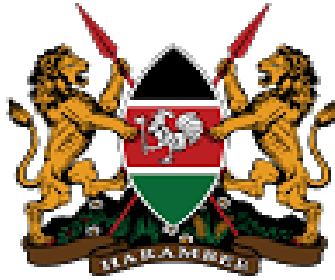




Kenya National Commission on Human Rights



**DANISH  
INSTITUTE FOR  
HUMAN RIGHTS**

**Office of Attorney General  
State Department of Justice, Human Rights  
& Constitutional Affairs**

## **COMPREHENSIVE CALL FOR CONSULTANT PROPOSALS**

### **Review and Thematic Research for the National Action Plan on Business and Human Rights (NAP-BHR), Kenya**

#### **Five Thematic Lots**

#### **I. Background**

The Government of Kenya is undertaking a comprehensive review of the National Action Plan on Business and Human Rights (NAP-BHR) to strengthen its alignment with the United Nations Guiding Principles on Business and Human Rights (UNGPs). The next phase of the NAP requires up-to-date, evidence-based thematic assessments across five core priority areas that reflect Kenya's human rights and economic governance priorities.

To support this review, the Government seeks to commission five specialised consultants (individuals or organisations) to undertake thematic research under the following lots:

- 1. Lot 1: Land and Natural Resources**
- 2. Lot 2: Environment & Climate**
- 3. Lot 3: Labour Rights**
- 4. Lot 4: Technology**
- 5. Lot 5: State–Business Nexus**

Applicants may only apply for one lot; each lot will be evaluated and contracted independently. The research is funded by the Government of Sweden in Kenya through the Danish Institute for Human Rights (DIHR).

## **II. Overall Objective of the Consultancy**

The overall objective is to generate high-quality research and policy recommendations to inform technical working group meetings to re-design a strengthened National Action Plan on Business and Human Rights for Kenya.

## **III. Methodology**

### **General Methodology (applies to all lots)**

- As point of departure, review and update previous national baseline assessment information (if applicable)
- Institutional mapping of responsibilities of duty bearers at national and county government level, including reflections on enforcement capacity and gaps
- Mapping of relevant existing current government policies addressing the identified issues
- Additional research into current and emerging impacts of businesses on human rights in the thematic area
- Analyse available redress avenues, both judicial and non judicial, and document key obstacles that limit access to remedy.
- Identify success stories where individuals or communities were able to get redress for business-related harm through innovative use of formal or informal remedy mechanisms. Where are opportunities for scaling up?
- Where possible, highlight sector-specific challenges linked to the following priority sectors: extractives and energy, infrastructure and manufacturing, agriculture, waste management, and carbon markets.
- Include information on impacts faced by marginalized and minority groups, including women, children, persons with disabilities, older persons and indigenous people.
- stakeholder consultations with relevant duty-bearers and non-state actors in verifying structural challenges in the thematic area
- where necessary, a limited number of illustrative cases highlighting/backing up the structural challenges identified
- Based on research and stakeholder consultations, identification of potential priority policy actions for discussion in the technical working groups.

## **IV. General Deliverables**

1. Inception Report and stakeholder mapping (to be presented in physical kick-off meeting between all consultants)
2. Draft Research Report for feedback round, including stakeholder consultation summary and suggestions for policy recommendations
3. Final Research Report (between 20-30 pages)
4. Power-point presentation, summarizing the key findings of the research

## **V. Duration**

The primary research is to be conducted between May – July 2026 (**13 weeks**). The consultant will also take part in co-facilitating one technical working group meeting after completion of the research. These meetings are envisioned to take place between August-October 2026.

## **VI. Required Qualifications**

Consultants must have:

- a) A Master's degree or higher in a relevant field, depending on the thematic lot, including:
  - Law, Public Policy, Governance, Human Rights, Political Science, International Relations, Development Studies
  - Economics, Public Finance, Business Administration, Trade and Investment Policy
  - Environmental Science, Climate Policy, Natural Resource Governance (for Environment and Land lots)
  - ICT Policy, Computer Science, Data Governance, Technology Law, Cyber Policy, Digital Rights (for Technology lot)
- b) Minimum 7 years' experience in the thematic area
- c) Demonstrated understanding of UNGPs and business and human rights frameworks
- d) Strong research, analytical and stakeholder-engagement capabilities
- e) Proven track record of similar assignments

## **VII. Application Requirements**

Applicants must submit:

- Technical Proposal (max. 5 pages, covering the interpretation of task, research methodology, broad timeline and financial proposal)

- must clearly specify the lot
- CV(s) of consultant(s)
- Past relevant work samples

### **VIII. Evaluation Criteria**

- Understanding of Terms of Reference – 30%
- Methodology – 30%
- Relevant Experience – 25%
- Value for Money – 15%

Each lot will be evaluated independently by representatives from the State Department of Justice, Human Rights & Constitutional Affairs, the Kenya National Commission on Human Rights, and the Danish Institute for Human Rights.

### **IX. Submission and Deadline**

Applications should be submitted electronically to:

State Department of Justice, Human Rights & Constitutional Affairs, [bhr@ag.go.ke](mailto:bhr@ag.go.ke)

Kenya National Commission on Human Rights, [bhr@knchr.org](mailto:bhr@knchr.org)

Danish Institute for Human Rights, [beoc@humanrights.dk](mailto:beoc@humanrights.dk)

Deadline for submissions: **Sunday, 19 April 2026 at 11.59pm EAT**

## **ANNEX 1: ADDITIONAL INFORMATION BY THEMATIC LOT**

### **LOT 1: LAND AND NATURAL RESOURCES**

#### **1. Background**

The Land and Natural Resources theme addresses human rights risks in the context of business linked to land governance, tenure security, compensation and resettlement, natural resource extraction, infrastructure development, agriculture, conservation practices and community rights.

#### **2. Specific Objectives**

The consultant will:

- a) Review legal and policy frameworks relating to land governance, tenure, compensation, resettlement, land acquisition and natural resource management, and benefit sharing.
- b) Examine the human-rights impacts of land-based investments and concession processes.
- c) Assess existing dispute-resolution and grievance mechanisms.
- d) Identify gaps, overlaps and systemic risks in the land governance system.
- e) Recommend actions for strengthening rights-based land and resource governance in the next NAP.

#### **3. Scope of Work**

- Desk review of land laws, policies, case law and institutional frameworks
- Stakeholder consultations (National Land Commission, Ministry of Lands, County Governments, Civil Society Organizations (CSOs), private sector)
- Where illustrative of structural issues, short case studies on land-related conflicts or business projects
- Institutional mapping at national and county government level
- Analysis of transparency and due-process concerns

### **LOT 2: ENVIRONMENT AND CLIMATE**

#### **1. Background**

Environmental degradation and climate impacts arising from business activities significantly affect human rights. Kenya's environmental and climate governance structures shape how businesses meet their obligations.

## **2. Specific Objectives**

- a) Assess implementation of environmental commitments under the NAP 2021–2025.
- b) Evaluate the effectiveness of national and county environmental governance frameworks, including regulatory enforcement, benefit-sharing, and coordination in overseeing business-related environmental obligations.
- c) Assess the degree to which environmental impact assessment regulations consider linked human rights impacts, e.g. right to health, right to water etc.
- d) Identify emerging environmental and climate risks linked to business activities.
- e) Examine impacts on different marginalized and minority groups, including women, children, persons with disabilities, older persons and indigenous people
- f) Assess examples of how businesses operating in Kenya (private sector and state-owned enterprises) integrate human rights in their climate change adaptation measures (e.g. carbon credit projects).
- g) Analyse sector-specific environmental risks in the following priority sectors: extractives and energy, infrastructure and manufacturing, agriculture, waste management, and carbon markets.

## **3. Scope of Work**

- Desk review of Environmental Laws (e.g. EMCA, Climate Change Act) and sectoral regulations
- Where illustrative of structural challenges, case examples of environmental harm and compliance challenges
- Stakeholder consultations (NEMA, climate agencies, CSOs, private sector)
- Institutional and capacity analysis

## **LOT 3: LABOUR RIGHTS**

### **1. Background**

Labour rights remain central to Kenya’s business and human rights landscape, with persistent risks across formal and informal sectors.

### **2. Specific Objectives**

- a) Assess the implementation of labour-related commitments under the NAP 2021–2025.

- b) Evaluate the effectiveness of national and county labour governance systems, including regulatory enforcement, grievance mechanisms, and institutional coordination.
- c) Identify emerging labour rights risks linked to business operations and economic priority sectors, including child labour, forced labour, migrant labour, service and gig/platform work.

### **3. Scope of Work**

- Legal and institutional framework review
- Stakeholder consultations (labour authorities, unions, private sector, CSOs)
- Institutional mapping

## **LOT 4: TECHNOLOGY**

### **1. Background**

Technology is reshaping business operations, governance, employment, and service delivery. This raises new human-rights challenges related to privacy, AI, surveillance, digital inclusion, algorithmic fairness and data governance.

### **2. Specific Objectives**

- a) Map and assess existing laws, policies, and regulatory frameworks governing digital technologies from the perspective of requiring businesses and government stakeholders to assess impacts on human rights of individuals and communities, i.e. in the areas of data protection, AI, cybersecurity, digital ID systems, and platform work.
- b) Identify emerging human rights risks and impacts associated with digitalisation in both public and private sectors.
- c) Review the effectiveness of institutions responsible for technology governance (e.g., Office of the Data Protection Commissioner, Communications Authority, ICT Authority, relevant government ministries, departments & agencies).
- d) Assess digital rights concerns such as privacy, digital exclusion, accessibility for persons with disabilities, algorithmic fairness, and non-discrimination.
- e) Analyse case studies of technology-linked human rights concerns in Kenya (e.g., digital lending, AI-assisted decision systems, digital IDs, biometric databases, platform labour).

- f) Provide actionable recommendations for strengthening Kenya’s technology governance, human-rights due diligence, accountability, and public-private coordination.

### **3. Scope of Work**

- Desk review of policies and laws
- Stakeholder consultations (regulators, private sector, CSOs, vulnerable groups)
- Case studies
- Institutional analysis

## **LOT 5: STATE–BUSINESS NEXUS**

### **1. Background**

State–Business Nexus examines how government and business interact across procurement, Public- Private Partnerships (PPPs,) State Owned Enterprises (SOEs), trade agreements, fiscal management, anti-corruption, and illicit financial flows. Weaknesses in this nexus can result in extensive human-rights impacts.

### **2. Specific Objectives**

The consultant will:

- a) Map and analyze the legal, regulatory and institutional frameworks governing: Public procurement, Public Private Partnerships, SOEs, Trade and investment agreements, Fiscal management, transparency, and anti-corruption mechanisms and measures to curb illicit financial flows
- b) Assess the human rights risks and impacts arising from State–Business interactions, including how human rights due diligence is integrated into such interactions, issues of transparency, accountability, equity, participation, and policy coherence.
- c) Identify gaps, overlaps and weaknesses in governance structures, enforcement capacity, and coordination among government institutions.
- d) Examine case studies or sectors where State–Business Nexus failures have produced human rights impacts (e.g., procurement corruption, PPP disputes, extractives revenue losses, trade-agreement related impacts).

### **3. Scope of Work**

- Desk review of laws and governance frameworks
- Stakeholder consultations (E.g. National Treasury- PPP Directorate, EACC, SCAC, Office of Attorney General, CSOs, private sector)