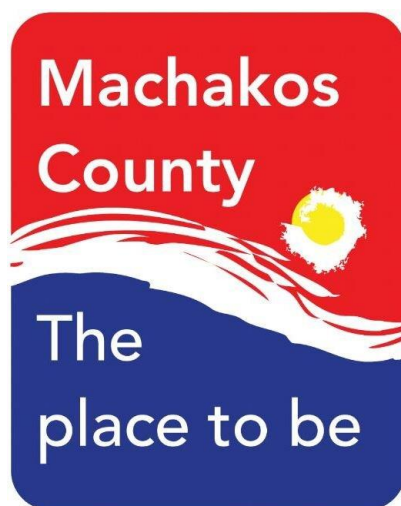


Machakos County Public Transport Sexual Harassment Policy

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Acknowledgement

Definition of Key Terms

KEY TERMS	CONTEXT DEFINITION
Sex	For the purposes of this policy, sex shall refer to the biological makeup of an individual that is determined at birth through a medical examination
Harassment	shall refer to unwelcomed harmful behavior(s) and acts directed towards another person or a group of people directly or indirectly
Sexual Harassment	For this policy, sexual harassment shall refer to unwelcome verbal, non-verbal and physical conduct directed to a person based on sex. It shall include sexual advances (s), request(s) for sexual favors and verbal or physical conduct of a sexual nature. Sexual advance(s), proposition(s) or pressure(s) directed to an individual or a group of people and as a result undermining their dignity. It <i>NB: Behavior-based on mutual attraction, friendship and respect is not sexual harassment.</i>
Sexual Harassment at the Workplace	For this policy, Sexual harassment at the workplace shall refer to unwelcomed sexual advances, physical, verbal or non-verbal, 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
Public Transport	It shall refer to a system that facilitates the movement of people and goods from one point to another. The system must be designated and utilized by the members of the public.
Public Spaces	For this policy, they shall refer to areas designated for utilization by members of the public. They shall include but not be limited to; bus stops, walk paths, market places, parking lots, pedestrian walks, nature parks, airports, railways stations, ferry stations.
Sexual Harassment in Public Transport and Connected spaces	Shall refer to unwanted/unwelcome sexual advances towards individuals or groups of people in all areas defined as public transport systems or public spaces.

Perpetrator	The terms shall refer to individuals engaging in the act of harming others based by spreading or sharing sexual related information or materials through oral, symbolic, or electronic means without authorization of the concerned person(s) or by directly inflicting harm on others.
Survivor	Shall refer to individuals who have directly experienced an act of sexual harassment

ABBREVIATIONS

CEDAW-Convention on Elimination of all forms of Discrimination Against Women

ILO-International Labour Organization

NTSA- National Transport and Safety Authority

PSV-Public Transport Vehicle

SACCO-Savings And Credit Co-Operative Societies

SOA-Sexual Offences Act

SH- Sexual Harassment

SGBV- Sexual Gender-Based Violence

UNDHR- United Nations Declaration on Human Rights

UN-United Nations

VAWG-Violence Against Women &Girls

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. Sexual Reproductive and Health rights enshrined in the Constitution of Kenya provides freedom to make self-informed health choices. Additionally, the Sexual Offences Act of 2006, Article 29(C) states that every person has to be protected from any form of violence, including sexual harassment from either public or private sources. This provision promotes the interrelationship and interconnection between a conducive working environment and all active participation in the development activities. The national public transport sexual harassment policy remains fundamental towards effective and efficient implementation of sustainable development goals. Sexual harassment affects different groups of people differently. However, it has a more significant impact on vulnerable groups

1.2: The Rationale for Machakos County Sexual Harassment Policy

The county of Machakos has experienced an unprecedented increase in SGBV over the last ten years resulting from an increase in drug abuse and the proliferation of illicit liquor. As highlighted in the

County's Draft Gender Policy (2021) the county has a low understanding of the concept of gender, entrenched ideas of gender roles and negative social attitudes that create an environment that fosters Sexual harassment. According to the policy there is lack of knowledge and understanding of Sexual harassment laws, legal rights and individual responsibilities towards combating Sexual harassment. Additionally, there has been insufficient and inconsistent coordination of prevention and response programmes and implementation (Machakos County Draft Gender Policy, 2021)

Therefore, the policy provides guidelines to identify, prevent and respond to sexual harassment incidents experienced in public transport systems and the associated spaces. It also provides procedures for duty-bearers to handle claims, address incidents and support sexual harassment survivors to recover. Sexual harassment in public spaces is a significant violation of human rights and is recognized as a criminal offence according to the Sexual offenses Act 2006. However, such cases persist to the point of being normalized. Research reveals that female commuters don't recognize behaviors like staring, leering and groping as forms of sexual harassment. The policy is based on the following three legislations on Sexual Harassment in Kenya.

1. The Bill of Rights enshrined in Kenya's Constitution (2010) states that Sexual harassment violates the basic human rights of Kenyan citizens and is thus unlawful.
2. The Employment Act of 2007, Section 6 (1), says that an employee is sexually harassed if the employer or a representative of that employer or a co-worker directly or indirectly requests sexual intercourse, sexual contact, or any other form of sexual activity. It also mandates employers to have a sexual harassment policy in place.
3. The Sexual Offences Act of 2006, Section 23, states that anyone in a position of authority "who persistently makes any sexual advances or requests which he or she knows, or has reasonable grounds to know, are unwelcome, is guilty of the offence of sexual harassment and shall be liable to imprisonment for a term of not less than three years or to a fine of not less than one hundred thousand shillings or both."

For this policy, sexual harassment shall include but not limited to:

- a) Verbal and nonverbal behaviors including lewd (vulgar) remark, catcalls and whistling
- b) Unwelcome physical contact; touching, groping and obstructing a commuters' way.
- c) Sexually-oriented comments or gestures, including staring or leering acts
- d) Severe forms of harassment such as rape and sexual assault.
- e) Showing or displaying obscene or offensive images or texts
- f) 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.

1.3: Statement of the Problem

Globally 1 in 3 women have experienced sexual harassment in public spaces. 60 % of women do not feel safe while using public transport. According to a study conducted by Flone Initiative in 2018 in Nairobi, 64% of PSV SACCO managers, 60% of operators and 70% of commuters stated that VAWG mainly occurs at the bus station. The study also found that the most common form of harassment in the selected routes is abusive language, according to 35% of managers and 30% of operators. However, according to the commuters, inappropriate physical contact was the most common representing a majority of 33%. In all the above categories, undressing/stripping of female commuters was the least common form of harassment, accounting for the views of only 4% of operators and 2% of commuters.

From the studies conducted around the globe, women tend to avoid specific routes if they have ever experienced some form of sexual and gender-based violence. Pedestrians would avoid streets that have a history of sexual harassment. Women's, including survivor's travel patterns, are influenced mainly by the safety and accessibility of the mode of transportation. Apart from caregiving roles, statistics have shown that women leave work early for safety and security reasons. In most African countries, women and girls are socialized to avoid deserted streets, public spaces dominated by men, and not staying outdoors late at night. t

In 2006, the Government enacted the Sexual Offenses Act. The Act defines different forms of sexual harassment, duty bearers, legal interventions in addition to penalties associated with breaching the Act. The Act has clear clauses addressing sexual harassment towards the community's vulnerable groups, including women, girls, people living with disabilities, and the elderly. The Kenyan constitution inaugurated in 2010 Chapter 4 on the bill of rights states that; every citizen has the right to live and be treated in a dignified way. Citizens have the right to be protected by the law and enjoy access to sexual reproductive health rights information. Additionally, the constitution recognizes equal participation in the development processes by all without coercion and intimidation. Despite the two documents putting in place precise specifications on sexual harassment, cases of Sexual and gender-based violence in public transport and the associated spaces continue to rise. As a result, the vulnerable groups of society, especially women, have been left out of the development agendas. Since 1963 the Government of Kenya has not developed a national sexual harassment policy for the public transportation sector. In this regard development and implementation of the policy remain dire.

1.4: Policy Context

Since independence, Kenya has continued to ratify different international treaties, protocols, conventions, and policies. In 1984, Kenya ratified the Convention on Elimination of all forms of discrimination against women (including sexual harassment). The convention led to the enactment and adoption of the sexual offenses act 2006, which provides an apparent path on addressing sexual harassment in Kenya. Kenya has also ratified the UN charter on fundamental human rights and Government the African Charter on people's rights. These documents have resulted in Kenya becoming a signatory and a key stakeholder in ensuring different ministries develop and implement sexual harassment policies. Machakos county is not an exemption. since independence the county have not

developed a sexual harassment policy for the transport sector space. With the rise in population, increased vehicle demands and urbanization; Machakos county need to be well equipped to address existing and future challenges related to sexual harassment in public transport.

1.5: Scope of the Policy

This policy applies to all individuals and transport agencies/companies within the proximity of Machakos county. Everyone is obliged to comply with this policy. This policy covers other parties such as service providers in the public transport sector.

1.6: Policy Review Process

The government of Kenya has developed policies in the quest to address sexual harassment in the public sphere. In 2006 the government enacted the sexual offenses act. The governmental, non-governmental organizations and the members of the public should ensure that they promote safe and free public and private spaces for all. Section 5(1) and section 23 (1) of the Act define sexual assault and harassment, accessible respectively, 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 at work. Cap 226 (6) the act defines sexual harassment, reporting, and intervention mechanisms. The Act recognizes that sexual harassment at the place of work is expected and that the duty bearers should put in place the required measures to protect their employees. Additionally, the Act provides guidelines on acting in the survivors' best interests, including the principles of confidentiality, non-maleficence, and beneficence.

1.7: International legal frameworks

1.7.1: Convention On Elimination of all Forms of Discrimination Against Women.

Chapter 1(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 Against Women (CEDAW). The ratification paved the way for more women to take part in the decision-making tables and take part in the public development processes. The convention sparked conversations on the sexualization of roles and responsibilities. The convention called on the state parties to ensure they put 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 sexual harassment in public and private spheres.

1.7.2: Universal Declaration on Human Rights

The declaration was ratified in 1990. Kenya was bound to promote and honor 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, to free choice of employment, to just and favorable conditions of work, and to protection against unemployment. In this regard, state parties were held liable to develop and implement context base policies that will ensure human rights are protected at all levels. State parties should ensure those subject policies are developed 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).

1.7.3: 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 at the workplace. The convention further states that to address sexual and gender-based violence, 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 like risk 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 and victims of workplace harassment. Members should ensure that the facilities are fully functional and equipped with the right personnel.

From the convention, Sexual harassment in the place of work can be manifested in two forms Any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men, which is unwelcome, unreasonable, and offensive to the recipient; and a person’s rejection of, or

“(1) (quid pro quo) any physical, verbal submission to, such conduct is 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.”

1.7.4: African Charter

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 shall 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 in the equal enjoyment of the common heritage of humankind.

CHAPTER TWO

2.1: Introduction

In Kenya, only 10% of women form the labour force in transport services. In Machakos, it is estimated that 0.001% of women run and own public transport. In addition, out of an estimated 30 SACCOs in the county, only one is led by a woman. The public transport industry is largely male dominated and as result of these, women and girls have faced challenges in the sector among them is sexual harassment. Sexual harassment is based on socially ascribed (gender) differences between males and females which define power relations between men and women regarding who makes decisions and who owns resources.

2.2:Forms of Sexual harassment In Public Transport Network.

Sexual harassment includes the acts highlighted below and any other conduct against a person, where such conduct harms or may cause imminent harm to the safety, health, or well-being of the person; by virtue of one's gender:

- A. Defilement; engaging in sexual activities either physically, showing/playing pornographic content, offering favour in exchange for sex, enticing minors (individual below 18 years) to engage in sexual activities in public transport systems and associated spaces.
- B. Emotional or psychological abuse; us.
- C. Groping & manspreading; touching and invading individuals personal spaces without their consent while in public transport systems and their associated space
- D. Intimidation; Us of power to to manipulate individuals to offer or engage in unconsensual sexual relations in public transport systems and associated spaces
- E. Physical abuse; intentional cause of harm or trauma to another person through bodily contact with an individual while making unwelcome sexual advances
- F. Sexual abuse; making sexual advances to or engaging in sexual activities with individuals without their consent.
- G. Stalking; unwelcome surveillance of someone with an aim of/while making sexual advances while in public transport and associated spaces
- H. Winking; facial expressions that are of sexual nature or suggestively indicate unwelcome sexual actions
- I. Verbal abuse ; use of unwelcomed phrases that are of sexual nature
- J. Rape: forceful penetration into someones genitalia

2.3: General Sexual harassment Prevention Strategies

1. Establish an Sexual harassment prevention environment in Machakos County Public Service and all public places through sensitization and awareness creation; free county toll numbers for responses.
2. Support programs working with men to transform harmful gender norms; and those working with women to challenge inequities.
3. Simplify reporting procedures for sexual and gender based violence.
4. Advocacy and education with a view to changing attitudes and culture that contributes to the acceptance of sexual harassment in public spaces.
5. Ensure proper investigation, prosecution and trials of sexual harassment offences.
6. Provide specific budget for the fight against sexual harassment.
7. Engage the media in broadening the knowledge of evidence about SGBV.
8. Eliminate stigma on SGBV through sensitization.
9. Establish and maintain ICT database on SGBV.
10. Carry out periodic research to establish emerging gaps to facilitate effective planning and mitigation.
11. Ensure that issues of SGBV are integrated into county policies, legislation and strategic plans.
12. Utilize County forensic services as possible to assist in generating criminal evidence where applicable.
13. Establish and coordinate anti-SGBV working groups in the ward and village level.
14. 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.
15. Establish or create a return mechanism to the community through counselling by trained personnel.

2.4: BASIC PRINCIPLES

1. No individual of shall be mistreated because of reporting on cases of sexual harassment.
2. All duty bearers should act in the best interest of the right holders
3. All parties involved in addressing cases of sexual harassment should observe confidentiality in all aspects, including sharing information and revealing the identity of the survivors
4. The provisions of this policy shall be exercised on the basis of equality before the law, and non-discrimination

CHAPTER THREE: Addressing Sexual Harassment Incidences

3.1: Introduction

The Sexual Harassment policy will have the following provisions;

3.2: The Sexual Harassment Complaints Committee

All public transport agencies shall form an Internal Complaints Committee for a redress of sexual harassment complaints and for ensuring time-bound treatment and resolution of such complaints. The Committee shall, where possible, comprise representation from the said agencies' board, management, and all their staff. The Committee shall be subject to elections based on the internal rules and regulations of the agencies.

The Complaints Committee shall be responsible for:

- Investigating every formal written complaint of harassment
- Taking appropriate remedial measures to respond to any allegations of harassment
- Discouraging and preventing any harassment at the workplace.

3.3: Procedures for resolution and settlement of sexual harassment complaints

3.3.1: Informal Resolution Options

When an incident of sexual harassment occurs, the survivor should communicate their disapproval and objections immediately to the harasser and request the harasser to desist from such conduct in the future. If the harassment does not stop or if the survivor is not comfortable with addressing the harasser directly, they shall file a complaint as soon as possible to the Complaints Committee for redress.

3.3.2: Grievance Redress Procedure

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

1. The complaint should be submitted in writing within 24 hours of the occurrence of the incident by filling in the Complaints Form accessible at the subject agency offices
2. Within 7 days from the date of filing a complaint, the Committee shall determine the action to be taken.
3. The Complaints Committee may before initiating an inquiry and at the request of the complainant take steps to settle the matter through conciliation. If no settlement is reached, the Committee shall undertake expeditious investigations 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.
4. In the event the alleged harasser is senior, the survivor shall complain in writing to the named agency board. In case the alleged harasser feels unfairly treated during judgment, they are allowed to file an appeal in writing to the agency board.

5. Any member of the Complaints Committee shall not be allowed to sit in the complaints process if he/she does not abide by the provisions of this policy or such proceeding is pending against him/her, or is the alleged harasser.
6. On completion of the inquiry, the complaints Committee shall compile a report of its findings and this report should be made available to the concerned parties.
7. If found guilty, the perpetrator shall be subject to the formal disciplinary procedure provided in this policy.

The findings as to whether sexual harassment has occurred will be determined based on the evidence. The final decision shall be communicated to the survivor and the alleged harasser. In case the complaint is found to be false, the Complainant shall be liable for appropriate disciplinary action by the Complaints Committee and the agency Management.

3.3.3: Procedures for Dealing with Criminal Conduct

Sexual Harassment cases that cannot be dealt with through HR and other internal legislative policies within public transport systems should be dealt with per the law. Some forms of severe sexual harassment (e.g., sexual assault, stalking, indecent exposure, and physical molestation) 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.

3.4: 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 behavior will cease;
3. Official warnings that are noted in the respondent's personnel file; first and second warnings shall be issued in writing before dismissal.
4. Counseling support for first-time perpetrators after being given the first warning
5. Disciplinary action (e.g., demotion, transfer, suspension, or dismissal);
6. Reimbursing any costs associated with the harassment;
7. Re-crediting any leave taken as a result of the harassment.

Outcomes will depend upon factors such as:

1. The severity and frequency of the harassment;
2. Whether the harasser was expected to know that such behavior was a breach of policy;
3. Whether there have been any prior incidents or warnings.

3.5: Protection to Complainants/Survivors

The public transport agencies boards and management are committed to ensuring that no employee or customer who brings forward a sexual harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

The public transport agencies boards and management will ensure that complainant/survivor or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

However, anyone who abuses the procedure (for example, maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

CHAPTER FOUR: COMMITMENTS

4.1: Introduction

The following will be the provision of commitment for the Sexual Harassment policy;

Institution	Call To Action
The Traffic police department	The Traffic police department shall: <ol style="list-style-type: none"><li data-bbox="808 1024 1409 1094">1. Expeditiously pursue and address cases of sexual harassment that are reported.<li data-bbox="808 1104 1409 1178">2. Ensure there are functional working gender desks at the police stations<li data-bbox="808 1188 1409 1308">3. Provide hotlines for reporting cases of sexual harassment and other security issues in the public transport and associated spaces<li data-bbox="808 1318 1409 1476">4. Work with PSV SACCOS, tuk-tuk drivers, Boda boda riders and on hotlines by posting them on vehicles, tuk-tuks, ferries and associated transport spaces.<li data-bbox="808 1486 1409 1623">5. ensure the surveillance systems are correctly working and manned in addition to ensuring the process of providing evidence is easy and fast
Public Transport Saccos	PSV SACCOS shall; <ol style="list-style-type: none"><li data-bbox="808 1734 1409 1850">1. Acknowledge that all workers employed directly or indirectly by public transport SACCOS have the right to work in a healthy and safe

	<p>environment, free of any form of discrimination, violence and harassment, including sexual harassment very employee’s responsibility issue to ensure that the workplace and associated spaces are free from sexual harassment.</p> <p>2. Public Transport SACCOs should therefore put in place clear frameworks on how they shall be addressing cases of sexual harassment.</p> <p>3. Improve professionalism by making consideration for customers rights, needs and interests</p> <p>4. Sexual Harassment cases that can not be dealt with through HR and other internal legislative policies within public transport systems should be dealt with per the law. Some forms of severe sexual harassment (e.g., sexual assault, stalking, indecent exposure, and physical molestation) may constitute criminal conduct. Such complaints shall be treated by the criminal justice system. Employees or customers should be advised of the option of police support or intervention.</p> <p>5. 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 sexual harassment;</p> <p>6. 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>
Public Transport Operators shall	<p>Public Transport Operators shall</p> <p>1. Support the complaints committee where possible by collecting, documenting and presenting any forms of useful evidence related to the sexual harassment cases they undergo or witness when called upon to do so</p>

	<ol style="list-style-type: none"> 2. Ensuring that their behavior is not contrary to this policy. 3. This policy is deemed to be a part of the terms of employment of every public transport employee. 4. Getting acquainted, signing and committing to fully adhere to this policy. 5. Educating commuters were possible on their rights to freedom from harassment and their responsibilities to abstain from and report/document, as possible, cases of harassment
Members of the Public	<p>Members of the public shall:</p> <ol style="list-style-type: none"> 1. They should observe fundamental human rights, treat each other with respect and dignity for peaceful coexistence while in the public transport systems and their connected spaces 2. Maintaining a safe commuting environment that is free of sexual harassment 3. Supporting the complaints committee where possible by collecting, documenting and presenting any forms of useful evidence related the sexual harassment cases they undergo or witness when called upon to do so.
The NTSA	<p>The National TRansport and Safety Authority shall;</p> <ol style="list-style-type: none"> 1. To include and implement sexual harassment training modules in their curriculum 2. Develop strategies to blacklist and apprehend operators involved in perpetrating sexual harassment in public spaces
The County Government of Machakos	<p>The County Government of Machakos shall:</p> <ol style="list-style-type: none"> 1. To allocate resources that shall enhance efficient and effective address sexual harassment 2. To develop and implement county-based regulations in regard to sexual harassment in public spaces 3. To plan and design public spaces in a manner that shall promote safety for all members

	of the public
The Office of Director of Public Prosecution	<p>The Office of the DPP shall;</p> <ol style="list-style-type: none"> 1. Efficiently facilitate prosecution of perpetrators who defile police and court orders. 2. Ensure the process of the members of the public accessing the office is less bureaucratic 3. Organize community events with the public and public transport agencies to discuss sexual and gender-based violence issues at the grassroots.
The Urban Planners	<p>The Machakos Urban Planners shall;</p> <ol style="list-style-type: none"> 1. Ensure that Machakos County roads are well planned to reduce congestion that is the primary cause of groping and other forms of SH 2. Ensure the street lights are mounted well to minimize harassment at night
The Treasury	<p>The National treasury shall;</p> <ol style="list-style-type: none"> 1. To allocate resources to the and county governments of Machakos address sexual harassment

CHAPTER FIVE: IMPLEMENTATION OF THE POLICY

5.1: Implementation process

This policy shall be approved by all stakeholders including public transport agencies and the policy will be communicated to the general public. 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 willing to abide by the policy.

5.2 General Implementation Strategies

- Need for research on Sexual harassment to identify underlying and systemic causes and the best ways of addressing them.
- There is need for greater Sexual harassment awareness creation and sensitisation to all the duty bearers and the establishment of Gender Desks at Police stations to facilitate reporting of Sexual harassment.
- Sexual harassment sensitization and awareness creation to the public.
- Promote male involvement in managing and responding to Sexual harassment.
- Carry out the "HeforShe" campaign with a view to recruiting more male champions on Sexual harassment prevention
- Enhance the Department Secretariat's role on the prevention and response to Sexual harassment, bringing together duty bearers in the established working groups.
- Implement the Children's Act and the Sexual Offences Act.
- Establish referral mechanism at the Sub counties for reporting Sexual harassment and GBV cases.
- Sensitize the community on the GBV toll free numbers 1190, 1195 and 116 for assistance and counselling.
- Establish a county Sexual harassment toll free number.

5.3: Resource Mobilization

In order to demonstrate commitment to implementing the Constitution, relevant laws and the policy, Machakos County shall integrate budgetary processes towards the fight against Sexual harassment; hence, allocate sufficient resources for the implementation of this Policy It is envisaged that the County Government funds will be complemented by funds from the National government, development partners and the private sector.

5.4: 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 Sexual harassment in the public transport sector.

CHAPTER SIX

6.0: DISSEMINATION OF THE POLICY

The Machakos County government shall ensure that all public transport agencies and, conversant with the policy provisions and abide by it.

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 routine managerial and coordination control, strategic assessment of outcomes and impact, and provide the material from which lessons can be learned and policy analysis developed.

The M&E framework will ensure that it anonymously collects statistics and data on how it is used and whether or not it is effective. 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 County Government commits to:

- Carry out periodic Needs Assessment and Training.
- Design/identify requisite training programmes locally and/ or abroad.
- Provide adequate budgetary allocation concomitant with capacity needs.
- Monitor staff performance based on the trainings.
- Engage regularly with other counties for increased learning/experience.
- Carry out annual Monitoring and Evaluation of sexual harassment status.
- Jointly with key players in Sexual harassment arena, develop a Gender Monitoring and Evaluation Framework.

8.0: CONCLUSION:

In conclusion, 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 sexual harassment and where every individual is treated with dignity and respect

References

1. [Convention on Elimination of All Forms of Discrimination Against Women, 1979](#)
2. [United Nations Charter,1948](#)
3. [International Labour Organization, 2019](#)
4. [Kenyan Constitution, 2010](#)
5. [Sexual Offences Act, 2006](#)
6. [Machakos Draft Gender Policy, May, 2021](#)
7. [Machakos Baseline Survey and Safety Audit, Flone 2021](#)
8. [UNDHR-United Nation Declaration on Human Rights, 1948](#)

Declaration: I..... Representing.....On this day of I hereby declare that my Organization shall abide by the provisions of this policy.