



TERMS OF REFERENCE

EXAMINING CITIZENS' CONTRADICTIONS IN THE APPLICATION OF ETHICAL STANDARDS ACROSS THE SOCIAL, PUBLIC AND ELECTORAL SPACES IN KENYA

About the Kenya Human Rights Commission and the National Integrity Alliance

The Kenya Human Rights Commission (KHRC) is a premier and flagship Non-Governmental Organisation (NGO) in Africa, with a mandate and mission to work with the people to consolidate their sovereign power to claim their rights and enhance accountability. KHRC envisions a democratic state and society where freedoms and dignity are upheld. The organisation is part of the National Integrity Alliance (NIA), whose members include The Institute for Social Accountability (TISA), Inuka Ni Sisi and Transparency International Kenya (TI-K). NIA holds that a new spirit of active citizenship across all levels of society and government can powerfully complement the robust laws and institutions to roll back the scourge of theft of public resources, and that the most prudent way to realise this is to prevent those who have fallen short of the constitutional vision of integrity, as espoused in Chapter 6 of the Constitution of Kenya 2010, from accessing opportunities for further theft and abuse.

Context and problem statement

Kenya is a multiparty democracy in which elections provide citizens with an opportunity to exercise their constitutional right to participate in the country's governance, as guaranteed under Articles 4(2) and 38 of the Constitution. The Constitution accords citizens massive and unfettered political power in the governance of public affairs under Article I, which declares that: "All sovereign power belongs to the people of Kenya". This amounts to the right to self-determination - the right of people to freely determine their political status and freely pursue their economic, social, and cultural development. Self-determination appears in both Article I of the UN Charter and the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Article 2 of the Constitution further provides that: "The people may exercise their sovereign power either directly or through their democratically elected representatives". Elections have become one of the spaces where this political power is to be actualised. Based on this, Article



38, which advances political and electoral rights, declares that every citizen is free to make political choices. These choices, as provided for in Article 73, include, among others, elective and appointive processes that produce leaders of integrity. This means leaders without criminal or immoral baggage who demonstrate respect for the people, bring honour to the nation and dignity to the office, and promote public confidence in the integrity of the office.

The Leadership and Integrity Act, the Elections Act and the Political Parties Act provide additional standards governing ethical leadership, while political parties and electoral conduct point to a robust formal framework that places integrity and accountability at the centre of public leadership and democratic governance.

All of these build on high societal values and standards, which are faithfully upheld by citizens in managing their social affairs. It is public knowledge and civic covenant that people suspected (not even proven) of involvement in questionable and abominable conduct (according to their local standards, generally perceived as “sinful”) can never be entrusted with leadership roles in welfare, business, and faith-based committees. The threshold of social vetting in such cases is usually high and beyond reproach.

Despite these clear and progressive constitutional and societal values, NIA’s experience in previous elections shows a mixed and selective understanding and application of these values among voters and within governance institutions. While there seems to be consistent uptake and adoption of higher standards of integrity in the social sector, the same considerations are wanting in public and state affairs, both in elected and appointed positions. The existence of formal constitutional and institutional standards, it appears, does not determine how citizens exercise their political choices.

The 2017 and 2022 general elections illustrate this point. NIA issued red cards to candidates who should not have been cleared to participate in the general elections on integrity grounds, but some ended up elected, albeit others were later impeached or arraigned over corruption-related charges. It is on this basis that we are undertaking this study to examine the contradictions in the application of constitutional and societal ethical principles within the public and social spheres of life as we move towards the 2027 general elections and beyond.

Research objective

The overall objective is to examine how Kenyan citizens understand and apply ethical leadership values and principles of integrity across social and public spaces, and how these practices can be aligned with constitutional standards.



Specific objectives:

1. To examine what citizens consider to be the key qualities and ethical standards of leadership.
2. To examine the factors that shape differing expectations and obligations of leadership across social and public spaces.
3. To identify ways of reconciling the differing expectations and practices with constitutional standards of leadership and integrity.

Scope of the study

This study will focus on Kenyan citizens eligible to vote to examine how their ethical values shape, compete with, or are reconciled with other considerations in making electoral decisions. The study will focus on electoral decisions in the period leading up to the 2027 General Election and draw on respondents' experiences from the previous three general elections since the promulgation of the 2010 Constitution.

Justification of the study

The study will help to establish whether and how ethical values held by individual voters shape their electoral choices in Kenya. Understanding this could help explain why voters support candidates, how citizens reconcile ethical concerns with other electoral considerations, and whether strengthening individual ethical consciousness can increase demand for integrity and accountability in political leadership.

Deliverables

The consultant (s) will be expected to produce the following deliverables:

1. An inception report detailing the understanding of the assignment, conceptual and theoretical frameworks, methodology, study population, sampling strategy, data collection methods and tools, data analysis plan, limitations and management of risks, and workplan.
2. A draft report summarizing preliminary findings of the research.
3. A final report incorporating feedback from stakeholders, complete with recommendations

Timelines

The consultancy period will be 45 days, effective from the date of contract signing.



Qualifications

1. A Master's degree or higher in Political Science, Governance, Public Policy, Sociology, Development Studies, Law, Psychology, International Relations, or another relevant social science discipline from a recognised institution.
2. Demonstrated research expertise in electoral behaviour, political participation, governance, integrity, accountability and democratic governance, preferably within the Kenyan context.
3. Strong analytical and critical-thinking skills, with the ability to assess the interaction between individual-level factors and wider political, social, economic and institutional influences on electoral choices.
4. Strong understanding of Kenya's constitutional, legal and institutional framework relating to leadership and integrity, elections, political participation and accountability.
5. Excellent research, report-writing and communication skills, with demonstrated ability to translate empirical findings into clear conclusions and practical policy and advocacy recommendations.
6. Demonstrated research ethics, independence, professionalism and attention to quality, including confidentiality, impartiality, ethical engagement with participants and adherence to agreed timelines.

How to apply

Interested candidates or firms should submit an up-to-date CV of the consultant(s), including details of at least three recent professional organisations that have contracted the individual or firm, together with a cover letter explaining their interest in and suitability for the assignment. The bid should also include a technical proposal outlining the methodology and work plan (not exceeding 6 pages), sample report(s) from previous work related to this assignment, and a financial proposal. Bid documents should be submitted by **Sunday, October 11, 2026**, to consultancy@khrc.or.ke, with the assignment title in the subject line.