TERMS OF REFERENCE FOR CONSULTANCY TO DEVELOP A BENCH REVIEW BOOK ON THE INTERPRETATION AND APPLICATION OF CONSTITUTIONAL INTEGRITY STANDARDS IN JUDICIAL DECISIONS.

REFERENCE NUMBER: **TIK/PFM/KISP/008/2026**

DESCRIPTION: Consultancy for developing a Bench Review Book on the Interpretation and Application of Constitutional Integrity Standards in Judicial Decisions.

DEADLINE FOR SUBMISSION: 8th November 2026

POSTING DATE: 30th October 2026

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1. ORGANIZATIONAL SUMMARY

Transparency International Kenya (TI-Kenya) is a not-for-profit organization founded in 1999 in Kenya to champion for a transparent and corruption-free society through good governance and social justice initiatives. TI-Kenya is one of the autonomous chapters of the global Transparency International movement bound by a common vision of a corruption-free world. TI-Kenya's vision is "A corruption-free society". TI-Kenya's work is currently organized around four strategic focus areas namely, Citizen Demand and Oversight, Natural Resources and Climate Governance, Public Financial Management, and Institutional Development.

2. PROJECT BACKGROUND

Transparency International Kenya (TI-Kenya) in partnership with the Electoral Law and Governance Institute for Africa (ELGIA), and with support from the Foreign, Commonwealth and Development Office (FCDO), is implementing Phase II of the Kenya Institutional Strengthening Program (KISP). The goal for KISP is to reduced corruption and illicit money in Kenya's political system with a focus on leadership integrity and accountability strengthening. TI-Kenya is implementing activities aimed at enhancing the integrity of key electoral processes ahead of Kenya's 2027 Elections and counter the use of illicit money in Political activities in Kenya for the long-term.

The inaugural Bench Review Book seeks to introduce a comprehensive review of judicial decisions with the aim of promoting progressive realization of Constitutional provisions. It will provide a consolidated and analytical resource on the relevant constitutional provisions, legislations, institutions and jurisprudence emanating from court decisions. It will also identify areas of convergence, divergence and emerging jurisprudential questions and provide practical guidance for judicial decision-making.

3. PURPOSE AND SCOPE OF THE ASSIGNMENT

a. Background and Problem Statement

The Constitution of Kenya establishes integrity standards across the country's governance framework, shaping interactions between public officers and private citizens. These standards are reflected in the Preamble; the national values and principles of governance under Article 10 and provisions on the principles governing various aspects of Kenya's constitutional framework including: management of natural resources; representation; exercise of legislative, executive and judicial authority; public finance, and public service. Chapter Six further sets out explicit standards on leadership and integrity whilst Articles 99 (1) and 193 (1) sets out integrity standards for eligibility for elective positions by requiring satisfaction of moral and ethical requirements for one to be eligible for election. Together, these provisions embed integrity, transparency and accountability throughout the constitutional framework. Enabling legislations including: the Ethics and Anti-Corruption Commission Act; the Leadership and Integrity Act; the recently enacted Conflict of Interest Act; among other laws elaborate on institutions, roles and responsibilities to ensure that the Constitutional aspiration on integrity standards are entrenched in governance processes.

While the Constitution and established legal and institutional frameworks have made provisions for entrenchment of integrity standards, the interpretation and enforcement of these principles has continued to evolve through judicial decisions. Some of these cases have included the Trusted Society of Human Rights Alliance v Attorney General & 2 others; Matemu (Interested Party); Kenya Human Rights Commission & another (Amicus Curiae) [2012] KEHC 2480 (KLR); and Matemu v Trusted Society of Human Rights Alliance & 5 others [2013] KECA 445 (KLR). The courts have been called upon to determine, among other matters whether and when an individual may be considered to lack integrity, the relevance of criminal investigations and prosecutions to

constitutional eligibility, the role of integrity institutions in vetting candidates and public officers, and the extent to which courts can intervene in decisions made by institutions mandated to enforce Chapter Six and other provisions touching on integrity.

The jurisprudence on these questions has been dispensed across decisions of the entire judicial systems including decisions in quasi-judicial processes. There is therefore a need for a comprehensive and structured consolidation of this jurisprudence. A Bench Review Book, which is a first of its kind in our legal dialogue, seeks to provide a practical reference for judicial officers by bringing together the relevant constitutional and statutory provisions, judicial principles, leading authorities and emerging jurisprudence relating to interpretation and application of Constitutional integrity standards. The Bench Review Book is intended to support consistent, coherent and constitutionally grounded judicial interpretation of leadership and integrity standards while also identifying areas where jurisprudence remains unsettled or requires further development.

SCOPE OF THE ASSIGNMENT

TI-Kenya seeks to engage a consultant for development of a Bench Review Book on the Interpretation and Application of Constitutional Integrity Standards in Judicial Decisions with the following key themes of focus:

a. **Undertake comprehensive legal analysis** of the constitutional, statutory and institutional frameworks setting out integrity standards in Kenya.
b. **Conduct a review of judicial decisions and jurisprudence** emanating from application and interpretation of Constitutional Integrity Standards as well as the evidentiary and procedural standards applied by courts.
c. **Assess the effectiveness and impact of Kenya's jurisprudence** including on the **remedies and enforcement mechanisms** in promoting integrity, ethical leadership, accountability and the transformative values and principles of the Constitution.
d. **Identify jurisprudential and legislative gaps** requiring further advancements in ensuring that the Constitutional aspirations on integrity standards are met and have the desired impact in Kenya's Governance.

SPECIFIC OBJECTIVES

Below are the specific objectives of the assignment: -

a. Provide a comprehensive and structured consolidation of Interpretation and Application of Constitutional Integrity Standards in Judicial Decisions.

b. Provide a practical reference for judicial and other legal practitioners on the relevant constitutional and statutory provisions, judicial principles, leading authorities and emerging jurisprudence relating to interpretation and application of Constitutional Integrity Standards.

c. Support consistent, coherent and constitutionally grounded judicial interpretation and application of integrity standards while also identifying areas where jurisprudence remains unsettled or requires further development.

KEY DELIVERABLES

The consultant will be expected to deliver the following:

i. **Inception Report**: A report setting out the consultant's understanding of the assignment, methodology, proposed Bench Review Book structure, case selection approach, thematic framework, work plan, timelines, quality assurance measures and ethical considerations.
ii. **Legal and Case Law Matrix**: A comprehensive matrix of relevant constitutional provisions, legislation, regulations and jurisprudence, capturing key case details, legal issues, judicial findings, principles, tests, remedies and subsequent treatment.
iii. **Jurisprudential Analysis Report**: A thematic analysis identifying established and emerging legal principles, divergent judicial approaches, unresolved questions, jurisprudential gaps and implications for the interpretation and application of Chapter Six.
iv. **Draft Bench Review Book**: A comprehensive draft Bench Review Book consolidating the constitutional and legal framework, thematic jurisprudence, leading cases, judicial principles and tests, evidentiary and procedural considerations, remedies, and emerging and unresolved questions relating to Constitutionally set integrity standards.
v. **Stakeholder Validation and Consultation**: Facilitation of a validation process with relevant judicial, legal, institutional and civil society stakeholders to review and provide input on the draft Bench Review Book.

vi. **Final Bench Review Book**: A professionally edited and formatted final Bench Review Book incorporating stakeholder feedback from the consultative and validation engagements.

vii. **A policy brief and popular version** for dissemination to different stakeholders.

viii. **Presentation of findings**: to relevant stakeholders.

4. TIMELINE

The assignment will be conducted over a period of 45 days with set out deliverables at intervals within a period of 2.5 months.

5. CONSULTANCY QUALIFICATION

The consultant should be a person with the following competencies:

i. Minimum of a master's degree in law, political science, public policy, or a relevant specialized field.

ii. A minimum of 10 years of demonstrated experience in legal research, policy analysis, legal drafting and technical writing.

iii. Deep knowledge of the legal systems, judicial processes, and legal practice in Kenya.

iv. Experience working with judicial institutions, government authorities, civil society organisations or other governance stakeholders.

v. Proven track record of successfully undertaking similar assignments.

vi. A person of high integrity who will model TI-Kenya's core values including gender equality, diversity, and inclusion.

9. APPLICATION PROCEDURE

Applications should include the following requirements combined into one document: (max –15 pages)

i. A one-page cover letter expressing interest, availability commitment during the entire period of the consultancy, and suitability to undertake the assignment demonstrated by past performance conducting similar assignments with at least 2 comparable institutions.

ii. A technical proposal (maximum 5 pages) summarizing the understanding of the ToR, describing the methodology, and an indicative work plan to be used, including the expected time required for each step.

iii. A minimum of two references from reputable organizations/clients that the consultant or consultancy firm has provided similar services.

iv. An item-focused financial proposal outlining the anticipated cost of services in Kenya Shillings, inclusive of taxes.

v. A brief outline of the consultant(s) profile(s) with academic and professional qualifications stated and latest samples of your past work (shared via links).

vi. Provide all required compliance and statutory (Tax compliance, Business permit, CR12 form and personal identification or company/firm registration documents).

vii. Please indicate "**Application - Bench Review Book'** in the subject line of your email application.

N/B: All applications be submitted in one single PDF document shared to consultancyapplication@tikenya.org. Indicating **TIK/KISP/008/2026 - Consultancy for developing a Bench Review Book on the Interpretation and Application of Constitutional Integrity Standards in Judicial Decisions** on the subject. The deadline for submission of expressions of interest is **8th November 2026.**

Confidentiality of information: All documents and data collected will be treated as confidential and used solely to facilitate analysis. Interviewees will not be quoted in the reports without their consent.

Content: All the required documents and reports in their draft and final versions shall be submitted to TI-Kenya within agreed timelines and remain the explicit property of TI-Kenya.

TI-Kenya policy only allows up to 15% AI content in any of the developed or submitted documents. Any use of Artificial Intelligence (AI) tools in all stages including application for this assignment must be disclosed, and AI must not be used to generate core content, conclusions, or recommendations.

10. COMPLAINTS PROCESS

This call for Expression of Interest does not constitute a solicitation and TI-Kenya reserves the right to change or cancel the requirement at any time during the EOI process. TI-Kenya also reserves the right to require compliance with additional conditions as and when issuing the final solicitation documents. Submitting a reply to a call for EOI does not automatically guarantee receipt of the solicitation documents when issued. Invitations to bid or requests for proposals will be issued per TI-Kenya rules and procedures.

Any grievances and or complaints arising from the evaluation process and the final tender award can be addressed, in writing, to the Executive Director and the TI-Kenya Tender Complaints Committee.

Executive Director,
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