

TERMS OF REFERENCE
for
INDIVIDUAL CONSULTANCY
LEGAL EXPERT
THE GLOBAL FUND PROGRAM

I. Background information

Kosovo is among the countries with one of the lowest HIV prevalence among the general population and low prevalence among key populations: men who have sex with men (MSM), people who inject drugs (PWID), and female sex workers (FSWs). The recent 2014 IBBS studies confirmed low prevalence of HIV in all the key populations: no HIV positive cases were found among PWID and FSWs. HIV prevalence among MSM respondents was 2.3% (0.5% - RDSAT). The overall goal of the National HIV Action Program is to maintain low prevalence of HIV among the general population and key populations, and improve the quality of life of people affected by HIV/AIDS in Kosovo.

Lack of respect for human rights and the transmission of HIV are interrelated. HIV infection is unparalleled in human history in terms of the stigma and discrimination attached to it, even in places where treatment is widely available. People living with HIV (PLHIV) are often rejected by their families and communities, and experience discrimination by employers, schools, landlords, and health providers. At the same time, violations of human rights undermine HIV prevention and treatment programs, and can contribute to the transmission of HIV. Fear of discrimination makes many people afraid to test for HIV, to use prevention and to take up treatment. According to the EU progress report for Kosovo for 2014 in relation to human and fundamental rights, Kosovo needs to enhance the efforts in relation to law enforcement and improvement.

The key gaps and challenges with regards to HIV related rights are: non-enabling environment and (social, legislative, behavioural and cultural) barriers to service access include user-friendly services; stigma and discrimination among health-care staff; a legislative framework that restricts access to service users; and interrupted commodity supplies. In response to these challenges: 2) the Policy Advocacy Group (PAG) was established under the CCM to address high-level policy issues affecting access to care. The PAG includes KP members, which will allow their increased involvement in decision-making processes and advocacy. The PAG will develop an Advocacy Strategy that will focus on removing service barriers for KPs, as well as on issues of transition and sustainability. 2) Operational research was conducted, including legal mapping (12); as well as sensitisation on human rights-related barriers to care among health-care workers, police (Anti-Trafficking Units), Ministry of Labour and Social Welfare (MOLSW) staff from all regions, Municipal Health and Social Welfare Departments and the MOH Gender and Human Rights Unit.

Gender inequalities and gender-based violence are common among disadvantaged populations and particularly affect young women and girls residing in rural and suburban areas. Violence also constitutes a significant risk factor for female sex workers(FSW). According to Wildt (2015) more than half of them

experience violence, predominantly from clients, who demand particular types of sex, including group sex and sex without condoms. Women do not recourse to law enforcement when they encounter violence due to fear of arrest. This clearly demonstrates the detrimental effect of FSW criminalisation on their access to essential services as well as protection of their human rights. Stigma, prejudices, and discrimination of same-sex relationships have similar implications for MSM and the development of HIV prevention and care interventions for this population. Despite the country's relatively modern legislation the issue of LGBT continues to be sensitive and is far from accepted social norms. There is still a lack of specific legislation related to the laws addressing the hate speech and hate crimes.

The country's mechanisms for dealing with promotion, protection, enforcement and reporting of the rights need to be streamlined at central and local levels.

II. General objective of the expertise mission

This expert mission aims to support the HIV and TB GF Programs in relation to legal and human rights issues, by reviewing and analysing of Kosovo's legislative framework and legal acts, and recommending improvements that will enable better access to essential HIV prevention, treatment and care services for Key Populations (KPs)¹, People Living With HIV (PLHIV). The legal expert will also be responsible to facilitate the work of Program Advocacy Group and to provide legal advice for KPs and PLHIV in need for it.

III. Specific objectives

1. Provide legal assistance to clients (members of Key Populations) with intention to improve access to qualitative services in system and advance their position in society, and if needed, represent their cases into legislative institutions.
2. Document cases of human rights violations against PLHIV and defined KPs in the GF programs including TB patients to be used for advocacy purposes.
3. Provide technical assistance in trainings on human-rights related issues, organized by GF grant implementers.
4. Provide legal information, referrals, advice and representation related to HIV and HIV/TB, including through peer paralegal community systems; Coach, mentor, supervise and monitor paralegals serving at Sub Recipient level.
5. Support CCM's Program Advocacy Group (PAG)
6. Contribute and implement activities prescribed in the joint activity plan with Grand Sub Recipients.

¹ In this TOR, Key population is comprised of People who inject drugs (PWID), female sex workers (FSW), and Men who have sex with men (MSM). For TB Program Key populations are comprised of Children and Women, prisoners, family members of people living with TB.

7. Represent CDF in the events related to communities, gender and human rights issues.

IV. Description of Duties and Responsibilities

The main task of the local legal expert will be to provide legal support to defined Key Populations and PLHIV based on their needs and existing legal barriers. As per specific objectives outlined in section III, the expert's specific tasks are:

1. Analyzes information and legislation pertaining to human rights matters directly related to the situation in Kosovo of key populations and PLHIV;
 - Recommends solutions to problems in specific fields where the GF financed programs are focused;
2. Support the work of PAG on behalf of CDF by providing technical assistance and required information and reports related to human-rights issues among key populations.
3. Facilitate the meetings of Program Advocacy Group.
 - Provides written/oral briefings to the PAG as required;
4. Receives and investigates individual complaints and determines whether it falls within the jurisdiction of the Human Rights Laws;
 - Meets on-site on monthly basis with grant implementers and clients, where needed;
 - Prepares documented case files on each individual complaint matter and tracks all cases until the final decision; Make recommendations regarding disposition of cases;
 - Conducts community relations activities with community groups and participates in relevant meetings as a resource person;
5. Facilitate the trainings of grant implementers and other stakeholders on advocacy and human-rights related issues:
 - Provide the technical expertise in development of training modules and suggest topics to be discussed;
 - Facilitate as required the trainings on specific human-rights topics and documenting cases of violations of human rights or barriers to access public services, as needed;
 - Follow-up periodically with NGO staff or intern-paralegals to verify the accuracy of reporting the violations.
6. Provide legal information, referrals, advice and representation related to HIV and HIV/TB, including through peer paralegal community systems;
7. Coach, mentor, supervise and monitor paralegals serving at Sub Recipient level:
 - Organize capacity building trainings for paralegals
 - Regular meetings
 - Email exchange

- On site meetings
8. Contribute and implement activities prescribed in the work-plan, including pre-transition activity plan.
 9. Support promotion and advocacy of the International Declaration on the Rights of People Affected by Tuberculosis (2019).
 10. Represent CDF in the events related to communities, gender and human rights issues.
 11. Provide other technical/legal support to CDF, if required.

V. Expected results

In collaboration with the PAG, PR, SRs and other stakeholders, the local legal expert shall:

- On behalf of CDF, ensure proper engagement in supporting the work of Program Advocacy Group;
- Report on regular monthly meetings held on-site with grant implementers;
- Prepare regular monthly reports.;
- At the end of the assignment, provide a report on legal cases assisted and proposed solutions to observed legal barriers in order to improve the situation of key human rights barriers and gender inequalities that may impede access to health services;
- Contribute and implement activities prescribed in the joint activity plan with Sub Recipients.

VI. Personal skills

Communication

- Speaks and writes clearly and effectively;
- Listens to others, correctly interprets messages from others and responds appropriately;
- Asks questions to clarify, and exhibits interest in having two-way communication;
- Tailors language, tone, style and format to match audience;
- Demonstrates openness in sharing information and keeping people informed.

Teamwork

- Works collaboratively with PAG, PR and SRs to achieve programmatic goals;
- Solicits input by genuinely valuing others' ideas and expertise;
- Is willing to learn from others;
- Places team agenda before personal agenda;
- Supports and acts in accordance with final group decision, even when such decisions may not entirely reflect own position;
- Shares credit for team accomplishments and accepts joint responsibility for team shortcomings.

Planning and organizing

- Develops clear goals that are consistent with agreed terms of reference;
- Identifies priority activities and assignments;

- Adjusts priorities as required;
- Allocates appropriate amount of time and resources for completing work;
- Foresees risks and allows for contingencies when planning;
- Monitors and adjusts plans and actions as necessary;

Accountability

- Takes ownership of all responsibilities and honors commitments;
- Delivers outputs for which one has responsibility within prescribed time, cost and quality standards;
- Operates in compliance with organizational regulations and rules;
- Supports subordinates, provides oversight and takes responsibility for delegated assignments;
- Takes personal responsibility for his/her own shortcomings and those of the work unit, where applicable.
- Maintains strict security and confidentiality of information;
- Is conscientious and efficient in meeting commitments, observing deadlines and achieving results;
- Is motivated by professional rather than personal concerns;
- Shows persistence when faced with difficult problems or challenges;

VII. Required qualifications and technical competencies:

- Advanced University degree in law; Masters or equivalent preferably in law, political sciences, international relations or other disciplines related to human rights.
- A minimum of four years of progressively responsible experience in human rights, international relations, law or related area is required.
- Expertise in working with communities.
- Demonstrated professional competence and mastery of subject matter;
- Knowledge of and exposure to a range of human rights issues, including approaches and techniques to address sensitive and complex human rights problems in their political, ethnic, racial, gender, sexual orientation, gender identity and socio-economic dimensions;
- Ability to evaluate and integrate information from a variety of sources and assess impact on the human rights situation in a particular community, including the political environment and legal statutes as they pertain to human rights;
- Basic knowledge on the Global Fund policies and procedures (preferable)
- Excellent command of oral and written English.

VIII. Place, duration and implementation details

Place: Prishtina, Republic of Kosovo

Office based work: CDF premises, Prishtina, Republic of Kosovo

Contracting: Consultant will be engaged based on the part time / consultancy (service) contracting model with up to 10 working days per month.

Duration of the contract: 6 months (till December 31, 2019) with the possibility of extension

IX. Monitoring and Evaluation

Deliverables: Desk review; Case reports, reports.

All qualified professionals should submit their letter of interest, CVs and their technical proposals based in TOR to the following email address: procurement.hiv.tb@kcdf.org not later than: **July 15th, 2019, at 14:00 hrs.**