



Cultivating Justice: Enhancing Responsible Business Conduct in Kenya's Agribusiness Sector

**Consultancy for the Research on the Actual and Potential
Human Rights Abuses/violations in Agribusiness Sector in the
Target Regions using Open-Source Mobile Data Tools and
Geospatial Analysis**

Terms of Reference (ToR)

1.0 Background Information

The "**Cultivating Justice: Enhancing Responsible Business Conduct in Kenya's Agribusiness Sector**" project is a European Commission-funded initiative with the lead implementer being DanChurchAid (DCA) in partnership with Pamoja Trust (PT) and the Centre for Education Policy & Climate Justice (CEPCJ) as the co-implementers. The action is designed to empower civil society to monitor human rights violations and assist communities in presenting evidence through both judicial and non-judicial grievance mechanisms (NJGMs).

Kenya's agribusiness sector is a primary economic driver, with horticulture alone generating 36% of the agriculture-related GDP and agri-food exports to the EU reaching 1.1 billion EUR in 2023. However, this growth is marred by serious human rights concerns, including sexual abuse, child labor, exploitative farming contracts, and unsafe working conditions. The project aligns with the EU Action Plan on Human Rights and Democracy and supports the implementation of the UN Guiding Principles on Business and Human Rights (UNGPs) and the EU Corporate Sustainability Due Diligence Directive (CS3D).

2.0 Rationale

Agribusinesses in Kenya often lack accountability for violations such as the use of excessive force by hired security and gender-based violence. Rights-holders, including workers and smallholder farmers, frequently face barriers to justice, including low awareness of rights, high legal costs, and a justice system perceived as formalistic or partial.

Traditional monitoring methods often fail to capture the geographical scope and systemic nature of these abuses. This consultancy aims to bridge the evidence gap by deploying open-source mobile data collection and geospatial analysis tools. This independent research will undertake focus group discussions and train the target group on the data collection tools, and further work with HRED's through documentation of violations which will include geospatial information on where the violation has occurred, and relation to the alleged agribusiness. This will culminate into a report of the violation and a further recommendation reports as to what best remedy should be employed to address each of the violations. The use of a consultant will inform independence and address possibility of bias in the subject area by giving a report and expert touch and bolster the credibility of the findings and recommendations

Scope of the Assignment

The consultant will operate in Nakuru, Nyandarua, and the Nairobi Metropolis (Nairobi City, Kiambu, Muranga, Machakos and Kajiado). The scope includes:

- i. Tool Development – Designing open-source mobile data collection forms (e.g. Kobo Toolbox...) and geospatial mapping framework to identify high-risk agribusiness investments and work closely with HREDs to document actual and potential violations. Ensure the tools include safeguards for data security and the protection of sensitive information from vulnerable groups.
- ii. Data Collection & Analysis - Facilitating Focus Group Discussions (FGDs) and field surveys to gather qualitative and quantitative data on actual and potential violations. Provide hands-on training to CSOs and Human Rights & Environment Defenders (HREDs) on using the developed mobile and geospatial tools. Coordinate field data collection across Nakuru, Nyandarua, and Nairobi Metropolis regions. Analyze collected data to identify patterns of actual and potential abuses/violations, such as gender-based violence, labor rights violations, and environmental degradation.
- iii. Reporting – Generating a comprehensive research report that maps hotspots of actual and potential violations and provides evidence-based and actionable recommendations for duty-bearers and private sector actors. Identify the actual violations for strategic litigation or NJGMs.

3.0 Professional Qualifications of the Consultant (s)

The consultant(s) should possess:

- i. Advanced degree in Human Rights, Law, Social Sciences, or any other related field.
- ii. Knowledge of Business and Human Rights (BHR), the UNGPs, and Kenya's National Action Plan (NAP).
- iii. Understanding of the Kenyan agribusiness legal framework, including labor laws and Alternative Justice Systems (AJS).
- iv. Proficiency in open-source data tools (e.g., Kobo Toolbox) and Geographic Information Systems (GIS) for spatial analysis.
- v. Proven track record in conducting human rights research and facilitating participatory methodologies.

- vi. Experience working with Kenyan CSOs, HREDs, and vulnerable grassroots communities.

4.0 Deliverables

The assignment will include the preparation of the following deliverables:

- i. Inception Report – Detailing the methodology, sampling plan, and workplan and detailed budget
- ii. Data Collection Tools – Geospatial mobile-based data collection tools, Survey and FGD tools and any other tool(s) that the consultant will use to undertake the assignment
- iii. Database of all the data collected for the purpose of the assignment.
- iv. Final Research Report – A comprehensive document on both potential and actual human rights abuses/violations in the agribusiness sector with geospatial visualizations. Evidence-based and actionable recommendations

5.0 Duration of the Assignment

The assignment will take a period of two months to complete all the tasks and submit the final report with possible extension if need arises

6.0 Ethical Considerations

- i. Do No Harm – The consultant must adhere to "Do No Harm" principles, particularly regarding the safety of HREDs who may face retaliation.
- ii. Confidentiality – Strict data protection protocols must be in place for sensitive information concerning victims of abuse.
- iii. Inclusivity – Research must prioritize the participation of women (at least 50%), youth, and marginalized groups.
- iv. Independence – The consultant must maintain an objective stance to bolster the credibility of findings.

7.0 Submission of Proposal

Interested consultants must submit a technical and financial proposal. The proposal should outline:

- i. Proposed methodology for geospatial mapping and mobile data collection and analysis.
- ii. Work plan
- iii. Detailed budget
- iv. Profiles of key personnel and evidence of previous similar assignments.

Both Technical and Financial Proposals should be submitted to Pamoja Trust, who is the lead partner organization for this activity. Submissions should be sent electronically by **31st July 2026** to landrite@pamojatrust.org