

Terms of Reference (ToR) for a Consultancy Opportunity

The Terms of Reference for the context/situational analysis for the East Africa program, with a focus on Kenya Hotspot program, to map and analyse the situation of children facing, and/or at risk of exploitation and abuse in domestic work, including their influencing capacity, either on their own or through alliances, and the organisational capacity of the later.

Background and overview of The Freedom Fund

[The Freedom Fund](#) is a leader in the global movement to end human trafficking. We work to combat many different forms of extreme exploitation, including forced labour, sex trafficking, forced marriage and the worst forms of child labour. We work with frontline organisations to build community resilience against exploitation; support those exploited to live free, dignified lives; prosecute those responsible; and tackle the systems that allow human trafficking to persist and thrive.

The Freedom fund partners with frontline organisations to directly combat slavery in defined regions where it is highly concentrated. We do this by setting up ‘hotspot’ projects, where we convene strategically aligned networks of anti-slavery NGOs in high prevalence areas of Ethiopia, Brazil, Myanmar, Nepal, India, Bangladesh, Indonesia, Thailand, Nigeria, Liberia, Kenya to multiply the capacity, impact, and influence of frontline partners.

A “[hotspot](#)” refers to a geographic area known to have a high incidence of modern slavery, and which meets criteria designed to ensure that interventions are likely to result in a measurable reduction in slavery of the Freedom Fund’s engagement in that region.

In our hotspots, funding and capacity building support enables partners to carry out direct action in critical ways such as: preventing vulnerable individuals from experiencing slavery; providing support and protection for survivors to exit situations of slavery, recover from trauma and access justice; increasing access to government services; building awareness and protection mechanisms; and shifting community-level norms and behaviours.

For the Freedom Fund East Africa program, the focus for the first five years will be in the three countries: Kenya, Uganda, and Tanzania. Our vision is to set up hotspot projects in these countries addressing interlinked forms of modern slavery. The starting point will be Kenya, as a country that has historically been better developed and politically stable and enjoyed better infrastructure than its neighbours. The country has for many years served as the largest host of displaced, labour migrants from the region and beyond, and has therefore established migrant communities and extensive smuggling networks. These factors make the country a major transit and destination hub for labour migrants from countries in Eastern Africa including Ethiopia, Somalia, South Sudan, Eritrea, Sudan, the Democratic Republic of Congo (DRC) and Rwanda. Nonetheless, Kenya continues to face development challenges that includes poverty, inequality, transparency and accountability, climate change and continued weak implementation of law and policies.

Why Child Domestic Work (CDW)?

2015 research by IDAY-Kenya and PALM on domestic workers documented unofficial data of 350,000 child domestic workers in the country.¹ Recent official national data on child labour is highly lacking with the last national child labour survey having been conducted in 2000.²

Early signs indicate that the COVID pandemic has resulted in nationwide economic shocks which has exacerbated socio-economic inequality. A combination of factors including the closure of schools, a weakening of child protection systems, a decline in law enforcement, as well as increasing household violence caused by economic stress are resulting in a renewed migratory ‘push’ of girls from rural

areas towards towns and cities in search of work. UNESCO indicates that there is a high likelihood that child labour increased as from 2020 due to COVID-19 although the statistics have not been recorded.

Although data on the prevalence and magnitude of child labour are inadequate, the number of children working under intolerable conditions in Kenya is estimated at over 3 million. However, the number of domestic child workers and children working in the informal sector are much more difficult to estimate because child labour in these two sectors is largely invisible. This invisibility is mainly attributed to the privacy of the domestic sector, the ineffectiveness of legislation, inadequate capacity on the part of the labour inspection unit, paucity of data, cultural values, and perceptions as well as lack of public awareness.

The important change in recent times is that ‘work as upbringing’ in the child’s own home or the house of a relative or friend is giving way to a commercialized, and therefore more potentially exploitative, arrangement. The physical and social isolation of CDWs, which is at times deliberately fostered by unscrupulous ‘employers’, interferes with their human rights thereby turning domestic work into domestic servitude. Domestic workers, particularly younger domestic workers are in very high demand in cities and urban areas across East Africa. All countries have significant internal migration for domestic work, with Kenya in particular, a magnet for young domestic workers from Uganda and Tanzania.

It is therefore crucial to understand the context in which the Kenya hotspot program will be operating to ensure that everyone involved has a similar understanding of the situation and that the program is designed to address the relevant issues with the right affected participants. In this case will be children in domestic work who are facing, and/or at risk of exploitation and abuse.

Summary

We seek the services of external consultant(s) with experience in conducting context/situational analysis in a participative way. This is with the hope that the exercise will result to a deeper understanding of the issues leading to a realistic and relevant design of the program.

The context analysis should consist of two interlinked exercises: -

1. **Mapping and analysing of stakeholders:** identify and map all relevant actors and their roles, responsibilities, relationships, interests, and relative influence/power. This should include vulnerable and underprivileged groups who may otherwise be overlooked.

¹ IDAY-Kenya et al ‘Report of Survey: Domestic Workers in Kenya’ (2015) Pg. 24

< <http://invisibleworkers.eu/wp-content/uploads/2016/03/20160224-Kenya-report-final-2015.pdf> > (Accessed 4/5/22)

² U.S Department of Labour ‘2020 Findings on the Worst Forms of Child Labour’ (2020) Pg. 2 < <https://ec.usembassy.gov/wp-content/uploads/sites/38/Child-Labour-and-Force-Labour-Report-Ecuador-2020.pdf> > (Accessed 4/5/22)

The consultancy should consider the three types of stakeholders:

- a) **Communities:** The people who experience the problem directly (*the children facing and/or at risk of exploitation, their families, 'employers' of CDWs, survivors of exploitative child domestic work, ex-CDWs*) and interact with problem solvers.
 - b) **Problem solvers:** The civil servants in relevant state agencies, non-governmental organisation (NGO) staff, frontline responders, and others on the ground, who can be informal stakeholder/s - a person or group of people without legal status, but with a vested interest in the impact the program aims to contribute to. For example, an informal stakeholder could be a local activist campaigning for child rights. The consultancy should ensure that such Informal stakeholders who are very influential are not overlooked.
 - c) **Policy and decision makers:** The people who have access to resources and control allocation or can influence decision making.
- 2. Mapping and analysing of push factors:** Besides stakeholders, we wish to consider the external factors when designing the program. The consultancy should be able to map and analyse any environmental, historic, political, religious, cultural, or socio-economic factors that are likely to influence the success of the program, and in turn, on that which the program can have an effect? Identifying these factors will help to determine the problems and opportunities that need to be addressed. Documentation of all these factors is critical as they will help to justify decisions on the program's scope and focus.

The Freedom Fund anticipates this consultancy to commence at the start of August, with literature review, fieldwork and consultative forums with different stakeholders taking place in September and October 2022. The context analysis will take place in phases, with this first phase only focusing in Kenya.

Eligibility

Individuals, organizations, or consortia with relevant experience are invited to submit proposals for this context analysis. The lead applicant must be a legally registered entity according to the laws of the country in which it (they) operates. For the Freedom Fund, preference will be given to organizations/individuals locally based in Kenya and/or with substantive experience of working in East Africa.

Budget

Proposed budgets will be reviewed with respect to the suitability of the proposed methodology and activities in meeting the desire of the program, and in a cost-effective manner.

Proposal deadline

Interested parties should prepare a comprehensive technical and financial proposal of not more than four pages plus annexes. Proposals must be submitted via email to Ruth Kimani (jobs@freedomfund.org) at the Freedom Fund no later than **5th August 2022, 2359hrs EAT.**

Scope of this Request for Proposals (RFP)

As is documented, child domestic work is very invisible, and there are often difficulties in reaching and raising their voice because of multiple barriers also called ‘intersecting inequalities’; -

- a. **Social exclusion** (groups or individually) – *no voice, no position, no friends, no self-respect.*
- b. **Economic exclusion** (groups or individually) - *have higher levels of poverty and are poorly represented by mainstream civil society (e.g. trade unions) that can lobby governments on economic and labour policies.*
- c. **Spatial exclusion** – *cannot engage with society at large.*
- d. **Political exclusion** – *cannot vote, cannot participate politically, cannot influence policy.*
- e. **Gender dimension** - *Domestic work is particularly attractive to young women and girls. They are doubly affected by pervasive traditional views on women which exacerbates isolation, abuse and exploitation. Limited or no access to economic resources is common. Their voices are hardly heard in civil society and decision-making bodies. Development actors, often see them as passive recipients rather than actively helping to make their voices heard.*

The **objective** of this short-term consultancy is to conduct an in-depth analysis of the current situation, including the policy environment in Kenya around child domestic work.

With the two interlinked areas (stakeholders & push factors) put into consideration, the consultancy should cover, but not limited, to the following aspects: -

1. Who, what, where are the child domestic workers (CDWs)?

- a. Who are they (age, sex)? Where in society and where in social stratus? Where are they geographically? How does that impact on the public?
- b. Which (geographic) areas should be covered to reach the most affected children in the country? (Identify source & destination areas for child domestic workers)
- c. What is the situation at home, and by who's intervention do they land up in urban cities/towns and/or in that household? Are there brokers? Who are they and how do they function?
- d. How do the five dimensions of exclusion (social, economic, spatial, political and gender) play out for the children in domestic work? Include a historical analysis as needed.
- e. How does the policy context affect them?
- f. How are the children in domestic work interacting among themselves and externally?
- g. What challenges do they encounter and what opportunities exist for them? Do they understand what ‘exploitation’ means?
- h. What are the risks to the CDWs as well as the Hotspot project and the Freedom Fund, in creating a financial and learning opportunity?
- i. What are the needs, rights, and aspirations of the CDWs, in other words what do they want and what are their priorities?

2. Relation to State, Market and Civil Society

- a. List and describe the different institutions and their policies and practices as they impact on the CDWs
- b. A social power analysis including the gender and age dimensions (including attitudes and beliefs)

c. The Economic, Political, Social and Spatial power play as it relates to the CDWs.

3. Risk assessment

- a. What are the key civil society security and reputational risks in reaching out to CDWs, or for the people working for or with them?
- b. What are potential future scenarios which can affect (positively and negatively) the EA hotspot program implementation?

4. Important alliances (individuals and institutions)

- a. Mapping of the individuals and institutions considered key alliances for reaching and working for or with the CDWs

Methodology

The Freedom Fund welcomes proposals that consider the use of alternative or innovative techniques and methods to understand the context. Each application will be considered on its own merits and proposals should detail the relative advantages of the selected method/s. This should include, but not be limited to the following:

- Literature review - pro-active search. It is expected that the consultant(s) will refer to regional and country level reports and data relevant to CDW.
- Focus Group Discussions and semi-structured interviews especially through Community of Stakeholders.
- Analysis of available materials to identify research gaps
- Workshop to present preliminary findings and to gather additional data

The approach used should adhere closely to ethical principles and safety concerns of research participants and researchers themselves. Including safety protocols to limit the spread of Covid-19. If there are any other elements considered to be crucial to a successful study, please include these in your proposal. Please be clear about how the roles and responsibilities would be distributed.

Deliverables

Deliverable 1: A note of agreement of understanding from the discussion with the Freedom fund regarding the scope of work, including areas of research.

Deliverable 2: Detailed inception report, that includes a detailed work plan and budget for context analysis including travel and a (preliminary) list of organisations and persons to be interviewed and/or to participate in focus groups discussions.

After approval, the first payment will be made up to maximum 40% to cover all travel and other work-related costs.

Deliverable 3: Draft context analysis report, and summary power point presentation (to be presented during the validation meetings)

Deliverable 4: Full final report and raw materials/documentation collected during the exercise

Eligibility & Budget

Proposed budgets will be reviewed with respect to the suitability of the proposed methodology and activities in meeting the desired program objectives in a cost-effective manner.

Note, proposed budgets should be in USD and include *all* costs expected to conduct the work.

Preferred competencies

Individuals, organizations, and consortia (including academic institutions, research agencies and consulting firms) are invited to submit proposals for this research. Contract will be made to the lead organization, which must be a legally registered entity according to the laws of the country in which it operates. In the case of individuals, preference will be given to locally based consultants.

Preferred competencies of the consulting team include:

- Prior experience in working on child rights/child protection
 - Prior experience in conducting context/situational analysis studies
 - Prior experience in conducting research which involves exploring culturally sensitive issues
 - Expertise in participatory research methods
 - Strength in management of fieldwork, analysis, and write-up
 - Fluency in both English & Kiswahili, and capacity to write for an expert and for a non-technical audience
 - Detail oriented and respectful of timeframes and deadlines
 - Background in social sciences or other relevant field
 - A willingness to work closely with the Freedom Fund staff/team
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Proposal format

Interested parties should prepare a proposal of no more than four pages plus annexes. Proposals should contain the following sections:

1. Profile of organization(s) and lead consultant, outlining prior experience leading similar research projects. CVs of key personnel should be included in the annex.
2. Methodology, including details on how the various aspects detailed in the 'Methodology' section will be addressed.
3. Team structure, defining the role and time commitment of key project team members.
4. High-level workplan and deliverables based on this ToR
5. Proposed budget, with notes in USD.

The following should be included in applications:

- At least two relevant reference assignments previously performed by the consultant(s) that are comparable in content, time, and money.
- Copy of the registration with the relevant authorities

The proposal must be written in English and submitted electronically in Microsoft Office or PDF format

Proposal submission

1. **Deadline:** Proposals should be submitted by **the 5th August, 2022**. Applicants should be ready to begin undertaking the work from August 2022. Please submit all proposal materials to the Freedom Fund using the following email address jobs@freedomfund.org with the subject **“Kenya CDW Context Analysis Consultancy – 05082022”**
2. **Review:** Following submission of the proposal, Freedom Fund will review and request additional information as needed.