



**BLUEPRINT FOR  
DEVELOPING A PUBLIC  
TRANSPORT **SEXUAL  
HARASSMENT AND  
GBV** POLICY FOR  
KENYAN COUNTIES**



**HEINRICH BÖLL STIFTUNG**  
**NAIROBI**  
Kenya | Uganda | Tanzania



## **FLONE INITIATIVE TRUST**

# **Blueprint for Developing a Public Transport Sexual Harassment and Gender-Based Violence Policy for Kenyan Counties.**



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Flone Initiative is a women-led Pan-African organization working to create safe, sustainable, and accessible public transportation spaces for women and vulnerable groups in Africa by influencing behavioral change, generating knowledge, and building movement.

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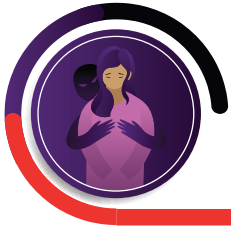
We sincerely thank the key parties who participated in the development of this Blueprint.

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Much gratitude to the Flone Initiative staff, who provided technical and logistical support to a conclusive end.

Naomi Mwaura,  
*Managing Trustee,  
Flone Initiative.*



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## ACRONYMS AND ABBREVIATION

<b>CECs</b>	County Executive Committees
<b>WIT</b>	Women In Transport
<b>PSV</b>	Public Service Vehicle
<b>MOU</b>	Memorandum of Understanding
<b>CGM</b>	County Government of Machakos
<b>CECM</b>	Chief Executive Committee Member
<b>ICDL</b>	International Centre for Local Democracy



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# CHAPTER

# 1

## Introduction



**BLUEPRINT FOR DEVELOPING  
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## 1.0 Introduction

### 1.1 Background

From the previously conducted research by Flone Initiative, sexual harassment has always stood out as the main impediment to realizing a safe and inclusive Kenyan public transport system, for women as commuters and workers. Sexual harassment in public spaces is a violation of human rights and is recognized as a criminal offense according to the Sexual Offenses Act of 2006. However, such cases persist to the point of being normalized.

According to the County Government of Machakos Draft Gender Policy (2021), Machakos County previously experienced an increase in sexual and gender-based violence. A Baseline Report by Flone Initiative (2021) revealed that 46% of women workers in the transport sector have experienced sexual harassment at work, especially in the form of inappropriate physical contact and most fail to report it due to a lack of clear complaint mechanisms.

Machakos Draft Gender Policy (2021) indicated some key barriers to addressing gender-based violence in the transport sector. The key barriers identified include (a) a low understanding of the concept of gender and thus negative social attitudes that create an environment that fosters sexual harassment; (b) a lack of knowledge and understanding of sexual harassment laws, legal rights, and individual responsibilities towards combating sexual harassment; and (c) insufficient and inconsistent coordination of prevention and response programmes and implementation.

### 1.2 Policy Objective

In 2021, Flone Initiative partnered with Machakos County Government to develop a Public Transport Sexual Harassment and Gender-Based Violence Policy. To address the challenges of sexual harassment in public transport, the Machakos County Public Transport Sexual Harassment Policy was developed to guide the identification, prevention, and response to sexual harassment incidents experienced in public transport systems and the associated spaces. The Policy further provides procedures for duty-bearers to handle claims, address incidents, and support sexual harassment survivors in recovery.

### 1.3 Purpose of the Blueprint

This Policy was assented to, launched, disseminated, and is now being implemented. Based on this success, Flone Initiative hopes to scale up the intervention countrywide. Hence, this Blueprint documents the best practices and lessons that other Counties can learn from to develop a similar or related policy.

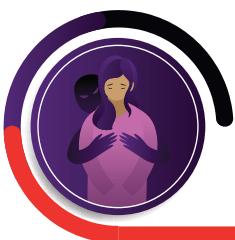
### 1.4 Methodology

A qualitative case study approach was used to document the Blueprint using secondary and primary data. Secondary data was reviewed from the related documents, including the policy itself, the Memorandum of Understanding (MOU), and the project reports, among others. Data was collected through key informant interviews targeting key stakeholders who were involved at different stages of the policy. The data was triangulated by different respondents.

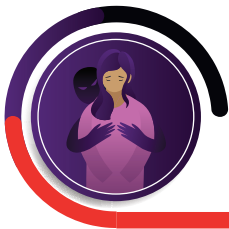


# CHAPTER 2

## Policy Foundations



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## 2.0 Policy Foundations

### 2.1 Legal and Policy Provisions

The Policy was developed on the foundation of international and legal instruments that protect women's rights. Several policy and legal instruments protect women globally, regionally, and nationally. The key legal and policy instruments are presented in this section.



The UN Convention on Elimination of All Forms of Discrimination Against Women obliges state parties to ensure measures and guidelines to promote a conducive working environment for women's effective engagement. It also emphasizes the need for the state parties to bridge the legislative gaps to ensure adequate protection and prevention of SGBV in public and private spheres.

1



Article 3 of the Universal Declaration of Human Rights confers a right to life, liberty, and security on every human being and calls for governments to develop and implement context-based policies to ensure human rights are protected at all levels.

2



The Violence and Harassment Convention (No. 190) obliges member states to define and prohibit sexual harassment in the workplace.

3



Article 19 of the African Charter on People's Rights states that all people are equal and should enjoy the same respect and have the same rights.

4



Article 2 of the Maputo Protocol (Protocol to the African Charter on Human and Peoples' Rights of Women in Africa) calls for the elimination of discrimination against women and requires governments to enact measures to curb all harmful practices that endanger the overall well-being of women. Further, Article 4 prohibits any form of exploitation and cruel, inhuman, or degrading treatment against women. Article 5 calls for prioritization of the protection of women at risk.

5



The Constitution of Kenya 2010 provides several articles that protect the rights of women from harassment. For instance, Article 27 obliges the government to protect all its citizens against discrimination, and every citizen has the right to equal protection before and from the law.

6



The Sexual Offences Act No. 3 of 2006 serves as an account to define, prevent, and protect all persons from sexual offenses. The Act outlaws all forms of sexual abuse and defines the penalties for perpetrators.

7



## 2.2 Policy Thematic Areas

This section presents the key chapters and thematic areas presented in the Policy



**Chapter One** provides background information. It introduces the Policy, provides the rationale for the policy, a statement of the problem, the policy context, the scope of the policy, the policy review process, and the legal and policy context.



**Chapter Two** contextualizes the forms of sexual harassment in public transport networks, the general sexual harassment prevention strategies and the basic principles of the Policy.



**Chapter Three** lists the strategies for addressing sexual harassment incidents, including the formation of a sexual harassment complaints committee, procedures for resolution and settlement of sexual harassment complaints, informal resolution options, grievance redress procedures, procedures for dealing with criminal conduct and possible outcomes of the complaint process.



**Chapter Four** expounds on the commitments of the policy implementation. The roles of each institution are defined. The institutions and other stakeholders include The Traffic Police Department, Public Transport Saccos, Public Transport Operators, Members of the Public, the National Transport and Safety Authority (NTSA), the County Government of Machakos, the Office of Director of Public Prosecution, the Machakos Urban Planners and the National Treasury.



**Chapter Five** provides the implementation strategies and process, resource mobilization, and implementation period. The implementation requires that this policy be approved by all stakeholders and communicated to the general public, and that all Machakos County public transport agencies sign a statement acknowledging that they have received, read, understood, and are willing to abide by the policy. Resource mobilization requires the CGM to integrate budgetary processes towards the fight against Sexual harassment; hence, allocate sufficient resources for the implementation of this Policy. This Policy requires that it be implemented immediately after being launched and subjected to a 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** makes provisions for the dissemination of the policy. It requires the CGM to ensure that all public transport agencies are conversant with the policy provisions and abide by them.



Lastly, **Chapter Seven** provides for the monitoring and evaluation of the policy. It requires that a monitoring and evaluation framework be developed to accompany this Policy 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.



# CHAPTER **3**

## Key Steps in Policy Development



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## 3.0 Key Steps in Policy Development

The Policy development process followed key steps that are expounded in this section. The steps are those that are followed by any other standard policy.

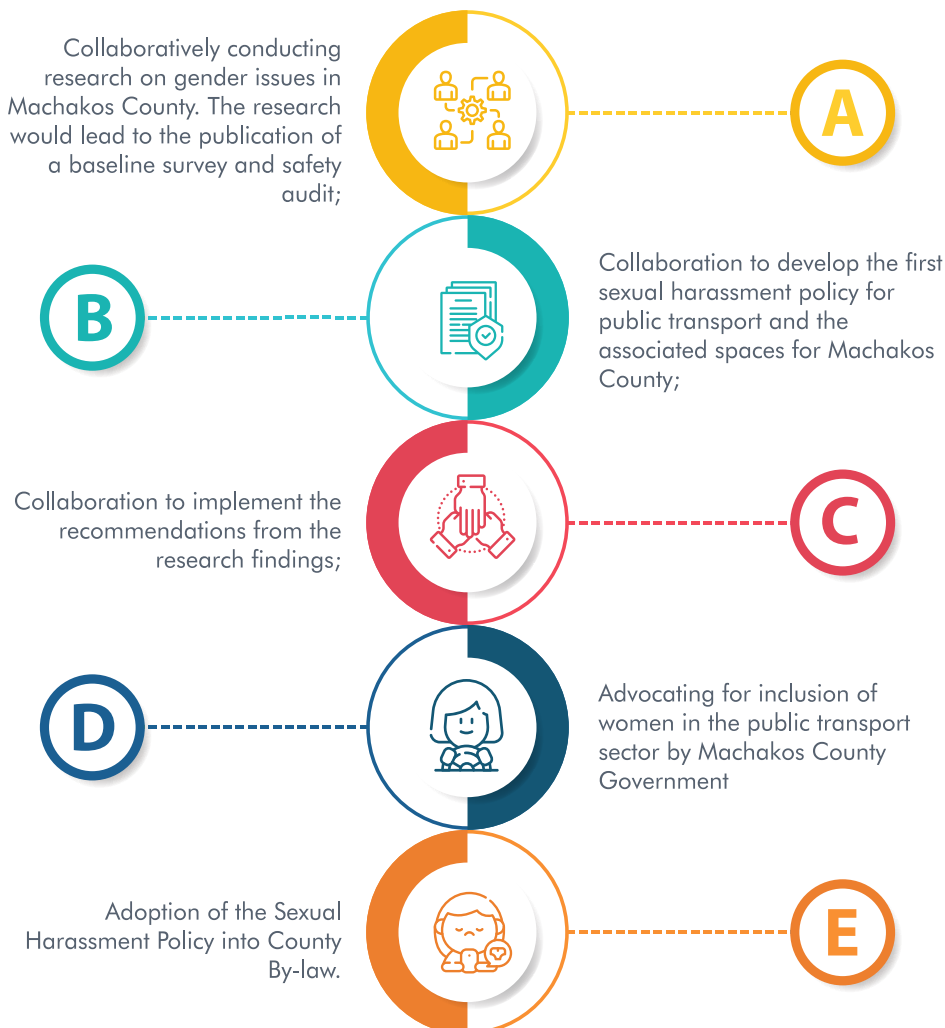
### 3.1 Initiation

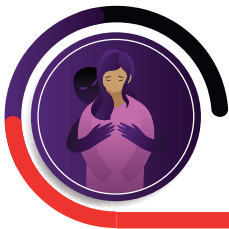
In 2021, the Swedish International Centre for Local Democracy (ICDL) invited the Machakos County Government to get involved in gender mainstreaming in whatever sector. One of the Directors from the Public Transport Department presented the challenges faced by women in transport from the complaints that were being made to the Department. ICDL proposed the need to dive deep into the issue, particularly on employment, ownership, legislation, and enforcement of relevant transport policies. ICDL advised the Director to seek partnerships that will aid in addressing the challenges women in transport face.

Initially, the Flone Initiative was working primarily in Nairobi County and its environs. In 2021, it expanded its scope to include the Nairobi Metropolitan Area. Flone Initiative carried out other studies in Nairobi City County that indicated the nature and extent of the challenges WIT faced. Machakos County Government approached Flone Initiative to seek a partnership based on a recommendation by ICDL.

### 3.2 Planning and Negotiations

A team of four Machakos County Government staff from the Department of Transport and five staff from Flone Initiative met in August 2021. The main agenda for the meeting was to discuss a potential partnership to promote the inclusion of women in transportation in the public transport system of Machakos between the two organizations. During the meeting, Flone Initiative spelled out the anticipated areas of partnership, including





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This meeting was the first official engagement that kicked off the process of developing the Machakos County Sexual Harassment Policy. The signing of a Memorandum of Understanding (MOU) followed in November 2021.

The MOU spelled out the key provisions outlined below:

A



### **Purpose of the agreement, objectives, and areas of collaboration:**

Included the declaration of the project objectives, project activities by Flone Initiative, and commitments by both parties.

The CGM was tasked with supervising the implementation of the program to ensure sustainability and, in collaboration with Flone Initiative, identifying the stakeholders for the Program rollout. The CGM was also to liaise with Flone to ensure the performance of obligations within the implementation of activities.

B



### **Compliance with laws, regulations, industry standards, guidelines, and policies:**

Parties agreed to commit to such things as anti-corruption provisions, compliance with all applicable laws and regulations, compliance with industry standards where applicable, and confidentiality of information, data, documents, and other materials.

C



### **Reporting:**

Parties committed to issuing a report at the end of the implementation or upon request of either party and the language of reporting was English.

D



### **Regular meetings:**

Both parties committed to regularly communicate all relevant matters concerning the Collaboration. The frequency of the meetings was as per the communication between the partners from time to time. Either party was to promptly inform the other party about any unforeseen results, problems, difficulties, etc. concerning the collaboration.

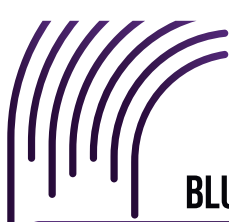
E



### **Fees, payment, and invoicing:**

The costs were defined in consideration of the activities, technical support, administrative costs, research, and the stakeholders' forum. Flone committed to covering the budgeted cost, and the committed amount was indicated. The cost commitment by the CGM was not explicitly indicated.





F



### Intellectual property:

Both parties agreed not to commercially exploit any work product or take any measures in preparation for such commercial exploitation.

G



### Publicity and publications:

Partners agreed that any appropriate work product shall be published together after agreeing on which work product (or part thereof) is suitable for publication and which means of publication are best suited for the particular work product.

H



### Indemnifications:

Parties agreed to indemnify, defend, and hold the other party (including all its affiliates, officers, directors, employees, contractors, and agents) harmless from and against any claims, demands, causes of action, damages, liabilities, losses, costs, and expenses.

I



### Terms and termination:

It was agreed that the MOU would become effective on the effective date and remain in force until a stated date unless earlier terminated. The Agreement would be terminated by either party by giving prior written notice to the other party of at least thirty (30) days without justification. Either party would terminate this Agreement immediately at any time by giving written notice to the other party.

J



### Miscellaneous provisions:

The partners agreed that in the event of termination or expiration of the MOU, both parties would use their best efforts to wind up the collaboration activities in a fast, cost-effective, and expedient manner, and neither party would claim any right of action against the other party. The provision also limited either party from subcontracting its obligations.

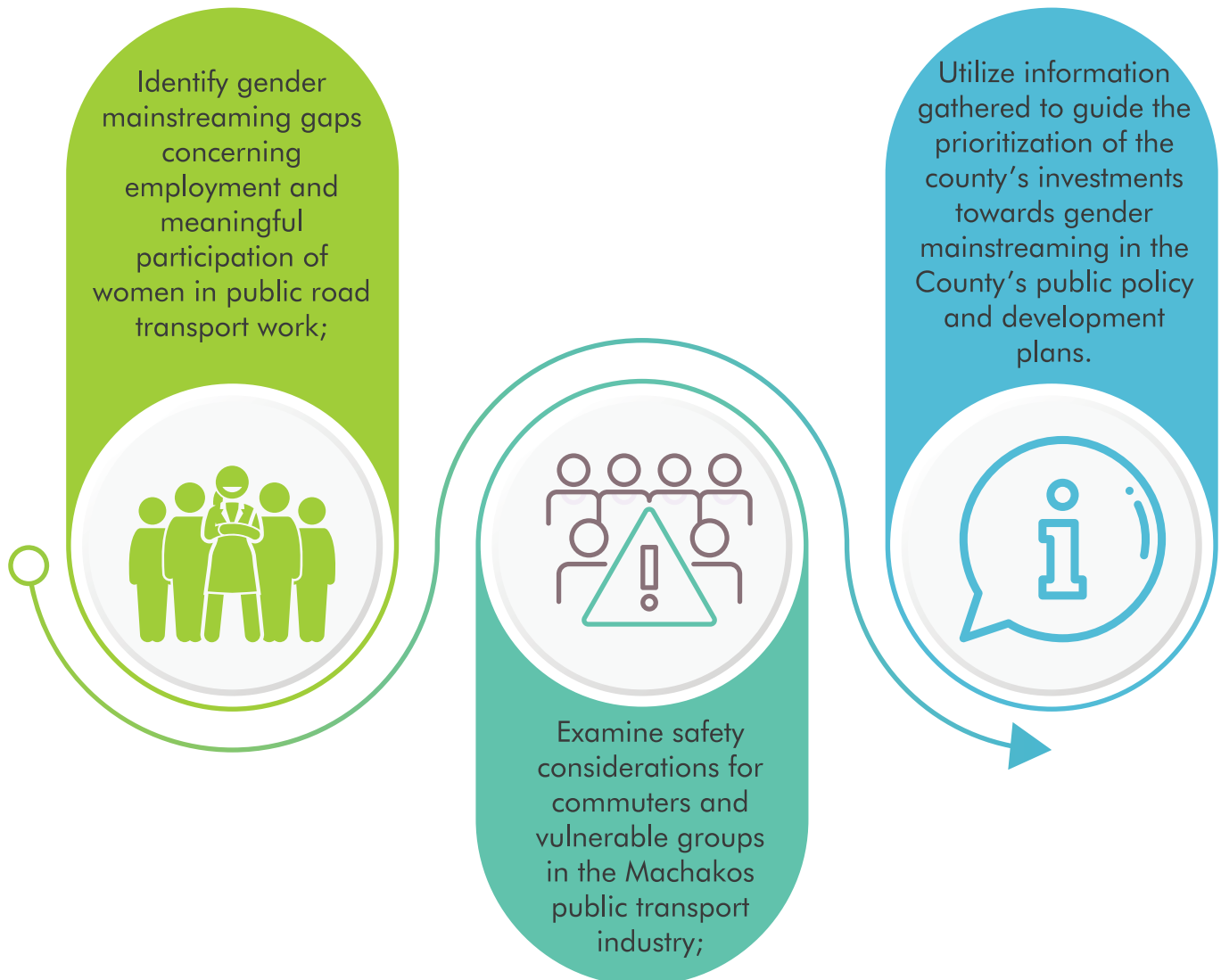


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## 3.3 Evidence gathering

A baseline study was undertaken by Flone Initiative in conjunction with the County Government of Machakos (Directorate of Roads, Transport, and Public Works) to assess the situation on gender mainstreaming and safety in the public transport industry in Machakos County. The specific objectives of the study were to:



This study was conducted in four major stages, namely Machakos, Mavoko, Kangundo, and Tala, specifically targeting male and female public transport workers. Key stakeholders involved included national and county government officials, female public transport investors, and boda-boda motorbike officials.

The baseline survey indicated there are fewer (39%) WIT compared to their male counterparts. Of these WIT, 46% experienced sexual harassment at work. The report indicated that despite the CGM's efforts to improve the state of roads and infrastructure, the safety and security of vulnerable groups, especially women, had not been fully achieved. The 2021 Machakos County Safety Audit (Flone, 2021) reported that most of the streets in Machakos County were poorly lit, exposing residents to possible security threats.

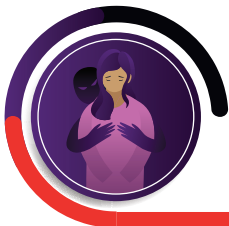
The hard evidence from the Baseline survey, County Safety Audit, and other anecdotal sources justified the need for a policy.



### 3.4 Drafting

The draft policy was developed internally using the evidence collected in the Baseline Survey Report. The key steps involved in drafting the policy are outlined below:



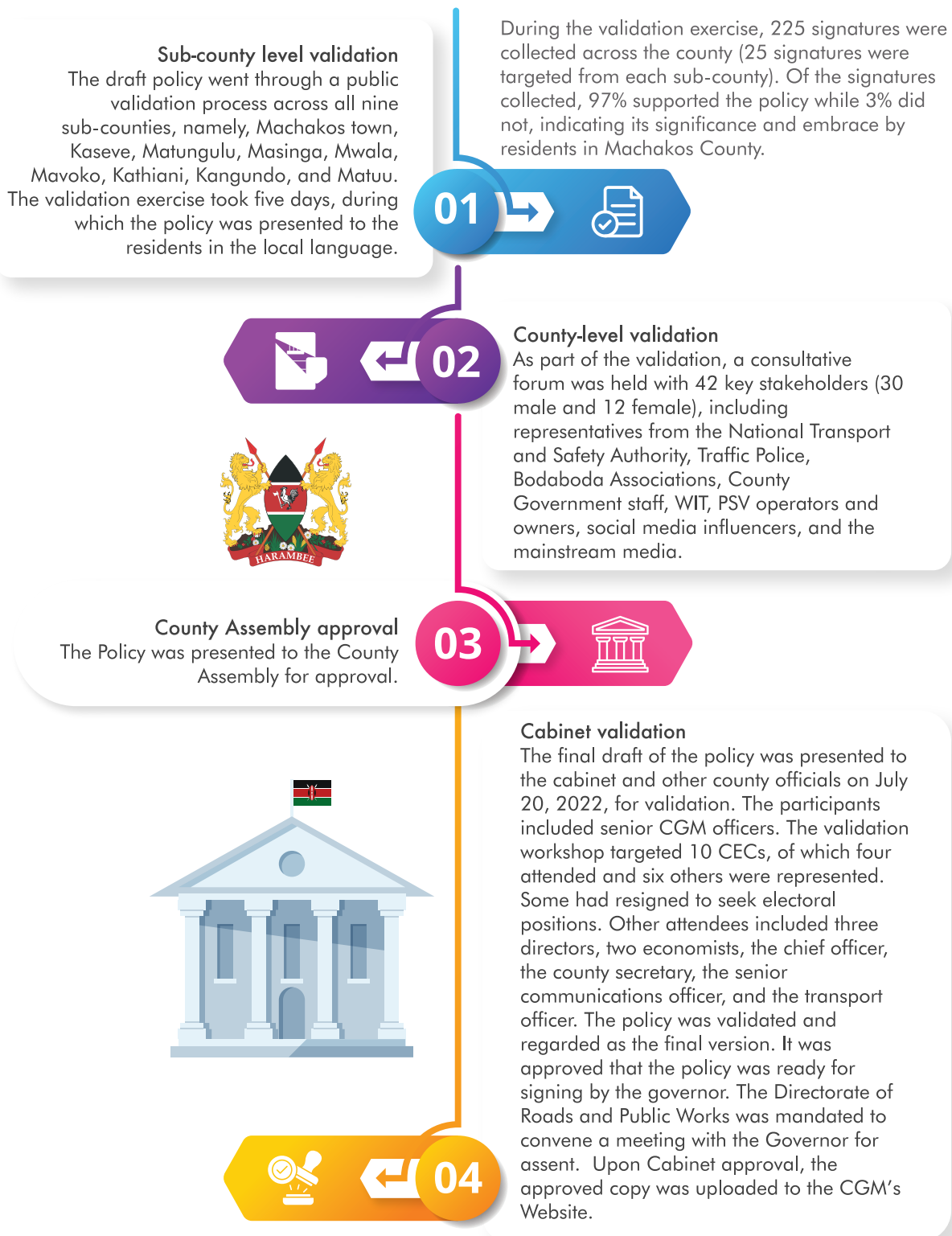


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## 3.5 Validation

Policy validation is a critical stage of the policy development process as it seeks concurrence from stakeholders. Additionally, it collects important information that may be used to improve the policy. The draft policy was validated at four levels: sub-county, county, county assembly, and cabinet levels.





### 3.6 Policy Assent

During the last cabinet meeting chaired by the Governor a few days before the County Government was dissolved, the Policy was signed on August 26, 2022. Upon signing, it was ready for dissemination and implementation. This opened the final step of the policy development process.

### 3.7 Policy Launch and Dissemination

The policy launch was planned and conducted on November 18, 2022, after the new government took office. Some preparatory activities for the launch were undertaken, including an inception meeting with the new county government officials to orient them on the policy provisions. During the launch event, which brought together 11 County Government officials, the Chief Magistrate, 13 WIT professionals, and three Public transport managers. The policy launch moment was live-streamed to document the contributions from different stakeholders for future reference. To reach more stakeholders, 151 participated through virtual platforms (Zoom, Facebook, and YouTube). During the launch, the key policy provisions were presented, and stakeholders made commitments and discussed the implementation strategy.

Popularization and dissemination forums were conducted to create awareness among the larger stakeholder groups and the general public through stakeholders' forums, a commitment website, and an online campaign publicizing the policy. At the time of developing this Blueprint, plans were underway to publicize the Policy in the local language and in friendly and abridged versions.



# BLUEPRINT FOR DEVELOPING A PUBLIC TRANSPORT SEXUAL HARASSMENT AND GBV POLICY FOR KENYAN COUNTIES



## Key Steps for Developing the County Sexual Harassment Policy

2021  
NOVEMBER → 1

### INITIATION

- CGM approached Flone for partnership

2

### PLANNING & NEGOTIATION

- Negotiation meetings held
- MOU signed

3

### EVIDENCE GATHERING

- Baseline survey/needs assessment
- Evidence of Women in Transport harassment
- Indicated urgent need for policy action

4

### DRAFTING

- Formation of TWG
- First draft by Flone Initiative
- First draft shared with TWG
- Peer review conducted

5

### VALIDATION

- Validation by CGM senior staff
- County level validation
- Subcounty level validation

6

### ASSENT

- Presented to the County Assembly
- Presented to the Cabinet
- Approved by the Governor in August 2022

2022  
AUGUST → 7

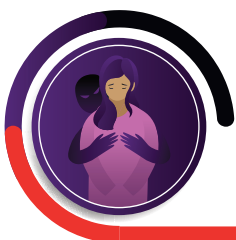
### LAUNCH & DISSEMINATION

- Published in different formats
- Disseminated & popularized to different stakeholders



# CHAPTER 4

## Key Learnings from the Machakos Policy



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## 4.0 Key Learnings from the Machakos Policy

While this became a success, there were some hits and misses that were experienced during the policy development process. These are interpreted as lessons that other county governments can learn from.

Formal commitments in partnership	Seeking allyship and support	Evidence-based policymaking	Contextualizing general to county-specific solutions and approaches.	Stakeholder mapping and involvement.
<p>1</p> 	<p>2</p> 	<p>3</p> 	<p>4</p> 	<p>5</p> 
<p>The Flone Initiative had a common purpose. To ensure that every party committed, an agreement was signed and each party committed to their responsibilities. This was an act of transparency. Though there was no explicit disclosure by the CGM, Flone Initiative disclosed the budget allocated for the process.</p>	<p>The first approach was to get buy-in from the senior CGM staff. The CECM was tasked with ensuring the policy goes through all levels of approval, including Cabinet and County Assembly.</p>	<p>The policy was based on hard evidence, particularly the baseline survey conducted before policy drafting began. The evidence added more emphasis and urgency to having a policy to that effect. The context of the challenge was identified and objectively addressed. This scientific approach provided recommendations that were included in the Policy.</p>	<p>The context around gender-based violence is different from what could be happening in other areas. As such, counties can contextualize the policy to address local challenges.</p>	<p>Stakeholders were mapped and their respective roles were identified. Partners with similar interests will make the process faster. Other policies were overtaken by this one. Stakeholder engagement and the synergy involved in the policy process. Stakeholder engagement will come in handy during policy implementation. Participation of women in transport. It is a potential area yet many women have not joined.</p>





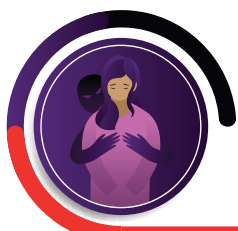
<p>Multisectoral approach to implement the policy</p>	<p>Develop a broader scope transport policy before subsidiary policies</p>	<p>Formation of a technical working group</p>	<p>Develop an implementation and monitoring framework</p>	<p>Peer review strategy</p>
<p>6</p> 	<p>7</p> 	<p>8</p> 	<p>9</p> 	<p>10</p> 
<p>When different sectors identify a common challenge, it becomes easy to have a common approach to address the identified challenge.</p>	<p>Counties need to put in place a transport policy where other subsidiary policies, regulations, and guidelines can be annexed to operationalize the main policy. This is because no single policy addresses the challenges entirely and thus existing and emerging issues can be easily domiciled and addressed.</p>	<p>A working group is a common practice that identifies and puts together a technical working group of people who represent diverse interests to guide the administrative and technical process of policy development.</p>	<p>Beyond the development of a policy, there is a need to plan for its implementation and monitoring. This will help track the progress of implementation and address challenges promptly.</p>	<p>Flone Initiative contracted five expert peer reviewers to engage in a peer-to-peer policy review. The reviewers were requested to review the policy and provide feedback within two weeks. The feedback was analyzed and incorporated into the draft policy.</p>



# CHAPTER

# 5

## Conclusion



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## 5.0 Conclusion

This Policy is a good case study that enlists the processes as a good practice that counties and any other interested entity can utilize to develop a Sexual Harassment Policy in the transport sector. The process, structure, and content can be contextualized for different county or institutional setups to fit the purpose. Entities can also learn from the documented lessons. The seven-step process followed was in line with the global practice of developing standard policies for government institutions. Particular attention was paid to public participation as envisaged in the Constitution of Kenya (2010) and the spirit of devolution.





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Creating a Safe and Professional Transport  
Industry for You and Your Loved Ones

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