



REPUBLIC OF KENYA

MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION AND SENIOR CITIZEN AFFAIRS
TERMS OF REFERENCE

GENDER BASED VIOLENCE AND SEXUAL EXPLOITATION CONSULTANT FOR SOCIAL SAFEGUARDS UNDER THE KENYA SOCIAL AND ECONOMIC INCLUSION PROJECT

Background

The Kenya Social and Economic Inclusion Project (KSEIP) is being implemented by Ministry of Labour and Social Protection under the State Department for Social Protection and Senior Citizen Affairs with financing from the World Bank and co-financing from the United Kingdom's Department for International Development (DFID). The primary focus of the KSEIP is to enhance the Social Protection delivery systems in Kenya, with a specific emphasis on promoting the Social and Economic inclusion of poor and vulnerable populations.

The project aims to achieve this through three key components:

1.Strengthening Social Protection Delivery Systems: This component involves improving the Single Registry, payment systems, and Grievance Management mechanisms. It seeks to ensure that Social Protection Services are efficiently and effectively delivered to those in need, particularly focusing on the identification of households in need.

2.Increasing Access to Social and Economic Inclusion Interventions: This component involves providing vulnerable groups with access to services such as the National Hospital Insurance Fund (NHIF), Economic Inclusion activities, and Nutrition-sensitive safety net programs. These services are designed to improve the self-sufficiency and human capital of poor and vulnerable households.

3.Improving the shock-responsiveness of the Social Protection System: This component supports the National Drought Management Authority (NDMA) in implementing the Hunger Safety Net Program (HSNP) to respond to shocks, including those caused by climate change.

KSEIP Project Implementation Arrangements

Components 1 and 2 are being implemented by the State Department for Social Protection and Senior Citizen Affairs within the Ministry of Labour and Social Protection. For the purpose of delivering component 2, partnerships will be formed, specifically with the Ministry of Health to provide nutrition-sensitive social protection, with UNICEF providing technical assistance, and with appropriate service providers to conduct economic inclusion initiatives. Component 3 will be implemented by the NDMA, which is under the Ministry of East African Community, Arid and Semi-Arid lands (ASALs)and Regional Development. The required TA/Consultant will be brought on board to support them. Both implementing Ministries will be in charge of internal oversight and assessment. Working with DFID and UNICEF could be one way to conduct external monitoring and assessment.

Social Safeguards

Gender Based Violence (GBV)-Sexual, Exploitation and Abuse (SEA)of community members by project workersand Sexual Harassment (SH)amongst project workers are a violation of human rights under The Constitution of Kenya. Article 28 stipulates that “Every person has inherent dignity and the right to have that dignity respected”, and article 29 (c) stipulates that “Every person has the right to freedom and security of the person, which includes the right not to be- (c) subjected to any form of violence from either public or private sources (domestic violence)”.The Potential negative social impacts and risks that can arise out of KSEIP implementation include: exclusion of the Vulnerable and Marginalized Groups (VMGs) from accessing project benefits and opportunities that are culturally appropriate, GBV-SEA/SH, inter- and intra-household tension and discrimination among others. VMGs may face cultural, social, and economic barriers that can prevent them from benefiting from the project. The project recognizes these risks of GBV-SEA/SH including:

1. Intimate partner violence or violence from other family members or others in order to gain control of cash transfers or other project benefits;
2. GBV/SEA in exchange for selection in the project or project benefits.

3. Sexual harassment amongst government staff,community workers, volunteers working on the project.

In the past, the scenario 1 have been handled by BWCs in conjunction with the chief, who have counselled the household and warned the perpetrator and possibly taken measures against them. Whether this is currently a functioning and appropriate mechanism or there are other prevention measures including awareness raising of communities and support following cash transfer receipt etc. as well as referral to appropriate legal and support services based on local GBV mapping, needs to be explored. Although there has been anecdotal evidence of such incidents, and some reports in the media, such incidents have not been reported through the project complaints mechanism at national level, however it is not clear if such cases have been raised with the district and county officers. As this is a more appropriate reporting mechanism as it allows on the ground support to survivors, this should be explored and strengthened including logging and reporting of such incidents and referral of survivors. Awareness raising of district and county officers and encourage them to support resolution of such cases, and referral to appropriate legal and GBV survivor support services. For scenario 2, the team will promote awareness raising and ensure that anonymous reporting is possible within the complaints mechanism and survivor centric handling is carried out.The project recognizes the potential for other adverse social impacts, including:

- Tension or conflict within households and communities due to inclusion or exclusion from accessing project benefits and opportunities
- Changes in traditional social support systems due to the project.

The project is committed to addressing these social impacts, and it acknowledges the need for culturally appropriate procedures to handle grievances arising from project implementation. Additionally, theState Department for Social Protection and Senior Citizen Affairs under National Social Protection Secretariat has appointed a team responsible for promoting and monitoring social safeguards, including GBV impacts. The team recognizes the importance of having a GBV-SEA/SH_consultant to review the risks and mitigation mechanisms for the project and support their implementation as well as build their capacity and guide them in implementing measures to mitigate and address these issues effectively.

3. Currently the complaints and case management mechanisms emphasize on beneficiary case management. Case-management complaints are resolved largely at the national level. Nevertheless, to resolve non-case management and especially intra-household or community tension or conflict which are not likely to be fed into the MIS, necessitates the need to strengthen a grievance management process at community level that is culturally appropriate and responsive to any GBV-SEA/SH incidents that may happen at this level. Therefore, the current NSNP and NDMA Community level GRM processes need to be strengthened in order to deal with complaints and Grievances (i.e. BWCs and RGs).

In this regard, the consultant will make proposals on how the project can achieve this effectively and efficiently.

Consultancy Objective:

The objective of this consultancy is to review the GBV-SEA/SH risks and mitigation measures within the project, develop a GBV-SEA/SH prevention and response plan, including the requisite GBV-SEA/SH templates and train and guide the County and Sub-county officers in its implementation and review progress.

Scope of Work:

The GBV consultant will be responsible for the following tasks:

The specific outputs are:

1. A GBV-SEA/SH prevention and response action plan for the project activities informed by the World Bank Good Practice Note on GBV-SEA/SH, and a review of relevant reports and procedures and telephone interviews with key informants at national, county and sub-county levels as well as beneficiary communities and their leadership, including practical strengthening measures such as:
 - a) Awareness raising for communities and beneficiary households on the purpose of project assets with clear sanctions if the project assets are not used for the intended purpose;
 - b) Where BWCs exist and are functional] Strengthening BWCs capacity to identify and support GBV/SEA cases – potentially training of one BWC member to follow up;

- support and refer to GBV services; or [if the BWCs are weak or non-existent] community focal points;
- c) Developing confidential GBV-SEA/SH reporting mechanisms as part of the project complaints procedures or linking to and awareness raising on government GBV complaints lines so that number of cases are reported to the project and in the case of staff involvement confidential handling and disciplinary measures are carried out where there abuse by workers implementing the project;
2. Develop guidelines, protocols, and standard operating procedures for preventing and responding to GBV-SEA/SH including consolidate and share GBV-SEA/SH service mapping and train county and sub-county officers on referral pathways.
 3. Training of trainers of GBV focal points within each implementing agency and possibly regional resource persons;
 4. Mentoring and quality control of the GBV focal points in training train the county and sub-county focal points on the GBV -SEA/SH plan implementation
 5. Monitoring and evaluation of the implementation of GBV-SEA/SH prevention and response plan, assess the effectiveness of interventions and provide recommendations for improvement.

Deliverables:

The Gender Consultant will be expected to deliver the following:

- a. An inception report/work plan outlining the understanding of the assignment, a brief assessment of the likely SEAH risks and possible prevention and response measures and work plan with dates for deliverables.
- b. An SEA/SH prevention and response plan for the project activities based on a review of reports and procedures and telephone interviews with key informants at nation, county and district levels.
- c. Guidelines, protocols, and standard operating procedures developed for preventing and responding to Sexual Exploitation and Abuse and Sexual Harassment within the project.

- d. Training materials and reports of trainings for staff members and Stakeholders and 3 monthly progress reports on the implementation and effectiveness of interventions and recommendations for improvement.

Qualifications and Experience:

The candidate for this consultancy should possess the following qualifications and experience:

- a. A Masters degree in gender studies, social work, or a related field.
- b. Training on survivor centric approaches and SEA/SH complaints handling;
- c. At least 10 years' experience developing SEA/SH prevention and response plans in Kenya including in project focus areas e.g. Northern Kenya, using survivor centric approaches.
- d. At least 5 years' experience of handling SEA/SH complaints.
- e. Experience of training, national, local government staff and communities on SEA/SH.
- f. Experience of World Bank approaches to SEA/SH prevention strongly preferred.
- g. Familiarity with National and International policies and frameworks related to GBV prevention and response.
- h. Excellent communication and training facilitation skills.
- i. Ability to work independently and as part of a team and travel to remote areas at short notice.
- j. Fluency in English and Kiswahili languages.

A SEA/SH prevention and response plan written by the candidate should be submitted alongside the application as well as contacts of two referees.

Reporting:

The GBV consultant will report to Social Safeguards coordinator. The SEAH/SH prevention and response plan will be reviewed by the World Bank before acceptance.

Payment to the Consultant

It is anticipated that the consultancy will last for **Nine months**. The terms and conditions of the contract between the Consultant and the Government shall be determined at negotiation,

which govern the amount and timing of payments. The KSEIP will pay for all associated travel and related expenses incurred when attending field trips in order to complete the assignment. The rates for reimbursable and other details will be discussed at negotiation and agreed in the contract.

Obligations of the Client

In order to facilitate the smooth and effective implementation of the project, the government will undertake the following:

- a. Provide necessary background information and data, including the relevant project documents.
- b. Secure permission for entry into all areas as required for the proper execution of the assignment.
- c. Provide logistical and related support necessary to facilitate successful undertaking of the assignment.
- d. Provide translation if/as needed through the local officers during the field visits.

Obligations of the Consultant

- a. The consultant shall carry out the assignment as agreed in these Terms of Reference in a professional manner in keeping with internationally accepted standards, using qualified staff.
- b. The consultant shall endeavor to provide their services with diligence and within the time agreed upon in the contract.
- c. At the completion of the assessment of the project, the consultant shall submit to the SDSP all reports and documents in soft and hard copy, working files, media materials (i.e. photo, video), calculations and computer data properly organized in English language.
- d. Gather all necessary data and information needed in the execution of the assignment and realization of the desired outputs.
- e. Exercise confidentiality while handling all project-related information.

Confidentiality Statement

All data and information received during the assignment, from respondents, the State Department of Social Protection and Senior Citizen affairs, the National Drought Management Authority, the World Bank and others are to be treated confidentially and are only to be used in connection with the execution of these Terms of Reference. All intellectual property rights arising from the execution of these Terms of Reference are assigned to the National Social Protection Secretariat. The content of written materials obtained or prepared in this assignment will not be disclosed to any third parties without the expressed advance written authorization of SDSP and/or the World Bank.