1.0 Introduction

1.1 About PEN

PEN is a Kenyan Non-Governmental Organization (NGO) registered since December 2001 as Poverty Eradication Network. PEN believes that a strong civil society sector is fundamental to the development of any country and its ability to have sustainable impact upon poverty. PEN was established to contribute towards the eradication of absolute poverty in Kenya, through building and strengthening the institutional capacity of civil society organizations (CSOs) and other not-for-profit organizations and public institutions. See more at: https://penkenya.org/

1.2 Background

In February 2006, the Parliament of Kenya adopted a Sessional Paper on Non-Governmental Organizations as the first ever government policy on the sector, setting up the stage and the pace for the review of the outmoded Non-Governmental Organizations Coordination Act of 1990. This was the first ever government policy on the not-for-profit organizations. Sessional Paper No. 1 on Non-Governmental Organizations was the culmination of a consultative policy formulation process that started in December 2001. In its development, the NGOs Coordination Board involved stakeholders, culminating in the adoption of a comprehensive regulatory framework that would reflect the Government's plan towards enhanced, efficient and quality service delivery in the public benefit organizations sector. Review of the Non-Governmental Organizations Coordination Act (1990) was the main directive principle of Sessional Paper No. 1 of 2006, culminating in the adoption by Parliament of the Public Benefit Organizations Bill in 2012 and its subsequent assent by former President H.E. Emilio Mwai Kibaki on January 14, 2013 into the Public Benefit Organizations Act, 2013.

This Sessional Paper, however, was developed and adopted before the promulgation of the Constitution (2010) thus did not factor in the realities of the new constitutional dispensation. In addition, since 2006, several contextual, political, legal changes have also taken place hence rendering the Sessional Paper out of context.

It is against this background that PEN, in partnership with Civic Freedoms Forum (CFF) and other national civil society actors’ plans to commission a study to review the gaps on Sessional Paper No. 1 of 2006 taking into consideration the changing context in the civil society space. Further, the civil society actors will work closely with the regulator (NGO Coordination Board).

2.0 Objective(s) of the Assignment

The main objective of the assignment is to conduct a situational analysis on Sessional Paper No. 1 of 2006 on NGOs. Specifically, the consultant will be expected to:

- Conduct a review on specific gaps with a focus on the contextual changes on the civil society space in Kenya since 2006; and
• Make a report with clear recommendations to relevant actors

3.0 Scope of the Assignment

This assignment is expected to be undertaken and finalized within the months of October and November, 2022.

• Desk review of relevant documents such as the Sessional Paper No. 1 of 2006, PBO Act (2013), the NGO Coordination Act (1990), Constitution of Kenya and any other documents and reports such as sector reports etc.
• Carry out key informant interviews with relevant sector players, the regulator and other state actors.
• Facilitate a one-day consultation with key actors to identify gaps and contextual changes.
• Make the presentation of draft report in a one-day validation workshop. The validation workshop will bring together key actors
• Prepare the final report with recommendations to relevant actors

4.0 Deliverables

The consultant will be expected to deliver the following:

• Sessional Paper Review Report with Key recommendations

5.0 Qualifications and Experience

• A degree in social sciences with five years of experience in public policy processes
• Demonstrated understanding of civil society context in Kenya and East African region

6.0 How to Apply

For consideration, please submit an expression of interest (inclusive of the methodology, experience and financial proposal) no longer than 8 pages, and 2 – 3 samples of previous work in English with the email subject ‘EoI - Review of Sessional Paper No. 1 of 2006’ to info@penkenya.org by October 19, 2022 close of business (EAT). Applicants, if shortlisted, will be required to subsequently submit references.

Due to high volumes of applications received, should you not have received feedback on your application within one week of the closing date, please consider your application unsuccessful. We reserve the right to withdraw any of our vacancies at any time.