The State of Political Inclusion of Persons with Disability (PWDs) within Political parties in Kenya

Terms of Reference

Introduction

The Westminster Foundation for Democracy (WFD) through the DemoFinland funded Kenya Inclusive Political Parties – KIPP Programme invites interested firms or research teams to submit technical and financial proposals to conduct a baseline study on the 'State of Political Inclusion of Persons with Disability (PWDs) within Political parties in Kenya'. Interested parties are requested to submit their proposal responding to these terms of reference by 21 August 2020.

Context

Political and Electoral: Elections in Kenya are due in August 2022, which will be the focus for political parties and electoral actors from 2021 onwards. Despite their significant numbers – official statistics of which are widely believed to be an underrepresentation of true figures – PWDs in Kenya continue to experience systemic exclusion from mainstream governance and developmental processes. This exclusion has been particularly acute in the areas of political representation in elective and appointive positions, with limited efforts by political parties to provide a conducive environment for PWDs to engage in politics. More work is needed to support political parties in strengthening political party nomination procedures to enhance participation, implementing party quotas, applying inclusivity principles in the party leadership and decision-making structures; and putting forward commitments and policies that are truly inclusive and responsive to the needs of all Kenyan citizens.

Inclusion. Equality and inclusion are key priority areas in Kenya’s national agenda. For example, Article 54 (2) of Kenya’s 2010 Constitution says that the state shall ensure the progressive implementation of the principle that at least 5% of members of the public in elective and appointive bodies are persons with disabilities. Article 100 (b) of the Constitution of Kenya further provides that Parliament shall enact legislation to promote representation PWDs in Parliament. Similarly, Kenya’s Vision 2030 strategy envisages a nation where all women and men enjoy high quality life and equity. These provisions seek to empower people with special needs to reduce dependency in all aspects of society. In addition, greater citizen engagement and representation has been identified as a key priority issue by both the Executive and Parliament. This is evidenced by the prioritisation and development of the Public Participation Bill in 2019. Likewise, there are ongoing discussions around and calls for a more robust and inclusive policy and legal framework through systematic legislative reform to foster the active participation of all citizens, including groups such as women, youth and persons with disabilities that are traditionally under-represented in political and economic decision making. Meaningful public consultation and participation strengthens the quality, relevance and responsiveness of policy and legislation, and, in turn, prospects of effective enforcement and implementation.
Despite this general consensus on PWD participation as a priority, during the course of its work in Kenya, WFD has established that support to ensure all voices are heard in and throughout political processes in Kenya remains weak, as does the mainstreaming of considerations around inclusion of traditionally marginalised and/or under-represented groups into agenda setting and public policy. Amongst these, WFD has found that understanding of disability is low amongst decision makers at all levels – both national and county. As a result, many policies and legislations fail to fully consider and make provision for PWDs, while structures and procedures to facilitate political participation are either tokenistic in nature or continue to be geared towards reinforcing the status quo, thereby continuing to exclude other voices. While recent programmes and interventions have sought to address women and youth, with most political parties in Kenya possessing an established women’s and/or youth wing, political participation, and representation of PWDs is still largely overlooked within the broad political inclusion agenda.

Socially, PWDs are still disproportionately subject to negative discrimination and stigma¹, views that too often only serve to deter PWDs from entering politics. There are a host of interacting reasons preventing PWDs from participation in politics, from lack of knowledge of rights and systems; fear of additional levels of judgement and scrutiny by the public; exclusive processes and inadequate provisions within political parties and other political processes, or crucially, the inability to mobilise resources and the hidden costs of entering politics² - this is an area on which WFD has produced significant research.

The issue of participation is no doubt a complex one, deriving from and perpetuated by social and cultural views. Political parties both as social microcosms and in their potential to reach huge numbers of individuals, have untapped potential to directly counteract and challenge these negative views of PWDs. However, as a result of weak understanding of not only ‘disability’ but also what qualifies as inclusion, political parties currently reinforce the status quo. This is done not only in their thinking and policy agenda setting but also in practice through their internal governance structures and processes, thereby continuing to overlook and exclude PWDs. It is evident in nomination procedures and in those who move through the party ranks, and in the commitments and policies political parties generate and the wider political discourse and rhetoric they create and contribute to.

To further assess the state of Political Inclusion of Persons with Disability (PWDs), WFD proposes to conduct a comprehensive baseline study focusing on inclusive political participation of PWDs in Political Parties in Kenya.

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² [https://info.mzalendo.com/media_root/file_archive/Claiming_the_Space_GDY4lEq.pdf](https://info.mzalendo.com/media_root/file_archive/Claiming_the_Space_GDY4lEq.pdf)
Study objectives
The study will gather data on the state of political inclusion for PWDs within political parties in Kenya including the determinants and behavioural drivers for political parties to include/exclude PWDs within party structures, policies, and processes. From this information, WFD intends to create a data set that can deepen the understanding of incentives; stimulate national dialogue; inform legal and policy advocacy; and improve inclusive multi-party democratic practice and outcomes in Kenya ahead of the next general election in 2022. In highlighting some of the key overarching trends and knowledge and/or structural gaps within political parties, the study will also inform the themes and/or topics that will form the basis of a targeted training programme for political parties and outreach to PWDs through engagement with Disabled Persons Organizations.

The following key questions will underpin this research:

a) What are the key social, economic, and political drivers of Political Inclusion of Persons with Disability in Political Parties in Kenya?

b) What supportive structures exist within Political Parties to promote participation of special interest groups specifically Persons with Disabilities?

c) What are the most effective/ineffective practices/structures in political party inclusion?

d) What barriers exist within Political Parties that hinder the participation of special interest groups specifically Persons with Disabilities?

e) Does Political Party ideology and manifesto impact on the participation of special interest groups specifically Persons with Disabilities within Political Parties? If so, how?

f) What are the legal, policy and programming options likely to promote/ or regulate the political inclusion of PWDs in Political Parties in Kenya?

g) What are the existing policy and legal framework in Kenya that supports inclusion of PWDs in social, political, and economic processes? To what extent are political parties complying and/or utilising existing legal provisions? Is the issue inadequate legal provision or one of compliance?

h) What are the existing policy and legal gaps that prohibit inclusion of PWDs in Social, Political and Economic processes?

i) Are there good practices in PWDs inclusion on social, political, and economic processes from other jurisdictions that Kenya can learn from?

Methodology
The proposed methodology will build on review of existing relevant literature primarily focused on gathering an analysing both secondary and primary data. The baseline will rely on mixed method of data collection that will involve collecting, analysing and integrating quantitative and qualitative techniques. Data collection tools such as surveys, key informant interviews and/or regional participatory workshops should be based around the key questions outlined above.

The data collection approach should focus on the different phases of the electoral cycle, namely: getting on the ballot (candidate selection), the electoral campaign (parliamentary and county elections), and the politician’s time in office (allotted term as elected official). To this end, a framework of analysis will be developed to fully understand the different practices of
the determinants of political inclusion within political parties. The analytical framework should consider the following:

- Legal, policy and institutional context of Disability inclusion in Kenya
- The power relations within Political Parties including the structures of decision making and platforms to participate as members within political parties
- Attitudes and perceptions towards PWDs and the perceptions and experiences of PWDs

Data collection will cover a sample of 10 political parties. Prospective applicants should provide details of how they would sample Political parties – to capture diversity in areas of size, membership, ideology – in a way that can provide cross representation of data. The approach to be used in selecting the political parties for the collection of political inclusion data for PWDs should be clearly outlined.

Keeping in mind the ongoing risks posed by the Covid-19 outbreak, applicants are encouraged to outline how the research will be able to proceed (digitally) to meet the deadlines (see below) if movement restrictions or other measures are (re) imposed in Kenya. A brief discussion of any cost implications this assignment might have should be provided in the expression of interest.

**Expected activities and deliverables**

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<tr>
<th>PHASE ONE - Preparation</th>
<th>MILESTONE</th>
<th>Timeframe</th>
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<tbody>
<tr>
<td>INITIAL EVIDENCE REVIEW</td>
<td>Draft questionnaire</td>
<td>1st week of September 2020</td>
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<tr>
<td>- Incorporation of key questions into questionnaire</td>
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<tr>
<td>SCRIPTING OF QUESTIONNAIRE OR RESEARCH TOOLS</td>
<td>Draft questionnaire</td>
<td>1st week of September 2020</td>
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<td>- Checking and approval of scripted questionnaire by WFD</td>
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<tr>
<td>FIELD TRAINING &amp; BRIEFING</td>
<td>Training report submitted</td>
<td>2nd week of September 2020</td>
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<td>- Training of research assistants</td>
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<td></td>
<td>- Piloting the questionnaire</td>
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<tr>
<td>FINALISATION OF QUESTIONNAIRES</td>
<td>Approved questionnaire</td>
<td>2nd week of September 2020</td>
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<td>- Final Modification to the scripted questionnaire based on the feedbacks from the training and pilot</td>
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**PHASE TWO – Data collection and analysis**

<table>
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<tr>
<th>FIELDCWORK / DATA COLLECTION &amp; QUALITY ASSURANCE</th>
<th>Data sets</th>
<th>3rd week of September 2020</th>
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<tr>
<td>- Field work starts across all regions</td>
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<td>- Execution of data collection &amp; quality control activities in all the regions</td>
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<td>- Participatory workshops/Interviews to be held with key informants across the country</td>
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Areas and period of study

The expected activities and deliverables have tight deadlines that must be adhered to by the successful applicant. All fieldwork must be completed by the end of September 2020. Given that the study will be conducted at national level, it is important the provisions for such activities to be done remotely, as a contingency measure, should also be outlined in the bid. This could involve the use of telephone or internet-based surveys and the use of online tools for both quantitative and qualitative aspects of the study.

Covid-19 remains a risk and potential challenge for the study and the safety of all members of the research team remains the priority of WFD. We encourage all applicants to develop, if they do not have in place, protocols for doing research during the pandemic. This does not need to be provided in the application but should be shared with WFD before any fieldwork is undertaken.

Management

The research team will work under the guidance of the WFD Kenya Country Representative and/or her designated representative for substantive aspects of the assignment, and in collaboration with WFD Kenya team on administrative aspects. The team will submit deliverables for review and approval to the Baseline Study to WFD.

The deliverables are expected to be in line with the key basic principles, including:

- National ownership (through involvement and consultations with relevant key stakeholders)
- Participatory, inclusive and non-discriminatory preparation and implementation of the research project
- Flexibility with regards to data collection and creativity in terms of presentation of findings

The expected period of implementation for the assignment is September 2020
Required qualifications and experience
The individual researcher/ research team/firm should have experience conducting similar studies in Kenya or East Africa. Team members should have the following qualifications and skills:

• The lead researcher should hold a postgraduate or other advanced university degree in political science, public policy, or any other relevant domain. Previous management of a research team is essential.
• At least one member should have significant experience working with, and analyzing, large datasets and running quantitative surveys.
• At least one member should have significant experience holding qualitative interviews with political stakeholders. Experience running participatory workshops is also desirable.
• At least one member should have significant experience holding qualitative interviews with Persons with Disability.
• Strong writing and analytical skills in English
• Conceptual and practical knowledge of politics and electoral democracy in Kenya.

Funding
Financial facilitation for the study will be provided by WFD. The research team will submit a technical and financial proposal in response to these terms of reference.

Application Procedure
Qualified and interested applicants are hereby requested to send their bids to Elijah.Ambasa@wfd.org and Cc: Maureen.Oduori@wfd.org by 21 August 2020. All queries should also be directed to this email address.

The application should contain the following:

  a) **A technical proposal:** To include a summary of the applicant’s qualifications and experience and a detailed methodology, outlining how they will approach and complete the quantitative and qualitative aspects of the assignment in the timeframe outlined. The technical proposal should also contain CVs of key team members and professional references.

  b) **A financial proposal:** This should indicate the all-inclusive fixed total contract price and be supported by a breakdown of costs by activities.

Bids will be assessed and scored by WFD against the following criteria: relevant experience (30%), methodological approach (35%), qualifications of research team (20%) and value for money (15%).

A final decision will be taken by WFD in the last week of August 2020.