



TERMS OF REFERENCE

Job ID/Title :	Evaluation of The Global Commission on HIV and the Law
Duty Station :	Home Based
Category :	HIV, Health and Development
Additional Category :	Gender Equality
Brand:	UNDP
Type of Contract :	Responsible Party Agreement (RPA)
Category (eligible applicants):	External
Application Deadline : (Please allow at least one week)	11/9/2018

Languages Required:	Arabic		English	x	French		Russian	
	Spanish		Chinese		Portuguese		Other:	

Starting Date :	12/3/2018
Duration of Contract (# of Days) :	
Expected Duration of Assignment :	From: 12/3/2018 To: 8/2/2019
Office facilities:	

The United Nations Development Programme (UNDP) is the UN's global development network, advocating for change and connecting countries to knowledge, experience and resources to help people build a better life, as envisaged by 2030 Agenda for Sustainable Development. We are on the ground in more than 170 countries and territories, working with governments and people on their own solutions to global and national development challenges. As they develop local capacity, they draw on the people of UNDP and our wide range of partners that can bring about results.

The Bureau for Policy and Programme Support (BPPS) has the responsibility for developing all relevant policy and guidance to support the results of UNDP's Strategic Plan and help countries to achieve the Sustainable Development Goals. BPPS's staff provides technical advice to Country Offices; advocates for UNDP corporate messages, represents UNDP at multi-stakeholder fora including public-private dialogues, government and civil society dialogues, South-South and Triangular cooperation initiatives, and engages in UN inter-agency coordination in specific thematic areas. The HIV, Health and Development Group is part of BPPS and supports UNDP's 2018-2021 Strategic Plan and countries to achieve the 2030 Agenda and making sure no one is left behind.

UNDP is a founding cosponsor of the Joint UN Programme on HIV/AIDS (UNAIDS), a partner of the Global Fund to Fight AIDS, TB and Malaria, and a co-sponsor of several other international health partnerships. UNDP's work on HIV, health and development, as described in the HIV, Health and Development Strategy 2016-2021: Connecting the Dots, leverages UNDP'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 Sustainable Development Goals. 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 the law and legal environments in facilitating stronger HIV responses, including the use of flexibilities in intellectual property law to lower the cost of drugs and diagnostics. UNDP also works to empower and include marginalized populations who are disproportionately affected by HIV, such as sex workers, men who have sex with men and people living with HIV. 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 municipal action on SDGs, sustainable responses for Health and HIV such as improving sustainability of AIDS financing, sustainable health procurement, strengthening of national human rights institutions and increasing access to justice for key populations.

Third, as a trusted, long-term partner with extensive operational experience, UNDP supports countries in effective implementation of complex, multilateral and multisectoral 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 SDG 3 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 temporary 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 to be able to assume the Principal Recipient role over time.

Context:

In 2010, UNDP, on behalf of the Joint UN Programme on HIV/AIDS (UNAIDS), convened/led the Global Commission on HIV and the Law (the Commission). UNDP served as the Secretariat for the Commission. This independent Commission comprised fourteen distinguished individuals from diverse disciplines and nationalities, each with extensive experience or expertise on matters of public health, human rights, law and development. The Commission's final report, *HIV and the Law: Risks, Rights and Health*, was published in July 2012. The report interrogates the relationship between HIV and the law, and includes recommendations covering the breadth of the HIV response. It was based on decades of medical, public health and legal research and the vast experience of the Commissioners and Technical Advisory Group. The report focuses on a group of critical, though not exhaustive issues: HIV-related stigma and discrimination; criminalization of HIV transmission, exposure and non-disclosure; and key populations, including people who use drugs (PWUD), sex workers, men who have sex with men (MSM), transgender persons, prisoners and migrants; gender-based violence, discrimination and inequalities; children and adolescents; and innovation, intellectual property and access to treatment. The Commission made a series of recommendations on each topic, intended to promote effective, sustainable responses to HIV consistent with governments' human rights commitments. Since 2012, UNDP has worked with governments, civil society and UN partners in 89 countries to support the implementation of the Commission's recommendation. As follow up to the Commission's recommendation 6.1, the UN Secretary General established a High-Level Panel on Access to Medicines: Promoting Innovation and Access to Health Technologies. The High-Level Panel issued its report in September 2016.

In July 2017, five years after the release of the Commission's report, UNDP convened a multi-stakeholder meeting titled *The Global Commission on HIV and the Law at Five: Reflecting on Progress, Challenges and Opportunities to End AIDS by 2030*. The meeting provided an opportunity to revisit and critically examine ongoing efforts and partnerships required to meet the targets in SDG 3 to end AIDS, tuberculosis and malaria by 2030 and the pledge of the 2030 Agenda for Sustainable Development (2030 Agenda) to leave no one behind and to reach those who are furthest behind first. In this respect, meeting recommended, among others, issuing a Supplement to the Commission's report, addressing issues on human rights and law in the context of the 2030 Agenda, the pledge to leave no one behind, and the latest science on HIV.

In July 2018, the Commission released a Supplement on HIV and the Law. This Supplement highlights developments since 2012 in science, technology, law, geopolitics, and funding that affect people living with or at risk from HIV and its coinfections. The recommendations add to and amplify those of the Commission's 2012 report Risks, Rights & Health, which remain as relevant as they were six years ago.

Objective:

The purpose of the Request for Proposals (RFP) is to conduct an evaluation of the UNDP led/convened Global Commission on HIV and the Law which aimed to (1) contribute to the evidence base on the relationships between HIV, human rights and legal environments, taking into account the perspectives and experiences of governments including law and policy makers, law enforcers, civil society including those most marginalised and affected by HIV; and (2) provide evidence informed and actionable recommendations for law and policy reform.

The overall goal of the evaluation is to assess the impact in relation to the aforementioned aims. The objectives of the evaluation are to assess:

1. Assessment of the impact of the Commission's report and follow up including the following:
 - i. Global and regional advocacy and resource flows
 - ii. Global, regional and national policy and programming
 - iii. National laws and policies (including number of laws changed but also, to the extent possible, how the Commission contributed)
2. Analysis of the critical success factors for the Commission's success (including for example, the Commissioners, the Technical Advisory Group, the Commission model and approach, Secretariat support, resources, civil society engagement etc.)

The evaluation, like the work of the Commission, will employ a rights-based approach to focus on the relevance, effectiveness and impact. The evaluation address principles of inclusion, participation, equality, non-discrimination and accountability.

Context: Within the current environment on HIV-related human rights and legal issues in the era of the 2030 Agenda and the pledge to leave no one behind, the evaluation will identify impact, success factors, challenges and good practice in the Commission's work and the follow up.

Scope: the broad scope of the evaluation covers review of the Commission's documents, including documents and reports prepared by the Secretariat from 2012 -2018. This may include papers, tools, conference presentations, proposals, communication materials and reports, as well as materials here produced by others where the Commission is mentioned or referenced.

Main expected outputs of the evaluation are:

- an evaluation report that will describe the evaluated project and its scope and objectives
- a methodology including key tools
- share the main findings of the evaluation;
- draw evaluative conclusions from the exercise;
- identify key lessons and challenges and recommend steps for sustaining the work of the Commission and similar initiatives.

Evaluation Criteria: The contribution of the Commission and its follow up to its objectives in accordance with the following set of evaluation criteria:

Relevance: The extent to which the Commission and its follow up is relevant to global, regional and country priorities, including in line with the 2030 Agenda and the SDGs as well as strategies/strategic plans of UNDP, UNAIDS, the Global Fund, PEPFAR, foundations and key bilaterals.

Effectiveness: The extent to which the Commission and its follow up have contributed to the original objectives of the Commission and the objectives of the follow up work led by UNDP.

Impact: The extent to which the Commission and its follow up have contributed to global and regional advocacy and resource flows; global, regional and national policy and programming on HIV, human rights and law; and national laws and policies, including number and types of laws changed but also, to the extent possible, how the Commission contributed)

Enabling / explanatory factors: To allow for lessons to be learned, the evaluators, using the above criteria, will identify the various enabling and explanatory factors for the results attributable to the Commission and its follow up.

Other factors. A number of specific factors that have affected the work of the Commission and its follow up will also be examined. For example:

- **Partnerships:** How well did the Commission use partnerships in its initial work and follow up?
- **Sustainability:** How did the Commission and its follow up address the issues of sustainability?

Data collection methods: This evaluation will draw on a variety of data collection methods including, but not limited to:

- Document review focusing on Commission documents, reports on Commission follow up and documents citing/referencing the Commission’s work and follow up.
- Semi-structured interviews and wherever feasible and necessary, focus-group discussions with key stakeholders including the Joint UN Programme on HIV/AIDS, civil society, donors, governments and regional entities.
- Other methods as appropriate

Data collection methods must be linked to the evaluation criteria and evaluation questions that are included within the scope of the evaluation. The use of an evaluation matrix is helpful in linking these elements together. In addition, the precise data collection methods should be identified following:

- Understanding of the availability of existing evaluative evidence;
- Logistical constraints (travel, costs, time, etc.); and
- Ethical considerations (especially when evaluating sensitive issues such as key population, human rights and HIV, or in sensitive settings such as meeting with key population representatives). The overall ethical principle that the evaluation must adhere to is the principle of “do no harm”.

For this evaluation, data collection methods and process should be predominantly based on review of documents and on qualitative methodology such as stakeholder interviews and take into account human rights-based approaches to HIV. Therefore the evaluation should take into account the Commission’s work from 2010 – 2012 and subsequent follow up at global, regional and national levels to the end of 2018 including the establishment of the UN Secretary General’s High-Level Panel on Access to Medicines, legal environment assessments, law reform processes, national dialogues on HIV and the law and their outcomes, etc.

Evaluation Standards

The evaluation should also be conducted as per the following four broad sets of *quality standards*, namely *propriety standards*, *feasibility standards*, *accuracy standards* and *utility standards*:ⁱ

- The *propriety standards* are ethical standards meant to ensure that evaluations are conducted with due regard for the rights and welfare of affected people. The most basic of the propriety standards is that evaluations should never violate or endanger human rights. Evaluators should respect human dignity and worth in their interaction with all persons encountered during the evaluation and do all in their power to ensure that they are not wronged.
- The *feasibility standards* are intended to ensure that evaluations are realistic and efficient. To satisfy these requirements, an evaluation must be based on practical procedures, not unduly disrupting normal activities, and be planned and conducted in such a way that the co-operation of key stakeholders can be obtained. They should also be efficient.
- The *accuracy standards* are meant to ensure that the information produced by evaluations is factually correct, free of bias, and appropriate to the evaluation issues at hand.
- The *utility standards*, finally, are meant to ensure that evaluations serve the information needs of their intended users: to be useful, evaluations must be responsive to the interests, perspectives and values of stakeholders.

Validation: This evaluation will use a variety of validation methods to ensure that the information used and conclusions made carry the necessary depth.

Time-frame

The evaluation will be deliverable based and be carried out from 1 December 2018 to 30 June 2019.

Proposal:

Proposed Methodology, Approach and Quality Assurance Plan – This section should demonstrate response to the TOR by identifying the specific components of the evaluation, how the outputs/ delivery shall be addressed, as specified; providing a detailed description of the evaluation workplan and methodology.

Moreover the proposal should demonstrate how the evaluation meets or exceeds the TOR, while ensuring appropriateness of the approach to the local conditions and the rest of the operating environment.

Management Arrangement, Resources and Qualifications of Key Personnel – This section should include the comprehensive description of the management structure and information regarding

required resources including curriculum vitae (CVs) of key personnel that will be assigned to support the evaluation, clearly defining the roles and responsibilities vis-à-vis the proposed methodology. CVs should establish competence and demonstrate qualifications in areas relevant to the TOR.

Evaluation

Proposals will be screened against qualifications and competencies specified below through a desk review and/or an interview process. Those selected for the next stage of the selection process will be reviewed based on a cumulative analysis method that combines the results of technical and financial evaluation results. Specifically, the award of the contract will be made to the institution whose offer has been evaluated and determined as:

- 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; Technical Criteria weight: 70 points; Financial Criteria weight: 30 points.

Only candidates obtaining a minimum of 49 points (70%) out of a maximum 70 points on the Technical Evaluation will be considered for the Financial Evaluation.

Criteria for Technical Evaluation (70 points maximum)

Criteria a. Strong experience and knowledge in HIV, human rights, the law as it pertains to HIV prevention, treatment access, key populations, people living with HIV, LGBTI people, and laws pertaining to access to medicines in the context of HIV. (40 points)

Criteria b. Extensive knowledge of, and experience in applying qualitative evaluation methods, and demonstrable experience in conducting evaluations of projects that focus on issues of HIV, human rights, key populations and the law. (30 points)

Criteria c. A strong and demonstrable record of working with PLHIV and other key populations as well as civil society groups working on law, human rights and access to justice in the context of HIV. (15 points)

Criteria d. Technical competence in undertaking evaluations at global, regional and national levels which predominantly involve the use of qualitative research/social science methods; prior

experience in working with multilateral agencies and knowledge of UNDP's role, and UN programming at the global, regional and country levels. (10 points)

Criteria e. Additional qualifications required desired include demonstrable language skills (in English and French); and experience in working with LMIC governments. (5 points)

Criteria for Financial Evaluation (30 points maximum)

The following formula will be used to evaluate the financial proposal:

- $p = y (\mu/z)$, where;
- p = points for the financial proposal being evaluated;
- y = maximum number of points for the financial proposal;
- μ = price of the lowest priced proposal;
- z = price of the proposal being evaluated.

Financial proposal should be unit costed and include all necessary travel costs.

Payment

Payments will be made based on completion of deliverables. A payment schedule will be determined in consultation with the contractee.

Reporting

The contractee will report to the Director: HIV Health and Development Group, UNDP. All materials and outputs will be reviewed and signed off by UNDP.

Travel

Travel is anticipated. Payment of travel costs including tickets, lodging and terminal expenses will be done by the contractee and should be included in the financial proposal.

