



Republic of Kenya

**Second Kenya Social and Economic Inclusion Project
(P504218)**

**Vulnerable and Marginalized Groups Framework
(VMGF)**

Revised April 2025

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Abbreviations

ASAL	Arid and Semi-Arid Lands
CCTP	Consolidated Cash Transfer Program
CoG	Council of Governors
CoK	Constitution of Kenya
CT-OVC	Cash Transfer for Orphans and Vulnerable Children
DRM	Disaster Response Management
DSA	Directorate of Social Assistance (DSA)
E&S	Environmental and Social
EIP	Economic Inclusion Program
ESF	Environmental and Social Framework
ESR	Enhanced Single Registry
ESRS	Environmental and Social Review Summary
FCDO	United Kingdoms' Foreign and Commonwealth Development Office
FGD	Focus Group Discussion
GCM	Grievance and Case Management
GM	Grievance Mechanism
GoK	Government of Kenya
IAs	Implementing Agencies
ICT	Information, Communication and Technology
IEC	Information, Education and Communication
IIGA	Income-generating Activity
ILO	International Labor Organization
IP	Indigenous Peoples
IP/SSAHUTLC	Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities
KSEIP2	Second Kenya Social Economic Inclusion Project
MEACARD	Ministry of East African Community, ASALs & Regional Development
MIS (s)	Management Information System (s)
MGCCS	Ministry of Gender, Culture and Children Services
MLSP	Ministry of Labor and Social Protection
MoH	Ministry of Health
NCPWD	National Council for People with Disabilities
NDMA	National Drought Management Authority
NEMA	National Environment Management Authority
NGEC	National Gender Equality Commission
NGOs	Non-Governmental Organizations
NHIF	National Health Insurance Fund
NICHE	Nutritional Improvements through Cash and Health Education
NSNP	National Safety Net Program
NSPS	National Social Protection Secretariat
NSSF	National Social Security Fund
NT	National Treasury
OPCT	Older Persons Cash Transfer
PAD	Project Appraisal Document
PCU	Project Coordination Unit
PDO	Project Development Objective
PWD	Persons with Disability
PwsD-CT	Persons with Severe Disabilities Cash Transfer
SA	Social Assessment
SDSP	State Department of Social Protection and Senior Citizens Affairs

SDCS	State Department of Children Services
SEA	Sexual Exploitation and Abuse
SEA/SH	Sexual Exploitation and Abuse and Sexual Harassment
SEP	Stakeholder Engagement Plan
SIDA	Swedish International Development Cooperation
SP	Social Protection
USAID	United States Agency for International Development
VMG	Vulnerable and Marginalized Group
WB	World Bank

EXECUTIVE SUMMARY

1. The Second Kenya Social and Economic Inclusion Project (KSEIP2) seeks to strengthen the achievements made under KSEIP 1 that include: (i) establishing the digital Enhanced Single Registry (ESR) to inform pro-poor targeting of social programs and strengthen adaptive Social Protection (SP), (ii) introducing a payment choice model for Consolidated Cash Transfer Program (CCTP), (iii) expanding the shock-responsive Hunger Safety Net Program (HSNP) from four to eight counties, and (iv) testing of Nutrition Improvement through Cash and Health Education (NICHE) for 14,000 households and Economic Inclusion Program (EIP) for 7,162 households. This project is being prepared in collaboration with the World Bank to sustain the above-mentioned core SP delivery systems and invest in next-generation cash-plus programs to address demographic trends.

2. KSEIP 2 represents a national scale-up of several successful interventions implemented under KSEIP 1 and the project is structured into four (4) components consisting of:

Component 1: Building human capital of children and adolescents. This component will enhance demographic dividends through investments in cash-plus interventions for children and adolescents in poor and vulnerable households.

Component 2: Climate Resilient Economic Inclusion. This component will support working-age adults from poor households to emerge from poverty, save for the future, and gradually become self-sufficient.

Component 3: Systems Strengthening and Adaptive Social Protection. This component will support system-wide reforms to increase the overall efficiency, impact, and shock-responsiveness of SP programs and delivery platforms.

Component 4: Project Management, Monitoring and Evaluation, and Policy and Legislation. This component will finance project management, including capacity building, monitoring and evaluation, and environmental and social (E&S) risk management for both implementing agencies.

3. Due to its geographical coverage of 36 out of 47 counties, there is a likelihood that some of the proposed project interventions will be undertaken in areas where Vulnerable and Marginalized Groups (VMGs) are present in, or have collective attachment to, the project area. In order to avoid negative impacts on VMGs, and to ensure that VMGs access project benefits and opportunities that are culturally appropriate, the project will apply the provisions of the national legal procedures and the World Bank's (WB) Environmental and Social Framework (ESF), particularly the Environmental and Social Standard (ESS) 7 on VMGs.

4. Article 260 of the Constitution of Kenya (COK), 2010, defines "Marginalized Community" as:

- A community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole;
- A traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;
- An indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or pastoral persons and communities, whether they are (i) nomadic; or (ii) a settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole.

5. In ESS7, the term “Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities” (IP/SSAHUTLC) referred to as Vulnerable and Marginalized Groups (VMGs) in Kenya, is used in a generic sense to refer exclusively to a distinct social and cultural group possessing the following characteristics in varying degrees:

- Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others;
- Collective attachment to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas;
- Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture and
- A distinct language or dialect, often different from the official language or languages of the country or region in which they reside.

6. This Vulnerable and Marginalized Groups Framework (VMGF) is prepared in fulfilment of the ESF provisions and specifically the requirements under ESS7. The VMGF establishes a mechanism to determine and assess potential risks and impacts of project activities on VMGs. Projects affecting the VMGs, whether negatively or positively, significantly or not, need to be prepared with care and with the participation of affected VMG communities. A VMGF is developed when a proposed project design is not yet finalized hence it is impossible to identify all of the adverse impacts, as is required to prepare VMG Plans (VMGPs). At the time of preparation of this VMGF, it is not possible to estimate the exact number of VMGs who may be affected by KSEIP 2 interventions and details of all project investments, and their specific locations have yet to be finalized. Consequently, SDSP has adopted with necessary adjustments the VMGF prepared under KSEIP 1, to guide the implementation of KSEIP 2 interventions in a manner that allows VMGs to participate in, and benefit from the development process in ways that do not threaten their unique cultural identities and well-being. The VMGF describes the policy requirements and planning procedures that KSEIP 2 will follow during the preparation and implementation of projects especially those identified as occurring in areas where VMGs are present. The purpose of this VMGF is to ensure: i) the management of issues relating to VMGs are integrated into the development and operation of proposed investments to be financed under the KSEIP 2; ii) effective mitigation of risks and impacts associated with KSEIP 2 interventions while enhancing VMG’s access to project benefits and opportunities.

7. Under World Bank-funded projects in Kenya, VMGs are categorized as either majority or minority. Majority VMGs are the dominant communities in their respective counties and sole beneficiaries of project benefits and opportunities, while minority VMGs share benefits and opportunities with dominant communities. Tables 3 highlights the majority and minority VMGs in Kenya.

8. As KSEIP 2 is an upscale of KSEIP 1, a screening process (Annex 1) needs to be undertaken, to determine whether VMGs are present in, or have collective attachment to, the now larger project area. Once the World Bank makes a determination that VMG communities are present in, or have collective attachment to the project area, ESS7 requires the SDSP to conduct a targeted Social Assessment (SA) to understand the relative vulnerabilities of the affected VMGs and how the project may affect them. The assessment will also evaluate the capacity of SDSP to involve VMGs in project design and implementation.

9. It is important to note that, a Social Assessment was done under KSEIP 1. However, to ensure all the VMGs in the project area are fully consulted about, and have opportunities to actively participate in the project design and the determination of project implementation

arrangement, the SA shall be reviewed, updated and adopted with necessary adjustments for reasons including: i) the extended scope of KSEIP 2 that is likely to impact more VMG communities; ii) the need to align the KSEIP 1 SA done under the safeguards operational policies with the provisions of the ESF and specifically the requirements of ESS7 and iii) the scope of investments and target beneficiaries under KSEIP 2 is wider (NICHE eligible households with Children under 3 scaled up to around 25 counties, preparing Adolescents and Youth for healthy and productive adulthood, promoting savings and social insurance for informal adult workers from poor and vulnerable households) and therefore it is important to understand the potential risks and impacts associated with such interventions for purposes of identifying culturally appropriate mitigation measures. Further, the SA will be expounded to analyze the effects of the proposed critical reforms, barriers to inclusion of Persons with Disabilities and young mothers, counties with challenges accessing legal identification cards as well as geographically vast areas where payment providers are far from the beneficiaries, and present mitigation measures.

10. Following the SA, VMGPs that set out culturally appropriate mitigation measures and benefits will be prepared for minority VMGs who are potentially at risk of exclusion. In this regard, SDSP and SDCS shall consult on the VMGF with the respective minority VMG communities to capture their specific issues and context and prepare community-specific VMGPs. The validation workshops will be facilitated by the Social Development Officers (SCSDOs) and Children Officers in all counties. The VMGPs will set out the measures for: i) consultation with VMGs to ensure that they receive culturally appropriate social and economic benefits and ii) minimizing, mitigating and compensating potential negative impacts associated with KSEIP 2 project interventions. The level of detail and comprehensiveness of the VMGPs will vary depending on the specific interventions and the nature of impacts to be addressed.

11. VMGPs will not be prepared for the majority VMGs (including Maasai, Turkana, Pokot, Borana, Rendille, Gabbra and Samburu, among others) as they are potentially the sole project beneficiaries in the counties of residence. However, the project will proactively engage the majority VMGs including vulnerable or disadvantaged groups amongst them, such as PWDs, older persons, youth, adolescents, to ensure their ownership and participation in project design, implementation, monitoring and evaluation. SDSP and SDCS will also consult with them on the cultural appropriateness of proposed services to be provided under KSEIP 2 and will seek to identify and address any economic or social constraints (including those relating to gender, disability, illiteracy, mobility) that may limit opportunities to benefit from, or participate in, the project.

12. This VMGF seeks to ensure that VMGs are informed, consulted, and mobilized to participate in the KSEIP 2 project. KSEIP 2 will undertake prior consultations with minority VMGs who will potentially be impacted by the project and stakeholders such as VMG organizations who work with and/or are knowledgeable of VMGs development issues and concerns and represent or champion their interests. Participation of VMGs is to be ensured in selecting, designing and implementing the KSEIP 2 project.

13. KSEIP 2 National Project Management Unit (NPMU) will strengthen and adopt the Enhanced Grievance and Case Mechanism (EGCM) developed under KSEIP 1 for purposes of addressing grievances from affected parties, including minority VMGs. The mechanism for addressing grievances will be incorporated in the project information pamphlet to be distributed prior to consultation with affected minority VMGs during project planning and implementation stages. The Grievance Mechanism (GM) will incorporate the traditional conflict resolution mechanisms existing within respective minority VMG communities and will be applied as the first step in resolving grievances. Minority VMGs will be provided with a variety of options for communicating issues and concerns, including village elders, local peace committees, walk ins

into Chief offices at the locational (village) level, Social Development offices at the county and sub county levels, civil society groups, written submissions, public forums, by telephone, over the internet or through social media platforms.

14. To ensure effective grievance management, and strengthen the performance of the EGCM, Grievance Committees will be formed at the national, county, sub -county and locational (village) levels with involvement of representatives of minority VMGs. The Committees shall be formed and activated before commencement of project activities. Where necessary, minority VMGs will be assisted to document and resolve received complaints. The GM is designed with the objective of resolving disputes at the earliest possible time, which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the law courts for resolution, which would otherwise take a considerably longer time. Further, specific provisions will be included for complaints related to Gender-Based Violence (GBV) including Sexual Exploitation, Abuse and Sexual Harassment (SEA/SH) arising from the project and other forms of GBV such as Intimate Partner Violence (IPV), Peer-to-peer exploitation, abuse and harassment, to ensure survivor's confidentiality and rights. To effectively address GBV risks, the GM needs to be in place prior to commencement of activities requiring interaction with project beneficiaries. More details are provided in the GM section (chapter 8) and the SEA/SH Prevention and Response Action Plan prepared for KSEIP 2.

15. The NPMU will establish a monitoring system involving the project staff at national, county, sub-county and locational levels, as well as representatives of minority VMGs to ensure effective implementation of VMGPs. The implementation of the VMGPs will be closely monitored and documented as part of the project's quarterly progress report. At the county level, the Coordinator Social Development (CSD) will prepare monthly E&S monitoring reports and submit to the Social Specialists who compiles all the monthly county monitoring reports and share with the World Bank on quarterly basis for review. An appropriate format will be prepared by NPMU Social Specialists and adopted by counties for monitoring and reporting requirements.

16. A set of Monitoring and Evaluation (M&E) indicators as proposed in Table 5 will be determined and agreed upon during VMGP development. It is important that the M&E plan is developed with the active involvement of minority VMGs in order to come up with mitigation measures that are applicable to their context and are culturally appropriate. Project results indicators will be disaggregated by disability and by gender to monitor women's participation in the project interventions. The NPMU EHS and Social Specialists and support consultants will carry out monitoring to capture both process and outputs indicators including the number of minority VMG participating in consultations, issues deliberated and how they were resolved, determination of the impacts of the project on the welfare of minority VMGs, among others and mitigation measures, as well as the nature of interventions and % of minority VMGs accessing them. The NPMU will capture the progress on VMG inclusion in the quarterly reports that will be submitted to the WB for review. In addition, the NPMU shall ensure that the ESR inclusively targets households at the village level to provide an opportunity to document minority VMGs, enhance On-Demand Registration, and adhere to the ESR when selecting beneficiaries.

The Project will cater for all costs related to preparation, implementation and monitoring of VMGPs. It is important to note that, in this VMGF, an estimated budget has been provided, and more accurate costs will be agreed upon by the project team after consultation with minority VMGs and determination of need for additional measures targeting minority VMGs have been finalized. The budget for the implementation of this VMGF (KES 5, 000, 000) mainly includes conducting a Social Assessment and developing VMGPs. All costs related to awareness creation to beneficiaries and local leadership, induction of project participants, training of project workers

including community volunteer groups on the provisions of the KSEIP 2 E&S instruments are captured in the Stakeholder Engagement Plan (SEP), including a single budget to monitor the implementation of all E&S aspects including VMGPs and developing and maintaining the GM.

17. The final VMGF and VMGPs will be made available to the affected minority VMGs and other stakeholders in an appropriate form, manner, and language. Electronic versions of the VMGF and VMGPs will be placed on the external websites of the SDSP, SDCS and NDMA and other technical agencies as applicable, in accordance with the World Bank Access to Information Policy. Each VMGP will be disclosed to the affected VMGs in locations accessible to all, using feasible techniques (focus -group discussions and public forums) in languages commonly understood by minority VMGs, and copies of summaries of the VMGPs will be made available at the: (i) sub-county Social Development and Children offices; (ii) respective County Coordinator Social Development and Children Offices; and (iii) any other local level public offices including the chiefs and Ward administrator's offices.

1 INTRODUCTION

1. The Government of Kenya (GoK) in partnership with World Bank (WB) are preparing the Second Kenya Social and Economic Inclusion Project (KSEIP 2) to protect human capital and build pathways to productivity for current and future generations. KSEIP 2 also seeks to strengthen the achievements made under KSEIP1 that include: (i) establishing the digital ESR to inform pro-poor targeting of social programs and strengthen adaptive SP, (ii) introducing a payment choice model for CCTP, (iii) expanding the shock-responsive HSNP from four to eight counties, and (iv) testing of NICHE for 14,000 households and EIP for 7,162 households. Continued engagement of the World Bank and the other partners is essential to sustain these core SP delivery systems and invest in next-generation cash-plus programs to address demographic trends.

2. Towards this, KSEIP 2 will be implemented in rural, peri-urban, and urban settings, including informal settlements and it is likely that the planned interventions will be executed in areas where VMGs are present in, or have collective attachment to, the project area. According to the WB's Environmental and Social Framework (ESF), and specifically the Environmental and Social Standard 7 (ESS7), VMGs are a distinct, vulnerable, social and cultural groups possessing the following characteristics: i) self-identification as members of a distinct cultural group; ii) collective attachment to geographically distinct -habitats or ancestral territories; iii) customary cultural, economic, or social institutions that are separate from those of the rest of the society; and vi) an indigenous language, often different from the official language of the country or region.

3. ESS7 recognizes the importance of rights and interest of the VMGs and mandates their engagement in the design, determination, and implementation of development projects. The ESS7 requires that VMGs are fully consulted about and have opportunities to actively participate in project design and the determination of project implementation arrangements. On the same note, Article 56 of the Constitution of Kenya (CoK) requires the State to put in place affirmative action programmes designed to ensure that minorities and marginalized groups: a) participate and are represented in governance and other spheres of life; b) are provided special opportunities in educational and economic fields; (c) are provided special opportunities for access to employment; (d) develop their cultural values, languages and practices; and (e) have reasonable access to water, health services and infrastructure.

4. VMG communities in Kenya include the minority groups such as Waatha, Sengwer, Ogiek, El-Molo, Wayyu, Yaaku, Daasanach, Wapare, Boni, Illchamus, and Endrois, who are likely to share project benefits and opportunities with dominant mainstream communities. Without putting in place material measures to ensure their inclusivity, the project is likely to exclude minority VMGs from accessing project benefits due to factors such as: i) biased identification and selection of beneficiaries; ii) inadequate engagement; iii) project investments rolled out in a context of limited resources against widespread need; iv) elite capture; v) disability, vi) illiteracy, and vii) mobility challenges. To mitigate these and other related social risks associated with project interventions on VMGs, KSEIP 2 will apply the national environmental and social systems and the WB's ESS7. Other WB's Environmental and Social Standards (ESS) that are applicable to VMGs include ESS1 and ESS10. These standards will also be applied jointly with ESS7 to assess the risk on VMGs and identify appropriate mitigation measures.

18. In preparing this VMGF, the SDPS and SDCWS has reviewed and strengthened the VMGF prepared under KSEIP 1 due to the need to: i) incorporate lessons learned under KSEIP 1 on VMG inclusion ii) address the concern and needs of additional VMG communities who are likely to be adversely impacted by the planned intervention as a result of the wider geographical scope of KSEIP 2; iii) address in a timely manner, the high risk of exclusion of VMGs from accessing KSEIP 2 benefits and opportunities identified during initial assessment; iv) align the VMGF with

the provisions of ESF and more specifically ESS7 as the KSEIP 1 VMGF was done under the previous WB operational Policies.

5. This VMGF is therefore prepared by the Government of Kenya (GoK) to address the potential social risks on VMGs associated with project interventions as well as ensure compliance with the requirements of the national Environmental and Social (E&S) frameworks and the WB ESF including the applicable ESSs.

1.2 Objective of the VMGF

6. The purpose of this VMGF is to guide the preparation and implementation of KSEIP 2 interventions in a manner that allows VMGs to participate in, and benefit from the development process in ways that do not threaten their unique cultural identities and well-being. As per ESS7, a VMGF is also prepared when the design of a proposed project is not finalized thus making it impossible to identify all the negative risks and impacts, necessary for preparation of a VMGP. At the time of preparing this VMGF, it is not possible to estimate the exact number of VMGs who may be affected by KSEIP 2 interventions and details of all project investments, and their specific locations have yet to be finalized. The VMGF describes the policy requirements and planning procedures that KSEIP 2 will follow during the preparation and implementation of projects especially those identified as occurring in areas where VMGs are present. The purpose of this VMGF is to ensure: i) the management of issues relating to VMGs are integrated into the development and operation of proposed investments to be financed under the KSEIP 2; ii) effective mitigation of risks and impacts associated with KSEIP 2 interventions while enhancing VMG's access to project benefits and opportunities.

7. Consistent with the provisions of ESS7, this VMGF seeks to ensure that the development process fully respects the dignity, human rights, economies, and culture of VMGs. The framework applies to all KSEIP 2 components and activities that will impact the VMGs and details broad principles and procedures for ensuring VMGs have access to project benefits and opportunities that are culturally appropriate, and that they are included in project development, implementation and monitoring. Once the exact number of affected VMGs has been confirmed and the potential impacts of project activities on the VMGs become clearer as informed through the consultation with VMGs, VMGPs will be prepared. The NPMU will ensure that project activities that may affect VMGs do not commence until VMGPs are finalized and approved by the WB.

8. VMGPs will not be prepared for the majority VMGs (including Maasai, Turkana, Pokot, Borana, Rendille, Gabbra and Samburu, among others) as they are potentially the sole project beneficiaries in the counties of residence. However, the project will proactively engage the majority VMGs including vulnerable or disadvantaged groups amongst them, such as PWDs, older persons, youth, adolescents, to ensure their ownership and participation in project design, implementation, monitoring and evaluation.

1.3 Methodology for Preparation of KSEIP 2 VMGF

9. The methodology applied in the preparation of the VMGF entailed the following steps:
- a. **Review of key project documents and relevant literature** to understand the project design, planned interventions, and implementation scope and target beneficiaries. The process also entailed: i) reviewing: applicable legal and policy frameworks applicable to VMGs, ii) identifying the affected VMG communities, iii) assessing the potential risks and impacts (positive and negative) associated with the interventions of the proposed project. The documents reviewed include:
 - KSEIP 2 Project Concept Note (PCN) and Concept Environmental and Social Review Summary (ESRS);
 - KSEIP 1 Project Appraisal Documents (PAD);

- KSEIP 1 VMGF, Social Assessment (SA) and VMGPs;
- VMGF, VMGP and SA documents prepared for other completed and ongoing WB financed projects such as the Secondary Education Quality Improvement Project (SEQIP), Kenya Coastal Development Project (KCDP), Kenya Water Security and Climate Resilient Project (KWSCR), National Agricultural Value Chain Development Project (NAVCDP), National Youth Opportunities Towards Advancement (NYOTA) and among others;
- Environmental and Social Systems Assessments (ESSAs) carried out for ongoing and recently approved WB financed Program for Results operations such as Green and Resilient Expansion of Energy Program (GREEN), Kenya Primary Equity in Learning Program (KPELP), Kenya Devolution Support Program II (KDSPII), Kenya Urban Support Program II (KUSPII), Kenya Water and Sanitation and Hygiene Program (KWASH). Through the various ESSA's a number of VMG communities were consulted on aspects such as strategies for enhancing VMG participation in development interventions and barriers faced in accessing program benefits and strategies to address such challenges;
- National policy, legal, and regulatory frameworks applicable to VMGs in Kenya such as the Constitution of Kenya 2010, Vision 2030, County Government Act 2012 among others;
- World Bank ESF and specifically the standards-ESS1, ESS7 and ESS10.

- b. **Assessing KSEIP 2 potential benefits and adverse risks and impacts was done using** available information such as the KSEIP 2 PCN and the ESRS that outline the interventions planned under the various components and sub-components and the potential benefits and E&S risks, and proposed mitigation measures. Some of the benefits of KSEIP 2 include interventions under the three components (cash-plus interventions, economic inclusion/livelihoods, trainings, and critical policy reforms) that will support disadvantaged segments of society, including poor and vulnerable households, children under three years, persons with severe disabilities, orphans and vulnerable children, pregnant women, youth and adolescents, young mothers, older persons, and informal workers, among others.

On the flip side, the key potential social risks and impacts include: (a) exclusion of target beneficiaries (poor and vulnerable households) and VMGs from accessing project benefits and opportunities due to lack of legal identification documents; security concerns impacting physical access for stakeholder engagement and monitoring; disability challenges; nascent digital financial infrastructure, low digital literacy, and project investments rolled out in a context of limited resources against widespread need; (b) exacerbating or introducing sexual exploitation and abuse, sexual harassment (SEA/SH), and other forms of gender-based violence (GBV), such as Intimate Partner Violence (IPV) resulting from enrollment in programs such as cash transfer (CT), Hunger and Safety Net (HSN), and related trainings as well as peer-to-peer exploitation, abuse and harassment amongst adolescents, and (c) early marriages and teen pregnancy.

- c. **Stakeholder consultation workshops** were held in Kilifi and Tana River counties on 11-17th August 2024. Further consultations were held on 15th-21st September in the Counties of Bungoma, Busia, Laikipia, Isiolo, Migori, Kericho, Baringo and Samburu. The participants were drawn from a wide array of stakeholders

comprising KSEIP 1 beneficiaries and potential KSEIP 2 beneficiaries such as minority VMG communities (such as Bajuni, Watta, Wardei, Munyoyaya, Wailwana, Orma, Ogiek, Abakhenye, Ilchamus, ILKunono, Dorobo, , Sakuye, Wayyu (Waata),, youths, adolescents, older persons, informal workers, young mothers, implementing agencies at national, county and sub-county level, National Government Administration (comprising County Commissioners, Deputy and Assistant County Commissioners, Chiefs), Lay Volunteer Counselors (LVC), Community Health Promoters (CHPs), mentors, Child Protection Volunteers (CPVs), Early Warning Monitors (Field Monitors); Community Elders, and Religious Leaders, Community Based Organizations (CBOs), Non-Governmental Organisations (NGOs) and stakeholders from the wider Social Protection Sector such as development partners, academia and civil society. The public *Baraza* (meetings) were held separately for men, women, male and female youths and minority VMGs.

d. In summary, a total of 29 Focus Group Discussions (FGDs), Key Informant Interviews and Public Barazas were held for approximately 2,153 participants . The aim of the stakeholder consultation workshops was to discuss lessons and best practices from implementation of Environmental and Social (E&S) aspects under KSEIP 1 including strategies for risk management under the KSEIP 2. The stakeholders also discussed ways of overcoming barriers impeding vulnerable individuals and groups from accessing project benefits and opportunities associated with various causes of vulnerability, how to effectively engage them throughout the project cycle, managing grievances arising from project activities including preventing and responding to SEA/SH and other forms of GBV. Annex 2 presents in more detail some of the key issues discussed during consultations while Annex 3 provides the signed list of participants.

e. The findings from the aforementioned consultation fora were used to strengthen this framework and more specifically contribute to the development of the VMG consultation framework described in Annex 6. The consultation strategy which will form a critical part of the VMGPs, and POM will be validated by VMG communities in the respective counties. Organizations that champion/represent the interests of minority VMGs such as Council of Elders governing the affairs of minority VMGs, Hunter and Gatherers Forum Kenya (HUGAFO), Dakatcha Woodlands, Endorois Welfare Council, Cherengany indigenous Peoples Ethnic Minority Community of Kenya , Yaaku Indigenous Young Mothers, and Sengwer CBO) , among others were not engaged during preparation. However, SDSP will consult minority VMG organizations when undertaking the Social Assessment and preparing Vulnerable and Marginalized Groups Plans (VMGPs) before commencement of project activities in areas where minority VMGs are present.

1.4 Disclosure of the VMGF and VMGPs

10. The final versions of the VMGF and VMG Plans (VMGPs) will be made available to the affected VMGs and other stakeholders in an appropriate form, manner, and language. Electronic versions of the VMGF and VMGPs will be placed on the external websites of the SDSP and NDMA. in accordance with the World Bank Access to Information Policy. Each VMGP will be disclosed to the affected VMGs in locations accessible to all, using feasible techniques (focus - group discussions and public forums) in languages commonly understood by VMGs. Copies of

summaries of the VMGPs will be made available at the: (i) County and sub county social development offices; (ii) respective County children Offices; and (iii) any other local level public offices including the chiefs and Ward administrator's offices.

2. DESCRIPTION OF THE PROJECT

11. KSEIP 2 targets to provide social and economic inclusion services to poor and vulnerable households and strengthen adaptive social protection in Kenya. The project is designed to build on the outcomes and lessons from KSEIP I to expand and improve cash-based and shock-responsive social assistance and economic inclusion programs for poor and vulnerable households. KSEIP II will scale up successful cash-plus pilots to improve human capital and build sustainable livelihoods, pilot new innovations to deepen Kenya's social safety net using a life-cycle approach and strengthen delivery systems for improved efficiency and accountability.

2.1 Project Structure

12. The operation is organized into four components as outlined in Table 1 below:

Table 1: Project Components

Component	Sub-Components	Area of Focus
Component 1: Building human capital of children and adolescents	1a: Nutrition-sensitive cash-plus program for children under three and pregnant or lactating women (PLW)	Expanding the coverage of NICHE to twenty-five counties to provide monthly cash top-up of 1000 KES and nutrition counseling to support the growth and development of young children. Nutrition counseling is delivered by Community Health Promoters (CHPs) of the Ministry of Health (MoH) and includes mother-to-mother support groups and community-wide counseling on optimal health and nutrition practices for both PLW and young children. Testing NICHE-plus, which includes a positive parenting package and anticipatory shock responsive support, in five counties.
	1b: Cash-plus program to support adolescent education and prevent teen pregnancy	Addressing the coverage gap of adolescents in Kenya's existing social protection system, this subcomponent will test a cash-plus program that supports poor and vulnerable adolescents to remain in or re-enter school and prevent teen pregnancy. Providing a comprehensive package of support to adolescents and their families depending on the presence/severity of risk factors among adolescents and their willingness to remain in or re-enter education. Cash top-ups will be provided to support enrolment and attendance in basic primary or secondary school among adolescent boys and girls in poor and vulnerable households. Supplemental services to some or all beneficiaries include: (i) skills training for adolescents who do not wish to return to school (in lieu of cash support); (ii) social and

		behavioral change activities for all parents and communities; (iii) case management, psychosocial support, and childcare support for teenage mothers seeking to re-enter school; (iv) life skills training, mentorship, and peer support for all adolescents; and (v) linkages to relevant social services.
Component 2: Climate Resilient Economic Inclusion	2a: Economic Inclusion Program (EIP	<p>Improve economic lives of adults in poor households by supporting livelihood diversification and investments in more productive household enterprises.</p> <p>To strengthen households' climate resilience by promoting climate-resilient livelihoods and encouraging diversification from those vulnerable to climate change. Climate-resilient livelihoods are income-generating activities designed to withstand climate shocks and reduce vulnerability by integrating adaptation strategies.</p> <p>To address systemic barriers preventing women from fully participating in the economy.</p>
	2b: Linkages and co-investments in green livelihoods in selected communities	Finance a climate-focused EIP-PLUS intervention that will be piloted in a subset of 8 NEDI counties with high climate vulnerability, limited transportation and access to markets, and high rates of poverty.
	2c:: Linking EIP beneficiaries to social insurance schemes	<p>To provide social insurance in the form of savings opportunities and incentives to EIP beneficiaries. Key design features have been informed by learning accrued through the Kenya National Youth Opportunities Towards Advancement Project (P179414) and will include:</p> <p>(a) Auto-enrollment: All EIP beneficiaries will be registered in the social insurance scheme with a flat benefit under this sub-component. Intensive behavior change communication will be carried out by mentors engaged under Component 2a.</p> <p>(b) Matching contributions to inculcate a savings habit: During the first six months, beneficiaries will receive a 100 percent matching, subject to a cap of US\$2 per month per beneficiary, if they contribute to the scheme. This nudge is intended to reinforce the behavior change communication and promote a long-term saving habit.</p>

Component 3: Systems Strengthening and Adaptive Social Protection	3a: Enhanced Single Registry (ESR)	<p>Improve the coverage, accuracy, and effectiveness of the ESR to bolster its legitimacy and capacity as a targeting platform for pro-poor programs.</p> <p>Make key investments in the MIS and human resource capacity of the ESR.</p>
	3b: Consolidated Cash Transfer Program (CCTP) Enhancements	<p>Support critical reforms and enhancements to CCTP to improve its efficiency and poverty impact.</p> <p>Other key reforms to CCTP that will be supported under this sub-component include: (i) updating payment systems to maximize beneficiary choice, automation, and financial inclusion, (ii) upgrading program MISs to enhance interoperability, functionality, and flexibility, and (iii) developing and strengthening CCTP M&E functions and capacities, with a focus on devolving responsibilities to county-level staff.</p> <p>Support innovations to improve two-way citizen engagement.</p>
	3c: Enhancing Shock-Responsive Social Protection	<p>Support an expansion of HSNP and enhancements to its shock-responsive capacity by introducing anticipatory actions and enabling a risk-based, multi-hazard and multi-layered response mechanism under a renewed Disaster Risk Financing Strategy (DRFS).</p> <p>Expansion of HSNP to almost all ASAL counties will be supported by investments in its delivery systems. The project will finance third-party, census-style data collection in the new sub-counties using the ESR registration tool to identify and enroll new beneficiaries. Additional investment areas will include: i) implementation of ODR in all HSNP counties to allow dynamic data updates, ii) upgrades to the MIS data center for improved functionalities, iii) establishment of a modern call center to enhance two-way citizen engagement, iv) the remodeling of payment systems to enable beneficiary choice of payment service providers and withdrawals tools, and v) linking with existing or new early warning triggers/systems for droughts and floods.</p>
Component 4: Project Management, Monitoring and Evaluation, and Policy and Legislation		<p>Will finance project management, including capacity building, monitoring and evaluation, and environmental and social (E&S) risk management for both implementing agencies.</p> <p>Will also finance activities related to development of critical policy and legislation in the SP sector and coordination between national and county</p>

		governments on policy development for devolved functions such as childcare.
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2.2 Key Results

13. Progress toward achievement of the PDO will be specifically measured by the following outcome indicators:

- (a) Households participating in NICHE that report following MIYCN best practices (Percentage).
- (b) Participating households that graduate from the Economic Inclusion Program (EIP) (Percentage).
- (c) Participating adolescent girls (ages 10 to 18) with improved educational attainment (Percentage).
- (d) Eligible households who have received emergency cash transfers within nine months of a qualifying climate or weather event (Percentage).
- (e) Coverage and accuracy of ESR increased through On-Demand Registration (Number).

2.3 Beneficiaries

14. The project targets to benefit all 1.8 million existing NSNP households with improved delivery systems for GoK-financed cash transfers, 150,000 households will be supported under the NICHE program, 20,000 households will be supported under the adolescents' program and 50,000 households will be supported under EIP. Beneficiary households of all programs must be poor but do not necessarily need to already be enrolled in NSNP to be eligible. Beneficiary households will be selected using ESR data to assess their poverty status along with other relevant eligibility criteria for each respective program. Beneficiaries of HSNP's shock responsive program will be pre-registered using ESR data to assess poverty status and residence in qualifying HSNP areas in ASAL counties.

2.4 Institutional and implementation Arrangements

Consistent with the ongoing KSEIP, the proposed project will retain three main IAs—the Ministry of Labor and Social Protection (MLSP), Ministry of Gender, Culture and Children Services (MGCCS) and NDMA within the MEACARD. SDSP and SDCS will have overall implementation responsibility for the proposed project. MLSP, MGCCS and NDMA staff at the national and local levels are responsible for the delivery of the cash transfer and complementary programs on the ground, in coordination with the county governments, where appropriate.

Within MLSP, the National Social Protection Secretariat (NSPS) has the mandate for coordination of all SP policy and programs in the country. The Secretariat serves as the PIU for KSEIP2 and will have overall responsibility for project oversight and coordination, including E&S risk management under Component 4. This will particularly involve coordination among other line ministries, humanitarian actors, and county governments on the implementation of project activities across all components. The NSPS will also lead the systems investments for the ESR (Subcomponent 3a).

Two other directorates within MLSP will also have implementation roles in KSEIP:

- (a) Directorate of Social Assistance (DSA): Under KSEIP2, DSA will lead the Subcomponent 3b investments and carry out activities related to recertification of CCTP beneficiaries, systems enhancements, two-way citizen engagement, and grievance redress for all programs led by SDSP.

It will also ensure cash payments to the beneficiaries of NICHE, EIP, and the adolescent program (NSNP and non-NSNP beneficiaries) under Components 1 and 2, in coordination with the Directorate of Children's Services (DCS), Directorate of Social Development (DSD), and NDMA. (b) DSD. For KSEIP2, DSD will lead the implementation of Subcomponents 2a and 2c at the national and county levels. The DSD will coordinate the County Multisectoral Committees to support implementation of economic inclusion activities.

Under the Ministry of Gender, Culture and Children Services:

(a) DCS. For KSEIP2, DCS will lead all Component 1 activities, including NICHE and the new adolescent program, both at the national level and on the ground through county and subcounty officers, in collaboration with county and subcounty health and education officials. The DCS will also coordinate County Multisectoral Committees for implementation of Component 1.

In addition, NSPS activities are supported by five community volunteer groups, Lay Volunteer Counselors (LVCs), Beneficiary Welfare Groups (BWCs), Community Drought and Food security Committees (CDFSCs), Child Protection Volunteers (CPVs), and Sub-location Validation Committees. More details on the institutional arrangements for KSEIP 2 are provided under Annex 7.

3. POLICY AND FRAMEWORKS FOR VULNERABLE AND MARGINALIZED GROUPS

3.1 The National Policy and Legal Frameworks on VMGs

Below is a summary of the national policy, legal and institutional frameworks that are relevant to VMGs that seek to enhance opportunities for VMGs to participate in, and benefit from, the development process in ways that do not threaten their unique cultural identities and well-being.

Table 2: Policy, legal and institutional Frameworks on VMGs

No	Policy/ Legislations /Institutional	Provisions as Written
	Constitution of Kenya (CoK) 2010	<p>The CoK 2010 is the supreme law of the Republic and binds all persons and State organs at all levels of government. The CoK has clear provisions on VMGs that are consistent with the ESF and the related ESSs as presented below.</p> <p>Article 21 (3) sets the requirement for all State organs and all public officers to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalized communities and members of particular ethnic, religious or cultural communities.</p> <p>Article 27 (4) states: “The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth” and partially applies to VMGs.</p> <p>Article 28 states that “every person has inherent dignity and the right to have that respected and protected”. This compels the proponents of the project to respect and protect the dignity of the members of VMGs during the project preparation, implementation including construction, and operation. For</p>

No	Policy/ Legislations /Institutional	Provisions as Written
		<p>instance, the project should carefully examine the extent to which the project potentially affects the livelihoods of VMGs, because dignity - the state or quality of being worthy of honour or respect - is part of a people's livelihoods. It is notable that VMG livelihoods are usually precarious and liable to disruption if exposed to external factors without care.</p> <p>Article 56 provides that the State shall put in place affirmative action programs designed to ensure that minorities and marginalized groups: (a) Participate and are represented in governance and other spheres of life, (b) Are provided special opportunities in educational and economic fields, (c) Are provided special opportunities for access to employment, (d) Develop their cultural values, languages, and practices, and (e) Have reasonable access to water, health services and infrastructure. Article 56 thus compels projects to leave VMGs better not worse off, and to preserve their environment, cultural values, languages, and practices. In the project under review, it is critical to consider and remedy any chance of disrupting VMG culture.</p> <p>Article 69, 1(d) provides that the state shall - encourage public participation in the management, protection, and conservation of the environment. This includes the environments of VMGs, hence the need for meaningful consultation of the VMGs on how any environmental impacts arising from the proposed project shall be managed.</p> <p>The project activities shall be conducted to ensure compliance with the CoK on all aspects related to ensure inclusion of marginalized and minority groups, management of grievances with consideration for gender, and disability mainstreaming, among others.</p>
	The Kenya Vision 2030	<p>Kenya's Vision 2030 is the current national development blueprint covering the period 2008 to 2030. The blueprint aims at transforming Kenya into "a newly industrializing, middle-income country providing a high quality of life to all its citizens in a clean and secure environment." The Vision is anchored on three key pillars: Economic; Social; and Political Governance. The social pillar envisages efforts towards equitable social development that protects people from discrimination, and ensuring respect for gender, youth, and vulnerable groups.</p> <p>Further, the pillar sets in motion efforts for equity and poverty reduction. The social pillar of Vision 2030 is people-centred, result-oriented, and accountable to the public. Vision 2030 advocates for adherence to the rule of law applicable in Kenya, as well as inclusion of VMGs as envisaged under ESS7 and ESS10. In this regard, all activities to be implemented under KSEIP 2 will be required to comply with the established social laws foreseen in Vision 2030, which are aligned to the World Bank's requirements for effective consultation and engagement of VMGs.</p>
	Public Participation Policy 2023	<p>The policy provides the framework for the management and coordination of public participation in Kenya for the fulfilment of the constitutional requirement on citizen engagement in development and governance processes in the country. Public bodies in Kenya will comply with this policy as a constitutional requirement. This policy seeks to address gaps and challenges in public</p>

No	Policy/ Legislations /Institutional	Provisions as Written
		<p>participation in order to improve and entrench public participation in development and governance processes in Kenya. The policy is organized into nine policy areas that highlight the key policy concerns and objectives and sets the standards for public participation in Kenya. These standards legally bind all public bodies at the National and County levels. The policy areas include access to information; civic education; capacity building; planning, budgeting, and implementation; inclusion of minorities and marginalized groups, funding; monitoring, evaluation, and learning; feedback and Reporting mechanisms; and complaints and redress mechanism.</p> <p>The policy aligns with the World Bank’s provisions on inclusive stakeholder engagement, information disclosure and grievance management as outlined in ESS 10 as well as the provisions of ESS7 on inclusion of minorities and marginalized groups, KSEIP 2 will adhere to the provisions of the Act to ensure VMGs are meaningfully consulted and as applicable, their views are taken into consideration in the implementation of the project.</p>
	National Gender and Equality Commission Act, 2011	<p>The Act establishes the National Gender and Equality Commission mandated to promote gender equality and freedom from discrimination in accordance with Article 27 of the Constitution; co-ordinate and facilitate mainstreaming of issues of gender, persons with disability and other marginalized groups in national development and to advise the Government on all aspects thereof; co- ordinate and advise on public education programmes for the creation of a culture of respect for the principles of equality and freedom from discrimination; and, work with the National Commission on Human Rights, the Commission on Administrative Justice and other related institutions to ensure efficiency, effectiveness and complementarity in their activities and to establish mechanisms for referrals and collaboration in the protection and promotion of rights related to the principle of equality and freedom from discrimination, amongst other functions.</p> <p>The provisions of the Act become relevant in areas such as during selection of beneficiaries for the training program, provision of start-up capital, formation of project governance structures to ensure gender representation, distribution of award of program contracts etc. It may also apply in grievance redress if an aggrieved person escalates a complaint to the Commission. KSEIP 2 will adopt gender inclusive mechanisms in its implementation process to ensure equitable access to program benefits.</p>
	National Policy on Gender and Development, 2019	<p>The Policy outlines the national agenda for gender equality and how Kenya intends to realize these ideals. It details the overarching principles, which will be adopted and integrated into the National and County Government sectoral policies, practices, and programmes and by all state and non-state actors. Aims of the policy include achieving equality of opportunity and outcomes with respect to access to and control of national and county resources and services, and equality of treatment that meets the specific and distinct needs of different categories of women and men. Special focus is however given on the empowerment of women who are currently the marginalized gender. Policy applies specifically and directly to all Government Ministries, Independent Bodies, Quasi-autonomous entities, and Departments and Agencies both at the national and county levels of government.</p>

No	Policy/ Legislations /Institutional	Provisions as Written
		<p>The proposed policy actions include inter alia: developing and implementing national guidelines for mainstreaming gender, and standards for measuring compliance to gender mainstreaming in all sectors at all levels; Strengthening capacity of institutions with the responsibility of implementing and monitoring gender-related interventions; Enacting legislation to enhance women participation in economic, social and political spaces in both public and private spheres; Strengthening the legal and administrative framework for labour administration to integrate women in non-traditional trades such as construction, mining, infrastructure development, among others; Implementing labour policies that support minimum wage guidelines, regulations on work hours, and protection for trade union and collective bargaining rights, particularly for women to close the differences in access to economic opportunities, earnings and productivity gaps; and enforcement of sexual and gender based violence (SGBV) related laws and policies.</p> <p>KSEIP 2 shall comply with the objectives of policy by ensuring gender equality will be necessary under the project and the implementing agencies shall demonstrate commitment to gender equality in their operational policies and in employment opportunities.</p>
	National Policy for Prevention and Response to Gender Based Violence, 2014	<p>The Policy acknowledges that GBV is a serious global health, human rights, and development issue, and although affecting women, girls, men and boys, women and girls have however been found to be disproportionately affected. Forms of recognised GBV issues include sexual violence, physical violence, emotional/psychological violence, harmful traditional practices, and socio-economic violence (through discrimination and/or denial of opportunities and services, social exclusion etc). The Policy expresses the government's commitment to the elimination of all forms of GBV and to the effective provision of quality and accessible services to all survivors. Aims of the Policy include improving the enforcement of laws and policies towards GBV prevention and response; increasing access to quality and comprehensive support services across sectors; and improving sustainability of GBV prevention and response interventions. Actions proposed to realise the policy objectives include inter alia: gender mainstreaming into all legislation, policies, plans and programmes; Developing work place policies addressing GBV prevention and response in public and private set ups; Implementation of Standards and guidelines for GBV prevention at public and private service delivery centres; Establishment and strengthening health, legal, social infrastructure to ensure integration of GBV response; Establishing an elaborate communication strategy incorporating all actors including the public, service providers, government agencies and non-state actors so as to effectively respond to GBV.</p> <p>The project will also support the establishment and/or enhancement of the client's internal GBV (especially SEA/SH) policies and strategies and support their entrenchment at all levels including within implementing agencies its contractors and its suppliers, in alignment with this National Policy.</p>
	Kenya National Youth Policy, 2006	This Policy seeks to promote a society in which the youth enjoy equal opportunity to usefully engage in social, economic, political, cultural, and religious life. The youth constitute a significant component of VMG populations

No	Policy/ Legislations /Institutional	Provisions as Written
		in Kenya and any initiatives that address their plight therefore speaks to the needs of VMGs and the disadvantaged.
	Policy Framework on Nomadic Education in Kenya, 2010	The framework shows that there are three kinds of nomads - hunter-gatherers, pastoral nomads, and peripatetic nomads (fishing nomad). The vision of the framework is a globally competitive Nomadic quality education, training, and research for Kenya's sustainable development. This is to be achieved with the recognition of education as a basic human right and the Kenya government's commitment to SDGs and Vision 2030. The framework is to ensure conformity with other government policies on education generally and the development of nomadic areas in general. The framework additionally aims at developing partnerships with CBOs, NGOs, and other actors to promote high quality education for nomadic children in Kenya. The framework is relevant to KSEIP 2 that seeks to support targeted youth including VMGs to access better employment opportunities by providing them with training, on the job experience, and access to intermediation services.
	National Cohesion and Integration Act, 2008	The Act is meant to promote National cohesion and integration by protecting Kenyans from discrimination on the bases of ethnic or racial backgrounds. It is the basis of aspirations for equitable distribution of public resources in Kenya. It provides that the distribution of public resources should consider Kenya's diverse population and poverty index. The latter points to affirmative actions in favour of VMGs and other peripheral populations to meet their expressed development needs and aspirations. The project under preparation should be alive to this Act and make specific provisions to reach and benefit VMGs in culturally appropriate ways.
	County Governments Act, 2012	The Act operationalizes the constitutional provisions on devolution of resources and power to the 47 counties in Kenya. It bestows the power of decision-making on people in the counties through their representatives in the county assemblies and enhances their participation in local development. It attempts to protect and promote the interests and rights of minorities and marginalized communities, through participatory budgeting and representation in the county legislatures deemed to be closer to the people at the grassroots. Support to youths and skills development/training is a devolved function, and the project should engage VMGs to ensure they have access to benefits associated with KSEIP 2 interventions.
	Access to Information Act (No. 31 of 2016	The Act's purpose is to: (a) give effect to the right of access to information by citizens as provided under Article 35 of the Constitution; (b) provide a framework for public entities and private bodies to proactively disclose information that they hold and to provide information on request in line with the constitutional principles; (c) provide a framework to facilitate access to information held by private bodies in compliance with any right protected by the Constitution and any other law; (d) promote routine and systematic information disclosure by public entities and private bodies on constitutional principles relating to accountability, transparency and public participation and access to information; (e) provide for the protection of persons who disclose information of public interest in good faith; and (f) provide a framework to facilitate public education on the right to access information under this Act. The Act mandates government agencies to make official information more freely available, to provide for proper access by each person to official information

No	Policy/ Legislations /Institutional	Provisions as Written
		<p>relating to that person, to protect official information to the extent consistent with the public interest.</p> <p>This Act is aligned to the ESS 10 on information disclosure and will be upheld by KSEIP 2 in relation to ensuring VMGs have access to timely information on all project activities, including the effects of each project activity. KSEIP 2 will also ensure prior disclosure and dissemination of relevant and easily accessible project information in a timeframe that enables meaningful consultations, in a culturally appropriate format, and in relevant local languages.</p>
	Children Act No. 29 of 2022	Section 9 of the Act prohibits discrimination against a child on the grounds of age, origin, sex, religion, creed, custom, language, opinion, conscience, colour, birth, health status, pregnancy, social, political, economic or other status, race, disability, tribe, residence or local connection or any other status.
	Persons with Disability Act, 2003	The Act provides for the establishment of a National Council for Disability, its composition, functions, and administration for the promotion of the rights of PWDs set out in international conventions and legal instruments, the Constitution, and other laws and for other connected matters. The Act, in Section 21, provides that PWDs are entitled to a barrier-free and disability-friendly environment to enable them to have access to buildings, roads and other social amenities and assistive devices and other equipment to promote their mobility. Public buildings and public services vehicles shall also be adapted to accommodate PWDs.
	Older Persons Bill, 2024	It is currently under review, aims to enhance the rights and welfare of older individuals, including protection against abuse.
	Data Protection Act, 2019	The Act brings into play comprehensive laws that protect the personal information of individuals. It establishes the Office of the Data Protection Commissioner and makes provisions for the regulation of the processing of personal data. The act further provides for the rights of data subjects and the responsibilities of data controllers and processors who are required to be registered by the Data Protection Commissioner. The Act provides an investigation procedure that will be undertaken by the Commissioner, including powers of entry and search, and issuing administrative fines. Any persons contravening the provisions of the Act will be liable to pay a fine of KSh. 5 million.

3.2 The World Bank Environmental and Social Framework

The World Bank's ESF consists of ten (10) Environmental and Social Standards that set out the requirements for identification and assessment of E&S risks and impacts associated with projects supported by the Bank. ESS7 on Indigenous Peoples/Sub-Saharan Africa Historically Underserved Traditional Local Communities (IP/SSAHUTLC) and ESS10 on stakeholder engagement and information disclosure are most relevant to VMGs. The two standards are presented in the following section

3.2.1 ESS7

The World Bank in ESS7 Paragraph 6 defines indigenous people as a “distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in

the project area and to natural resources in these habitats and territories; (iii) customary cultural, economic, social or political institutions that are separate from those of the dominant society and culture; and (iv) an indigenous language, often different from the official language of the country or region.

This ESS applies whenever VMGs are present in or have collective attachment to a proposed project area, as determined during the environmental and social assessment. The ESS applies regardless of whether VMGs are affected positively or negatively, and regardless of the significance of any such impacts. ESS7 recognizes that VMGs have identities and aspirations that are distinct from mainstream groups in national societies and often are disadvantaged by traditional models of development. Therefore, the proposed project should respect these identities and aspirations and must strive to ameliorate rather than deepen their disadvantage. A key purpose of this ESS is to ensure that VMGs are fully consulted about, and have opportunities to actively participate in, project design and determination of project implementation arrangements. The scope and scale of consultation, as well as subsequent project planning and documentation processes, will be proportionate to the scope and scale of potential project risks and impact as may affect VMGs. ESS 7 requires the borrower to prepare a consultation strategy and identify the means by which affected VMGs will participate in project and implementation.

The ESS calls for avoidance of negative impacts on VMGs where possible and where not possible, minimization and/or compensation for these impacts in a culturally appropriate manner proportionate to the nature and scale of such impacts and the form and degree of vulnerability of the affected VMGs. This ESS recognizes that the roles of women and men in VMGs are different from those in the larger society, and that women are often marginalized both within their own VMGs communities and because of external development and may have specific needs. Further, the ESS calls for mitigation measures as well as opportunities for culturally appropriate and sustainable development benefits. This process should adhere to stakeholder engagement and information disclosure provisions under ESS10.

3.2.2 ESS10 Stakeholder Engagement and Information Disclosure

ESS10 seeks to promote effective project design, to build local project support or ownership, and to reduce the risk of project-related delays or controversies. The project implementing agencies will undertake an engagement process with affected VMGs, as required in ESS10. The process of VMG engagement will involve: (i) stakeholder identification and analysis; (ii) planning how the engagement with stakeholders will take place; (iii) disclosure of information; (iv) consultation with stakeholders; (v) addressing and responding to grievances; and (vi) reporting to stakeholders in a culturally appropriate and gender and inter-generationally inclusive manner. Cultural appropriateness relates to the usual communication channels that VMGs use. For example, in the case of meetings, if men and women usually meet separately, that should be maintained during consultation. Additionally, any written material being shared during consultation should be in a language commonly understood by VMGs.

For VMGs, the process of meaningful consultation will: i) involve VMG' representative bodies and organizations (e.g. councils of elders or village councils, or chieftains) and, where appropriate, other community members; ii) provide sufficient time for VMG' decision-making processes; and iii) allow for VMGs effective participation in the design of project activities or mitigation measures that could potentially affect them either positively or negatively.

SDSP and SDSCS has prepared a SEP that provides for the consultation of VMGs in a culturally appropriate and gender and inter-generationally-inclusive manner, as well as the use of differentiated/targeted approaches to engage VMGs, enabling their effective participation and access to project benefits and opportunities and the proposed GM shall be culturally appropriate. In addition, SDSP and SDSCS will

of the community- specific VMGPs, maintain and disclose documentation of all consultations with VMGs throughout the project, describing those consulted, a summary of issues discussed, their responses, how their feedback was considered in the project, or why it was not.

3.3 Differences between National Legislation and ESF (ESS7)

The Constitution of Kenya and other related legislations have a lot of similarities with the tenets of ESS7. There is considerable overlap between groups identified by the CoK as vulnerable and marginalized and groups that have triggered ESS7. Thus, there is no significant discrepancy between Kenyan laws and regulations and the World Bank's ESS7. However, while the constitution protects the indigenous people, it is not specific on the self-identity of these communities. As such, they go unnoticed since not many people know that they exist and hence they miss-out opportunities from development interventions. KSEIP 2 will therefore adopt the recognition of VMG identity in ESS7 and the Constitution's non-discrimination stance.

In addition, the Bank's ESS7 comprehensively describe the objectives, principles and procedure to safeguard the VMGs. The VMGF, therefore, will be prepared on the basis of the World Bank's ESS7 by taking into consideration relevant Kenya policies and regulation. A consultation strategy prepared in a participatory manner with VMGs will be used to ensure that the VMGs are engaged throughout the project cycle. During implementation, the KSEIP 1 Grievance Mechanism (GM) will be reviewed, established and operated to provide VMGs a platform for articulating their concerns, preferences and any complaint regarding the project for resolution (Annex 8).

4. SOCIAL ASSESSMENT OF VULNERABLE AND MARGINALIZED GROUPS IN KENYA

The exact locations of project investments remain unknown at this point in time and therefore, it is difficult to make a determination of the locations of the VMG communities likely to be impacted by the project interventions under the three components (cash-plus interventions, economic inclusion, trainings, and critical policy reforms). However, given the likely national scope of KSEIP 2, it therefore implies that all the communities described as VMGs as per the Kenyan Constitution (2010) may be affected by KSEIP 2. Further, the project also targets counties in Arid And Semi-Arid Lands (ASALs), which is home to some of the minority VMGs, such as Waatha, Sengwer, Ogiek, El-Molo , Boni, Ilchamus, Wayyu, Daasanach, Wapare and Endrois.

It is important to note that, even though the Constitution spells out communities categorized as VMGs, ESS7 expressly defines the criteria that a community ought to meet (in varying degrees) to be identified as a VMG. Hence during screening in line with Annex 1, groups categorized as vulnerable and marginalized under the Constitution will be subjected to the World Bank's four-point criteria.

The NPMU Social Specialists with the support of the sub-county and county teams from the Directorate for Social Development and Directorate for Children Services will visit all VMGs settlements within the project areas. Public meetings will be arranged in selected communities by NPMU with the VMGs and their leaders/organizations that represent their interests to provide them information about the project and will undertake screening of the VMGs with the help of the community leaders and local authorities. The screening will cover the following aspects:

- Name(s) of VMGs in the area;
- Whether minority or majority VMGs;
- Total number of VMGs in the area;
- Percentage of VMGs to that of the total population in the area where they are present;

- Number and percentage of VMG households along the zone of influence of the proposed subproject;
- Nature of risks VMGs are likely to encounter from the project interventions;
- Mitigation measures necessary to address the identified risks.

If the results of the screening indicate the presence of VMGs in the project area, a social assessment will be undertaken for those areas.

4.1 Social Assessment

A key purpose of the ESS7 is to ensure that VMG communities present in, or with collective attachment to, the project area are fully consulted about, and have opportunities to actively participate in, project design implementation and monitoring. While a Social Assessment (SA) was done under KSEIP 1, it is necessary to review and update the SA for reasons including: i) the wider scope (national) of KSEIP 2 that is likely to impact more VMG communities; ii) the KSEIP 1 SA was done under the Safeguards Operational Policies and it is necessary to align with the ESF and specifically the requirements of ESS7 and iii) the scope of investments and target beneficiaries under KSEIP 2 is wider and therefore it is important to understand the potential risks, impacts associated with such interventions for purposes of identifying culturally appropriate mitigation measures

In this regard, SDSP and SDCS will undertake a targeted SA to understand the relative vulnerabilities of the affected VMG communities and how the project may affect them. Input from qualified specialists and accompanying meaningful consultations with VMGs are important to inform and support the assessment. Specifically, the assessment needs to:

- Be proportional to the nature and scale of the proposed project's potential risks to, and impacts on, as well as the vulnerability of, the VMGs.
- Consider differentiated gender impacts of project activities and impacts on potentially disadvantaged or vulnerable groups within the community of VMGs.
- Evaluate the capacity of the Borrower to involve VMGs in project design, implementation and monitoring and recommend feasible strategies to achieve this.

The SA includes the following elements, as needed:

- a. A review of the legal and institutional framework applicable to VMGs.
- b. Gathering of baseline data on the demographic, social, cultural, economic, social and political characteristics of the VMGs; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend.
- c. Taking the review and baseline data into account, the identification of project-affected parties and the elaboration of a culturally appropriate process for involving and consulting with the VMGs at each stage of project preparation and implementation (see ESF - paragraph 23 of ESS7).
- d. An assessment, based on meaningful consultation tailored to VMGs, of the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is an analysis of the relative vulnerability of, and risks to, the affected VMGs, given their distinct circumstances and close ties to land and natural resources, as well as their potential lack of access to opportunities relative to other dominant groups in the communities, regions, or national societies in which they live. The assessment should consider differentiated gender impacts of project activities and impacts on potentially disadvantaged or vulnerable groups within the community of VMGs.
- e. The identification and evaluation of measures necessary to avoid adverse impacts, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such impacts, and to ensure that VMGs receive culturally appropriate

benefits under the project. This is based on meaningful consultation tailored to VMGs and, where relevant, pursuant to paragraph 24 of ESS7, on Free, Prior and Informed Consent.

4.1 Vulnerable and Marginalized Groups in Kenya

The section below provides a list and a summary description of some of the VMG communities in Kenya as described under the Constitution. Table 3 provides a list of the minority and majority VMGs present in the project area, estimated population, source of livelihood and highlights the counties where the VMGs are the majority or minority. The list and the summary description will be reviewed and updated during the social assessment. More details on the VMGs are provided in Annex 5.

Table 3: List of VMGs and their county of residence

Name	Estimated Population	Livelihood	Administrative Location Counties
1. Aweer	7,000	Hunter Gatherers	Lamu, Tana River
2. Borana	136,936	Pastoralists	Marsabit, Wajir
3. Daasanach	21,810	Farming and Livestock	Marsabit
4. El Molo	2,900	Fishing	Marsabit, Samburu
5. Endorois	60,000	Fishing/Farmers/ Livestock	Baringo, Laikipia
6. Gabaweyn	4000	Farmers	Mandera
7. Gabra	31,000	Pastoralists	Marsabit, Samburu
8. Gagabey	1,548	Undertake menial work and pottery	Wajir
9. Ilchamus	33,000	Fishing/Farmers/ Livestock	Baringo
10. Lkunono	-	Artisans	Samburu
11. Maasai*	666,000	Pastoralists	Narok, Kajiado
12. Munyoyaya	15,000	Fishing/Farmers	Tana River, Garissa
13. Ndorobo	1395	Hunter Gatherers	Samburu, Isiolo
14. Ogiek	40,000	Hunters Gathers /Farmers	Nakuru; Baringo; Uasin Gishu; Bomet;
15. Pokot*	230,000	Pastoralists	West Pokot /Baringo
16. Rendille	62,000	Pastoralists	Marsabit, Samburu
17. Sakuye	11,508	Fishing, Farming and	Marsabit
18. Samburu*	-	Pastoralists	Samburu
19. Sanye	10,000	Bee keeping, subsistence farming and livestock keeping	Lamu
20. Sengwer	50,000	Hunters Gathers /Farmers	Trans-Nzoia; Uasin-Gishu; West Pokot;
21. Talai	698	Livestock keeping	Kericho
22. Turkana*	1,008,463	Pastoralists	Turkana, Baringo,
23. Waatha	13,000	Hunter Gatherers /Farmers	Kwale; Tana River; Marsabit, Kilifi,
24. Wailwana	12,000	Fishing/Farmers/ Bee Keepers	Tana River, Garissa
25. Wakifundi	-	Fishing, Bee keeping, subsistence farming and	Kwale
26. Wamakonde	-	Fishing, Farming	Kwale

Name	Estimated Population	Livelihood	Administrative Location Counties
27. Wapare	24,096	Farming and Livestock	Taita Taveta
28. Wapemba	-	Fishing	Kwale
29. Warabeyi	3,000	Initially blacksmith but now nomadic pastoralism	Mandera
30. Watswaka	-	Fishing, Bee keeping, subsistence farming and	Kwale
31. Wayyu	7,235	Undertaking casual work	Marsabit
32. Yiaaku	4,000	Hunters Gatherers /Farmers	Laikipia

***VMGs communities that are the majority in their county of residence.**

4. POTENTIAL BENEFITS AND RISKS OF KSEIP 2 ON VMGS

KSEIP 2 will build on the outcomes and lessons from KSEIP I (P164654), and targets to: i) expand and improve cash-based and shock-responsive social assistance and economic inclusion programs for poor and vulnerable households; . ii) scale up successful cash-plus pilots to improve human capital and build sustainable livelihoods, pilot new innovations to deepen Kenya's social safety net using a life-cycle approach, and iii) strengthen delivery systems for improved efficiency and accountability. Interventions under KSEIP I & II are similar. Specifically, the key interventions under KSEIP 2 include:

- a. Cash-Plus interventions tailored across the life cycle, and targeting adolescents, the elderly, eligible households with lactating and pregnant mothers and Children below 3 years, adolescents, youth and informal workers.
- b. Promotion of resilience of informal sector and livelihood diversification to mitigate and adapt to climate change (especially among women and youth) in Arid and Semi Arid Lands (ASAL) and non ASAL regions.
- c. Support the Government of Kenya (GoK) to design and implement critical policy reforms enacted under the upcoming Social Protection Bill to enhance efficiency and effectiveness of the National Safety Net Programme (NSNP); support improvements in two-way citizen engagement related to social assistance and complementary programs, and finance improved linkages between the SP system and emerging GoK and humanitarian systems for disaster relief to improve shock-responsiveness and climate preparedness.

These interventions are anticipated to have both beneficial and adverse impacts as presented in the subsequent section.

4.1 Project Benefits

Some of the beneficial impacts of the project include:

- **Providing basic income security through** cash-Plus interventions tailored across the life cycle **to target populations** including the adolescents, elderly, eligible households with lactating and pregnant mothers and Children below 3 years, adolescents, youth and informal workers with the aim of facilitating access to nutrition, health, education care and any other necessary goods and services;
- **Strengthening the coping capacity of target populations** from economic shocks and contribute towards reducing the social and economic barriers to access essential and basic needs;

- **Through promotion of livelihood diversification intervention**, the project is likely to strengthen the ability of women and youth in Arid and Semi Arid Lands (ASAL) and non ASAL regions to mitigate and adapt to climate change;
- **Contribute towards** creating a more inclusive and sustainable development pathway by liberating target household from the fear of poverty, deprivations and by helping to break the inter-generational cycle of poverty;
- **Providing an effective way to optimize human development objectives**, including improving access to better nutrition, health and education outcomes that lead to targeted individuals to become or remain productive members of the workforce, or remain dignified members of a society;
- **Contribute towards building more equitable societies** and reducing inequality and social exclusion;
- **Enhance efficiency and effectiveness of the National social protection systems through** support in designing and implementation of critical policy reforms enacted under the upcoming social protection bill.

4.2 Project Risks

Some of the key project risks applicable to VMGs include:

- **Exclusion of minority VMGs from accessing project benefits and opportunities.** This is mostly due to lack of legal identification documents; security concerns impacting physical access for stakeholder engagement and monitoring; disability challenges; nascent digital financial infrastructure, low digital literacy, and project investments rolled out in a context of limited resources against widespread need;
- **Exacerbating or introducing sexual exploitation and abuse, sexual harassment (SEA/SH), and other forms of gender-based violence (GBV), such as Intimate Partner Violence (IPV)** resulting from enrollment in programs such as cash transfer (CT), Hunger and Safety Net (HSN), and related trainings;
- **Inadequate access to project information** on project interventions especially CT, livelihood support opportunities and training among other project benefits;
- Elite capture and/or political interference in beneficiary targeting and selection;
- **Ineffective management of social risks and impacts** as a result of the developing capacity of SDSP and SDCS and the implementing partners to manage the identified/emerging social risks and impacts;
- **Insufficient application of data protection provisions on personal data and security** caused by factors such as: i) obtaining personal information prior to seeking consent from concerned persons, ii) using personal data for unauthorized surveillance or for unconnected purposes without consent and iii) non provision of users rights over data collected from concerned persons, including the ability to obtain and correct erroneous data **about** them, and to have mechanisms to seek redress to secure these rights;
- **Increased incidences of labor-related discrimination** and inadequate response to labor-related grievances that may arise;
- **Increased social conflicts** between dominant communities and minority VMGs due to application of biased selection criteria on project interventions;
- Potential indirect environmental and/or OHS risks/negative impacts related to the implementation of diversified livelihoods if related risk management training is not covered/implemented adequately;
- Low to moderate occupational, health and safety (OHS) and potential environmental risks and impacts;
- **Minor generation of e-waste** from purchase and use of IT equipment as part of digital infrastructure improvements for better quality of service.

4.3 Mitigation Measures for Potential Project Risks

Table 4 presents potential project risks and mitigation measures.

Table 4: Risks and Potential Mitigation Measures

No	Risk	Mitigation Measure
1.	Exclusion of minority VMGs from accessing project benefits and opportunities	<ul style="list-style-type: none"> • Develop and implement an inclusive engagement strategy including a consultations program annexed to the POM. • Provide adequate budgets to facilitate access to minority VMG areas. • Capacity build for target beneficiaries, local leaders, project workers on inclusion of minority VMGs. • Provide On demand registration utilizing the Beneficiary Welfare Committees (BWCs) who have been trained and facilitated. • Assess and document as part of the Social Assessment, the areas with legal documentation issues. • Onboard National Registration Bureau (NRB) and Civil Registration Services (CRS) as technical partners. • Create awareness on importance of registration documents and facilitate NRB and CRS to hold registration sessions in communities with difficulties. • Ensure timely and prior disclosure and dissemination of relevant and easily accessible information in a timeframe that enables meaningful consultations with minority VMGs in a culturally appropriate format, in relevant local language(s). <ul style="list-style-type: none"> • Ensure adequate and ongoing consultation with minority VMGs in a manner that is free of external manipulation, interference, coercion, discrimination, and intimidation. • Ensure meeting venues are accessible by all, including those with disability and mobility challenges. • Consider and respond to feedback promptly. • Document and disclose all community consultation forums clearly providing minutes, and signed list of attendance. • Ring-fence project (where feasible) benefits and opportunities such as Economic Inclusion Opportunities for minority VMGs. • Enhance collaboration with VMG leaders, e.g. council of elders and NGAO e.g. Chief, and other organizations that represent the interests of minority VMGs. • Plan engagement sessions around seasons to include nomadic pastoralist groups. • Diversify payment options e.g. mobile banking, wallets to bring services closer to all. • Increase payment agents and bring them closer to the beneficiaries.
2	Exacerbating or introducing sexual exploitation and abuse, sexual harassment (SEA/SH), and other forms of gender-based violence (GBV), such as Intimate Partner Violence	<ul style="list-style-type: none"> • Require all project workers to sign and understand a Code of Conduct (CoC) aimed at preventing and addressing abuse, harassment, intimidation and/or exploitation. • Sensitize workers on actual meaning and implication of the Code of conduct before signing it. • Provide a separate GM structure (from the broad project GM) to address GBV/SEA/SH issues at the NPMU -Measures will be put in place to manage GBV/SEA/SH issues in a timely manner using a separate structure for reporting GBV/SEA/SH cases. • Map all the quality GBV service providers (referral pathways). • Sensitize target communities and local leaders, project workers and the public on GBV/SEA risks and protocols and referral pathways. • Educate all workers and stakeholders on preventing and responding to GBV/SEA/SH risks. • Utilize Lay Volunteer Counsellors to support GBV management. • Develop and disseminate IEC materials that are informative. • Collaborate with CSOs and gender officers etc., in managing GBV risk.

		<ul style="list-style-type: none"> • Train GBV Focal Points at the national, county, sub-county and locational levels in the receipt and referral of GBV cases. • Establish and operationalize a GBV-Responsive Project Grievance Mechanism. <ul style="list-style-type: none"> • GBV/GM FP/Desks at the location/sub-county, county and national levels. • Existing Toll-free lines at national level (1533/116). • Diversify payment options e.g. mobile banking, wallets to minimize contact between beneficiaries and payment agents.
3	Inadequate access to project information by minority VMGs	<p>Ensure timely and prior disclosure and dissemination of relevant and easily accessible information in a timeframe that enables meaningful consultations in a culturally appropriate format, in relevant local language(s).</p> <ul style="list-style-type: none"> • Ensure adequate and ongoing consultation on the basis of a pre-agreed consultation plan with VMGs that is free of external manipulation, interference, coercion, discrimination, and intimidation. • Consider and respond to feedback promptly. • Document and disclose all community consultation findings by providing minutes, signed list of attendance.
4	Ineffective management of social risks and impacts as a result of the developing capacity of SDSP and the implementing partners	<ul style="list-style-type: none"> • Sensitize project workers on WB ESF and national systems for social risk management. • SDSP and SDCWS to engage qualified, experienced and full-time Social Specialist. The Social Specialist will possess a strong background, in social inclusion, grievance, and GBV management. NDMA will also hire a Social Specialist as part of its PIU and nominate E&S focal points in each participating county. DSA shall hire a Grievance Officer since the project GM shall be domiciled at the DSA. • Conduct capacity strengthening for the E&S, GM and SEA/SH focal Persons at locational, sub-county, county and national levels on social risk management. • The Social Specialists at national level to guide and ensure routine compliance monitoring and reporting. Share with the WB the compliance monitoring reports on quarterly basis for review.
5	Insufficient application of data protection provisions on personal data and security	<ul style="list-style-type: none"> • Ensure that collection and use of personal data is limited to purposes: (1) which are stated in law and thus can be known (at least in theory) to the individual at the time of the data collection; or (2) for which the individual has given consent. • Avoid unnecessary data collection which can create privacy risks and data should only be collected to fulfil the intended purpose. • Where necessary, ensure all collected Personal data is accurate and up-to-date, and inaccuracies to be expediently corrected. • Align with the provisions of the Data protection Act 2019.
6	Increased incidences of labor-related discrimination	<ul style="list-style-type: none"> • Ensure that women are given adequate employment opportunities during recruitment and job postings. This may include ensuring: <ul style="list-style-type: none"> ○ Gender balance amongst project staff (CHPs, Agricultural Extension Officers), local labour, the community level committees including the GRCs, etc. ○ Gender balanced selection of businesses to be supported under EIP. • Regular sensitization and awareness campaigns to the workers should be done to promote gender equity in employment.
8	Increased social conflicts	<ul style="list-style-type: none"> • Ensure timely and prior disclosure and dissemination of relevant and easily accessible information in a timeframe that enables meaningful consultations with minority VMGs in a culturally appropriate format, in relevant local language(s). • Ensure the beneficiary targeting process is fair and transparent and accords fair opportunities for vulnerable individuals and groups.

		<ul style="list-style-type: none"> • Undertake routine monitoring and reporting on the numbers of minority VMGs and other disadvantaged groups (PWDs, older persons, young mothers etc.) accessing project benefits and opportunities. • Undertake Security Assessment and prepare a Security Management Plan to guide project activities in counties of operation that have insecurity issues. • Establish a functional project GM to address non-case related grievances with governance structures at national, county, sub county and locational levels. The GM should provide for separate processing of grievances related to SEA/SH. • Disclose the project GM and sensitize target communities on GM process in the course of its community engagement activities. • Ensure the project GM incorporates existing local dispute resolution mechanism as the lowest tier (locational/village) with clear timelines for handling grievance at each tier. • Ensure that the minority VMGs and other disadvantaged groups are adequately represented in the various GM structures at the locational, sub county and county levels. • Provide culturally appropriate grievance uptake channels. • Ensure that all concerns/conflicts are addressed promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all project-affected parties, at no cost and without retribution. • Ensure all received grievances including all anonymous ones are logged, dated; processed, resolved and closed out.
9	Low to moderate occupational, health and safety (OHS) and potential environmental risks and impacts	<ul style="list-style-type: none"> • Follow the Project Labour Management Procedures that require safe working conditions, including provision of appropriate personal protective equipment (PPE), separate sanitation facilities for males and females and use of Worker Grievance Mechanism.
10	Minor generation of e-waste	<ul style="list-style-type: none"> • An ESMP will be prepared to manage any e-wastes that may arise from the enhancement of digital infrastructure.

5. CULTURALLY APPROPRIATE PROCESS FOR CONSULTATION WITH MINORITY VMGs

To promote effective project design, to build local project support or ownership, and to reduce the risk of project-related delays or controversies, the SDSP and SDCWS will undertake an engagement process with affected VMGs as required in ESS10 (see the KSEIP 2 Stakeholder Engagement Plan). This engagement process will include stakeholder analysis and engagement planning, disclosure of information, and meaningful consultation, in a culturally appropriate and gender and inter-generationally inclusive manner. For VMGs, the process of meaningful consultation will also include among others:

- Stakeholder analysis, engagement planning and mobilization;
- Disclosure of information, and meaningful consultation, in a culturally appropriate, gender, and inter-generationally inclusive manner;
- Involve VMG representative bodies and organizations (e.g., councils of elders or village councils, or chieftains) and, where appropriate Community Based Organizations (CBOs) or Non-Governmental Organizations (NGOs) championing the interests of VMGs;
- Provide sufficient time for VMG Communities' decision-making processes and
- Allow for effective participation VMG communities' in the design of project activities or mitigation measures that could potentially affect them either positively or negatively.

As required under ESS7, projects that have a regional or national scope, the meaningful consultation may be carried out with Indigenous organizations or representatives at the relevant national or regional levels. These organizations or representatives will be identified in the stakeholder engagement process described in ESS10. For KSEIP 2 such organizations will include but not limited to Council of Elders of respective communities, Hunters and Gatherers

Forum (HUGAFO - consisting of Ogiek of Mau, Wayyu Community, Ogiek of Mt Elgon, Aweer Community, Sengwer Community and Yiaku Community), Dakatcha Woodlands, Endorois Welfare Council, Cherengany Indigenous Peoples Ethnic Minority Community of Kenya, Yaaku Indigenous Young Mothers, and Sengwer CBO teams, among others.

Besides the VMG organizations, SDSP and SDCS also needs to establish the legitimacy of such representatives prior to their engagement, to ensure that they are the genuine advocates of the VMG community. Once their legitimacy is confirmed such representatives will be useful in: i) providing helpful insights into the local settings, ii) act as main conduits for dissemination of Program-related information and iii) serve as a primary communication/liaison link between the Program and their established networks. To confirm legitimacy of such VMG representatives the SDSP and SDCWS shall undertake:

- Informal inquiry from a sample of community members drawn from VMGs in the respective counties during initial engagements with the Project.
- Formal inquiry through conducting Focus Group Discussion (FGDs) with VMGs.
- Engagement of local leaders such as the Area Chief, Village elders, Religious leaders, Council of Elders and Ward Administrators from the VMG areas.
- Engagement of respective county Social Development Officers at the county/sub-county levels to verify legitimacy of community representatives and representing organizations from the official CBO registration records.
- Drawing on lessons and experiences from similar WB financed projects previously implemented and or currently ongoing within similar geographical areas.

During consultation with VMGs, it is important to review and agree on the following aspects:

- Time frames to make decisions throughout the lifetime of the project, taking into consideration logistics, local customs, commercial requirements and time needed to build trusting relationships should be pursued. Ensure that it is clear how the timetable for involvement links into when project decisions are made. Ideally VMGs initial involvement should be sought well in advance of commencement or authorization of activities, taking into account VMGs own decision-making processes and structures.
- Mechanism to resolve disputes or grievances in order to proactively address the likelihood that differences of opinion will arise.
- Terms and conditions for the provision of any ongoing support to affected vulnerable and marginalized stakeholders and any associated reciprocal obligations.
- Record the process and decisions reached where VMGs are involved, including the results of any monitoring or reviews, to provide a record for, on who may be affected by the decisions, and to ensure transparency in the decision-making process. Support the communities' capacity to engage in decision-making: for example, by providing access to independent expert advice, capacity building, facilitation and mediation, or involving external observers.
- Their legitimate representatives.

The project will consider and apply the following strategies to ensure that VMGs are effectively engaged and consulted:

- Discuss and agree with the VMGs at the outset on how they wish to be engaged.
- Understand and respect local entry protocols as they relate to permission for community entry. Build on existing customary institutions and decision-making processes utilized by the affected VMGs for a more effective engagement.
- Take into account divergent views and opinions within VMG communities while respecting traditional cultural approaches to consultations and decision making.
- Commit to open and transparent communication and engagement from the beginning and have a considered approach in place.

- Ensure that all representatives of the KSEIP 2 and executing partner agencies (including third party contracted parties) are well briefed on local customs, history, and legal status, and understand the need for cultural sensitivity.
- Regularly monitor and report on a quarterly basis the performance in engagement and consultation with VMGs.
- Enlist the services of reputable advisers with good local knowledge on VMGs.

The project will follow a schedule aligned to the various stages of the project cycle for all the ongoing and planned consultation activities with the VMGs.

6. LESSONS LEARNED FROM KSEIP I

SDSP, SDCS and NDMA will draw on experiences, challenges and lessons from KSEIP 1 to inform and strengthen social risks management in KSEIP 2. Table 5 presents progress made under KSEIP 1 in some key areas including number of VMGs targeted under KSEIP 1, consultation held with minority VMGs communities, grievance management including handling of GBV SEA/SH incidences. On the basis of the progress, some of challenges, experiences and lessons learnt have been distilled to inform recommendation that will be applied in management of social risks under KSEIP 2.

Table 5: Lessons, challenges and recommendations from KSEIP 1

Aspect	Progress	Challenges, lessons and recommendations
No. of VMGs targeted under the various project components	<p>Economic Inclusion Program: The number of VMGs that have benefitted from EIP;</p> <ul style="list-style-type: none"> • Cohort 1 - • Cohort 2 - 801 VMGs <p>The number of Village Savings and Loan Associations (VSLAs) established and maintained.</p> <ul style="list-style-type: none"> • Cohort 1 - A total of 303 (152 for Model A and 151 for model B) VSLA groups were formed and maintained and are still operational. • Cohort 2 - A total of 286 VSLAs have been formed (formation ongoing). • Cohort 2 Savings - KES 8,482,630. <p>The number of people who benefitted from skills training and asset transfer.</p> <ul style="list-style-type: none"> • Cohort 1 - 7,290 participants received skills training and AT. • Cohort 2 - 6582 participants (currently receiving skills training and awaiting disbursement of AT). <p><i>NB: Accounts opening is ongoing</i></p> <p>The number of business groups formed and maintained.</p> <ul style="list-style-type: none"> • Cohort 1 - A total of 5034 BGs are formed. 	<p>Challenges includes:</p> <ol style="list-style-type: none"> Limited information on EIP. Deserving households were left out for several reasons: <ul style="list-style-type: none"> ○ registration points were far from the locations where VMGs and other beneficiaries are located, this was challenging for households with mobility, disability and accessibility challenges, ○ lack of information on the project, ○ lack of IDs cards and birth certificates. Current exit plans for cash transfer (CTs) programs are poorly structured with many beneficiaries finding themselves unprepared for the transition out of the CTs. <p>Recommendations for KSEIP 2 include:</p> <ul style="list-style-type: none"> ○ Partner with Ministry of Interior -CRS, NRB. ○ Undertaking comprehensive VMG mapping and, provide timely and adequate resources for sensitization. ○ Communicate early through multiple channels ○ using transparent registration criteria. ○ Provide registration points at least at sub-location level and involve Chiefs, Elders and Sub-location committees. In ASAL areas, plan around seasons. ○ Develop an exit plan allowing beneficiaries to gradually decrease their dependence on cash transfers while receiving support to build sustainable livelihoods. ○ Implementation of KSEIP 2 should start with community sensitization on project requirements, enhancement of vocational skills and financial literacy, entrepreneurship and nutrition counselling.

	<ul style="list-style-type: none"> • Cohort 2 - A total of 2307 BGs have been formed (Formation ongoing). 	<ul style="list-style-type: none"> ○ Include all eligible community members including men.
Extent of implementation of the VMGPs	A total of 26 VMGPs were implemented. A consolidated Report on the implementation of the VMGPs was prepared.	<p>Challenges:</p> <ul style="list-style-type: none"> ○ Low levels of literacy and language barrier. ○ The VMGs are not willing to be profiled as VMGs for fear of discrimination. ○ Low awareness of the program by the chiefs, VMG focal person, Beneficiary Welfare Committees (BWCs). ○ Although the VMGPs were implemented, the frequency of engagement was low due to the vastness of their locations exacerbated by resource constraints. ○ KSEIP 1 did not provide for transport facilitation for communities. ○ There were challenges related to exclusion of eligible beneficiaries as registration happened at location level – which is far for most beneficiaries. <p>Recommendations:</p> <ul style="list-style-type: none"> ○ Engage, train and facilitate community-level volunteer groups such as BWCs. ○ Provide adequate resources for regular sensitization on the program to the Chiefs, VMGs, VMG focal persons, BWCs etc. ○ Engage VMGs to be at their localities. This should be preceded by comprehensive mapping of their locations to be undertaken during the Social Assessment. ○ Develop and adequately disseminate a clear and transparent criteria for registration. ○ Revise registration tools to capture VMGs at listing and registration. ○ Provide transport facilitation for beneficiaries to attend engagement sessions as applicable.
No. of consultation sessions carried out with VMGs and some of the issues discussed	A total of 10 barazas and 29 FGDs were held with the VMGs.	<p>Challenges cited include:</p> <ul style="list-style-type: none"> ○ Fear of being excluded from the project benefits and opportunities as they are located in remote areas with poor communication. ○ Inadequate engagement in a language understandable to them. ○ Discrimination. ○ Lack of representation in decision-making organs. ○ In some Counties - dislocation due to insecurity issues. ○ Climate extremes that often wipes out their livelihoods. <p>Recommendations for KSEIP 2:</p> <ul style="list-style-type: none"> ○ Comprehensive mapping of VMGs. ○ Sensitization and communication using appropriate local channels (Local Chiefs, elders, local radio stations where available). ○ Targeting of VMGs should be undertaken in convenient locations coupled with ample notices. ○ Include VMGs in all relevant project committees. ○ Prior planning to address insecurity challenges. ○ Support climate-resilient livelihoods.

Management of grievances and cases	<p>The KSEIP 1 has an improved eGCM that has been decentralized and staff at the County and Sub-County levels are able to access Case Management and related data and provided feedback for cases across the NSNP programmes including those under EIP, NICHE and HSNP.</p> <p>Currently it has been rolled out in 10 counties and there are plans of expanding to more counties under KSEIP 2</p>	<p>Challenge:</p> <ul style="list-style-type: none"> ○ Poor utilization of the eGCM mechanism with most Officers preferring to resolve issues through a WhatsApp platform. ○ Inability of the eGCM to capture other grievances such as poor targeting, labour-related issues, quality of services provided, accessibility grievances, accountability, information and communication and insufficient stakeholder engagement. <p>Recommendation:</p> <ul style="list-style-type: none"> ○ Roll-out the e-GCM to all KSEIP 2 counties. ○ Enhance awareness on G&CM to the officers and beneficiaries. ○ Capacity building for relevant stakeholders on G&CM module in the MIS. ○ Enhance the capacity of the eCGM to handle non-case grievances such as SEA/SH – GBV, labour-related grievances, targeting issues, discrimination, marginalization, inadequate stakeholder engagement, accessibility issues, quality of service, transparency and accountability.
Handling of GBV-SEA/SH Incidences	<p>Local channels involving village elders and Nyumba Kumi within the community are used. Chiefs and their Assistants are involved who, if need be, refer cases to police and local health facilities.</p>	<p>Challenges under KSEIP 1 include;</p> <p>Lack of reporting (no GBV cases were reported under KSEIP 1), traditional cultures that have normalized GBV-SEA/SH and local resolution mechanisms that are not survivor-centered.</p> <ul style="list-style-type: none"> ○ The MIS system and the operational manual do not explicitly provide for management of GBV/SEA/SH cases and other non-case grievances. ○ There is no formal grievance mechanism on addressing issues related to GBV/SEA/SH. ○ Lack of structured linkages to support institutions such as the Department of Gender, Ministry of Health, Ministry of Interior etc. ○ Lack of capacity on GBV/SEA/SH and Focal Persons at national and county levels. <p>Recommendations for KSEIP 2 include:</p> <ul style="list-style-type: none"> ○ Implement the SEA/SH Prevention and Response Action plan. ○ Sensitize the community and local leadership on various forms of GBV-SEA/SH, their roles in prevention and response using appropriate channels. ○ Provide a survivor-centric mechanism with various access channels for resolving GBV-SEAH grievances. ○ Assign GBV Focal Persons at national, county, sub-county and locational levels, within known contacts ○ Include women. ○ Facilitate access to support services such as psychosocial, treatment and safe spaces.

7. VULNERABLE AND MARGINALIZED GROUPS PLANS

Given the national scope of the proposed project, it is likely that VMG communities will be impacted by the interventions planned under KSEIP 2 and as earlier mentioned (Table 3), a significant majority (31 out of 35) of the VMG communities found in Kenya are minorities in their respective counties of residence and therefore, they are not the sole beneficiaries of the KSEIP 2 project.

As provided for under the ESS7, the KSEIP 2 NPMU will design and implement the project in a manner that provides affected VMG communities with equitable access to project benefits while ensuring that their concerns and or preferences are addressed through meaningful consultation. In this context, the NPMU will prepare a time bound VMG Plan (VMGP) that sets out mitigation measures for all potential negative risks and facilitates access to project benefits by minority VMGs in culturally appropriate manner. Specifically, the VMGP will outline the following elements as needed:

- A summary of the results of the meaningful consultation tailored to VMGs.
- A framework for meaningful consultation tailored to VMGs during project implementation.
- Measures for ensuring VMGs receive social and economic benefits that are culturally appropriate and gender and intergenerationally sensitive manner and steps for implementing them. If necessary, this may call for measures to enhance the capacity of the project implementing agencies.
- Measures to avoid, minimize, mitigate, or compensate VMGs for any potential negative impacts that were identified in the social assessment, and steps for implementing them.
- The cost estimates, financing plan, schedule, and roles and responsibilities for implementing the VMG Plan.
- Accessible procedures appropriate to the project to address grievances by the affected VMGs arising from project implementation, as described in paragraph 35 of ESS7 and in ESS10.
- Mechanisms and benchmarks appropriate to the project for monitoring, evaluating, and reporting on the implementation of the VMGP, including ways to consider input from project affected VMGs in such mechanisms.

From the review of VMGF, SA reports and VMGP documents for previous and ongoing WB financed projects, it is noted that VMGs communities including Pokot, Samburu, Turkana and Maasai are the overwhelming majority in their respective counties (West Pokot, Samburu, Turkana and Kajiado) of residence and hence the sole beneficiaries of the KSEIP 2 project. In this context, the NPMU will:

- Proactively engage with the relevant majority VMG communities to ensure their ownership and participation in project design, implementation, monitoring and evaluation.
- Consult with the respective VMGs on the cultural appropriateness of proposed services and seek to identify and address any economic or social constraints (including those relating to gender and disability) that may limit opportunities to benefit from, or participate in, the project.
- Ensure vulnerable or disadvantaged groups amongst majority VMGs access project benefits and opportunities.

The above requirements on consultation will be included in the overall VMG consultation framework provided under Annex 6, and the preparation of a stand-alone VMGP for the majority VMG Communities plan is not necessary.

8. GRIEVANCE MECHANISM

A Grievance Mechanism (GM) is a system that allows grievances, queries, suggestions and concerns of project-affected parties to be submitted and responded to in a timely manner. GMs are a pre-requisite for all World Bank (WB) funded projects and for KSEIP 2, these requirements are consistent with the provisions outlined in the WB ESF, and specifically, those set out under ESS2, ESS7, ESS10 and also in the GBV-SEA/SH Good Practice Note. To this end, SDSP and SDCS is required to establish a GM that will assist in addressing grievances associated with KSEIP 2 interventions.

Further, the need to establish an effective project GM is strengthened by the findings of the WB's social due diligence of KSEIP 2 interventions which revealed the likelihood of increased social conflict as a result of risks including: i) exclusion of poor and vulnerable households and VMGs from accessing project benefits and opportunities; ii) exacerbating or introducing sexual exploitation and abuse, sexual harassment (SEA/SH), and other forms of Gender-Based Violence (GBV), such as Intimate Partner Violence, and peer-to-peer abuse, exploitation or harassment amongst adolescents; iii) inadequate engagement of project stakeholders and information disclosure iv) incidences of labor-related discrimination and inadequate response to labor-related grievances that may arise and v) significant reputational risks from how SDSP, SDCS, NDMA and implementing partners may subsequently apply or fail to apply the Technical Assistance (TA) advice/critical policy reforms and capacity building/livelihoods trainings.

To satisfy the above requirements, SDSP and SDCS targets to review, enhance and adopt the KSEIP 1 GM for grievance and case management in KSEIP 2. A case management in KSEIP refers to the overall management and coordination of services provided to a beneficiary or household. It involves the continuous process of identifying needs, delivering services (like cash transfers or livelihood support), and monitoring progress to ensure that the beneficiary's situation improves. In KSEIP, a case is typically assigned to a case manager/Social Development Officer, who tracks the beneficiary's journey through the program. A grievance on the other hand, is a specific complaint or concern raised by a beneficiary (or another party) regarding some aspect of the program. It could relate to issues such as delayed payments, incorrect targeting, service quality, or mistreatment. Case Management is proactive while Grievances are typically reactive, where beneficiaries request a review or resolution of a particular problem they have encountered. Grievances arise where beneficiaries/caregivers and non-beneficiaries or community members are disfranchised, discriminated from, or dissatisfied with the project through the perpetration of wrong, unlawful, or unfair practices in program processes and they seek resolution. Grievances and Cases are addressed through a formal Grievance and Case Management MIS system, which ensures that complaints are acknowledged, investigated, and resolved in a timely manner.

Both aspects are essential for ensuring the success of KSEIP, with case management focusing on long-term support and grievances ensuring accountability and responsiveness. The subsequent sections describe the GM operated under KSEIP 1 and provides a review of the same, to highlight potential areas of improvement to enhance the overall effectiveness of the grievance mechanism.

Under KSEIP 1, two GMs were operated under the NSNP (Grievance and Case Management - GCM) systems and the Hunger and Safety Net Program (HSNP) Case Management System - CMS). Through the two GMs, SDSP, SDCS and NDMA have been able to resolve both cases and grievances associated with KSEIP 1 and as an example, Table 7 provides a summary of complaints and cases handled between 1st July 2024 to 26th September 2024.

Recommendations on the KSEIP 2 GM

The review revealed that to be effective, the GM needs to be strengthened as follows.

- Provide local GM structures comprising Village Elders, then Chief, Peace Committees as well as children's department of police; ii) building the capacity of all stakeholders including creating awareness on the project GM to enhance its usage and iii) the GM will require to be socialized to

the community and different channels of reporting provided to meet these principles, but also, women should be included.

- Identify and document traditional GM's existing with VMG communities for application as the first tier of the project GM.
- Strengthen the existing BWC's to ensure equitable representation of vulnerable individual and groups.
- Ensure that the GM provide clear timelines for managing grievances at the various levels-locational (village), sub-county, county and national levels.
- Ensure that the GM has an appeal process to provide an alternative avenue for the dissatisfied persons to seek redress on their complaint such as legal redress.
- Besides the individuals (officers) handling grievances at sub county, county and national level, the GCM needs to have GM structures that bring on board relevant stakeholders to assist in grievance resolution.
- Both the HSNP and NSNP Grievance and Case Management mechanisms described above focus on cases that can be fed into the MIS. Due to the design and nature of operation of both systems, they are not well placed to handle sensitive grievances especially those related to SEA/SH. Consequently, the current NSNP and HSNP GM processes will need to provide an appropriate and responsive mechanism for addressing GBV-SEA/SH incidents.
- While the project has developed Labor Management Procedures (LMP) whose purpose is to identify the main labor requirements and risks associated with the project, the current GMs do not provide for workers GM and yet KSEIP 2 will engage various categories of workers.
- The GM also needs to provide linkage and contact information of alternative mechanisms for addressing grievances especially for complainants who are dissatisfied with the project GM. Alternatives include the WB, GRS, the Inspection Panel or legal institutions such as the Kenya Human Rights Commission and the Ethics and Anti-Corruption Commission.
- The eGCM under HSNP and NSNP could be merged as a strategy to optimize on the community and county level GM to avoid duplication.

Table 6: Complaints and Case Management updates from 1st July 2024 to 26th Sept., 2024

No	Channel	No Received	Number Resolved	Clients			
GRIEVANCES							
1	Inua Jamii Facebook	654	All responded	Both beneficiaries and non-beneficiaries.			
2	Walk in to the DSA offices	136	All responded	Beneficiaries and caregivers (104). Non-beneficiaries who include Relatives, non-relatives (32).			
3	WhatsApp forums cases lodged by field officers on behalf of the beneficiary or caregiver	985	Resolved/escalated to NSPs	SCO inquiring on behalf of the Beneficiaries.			
4	Call Centre 1533 toll free line and 116 toll-free line for children matters	554	All responded	Beneficiaries and non-beneficiaries.			
5	Email (inuajamii@socialprotection.go.ke)	84	All responded	Beneficiaries and non-beneficiaries.			
CASES							
No Channel		No all updates Received	Resolved/ Bulk transfer	Accepted	Open	Rejected	Escalated
CCTPMIS-G&CM Module (updates)		6063	3719	1199	677	369	75

The cases or updates in the CCTPMIS-G & CM are initiated by the program officers at the sub county level, and they are accepted by the County Coordinates who then escalate them to the National G & CM team for Approval and resolution and further escalate them to PSPs and provide feedback to the programme officer who initiated on their email to track the process.

The above performance notwithstanding, a recent review of the two GMs done by stakeholders and coordinated by SDSP and SDCS in Kilifi, Kericho, Baringo, Busia, Bungoma, Kitui, Migori, Samburu, Isiolo and Tana River counties revealed that, to be effective, the GM needs to be strengthened in areas such as: i) providing local GM structures comprising Village Elders, then Chief, Peace Committees as well as the Department that handles Gender and Children matters in the Police; ii) building the capacity of all stakeholders including creating awareness on the project GM to enhance its usage and iii) the GM will require to be socialized to the community and different channels of reporting provided to meet these principles, but also, women should be included iv) enhancing the capacity of the GM to handle non-case grievances such as SEA/SH – GBV, labour- related grievances, inadequate stakeholder engagement, accessibility grievances, discrimination and marginalization grievances, quality of service, transparency and accountability. More details are presented in Annex 2.

An additional review of the two GMs and recommendations for enhancement were also done by the WB team and some of the key concerns include:

- The need for the-GCM to take into consideration traditional mechanisms and structures for grievance redress currently existing at community level such as those among VMG communities.
- How representative are the BWCs to ensure that they effectively capture the concerns and grievances of vulnerable individuals and groups
- No timelines are provided for resolution of the submitted cases and provision of feedback to complainants.
- The GM needs to provide for appeal process for complainant who may be dissatisfied with the decision by the SCO, CC and the DSA GCM officer.
- The effectiveness of electronic system mostly depend on the availability of infrastructure (e.g., internet access) and digital literacy among affected communities and /or users who could be the PIU. In regions with poor connectivity, mobile engagement tools may not be as effective.
- Both the HSNP and NSNP Grievance and Case Management mechanisms focus on cases that can be fed into the MIS. Due to the design and nature of operation of both systems, they are not well placed to handle sensitive grievances especially those related to SEA/SH. The current GM system developed so far can expose survivors as it reads, "NSNP and public at large to freely and conveniently access eGCM information." Clarity is needed here on how sensitive incidents are going to be handled and stored in the system, as survivors could face public exposure, which could result in further stigmatization, victim-blaming, or re-victimization.
 - Also, if the information is public, then there is the potential for the perpetrators to monitor and intimidate survivors who report online.
 - How will sensitive information be displayed on the system?
 - Will exceptions exist for sensitive cases to be displayed on the public portal?
 - Will the system include data encryption and restricted access to sensitive information such SEA/SH incidents? Will GBV/SEA/SH incidents be directed immediately to the GBV focal points for timely referral? Or how will it work?

Consequently, the current NSNP and HSNP GM processes will need to provide an appropriate and responsive mechanism for addressing GBV-SEAH incidents.

- While the project has developed Labor Management Procedures (LMP) whose purpose is to identify the main labor requirements and risks associated with the project, the current GMs do not provide for workers GM and yet KSEIP 2 will engage various categories of workers. Separate GMs for workers and the project shall be provided both with separate appeal processes in line with ESF.
- The GM also needs to provide linkage and contact information of alternative mechanism for addressing grievance especially for complainants who are dissatisfied with the project GM including the World Bank Grievance Redress Service (GRS) and the World Bank Independent Inspection panel and national legal institutions such as the Kenya Human Rights Commission and the Ethics and Anti-Corruption Commission.
- The GCM under HSNP and NSNP can be merged as a strategy to optimize on the community and county level GM to avoid duplication.
- The SEA/SH Action Plan outlines critical and accessible operational procedures and protocols that will be deployed to prevent, mitigate and respond to all forms of SEA/SH-GBV risks that are project-related over the project life and ensures confidential reporting and handling of SEA/SH-GBV risks.

A more detailed review of the KSEIP 1 GM is presented under Annex 8. The SDSP and SDCS will use the recommendations from the two reviews to enhance the existing GM prior to its adoption and application under KSEIP 2. SDSP and SDCS is to submit a revised GM to WB for review prior to project effectiveness.

9. MONITORING AND EVALUATION

Monitoring and Evaluation (M&E) are a critical components of projects involving VMG communities. Monitoring should be participatory and include the monitoring of beneficial and adverse impacts on Indigenous peoples within project impact areas. All monitoring activities will principally remain the responsibility of the EHS and Social Specialists at the NPMU level and will also be responsible for compiling the data and assessing the extent of compliance with the provisions of ESS7. This section presents the proposed framework for monitoring inclusion of minority VMGs in the project and the extent of implementation of the VMGPs including the related mitigation measures for addressing project risks. The overall objective of the framework is to guide all data collection activities to help determine if project targets, impacts, mitigation measures and expected benefits to the VMGs have been attained.

The NPMU will establish a monitoring system involving the project staff at national, county, sub-county, locational levels, as well as community groups of VMGs to ensure effective implementation of VMGPs. The implementation of the VMGPs should be closely monitored and documented. The sub county SDO and Children Officer will prepare monthly compliance monitoring reports and submit to the County SDO and Children Officer. The County SDO and Children Officer will consolidate and review all the reports before submitting to the national level Social Specialists who will share with the WB on quarterly basis for review. An appropriate format will be prepared by national Social Specialists and adopted by all E&S FPs at county, sub county, locational levels for monitoring and reporting requirements.

As proposed under Table 10, a set of M&E indicators will be determined and agreed upon during VMGP development. It is important that the M&E plan is developed with the active involvement of the VMGs in order to identify mitigation measures that are culturally appropriate and relevant to specific county context. Project results indicators will be disaggregated by gender to monitor women's participation in the project interventions. The M&E indicators should capture both process and outputs indicators including:

- Consultation processes including how many participants by category, issues deliberated and how they were resolved;
- Extent of inclusion of VMGs who are eligible for the project, barriers to inclusion and how they should be addressed;
- Any negative impacts and how they should be mitigated;
- Whether the project GM is accessible to the target VMGs under KSEIP 2, and whether it is capturing their concerns and addressing them, including a record of the complaints and grievances;
- Monitoring the perception of the VMGs towards the project during the implementation phase;
- Determination of the impact of KSEIP 2 on the welfare of the VMGs in the proposed interventions compared to pre-project baseline.

In the event that during monitoring, the project interventions are found to have significant negative impacts on VMGs, independent experts (such as CBOs or NGOs) should be involved to verify monitoring information of the VMGs in that particular intervention. The experts will advise on compliance issues and if any significant issues are found, the responsible SDO and Children officers at the county in liaison with the Social Specialists at NPMU level should prepare a corrective action plan or an update to the approved VMGP. The officer should also closely assess the progress of the corrective measures to ensure their effectiveness. Annex 4 presents sample tools for monitoring implementation of the VMGF and VMGPs.

It is proposed that the project will ensure no VMGs are excluded and are able to access culturally-appropriate benefits from the KSEIP 2 interventions.

Table 7: Proposed Monitoring and Evaluation Framework

Aspect to be Monitored	Indicator	Responsibility	Means of Verification
Validation of the VMG list to confirm that all VMGs present or have collective attachment to, the project area are included.	Verified list of VMGs per county.	NPMU	Report on Validation of VMGs in all counties.
Strengthening the capacity of national and county level staff on the VMGF and implementation of VMGPs.	Number of staff from national and county level trained.	NPMU	Training reports with signed lists of participants.
Trainings/Information dissemination on GoK and WB policy requirements for VMGs and VMGOs.	Number of VMGs/VMGOs meetings; Number of VMGs sensitized.	NPMU	Training reports with signed lists of participants.
Prepare VMGPs with each VMG community in the respective counties.	Community-specific VMGPs prepared	NPMU	VMGPs.
Document existing traditional GMs among VMGs.	Documented traditional GMs.	NPMU	Traditional GMs for each VMG community.
Ensuring equitable representation of VMGs in project governance structures.	No of VMGs in the grievance committees.	NPMU	Inclusivity reports showing VMGs in grievance committees.
Consultation sessions with VMGs -on potential negative impacts of project interventions on VMGs, benefits and opportunities, rights, and entitlements; -identification of culturally appropriate measures to mitigate negative impacts, -development of corrective action plans.	Number of VMG Consultation sessions held.	NPMU	Training reports with signed lists of participants.
Monitoring performance of the project GM including aspects such as	GM reports highlighting number of grievances	NPMU	GM reports highlighting number of grievances resolved and

Aspect to be Monitored	Indicator	Responsibility	Means of Verification
accessibility of the GM to VMGs, number of grievances received, resolved, and closed out.	received, resolved and closed out, as well as those unresolved and escalated.		closed out, as well as those unresolved and escalated.
Extent of inclusion of VMGs who are eligible for targeting under KSEIP 2 interventions.	Reports indicating VMGs inclusion in project interventions.	NPMU	Reports highlighting extent of VMG Inclusion
Involvement of VMGs in monitoring and evaluation of VMGP implementation.	Number of VMGs involved in KSEIP 2 M&E activities	NPMU	Monitoring and evaluation reports showing engagement of VMGs.
Monitoring and evaluation of the VMGP implementation.	M&E reports	NPMU	Monitoring and evaluation reports showing extent of VMGP implementation
Annual VMGP Audit.	Annual audit report	NPMU	Annual audit report on implementation of VMGP.

10 BUDGET AND RESOURCES FOR IMPLEMENTATION OF THE VMGF

Table 11 presents the estimated costs for implementing this VMGF. The Project will cater for all costs related to the implementation of this VMGF. The estimated budget for the implementation of the VMGF is KShs 5,000,000 as presented below.

Table 8: Budget for Implementation of the VMGF

Item	Estimated Cost KSH
<p>1. In consultation with minority VMG communities, their leadership and organizations that champion their interests, and other stakeholders develop VMGPs, and this will include,</p> <ul style="list-style-type: none"> ○ Identifying barriers impeding VMG participation in KSEIP 2 and propose culturally appropriate mitigation measures; ○ Agreeing on culturally appropriate consultation approaches; ○ Establishing strategies for ensuring VMG have access to project benefits and opportunities; ○ Documenting traditional Grievance Mechanism existing among the various VMG communities; ○ Screening VMG list. <p>2. Conduct a Social Assessment to identify the barriers to access and potential detrimental impacts of the proposed reforms, inclusion of PWDs, minority VMGs, young mothers, challenges pertaining to acquisition of legal documents and accessing payment service providers and the appropriate mitigation measures.</p>	<p>5, 000,000 One off cost</p>
	5,000,000

All costs related to awareness creation to beneficiaries and local leadership, induction of project participants, training of project workers including community volunteer groups on the provisions of the KSEIP 2 E&S instruments are captured in the Stakeholder Engagement Plan (SEP), as well as a single budget to monitor the implementation of all E&S aspects.

Annexes

- 1. Annex 1: VMG Screening Checklist**
- 2. Annex 2: Key Issues Discussed during Consultations**
- 3. Annex 3: Signed List of Participants**
- 4. Annex 4: Sample Tools for Monitoring Implementation of VMGs and VMGPs**
- 5. Annex 5: Profile of VMG Communities' in Kenya**
- 6. Annex 6: VMG Consultation Framework**
- 7. Annex 7: Institutional Arrangements for KSEIP 2**
- 8. Annex 8: A Review of KSEIP Grievance Mechanism**



VMGF Annexes.docx