



## **TERMS OF REFERENCE (TOR)**

### **Assessing Human Rights and Environmental Situation in Artisanal Mining in Siaya County**

#### **Overall Purpose of the Assessment**

Twajibike is a Community Development Organization that seeks an inclusive, just, accountable, and sustainable society and works to empower community voice and action on issues that affect them. Thematically, the organisation works on four areas, namely Policy engagement and advocacy; Environmental sustainability; Community health advocacy, as well as Human Rights and Access to Justice. Twajibike seeks to conduct an assessment of the human rights impacts and environmental gaps associated with artisanal and small-scale mining (ASM) in three selected sites in Siaya County. The goal is to document existing conditions, uncover key challenges, and highlight opportunities to promote responsible artisanal mining, advance human rights protections, and reinforce environmental sustainability through inclusive, community-driven, and self-regulatory approaches.

#### **Specific Tasks / Terms of Reference**

##### **Human Rights**

- Review the relevant legal frameworks to determine their influence on responsible artisanal mining practices
- Evaluate labour conditions, including payment/benefit models, wages and working hours if relevant, gender equity, and child labour.
- Assess access to remedy and complaints handling mechanisms by artisanal miners
- Identify human rights violations and gaps in protection
- Assess stakeholder engagement mechanisms and evaluate their effectiveness in promoting inclusive decision-making and transparent information sharing within the artisanal and small-scale mining (ASM) sector.

##### **Environmental Assessment**

- Document environmental impacts such as land degradation, water pollution, waste disposal, and biodiversity loss.
- Review existing environmental management practices and gaps.

##### **Health and Safety**

- Assess site-level (occupational) health and safety practices and challenges

- Evaluate access to protective equipment, medical services, and emergency response.

### **Crosscutting**

- Map and assess the existing formal and informal governance structures and their roles in promoting human rights and environmental protection
- Identify opportunities for ASM and community-led self-regulation and oversight towards a responsible artisanal mining

### **Analysis and Reporting**

- Document the human rights and environmental conditions within the ASM sector, drawing on practical case studies and lived experiences.
- Suggest practical recommendations for strengthening responsible ASM practices in light of labour, health and safety, environment, and complaints handling, among others
- Highlight opportunities for enhancing human rights and environmental protection
- Suggest possible modalities for ASMs' self-regulatory approaches to strengthen human rights, environmental protection, and responsible conduct
- Submit a final report (approx. 40 pages, excluding annexes) in clear, simple English.
- Accompany the report with an annex of a simple tool/checklist for monitoring/documenting RBC in the ASM context

### **Scope of the Assessment**

#### **Geographic Scope:**

- Three selected artisanal mining sites in Siaya County, Kenya.

#### **Thematic Scope:**

- Human rights (labour rights, gender equity, stakeholders' engagement, child protection, access to remedy).
- Environmental sustainability (pollution, land use, biodiversity).
- Health and safety (chemicals, equipment, medical access, risk mitigation).
- Governance and regulation (formal and informal systems).
- Stakeholders: Miners, local communities, national and county government, civil society, and traditional leaders.

### **Expected Outcome**

- Inception report 5 days after contract signing
- Field activity to engage with artisanal miners in selected sites and other key stakeholders
- Draft report for review.
- Final Report
- A simple monitoring tool/checklist for Responsible ASM

### Timeline

- The assignment starts no later than **December 18, 2025**, and the final report must be submitted by **February 5, 2026**.

### Consultant Qualifications.

- At least 5 years of experience in human rights, environmental governance, or the mining sector in Kenya
- Experienced and familiar with the concept of Responsible Business Conduct/Corporate Accountability/Business and Human Rights
- Proven experience conducting field-based research and stakeholder engagement in Kenya or similar contexts.
- Strong understanding of the ASM sector dynamics, labour rights, and environmental issues
- Excellent writing and communication skills in English.
- Familiarity with Siaya County and local languages is an added advantage.

### Submission of applications

- Interested applicants are encouraged to submit their proposals only ONLINE to [info@twajibike.org](mailto:info@twajibike.org) on or before **December 12, 2025**. The technical proposal must be strictly **limited to a maximum of 5 pages, excluding attachments, and must include, among other things, the applicant's understanding of the assignment, the methodology to be used, the work plan, and a financial proposal.**