



## TERMS OF REFERENCE

FOR

### CONSULTANCY TO DOCUMENT CIVIC AND DEMOCRATIC SPACES AT COUNTY LEVEL IN KENYA

Post level: Short - term Consultancy

Expected Start Date: February 13, 2022

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#### ABOUT CIVIC FREEDOMS FORUM (CFF)

Civic Freedoms Forum (CFF) is a national platform whose core mission of the platform is for consolidation and coordination of civil society actions in the promotion and protection of civil liberties. Its membership comprises of civil society organizations (CSOs) operating at the national level with a track record and commitment to the protection of human rights, civil liberties, and democracy. See more at <https://cff.or.ke/>

#### BACKGROUND

The shrinking civic and democratic space has become a major governance issue for the civil society and other independent voices and actors, at all levels in the society. From 2005 to date, there have been several attempts by the Kenyan State to constrain the civic and democratic space through punitive and prohibitive governance frameworks targeting the Public Benefits Organizations (PBOs), Faith Based Organizations (FBOs), media organizations, trade unions, Constitutional Commissions among other independent state and non-state actors.

In 2010, Kenya promulgated one of the most progressive constitutions in the world with a strong bill of rights that guaranteed not only civic and political rights but also socio-economic and group rights. The Constitution confers strong national values and high integrity standards. It also guarantees civic action and calls on the people to take charge of their political, social, and economic affairs. In addition, the Constitution creates devolved systems where the rights and freedoms under the Bill of Rights can be exercised. The citizens as well as Civil Society organisations (CSOs) have the right to enjoy the space to operate freely both at national and county level.

Despite these constitutional guarantees, the civil space has continued suffer state restrictions at county levels. Public Participation and access to information are some of the key areas where the CSOs and citizens encounter challenges especially in their quest to push for responsive budgetary allocations, accountability on public funds and procurements, better service delivery among others. Public participation in Kenya's devolved system of government has had challenges, such as limited support from the political class and low levels of civic education (Kenya School of Government, 2015). The creation of a decentralized system of government by the Constitution of Kenya 2010 meant that citizens would be empowered through provision of information and be allowed to participate in the decision-making process on matters that affect their livelihoods and seek to change the developmental imbalances that have hindered the country's social and economic development in the past through enhanced transparency, accountability, service delivery, equity, and inclusiveness. Article 232 (d) has guaranteed the involvement of citizens in policy making, with Article 196 (1) (b) calling on County Assemblies to facilitate public participation. Further, other legal provisions such as the County Government Act (2012), Public Finance Management Act (2012), and the Urban Areas and Cities Act (2011) have been enacted to ensure that public participation takes place in the devolved units. The spirit of the Constitution calls not only for the public participation to take place, but for it to be meaningful so it can impact the policy making process. Unfortunately, the presence of legally binding rules for public participation has not translated into a meaningful practice.

## OBJECTIVE OF THE ASSIGNMENT

The main objective of this assignment is to document the civic space status at county level in Kenya. Specifically, the consultant will be expected to:

- a) To document the general status of civic and democratic space at county level with particular focus on public participation, freedom of assembly, association and access to information;
- b) Document case studies on civic and democratic space trends for Kakamega, Nairobi, Kwale and Kisumu counties; and
- c) Make recommendations on specific policy and administrative action to relevant duty bearers, civil society actors and development partners.

## SCOPE OF THE ASSIGNMENT

The assignment will be conducted and finalized within the month of February and March 2023. The assignment will involve:

- a) Desk review of relevant documents such as Public Participation Guidelines, Constitution of Kenya, County Governments Act, county Public Participation Acts and policies and any other documents and reports.
- b) Carry out key informant interviews with relevant sector players, and other state actors.
- c) Make the presentation of draft report in a virtual validation Session.
- d) Prepare the final report including the four (4) case studies.

## DELIVERABLES

The consultant will be expected to deliver the following:

- a) Draft Civic and Democratic Space Report including four (4) case studies and specific recommendations to relevant state agencies.
- b) Final civic and democratic Space Report including four (4) case studies and specific recommendations to relevant state agencies.

## QUALIFICATIONS AND EXPERIENCE

- a) A degree in social sciences with five years of experience in public policy processes at the devolved units.
- b) Demonstrated understanding of civic and democratic space in Kenya will be an added advantage.

### 1.0 How to Apply

For consideration, please submit an expression of interest (inclusive of the methodology, profile, financial proposal and at least one sample of previous work) no longer than 8 pages in English with the email subject 'EoI – Documenting Civic and Democratic Space' to [info@cff.or.ke](mailto:info@cff.or.ke) by **February 8, 2023**.

*Due to high volumes of applications received, should you not have received feedback on your application within one week of the closing date, please consider your application unsuccessful. We reserve the right to withdraw any of our vacancies at any time.*