Background

Kenya National Commission on Human Rights has received funds from European Union and intends to use parts of the funds to carry out **nationwide survey on human rights for vulnerable groups during the COVID-19 pandemic**.

The Commission is an independent National Human Rights Institution created under Article 59 of the Constitution of Kenya 2010 and established through the KNCHR Act of Parliament (the Kenya National Commission on Human Rights Act, 2011. It is the state’s lead agency in the promotion and protection of human rights.

The operations of the KNCHR are guided by the United Nations-approved Paris Principles on the establishment and functioning of independent national human rights institutions. The National Commission has been accredited by the Global Alliance of National Human Rights Institutions (GANHRI) as an ‘A status’ institution which indicates compliance with the Paris Principles. The KNCHR is a member of the Network of African National Human Rights Institutions (NANHRI).

The main functions of the KNCHR are to investigate and provide redress for human rights violations, to research and monitor the compliance of human rights norms and standards, to conduct human rights education, to facilitate training, campaigns and advocacy on human rights as well as collaborate with other stakeholders on human rights issues.

Since the announcement of the first COVID-19 case in Kenya in March 2020, the Government has put in place a raft of measures in a bid to manage its spread. Almost at the same time, KNCHR immediately embarked on a series of activities aimed at ensuring the protection and promotion of human rights during this period. These activities were guided by the KNCHR mandate and included issuing of advisories, review of laws, polices and legislations related to COVID-19, capacity building on promotion and protection of human rights during the COVID-19 period, processing of complaints and investigation of violations related to COVID-19 and redress for some of the violations through the judicial process.

The KNCHR developed a monitoring framework to guide all its operations related to COVID-19. The framework captures 9 thematic areas of concern to KNCHR: Health facilities & services, Water & sanitation, Housing, Food, Labour & Social security, Access to Justice, Media & access to information, Detention facilities & other holding facilities and
Vulnerable groups. Applying this monitoring framework, the KNCHR released its first monitoring situation report: “Pain and Pandemic – unmasking the state of human rights in Kenya in containment of the COVID-19 pandemic” available at: https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1104/Pain-and-Pandemic-Unmasking-the-State-of-Human-Rights-in-Kenya-in-Containment-of-the-COVID-19-Pandemic, and covered the period of 15th March to 6th June 2020. Consequently, the KNCHR will be embarking on the production of its second situation report that will shift focus from the general population captured in the first situation report to a more targeted group namely the vulnerable population.

The focus on the vulnerable persons is driven by the fact that as COVID-19 pandemic continues to be experienced in the Country, its emerging socio-economic and human rights impacts are evident especially amongst vulnerable groups such as children, women, youth, the elderly, Persons with Disabilities (PWDs), detainees, Orphans & Vulnerable Children (OVCs), the displaced, refugees, the urban and rural poor, intersex persons amongst other marginalized populations. These populations are particularly vulnerable to the impacts of COVID-19 as they face isolation, misinformation, lack of access to critical information and are particularly vulnerable to torture and abuse by state actors. These groups also account for the highest rates of unemployment and underemployment in addition to having limited access to social protection.

As the country continues to grapple with the effects of the pandemic, KNHCR intends to contract a reputable market research agency to conduct a nationwide baseline survey aimed at generating data required for our COVID-19 monitoring indicators for vulnerable persons/populations.

Objectives of the Survey

The general objective of the survey is to generate baseline values for our COVID-19 monitoring indicators for vulnerable populations: (children, women, youth, the elderly, Persons with Disabilities (PWDs), detainees, Orphans & Vulnerable Children (OVCs), the displaced, refugees, the urban and rural poor, homeless persons/street families, intersex persons) around the following thematic areas: Access to quality and affordable healthcare; Water, Sanitation & Hygiene (WASH); Housing; Food Security; Labour & Social Security; Access to Justice; Media & Access to Information; Education; and government measures on social protection of Special Interest Groups. The indicator values being sought will be from 1st June 2020 to the end of August 2020 with some reference being made from the period of starting of Covid 19 in Kenya in March 2020.

Specific Objectives:

a) Healthcare and Health facilities

- What waivers and subsidies on COVID 19 charges and fees have been put in place to cushion the vulnerable persons during this Covid 19 period? How accessible and adequate are they to vulnerable population?
- Has the government put in place measures to ensure COVID 19 related user fees and charges does not heavily burden the vulnerable persons?
• Are there measures by the government in making mental health services available to vulnerable persons to mitigate the impact of COVID 19? How accessible and adequate are they to vulnerable population?
• Has the government maintained/avoided disruption of essential health services such as vaccinations, reproductive and maternal health and HIV Care and treatment, community-based care during the pandemic with a focus on the vulnerable persons?
• Has the Government put in place measures to accommodate emerging medical issues during lockdown/curfew, e.g. seeking treatment past curfew hours-how accessible are these measures, if any?
• Do the quarantine and treatment centers take into consideration the unique needs of vulnerable groups eg. disability friendly, child friendly stations etc.?
• Is the information regarding the COVID 19 accessible and appropriate to the vulnerable population?
• Are there adequate measures to protect stigmatization and discrimination of vulnerable groups in the COVID 19 prevention and treatment mechanisms?

b) Water, Sanitation & Hygiene (WASH)

• Are vulnerable groups accessing and benefiting from any proactive steps by the authorities to ensure continuous access to clean water for all, including suspending water shutoffs and provisions of free/subsidized water in informal settlements, marginalized areas and for the vulnerable persons during the Covid 19 pandemic?

c) Housing

• What vulnerable groups have been affected by evictions during this period of Covid 19 pandemic?
• Are there measures that have been in place by the government to ensure that vulnerable persons who are evicted are not affected by the harmful effects of weather, the risks of contracting the Covid 19 and freedom from violence during this period of the pandemic?
• Are there any measures that have been put in place to mitigate displacement and homelessness caused by natural disasters such as floods and their effects on the vulnerable persons?

d) Food Security

• Is there adequate and accessible supply of food items to vulnerable persons during this period of Covid 19 pandemic?
• What agency is responsible for the food distribution in places where there are reports of supply during the Covid 19 pandemic?
• What are some of the adverse effects of the non - availability of food to vulnerable persons during this Covid 19 pandemic?
e) **Labour and Social Security**

- What are some of the measures that have been put in place to mitigate the economic impact of COVID on the vulnerable members of the society? How accessible and adequate are they to vulnerable population?
- Has there been mapping out and disaggregation of data to capture the various vulnerable groups in the ongoing mitigation measures? Which group has been left behind?
- Members of the public? Availability, adequacy and accessibility of social security benefits, legislations and policies on protection of employees, tax reliefs, lost jobs, cost of living due to lockdown and curfew

f) **Access to Justice**

- Have the courts been accessible to the vulnerable persons during this period of the Covid 19 pandemic?
- What are some of the measures that have been put in place to safeguard access to justice by vulnerable persons?
- Are victims of gender-based violence during the pandemic accessing timely access to justice?

g) **Education**

- Has there been a mapping out and disaggregation of vulnerable groups and their needs in the current schools’ closure?
- In what ways have the vulnerable persons been affected by the disruption of education services by the Covid 19 pandemic?
- What alternatives have the Ministry of Education provided to the vulnerable persons that have been affected by the disruption of education due to the Covid 19 pandemic?
- Is the alternative education provided accessible to the vulnerable persons?
- **Eligibility Criteria for Agencies Responding to this Research Brief**

*Participating agencies must demonstrate the following through their EOI to the KNCHR:*

- Ability to effectively execute projects that cost in excess of KES 5,000,000
- Experience in conducting nationwide Computer Assisted Telephone Interviews (CATI) surveys with samples of at least n - 5000
- Experience in conducting surveys on COVID-19 with a demonstration provided for the same.
- Ownership or access to a call centre with seating capacity of at least 20 pax

**Survey Approach and Methodology:**

Bidding research agencies are expected to propose a methodology which will enable them to respond fully to each of the above objectives. The methodological choice should
be guided by validity and reliability of the information generated, timeliness of the completion of the assignment, and its cost-effectiveness.

**Survey Deliverables:**

The following will be the survey deliverables that shall be required from the successful consulting firm for validation by KNCHR:

1. An inception report detailing the research design and methodology, work plan, and timelines.
2. Draft and final data collection tools
3. Weekly field reports
4. Draft and final survey reports
5. Raw data sets

**Requirements**

The Commission invites eligible and interested firms to submit their expression of interests as follows;

1. **A brief write up of no more than fifteen pages summarising the firm’s understanding of the terms of reference and sequences of how the firm will carry out the survey.**

2. **No financial proposal is required at this level.**

3. **The consultancy firm must have the following:**
   a) Must have been in existence for ten (10) years
   b) Must have handled similar consultancies in the last three years.
   c) Must have experience in handling human rights related studies.
   d) Experience in handling COVID 19 related studies will be an added advantage.

   i. *(Attach copies of contracts or local purchase orders)*

4. **The following copies of documents are mandatory**
   a) Valid tax compliance
   b) CR12
   c) Copy of PIN certificate
   d) Copy of certificate of incorporation
   e) Detailed Curriculum vitae of proposed staff
   f) Copies of certificates for the proposed staff.

5. **The lead consultant must have the following**
   a) Master’s degree in development studies, sociology, law.
   b) Fifteen years’ experience in complex survey researches.
   c) Evidence of supervisory role in coordinating research and surveys
   d) Data analysis skills
e) Research skills

6. The proposed team of at least five sub-consultants should have the following
   a) Bachelor degrees in sociology, development studies, research or human rights related field, but at least an individual in each of the mention field.
   b) At least five years’ experience in social research for each staff.
   c) At least two proposed staff must have experience in human rights related surveys

Expression of interest enclosed in a sealed envelope dearly marked “Expression of Interest to Carry out Nationwide Survey on Human Rights for Vulnerable Groups during the Covid-19 Pandemic” should be addressed to:

The Commission Secretary/CEO  
Kenya National Commission on Human Rights,  
1st Floor CVS Plaza, Lenana Road,  
P.O Box 74359-00200,  
Nairobi-Kenya

Or be deposited in the tender box situated at the KNCHR offices as indicated above on or before Wednesday, 30th September, 2020 at 11.30 am.

The Commission reserves the right to accept or reject any or all expression of interests and is not bound to assign reasons thereof.

Further information can be obtained by sending an email to ProcurementTeam@knchr.org, with a copy to somondi@knchr.org

Commission Secretary/CEO  
Kenya National Commission on Human Rights