



KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

PUBLIC NATIONAL INQUIRY ON SECURITY AND HUMAN RIGHTS IN NORTH RIFT, KENYA

CONSULTANCY FOR SECURITY EXPERT TERMS OF REFERENCE

Introduction

The Kenya National Commission on Human Rights (KNCHR) is a national human rights institution established under Article 59 and Chapter 15 of the Constitution of Kenya and subsequently made operational through the Kenya National Commission on Human Rights Act, 2011. KNCHR has the broad mandate to promote the respect for human rights and develop a human rights culture in the Republic. Section 8 of the KNCHR act details the functions of the Commission to among other things monitor, investigate and report on the observance of human rights in all spheres of life in the Republic and on its own initiative or on the basis of complaints, investigate or research a matter in respect of human rights, and make recommendations to improve the functioning of State organs.

Background

Insecurity continues to rise in the country at an alarming rate with violence replicating itself in a variety of ways. However, the State's attention has been arrested by the severe consequences that are directly linked to violent extremism and radicalization that leads to violence. One such area that has been affected by recurrent violence is the North Rift region and contiguous counties of Laikipia, West Pokot, Turkana and Samburu. The conflict in the North Rift can be traced back to 2005 when it is alleged that a prominent member of the Ilchamus community was attacked and killed by members of the Pokot community. Subsequently there have been repeated reprisal attacks that have resulted in a high number of casualties and fatalities. Research reports attribute most of the violent attacks to members of the Pokot community. However the reports also acknowledge the role of the other communities in revenge attacks.

Cattle - rustling is also rife in the area and the same is complicated by commercialization of the practice with reports indicating that rustled cattle are sold in markets in Nairobi and neighbouring countries. With the State's attention directed at curbing the effects of terror, not much focus has gone to violent acts occurring in "marginal" parts of the country and the impact it has on human rights enjoyment. While several interventions have been mounted by various actors to quell the conflicts when they arise and to ameliorate the impacts on communities, there is no account of the human rights implications of the conflict and therefore little or no accountability has been secured for the human rights violations.

Proposed action

In line with this mandate KNCHR proposes to conduct a Public Inquiry into the state of insecurity in the country, starting with North Rift as first phase.

The overall objective of the inquiry is to secure accountability for the human rights violations in the conflict

Specific objectives of the public inquiry are to;

- I. determine the nature of rights violations
- II. ensure accountability for the rights violations
- III. raise public awareness and promote the debate on the obligations of the state as to the right to security of the person and property

During this phase, the Commission expects to conduct a detailed desk research on the situation of human rights in the conflict areas, hold interviews with key stakeholders and conduct public hearings in the following areas;

- I. **Baringo North Sub County**- Rondinin, Chepkewel, Kaborion, Tuluk, Kapturo, Chepkesin, Kamwetio, Boruiyo, Chemoe, Barkitiew, Kagir, Kosile, Yatia, Loruk, Ngaratuko, Bartabwa and Kalabat.
- II. **Marigat Sub County** – Mukutani Division, Laromoru, Losokoni, Rugus, Ngelecha, and Katilomwo. Arabal, Sirata, Nyimbei, Kapindasum
- III. **East Pokot Sub County** - Kapedo Churo, Chemolingot, Nginyang, Kositei, and Silale

KNCHR seeks to recruit a security expert who will support phase one of the public inquiry process for a period of 3 months (February to April 2016).

Terms of Reference

Specifically the security expert will;

- Conduct a comprehensive and in-depth literature review on the interface between insecurity, human security and human rights while providing the relevant legal framework
- Present a detailed chapter outlook for the final report to the inquiry panel for consideration
- Provide technical guidance and advise to the inquiry teams and panels
- Review and analyse all the feedback received from the public hearings
- Support the reference groups' interface with the panels and enrich their reflection sessions on the emerging issues
- Undertake a critical analysis of the feedback / findings of the hearing
- Present an analysis of the feedback from the hearing for discussion and critique by the commissioners.
- Lead the report writing process
- Present a draft report in a validation workshop and incorporate the feedback
- Finalize the public inquiry report with clear recommendations to different stakeholders for publication

Expected outputs

- A work plan and detailed budget for consideration
- The inquiry report outline
- Draft report to the panel for consideration
- A report of the public inquiry

Skills & qualifications

- A PHD degree in a relevant field, Human rights, Social sciences, Political science, or law, having Research Methods as one of the units studied.
- Demonstratable competence in conducting research and report preparation.
- Demonstrable experience in conducting similar assignment
- Ability to conduct the assignment with minimum supervision
- Provide at least 2 samples of similar work undertaken

Time frame for the assignment

Phase one of the public inquiry will run for 1 month starting 8th May to 28th May (Baringo County) and 5th June to 11th June (Turkana County).