countries, the rights of key populations are often seen as controversial and key population groups and organizations struggle to carry out their work and access services as a result of operating within criminalized contexts. Health Care Workers therefore have a responsibility to assist key population groups in accessing their rights and in creating an enabling legal environment for access to affordable, accessible and quality HIV prevention, treatment and care services for key populations. Health Care Workers need to speak in defense of the rights of men who have sex with men, transgender persons, sex workers and People Who Use Drugs.

The report and policy brief on the role of health care workers in the context of key populations and HIV is therefore important in showing the intersection between health care workers and key populations in Africa, and in promoting effective use of health care institutions.

The Policy Brief should include the following:

- Briefly explain and highlight the context and reality of key populations in Africa
- Discuss the importance of health care workers in national, regional and international human rights systems and disseminating evidence on human rights violations that impede access to HIV and TB services.
- Highlight challenges that health care workers face in advocating for the rights of Key populations
- Discuss best practices and case studies were health care workers and NHRIs have worked with key populations in different countries in the region
- Discuss the role of health care workers in advising governments on laws and policies that affect key populations
- Provide recommendations on how health care workers should work with key population groups and civil society groups that represent KPs
• Provide recommendations for civil society on working with health care workers; and
• How health care workers can work with AUC, SADC, EAC, and ECOWAS to support member states to implement and monitor international and regional commitments relating to key populations and HIV and TB.

Duties and Responsibilities:
Under the overall supervision of KELINs’ Executive Director, the Consultant will do the following:
• Develop work plan and inception report
• Complete a desk review assessment
• Carry out interviews with key stakeholders
• Develop a policy brief that highlights evidence of human rights violations meted on key populations
• Map out opportunities for advocacy
• Prepare draft report
• Finalize the report based on inputs from stakeholders

3.0 PROPOSED METHODOLOGY
The assessment will be undertaken between 24 October and 30 November 2018. The assessment will use both quantitative i.e. surveys; and qualitative data collection methods such as semi-structured interviews (for example with focus groups, key informant, large groups, individual interviews, etc.) as necessary.

4.0 STAKEHOLDER INTERACTION
• Participants will be included in all aspects of the assessment as identified in the initial mapping. It is anticipated that most stakeholders will be reached during the key interviews and their responses will be analyzed in accordance with the data sets for each of the issues identified above.
• All personal information collected will be for the purposes of assisting in the analysis of the data collected.
• The participants in the assessment will be drawn from Key Populations representatives, KELIN partners, lawyers, national Human Rights Institutions, health care workers, cultural leaders, CSOs, media, community leadership structures and legal practitioners etc.

5.0 DELIVERABLES
The key deliverables for the assessment are as follows:

a. A Draft four-page brief that will summarize a longer, 30-page document.
b. A 30 paged report that will be used as a source document for reference. (Both the above documents will be in electronic format and should include an executive summary. KELIN
will provide comments on the draft 4 paged brief and the source document. The consultant will finalize the briefs in view of these comments;

c. Final Policy Brief:
The brief should be logically structured, contain evidence-based findings, conclusions, lessons and recommendations, and should be free of information that is not relevant to the overall analysis. The brief should respond in detail to the key focus areas described above. It should include a set of specific recommendations formulated for the project, and identify the necessary actions required to be undertaken, who should undertake those (If any)

6.0 TIMELINE AND EXPECTED OUTPUTS

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<tr>
<th>No.</th>
<th>Deliverables / Outputs</th>
<th>Estimated Duration</th>
<th>Timelines</th>
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<tbody>
<tr>
<td>1</td>
<td>Notification of Successful Consultant</td>
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<td>9 November 2018</td>
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<td>2</td>
<td>Inception meeting with the Consultant</td>
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<td>12 November</td>
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<td>3</td>
<td>Desk-based analysis: Review of documents and other sources of information</td>
<td>3</td>
<td>13 November – 16 November 2018</td>
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<td>4</td>
<td>Plan, design, and coordinate the interviews/data collection process</td>
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<td>19 - 20 November</td>
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<td>- Identification of key stakeholders</td>
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<td>- Selection of representative sample of groups to be interviewed on the basis of agreed criteria</td>
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<td>- Agreeing on the type of information to be collected</td>
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<td>- Preparation of checklists and other tools for data collection</td>
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<td>5</td>
<td>Conducting Key interviews</td>
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<td>21 - 29 November</td>
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<td>6</td>
<td>Sorting, analyzing and collating information collected</td>
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<td>30 November - 3 December</td>
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<td>7</td>
<td>Produce 1st draft of the report</td>
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<td>4 - 5 December</td>
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<td>8</td>
<td>Share document with KELIN team for review and comments</td>
<td>3</td>
<td>6 – 10 December</td>
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<td>9</td>
<td>Incorporation of comments by KELIN team</td>
<td>3</td>
<td>11 - 14 December</td>
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<td>10</td>
<td>Submission of revised and final draft evaluation report</td>
<td>3</td>
<td>17 - 19 December</td>
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<td>10</td>
<td>Final evaluation report received</td>
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<td>21 December</td>
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<td>Total</td>
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7.0 REPORTING RELATIONSHIPS
The Consultant will report to the Executive Director
9.0 DURATION OF THE WORK
25 consultancy days

10.0 QUALIFICATIONS OF THE CONSULTANT

Functional Competencies:
- Expert knowledge of human rights, legal framework, health and the law;
- Experience of conducting policy briefs;
- Ability to research and write at a high level;
- Expert knowledge of government processes;
- Ability to research and conduct interviews with key informants; and
- Experience in the usage of computers and office software packages (MS Word, Excel, etc.)
  and advance knowledge of spreadsheet and database packages.

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;
- Demonstrates integrity by modeling KELIN’s values and ethical standards;
- Promotes the vision, mission, and strategic goals of KELIN;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability
- Treats all people fairly without favoritism; and
- Fulfills all obligations to gender sensitivity and zero tolerance for sexual harassment.

Required Skills and Experience

Education:
- Advanced University degree in Law, Journalism or any of the Social Sciences

Experience:
- Minimum of 7 years of relevant experience is required.

Language:
- Excellent written and spoken English.

11.0 APPLICATION INSTRUCTION:
- Strictly follow the instructions indicated in the Terms of Reference;
- Members of key populations, people living with HIV and women with appropriate skills
  are encouraged to apply;
- Group of Individuals and/or Firms are not eligible for this consultancy assignment (open
  only for individual consultant).

Documents Required:
The Application plus CV shall be submitted before application deadline 7 November 2018 via info@kelinkenya.org. Please note that these shall be submitted to the designated email into two files but in one email unless both Files Are Greater than 9MB file size. While submitting your application be sure your email subject line is UNDP-GF-RLG-2018 (Your Name)