



15th June 2021

Terms of Reference- Development of Policy Brief on the Status of Disability Related Legislation in Counties

About Mzalendo Trust

[Mzalendo](#) ('Patriot' in Swahili) Trust is a Kenyan non-partisan Parliamentary Monitoring Organization started in 2005 and whose mission is to promote '*open, inclusive, and accountable Parliaments in Kenya and Africa.*' We do so by creating and managing civic tech tools, producing evidence-based research, and leading and facilitating advocacy and partnerships with Parliaments, citizens and other relevant stakeholders. We believe that success in our work will build more effective and responsive legislation and political processes that ultimately support Kenya's national development goals.

About the Project

With support from Hanns Seidel Foundation (HSF), Mzalendo is implementing a project titled *Kuimarisha Demokrasia: Enhancing Inclusion & Citizen Participation for Good Governance*. The project seeks to inform and engage citizens, legislatures and other stakeholders on gaps, development, relevance, and impact of legislative development touching on the electoral reforms, special interest groups and accountability – leaderships and integrity.

Background Information

The Constitution of Kenya recognises the centrality of the people in the country. Article 1 of the Constitution provides that, 'All sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution.' Consistent with the provision, the Constitution seeks to mainstream the involvement of the people in governance through public participation. It does in fact recognize public participation as a value and principle of good governance under Article 10(2).

It further provides for the degree of public involvement in specific contexts. In addition to public participation, the Constitution espouses other national values framework including but not limited to democracy, inclusiveness, integrity, transparency, and accountability. However, the absence of a robust public participation legal and institutional framework means that the constitutional threshold envisioned has not been realized.

Covid-19 has made matters worse as it has engineered the exclusion of the members of the public from decision-making processes, both in the Executive as well as in the Legislative branch of government, both at national and county levels. Our recent study on the impact of the pandemic on Special Interest Groups shows a disproportionate impact on this category who already start from a point of disadvantage in terms of representation in key decision-making institutions,

including Parliament and sub-national County Assemblies. The challenges are anticipated to continue in the coming year, as the threat of the pandemic remains.

In light of this, Mzalendo seeks to review disability related legislation in select counties and provide recommendations for the development of robust legislation to ensure the full and meaningful participation of Persons with Disabilities.

Objective and Scope of Work

It is against the foregoing that Mzalendo seeks to engage a Consultant to undertake and develop a policy brief on the status of the development and implementation of disability related legislation in select counties.

The main duties and responsibilities of the Consultant will be to:

1. Undertake a review of enactment and implementation of disability related legislation in select counties; Nairobi, Kilifi, Kiambu, Garrisa, Machakos
2. Highlight the implementation challenges of the reviewed legislation; and
3. Provide recommendations that promote the full and meaningful participation by persons with disability in the legislative process.

Proposed Methodology

The proposed methodology will combine in-depth desk review of and key informant interview on enactment and implementation of disability related county legislation in the selected counties.

The Consultant, in collaboration with the project team, will:

- Agree on methodology of the assignment, prepare adequate tools putting into consideration the objectives and timelines of the project.
- Prepare for and conduct the studies highlighted in this term of reference.
- Present findings and recommendations of the study.

In undertaking the research, the Consultant will be expected to undertake desk review and key informant interviews with various actors. Cognizant of the challenges posed by Covid-19, which continues to pose a real challenge, the safety of staff and consultants remains the priority of Mzalendo Trust. Applicants are encouraged to develop and demonstrate protocols for doing research during the pandemic.

Key deliverables

- Inception report including tools to be applied for the study;
- Draft Policy Brief;
- Final Policy Brief and;
- Facilitation of Validation Meeting and Report Launch.

Profile of the Consultant

The consultant will be required to–

1. Possess Masters’ Degree in Law, Political Science or related field;
2. Have relevant experience of at least 10 years;
3. Possess experience in research methodology, selecting and evaluating information as well as conducting and evaluating interviews e.g. FGDs and KII methodologies
4. Have relevant professional/educational qualifications;
5. Have ability to work independently within strict timeframes;
6. Be available during engagement period;
7. Possess high level of professional integrity and;
8. Possess good communication skills.

Contract Period

The Consultant will be engaged for a period of 10 days spread over 4 weeks and effective from the signing of the contract. The final report should be made available to Mzalendo on or before **27th July 2021.**

Nr.	Deliverables	Tentative timeframe/deadline
1.	Inception report including tools to be applied for the study	30 th June 2021
2.	Draft Policy Brief	13 th July 2021
3.	Final Policy Brief	19 th July 2021
4.	Facilitation of Validation Meeting and Report Launch.	27 th July 2021

How to Apply

1. The Consultant is required to submit a technical and financial proposal as part of their application.
2. The technical proposal should include a summary of the applicant's qualifications, experience and a detailed methodology, outlining how they will approach and complete the quantitative and qualitative aspects of the assignment within the timeframe outlined. The technical proposal should also contain CVs of key team members and professional references.
3. The financial proposal should indicate the all-inclusive fixed total contract price and be supported by a breakdown of costs by activities.
4. The proposal should be sent to community@mzalendo.com by **22nd June, 2021** COB.
5. The application subject line should clearly indicate 'Policy Brief on the Development and Implementation of Disability Related Legislation.'
6. Any clarification should be emailed to community@mzalendo.com on or before **21st June, 2021**.

Members of Special Interest Groups are highly encouraged to apply.

By
Hanns Seidel Foundation (HSF)