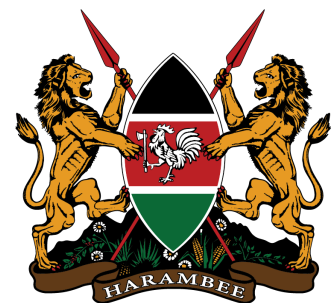


# Machakos County Public Transport Sexual Harassment and Gender-Based Violence Policy

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JULY 2022



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## **FOREWORD**

Machakos County Government is committed to promoting a safe and secure public space, including a public transport space that is free from sexual and gender-based violence among its citizens. We believe that continually improving the health and living standards for the people of Machakos County is contingent upon the formulation of effective policies that promote safe public spaces and the empowerment of women and vulnerable groups at all levels and sectors. The County Government of Machakos must have a policy to further enhance the rights of vulnerable groups and provide a clear framework for addressing sexual harassment and gender based violence. The Machakos County Public Transport Sexual and Gender-Based Violence Policy was developed with comprehensive insights into the empowerment, freedom to enjoy rights for all and access to justice, and economic opportunities in the public transport sector available for the people of Machakos County.

Despite having the Constitution that protects citizens, SGBV in the public transport sector is rampant as proven in studies conducted by Flone Initiative and various other organizations. Machakos County has therefore developed this policy on SGBV which supports the constitutional provisions and reflects the changing operating environment. The policy takes cognizance of the prevalence of SGBV specifically against women as a vulnerable population; outlines a roadmap for eliminating SGBV to create a safe and secure space for all; and provides wide latitude for engagement with the people of Machakos County.

I hope that this policy's implementation will avail the citizens of Machakos County of more excellent social protection that will culminate in increased personal and community development towards a more robust economy.

**H.E. DR. ALFRED N. MUTUA, EGH.**

**GOVERNOR**  
**MACHAKOS COUNTY**

## **ACKNOWLEDGEMENTS**

The Department of Transport, Roads and Public works expresses its appreciation to H.E. the Governor – Dr. Alfred N. Mutua, for the support in developing the MCPTSGBVP and Flone Initiative and other institutions that played significant roles in the development of this policy. Secondly, I wish to express my sincere gratitude to my staff, the Ministry of Transport, Infrastructure, Housing, Urban Development, and Public Works – Machakos (Department of Transport, Roads and Public works) for supporting us with technical advice, literature, and tools for the development of this policy. Our gratitude also goes to individual experts, civil society organizations, and interest groups who contributed directly and through validation meetings in finalising the policy.

**HON. NAOMI MUTIE**

**COUNTY EXECUTIVE COMMITTEE MEMBER**

**DEPARTMENT OF TRANSPORT, ROADS AND PUBLIC WORKS**

## ABBREVIATIONS

<b>CEDAW</b>	Convention on Elimination of all Forms of Discrimination Against Women
<b>GBV</b>	Gender-Based Violence
<b>ILO</b>	International Labour Organization
<b>MCPTSGBVP</b>	Machakos County Public Transport Sexual and Gender-Based Violence Policy
<b>NTSA</b>	National Transport and Safety Authority
<b>PSV</b>	Public Transport Vehicle
<b>PWD</b>	Persons with Disabilities
<b>SACCO</b>	Savings And Credit Co-Operative Societies
<b>SOA</b>	Sexual Offences Act
<b>SH</b>	Sexual Harassment
<b>SGBV</b>	Sexual and Gender-Based Violence
<b>UNDHR</b>	United Nations Declaration on Human Rights
<b>UN</b>	United Nations
<b>VAWG</b>	Violence Against Women & Girls

## Definitions of Key Terms

KEY TERMS	CONTEXT DEFINITION
<b>Sex</b>	Sex shall refer to the biological and physiological makeup of an individual that is determined at birth through a medical examination.
<b>Gender</b>	According to the National Gender and Equality Commission Act, No. 15 of 2011, gender shall refer to the socially constructed ideas of male, female, and intersex bodies including norms, behaviours, and roles associated with men and women which they are expected to adhere to in society “among different communities and cultures, classes, ages, and during different periods in history”.
<b>Vulnerable Groups</b>	Vulnerable groups, as suggested in the Sexual Offenses Act 2006, are those who suffer and/or are discriminated against in society due to societal constructs of power relations on the basis of sex, gender, or age; intellectual, psychological or physical impairment; trauma; cultural differences; the possibility of intimidation; and race, religion, or language.
<b>Harassment</b>	Harassment shall refer to unwelcome, harmful behavior(s) and acts directed towards another person or a group of people directly or indirectly.
<b>Sexual Harassment</b>	<p>According to the Sexual Offenses Act No.3 of 2006, sexual harassment shall be defined as the abuse of an authority’s power and/or position to carry out physical, verbal, and non-verbal conduct that is knowingly unwelcome and offensive to the recipient. It shall include behaviours and practices of a sexual nature that make advances, propositions, or pressure directed to an individual or a group of people in the form of sexual advance(s), request(s) for sexual favours, and verbal or physical conduct of a sexual nature based on sex or gender. Sexual harassment is considered a form of gender-based violence.</p> <p><i>NB: Behavior based on mutual attraction, friendship, and respect is not sexual harassment.</i></p>
<b>Gender-Based Violence</b>	According to the UNHCR, gender-based violence refers to unwelcome acts rooted in gender inequality, the abuse of power, and harmful norms which are carried out against an individual on the basis of their gender.
<b>Sexual and Gender-Based Violence</b>	Sexual and gender-based violence refers to all acts of sexual harassment and gender-based violence, including defilement, rape, and sexual assault.



<b>Sexual and Gender-Based Violence in the Workplace</b>	According to theC, sexual and gender-based violence in the workplace shall refer to unwelcomed and unwanted sexual advances, physical, verbal, or non-verbal (like electronic messages), towards another person that shall affect their productivity and the nature of their work. It shall also refer to coercing an individual to engage in sexually related conduct for a job benefit.
<b>Public Transport</b>	Public Transport shall refer to a group transport system that facilitates the movement of people and goods from one point to another. The system must be designated and utilized by members of the general public as a transit service. The transit options specific to Machakos County are matatus, buses, boda bodas, trains, normal and digital taxis, and tuk tuks.
<b>Public Spaces</b>	Public spaces shall refer to areas designated for use by members of the public. They shall include but not be limited to; bus stops, bus stations, walk paths, market places, parking lots, pedestrian walks, nature parks, airports, railway stations, ferry stations, bathrooms/toilets, shopping malls, etc.
<b>Sexual and Gender-Based violence in Public Transport and Connected spaces</b>	Sexual and gender-based violence in public transport and connected spaces shall refer to unwanted/unwelcome sexual advances and discriminatory acts towards individuals or groups in all areas defined as public transport systems and public spaces.
<b>Perpetrator</b>	Perpetrator shall refer to individuals engaging in the act of harming others through unwelcome acts of a sexual nature or on the basis of gender discrimination.
<b>Survivor</b>	Survivor shall refer to individuals who have directly experienced an act of sexual harassment or gender-based violence.

## **CHAPTER ONE: BACKGROUND INFORMATION**

### **1.1: Introduction**

The Kenyan Constitution inaugurated in 2010 has clear guidelines on fundamental human rights to protect all Kenyans from any form of discrimination and harassment, as directly stated in Articles 27, 28, and 29. Additionally, the Sexual Offences Act of 2006, Article 23, states that every person has to be protected from any form of violence, including SGBV, from public and private sources. This provision promotes the interrelationship and interconnection between a conducive working environment and all active participation in the development activities. The MCPTSGBVP remains fundamental for effective and efficient implementation of the United Nation's Sustainable Development Goals, specifically Sustainable Development Goal 11, which advocates for the safety, inclusivity, resiliency, and sustainability of cities and communities. Goal 5, which advocates for gender equality with a focus on empowering all women and girls. SGBV affects different groups of people differently. However, it has a more significant impact on vulnerable groups notably women, girls, people with disabilities (PWD), and the elderly.

### **1.2: The Rationale for Machakos County Public Transport Sexual and Gender-Based Violence Policy**

According to the baseline survey report conducted in Machakos by Flone Initiative in 2021, data reveals a high prevalence of different forms of Sexual and Gender-Based Violence in the public transport space. There is growing evidence that women, girls, and Persons With Disabilities (PWD) are most vulnerable. A significant proportion, 46% of female transport workers, also identified SGBV in the forms of inappropriate physical contact and unwelcome sexual advances by their male colleagues as a common occurrence.

Over the past years, the Department of Transport, Roads and Public Works, in conjunction with the Ministry of Transport, Infrastructure, Housing, Urban Development, and Public Works in Machakos County Government have improved the state of roads and infrastructure to ensure the safety of users. However, the safety and security of vulnerable groups, especially women, has not been fully achieved as women in the public transport sector continue to face SGBV from passengers and fellow co-workers in their line of work. According to a safety audit conducted by Flone Initiative, the 2021 Machakos County Safety Audit, most of the streets in Machakos County were poorly lit, exposing residents to possible security threats. The safety audit additionally showed that walking in the streets is hampered, as the pavements either have problems (obstructed, too narrow, and dirty) or may not even be provided in some cases. Most busy streets in the town are characterized by uncoordinated parking on sidewalks, limited road signage, and poorly maintained drainage that does not enhance the visual quality of these streets. The Draft Machakos County Gender Policy highlighted the various ways to deal with SGBV; they and the Constitution of Kenya have also incorporated and ensured compliance of the Sexual Offences Act of 2006 and other provisions of the Employment Act 2006 that address SGBV. Even though these have been of great value, they have been challenged by their lack of anchorage in the policy. Additionally, resource mobilization for implementing programs to create safe and secure public spaces in the absence of a policy is challenging. The MCPTSGBVP provides a roadmap for greater engagement with communities, passengers, religious organizations, state and non-state actors, and other stakeholders.

The high prevalence of SGBV in Machakos and its negative impact on society necessitates the development of a comprehensive SGBV policy framework to ensure effective prevention of and response to SGBV and the empowerment of women. A policy of this kind will help SACCOs create good working environments and commuting experiences for workers and customers respectively while creating a good reputation for the industry at large. Furthermore, it will help curb the low socio-economic status of women in transport who are continuously denied the right to a safe and secure working environment and the right to participate in decision-making processes for further development.

### **1.3: Statement of the Problem**

A baseline survey report by Flone Initiative in 2021 shows that Machakos County has invested significantly in physical transport infrastructure. It is important to recognize that the County Government of Machakos is setting up a SGBV shelter which shall serve SGBV survivors and victims across the county. However, there is little investment in 'soft' infrastructure – the social, legal, regulatory, and governance frameworks which are equally essential and can hinder or amplify inequalities in accessing safe, accessible, affordable, and sustainable urban services. For an effective, sustainable urban development, there is a need to consider the safety concerns of women and girls, especially while navigating all public spaces.

Machakos County has not yet created a safe and secure environment in the public transport space as evidenced by the county's unprecedented increase in SGBV over the last ten years (Machakos Gender Policy Draft, 2021). This policy provides strategies to facilitate and enhance the various frameworks on SGBV to create a safe and secure public transport space for all. To bring long-term and sustained change, there is a need to ensure that the framework is implemented to the latter through sufficient resources. Resources include maintaining an updated database, maintaining training and sensitization programs, developing safe structures for SGBV survivors, and a genuine commitment towards intra-county cooperation and collaboration at the village, ward, sub-county, and county levels. Sexual and Gender-Based Violence prevention and response requires prioritizing access to justice and the institutionalization of trauma recovery measures for affected individuals, families, and communities.

### **1.4: Legal and Policy Context**

Since independence, Kenya has continued to ratify different international treaties, protocols, conventions, and policies. In 1984, Kenya ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which explicitly states in General Recommendation No. 19 of 1992 and General Recommendation No. 35 of 2017 that SGBV are forms of discrimination against women which violate their human rights and fundamental freedoms. The convention led to the enactment and adoption of the Sexual Offenses Act of 2006, which provides an apparent path on addressing sexual harassment in Kenya. Kenya has also ratified the United Nation's Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights. These documents have resulted in Kenya becoming a signatory and key stakeholder in ensuring different ministries develop and implement sexual harassment policies. Machakos County is not an exemption. Following independence,

Kenya had not developed a national policy that was specific to SGBV in the public transport space. After considering and realizing devolution in 2010 and 2013, the county governments of Kenya received more power and revenue as the government was decentralized. Even still, since devolution, the county government of Machakos has failed to produce a policy related to SGBV in public transport. As the population of Machakos rises, vehicle demands increase, and urbanization continues, Machakos County must be well equipped to address existing and future challenges related to SGBV in public transport and all public spaces.

Since Kenya's independence, the County has not developed a SGBV policy for the transport sector space. With the rise in population, increased vehicle demands, and urbanization, Machakos county needs to be well equipped to address existing and future challenges related to SGBV in public transport.

### **1.5: Scope of the Policy**

The MCPTSGBVP applies to all individuals—including employers, employees, commuters, passengers, pedestrians, and all users of public transport and public spaces—and all transport agencies/companies within the proximity of Machakos County. The scope covers other parties such as service providers in the public transport sector and those of the informal economy operating in public spaces or serving members of the public. Everyone is obliged to comply with this policy. This policy covers other parties such as service providers in the public transport sector and those of the informal economy, both platform drivers and passengers.

For this policy, SGBV will constitute all unwelcome behaviour of a sexual and discriminatory nature that is offensive, humiliating, and/or intimidating. Whether the behaviour is unwelcome and/or discriminatory will depend on the perception and experience of the recipient rather than the intention behind the action by the perpetrator. Forms of SGBV, whether they occur once or repetitively, shall include but will not be limited to:

1. Verbal and nonverbal behaviours ranging from lewd (vulgar) remarks, catcalls, whistling, obscene gestures, and misogynistic jokes.
  2. Unwelcome physical contact: touching, groping, and the obstruction of a person's way.
  3. Sexually oriented comments or gestures, including staring or leering acts.
  4. Showing or displaying obscene or offensive images or texts.
  5. Nonconsensual taking of photos of men or women, e.g., so-called 'up skirting' or taking pictures of women's underwear or genitals, often without their knowledge and consent.
  6. Economic harm including bribery or promises extended to the survivor in exchange for sexual favors.
  7. Severe forms of harassment such as rape and sexual assault.
- 
1. Actions of groping or manspreading like touching and invading individuals' personal spaces without their consent while in public transport systems and their associated spaces.
  2. The use of intimidation to manipulate individuals to offer or engage in non-consensual sexual relations in public transport systems and associated spaces.

3. All physical abuse carried out to cause intentional harm or trauma to another person through bodily contact while making unwelcome sexual advances when occupying public transport spaces.
4. All sexual abuse including sexual advances towards and engagement in sexual activities with individuals without their consent.
5. Unwelcome/obsessive surveillance of someone with the aim of documenting sexual advances while in public transport and associated spaces.
6. Facial expressions that are sexual or suggestively indicate unwelcome sexual actions.
7. Use of unwelcomed phrases that are of a sexual nature towards other passengers or operators.
8. Forceful ejection (throwing out) of passengers from moving vehicles.
9. Physical assault from passengers to matatu crew, both men and women.
10. Demand for sexual favours in exchange for employment in the sector free rides or any other public transport related service
11. Workplace discrimination and services denial on the basis of gender will be regarded as a form of GBV.

Defilement, rape, and sexual assault are considered two offences separate and distinct from sexual harassment according to the Sexual Offences Act of 2006. Sexual harassment may eventually lead to defilement, which constitutes as engaging in sexual activities physically with minors (individuals below 18 years), showing/playing pornographic content for minors, offering favor in exchange for sex with minors, or enticing minors to engage in sexual activities; and rape or sexual assault, which constitutes as forceful contact with or forceful penetration of another individual's genitalia. Both acts require severe penal prosecution of the perpetrator if found guilty. For this policy, and as outlined in the National Guidelines on Management of Sexual Violence in Kenya, sexual violence and gender-based violence includes all forms of attempted defilement, rape, and sexual assault and all instances where defilement, rape, or sexual assault has occurred.

### **1.6: Policy Development Process**

The government of Kenya has developed policies in the quest to address SGBV in the public sphere. In 2006, the Government enacted the Sexual Offences Act, stating that governmental organizations, non-governmental organizations, and public members should promote safe and accessible public and private spaces for all. Sections 5(1) and 23(1) of the act define sexual assault and harassment, in addition to highlighting the penalties associated with breaching. In 2007, the government enacted the Employment Act that laid out a framework for identifying and addressing sexual harassment in the workplace. Section 6 of the Employment Act defines sexual harassment, reporting, and intervention mechanisms. The act recognizes an employee's right to a work experience that is free from sexual harassment and protections to prevent such harassment shall be put in place before and during employment. Additionally, the act provides guidelines on acting in the survivors' best interests, including the principles of confidentiality, non-maleficence, and beneficence.

The non-state actors involved in the development process of the policy have been associates, expert peer reviewers, government legal commissions, Machakos County Government Officials, Machakos

County residents, and anonymous reviewers of Machakos County in partnership with Flone Initiative, a non-governmental organization working towards safe, accessible, and sustainable public transport in Kenya. Additionally, Flone trains and operates with women working in the transport sector, which has allowed for the voices of these women to be at the forefront of the mission for gender equality in public transport.

## **1.7 National Legal Frameworks**

### **1.7.1: Sexual Offences Act**

The Sexual Offences Act No.3 of 2006 serves as an account to define, prevent and protect all persons from sexual offences. Article 23(1) of the Act describes sexual harassment as the persistent and unwelcome sexual advances, requests for sexual favour, and other verbal, visual, or physical conduct of a sexual nature by a person in a position of authority; in the following Article 23(2), those who have been subjected to sexual harassment on the basis of employment or education face offensive working and learning environments. Throughout the Act, sexual offences are described using the terms unlawful and intentional, indicating that sexual offences are committed by the perpetrator purposefully against the law. For any sexual offence committed, the perpetrator is liable for conviction, and any previous convictions must be brought forward when applying for employment working with vulnerable groups (this includes children). Conviction is also necessary where an authority figure refuses to provide services unless a sexual act is undergone; this would include a public transport operator who refuses to provide transport unless a passenger will engage in a sexual act with the perpetrator. Any individual convicted of a crime of sexual offence will face conviction and will adhere to the rehabilitation and adaptation processes that follow his or her re-entrance to society.

### **1.7.2: Kenya's Constitution of 2010**

Per Kenya's Constitution of 2010, Article 27 states that all persons will be protected against discrimination, and every citizen has the right to equal protection before and benefit from the law. Article 27(3) specifically addresses gender by highlighting that men and women will receive equal treatment and have the right to equal opportunity across all spheres of social and political life. Outlined in 27(4), no person shall receive discrimination on the basis of race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. Gender discrimination in legal systems is addressed in Article 27 (8), which states that no seats of elected or appointed bodies shall not be more than two-thirds of a single gender, as well as in Article 81(b). The provisions of this clause must be applicable to all sectors of Kenya to curtail male dominance like that of the public transport sector. Article 28 addresses the dignity of every human and the right for that dignity to be respected and protected. Furthermore, Article 29 argues for the security of every person in which all persons have the right not to be subjected to violence of any kind, public or private, or treated in a cruel, inhuman, or degrading manner. As the nation pursues further development, gender equality and gender mainstreaming will be among the first considerations by the Kenya National Human Rights and Equality Commission, as described in article 59(b).

### **1.7.3: Affirmative Action**

Referenced throughout the Constitution of Kenya (2010), namely in Articles 27 (6), 55, 56, and 203 (h), affirmative action refers to the effort to improve and uplift the social, political, and economic realities for marginalised groups in society. The articles aforementioned state that there shall be no

discrimination against any individual or group who has previously been the subject of discrimination; youth, minorities, and marginalised groups shall benefit from programmes which exercise affirmative action; and disadvantaged areas and groups will additionally see the benefits of affirmative action. Women, as a historically disadvantaged group, will be the subjects of affirmative action programmes which seek gender equality in the public transport sector.

#### **1.7.4: National Gender and Equality Commission Act**

The National Gender and Equality Commission Act of 2011 highlights the Commission's responsibility to consider women and all vulnerable groups when implementing law and policy to ensure that national development occurs equally among all persons.

#### **1.7.5: Children's Act**

The Children's Act commenced in 2002 states that 'child' refers to any individual under the age of eighteen. Article 5 states that there shall be no discrimination against a child on any basis of identity or personhood, including gender. Furthermore, Article 15 advocates for the protection of children from sexual exploitation and any other engagement, coercion, or exposure to sexual activity. This includes children as passengers in public transport. Engaging in any form of sexual activities with child is termed as defilement. In Kenya, defilement of children between 0-11 years is punishable by life sentence. Defilement of a child aged between 12 to 15 is punishable by a jail term of 20 years. Defilement of a child between 16- 18 years old is punishable by 15 years imprisonment.

#### **1.7.6: Code of Conduct**

The Draft Code of Conduct for Public Transport was first developed by Flone Initiative in 2021. It serves as a general framework for the expectations of operators of public transport systems. As outlined in section 3.2 of the document, operators are to ensure the safety of passengers, including freedom from harassment of any kind, and those compromising such safety are not permitted to ride. In section 3.7, operators are to extend respect and appreciation for diversity and inclusion in which no customer is discriminated against on the basis of race, gender, creed, political affiliation, and religion.

The fifth section of the Code titled Ethical Standards insists that no operators shall engage in sexual acts within the workplace; this includes sexual relations as well as sexual advances of any kind towards colleagues and passengers. The operator shall not abuse his or her position by asking for sexual favours in exchange for services from any person. Operators will not discriminate against colleagues or passengers on any basis such as race, gender, creed, political affiliations, and religion.

#### **1.7.7: Victim Protection Act**

Articles 8, 10, and 11 of the Victim Protection Act, No. 17 of 2014, state that all victims have the right to privacy, confidentiality, protection, and security which ensures that the victim's personal information remains unknown to the public; the victim is protected from further harm; and the victim is provided with the necessary means of physical and psychosocial support. For the MCPTSHGBV, any complainant will be considered a victim of SGBV and therefore extended the rights laid out in the Victim Protection Act.

### **1.7.8: National Guidelines on Management of Sexual Violence in Kenya**

The National Guidelines on Management of Sexual Violence in Kenya, reviewed in 2013, were established to serve as guidelines and obligate national policies to address sexual violence. Supported by The Sexual Offences Act 2006, the National Policy on Gender and Development and National Reproductive Health Policy and the National Reproductive Health Strategy, the guidelines outline procedures regarding the management of sexual violence, specifically in sections broken down into medical, psycho-social, legal, and referrals to additional support services to address the needs of survivors and perpetrators. The guidelines are pertinent to the policy on SGBV in public transport as it attempts to reduce the prevalence and response to SGBV in public transport and associated spaces.

## **1.8: International Legal Frameworks**

### **1.8.1: Convention On Elimination of all Forms of Discrimination Against Women**

Article 2(6) of the Kenyan Constitution states that “Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution.” In 1984, Kenya Ratified the Convention on the Elimination of all Forms of Discrimination, including sexual harassment. The ratification paved the way for more women to participate in the decision-making tables and public development processes. The convention sparked conversations on the sexualization of roles and responsibilities. The convention called on the state parties to ensure measures and guidelines to promote a conducive working environment for women's effective engagement. It set a framework to ensure women are granted equal opportunities based on potential and capabilities and full and active participation in the workplace. The convention emphasizes the need for the state parties to bridge the legislation gaps to ensure adequate protection and prevention of SGBV in public and private spheres.

### **1.8.2: Universal Declaration of Human Rights**

The declaration was ratified in 1990. Kenya was bound to promote and honour fundamental human rights for its citizens. Article (3) states that every human being has the right to life, liberty and security. Article (7) highlights the right to be protected by the law and free from discrimination. Article 23 (1) states that every human being has the right to work, free choice of employment, just and favourable conditions of work, and protection against unemployment. In this regard, state parties were held liable to develop and implement context-based policies to ensure human rights are protected at all levels. State parties should ensure those subject policies are designed as per the declaration. "Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein" (Art 30).

### **1.8.3: ILO Harassment in the World of Work**

The Violence and Harassment Convention (No. 190) and its accompanying Recommendation (No. 206) were adopted in 2019 during the Centenary Conference of the International Labour Organization (ILO). Convention 190 Article 7 calls on the member states to define and prohibit sexual harassment in the workplace. The convention further states that to address SGBV, there is a need to respect fundamental



human rights, including discrimination that encompasses sexual harassment. Article 9 of the Convention 190 and Paragraph 8 of Recommendation 206 states that member states should adopt and implement measures that shall promote safe and conducive working environments for all assessments that take into account hazards and risks that arise from discrimination, abuse of power relations, and gender, cultural, and social norms supporting violence and harassment. The convention also recommends that members provide the necessary legal, psychosocial information, and services to survivors of workplace harassment. Members should ensure that the facilities are fully functional and equipped with suitable personnel.

From the convention, SGBV in the place of work can be manifested in two forms: any physical, verbal or non-verbal conduct of a sexual nature and other behavior based on sex affecting the dignity of women and men, which is unwelcome, unreasonable, and offensive to the recipient; or a person's rejection of (1) (quid pro quo) any physical or verbal submission to such conduct that will be used explicitly or implicitly as a basis for a decision which affects that person's job, or (2) hostile work environment conduct that creates an intimidating, hostile, or humiliating working environment for the recipient.

While the convention has not yet been ratified in Kenya, its implications regarding harassment in the workplace are significant and make a worthy case for its future ratification in the nation. Ratification would indicate a comprehensive and progressive approach to SGBV that national and county laws and policies in Kenya should begin implementing.

#### **1.8.4: African Charter on Human and Peoples' Rights**

The Charter ratified by Kenya In 1992 provides context-based provisions regarding respecting human rights in Africa. Article 19 of the African Charter on people rights states that; all peoples shall be equal; they shall enjoy the same respect and have the same rights. Nothing shall justify the domination of a people by another. Article 21 states that all peoples shall have the right to their economic, social, and cultural development with due regard to their freedom and identity and equal enjoyment of humankind's common heritage.

#### **1.8.5: Maputo Protocol**

The Protocol to the African Charter on Human and Peoples' Rights on the Right of Women in Africa, more simply known as the Maputo Protocol, was derived from the African Charter on Human and Peoples' Rights to focus specifically on the rights of women in Africa and signed in 2003. In Article 2, the Protocol calls for the elimination of discrimination against women, in which equality between men and women will be principle and measures will be enacted to curb all harmful practices which endanger the overall well-being of women.

Article 4: The Rights to Life, Integrity, and Security of the Person prohibits any and all forms of exploitation and cruel, inhuman, or degrading punishment and treatment against women. Women will not be subjected to unwanted or forced sex in public and private spaces, and all such beliefs, practices, and stereotypes which tolerate violence and discrimination against women will be eradicated through the educational promotion of peace and all other legislative, administrative, social, and economic measures deemed necessary. The state will identify the causes of violence against women and measures

shall be taken to prevent and eliminate such causes and to eradicate all such forms of violence. Survivors will receive proper care and rehabilitation, and the perpetrators of violence against women will face prosecution.

As stated in Article 5, necessary support of all kinds shall be provided to women who require it as a result of harmful practices carried against them; to prevent the necessity of support, the protection of women at risk must occur as the utmost priority.

Women have the right to a peaceful existence and to be active actors in maintaining and promoting such peace, per Article 10.

According to Article 13, women will be guaranteed equal opportunities in work, career, and economic advancement per legislative measures, including in transparency of recruitment, promotion, and dismissal of women. Women in the informal sector will be supported and protected, and sexual harassment in the workplace will be combated and punished.

### **1.8.7: Employment Act**

The Employment Act of 2007, Section 6, stipulates that employer-employee sexual harassment occurs in the workplace in the forms of direct or indirect requests for any form of sexual activity, especially those which upon completion will determine treatment of the employee; the use of language, both verbal and non-verbal, of a sexual nature; the use of visual materials of a sexual nature; and any physical behavior of a sexual nature that is unwanted and unwelcome and disturbs an employee's peace in the workplace.

Section 6 (2) of the Employment Act 2007 further states that employers with twenty or more employees must issue a policy statement on sexual harassment upon consultations with their employees or representatives. The statement shall include a definition of sexual harassment that is outlined earlier in Article 6 (1) and communicate the rights of every employee to a workplace which is free of sexual harassment and to fair disciplinary measures if an incident of harassment does occur that will remain confidential. Therefore, women as employees in the transport sector have the right to

## **CHAPTER TWO: SITUATION ANALYSIS**

### **2.1: Introduction**

National data shows that only 10% of public transport workforce in Kenya is women; in Machakos, the percentage is even lower, estimated at 0.001% of women running and owning public transport (Flone 2021). This trend continues with SACCOs, where, out of an estimated 30 SACCOs in the county, only one is led by a woman. The overwhelming male dominance of the public transport sector has posed great challenges for women and girls engaging with transport, both as passengers and operators. Most notable among these challenges is SGBV. Women and girls are subjected to harassment of a sexual nature far too often by men in public transport and in surrounding public spaces. The SGBV that takes place is often an exercise of domination and control by men over women's bodies in which women are denied autonomy through unwanted, unwelcome, and unsafe behaviour/actions by another group or individual. The social context of gender and power relations in Kenya has led to significant discrimination against women generally and in the transport sector. In Machakos County, a lack of gender mainstreaming in public transport policy and continued binary expectations between men and women have made the problem persist.

### **2.2: The Problem**

Public transport is a rightful and convenient service that is designed to serve the greater public. Unfortunately, some members of the public are not able to enjoy their right to the service because of the mistreatment they have received or out of fear of receiving such mistreatment, which presents an obstacle to their well-being as rightful citizens. The most concerning of this treatment is SGBV, which has proven to disproportionately affect women. The prevalence of SGBV in public transport is reflective of continued discrimination against women in the public transport sector, both as operators and passengers, and a violation of their right to operate and ride peacefully.

In Machakos County, conducted studies have attempted to provide quantitative evidence of the SGBV that has been experienced by women in Machakos, where they make up 50.2% of the county's population according to the 2019 national population census. Due to the public transport sector being largely informal in Machakos and the under-reporting of women who have experienced harassment, it is difficult to garner definite numbers concerning women who have experienced SGBV in public transport. This in itself is a problem that is furthering issues of SGBV. However, some findings can be discussed to illustrate the urgency of the problem. A study was conducted by Flone Initiative involving 100 transport workers, 61% men and 39% women (these numbers do not accurately reflect the ratio of men to women in transport, though, as women were targeted purposefully). When asked what the barriers to entry and retention for women were in the industry, 56% of men and 51% of women said male dominance and gender discrimination, and 23% of men and 41% of women said harassment and insecurity. Further inquiry of instances of harassment and insecurity showed that women are more concerned about SGBV being of a verbal and emotional nature whereas men's greatest concern was physical fights. A significant number, nearly 50%, of women in the study reported SGBV from their male coworkers occurs often, and nearly three-fourths of both men and women said cases of harassment occur at the bus station. 28% of

male and 31% of female workers also stated that some cases occur inside vehicles, while the majority of transport workers stated that harassment and insecurity cases happen all the time, including a significant portion which believes many cases occur during the day despite the belief that most would occur at night.

The causes of the problem are difficult to measure, as the social constructions and implementations of gender have historical roots; they have always been the determinants of social and political life. However, the continued mistreatment of women is an indication that perceived gender norms are no longer orderly and rather pose a threat to the personhood and security of women, especially those who must/choose to use public transport. As Machakos County continues to develop and adapt to the pace of modernization and population growth, it must reconsider its outdated perceptions of gender, especially as it pertains to public transport, a sector that is indicative of a sustainable city.

### **2.3: Targeted Population**

The prevalence of SGBV in public transport has disproportionately affected women, but let the disclaimer be made that women are not the only ones to suffer from sexual & gender based violence; all identities can be survivors. In Machakos County, those most subjected to SGBV are women. The MCPTSGBVP is meant to serve as a platform for women who have been subjected to such treatment, but it also acts to address all those who have dealt with the same experiences across Machakos.

### **2.4: The Problem in Context**

Machakos is one of the 47 counties in Kenya. In Kenya, women's absence from political, social, and economic life is not new. In an effort to curtail this fact and reverse women's absenteeism, Kenya adopted the two-thirds gender principle which states that one gender is not to occupy more than two-thirds of elected or appointed bodies. Articles 27(8) and 81(b) of the Constitution of Kenya are illustrative of this clause. The principle signifies that gender discrimination has been a lasting issue in Kenya, and legislative measures which consider the social context of gender as it spills into the political, social and economic spheres are the means to reversing it, nationally and in the public transport sector specifically. Women, when denied equal access and safety to public transport, are being denied a considerable number of opportunities that may aid in the progression of their identities and livelihoods.

While there have been numerous legal actions and policy reforms attempting to solidify gender equality in Kenya, institutions at the country and county levels have been less willing. In Machakos County, Kenya's police force operates as it does throughout the county. The Traffic Police Department is responsible for upholding the law, specifically in traffic operations, but it has failed to do so as it pertains to SGBV in traffic. No person should be subjected to harassment and violence of any kind, as the law states, but it has not been upheld in public transport spaces by the Traffic Police Department as suggested by the prevalence of SGBV. However, the responsibility of preventing and combating SGBV falls on more than the police. In public transport, PSV SACCOs and operators themselves have not been required to address SGBV generally and as it occurs in public transport spaces before or during employment. Additionally, public transport is used by nearly all members of the public, and the general public's lack of acknowledgement and awareness of SGBV has contributed to its high occurrence in public spaces. More institutions have committed themselves to upholding the rights of every citizen as outlined in The Kenya Constitution (2010), like the NTSA and the Office of the Director of Public Prosecutions, but SGBV and gender mainstreaming has not been placed at the forefront of their initiatives. Although Machakos County has recently drafted a gender policy, there is still much to be done to create institutional change.

## 2.5: Factors Preventing Change

In Machakos County and Kenya broadly, public transport is considered a “man’s job” as a result of gender expectations and social stigmas. This has made it extremely difficult for women to take part in careers offered in the public transport sector.

Similarly, gender values of women have led to the acceptance of the treatment of women which places them at risk. Women are often told to be wary of men and to disregard the sexual nature of their comments and treatment of them. This results in the continued neglect of holding perpetrators accountable for their unwelcome actions and continuous actions are considered normal.

Lastly, the informal nature of the public transport industry in Machakos County as well as women’s tendency to leave their cases of SGBV unreported has led to a lack of evidence concerning sexual and gender based violence in the public transport industry. Based on NGEC report on The Status of Sexual and Gender Based-Violence (SGBV) Policies and Laws in Kenya, oftentimes, women avoid reporting altogether because they do not anticipate their cases being respected or rightfully prosecuted. The factors of reporting and evidence in prosecuting cases of SGBV present great challenges to the implementation of the MCPTSGBVP. Unfortunately, the legal processes which follow a report of SGBV or assault are extremely taxing, especially for an individual who has just experienced a traumatic event. The abuse of power that often precedes an act of SGBV has direct influence on the survivor’s choice to report the incident, and, more often than not, the choice is not to report for multiple reasons, namely out of fear of retaliation, acceptance of harassment as normal male behaviour, and a disbelief in the reporting system, according to a study conducted at a Nairobi hospital regarding sexual harassment in the workplace. Due to under-reporting, quantitative evidence of SGBV in public transport is difficult to produce; however, women everywhere have tirelessly made the claim that neither are new concepts, but social and legal systems continuously make it difficult to produce positive change regarding the treatment of women in all spaces, especially public transport. <sup>1</sup>

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## CHAPTER THREE: ADDRESSING SEXUAL AND GENDER-BASED VIOLENCE INCIDENCES

### 3.1: Introduction

To effectively combat SGBV in the public transport sector, there must be standard actions taken towards reported cases. Cases that remain unreported or unresolved will only uphold the continued mistreatment of women that has led to the high amount of SGBV in public spaces. If cases are handled effectively and rightfully prosecuted, perpetrators will be less likely to commit the crime so as to avoid prosecution and can further educate themselves on what constitutes as SGBV and the factors that have driven them to engage with both. This, along with measures that are more preventative in nature, will lead to less instances of SGBV in public transport and other public spaces.

3.2: Basic Principles  
What are these basic principles based on? The basic principles are anchored on the need to protect the survivors/victims and witnesses off harassment incidences.

1. No individual shall be mistreated because of their choice to report cases of SGBV.
2. All duty bearers should act in the best interest of the right holders.
3. All parties involved in addressing cases of SGBV shall observe confidentiality in all aspects, including all information regarding the case and the identity of the survivor(s).
4. Confidentiality shall be observed and exercised at all times.
5. The provisions of this policy shall be exercised based on equality before the law and non-discrimination.

### 3.3: General Sexual and Gender-Based Violence Prevention Strategies

1. Establish an SGBV prevention environment in Machakos County Public Service and all public places through sensitization and awareness creation; free county toll numbers for responses.
2. Establish support programs working with men to transform harmful gender norms and women to challenge inequities.
3. Advocate and educate to change attitudes and culture that contribute to the acceptance of SGBV in public spaces.
4. Provide a specific budget for the fight against SGBV.
5. Engage the media in broadening the knowledge of evidence about SGBV.
6. Eliminate stigma on SGBV through sensitization.
7. Establish and maintain ICT database on SGBV.
8. Carry out periodic research to establish emerging gaps to facilitate effective planning and mitigation.
9. Ensure that issues of SGBV are integrated into county policies, legislation and strategic plans.
10. Establish and coordinate anti-SGBV working groups at the ward and village level.
11. Develop and distribute advocacy materials (e.g pins, pocket guides, stickers, flyers, bus and matatu tickets) to the crew, passengers and other service providers
12. Use of media programs to sensitize the general public on the effects of SGBV in the public transport sector
13. Establish a joint crew, stage managers/clerks, and SACCOs staff to serve as workplace SGBV committees in major bus stations.

14. Display propaganda materials at strategic places like bus stations, markets and malls, inside vehicles, etc.
15. Organize outreach programs in schools, religious institutions, and colleges in the forms of drama, plays, and debates.
16. Use billboards strategically placed in and out of the county with clear messages, such as: "You are now entering an anti- gender-based violence county."

### **3.3: General Sexual and Gender-Based Violence Response Strategies**

1. Simplify reporting procedures for sexual and gender-based violence.
2. Ensure proper investigation, prosecution, and trials of SGBV offences.
3. Utilise county forensic services as much as possible to assist in generating criminal evidence where applicable.
4. Establish safe spaces and shelters for survivors of GBV (both women and men) and ensure that they are treated with dignity and protected from further harm.
5. Establish or create a return mechanism to the community through counselling for the survivor (and perpetrator if deemed safe) by trained personnel.

### **3.3: The Sexual and Gender-Based Violence Complaints Committee**

All public transport agencies shall form an Internal Complaints Committee to redress SGBV complaints and ensure time-bound treatment and resolution of such complaints. The committee, composed of persons within and outside transport agencies, shall be cognizant of a survivor's experience and the difficult emotions accompanied by it. The staff of the committee shall be made up of empathetic individuals who have been carefully selected and know how to address cases of sexual violence with sensitivity. If selected members do not have prior experience dealing with cases of harassment, they shall receive thorough training before operations begin. It will be better if not all staff are new to handling sexual violence cases prior to being appointed. The committee will consider power dynamics within its group and will ensure that there is a system which does not privilege one member over another so as to hold every member equally accountable. Above all else, the committee shall be a point of safety for survivors where they will receive just treatment, confidentiality, and protection. All action taken will be preceded by request and approval of such action by the survivor.

The Internal Complaints Committee shall be responsible for:

- a. Investigating every verbal and written complaint of harassment.
- b. Taking appropriate remedial measures to respond to any allegations of harassment.
- c. Discouraging and preventing any harassment in the workplace and in public transport spaces.
- d. The continuous sensitization of newly employed staff on the effects of SGBV in the workplace and in their operating spaces.

### **3.4: Procedures for resolution and settlement of SGBV complaints**

#### **3.4.1: Informal Resolution Options**

When an incident of SH or GBV occurs, the survivor may communicate their disapproval and objections immediately to the harasser and request the harasser to desist from such conduct in the future. However, resolutions will remain mindful and survivor-centred, which means that a survivor's experience will not be delegitimized if they chose not to or were unable to confront their harasser at the time of the attack. If the harasser does not adhere to the survivor's requests immediately or the survivor is not comfortable addressing the harasser directly, the survivor may choose to report the incident to the Internal Complaints Committee for redress, either written or verbally. At no point will the survivor be condemned in the reporting process if they did not take action at the moment of their attack, either directly with the perpetrator or in reporting to the committee.

#### **3.4.2: Grievance Redress Procedure**

Any aggrieved person may file the complaint in writing or verbally to the Internal Complaints Committee, and the following redress procedure shall be followed;

1. The complaint may be submitted in writing by filling in the Complaints Form accessible at the subject agency offices or verbally to a respected member of staff. The staff member, if not a part of the committee, shall then assist the complainant in reporting to a member of the committee, where the committee member will then take the next steps necessary to record the complaint.
2. Within seven days from filing a complaint, the committee shall determine the action to be taken.
3. If any member of the redress process may require accommodations based on their emotional or physical status, accommodations will be made by the committee and adhered to throughout the process.
4. Any member of the Complaints Committee shall not be allowed to sit in the complaints process if they do not abide by the provisions of this policy or such proceeding is pending against them or is the alleged harasser.
5. Upon completing the inquiry, the committee shall compile a report of its findings and this report should be made available to the concerned parties.
6. If found guilty, the perpetrator shall be subject to the formal disciplinary procedure provided in this policy.
7. The committee may, before initiating an inquiry and at the request of the complainant, take steps to settle the matter through conciliation depending on the magnitude of the case. If no settlement is reached or if the case is of a great magnitude, the committee shall undertake expeditious investigations alongside external bodies trained in investigation after giving opportunities to the complainant to present the case and the respondent to submit their version. The Complaints Committee may examine witnesses from both sides and the alleged harasser shall have the opportunity for a hearing.

The findings will be determined at the conclusion of the redress procedure. The final decision shall be communicated to the survivor and the alleged harasser. The Internal Complaints Committee, as an



independent body of the agency, will then communicate with the agency's management to inform them of the final decision.

### **3.4.3: Procedures for Dealing with Criminal Conduct**

SGBV cases that cannot be dealt with through internal legislative policies within public transport systems should be dealt with per the law. Any form of SGBV is a criminal offense per the Sexual Offenses Act and may constitute criminal conduct. The criminal justice system shall treat such complaints. Employees or customers should be advised of the option of police support or intervention.

### **3.5: Possible Outcomes of the Complaint Process**

Based on the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following in order:

1. Reconciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution.
2. Formal apologies and undertaking that the behaviour will cease and be documented.
3. Official warnings noted in the respondent's personnel file; first and second warnings shall be issued in writing before dismissal.
4. Counselling support for survivors of SGBV.
5. Counselling support for first-time perpetrators after being given the first warning.
6. Disciplinary action, such as, demotion, suspension, dismissal, or transfer (only after the perpetrator has undergone extensive measures to ensure that harassment will not occur on their behalf again at a different station.)
7. Reimbursement and compensation for any costs and damages associated with the harassment.
8. Re-crediting any leave taken as a result of the harassment.

Outcomes will depend upon factors such as:

- a. The severity and frequency of the harassment.
- b. Whether the harasser was expected to know that such behaviour was a breach of policy.
- c. Whether there have been any prior incidents or warnings..

### **3.6: Protection for Complainants/Survivors**

The public transport agencies' boards, management, and committee staff shall ensure that complainants/survivors or witnesses are not victimized nor discriminated against while dealing with complaints of SGBV as made apparent in the Victim Protection Act. They shall be committed to making certain that no employee or customer who brings forward a SGBV concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

### **3.7: Preventative Measures**

Should acts of SGBV be prevented, operators and riders, both men and women alike, will have to actively engage in conversations that disturb their preconceived ideas of gender and gender expectations. Prior to employment, men and women must be briefed on gender discrimination in public transport and recognize the discrimination against women as operators and passengers. Furthermore, they shall be educated on matters of SGBV, including what it looks/sounds/feels like and how it must be reconciled should an incident occur. Transport agencies, operators, and all other staff must commit to having no tolerance for passengers who disturb the peace for any other employee or passenger of public transport.

## CHAPTER FOUR: COMMITMENTS

### 4.1: Introduction

In order for this policy to elicit positive and effective change which combats SGBV in public transport, the institutions of Machakos County and beyond must commit to adhering to its provisions and to the broader movements of women empowerment, gender mainstreaming, and equality among all people.

### 4.2: Institutions

The following institutions will agree to and commit to act accordingly to the provisions of the MCPTSGBVP in the following ways:

Institution	Call To Action
<b>The Traffic Police Department</b>	<p>The Traffic Police Department shall:</p> <ol style="list-style-type: none"> <li>1. Expeditiously pursue and address cases of SGBV that are reported.</li> <li>2. Ensure there are functional working gender desks at police stations.</li> <li>3. Provide hotlines for reporting cases of SGBV and other security issues in public transport and associated spaces.</li> <li>4. Work with PSV SACCOS, tuk-tuk drivers, Boda Boda riders, and hotlines by posting them on vehicles, tuk-tuks, ferries and associated transport spaces.</li> <li>5. Ensure surveillance systems are correctly working and manned, in addition to ensuring the process of providing evidence is done easily and quickly.</li> <li>6. Continuously educate their staff on the effects of SGBV in the workplace and broader public spaces.</li> </ol>
<b>Public Transport SACCOS (PSV SACCOS)</b>	<p>PSV SACCOS shall:</p> <ol style="list-style-type: none"> <li>1. Acknowledge that all workers employed directly or indirectly by public transport SACCOS have the right to work in a healthy and safe environment, free of any form of discrimination, violence and harassment, including SGBV.</li> <li>2. Emphasize every employee’s responsibility issue to ensure that the workplace and associated spaces are free from SGBV.</li> <li>3. Public Transport SACCOS should therefore put in place clear frameworks on how they shall be addressing cases of SGBV.</li> <li>4. Improve professionalism by making consideration for customers’ rights, needs and interests.</li> <li>5. SGBV cases that can not be dealt with through internal legislative policies within public transport systems should be dealt with per the law. All forms of SGBV (including sexual assault, stalking, indecent exposure, and physical molestation) are an offense and may constitute criminal conduct. The criminal justice system shall treat such complaints. Employees or customers should be advised of the option of police support or intervention.</li> </ol>

	<p>6. All workers and commuters are safe and in a good working or commuting environment and are regularly made aware of their obligations with providing an environment free from SGBV;</p> <p>7. They understand and are committed to the rights and entitlements of all staff and customers to perform their duties or receive services without fear of being sexually harassed in any form.</p> <p>8. Display the framework/policy in all public transport SACCOs offices.</p> <p>9. Annually recognize the best performing SACCO.</p>
<b>Public Transport Operators</b>	<p>Public Transport Operators shall:</p> <ol style="list-style-type: none"> <li>1. Support the complaints committee where possible by collecting, documenting and presenting any forms of valuable evidence related to the SGBV cases they undergo or witness when called upon to do so.</li> <li>2. Ensuring that their behaviour is not contrary to this policy.</li> <li>3. This policy is deemed to be a part of the terms of employment of every public transport employee.</li> <li>4. Getting acquainted, signing and committing to adhere to this policy thoroughly.</li> <li>5. Educating commuters where possible on their rights to freedom from harassment and their responsibilities to abstain from and report/document, as possible, cases of harassment.</li> </ol>
<b>Members of the Public</b>	<p>Members of the public shall:</p> <ol style="list-style-type: none"> <li>1. Observe fundamental human rights and treat each other with respect and dignity for peaceful coexistence while in the public transport systems and their connected spaces.</li> <li>2. Maintain a safe commuting environment that is free of SGBV.</li> <li>3. Support the complaints committee where possible by collecting, documenting, and presenting any forms of valuable evidence related to the SGBV cases undergone or witnessed if comfortable upon being called to do so. Refrain from abusing or attacking staff of all public transport and public spaces at their workplace (and inside public vehicles).</li> </ol>
<b>The NTSA</b>	<p>The National Transport and Safety Authority shall:</p> <ol style="list-style-type: none"> <li>1. include and implement SGBV training modules in their curriculum.</li> <li>2. Develop strategies to blacklist and apprehend operators involved in perpetrating SGBV in public spaces, which may include revoking the license of any vehicle involved in SGBV.</li> <li>3. Recognize the best adhering SACCO annually.</li> </ol>
<b>The County Government of</b>	<p>The County Government of Machakos shall:</p> <ol style="list-style-type: none"> <li>1. Allocate resources that shall efficiently and effectively address, prevent,</li> </ol>

<p><b>Machakos</b></p>	<p>protect, and respond to SGBV.</p> <ol style="list-style-type: none"> <li>2. Develop and implement county-based regulations regarding SGBV in public spaces.</li> <li>3. Plan and design public spaces in a manner that shall promote safety for all members of the public.</li> <li>4. Display the county-based regulations in strategic areas for public consumption.</li> <li>5. Organise public days that will encourage peer-group interactions to create awareness.</li> <li>6. Recognize the best performing SACCOs in the prevention of SGBV.</li> </ol>
<p><b>The Office of the Director of Public Prosecutions</b></p>	<p>The Office of the DPP shall:</p> <ol style="list-style-type: none"> <li>1. Efficiently facilitate prosecution of perpetrators who defile police and court orders.</li> <li>2. Ensure the process of the members of the public accessing the office is less bureaucratic.</li> <li>3. Organize community events with the public and public transport agencies to discuss SGBV issues at the grassroots.</li> </ol>
<p><b>Machakos Urban Planners</b></p>	<p>Machakos Urban Planners shall:</p> <ol style="list-style-type: none"> <li>1. Ensure that Machakos County roads are well planned to reduce congestion that may lead to more instances of SGBV. Ensure street lights are mounted well to create well-lit spaces which provide a better sense of safety for the public members of Machakos County and discourage harassment from taking place in dark and secluded spaces.</li> <li>2. Ensure all public bathrooms and toilets are well lit for safe use and clearly marked using symbols for female, male, and gender-neutral.</li> </ol>
<p><b>The National Treasury</b></p>	<p>The National Treasury shall:</p> <ol style="list-style-type: none"> <li>1. Allocate resources to the county governments of Machakos to address SGBV.</li> </ol>

## **CHAPTER FIVE: COORDINATION AND IMPLEMENTATION OF THE POLICY**

### **5.1: Implementation Process**

All stakeholders, including public transport agencies, shall approve this policy. Public transport agencies must ensure that all their employees and future recruits are fully conversant with the policy's provisions. All Machakos County public transport agencies shall sign a statement acknowledging that they have received, read, understood, and are willing to abide by the policy. Additionally, the policy will be communicated to the general public, and all members are expected to adhere to its provisions in all public spaces.

### **5.2 Public Validation Process**

The draft policy went through a public validation process across all the subcounties namely, Machakos town, Kaseve, Matungulu, Masinga, Mwala, Mavoko, Kathiani, Kangundo and Matuu. The validation exercise that took five days saw the county government of Machakos present the policy to the residents. The County leads presented the policy using national and local languages to ensure it was well internalized by the residents. 25 signatures were targeted from each subcounty . In total 225 signatures were collected across the county. Of the signatures collected 218 (97%) residents supported the policy while 7 (3%) annulled the policy.

The percentatge variance showed that majority of the residents found the policy instrumental in relation to their daily experiences while using public transport and spaces in Machakos County

### **5.3: General Implementation Strategies**

To improve the general implementation of awareness surrounding SGBV and to reduce its prevalence in public transport, Machakos County must do the following:

1. Research SGBV to identify underlying and systemic causes and the best ways to address them.
2. Improve SGBV awareness creation and sensitization to all duty bearers.
3. Establish 'Gender Desks' at police stations to facilitate reporting of SGBV.
4. SGBV sensitization and awareness creation to the public.
5. Promote male involvement in managing and responding to SGBV.
6. Enhance the Department Secretariat's role in preventing and responding to SGBV and bring together duty bearers in the established working groups.
7. Implement the Children's Act, the Sexual Offences Act, and the Employment Act.
8. Establish a referral mechanism at the sub-county level for reporting SGBV cases.
9. Inform the community of the GBV toll-free numbers of 1190, 1195 and 116 which offer assistance, counselling, and treatment.
10. Establish a county SH toll-free number.

### **5.3.1: Implementation Strategies Specific to Public Transport Agencies**

As employers, public transport agencies (including platforms offering online taxi/public transport services) shall undergo the following implementation strategies to further enhance sensitization of SGBV and to illustrate how cases of SGBV will be handled for the perpetrator and the survivor:

1. Issue a clear statement that SGBV shall not be tolerated.
2. Support the above statement by utilizing the policy directive that details what is considered SGBV.
3. Continuously train all public transport operators and crew.
4. Clearly state in the HR manual the disciplinary procedure of misconduct related to SGBV and the liability of dismissal for an individual who is guilty.
5. Create a special procedure for hearing complaints of SGBV that is a safe space for survivors wherein they will not be subject to further harassment nor insensitive handling of the matter. No person in attendance shall be affiliated with the perpetrator nor the perpetrator(s) themselves.
6. Active reinforcement of the policy by the management of transport agencies.
7. Commitment to ensure that the MCPTSGBVP is clearly stated during the induction of all new public transport staff.
8. Provide workers/passengers subjected to SGBV with advice, support, and counselling if sought after.
9. Obligation to take a complaint forward to authorities if the case is beyond their control only upon the survivor's approval.

### **5.4: Resource Mobilisation**

To demonstrate commitment to implementing the Constitution, relevant laws, and the policy, Machakos County shall integrate budgetary processes towards the fight against SGBV; hence, the county shall allocate sufficient resources for implementing this policy. It is envisaged that funds will complement the county government funds from the National Government, development partners, and the private sector.

### **5.5: Implementation Period**

This policy will be implemented immediately after being launched in November 2021. It shall be subjected to mid-term review within three years to keep it in tandem with emerging social and economic realities associated with SGBV in the public transport sector.

## **CHAPTER SIX: DISSEMINATION**

### **6.1: Dissemination Plan and Approaches**

The Machakos County government shall ensure that all public transport agencies and members are conversant with the policy provisions and abide by them. To do this, the county government shall plan to;

1. Translate the policy into local dialects
2. Ensure all public offices receive a copy of the policy
3. Ensure that the local leaders especially the chiefs, village elders are sensitized on the policy
4. Ensure all public transport companies receive a copy of the policy, domesticate it and implement its provisions
5. Ensure any public transport company endorse the policy before they can be registered to provide public transport services.
6. Conducting continuous public awareness campaigns to ensure members of the public understand the policy guidelines.





## CHAPTER SEVEN: MONITORING AND EVALUATION OF THE POLICY

### 7.1: Monitoring and Evaluation Process

A Monitoring and Evaluation framework will be developed to accompany this policy document to facilitate effective and routine managerial and coordination control; to assess strategically the outcomes and impact; and to provide the material from which lessons can be learned and policy analyses developed. The M&E framework will ensure anonymous collection of statistics and data on the use and effectiveness of the policy. The agencies will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be carried out annually. As a result of this report, the agencies will evaluate the effectiveness of this policy and make any changes needed.

The following table lists the indicators that will be monitored and assessed annually to measure the use and effectiveness of the policy:

Indicator	Type of Indicator	Data Source(s)
Commuter experiences and understanding of SGBV	Implementation target	Anonymous and random surveys
Establishment and functionality of gender desks in police stations	Implementation target	Police and government records and assessments
SGBV sensitization and training of transport employees	Implementation target	Written/verbal assessments of transport employees by policy makers
SACCOs' policy frameworks regarding SGBV	Implementation target	Anonymous and random surveys of SACCO employees
Urban development changes, including but not limited to in foot traffic, congested spaces, and mounted street lights	Implementation target	Street audits, urban planning records, and public surveys
Resource dissemination	Implementation target	Government records
Number of advocacy advertisements and displays regarding SGBV	Implementation target	Urban assessments and government records
Use and effectiveness of the Complaints Committee	Implementation target/outcome	Anonymous feedback/surveys from staff and participants of case hearings

Use of SH and GBV toll numbers	Outcome	Government records
Number of reported cases	Outcome	Government records
Number of resolved cases	Outcome	Government records
Number of female public transport employees and their experiences	Outcome	Transport agency reports and female employee surveys
Experiences of female commuters	Outcome	Anonymous and random surveys

The Machakos County Government commits to:

1. Carry out periodic Needs Assessment and Training.
2. Design/identify requisite training programs locally and/or abroad.
3. Provide adequate budgetary allocation concomitant with capacity needs.
4. Monitor staff performance based on the training.
5. Engage regularly with other counties for increased learning/experience.
6. Carry out annual Monitoring and Evaluation of SGBV status.
7. Work jointly with key players in the SGBV arena to develop a Gender Monitoring and Evaluation Framework.

## **CHAPTER EIGHT: CONCLUSION**

In conclusion, the Machakos County Government, Public Transport SACCOs, NTSA, urban planners, non-state actors, and the members of the public must reiterate their commitment to ensuring the public transport sector and the associated spaces in Machakos are free from SGBV and ensure every individual is treated with dignity and respect.

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**Declaration**

I, ....., representing ....., on this day of ....., hereby declare that my organization shall abide by the provisions of this policy.