

**SAFELY ENGAGED:**

# ADDRESSING GENDER-BASED VIOLENCE AND ECONOMIC EXCLUSION OF GIRLS AND YOUNG WOMEN IN KENYA:

**PUBLIC AND PRIVATE SECTOR PRACTICES**



**GIRLS  
ADVOCACY  
ALLIANCE**



Girls first



**terre des hommes**   
stops child exploitation



Ministry of Foreign Affairs

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## ACRONYMS

<b>AU</b>	African Union
<b>CEDAW</b>	Convention on the Elimination of all forms of Violence
<b>COTU</b>	Central Organisation of Trade Unions
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities
<b>CSEC</b>	Commercial Sexual Exploitation of Children
<b>CSI</b>	Corporate Social Investments
<b>CSR</b>	Corporate Social Responsibility
<b>CT</b>	Child Trafficking
<b>EAC</b>	East African Community
<b>ECPAT</b>	End Child Prostitution And trafficking
<b>EE</b>	Economic Exclusion
<b>FGM</b>	Female Genital Mutilation
<b>FGD</b>	Focus Group Discussion
<b>GAA</b>	Girls Advocacy Alliance
<b>GBV</b>	Gender-Based Violence
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ILC</b>	International Labour Convention
<b>ICT</b>	Information Technology and Communication
<b>KEMSA</b>	Kenya Medical Supplies Authority
<b>KENASB</b>	Kenya Network Association of Small Business
<b>KEPSA</b>	Kenya Private Sector Alliance
<b>KIIs</b>	Key Informant Interviews
<b>KYFA</b>	Kisumu Youth Football Association
<b>SGBV</b>	Sexual and Gender-Based Violence
<b>NIGEE</b>	Nyanza Initiative for Girl's Education and Empowerment
<b>TdH-NL</b>	Terre des Hommes Netherlands
<b>TOR</b>	Terms of reference
<b>SDG</b>	Sustainable Development Goals
<b>SGBV</b>	Sexual Related Gender Based Violence
<b>SME</b>	Small and Medium Enterprise
<b>WEL</b>	Women's Empowerment Link
<b>WMCA</b>	Women Members of County Assembly
<b>UN</b>	United Nations

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## EXECUTIVE SUMMARY

**T**he Girls Advocacy Alliance (GAA) programme is a lobby and advocacy programme jointly supported by three Netherlands based organisations, namely Plan Netherlands, Terre des Hommes Netherlands (TdH-NL) and Defence for Children-ECPAT with funding from and in partnership with the Ministry of Foreign Affairs of the Netherlands Government (Dialogue and Dissent - Strategic Partnerships framework). The programme aims at ending gender-based violence and improving economic empowerment of girls and young women in 10 Asian and African countries. In East Africa, three countries namely Kenya, Uganda and Ethiopia are participating in the programme, with the aim of engaging Africa regional bodies such as the African Union (AU) and East African Community (EAC). In Kenya, the GAA programme is implemented in partnership with COVAW, NIGEE, and WEL.

GAA focuses on the following strategic goals:

1. Increase public support for the elimination of gender-based violence and economic exclusion of girls and young women.
2. Increase capacity of CSOs and networks to influence government and corporate/private sector actors to eliminate gender-based violence and economic exclusion of girls and young women.
3. Improve policies and practices of corporate/private sector actors in support of the elimination of gender-based violence and economic exclusion of girls and young women; both in and out of the workplace.
4. Effective implementation of legislation and public policies as well as improved practices on the part of government actors in support of prevention of gender-based violence and economic exclusion of girls and young women.

The purpose of this study was to establish the role of the formal and informal private sectors in addressing Gender Based Violence (GBV) and Economic Exclusion (EE) for vulnerable girls and young women in Kenya, with particular focus on Nairobi (in the informal settlements of Kibera), Kwale and Kisumu Counties, with the broad objectives of:

1. Assessing the policy framework, regulations, and practices by the private sector on GBV and EE of young women and girls in Kenya.

2. Reviewing the Corporate Social Responsibility (CSR) policies and practices of the formal and informal private sector in targeted counties and at the national level.

**Methodology:** A mixed methodology approach, using qualitative and quantitative data, was adopted for this study. Both primary and secondary data were used. Primary data was collected from Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs). A sample drawn from four beneficiary FGDs, 10 public institutions, 27 private sector companies; 10 CSOs; 16 informal sector associations; and five GAA partners<sup>1</sup>. Secondary data was retrieved from online sources including Kenya Law, UN Global Compact Website, Kenya Gazette, National Gender and Equality Commission (NGEC), Kenya Human Rights Commission website (KHRC), Kenya Private Sector Association Website (KEPSA), International Labour Organization (ILO) website, United Nations Agencies (UN) websites and online databases among others.

## Summary of the Findings

### Policy Framework, Regulations and Practices by the Private Sector

This study sought to examine international, regional, national and county frameworks; policies and practices adopted and enforced by private sector actors in addressing issues of equitable employment opportunities, business policies on gender, decent work, and economic empowerment for girls and young women. This study also examined the UN Global Compact, UN Guiding Principles on Business Human Rights and the proposed (Draft) National Action Plan on Human Rights and Business in Kenya. This study established that Kenya has a robust and well-developed constitutional and legal framework that embraces ratified international conventions and treaties as part of Kenyan Law. Additionally, the constitution and statutory frameworks provide broad mandates to the private sector regarding policies and practices on gender equity, discrimination, Sexual and Gender-Based Violence (SGBV), disabilities, human rights, as well as cultural and social economic rights as well as employment opportunities. However, adoption, of these frameworks by the private sector at national and county level is largely inconsistent and unregulated. Apart from the UN Global Compact, Kenya has in place national guidelines<sup>2</sup> for effective management

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<sup>1</sup> COVAW, WEL, Plan International, TdH-NL, NIGEE,

<sup>2</sup> Second Edition. National Guidelines of Management of Sexual Violence in Kenya, 2016

of SGBV that is also applicable to both public and private sector. These national guidelines have been designed to give general information about management of sexual violence and focus on the necessity to avail quality services that address the medical, psychosocial and legal needs of the survivors in all contexts.

Most of the private sector firms assessed were found to have no well-developed and articulated gender policy framework on gender equity to guide workplace practices. There are minimal institutionalised efforts in support of the elimination of gender-based violence and economic inclusion of girls and young women; both in and out of the workplace. The study established that most of these firms had incorporated some elements of GBV guidelines into their codes of conduct and operational manuals. Most of the organisations lacked a well-articulated GBV policy with remedies, access to justice and psycho-social support mechanisms, making it difficult to deal with sexual harassment and discrimination cases. For the informal sector, the study established that policies and practices addressing GBV and economic exclusion in the workplace were largely non-existent.

### **Corporate Social Responsibility (CSR) Policies and Practices of Formal and Informal Private Sector at County and National Level**

This study sought to establish the extent to which the private sector was engaged in coordinated CSR initiatives, including the extent to which private sector CSR initiatives were addressing GBV and economic exclusion of girls and young women, and to establish what government regulations or provisions exist that provides a framework for companies to implement CSR activities and the CSR models that were being applied. The findings of the study show that most of the CSR initiatives by the private sector are not guided by any concise model as they are need-based interventions. Most private sector firms assessed do not have a CSR policy or strategy to guide in establishing long-term CSR initiatives. Most of the CSR initiatives are formulated to advance the respective organisations' marketing goals for visibility and branding. Most private sector firms interviewed for this study did not have a CSR budget but had funds set under their public relations and marketing functions.

## Recommendations

The following are recommendations for the private sector

- Private sector firms should partner with GAA to develop policies on equality that address GBV and meet both international and statutory framework thresholds.
- KEPSA should, in partnership with GAA partners develop GBV training curriculum for the private sector.
- KEPSA should, in partnership with GAA partners establish a child protection training curriculum for the private sector.
- KEPSA should, in partnership with GAA partners and UN Global Compact (Kenya Chapter) develop and conduct periodic evaluation framework for measuring of compliance with GBV policies, and other policies related to Child Abuse, Child Trafficking, and Commercial Sexual Exploitation of Children.

## The following are recommendations for the National and County Governments

- National and County Governments should partner with the civil society organizations (GAA programme included) to profile cultural practices that still inhibit young women and girls' human rights and equality in access to socio-economic livelihood.
- National and County Governments in partnership with GAA should establish rescue and rehabilitation centers for GBV survivors, including funding justice and redress, psycho-social rehabilitation and re-integration programmes.
- National and County Governments should partner with civil society actors to offer capacity building and training on GBV, gender equality, and child protection to informal sector associations and their members.
- National and County Governments should develop a framework for implementing and monitoring compliance of the National Gender Development Policy in line with agenda 2030 for SDGs.
- National and County Governments should develop child and gender-friendly policies towards migrants and refugee children, by

providing specific protection against child trafficking, child abuse, commercial sexual exploitation of girls, and SGBV.

- National and County Governments should should adopt UN Guiding Principles on Business and Human Rights and provide implementation and monitoring framework for the private sector's compliance. This should be done in partnership with watchdog organisations such as Kenya National Commission on Human Rights and NGEC.
- National and County Governments should provide tax or other incentives to private sectors that have adopted the UN Global Compact as a way of rewarding compliance.





## CHAPTER ONE

# 1.0 INTRODUCTION

## 1.1 Background

**T**he Girls Advocacy Alliance (GAA) programme is a lobby and advocacy programme jointly supported by three Netherlands-based organisations. These are Plan Netherlands, Terre des Hommes Netherlands (TdH-NL) and Defence for Children-ECPAT. The programme draws funding from the Ministry of Foreign Affairs (Netherlands) under the Dialogue and Dissent - Strategic Partnerships Framework.

The GAA programme focuses on four strategic areas: (I) Increasing public support for the elimination of gender-based violence and economic exclusion of girls and young women; (II) Increasing capacity of Civil Society Organisations (CSOs) and networks to influence government and corporate/private sector actors to eliminate gender-based violence and economic exclusion of girls and young women; (III) Improving policies and practices of corporate/private sector actors in support of the elimination of gender-based violence and economic exclusion of girls and young women, both in and out of the workplace; and (IV) Effective implementation of legislation and public policies as well as improved practices of government actors in support of the prevention of gender-based violence and economic exclusion of girls and young women.

The programme aims at ending gender-based violence and improving economic empowerment of girls and young women in 10 Asian and African Countries. In East Africa, three countries namely Kenya, Uganda, and Ethiopia are participating in the programme with the aspirational aim of

engaging regional bodies in Africa such as the African Union (AU) and East African Community (EAC). In Kenya, the GAA Alliance Team comprises of TdH-NL and Plan International with local implementing partners; COVAW, NIGEE and WEL.

Terre des Hommes Netherlands (TdH-NL) is a child-focused organisation whose vision is 'a world in which children are no longer exploited,' with a mission to prevent child exploitation, remove children from exploitative situations and ensure children develop in a safe environment. TdH-NL has been working in Kenya since 1968, focusing on children health care, education, means of living, and protection against abuse, exploitation and violence; including protection from Worst Forms of Child Labour (WCL), Commercial Sexual Exploitation of Children (CSEC), Child Abuse (CA) and Child Trafficking (CT) and Unsafe Migration. TdH-NL's intervention in Kenya within the GAA programme focuses on CT and CSEC with COVAW as the implementing partner in Kwale County and with a national focus.

PLAN International is an independent global child rights organisation committed to supporting vulnerable and marginalised children and their communities to break free from poverty. By actively connecting committed people with powerful ideas, Plan works to make positive, deep-rooted and lasting changes in children and young people's lives. Plan strives for a just world that advances children's rights and equality for girls by engaging people and partners. Plan's focus is within GAA intervention on Child Marriage and Economic Exclusion in Kisumu and Nairobi Counties, with NIGEE and WEL as implementing partners.

Since January 2016, the GAA Programme; Coalition on Violence Against Women (COVAW), Women's Empowerment Link (WEL) and Nyanza Initiative for Girl's Education and Empowerment (NIGEE) have been implementing economic empowerment and affirmative action initiatives to increase decent job opportunities for vulnerable young women; protection of vulnerable girls from sexual exploitation and transactional sex (through Child Marriage and commercial transactions) and Child Trafficking both in and out of the workplace in Kisumu, Kwale and Nairobi Counties. COVAW has been implementing the project to address GBV and economic exclusion of adolescent girls and young women in Kwale County with a special focus on three sub-counties; Msambweni, Lunga-Lunga and Matuga and at the national level.

## 1.2 Purpose

The purpose of this assessment was to establish the role of both the public and the private sector in addressing Gender Based Violence (GBV) and Economic Exclusion (EE) for vulnerable girls and young women in Kenya with a special focus on Nairobi (informal settlements), Kwale and Kisumu counties. The research examined the existing policy framework and practices in relation to the private sector business policies on gender, decent work, economic empowerment, as well as CSR policies and practices of private sector actors (formal and informal).

## 1.3 Specific Objectives

The following specific objectives guided this study:

### I. Assessment of policy framework, regulations, and practices

- Review existing national, county and local companies' policies, regulations, practices and their enforcement in relation to equitable employment opportunities.
- Identify any existing gaps in the policies, regulations, and practices; and their implementation and provide the necessary recommendations.
- Establish the level of adoption of workplace policies and gender equality policies by the private sector; both formal and informal.
- Assess the existence of any international and regional frameworks on gender equality within the private sector and how effective they are or can be in stimulating policy change (opportunity for Lobby & Advocacy) in Kenya.
- Establish the existence of any monitoring and accountability mechanisms on the adoption and implementation of International and Regional measures on the protection of girls and young women from Gender-Based Violence and the promotion of Economic Empowerment of young women.
- Map Dutch international companies (relevant to Kenya) and establish the existence of any international guiding principles and

whether the companies promote compliance of the same with their local clients and contractors in the supply chain<sup>3</sup>.

- Provide key pointers and recommendations to the GAA programme on policy and practice that can influence strategic objective 3.

## **II. Review of Corporate Social Responsibility (CSR) policies and practices of the formal and informal private sector in targeted Counties, and at the national level.**

- Establish the existing CSR models and private sector involvement in social development, the kinds of CSR initiatives, their core areas of focus, their modalities, their geographical focus and the kind and extent of support that they provide.
- Establish what government regulations or provisions exist that provide a framework for companies to implement need-based CSR activities.
- Identify how social investments are developed and what determines/defines the size and scope of a company's contribution to social development; whether initiated by the company or as a response to an external request.
- Establish what long-term developmental goals the CSR initiatives contribute to the county and national levels.
- Establish challenges and lessons learnt from the perspective of private firms/companies in relation to CSR and more so initiatives addressing GBV and EE of adolescent girls and young women.
- Establish whether the CSR efforts by the private sector are coordinated and strategic.
- Determine their level of involvement with other stakeholders' companies, individuals, organisations and government.
- Identify and profile at least three to four potential partners across the different sectors (formal and informal, at national and county

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<sup>3</sup> The Netherland (Dutch) Programme believes that impact of its country programs can be enhanced by engaging with Dutch government and the Dutch private sector operating in those countries. The GAA aims to improve Dutch policy and private sector practices related to young women's entrepreneurship and decent work and the elimination of GBV at the workplace and in the value chain (such as child trafficking and child labor). This requires close cooperation with MoFA, Dutch companies and CSOs at home and in program countries.

level); listed with contact addresses and the most appropriate person to initiate a partnership discussion with, then analyse their communication channels and their preferable area of engagement.

## 1.4 Scope

This study took place in Kisumu County (Kisumu East sub-county), Kwale County (Matuga, Msambweni, and Lunga-Lunga sub-counties) and Nairobi County (informal settlement) examining public and private sector policies and practices in addressing gender-based violence and economic exclusion of girls and young women in Kenya.





## CHAPTER TWO

# 2.0 METHODOLOGY

### 2.1 Introduction

This chapter presents the methodology adopted by the study, beginning with the study design, followed by content analysis of literature data, primary data from key informant interviews, survey sampling approach, data collection approach, data analysis and finally, the ethical considerations.

### 2.2 Study Design

This study employed both qualitative and quantitative methods of data collection and analysis. A qualitative approach was used to provide significant information based on respondents' views, opinions and experiences that helped examine the socio-economic construction of public/private sector policies and practices in place (or not in place) to address GBV and economic exclusion of girls and young women in Kenya. On the other hand, the quantitative aspect focused on capturing gender-related training and numerical measures to give clear status.

#### 2.2.1 Content Analysis of Secondary Data and Literature

Content analysis of secondary data and written literature was significant in examining existing National, County and local companies' policies, regulations, and practices on equitable employment opportunities and their enforcement. Secondly, review of literature helped in examining existing policies that govern the private sector's engagement in CSR as well as, policies geared towards addressing GBV and economic inclusion of young women and girls in employment opportunities. Thirdly, review of literature enabled the study to assess the existence of international and regional frameworks on gender equality within the private sector.

### 2.2.2 Interviews

Interviews provided significant information and data input from the private sector’s engagement experts, GBV and economic inclusion champions and activists, policy experts at National and County levels, and selected members of both the public and the private sector organisations. Interviews were grouped into the following categories:

#### I. Key Informant Interviews (KII)

Key informant interviews targeted field experts, private sector associations such as KEPSEA; selected private sector firms; experts in GBV and women economic empowerment programming; policy makers at the national and county levels; labour market and employment authorities, public sector leaders, youth and women leaders, project consortium partners and collaborating partners, among other significant stakeholders.

#### II. Focus Group Discussions (FGDs)

Focus Group Discussions targeted project beneficiaries in Kisumu, Kwale, and Nairobi. FGDs were essential in gathering a collective perspective on beneficiaries’ engagement and experience with the private sector either on CSR or economic empowerment initiatives.

## 2.3 Sampling Design and Sample Size

This study was mainly purposive. This means that the study targeted only respondents perceived to possess knowledge and information that could help answer the study objectives and questions effectively. The targeted sample size was 79 respondents’ interviews distributed as follows:

**Table 2.1: Sample Size Distribution Table**

Category	Nairobi	Kisumu	Kwale	Total
Private Sector Firms & Associations	13	5	9	27
GAA Project Beneficiaries (FGD)	2	0	2	4
Government Institutions	8	4	4	16
NGOs and other Stakeholders	5	4	1	10
Informal Associations	4	1	11	16
GAA Partners	4	0	2	6
<b>Total</b>	<b>36</b>	<b>14</b>	<b>29</b>	<b>79</b>

## 2.4 Data Collection Tool

Data was collected using four Key Informant Interview (KII) tools, namely Private sector survey tool; Government agencies survey tool; informal sector survey tool; and NGOs and GAA programme stakeholders' survey tool. The data collection tool was administered through face to face interviews. Questions were designed to respond to specific objectives.

## 2.5 Data Analysis

Content analysis was used to examine, review and analyse secondary data. Primary data from key informants' interviews and focused group discussions were transcribed and grouped thematically to respond to each study objective and analysed.

## 2.6 Ethical Considerations

The consultant who carried out this study observed research ethics guidelines provided by COVAW and other GAA consortium partners. The Kenyan Government and international standard research guidelines were also observed. During the study, we sought verbal consent from all respondents before carrying out the survey. All materials borrowed from secondary data sources are adequately cited and credit provided to authors.

## 2.7 Study Limitations

The study relied mostly on small to medium level organisations for interviews. Most of the big firms targeted were unavailable or unwilling to participate in the study. The sample size for each target county is small and might not be a complete representation of the prevailing context. To mitigate and reduce bias, companies from different sectors were targeted. Additionally, information collected was verified by key informants in the study field.





## CHAPTER THREE

# 3.0 RESULTS AND FINDINGS

## 3.1 Introduction

Globally, women continue to participate in labour markets on an unequal basis with men, in addition to systemic discrimination, gender-based violence and lack of equal access to factors of production. According to the International Labour Organisation (ILO), the male employment-to-population ratio stood at 72.2%, compared to women at 47.1%<sup>4</sup>. Notably, women are also paid much less than men in most countries globally (77% of men's wages)<sup>5</sup>. According to UN Women (2017) Facts and Figures, women are more likely to be low wage workers and unpaid family workers engaged in low-level productivity and viewed as economic dependents as compared to men<sup>6</sup>. Additionally, women and girls face far greater vulnerability, economic exclusion (EE), marginalization and sexual and gender-based violence compared to men<sup>7</sup>. This study sought to examine public and private sector policies and practices regarding GBV and economic exclusion of young women and girls from employment opportunities in Kenya.

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<sup>4</sup> International Labor Organization (2014). Global Employment Trends 2014: Risk of a jobless recovery? p. 19. Accessed here on 23 January 2015: [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/--publ/documents/publication/wcms\\_233953.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/--publ/documents/publication/wcms_233953.pdf)

<sup>5</sup> World Bank Gender Data Portal. <http://datatopics.worldbank.org/gender/key%20gender%20employment%20indicators>

<sup>6</sup> UN Women, Progress of the World's Women 2015-2016, Chapter 2, p. 69.

<sup>7</sup> Phumzile, M. (2016). Two sides of the same coin: gender inequality and violence against women: Available at: <http://www.unwomen.org/en/news/stories/2017/10/speech-ed-phumzile-five-days-of-violence-prevention-conference>

## **3.2 National and County Level Equal Employment Framework**

### **3.2.1 The Constitution and Statutory Frameworks**

The Constitution of Kenya 2010 provides direction on the right to equitable employment opportunities for men and women. Chapter Four (The Bill of Rights) provides for provisions that uphold fundamental freedoms for every Kenyan including against inequalities in labour relations. Significantly, Article 10(2) (b) outlines the national values and principles of governance which include, among others, equity, human dignity, inclusiveness, social justice, human rights, protection of the marginalised, non-discrimination and most importantly, equality. This is important regarding women and girls' rights, particularly equitable access to employment opportunities. Article 27 further notes that men and women have a right to equal treatment and opportunities in political, economic, cultural and social spheres. Moreover, the article notes that neither the state nor any other persons shall discriminate against an individual on account of pregnancy, marital status, disability, health status, or dressing. Article 41 addresses fair labour practices, remuneration and reasonable working conditions.

### **3.2.2 Statutory Frameworks of Equal Employment**

Kenya has a raft of national and county-level legislative frameworks with regulations and policy guidelines on equal employment opportunities. Most of these frameworks are designed to facilitate and promote equity and diversity, and eliminate discrimination in the employment of all Kenyans, particularly women, the youth, girls, and persons with disabilities. These include the Employment Act 2007, National Gender Equality Act 2016, National Employment Act 2007 (Revised, 2012), Public Procurement and Asset Disposal Act 2015 (Revised 2016), and Persons with Disability Act 2003. There are no specific regulatory frameworks dedicated or established at the county level for dealing with the economic exclusion of young women, other than the regulatory frameworks established at the national level as summarized in Table 3.1.

**Table 3.1: Summary of National Legislative Framework on Equitable Employment Opportunities**

Statute	Summary
The Constitution 2010	Article 10: Provides for equity, social justice, inclusiveness, equality, non-discrimination in access to economic opportunities, or decent work; Article 27 (3): Women and men have the right to equal treatment; Article 27(4) prohibits discrimination based on age, sex, ethnicity, and gender; Article 53 (d) protects children from Child Labour, Child abuse, Child trafficking.
Employment Act 2007 <sup>8</sup> , Revised 2012	Section 5(1) of the Act imposes a duty upon the Minister and labour officers in the Industrial Court to promote equality of opportunity to eliminate discrimination in employment. Further, it impresses upon all employers, whether in the formal or informal sector, to promote equal opportunity in employment and eliminate discrimination by ensuring that they do not discriminate directly or indirectly against an employee on the grounds of sex, ethnicity, colour, language, religion, origin, disability, pregnancy, marital status, nationality, social origin or opinion.
Public Procurement and Asset Disposal Act <sup>9</sup> 2015, Revised 2016	Articles 55 and 227 of the Constitution, through the Access to Government Procurement Opportunities (AGPO) Programme, have ascertained the prioritisation of young women and girls in government procurement. Thus, the programme ensures that up to 30% of all government procurement is allocated to women, the youth and persons with disabilities. However, qualification procedures and requirements largely lock out young women and girls without (or with less) education, and without registered companies or associations.
Persons with Disabilities Act <sup>10</sup> , 2003	Section 15(1) of the Act prohibits discrimination by both public and private employers in all areas of employment including advertisement, recruitment; the creation, classification or abolition of posts; the determination or allocation of wages, salaries, pensions, accommodation, and leave for persons with disabilities. The Act does not tackle discrimination beyond employment, particularly for children, young women, and girls.
National Employment Authority Act, 2016.	Section 3 (e) of the Act notes that national government, county government, the private sector, and the informal sectors should facilitate and promote equity and diversity and eliminate discrimination in the employment of Kenyans. The Act does not single out types of discrimination that affect groups like young women and girls, or provide monitoring or enforcement mechanisms for public and private sector firms.

<sup>8</sup> Employment Act, 2007, (Chapter 223)

<sup>9</sup> PPOA No. 33, 2015

<sup>10</sup> Persons with Disabilities Act 2003, Cap. 14.F

### 3.2.3 National and County Policies Promoting Equality in Employment

The government of Kenya has developed various national policies to foster gender equality, non-discrimination in employment, and economic opportunities at the national and county levels. These include the Vision 2030, the National Policy on Gender and Development; Kenya National Youth Policy; Public Sector Workplace Policy on HIV and AIDS; and the National Land Policy as summarized in Table 3.2.

**Table 3.2: National and County Level Policies on Non-Discrimination in Employment**

Statute	Summary
Vision 2030. <sup>11</sup>	Sections 5.6 and 5.7. These sections note that strategies will be developed with the aim of “increasing the participation of women in all economic, social and political decision-making processes. The economic, social, and political pillars articulated in the policy should inform county governments’ economic planning and development programmes that include young women and girls <sup>12</sup>
National Policy on Gender and Development <sup>13</sup> , 2000.	Some of the objectives of the National Policy on Gender and Development include: (1) National, county and private sector should develop measures that guarantee fairness in access to employment opportunities in both formal and informal sectors. (ii) Develop and improve vocational and technical skills for disadvantaged groups (unemployed youth, and vulnerable women and girls’) for easier access to job opportunities. These policies do not have any enforcement mechanisms at the county or private sector level.
The National Youth Policy (NYP) <sup>14</sup> , 2002.	Addresses youth unemployment and underemployment (young women and girls fall into this category). At the national level, the National Youth Service and the National Youth Fund have been used, but largely not been effective due to poor sustainability mechanisms. At the county levels, Technical and vocational skills centers are being set to address issues of youth unemployment and underemployment. However, qualifications for joining local vocational centers are still stringent, locking out young women and out-of-school girls. There is no deliberate policy or legislation at the county level to address the plight of young women and girls.
Public Sector Workplace Policy on HIV and AIDS, 2005 (Revised, 2017).	This policy states that no employee or job applicant shall be discriminated against in access to or continued employment, training, promotion and employee benefits based on their actual or perceived HIV status. De-stigmatising HIV has created an environment where women and young girls with HIV + status can freely seek employment without discrimination in private and public institutions.

Statute	Summary
National Land Policy, 2007.	The National Land Policy aims to “guide the country towards an efficient, sustainable and equitable use of land for prosperity and posterity <sup>15</sup> .” The policy recognises that women, children, minority groups and persons with disabilities have access to land rights and provides protection on access to matrimonial and inherited land, among others. The mechanisms offer protection to young women and girls to utilise this lands for economic activities. However, the processes of achieving custody of these lands mostly require court protection against traditional practices that usually seek to disinherit young women and girls.
Sexual Offences Act, 2006.	Section 23 and 24 prohibit any person, in a position of authority or trust from making sexual advances towards their juniors or employees. However, it lacks effective monitoring and evaluation frameworks for holding private sector accountable.

The study established that there is potential to strengthen private and public sectors adoption of Sustainable Development Goals (SDGs), particularly SDG 5 on Gender Equality and non-discrimination. Private sector firms need to establish mechanisms of entrenching SDGs in their strategies and programmes. Opportunities for GAA to partner with the private sector in the implementation of programme initiatives include proposing operationalisation of SDG 1, 3, 4, 5, 8, and 16 with a focus on mitigating GBV and economic exclusion of young women and girls.

### 3.3 Private Sector Policies and Practices on Gender Equality in Employment

#### 3.3.1 Adoption of UN Global Compact

The UN Global Compact was first established in 2004 during the first Global Compact Leaders’ Summit by Kofi Annan in New York. The UN Global Compact is a non-binding United Nations’ pact to encourage businesses

<sup>11</sup> Government of the Republic of Kenya, *Vision 2030 Popular Version*, 2007.

<sup>12</sup> Though the Vision does speak to the issue of gender inequalities, it unfortunately stops short of articulating sufficiently radical solutions that would give young women and girls autonomy, and a greater ability to tackle their agency. Though the social pillar of the Vision 2030 does speak on the issue of equity and suggests some ways of tackling these issues, the solutions are limited mainly to the education and training sub-sector of the social pillar. Other sub-sectors that have to do with health, water and sanitation, housing, and environment do not provide concrete ways of engaging young women and girls in economic opportunities.

<sup>13</sup> Government of the Republic of Kenya, *National Policy on Gender and Development*, 2000

<sup>14</sup> Ministry of Home Affairs, Heritage and Sports, *Kenya National Youth Policy*, 2002.

<sup>15</sup> Ministry of Lands, *National Land Policy*, 2007, p. 1.

worldwide to adopt sustainable and socially responsible policies and to report on their implementation<sup>16</sup>. It is a principle-based framework for businesses, stating ten principles in the areas of human rights, labour, the environment, and anti-corruption. The Compact recognises that corporate responsibility and sustainability starts with a company's value system and a principles-based approach to doing business. Ideally, private sector policies and practices should be guided by a value based system on human rights, labour, environment, and anti-corruption.

Private sector organisations are encouraged to sign and adopt the 10 Principles of the UN Global Compact. A culture of best practices on gender equity and equality, anti GBV, child labour, commercial sexual exploitation of girls and young women, and upholding equality in providing access to economic opportunities for all are also promoted.

While the principles are non-binding, private sector firms that sign up with UN Global Compact are required to report on the status of implementation annually, which helps them to develop and implement socially responsible policies. There is value for private sector firms that sign to the UN Global Compact.

For instance, business success requires operational environments with stable economies as well as skilled, healthy and educated workers. The Compact helps Organisations to set policies and practices towards the achievement of these goals, which in turn build these organisations brand, trust, investor support, and sustainable economic performance.

Among the Compact's 10 business principles, three are most aligned to GAA programming. These include Principle One: Businesses should support and respect the protection of internationally proclaimed human rights (Dignity, non-discrimination, anti-GBV); Principle Five: The effective abolition of all forms of child labour; and Principle Six: The elimination of discrimination in respect of employment and occupation.

The study findings show that only 141<sup>17</sup> Kenyan private sector firms, NGOs, foundations and business associations had adopted the signed the UN Global Compact. This means that thousands of private sector firms have not made it possible to be monitored, evaluated, or held accountable based

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<sup>16</sup> See: UN Global Compact: <https://www.unglobalcompact.org/what-is-gc/mission/principles>

<sup>17</sup> See Annex 1 for the full list

on socially acceptable and responsible policies and practices on human rights, environment, and anti-corruption. As highlighted in Table 3.3, the majority of Kenyan organisations have not adopted the UN Compact.

**Table 3.3: UN Global Compact Adoption Status in Kenya**

S/N	Name	Status	S/N	Name	Status
1	Safaricom Ltd	Adopted	15	KEPSA	Adopted
2	KCB Foundation	Adopted	16	KMA	Adopted
3	Equity Foundation	Not Adopted	17	Haco Tiger Brands	Adopted
4	Savannah Cement	Not Adopted	18	Kinde Engineering	Not Adopted
5	Base Titanium <sup>18</sup>	Adopted (in Australia)	19	Power Group Tech	Not Adopted
6	MasterCard Foundation	Adopted (in USA)	20	Queenex Publishers	Not Adopted
7	Maji Resort	Not Adopted	21	United Millers	Not Adopted
8	Omaera Pharmaceutical	Not Adopted	22	Mangro Hotel	Not Adopted
9	Diani Swimming Academy	Not Adopted	23	Ramisi Sugar Co.	Not Adopted
10	Zuri Genesis Company Ltd	Not Adopted	24	Leopard Beach	Not Adopted
11	Nairobi TVET Institute	Not Adopted	25	Kenya Association of Small Businesses	Not Adopted
12	Unique Advanced Tech Enterprises	Not Adopted	26	Mikayi Development Trust	Not Adopted
13	Micro and Small Enterprise Federation	Not Adopted	27	Ukunda Paint Timber construction	Not Adopted
14	Kenya Bixa Company	Not Adopted	28	Diani Shimba Hills	Not Adopted

### 3.3.2 Adoption of the UN Guiding Principles on Business and Human Rights

The UN Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework”, which were developed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other

<sup>18</sup>Has not signed Kenyan Chapter in Australia. However, Base Titanium has been evaluated based on 10 principles as indicated in their evaluation report available at: [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=2ahUKEwjSveDTxp\\_fahUDzYUKHQLHAUAQFjABegQIABAC&url=http%3A%2F%2Fbasetitanium.com%2Fnewsletters%3Fdownload%3D442&usg=AOvVaw0zXP5xxqY9hAZ-5RBFwuhq](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=2ahUKEwjSveDTxp_fahUDzYUKHQLHAUAQFjABegQIABAC&url=http%3A%2F%2Fbasetitanium.com%2Fnewsletters%3Fdownload%3D442&usg=AOvVaw0zXP5xxqY9hAZ-5RBFwuhq). Base Titanium has also signed a KEPSA Business Code of Ethics indicated in Annex IV

business enterprises. The UN Human Rights Council adopted the Guiding Principles in its resolution 17/4 of 16 June 2011. The Guiding Principles is composed of two foundational principles and four operational principles. The fundamental principles states that business enterprises should respect human rights. States (governments) are required to set out clear expectation that business enterprises domiciled in their territory and/or jurisdiction should adhere to in respect to human rights throughout business operations. The mechanisms through governments can implement Guiding Principles in regard to private business include:

- a. Enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights, and periodically to assess the adequacy of such laws and address any gaps;
- b. Ensure that other laws and policies governing the creation and ongoing operation of business enterprises, such as corporate law, do not constrain but enable business respect for human rights;
- c. Provide effective guidance to business enterprises on how to respect human rights throughout their operations;
- d. Encourage, and where appropriate require, business enterprises to communicate how they address their human rights impacts.

The failure of a state to enforce existing laws that directly or indirectly regulate business respect for human rights is a significant legal gap for business practice regarding human rights. In Kenya, laws and policies that govern operation of business enterprises, such as nondiscrimination, GBV, and labor regulations directly shape business behaviour. Yet their implications for human rights remain poorly understood. Apart from the Companies Act, Employment Act 2012, and the Sexual Offenses Act, 2006, there are no mechanism to aimed at enforcing human rights in business operations for the private sector. Guidance to business enterprises on respecting human rights in Kenya, just like any other jurisdiction, should indicate expected outcomes and help share best practices. The Guiding Principles provides a framework that advise on appropriate methods, including human rights due diligence, and how to private sector can consider effectively issues of gender, vulnerability and/or marginalization, recognizing the specific challenges that may be faced by women, ethnic minorities, children, persons with disabilities, and migrant workers and their families.

The Guiding Principles are perfectly aligned to GAA programming that seeks to engage private sector firms in Kenya to adopt business practices that support and respect the protection of internationally proclaimed human rights including non-discrimination at work based on gender, anti-GBV policies, abolition of all forms of Child Labour; Child Trafficking, and economic exclusion on young women and girls. It is important that private business sector is made aware that failure to operate in a manner consistent with the State's and international human rights obligations may entail both reputational and legal consequences for the for the firms. As such, in order to prevent and mitigate adverse human rights impacts, business enterprises should become members of human rights watch groups in business, adopt human rights impact assessments for their business practices, and integrate the findings from their impact assessments across relevant internal functions and processes, and take appropriate action. However, this will only be feasible when the State, and the Umbrella for private sector firms in Kenya (KEPSA) establishes a framework with guidelines to be adopted, monitored, and penalties imposed to those who violate the human rights. Currently such frameworks or mechanisms do not exist.

### **3.3.3 Gender Equality Practices in the Formal Sector**

One of the objectives of this study was to establish the level of implementation of policies and practices on gender equality in employment in the formal sector. The findings of this study show that majority of national private companies do not have a gender policy in place, but rather rely on established HR codes of conduct to implement gender-related practices or address gender issues and workplace challenges. There exists a sense of confusion on what a gender policy entails versus human resource policy. In all the private firms surveyed, there was a deliberate attempt to ensure gender diversity. However, highly technical firms like Kinde Engineering and Ukunda Paint and Timber Construction Company attract fewer unskilled young women and girls. It was revealed that young women and girls largely lack the skills and competencies to undertake engineering work or tasks. Secondly, highly technical jobs like engineering and construction tend to be physically engaging and are mostly conducted in technical workshop environments that are not conducive for young women and girls. To enhance the inclusion of young women and girls in highly technical skills jobs, there is a need for a deliberate targeting

and training of young women and girls by private sector firms, the public sector, and non-governmental entities.

Other major findings on private sector gender sensitivity/equality include the following:

- At the national level, there was a deliberate attempt by private firms to incorporate gender equality in recruitment, salaries and wages
- Most private sector companies lack designated budgets to support gender principles.
- Most of the private sector organisations have integrated portions of gender policy into their human resources policies and procedures manuals. As such, policies on non-discrimination, equal pay, anti-GBV and sexual harassment have been captured.
- One of the challenges noted with the private sector organizations assessed is that the majority of firms lack mechanisms for monitoring and self-evaluating on gender equality. Additionally, the majority of the firms do not belong to an accountability body such as the UN Global Compact for monitoring of the organisations' practices.
- Most of the firms did not in place affirmative action policies targeting skilled and unskilled young women and girls for jobs training, mentorship or placement.
- Most of the private sector firms are largely profit oriented and as such had not developed any strategies or programmes to address the plight of unskilled young women and girl's poverty and economic exclusion envisaged under SDG 1 (eradication of poverty).

### **Savannah Cement Ltd Gender Empowerment Initiatives**

Savannah Cement has a women's empowerment programme that enhances capacities of women such that departments within the Company nominate female employees to receive the training. The programme, 'Managing on Heels' is offered by the Kenya Association of Manufacturers (KAM). The main objective of the programme is to enhance women leadership role in the manufacturing sector, which is largely dominated by men. In explaining how women employees are nominated and selected for this programme, Savannah Cement HR Director noted as follows:

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*...We usually nominate our female employees to attend an annual capacity building training programme at KAM dubbed 'Managing on Heels' that promotes career growth for women. The programme seeks women leaders from various departments and enrolls them into management leadership and decision-making mentorship programme. As such, this training offers women employees an opportunity to learn how to decisions at management and executive levels. This approach has increased women in management position, and also continues to grant women a chance at promotion and career growth within the company..."*

**HR Director, Savannah Cement**

In as much as this programme is noble, it demonstrates that gender equality in the manufacturing sector is still far-fetched. Most importantly, Savannah Cement has an internal code of conduct for dealing with gender equality and discrimination issues. However, this code of conduct is not extended to the organisation's value chain, where vulnerable young women and girls are likely to be engaged. Often, discrimination against young women and girls is not a company-centric issue, but rather, driven by deeper issues within the local community. In this regard, if Savannah Cement is to make a real difference, it should seek to enhance the visibility of the lives and working conditions of young women and girls in its supply chain. This can be done by developing programmes and training that address empowerment not only for corporate women but also middle and low skilled young women and girls within the cultural context.

### **Safaricom Foundation Girls' Empowerment Initiatives**

Safaricom Foundation is part of Safaricom Ltd, a mobile telephone company incorporated in Kenya. Safaricom has elaborate gender mainstreaming and policy programmes, mostly entrenched through the HR code of conduct and operations. Gender empowerment has been addressed through various mechanisms including streamlining management positions to enhance the recruitment and promotion of more women managers. Of significance to GAA, the Safaricom Foundation strategy focuses on Good Health and Well Being (SDG 3), Quality Education (SDG 4) and Decent Work and Economic Growth (SDG 8). On healthcare, the

foundation focuses on maternal healthcare outcomes for young women in Wajir, Mandera, Turkana, Marsabit, and Isiolo. On quality education, the foundation seeks to enhance numeracy and literacy in primary schools by partnering with Tusome, Tayari, and PRIEDE projects. Additionally, the academy sponsors students from poor backgrounds to access quality secondary school education. In 2018, the academy made a milestone by enrolling refugee students, among whom were three refugee girls from South Sudan and Burundi.

### **Kenya Private Sector Alliance (KEPSA) Gender Empowerment Initiatives**

The Kenya Private Sector Alliance (KEPSA) is a limited liability membership organisation registered in 2003. KEPSA has over 500,000 direct and indirect members organised through Business Membership Organisations and Corporate members. KEPSA is a critical player in championing the interests of the Kenyan business community in trade, investment, and industrial relations. KEPSA has developed internal policies and practices on gender equality and integrated these policies within the HR policies and procedures for employees. KEPSA has also signed to the UN Global Compact Business Principles for socially responsible, accountable and sustainable business practices. Some of the initiatives KEPSA has championed include one in which KEPSA Gender and Youth Sector Board members and KEPSA Foundation partnered with Clean Start and UNODC to organise mentorship sessions as part of a program targeting to rehabilitate incarcerated young girls at Dagoretti Girls' Rehabilitation Centre on November 8, 2018<sup>19</sup>. The programme prepares the girls for re-integration into society through livelihood skills training. As part of mentorship, the young girls aged 11-18 years undergo a SPEAR Course, an attitudinal and behavioural change training and also benefited from motivational talks tailored to enhance their outlook on life and economic livelihood.

Secondly, KEPSA was mandated by the Government of Kenya to implement the Kenya Youth Empowerment Project's (KYEP) Training and Internship component, which aimed at providing the selected youth with relevant work experience and skills through training and work placements in the formal and informal sectors. It targeted vulnerable youths between 15 to 29 years of age with at least eight years of schooling who were not in

<sup>19</sup> <https://kepsa.or.ke/gender-and-youth-sector-board-mentorship-session-of-incarcerated-young-girls/>

school or working at the time of entry into the programme. Overall, a total of 20,384 (47% female) youth received training and 13,289 (49% female) youth were successfully placed in an internship<sup>20</sup>. The project was mostly effective. However, it did not engage young women and girls without eight years of formal schooling. Other significant findings on KEPSA policies and practices include:

- KEPSA does not have a standard gender policy framework for members to adopt, particularly gender equality policies and practices.
- KEPSA has not developed anti-GBV policy guidelines for members to adopt.
- There are no mechanisms for KEPSA to monitor, or enforce gender equality practices, other than the Code of Ethics for Business in Kenya, which is voluntary.

### **Kenya Association of Manufacturers (KAM) Gender Practices and Initiatives**

Kenya Association of Manufacturers (KAM) was established in 1959 as a private sector body with the aim of uniting firms providing manufacturing value addition services. KAM serves its members with services including training, and policy advocacy. KAM has a membership of more than 750 members. Specific to GAA initiatives, in 2016, KAM established a TVET programme with the aim of driving skills agenda for Kenya by providing young graduates with opportunities for practical learning within KAM member organisations. Main courses of internship included: Heavy and Light Machinery Operating; Welding; Electrical (Installation); Electronics (Instrumentation); Mechanical Technology & Maintenance; Construction (Masonry & Concrete Works); Carpentry; Pipefitting & Plumbing; Industrial Painting & Brushing. Notably, the programme was not gender-sensitive as the majority (if not all) of the TVET courses were highly technical skills of the type preferred by male trainees.

In addition, the programme did not have room for unskilled young women and girls for apprenticeship or on-job training programmes. KAM has equally established a Women in Manufacturing Programme (WIM) which provides a platform for young female entrepreneurs to receive mentorship. However, this project targets well developed SMEs and

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<sup>20</sup> <https://kepsa.or.ke/kyep/>

women with viable business ideas for incubation and training. As such, this locks out young women and girls particularly those without or with minimal schooling, and without resources to start bankable enterprises.

This study established that KAM does not have a gender policy nor a GBV policy, but instead relies on HR code of conduct to manage gender issues such as equality in employment opportunities. Other significant findings include:

- KAM does not have a gender policy framework for members to adopt, particularly gender equality policies and practices
- KAM has not developed GBV policy guidelines for members, and their manufacturing value chains.

### **Federation of Kenya Employers (FKE) Gender Practices and Initiatives**

The Federation of Kenya Employers (FKE) is the national umbrella representing all employers in Kenya. It comprises 13 sectoral employers' associations and over 2,000 individual/direct enterprise members. It serves as a platform for the articulation of critical concerns of the employers in Kenya in the areas of socio-economic development. FKE is the most representative employers' body in the country, representing the employers' interests both locally and internationally. It was established in 1959 under the Trade Unions Act Cap 233.

This study examined whether FKE as an umbrella body of thousands of private sector employers had a gender policy and whether it had established anti-GBV practices in the workplace. It was established that FKE has a well-developed policy and frameworks that guide gender policy and practices at work. However, these policies have not been standardised for member adoption. By the time of this study, FKE was finalising assessments on gender reproductive rights with the member firms. FKE offers members advisory services on how to deal with gender-based violence against young women and girls at the workplace.

According to FKE, most members of the association have challenges in developing and institutionalising gender policies. This is occasioned by lack of understanding of statutory frameworks, and in other cases, ignorance of the impact gender policies bring to the workplace, and in

a few instances, members have policies or codes of conduct in manuals but do not enforce them. Currently, FKE does not have any training programmes for members on gender equity, GBV or gender policy apart from the advisory services.

On the issue of economic empowerment, FKE noted as follows:

**“**...We run several programmes and initiatives for young women and girls at our work place. Future Female Program is meant to build women capacity to reach company boards, directorships, Cabinet, Parliament, County Assemblies and other senior management positions in all sectors of our economy... we also run ‘Start your business program’ and ‘Run your business program,’ which are two proactive strategies or programmes to enhance women access to jobs and business credit for socio-economic livelihoods...”

**Manager Research & Policy Advocacy, FKE-Nairobi**

The challenge with ‘Future Female Programme’ is that it does not reach the GAA target group, who are mostly young women and girls outside the formalised structures of leadership and management. As such, this programme leaves out the low end uneducated or under-educated young women and those in the peripheries of socio-economic life. Secondly, the ‘start your own business/run your own business programme has made deliberate attempts to address the plight of young women and girls excluded from economic livelihood opportunities. However, the programme does not provide financing, but rather mentorship and linkages to credit facility providers. The challenge with this approach for GAA is that most of their target group lack collateral for accessing business credit and are therefore locked out. Finally, the Federation developed a policy guideline for members on mentoring, recruiting, and retention of young women at work and in schools through an “adopt a school” initiative. Members support for this initiative means that young women in schools at the national or county level can be mentored and enlightened on economic opportunities available to them.

Despite all these great strides, this study established FKE is yet to establish a standard guideline for socio-economic inclusion of young women and

girls for its members to use or mechanisms for monitoring members' compliance with gender-based policies at the workplace.

### **Accountability Mechanisms on Gender Equity in Employment for the Formal Sector**

The findings of this study show that constitutional and statutory frameworks and policies on gender equity for young women and girls' access to economic opportunities in the formal sector have mostly not been adequate. National and county governments have not fully implemented the two-thirds gender rule on employment regulation for public employees. The on-going debate in the National Assembly on implementation modalities of the two-thirds gender rule highlights the existing conundrum between regulatory and legal provisions and actual implementation. Parliament has failed to provide a legislative mechanism to address this conundrum. At the county level, the nomination of Women Members of County Assemblies (WMCAs) has helped to actualize two-thirds representation. However, County Assembly committees are disproportionately male-dominated. Women are grossly under-represented in decision-making committees.

For private companies, mechanisms for enforcing constitutional and statutory frameworks and policies on gender equity for young women and girls' access to economic and employment opportunities have not been effective. Private companies make own determinations on who to hire based on the company's set criteria, and thus, cannot be compelled to do otherwise, under current provisions. Most of the companies under this study did not have a monitoring and accountability mechanism for protecting girls and young women against economic discrimination. However, the following practices are in place in both public and private companies:

- Salary scales are normalised regardless of gender, but in practice, this might not always be the case.
- Internal promotions have been normalised regardless of gender.
- Training and capacity building is in place in most of the organisations but does not explicitly target female employees.
- Recruitment is based on meritocracy and experience. No specific provisions exist to bring on board young women and girls who are excluded from economic and employment opportunities.

### 3.3.4 Gender Equality Practices in the Informal Sector

The informal sector includes all forms of unregistered, or unincorporated small-scale productive, vending, financial and service activities without secure contracts, worker benefits or social protection both inside and outside the unregulated enterprise<sup>21</sup>. The Constitution of Kenya 2010, Employment Act 2007, National Youth Policy 2016, National Land Policy 2007, and National Policy on Gender and Development 2002 provide mechanisms for enhancing gender equality in employment opportunities both in the formal and informal sectors. However, modalities for enforcing this mechanism in the informal areas are non-existent, even as women continue to participate in labour markets on an unequal basis with men, face systemic discrimination, and lack equal access to factors of production, markets, credit facilities, and entrepreneurial opportunities.

According to UN Women (2017) Facts and Figures, women are more likely to be low wage workers, work in the informal sector, and as unpaid family workers engaged in low-level productivity, viewed as economic dependents as compared to men<sup>22</sup>. Additionally, women and girls face far greater vulnerability, economic exclusion (EE) and marginalisation, and sexual and gender-based violence, compared to men<sup>23</sup>.

Some (27) informal sector association interviews were conducted for this study. The findings show that the informal sector has significant challenges in articulating policies addressing women and young girls' economic exclusion from employment opportunities. Business mentoring and training for young women and girls is sporadic, unintentional, and not coordinated. The finding was affirmed by the Central Organisation of Trade Union's Economist and Trade Director who noted that:

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<sup>21</sup> Daniels, S. (2010). Making do: Innovation in Kenya's informal economy. Retrieved June 7, 2013. from <http://makingdo.analoguedigital.com/>

<sup>22</sup> UN Women, Progress of the World's Women 2015-2016, Chapter 2, p. 69.

<sup>23</sup> Phumzile, M. (2016). Two sides of the same coin: gender inequality and violence against women: Available at: <http://www.unwomen.org/en/news/stories/2017/10/speech-ed-phumzile-five-days-of-violence-prevention-conference>

“

*...there are no proactive strategies or programmes implemented by informal sector associations to enhance women access to business credit, or employment opportunities. Young women and girls go through informal channels to get access to these opportunities. The unregulated nature of the sector, with unwritten contractual agreements, makes it difficult to enforce. Additionally, young women and girls in this sector hardly go through training or capacity building which makes it difficult to adapt. These girls work for low wages, in poor working conditions, and at times, are subjected to sexual abuse by dominant male traders. Informal associations do not have mechanisms to effectively address the plight of young women and girls facing discrimination in access to business opportunities...”*

**Director of Education, COTU-Nairobi**

The private sector has done little to address the plight of young women and girls regarding access to employment opportunities. Mostly, young women and girls feel discriminated against for lack of adequate education and skills as noted by the Chairperson of Huruma Thabiti Young Mothers Group:

“

*...most of the private companies should avoid discrimination based on illiteracy levels. These companies have casual jobs, particularly in manufacturing that do not require skills...we don't need skills to pack manufactured products in a box...this kind of jobs can be performed by unskilled laborers. But every time we go to Baba Ndogo factories, we hardly get picked for work...we have to keep going every morning until the day we get lucky...On the other hand, when our members don't get casual jobs, we sell vegetables at Huruma market, which is very tough. We are forced to pay for business stalls, and county government business permits even when we don't make sales, which is very unfair to the poor young women...”*

**Chairperson, Thabiti Young Mothers Self Help Group, Huruma**

Some of the other challenges facing young women and girls' access to decent employment opportunities are poverty, early marriage, and lack of access to business finance as highlighted by the chairlady, Debssie Beads:

“...the challenges young women and girls face in Ukunda is access to market opportunities. In most instances, hotels that offer most of the employment in this region require formal skills such as certificate or diploma in housekeeping, catering experience, or training in hotel management. Most girls in the informal sector in Ukunda do not have certificates since most dropped out of school due to pregnancy or poverty. Informal businesses or casual manual work is the only avenue for economic sustainability for the girls. However, to do business, they need access to credit, which they don't have...banks require collateral to give out business loans which these girls don't have. As such, girls are pushed to into early marriage or to the streets and the beach by harsh economic circumstances...”

**Debssie Beads/Ukunda Association, Chairlady**

Other challenges facing the informal sector policies and practices include:

- Lack of monitoring and evaluation framework by trade associations on policies and practices in the sector.
- There are no remedies for safeguarding young women and girls from economic exploitation by their employers.
- Out of school children (dropouts) actively engage in the informal sector as well as hawking, seeking livelihoods for themselves and their families
- Corruption cartels mostly manage business operation zones in most of the informal sectors, charging fees that sometimes lock out young women and girls seeking to access employment or business opportunities.
- Male dominance with unregulated business etiquette or language, unwarranted and unwanted sexual harassment, and demands for sexual favours as an “acceptable” channel for young women and girls to access business or economic opportunities.
- The sector relies on personality dominance, informal deal-making, shrewd and often black-market operations that make the environment hostile for young women and girls seeking employment and business opportunities.

COVAW has been working with girls and young women in Kwale County in the informal sector, to help them develop income generating activities to sustain their livelihoods. Some of these girls were interviewed to examine whether they were being treated in an equitable manner at the marketplace. They noted as follows:

“...working in the informal sector is not easy, we jostle it out with men who are ruthless and determined to lock us out of the market, and we are forced to be a ruthless as they are for us to access areas like Masai market to sell our beads...”

**FGD Participant, Mwakamba Girls Group, Kwale**

“...as a group, we realized selling our beads at the market wasn't going to work. Sexual harassment is rampant, particularly use of crude language, shoving, unwarranted touches, and we are required to just accept it as part of doing business in the informal sector. So we decided to approach Kenya Wild Life Service (KWS) for permission to sell our bead and wares at the Shimba Hills National Reserve...now we have our peace...”

**FGD Participant, Lungalunga Girls Group, Kwale**

## 3.4 Private Sector Policies and Practices that Mitigate Gender-Based Violence

### 3.4.1 Gender Policies and Practices in the Formal Sector

The promulgation of the Constitution of Kenya 2010 placed the country at the forefront of efforts to eliminate all forms of SGBV. Over and above constitutional provisions, regional and international statutory frameworks that have been adopted and ratified by the Kenyan parliament have become part of the domesticated Kenyan law for combating SGBV<sup>24</sup>. One of the objectives of this study was to examine the application of national, county and international frameworks in addressing GBV by the national and private sector companies as well as the informal sector.

<sup>24</sup> Article 2(5) and (6) provides that the general rules of international law as well as any, treaty or convention ratified by Kenya form part of the law of Kenya

### 3.4.2 Gender Policies and Practices at National Level

Several frameworks and guidelines exist at the national level to guide private sector companies on gender policies and practices. These frameworks focus on gender-sensitive programming, gender mainstreaming, and general gender practices within organisations. For instance, the National Guidelines on the Management of Sexual Violence<sup>25</sup> spell out the essential procedures and services for the management of survivors of sexual violence and recognises such acts as serious human rights and health issues. The guidelines place specific attention on the effects of sexual abuse and the need to treat survivors with dignity and respect. The National Framework towards Response and Prevention of Gender-Based Violence in Kenya<sup>26</sup> is intended to coordinate the state and non-state actors' responses to domestic violence in Kenya. The framework provides harmonisation of responses from all actors, both state and non-state in dealing with domestic violence.

A summary of the legislative framework guiding private sector engagement on gender policies and practices is summarised in Table 3.4.

**Table 3.4: Summary of National Statutory Frameworks that Empower Girls and Young Women Against Gender-Based Discrimination**

Statute	Summary
<b>The Constitution 2010</b>	The Bill of Rights in the Constitution of Kenya 2010 under Chapter Four gives guarantees for a wide range of rights and fundamental freedoms. It provides that every person has a right to liberty and security of their person which includes the right not to be subject to any form of violence from either public or private sources, any form of torture whether physical or psychological or cruel, inhuman or degrading treatment. Right to security offers protection against SGBV.
<b>Employment Act 2007<sup>27</sup></b>	Section Seven (56-58) provides for specific child labour protections, including all forms of exploitation. Section Four (26) provides for specific protections against gender discrimination, particularly on minimum conditions for employment.
<b>Public Procurement and Asset Disposal Act<sup>28</sup></b>	Articles 55 and 227 of the Constitution, through the Access to Government Procurement Opportunities (AGPO) Program have ascertained the prioritization of girls and young women in government procurement. Thus, the program ensures that up to 30% of all government procurement is allocated to women, the youth and persons with disabilities.

<sup>25</sup> Ministry of Public Health & Sanitation Ministry of Medical Services 'National Guidelines on the Management of Sexual Violence' (2009) (2<sup>nd</sup> ed)

<sup>26</sup> National Framework toward Response and Prevention of Gender Based Violence in Kenya 2nd Edition 2009

Statute	Summary
<b>The Land Act, 2012</b>	Secures rights of women to matrimonial property.
<b>The Land Registration Act, 2012</b>	Women have full protection, access, and rights to matrimonial property and land, including inheritance of family land.
<b>Matrimonial Property Act, 2013</b>	Section One acknowledges women contribution to domestic work, childcare with compensation protections. Section 2(4) protects married young women from any discrimination from proceeds of benefits of family property or business, including equal distribution of matrimonial property upon dissolution of marriage.
<b>Marriage Act, 2014</b>	Protects children from marriage and sets the minimum age for girls to get married. The Act provides specific guarantees to young women in marriage, including equal rights at the time of the marriage, during the marriage and at its dissolution.

**Table 3.5: Summary of National Statutory Frameworks that Mitigate Gender-Based Violence**

Statute	Summary
<b>The Sexual Offenses Act, 2006</b>	Section Three provides specific protections against rape; Section Five provides protection and remedies against sexual assault; Section Six against indecent sexual acts; section 12 prohibits sexual acts with a child, section 13-18 protects against child trafficking, child sex tourism, child prostitution, child pornography, child exploitation, and prostitution. Section 23 provides for employee protection against sexual harassment.
<b>HIV &amp; AIDS Prevention and Control Act</b>	Prohibits deliberate employment discrimination for all genders based on HIV status.
<b>Counter-Trafficking in Persons Act, 2010</b>	Provides mechanisms for preventing, suppressing and Punishing Trafficking in Persons, Especially Women and Children.
<b>The Children Act, 2001</b>	Expressly provides for the duty of care for children, protection against child labour, child marriage, and thus should be adopted and implemented by private and public sector companies.
<b>Prohibition of Female Genital Mutilation Act 2011</b>	Prohibits the practice of Female Genital Mutilation and safeguards against violation of a person's mental or physical integrity.
<b>The Protection Against Domestic Violence Act, 2015</b>	Section Three (a) provides protection against child marriage; young women and girls' FGM; girls' forced marriage; forced wife inheritance; protection and remedies for young women and girls against sexual violence within marriage, virginity testing, and widow cleansing.

<sup>27</sup> Employment Act, 2007, (Chapter 223)

<sup>28</sup> PPOA No. 33, 2015

### 3.4.3 Implementation of Anti-Gender Based Violence Framework by the Private Sector

The study revealed that the majority of private sector firms assessed have not internalised GBV frameworks despite having a code of conduct as part of their operational policies. This study examined 28 private sector firms and associations as indicated in Table 3.6. Most national level firms had well-articulated GBV policy/code of conduct, but mechanisms for reporting, access to justice, and remedies are not clear. Generally, these organisations do rely on employees self-reporting, which is not an effective way of monitoring and addressing GBV or sexual harassment at work. Apart from the seven (out of 28) firms that had adopted UN Global Compact tools for advancing socially acceptable business practices and human rights, the majority of the firms under this study did not understand mechanisms for self-examination or frameworks for periodic monitoring of GBV practices and policies at the workplace. The findings of this study also equally established that majority of private sector firms that were interviewed had not been trained on gender issues such as gender-based violence, sexual harassment and gender mainstreaming, beyond just having the code of conduct on the same. The status of private sector firms under this study on GBV policies is summarised in Table 3.6.

**Table 3.6: Implementation Status of Anti-GBV Policies**

S/N	Name	Status	S/N	Name	Status
1	Safaricom Ltd	Policies in place	15	KEPSA	CoC in place
2	KCB Foundation	Policies in place	16	KMA	CoC in place
3	Equity Foundation/Bank	Policies in place	17	Haco Tiger Brands	CoC in place
4	Savannah Cement	CoC in place	18	Kinde Engineering	CoC in place
5	Base Titanium	CoC in place	19	Power Group Tech	CoC in place
6	MasterCard Foundation	CoC in place	20	Queenex Publishers	CoC in place
7	Maji Resort	CoC in place	21	United Millers	CoC in place
8	Omaera Pharmaceutical	CoC in place	22	Mangro Hotel	CoC in place
9	Diani Swimming Academy	CoC not in place	23	Ramisi Sugar Co.	CoC in place
10	Zuri Genesis Company Ltd	CoC not in place	24	Leopard Beach	CoC in place
11	Nairobi TVET Institute	CoC in place	25	Kenya Association of Small Businesses	CoC not in place
12	Unique Advanced Tech Enterprises	CoC not in place	26	Mikayi Development Trust	CoC not in place
13	Micro and Small Enterprise Federation	CoC not in place	27	Ukunda Paint Timber construction	CoC not in place
14	Kenya Bixa Company	CoC in place	28	Diani Shimba Hills	CoC in place

Other substantive findings on the implementation of gender policy and practices for private sector firms included the following:

- The study revealed that most of the senior management and the board of directors of the private sector companies assessed had not undergone gender policy and practices training.
- The majority of the private sector firms do not have structured training programmes on GBV and sexual harassment for employees and consider the code of conduct provisions in the HR manual to be adequate in addressing GBV.
- For the assessed firms, it was established that they do not have dedicated budgets/financial resources for advocacy and training in gender sensitisation and often HR departments oversee such functions.
- The study established that most of the firms rely on self-reporting by victims as there are no mechanisms for monitoring gender-related issues such as GBV, sexual harassment and abuse.
- There are limited to no mechanisms of holding the private sector accountable on gender policies.
- Lack of policy guidelines on the economic exclusion of girls and young women in employment and business opportunities.

### **Illustrated Private Sector GBV Cases**

This study examined three cases raised in the private formal sector involving women and girls who are educated and assumed to be empowered enough to claim their rights and yet find difficulty in doing so at the workplace. However, these women still experienced GBV at work, with some, having limited avenues for internal redress. These cases, as highlighted in BOX 3.1, 3.2, and 3.3, leave a lot to be desired, particularly for unskilled, low educated young women and girls experiencing the same in the informal sector. Therefore, it is safe to conclude that GBV knows no boundaries unless structural transformations are set up with proper mechanisms to address it. In the Equity case (BOX 3.1), proper internal policies against sexual harassment were followed, and adequate action taken. However, for the other two other cases (BOX 3.2 and 3.3), it is apparent that gender policies, GBV, and sexual harassment guidelines were majorly not implemented, particularly in top-level management.

### BOX 3.1: EQUITY BANK SEXUAL HARASSMENT CASE -2018

The sexual harassment case was **reported by Equity Bank interns via social media** involving a senior manager and female interns at the organization. The female interns had noted constant sexual harassment by their manager and felt they did not have any remedies than to take the case to social media. The organization's board and senior managers investigated the case, established its validity and proceeded to terminate the senior manager's employment with the bank. Mr. David Ansell (Non-Executive Chairperson) issued a statement, stating:

*"The Group has taken necessary measures in line with its **policies and procedures**, including disciplinary measures, and in some cases termination/separation of employment of certain staff...sexual harassment/assault in the workplace is totally unacceptable. We at Equity Group have chosen to share our experience openly and raise awareness on this issue of public interest,"*

The affected persons were **individually contacted and provided with \*necessary support**. However, the bank did not state what necessary support entailed.

**(As reported in the Standard Newspaper November 9, 2018)**

### BOX 3.2: NATIONAL BANK CEO SEXUAL ASSAULT CASE -2018

National Bank chief executive has been accused of sexual assault and harassment by a female employee of the lender. In March 2018, the female employee filed the suit at the Employment and Labour Relations Court, complaining that the CEO had threatened to sack her if she does not give in to his sexual advances. The bank's HR department responded by asking her to withdraw a complaint she has filed on the matter. In an affidavit filed to the court, the employee detailed numerous late night phone calls and sexual text messages the boss was sending to her. In a case filed at Hardy police station, she noted that when she was summoned by the CEO to go out with him, the date ended with her in Nairobi hospital:

*"...He pulled me back and wrestled me to the ground and kicked my private parts and punched my breasts several times,"*

The bank responded to the case by hiring a law firm to represent the CEO, but remained tight lipped on internal policies and procedures against GBV and sexual and gender based harassment

**(As reported in the Business Daily March 14, 2018)**

### **BOX 3.3: MILANGO FINANCIAL SERVICES MANAGING DIRECTOR SEXUAL HARRASSMENT CASE - 2014**

The Managing Director of Milango Financial Services was found guilty of sexually harassing a female employee, contrary to Section Six of the Employment Act. In the case, the female employee had noted that the MD would constantly invite her to his office for reasons not related to work. The boss would insist on hugging her every so often against her wish. She had further claimed that MD would insist on inviting her to his house on weekends, promising to “take care of her as a woman” if she submitted.

In the ruling, the court was convinced, the MD had indirectly and inappropriately requested the female employee for sexual intercourse. The judge ordered Milango Financial Services to pay the female employee Ksh. 598,000 as compensation. The court also noted that the persistent hugging, including at the office kitchen, was a behaviour of sexual nature, which was not only unwelcome to the claimant, but also had a detrimental effect on her employment, job performance, and satisfaction

The company did not apply any provisions against the MD based on the Employees Act, or Sexual Offenses Act

**(As Reported in the Daily Nation, June 5, 2018)**

#### **3.4.4 Implementation of Anti-Gender Based Violence Framework by the Public Sector**

The adoption of gender frameworks and policies in the public sector was at an advanced stage compared to private sector firms. This study examined four government sector departments including the Ministry of Public Service, Youth and Gender Affairs; Ministry of Industrialization and Trade; Ministry of Information Technology and Communication, and finally, Ministry of Education, Science, and Technology. The findings show that the assessed ministries (four) had implemented a gender policy across all departments. This was attributed to the government directive that all ministries and their respective departments should have gender committees as focal points for gender mainstreaming strategies. However, a two-thirds gender rule has not been achieved in the public sector, but consistent efforts are in place to actualize the presidential directive and policy framework on gender equality.

#### **Gender Policies and Practices at the County Level**

The County level gender frameworks are heavily borrowed from the national level. For instance, private companies at the county level are still being guided by national structures in their practices on gender equity. The frameworks adopted at the county level include: The Constitution 2010, Employment

Act 2007, The Children Act, 2001, The Sexual Offences Act, 2006, Public Procurement and Asset Disposal Act 2015, Prohibition of Female Genital Mutilation Act 2011, The Land Act 2012, The Land Registration Act, 2012, and The Protection Against Domestic Violence Act, 2015 as described in detail in Table 3.3. On the other hand, the County Government Policy Framework on Sexual and Gender-Based Violence (2017) had been developed by NGEC to accelerate the implementation of legislation for the elimination of all forms of sexual and gender-based violence.

County governments do not have separate county specific statutory frameworks to address GBV or economic exclusion of young women and girls. The statutory frameworks at the national level such as the Employment Act 2007, Sexual Offences Act 2006, among others, are applicable in a similar manner at the county level. However, enforcement and monitoring is supposed to happen at county level for firms operating at the county level. The findings of this study show that there is no significant translation of gender equality policies into local companies' policy frameworks. Mostly, local firms borrow code of ethics from umbrella associations such as the FKE and Kenya National Chamber of Commerce and Industry (KNCC&I). However, these bodies do not have monitoring and evaluation mechanisms to ensure member compliance on gender policies such as anti-GBV or gender equality.

For instance, United Millers in Kisumu had adopted gender policies and practices from Federation of Kenya Employers (FKE), while Kenya National Chambers of Commerce and Industry (KNCC&I)-Kwale chapter had adopted gender policies from the KNCC&I headquarters in Nairobi. However, it was noted that most local firms borrow the practices adopted by the umbrella association. The challenge with this model is that there are no mechanisms to ensure that policies being adopted are holistic and are being implemented by the member organisations to address specific needs of the County.

“*...we have adopted gender policies from our headquarters. The gender policy has been designed to promote equality, equity, and to protect all men and women from violence, exploitation as well as protecting the rights of children. We usually create staff awareness and sensitisation on quarterly basis ...”*

**CEO - Kenya National Chamber of Commerce & Industry, Kwale Chapter**

“

*...We have not been proactive in developing standardised frameworks to support members establish and implement gender sensitive policies and practices at their organisations. In theory, we encourage our members to be compliant to statutory provisions that address GBV, sexual harassment and equality at work. However, we haven't established monitoring and evaluation frameworks to ensure compliance. This means that each member has to do this on their own, but we know in practice, most of them don't have these policies. It is our desire that the Chamber would establish mechanisms for helping members develop best policies and business practices that can be measured and evaluated...”*

**CEO - Kenya National Chamber of Commerce & Industry, Kisumu Chapter**

### **Recommendations on Gender Policies and Practices at National Level**

The following are some of the recommendations to address the challenges experienced by private sector firms at the national level:

- Adopt and implement Kenya National Policy on Gender and Development of 2000 through the help of KEPSA.
- Membership organisations such as FKE, KEPSA, KAM, and KNCC&I should encourage members to adopt their guidelines on GBV, gender equality, and sexual harassment, and in cases where these guidelines are missing, develop and share for adoption by all members.
- Membership renewal should be based on an annual evaluation of gender policy compliance.
- Membership organizations such as FKE, KEPSA, KAM, KNCCI should advocate for members to join the UN Global Compact. This will enhance the adoption, implementation, and monitoring of GBV, gender equality, and sexual harassment policies.

### **Recommendations on Gender Policies and Practices at County Level**

The following are some of the recommendations to address the challenges experienced by private sector firms at the county level:

- Adopt and implement Kenya National Policy on Gender and Development of 2000 through the help of KEPSA.
- Adopt and fully implement sector business association guidelines on GBV, gender equality, and sexual harassment.
- Build the capacity of staff on GBV and sexual harassment on a regular basis.
- Train and enhance capacity building of local value chains on GBV, sexual harassment, child trafficking, child marriage, child labour, and exploitation.
- Establish a gender desk/unit for purposes of reporting, monitoring, and access to justice for women and girls in employment.
- County governments should implement a policy that requires gender policy compliance as a prerequisite for business licensing.

### **3.5 International and Regional Frameworks on Gender Equality**

#### **3.5.1 International Treaties and Conventions on Gender Equality**

Private sector companies do not have specific policy guidelines that require them to expressly adopt and implement international treaties and conventions, despite Kenya being party to various international treaties and conventions. Other than the Constitution of Kenya 2010 that allows for ratified international treaties and conventions to be part of Kenyan law, there are no mechanisms to enforce private sector compliance. As such, there is no record of specific international frameworks regarding gender equality that govern private companies' policies on GBV, sexual harassment, child labour and abuse, child trafficking, and commercial sexual exploitation of children. However, international treaties and conventions have provided human rights mechanisms that influence to a large extent, how national laws and policies on GBV, sexual harassment, child labour, and abuse, child trafficking, and commercial sexual exploitation of children have been formulated as highlighted in Tables 3.1, 3.2; 3.4; 3.5.

Kenya has ratified the International Labour Convention 100 (ILC-100) which upholds the principle of equality at the workplace and further establishes the equal pay for equal work done for both men and women; and the Discrimination (Employment and Occupation) Convention 1958 (C111). It has also ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) to which it entered a reservation regarding paid maternity leave. The reservation was made regarding Article 10(2) which required (Kenya private and public companies) to make provision for paid maternity leave<sup>29</sup>. In as much as the same was addressed in the Employment Act 2007<sup>30</sup>, which allows for three months paid maternity leave, the state has remained adamant in its resolve to not withdraw the reservation. Further, the state ratified the Convention on Elimination of All Forms of Discrimination against Women which requires the protection of all girls and women against gender-based violence and inequality.

Kenya has signed and adopted various International Treaties. However, implementation of these International Treaties has not been adequate. This is because Kenya has not ratified the Optional Protocols to the International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESR); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD) which recognise the competence of established supervising Committees to hear individual complaints against state parties. The status and validity of International Treaties and their application as Kenyan law are recognised under on article 2(6) of the Constitution of Kenya 2010. In this regard, young women and girls can seek protection and socio-economic remedies by laying claim on article 2(6) of the Constitution of Kenya 2010 for International Treaties and Conventions. The summary of Treaties and Conventions is summarised in Table 3.5.

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<sup>29</sup> Article 10(2): "The States Parties to the present Covenant recognize that: Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such a period, working mothers should be accorded paid leave or leave with adequate social security benefits."

<sup>30</sup> Employment Act 2007, section 29.

**Table 3.7: Summary of International Treaties and Conventions Relevant to GAA**

Treaty/Convention	Status	Date
<b>International Covenant on Economic, Social and Cultural Rights (1966)</b> <sup>31</sup> (Covers the right to health, education, labour and an adequate standard of living – The socio-cultural rights of young women and girls are covered under the convention)	Ratified	1972
<b>Optional Protocol I to the International Covenant on Economic, Social and Cultural Rights (2008)</b> <sup>32</sup> (The optional protocol provided for human rights committees to be set up to address claims on individual violations of any of the rights set forth in the Covenant, and make claims against the state, - and by extension in this case, to the private sector) The Kenyan government however, declined to ratify it.	No	
<b>Convention on the Elimination of All Forms of Discrimination against Women (1979)</b> <sup>33</sup> (Under GAA, this covered non-discrimination of young women and girls against sex stereotypes, and sex trafficking. Education, decent employment, and health are also covered)	Ratified	1984
<b>Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)</b> <sup>34</sup> (Just like the CEDAW above. However, this goes further to establish complaint and inquiry mechanisms for the Convention on the Elimination of All Forms of Discrimination Against Women that the state, and by private sector are to be held accountable to) – Kenya declined to ratify it.	No	
<b>Convention on the Rights of the Child (1989)</b> <sup>35</sup> (For GAA, this covers provisions against child trafficking, commercial sexual exploitation of children, child marriage, child labour, and abuse, child sex tourism and child migrations)	Ratified	1990
Optional Protocol I to the Convention on the Rights of the Child (2000) <sup>36</sup> (Just like the CRC above. However, this goes further to prohibit the recruitment of children under the age of 18 into the military and protects children from taking a direct part in hostilities)	Ratified	2002
Optional Protocol II to the Convention on the Rights of the Child (2000) <sup>37</sup> (Just like Protocol I above, but this one deals with prohibition of child soldiers from local civil wars)	Signed	2000
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) <sup>38</sup> (For GAA, this covers rights of migrant children from sexual exploitation, abuse, trafficking, and access to decent education, shelter and food not only to the child, young women, and girls but also the entire family) Kenyan government declined to ratify it.	No	
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) (For GAA, this covers all forms of abuse, torture, and inhuman treatment meted on children, young women, and girls)	Ratified	1997
Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2002) (Just like above, but goes further to establish human rights committees to hear cases against the state on violation of the convention, and prescribing appropriate compensation.)	No	

### 3.5.2 Regional Frameworks on Gender Equality

Kenya is party to a number of African Union Human Rights Treaties. These include the African Union Youth Charter (2006), which was established to equip governments, Youth, Civil Society and International partners with a continental framework, which underlines the rights, duties, and freedoms of youth, and development of programmes for their empowerment. Others include Protocol on the Rights of Women in Africa (2005); Protocol on the establishment of an African Court on Human and Peoples Rights (1997); African Charter on Rights and Welfare of the Child (1990); African Charter on Human and Peoples Rights (1981); Convention on Specific Aspects of Refugee Problems in Africa (1969), and African Union Charter for Africa (1976).

Of significance to private sector companies on gender policies and practices is the Protocol on the Rights of Women in Africa (2005). This protocol prohibits any practice that hinders or endangers the normal growth and affects the physical and psychological development of women and girls, and guarantees women equal opportunities in work and career advancement and other economic opportunities. Application of this protocol by private sector organisations should include:

- Promoting equality in access to employment and economic opportunities.
- Providing equal payment in salaries and wages for women just as men.
- Ensure transparency in recruitment, promotion, dismissal and combating SGBV at the workplace.

The findings of this study established that the implementation of international treaties and conventions could only be traced within the

<sup>31</sup> Optional Protocol I to the International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), 196

<sup>32</sup> Optional Protocol I to the International Covenant on Economic, Social and Cultural Rights, G.A. Res. A/RES/63/117, 2008

<sup>33</sup> Convention on the Elimination of All Forms of Discrimination against Women, G.A. Res. 34/180, 1979.

<sup>34</sup> Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, G.A. Res. A/RES/54/4, 1999.

<sup>35</sup> Convention on the Rights of the Child, G.A. Res. A/RES/44/25, 1989

<sup>36</sup> Optional Protocol I to the Convention on the Rights of the Child, G.A. Res. A/RES/54/263, 2000

<sup>37</sup> Optional Protocol II to the Convention on the Rights of the Child, G.A. Res. A/RES/54/263, 2000

<sup>38</sup> International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, G.A. Res. A/RES/45/158, 1990

adoption and application of local laws. This means that private sector companies did not place focus on complying with international conventions, but rather the national and local laws. However, national and local laws that have incorporated concepts of international treaties such as gender equality, non-discrimination based on gender, were being incorporated in firms' practices.

Nonetheless, as has been established in various sections of this study, there are no mechanisms to monitor private sector compliance. Equally, it is difficult to measure to what extent, policies adopted by the private sector have been influenced by international conventions and treaties. Some of the areas addressed by international treaties, but have less consideration by private sectors include:

- Social, and economic exclusion of girls and young women. Private companies have not made this a priority in their strategy or operations. Mostly, uneducated or undereducated girls and young women do not rise to the thresholds of job skill requirements by private sector firms.
- Mostly, private sector firms are not actively involved in promoting economic initiatives for uneducated or undereducated young women and girls.

### **Opportunities for GAA for Advocacy at National and County Levels**

Despite the existence of international, regional, national and local policies addressing gender equity and GBV, numerous opportunities for advocacy abound as follows:

- Lobby county governments who have a direct mandate on local vocational institutions to make provisions for uneducated or undereducated girls and young women in skills training.
- Lobby local government, particularly Kwale County, to rescue girls and young women from prostitution and commercial sexual exploitation, and see to their rehabilitation, skills training and re-integration into the society.
- Lobby Ministry of Public Service Youth and Gender Affairs to allocate adequate resources for monitoring gender policy compliance, including the adoption of the gender scorecard.



des hommes  
child exploitation



GIRLS  
ADVOCACY  
ALL

GIRLS  
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Priority

- Ajira
- elimu

Guiding team

- Chief (National Government.)
- County Government
- Children officer
- N.G.O. of COVAW, PLAN INTERNATIONAL.
- Women RP



## CHAPTER FOUR

# 4.0 PRIVATE SECTOR AND CORPORATE SOCIAL RESPONSIBILITY

## 4.1 Introduction

This chapter examines private sector Corporate Social Responsibility (CSR) policies and practices in three targeted counties (Kwale, Kisumu and Nairobi). First, this chapter examines available models in the literature that have been used by private sector companies to implement CSR initiatives. Secondly, the chapter examines current CSR initiatives by seven private sector companies (Four in Nairobi; two in Kwale; one in Kisumu). The companies were selected randomly based on study findings on policies and practices, and also on examination of their CSR work within available literature. Thirdly, the chapter will examine the concept of private sector investments, determinants of their CSR, and long-term development goals. Finally, this chapter looks at CSR challenges and lessons learnt from a private sector perspective. Corporate social responsibility (CSR) is a self-regulating business approach that helps a company to be socially accountable — to itself, stakeholders, and the public<sup>39</sup>. According to UN Global Compact, corporate sustainability starts with a company's value system and a principles-based approach to doing business. This means operating in ways that, at a minimum, meet fundamental responsibilities in the areas of human rights, labour, environment, and anti-corruption<sup>40</sup>.

<sup>39</sup> Baden, D. (2016). A reconstruction of Carroll's pyramid of corporate social responsibility for the 21st century. *International Journal of Corporate Social Responsibility*, 1(8), 1–15. doi:10.1186/s40991-016-0008-2

<sup>40</sup>

## 4.2 Corporate Social Responsibility (CSR) Models

Globally, private firms adopt different CSR models as a way of accomplishing their social responsibilities. There exist different models in literature highlighting different modalities of CSR engagement. This study examined three CSR models that have been adopted by private sector companies over the years. These models include the hierarchy model, the side by side model, and the star model<sup>41</sup>.

### The Hierarchy CSR Model

The hierarchy CSR model has four guiding principles: Economic responsibility (revenue, wages, and profits to survive). Economic responsibilities of CSR are the first and foremost concern of CSR. A company has to receive revenue and make a profit to survive — secondly, glocal (global +local) responsibilities (socio-economic priorities, cultural tradition, political reform, and governance gaps within the company’s operational context).



Figure 4.1: The Hierarchy CSR Model

Third, legal and ethical responsibilities (adherence to legal rules and regulations); and lastly, philanthropic responsibility, which refers to a company’s tradition of charitable (or voluntary) behaviour that embodies the idea of giving something back to society<sup>42</sup>.

<sup>41</sup> Jun Ma (2012). A Study on the Models for Corporate Social Responsibility of Small and Medium Enterprises, Physics Procedia, 25(1), 435 – 442

<sup>42</sup> Carroll, A. B. (2016). Carroll’s pyramid of CSR: Taking another look. International Journal of Corporate Social Responsibility, 1(3), 1–8.

## The Side by Side Model

The side by side model examines the principles motivating a firm's responsible behaviour, the process of responsiveness, and the outcomes of social performance. A comprehensive and integrated CSR approach would ideally entail according attention to all three aspects of CSR (principles of CSR, processes of social responsiveness, and outcomes of corporate behaviour), across all domains of the firm's operations (e.g., economic, legal, ethical, and discretionary). This model is usually ideal for SMEs. However, private sector firms may differ concerning the particular configuration of principles of social responsibility, processes of social responsiveness, as well as observable CSR outcomes as they relate to the firm's societal relationships<sup>43</sup>.

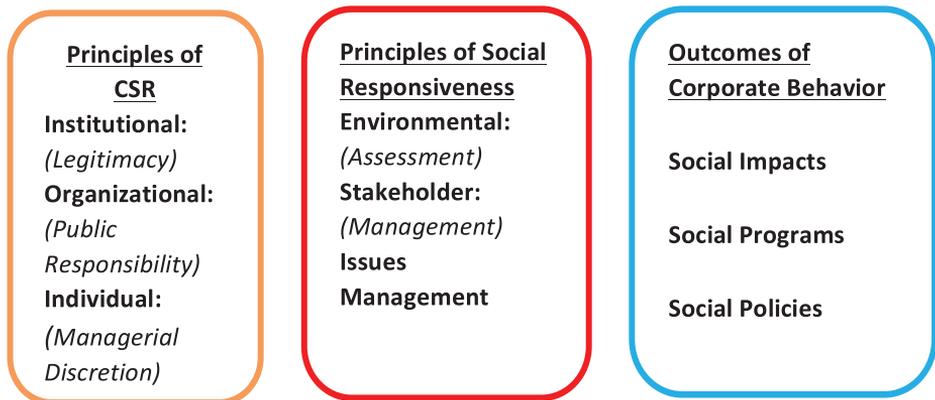


Figure 4.2: Side by Side Model

## The Star CSR Model

The star model provides both a theoretical and practical lens through which private sector CSR can also be examined. This model is built on the nature of a firm by incorporating stakeholders, community, the environment, employees, suppliers, and customers, which in turn, legitimizes managerial perspective and action on CSR. This means that managers and decision makers are guided by specific concerns of various groups attached to the organisation, and not necessarily from self-driven initiatives.

<sup>43</sup> Juan, Ma (2012). A Study on the Models for Corporate Social Responsibility of Small and Medium Enterprises

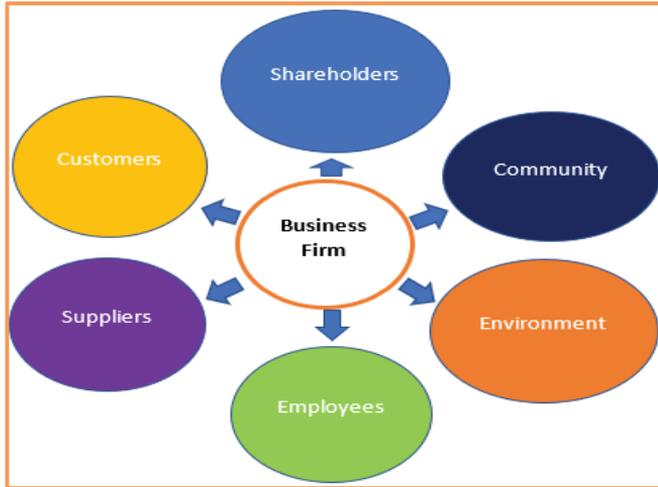


Figure 4.3: Star Model of CSR

### The Coordinate Model of CSR

This model is built on two relevant dimensions: The motivation basis which focuses on either strategic or altruistic motives of an organisation, and the locus of corporate responsibility focuses on corporate versus individual interests. The strategic motive often seeks to reconcile managerial interest with societal interests, while on the other hand, the altruistic motive is humanitarian or philanthropic in its approach with genuine optional caring, regardless of whether the firm will reap concrete benefits or not.

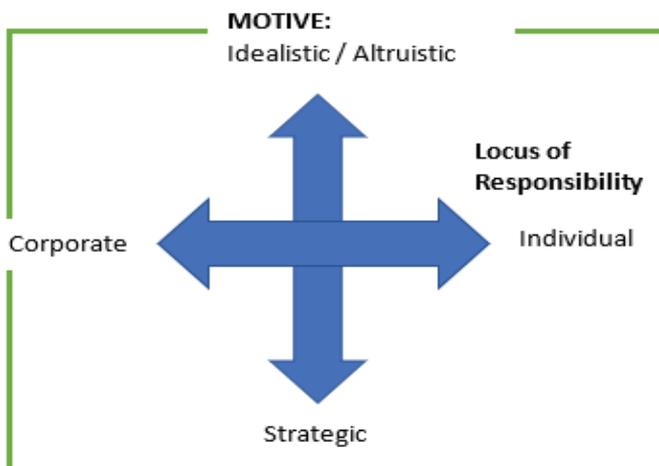


Figure 4.4: Coordinated Model of CSR

Additionally, the corporate locus or responsibility on the coordinated CSR model attributes responsibility for social action to the firm itself, while the individual locus of responsibility shifts attention to individual managers as drivers and champions of CSR, and thus, exercising stewardship in a firm's pursuit of specific social interventions. The coordinated model is the most preferred as it grants private sector firms the locus of responsibility in line with their strategic objectives.

#### **4.2.1 United Millers CSR Model – Kisumu**

United Millers is a private company located on Obote Road, Industrial Area in Kisumu. The company specializes in bakery, oils and fats, milling of flour, and soaps. The study findings indicated that United Millers actively participates in CSR initiatives. However, these initiatives are ad hoc, and not pegged on any CSR model. Additionally, the Company does not have a CSR policy or strategy that informs criteria for selection of CSR initiatives, purpose, or desired outcomes.

#### **Core Areas of Focus**

In as much as the Company has not developed a core strategy for CSR, previous initiatives have focused mainly on sports sponsorship, the welfare of the elderly, orphanages, and environmental initiatives. In sports, the company sponsors the Kisumu Youth Football Association (KYFA) with sports uniforms, league training and operations costs, and payment of school fees for the league members. The company regularly supports various orphanage centers (number not determined) within Kisumu County with the aim of helping and empowering male and female orphan students through food donations and education support (Textbooks, exercise books and refurbished computers). On the environmental front, the company engaged the KYFA youth in environmental conservation through the planting of 10, 000 trees within schools in the Western region.

#### **Modalities**

United Millers CSR does not follow any specific model. Initiatives are more strategically driven to enhance organisational brand and marketing goals. The strategic aim has been to reconcile the need for a good corporate image by adopting the society's interest in developing youth activities and caring for orphans and the elderly. The firm does not have a specific mechanism for determining budgetary allocations to CSR rather than management discretion. Initiatives are based on a need basis.

**Table 4.8: Opportunities for GAA Partners Engagement with United Millers**

<b>GAA Interests &amp; Attributes</b>	<b>Common Ground</b>	<b>United Millers Interests &amp; Attributes</b>
Strong focus on GBV eradication	Joint efforts to address sustainable development GBV challenges at the workplace and society	Growing recognition and reputation as a business that champions the rights of women & girls
Promotes inclusive and sustainable market solutions, for young women and girls	Develop existing and new markets that are inclusive and minimize the economic exclusion of young women	Interest and ability to find and develop new markets
Enabling girls and young women access decent work (SDG Eight), and equality at work (SDG Five)	Establishment of gender policies that address women social-economic development challenges	An inclusive workplace that enhances competitiveness, while at the same time increasing efficiency
Technical expertise in gender policy mainstreaming and gender sensitivity	Combining resources/ partnering to address significant capacity and institutional constraints	Adequate skills, and technical expertise to enhance the firm's operational performance
Research and statistics on GBV, young women and girl's exclusion from economic opportunities	Studies that inform and influence business trends on gender inclusion, and impact on performance.	Interest and ability to establish gender friendly operational policies, CSR initiatives linked to the good image

#### **4.2.2 Omaera Pharmaceuticals Ltd CSR Model - Baba Dogo-Nairobi**

Omaera Pharmaceuticals is a private company located in Baba Dogo, Nairobi. The firm is a major market leader in distributorship of pharmaceuticals and products for multinational drug companies, including supplies to the Ministry of Health and Kenya Medical Supplies Authority (KEMSA), Private Institutions and Hospitals, Health Management Organisations, Private Pharmacies, and Clinics.

#### **Core Areas of Focus**

Omaera has been active in CSR for more than a decade, focusing on donating medicines, foodstuffs, and clothes to children's homes, supporting children with autism, and donating food to homes for the elderly (Nyumba ya Wazee) in Ruaraka-Kasarani and Machakos areas.

## Modalities

No policy guides CSR initiatives as they are considered part of welfare activities. The CSR initiatives are based on need and requests advanced by staff and clients. This approach could be associated with the star model of CSR, in as much as this is neither explicit nor established. Human resource managers (decision makers on CSR) are guided by concerns raised by various groups associated with the organisation. This means that CSR activities are not the firm’s self-driven initiatives. CSR activities at Omaera rely on the welfare budget as established by the HR department. Due to the lack of a CSR strategy, the impact of previous CSR initiatives is not documented.

**Table 4.9: Opportunities for Engagement with Omaera Pharmaceutical Ltd**

<b>GAA Interests &amp; Attributes</b>	<b>Common Ground</b>	<b>Omaera Pharmaceutical Interests &amp; Attributes</b>
Strong focus on GBV eradication	Joint efforts to address GBV at the workplace through the development of a gender protection policy	Growing recognition and reputation as a business that champions the rights of women and girls
Economic Inclusion of girls and young women in employment and economic opportunities	Develop gender inclusive approaches in the supply of pharmaceuticals that minimize economic exclusion of young women	Pharmaceutical value chains that are inclusive, reputable, and sustainable
Championing girls and young women access good health (SDG Three) decent work (SDG Eight); gender equality (SDG Five), and reduced gender inequality	Joint efforts to address gender inequality, health, and decent work will significantly contribute towards a stable society with enhanced economic growth for all	Improvement in economic performance that positively affects Omaera Pharmaceuticals performance and growth are desirable
Technical expertise in gender policy, mainstreaming, and gender sensitivity	Combining resources/ partner to address major capacity and institutional constraints on gender-related sensitivity at the workplace	Adequate skills, and technical expertise to enhance the firm’s operational performance

### **4.2.3 KCB Foundation CSR Model - Nairobi**

The KCB Foundation was established in 2007 to implement the KCB Bank Group's Corporate Social Responsibility programmes and as a sign of commitment to sustainable development to alleviate poverty and enhance well-being. The KCB Foundation has invested an estimated KSh1 billion in community programmes in Kenya, South Sudan, Rwanda, Tanzania, Uganda, and Burundi. The Foundation is committed to sustainable development goals by addressing poverty reduction among the poor.

#### **Areas of Focus**

#### **2Jiajiri programme and GIZ's E4D/SOGA (Employment and Skills for Eastern Africa) programme**

This project targeted 385 beneficiaries in Kenya including young women and girls who were trained in hydroponic farming at Miramar International College (MIC) in Kikuyu. The graduates were equipped with hydroponic techniques of producing vegetables, tomatoes, strawberries and livestock fodder, among other food crops. The project offers scholarships to vulnerable youth in short technical courses in Agribusiness, Building, Construction and innovative fish farming. The plan is currently being implemented in Makueni County.

#### **The KCB 2Jiajiri programme**

2Jiajiri is the flagship youth empowerment programme of the KCB Foundation. It aims to equip the youth with technical and vocational skills. For one to qualify, they have to be implementing a viable entrepreneurship project, or have a competitive entrepreneurship idea upon which skills training is required. The third category is training youth in need of Business Development and Advisory services, where skilled professionals assist in formalizing the micro enterprises through formal linkages to customers and suppliers in the larger market that ensure long-term sustainability. The project is being implemented in partnership with the counties.

#### **Mifugo Ni Mali programme**

KCB Foundation is contributing to economic empowerment through its Mifugo Ni Mali programme. This is a livestock value chain programme that targets livestock keepers in the Arid and Semi-Arid Lands (ASALs) to commercialise the sector and transform it into a vibrant segment where

livestock producers can realise maximum returns. This 10-year programme (from 2015) targets producer organisations in the livestock value chain in dairy, meat, honey, and fish.

### Modalities

KCB Foundation has a well-developed strategy guiding CSR initiatives. However, in areas like Kwale, young women and girls do not own livestock and therefore are locked out of the project. There is need to re-work the selection and seed money for purchasing the livestock. The challenge with the 2Jiajiri project is the selection criteria that locks out under educated or uneducated young women and girls who might not have competitive entrepreneurship ideas but need support. Opportunities for engagement with GAA are highlighted in Table 4.8.

**Table 4.10: Opportunities for Engagement with KCB Foundation**

GAA Interests & Attributes	Common Ground	KCB's Interests & Attributes
SDG One. Poverty eradication among young women and girls who are excluded from economic opportunities	Investing in the life of young women and girls through training and mentoring programmes	To enhance reputation and organisational brand as a socially responsible corporate foundation. These interests will be achieved by engaging young women and girls or other organizations to support the initiatives through banking with KCB and taking up other available financial products

#### 4.2.4 Savannah Cement CSR Model in Nairobi

Savannah Cement is a cement grinding company with a capacity of 1.5 million tonnes a year. The firm's head office is in Athi River, off Mombasa Road, 30 km from Nairobi City. Savannah's value proposition is driven by a promise of a differentiated and intentional customer experience, best value regarding price and consistent quality, coupled with strong distribution<sup>44</sup>.

#### Core Areas of CSR Focus

Savannah Cement participates in limited CSR initiatives, focusing mainly on the environment, education, health, and sports. On the environment, the firm has in the recent past concentrated on engaging the Kitengela

<sup>44</sup> See <http://savannahcement.com/>

community in tree planting initiatives. The purpose of tree planting was to ensure a significant reduction in carbon dioxide emissions from the industrial machinery and thus create a safer and healthier environment for the employees and the surrounding community. In education, Savanna utilizes social media to identify needy children from the Kitengela community requiring school fees and other school supplies. Additionally, Savanna has over the years provided cement for construction of classes for schools within Kitengela community. Savanna does not engage directly in gender-related CSR initiatives, but rather, a need-based community approach.

### Modalities

Savannah Cement does not have a CSR policy or strategy but rather relies on a marketing policy for guidelines on CSR initiatives. The CSR approach tied to marketing policy shows that Savannah Cement's strategic motive is not altruistic, but rather, to enhance the organisation's image and product awareness through philanthropic initiatives.

Other firms examined in Nairobi region for CSR initiatives included: Queenex Publishers Ltd, Power Group Technologies Ltd, and Kinde Engineering Works Ltd. Kinde and Power Group have CSR initiatives managed through the HR department. The main areas of focus are food donations to children's homes and sponsoring children to access education. The initiatives are need-based since the organisations do not have a CSR policy, strategy or model to inform and influence interventions. Nonetheless, ad hoc CSR initiatives have been of value to children and girls in Kibera slums as noted by Kinde:

“

*...Our CSR activities have benefitted girls in Kibera slums and children's homes in Kitengela. Our support to these girls has ranged from paying school fees to school shopping and career mentorship. There is need for more engagement in cases of sexual abuse, which is reported more in the slums. But we are yet to develop any concrete plan on CSR initiatives on the same..."*

**Kinde Engineering Works HR Officer**

Most of these companies had not developed or targeted initiatives that were in line with GAA programming. An opportunity exists for corporate sensitisation on the importance of investing in girl education, protection, equitable access to employment and entrepreneurial opportunities.

**Table 4.11: Opportunities for Engagement with Private Sector Firms in Nairobi**

<b>GAA Interests &amp; Attributes</b>	<b>Common Ground</b>	<b>Private Sector Firms in Nairobi Interests &amp; Attributes</b>
Strong focus on GBV eradication; commercial exploitation of girls and children; sexual exploitation of young women and girls	Joint efforts to develop policies and practices addressing GBV, sexual exploitation of girls and young women. <ul style="list-style-type: none"> <li>• Girls education support</li> <li>• GBV advocacy and sensitisation</li> <li>• Rehabilitation of GBV survivors</li> <li>• Support to children's homes</li> </ul>	The recognition and reputation of private sector business can be boosted by altruism and dedicated support towards the vulnerable and marginalized in society
Economic Inclusion of girls and young women in employment and economic opportunities	Develop gender sensitivity and inclusive approaches in business supply chains and recruitment opportunities	Value chains that are inclusive, reputable, and sustainable
Championing girls and young women to access good health (SDG Three) decent work (SDG Eight); gender equality (SDG Five), and reduced gender inequality	Joint efforts to address gender inequality, health, and decent work will significantly contribute towards a stable society with enhanced economic growth for all	Increase in economic performance positively affects growth. Decent work opportunities and gender equality can be used to attract and retain competitive and talented staff
Technical expertise in gender policy, mainstreaming, and gender sensitivity	Combining resources/ partnering to address major capacity and institutional constraints on gender-related sensitivity at the workplace	Adequate skills, and technical expertise to enhance the firm's operational performance

#### 4.2.5 Base Titanium CSR Model - Kwale

Base Titanium is engaged in special mining of Heavy Minerals (“HM”), mainly ilmenite, rutile and zircon in Kwale County, located approximately 50 km south of Mombasa, and 8 km inland from the Indian Ocean. The project resource comprises two dunes that contain economically viable concentrations of heavy minerals, which are separated by the Mukurumudzi River.

#### Areas of Focus

##### Infrastructure Development

All commitments under the mining lease, including two schools, a dispensary, a social hall, and two boreholes at the Mrima Bwiti Host Resettlement Site and two schools, a borehole and health center at Magaoni have been completed. Base Titanium also bought a four-wheel drive ambulance for Msambweni Referral Hospital. The company has assisted the County Government to construct Early Childhood Development and Educational Centers (ECDs), agricultural training facilities, health facilities, and water infrastructure, in addition to improving educational facilities for children with special needs in both areas. Other projects include:

**Community Projects and Livelihood Programmes:** Supports Village Savings and Loans Association (“VSLA”) schemes for volunteer community health workers; **Community Health Units (“CHU”):** Base Titanium now supports seven Community Health Units with 241 Community Women Health Volunteers that are derived from the local community, covering 46 villages from the host site, mine site, and the Likoni port facility areas. **Scholarship:** Since 2013, the organisation has supported over 1,050 local students from Kwale County with tuition and fee scholarships. Specific data on how many of the scholarships were awarded to girls was not available by the time of the study.

#### Modalities

1. Mining lease Agreement (Where a memorandum of understanding was entered into between the community and Base Titanium, on the specific projects they were going to work on as a social responsibility for mining in the region)
2. The collaborative process of evaluating the needs of the communities and cross-referencing the County Integrated Development Plan prepared by the Kwale County Government to guide development activities within the county.

Table 4.12 highlights opportunities for GAA engagement with Base Titanium

**Table 4.12: Opportunities for Engagement with Base Titanium**

<b>GAA Interests &amp; Attributes</b>	<b>Common Ground</b>	<b>Base Titanium's Interests &amp; Attributes</b>
SDG 8. Economic inclusion for young women and girl.	Promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all	To enhance reputation and organisational brand as a socially responsible corporate entity. This interests will be achieved by engaging young women and girls in economic empowerment activities

#### **4.2.6 Mangro Hotel CSR Models - Kwale**

Mangro Hotel is Located in Diani along Palm Beach Road, opposite Palm Beach Hospital in the south coast of Mombasa. The hotel offers accommodation, conference, and dining services — the hotel targets both local vacationers, tourists, and international travelers.

#### **Core Areas of CSR Focus**

Mangro Hotel does not have any CSR initiatives. In the recent past, the hotel has received calls and proposals to engage in CSR in Ukunda area, mainly providing food donations to children's homes, training of women and protection against gender-based violence and supporting girls' education initiatives. However, none of these programmes has been implemented.

#### **Modalities**

Mangro hotel does not have a CSR policy, strategy, budget nor initiatives, and therefore, no current modalities exist for examining the hotel's contribution to the community and its operational environment. The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism<sup>45</sup> has been signed by the hotel to help combat child-sex tourism, sexual exploitation, GBV and child labour.

<sup>45</sup> The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (the Code) is a project joining the tourism private sector and the children's rights non-governmental organization ECPAT, aiming to prevent sexual exploitation of children at tourism destinations. The Code was initiated in April 1998 by ECPAT Sweden in cooperation with Scandinavian tour operators and the World Tourism Organization (WTO). Since 2000, the Code has been developed using mainly public funding provided by the European Commission, contributions from the six European ECPAT partners, and logistic support from the WTO and the tourism industry.

“

*...We haven't been outward looking on CSR initiatives because we are still weak internally on enhancing gender equality in recruitment (30: 70 – female /male ratio) and also in payment disparities. First, girls in the region have lower levels of literacy compared to young men, which hampers their recruitment and career growth. Secondly, young women and girls have lower pay levels due to their academic credentials. As management, we have created space to encourage girls to go back to school in addition to providing on-job training at the hotel. Additionally, we do offer internships opportunities, but they are competitive. We are open to considering affirmative action in our internship and training programs, so as to give girls access to more economic opportunities...”*

**Mangro Hotel Manager**

#### **4.2.6 Leopard Beach CSR Models - Kwale**

Leopard Beach Hotel is located in Diani along Palm Beach Road, opposite Palm Beach Hospital in the south coast of Mombasa. The hotel offers accommodation, conference, and dining services — the hotel targets both local vacationers, tourists, and international travelers.

##### **Core Areas of CSR Focus**

Leopard Beach participates in limited CSR initiatives. These include the Breast Cancer Walk in Diani; sponsoring fishermen's boat projects in Diani, and occasionally donating hotel items being disposed of to the children's homes around Diani area.

##### **Modalities**

Leopard Beach, just like Mangro, does not have any CSR policy or guidelines. The CSR initiatives are need-based and not specifically oriented to a specific group. As such, there is no strategy in place to articulate the hotel's CSR motivations or altruistic engagements with the community. The GAA interests around the hotel industry are few and far between. However, it is worth noting that the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism has been signed by the hotel. As such, this is the sole tool that has so far been adopted to engage the hotel in the fight against child-sex tourism, sexual exploitation, GBV and child labour.

“

*...We have zero tolerance policy on all forms of violence against women and children. We support our girls by offering training, so we can absorb them in the hotel. Apart from absorbing and training girls from the beach, we support organised groups of fishermen to buy fishing boats, and nets. We also buy their fish. We believe that to empower local communities, we have first to empower the bread winners, who are fishermen. Our belief is that if families have a consistent source of livelihood, then girls are protected from joining prostitution and other sexual exploitation activities for economic gain...”*

**Leopard Beach Hotel Manager**

**Table 4.13: Opportunities for Engagement with Mangro and Leopard Beach Hotels**

<b>GAA Interests &amp; Attributes</b>	<b>Common Ground</b>	<b>Mangro and Leopard Beach Hotels Interests &amp; Attributes</b>
Combating Commercial Sexual Exploitation of Children and Sexual and Gender-Based Violence (SGBV)	Joint efforts to address the sexual exploitation of young women and girls and SGBV	Implementation of Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism is good for hotels' reputation
Economic Inclusion of girls and young women in employment and economic opportunities	Development of gender-inclusive policy, financial inclusion of young women in employment and CSR opportunities	Quality supply chains of goods and services to the hotel that includes buying from young women and girls enhance the hotel's position of empowering girls from venturing into beach prostitution.
Championing girls and young women access good health (SDG Three) decent work (SDG Eight); gender equality (SDG Five), and reduced gender inequality	Joint efforts to address gender inequality, health, and decent work will significantly contribute towards a stable society with enhanced economic growth for all	Increases in economic performance positively affect hotels' growth and available opportunities for engaging in more CSR initiatives on girls
Research on SGBV and Commercial Sexual Exploitation of Children in the coastal region	Hotels can be a partner in adopting and implementing findings in SGBV and sexual exploitation of children and young girls at coastal region, and within the tourism and hotel industry.	Adequate skills, and technical expertise to enhance the firm's operational performance

### 4.3 Concept of Social Investment in the Private Sector

In terms of definition, there is a thin line between CSR and Corporate Social Investment (SCI) commonly referred to as social investments. In the private sector world, these terms are often used interchangeably as per the findings of this study. First, CSR is defined as the manner in which a company manages business processes to generate stakeholder value while having a positive impact on the community and minimising any adverse impact on the environment<sup>46</sup>. Corporate Social Investment, on the other hand, is any social development activity that is not undertaken to generate business income<sup>47</sup>.

The study findings show that most private sector companies in Kenya have pegged CSI on the firm's financial performance. Availability of financial resources determines whether a private sector company will engage in philanthropic endeavours of note. According to Carroll's hierarchy model of CSR/CSI, a company has to receive revenue and make a profit not only to survive but also to invest. Once this is achieved, a firm focuses on socio-economic priorities, cultural tradition, political reform, and governance gaps within its operational context, while also ensuring adequate adherence to legal and ethical responsibilities. Philanthropic responsibility or social investment comes last on the hierarchy of priorities<sup>48</sup>. A summary Table distinguishing CSI and CSR for firms under this study is provided as follows:

### 4.4 Determinants of CSR Initiatives in the Kenya Private Sector

One of the objectives of this study was to examine the determinants of CSR/CSI initiatives, the size, and type of the initiatives, and the scope of the private firm's contribution to social development. For all of the 11 private firms examined under this study, most did not have well-developed criteria for determining and selecting CSR/CSI initiatives. Most initiatives were need-based, without long-term strategic orientation. Notably, initiatives

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<sup>46</sup> Distinction between CSR and CSI available at: <https://bizfluent.com/about-4676602-what-corporate-social-investment.html>

<sup>47</sup> Available at: [https://www.researchgate.net/publication/233233730\\_Corporate\\_Social\\_Responsibility\\_and\\_Corporate\\_Social\\_Investment\\_The\\_South\\_African\\_Case](https://www.researchgate.net/publication/233233730_Corporate_Social_Responsibility_and_Corporate_Social_Investment_The_South_African_Case)

<sup>48</sup> Carroll, A.B. (2016). Carroll's Pyramid of CSR: Taking another look: International Journal of Corporate Social Responsibility, 1(3), 1-8

were driven and funded under marketing and welfare budgets rather than stand-alone CSR/CSI budgets. This means that the majority of CSR/CSI activities are treated as offshoots or extensions of marketing /welfare departments. According to the study findings, the following emerged as critical determinants of CSR/CSI initiatives by the private sector in Kenya:

**Table 4.14: Summary of Determinants of CSR/ CSI Initiatives by the Private Sector**

No	Determinant	Description
1	Profitability and Availability of financial resources	<ul style="list-style-type: none"> <li>Profitable companies do have the freedom and the flexibility to engage in CSR due to the availability of financial resources. Conversely, companies with less financial resources or profitability are usually restricted in their quest for philanthropy. The primary goal for these firms is survival.</li> </ul>
2	Company's size	<ul style="list-style-type: none"> <li>Larger companies interact more with different stakeholders, value chains, consumers, and employees compared to smaller companies. Therefore, larger companies are exposed to more CSR /CSI opportunities compared to smaller firms.</li> </ul>
3	Management support	<ul style="list-style-type: none"> <li>Managers with philanthropic orientation tend to engage their organisations in CSR/CSI more, compared to those intrinsically inclined towards organisational profitability as the ultimate goal.</li> </ul>
4	Firm's location	<ul style="list-style-type: none"> <li>Organisations located in regions with dire humanitarian /community needs tend to respond faster and engage more in CSR / CSI due to proximity, compared to others.</li> </ul>
5	Company reputation	<ul style="list-style-type: none"> <li>Some companies engage in CSR/CSI as a way of enhancing their reputation externally, showing that they are aware of the needs of the society, and their operational environment, and are doing something about it.</li> </ul>

Other less weighted determinants included women leadership (management /board); environmental sensitivity and industry regulations. The ad hoc nature of CSR initiatives made it difficult to determine the impact of these initiatives when examined against the determinant criteria.

“

*...our CSR initiatives are usually determined by various factors. First, the firm's financial resources determine how much we commit to CSR at the beginning of every financial year... the size of this allocation determines which activities we engage in. If we don't get any allocations, then we don't schedule any activity. Secondly, our commitments to the community determines CSR engagements. For instance, currently we support KYSA league with sports uniforms, training fees, coach fees, in addition to paying school fees for the young sportsmen. Once we made the commitment, we have to support them. However, the resources are not always enough. We encourage other partners to join us to make the venture more successful...”*

**Human Resource Manager, United Millers, Kisumu**

#### **4.5 Long-Term Development Goals for CSR/CSI Initiatives**

The CSR initiatives identified in this study could be classified into four main categories:

1. Support for education
2. Support for health, and well-being of children and the elderly
3. Support for environment rehabilitation
4. Support for women access to decent work through training and internships

The CSR initiatives stated above can be classified under the following Sustainable Development Goals (SDGs): SDG Four on quality education: Ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all; SDG One on Poverty: End poverty in all its forms everywhere; SDG Five on Gender equality; SDG Three: Health and well-being; and SDG Eight: Decent work and economic growth for all, as summarised in Table 3.12.

**Table 4.15: Long-Term Development Goals for the CSR/ CSI Initiatives**

SDGs	CSR /CSI Initiatives Opportunities	Contribution Toward Long-Term Achievement of SDGs
<p><b>Poverty Eradication (SDG 1)</b></p>	<ul style="list-style-type: none"> <li>• Provision of internship and employment opportunities, and training for young women and girls</li> </ul>	<p>Women and young girls remain disproportionately affected by poverty, discrimination, and exploitation. Investing in women’s economic empowerment sets a direct path towards sustainable livelihoods. Empowering women and girls through CSR/CSI economic opportunities is one of the ways county and local governments will contribute towards the realisation of Vision 2030 on eradication of poverty for all<sup>49</sup> Private sector should contribute towards the establishment of pro-poor policies, safety nets and floor in minimum wage payments</p>
<p><b>Health and Well-being (SDG 3)</b></p>	<ul style="list-style-type: none"> <li>• Sponsoring youth sports and leagues</li> <li>• Donation of free medical supplies and check-ups</li> <li>• Contribution of foodstuffs to poor and vulnerable young women and girls</li> </ul>	<p>Medical donations contribute to access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all. Provision of universal health care by national and county government will contribute towards the achievement of this goal. Private sector firms should contribute towards universal health coverage of their employees at the national and local levels</p>
<p><b>Decent Work and Economic Growth (SDG 8)</b></p>	<ul style="list-style-type: none"> <li>• Mentorship programmes for young women and girls</li> <li>• Leadership programmes for young women and girls working in various industries</li> <li>• Entrepreneurship hubs for incubating and nurturing young women in business</li> </ul>	<p>Provision of decent work for sustained socio-economic growth for women will depend on long-term investment in access to education, mentorship targeted training programmes, and gender parity in recruitment, job placement and promotions<sup>50</sup>. A regulatory framework ensuring women in the organisation are not concentrated at the bottom of the organisational structure should be developed at national and adopted at county levels.</p>

<sup>49</sup> Sustainable Development Goals Knowledge Platforms: This platform provided detailed targets for each Eradication of Poverty Targets: <https://sustainabledevelopment.un.org/topics/sustainabledevelopmentgoals>

<sup>50</sup> UN Women: The Case for Decent Work for Women. <http://www.unwomen.org/en/what-we-do/economic-empowerment>

SDGs	CSR /CSI Initiatives Opportunities	Contribution Toward Long-Term Achievement of SDGs
<b>Gender Equality (SDG 5)</b>	<ul style="list-style-type: none"> <li>• Training and entrepreneurship support programmes to young women and girls</li> </ul>	Gender discrimination means women often end up in insecure, low-wage jobs, and constitute a small minority of those in senior positions. Investing in gender equality will enhance young women and girls' access to economic assets, equal opportunity employment, land, and credit facilities. At the national level, this can be achieved through economic and social policy frameworks that would guide the private sector towards 50:50 gender equality
<b>Access to Quality Education (SDG 4)</b>	<ul style="list-style-type: none"> <li>• Sponsoring children's access to quality education by building of schools, and the provision of learning materials (uniforms, books, etc.)</li> </ul>	Investing in pre-primary, primary, secondary, vocational training and tertiary levels of education will ensure that all girls and boys compete free, equitably. National, county, and private sector achievement of this long-term goal by investing financial resources; developing frameworks that curtail any gender-based discrimination, or disparities of access due to poverty, region, or race.

As noted in Table 4.5, SDGs are structured and developed to be achieved by 2030. This will ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership, and control over land and other forms of property, inheritance, natural resources, appropriate new technology, and financial services, including microfinance. The partnership between private and public sectors through CSR/ CSI initiatives will provide a big boost to GAA programming initiatives.

#### **4.6 Private Sector Challenges in Engaging in CSR/CSI Initiatives**

According to the findings of this study, the biggest challenge that private sector firms face in their quest to initiate or implement CSR is lack of policy, strategy, and dedicated resources for these initiatives. Other challenges include lack of legislative or regulatory frameworks, lack of consistent

management commitment, lack of information, lack of monitoring and evaluation on impact and community transformation to the sustainability of CSR /CSI initiatives. These challenges are highlighted as follows:

- **Lack of CSR Policy:** - Absence of CSR/CSI policy makes it difficult for firms to monitor, measure and evaluate the resultant impact or transformation of the community over some time.
- **Lack of CSR Strategy for Addressing GBV and Economic Exclusion of Girls and Young Women:** - Lack of CSR strategy on the inclusion of girls and young women in employment, and CSR opportunities.
- **Lack of Legislative / Regulatory Framework in Addressing GBV and EE Guiding CSR:** -Lack of a regulatory framework inhibits the effectiveness of CSR initiatives in addressing or responding to GBV and EE.
- **Lack of Management Commitment:** - CSR initiatives in some private sector companies are stifled due to lack of management commitment in addressing GBV and EE. These engagements are perceived not to advance organisation's performance goals.
- **Inadequate Resources /Allocations to CSR/CSI:** - Private sector firms mostly engage in CSR from a strategic marketing perspective, rather than an altruistic, philanthropic one.
- **Minimal Stakeholder Engagement:** - One of the challenges facing effective CSR/CSI initiatives is the lack of collective stakeholder engagement, particularly on CSR initiatives.

#### 4.7 Lessons Learnt in Implementing CSR Initiatives

Lessons learnt by private sector organisations are derived as action points expressed by the study respondents to CSR challenges. These lessons were noted as follows:

- **CSR Budget:** - Without a well-developed budget, CSR initiatives, and more so for GBV and EE, will not be implemented. Additionally, CSR budgets should be established in consultations with various sector stakeholders or based on research.
- **CSR Policy and Strategy:** - Without a clear policy and strategy in GBV and EE of girls, CSR/CSI interventions will remain ad hoc, short-term, uncoordinated, and without significant impact. Future engagements

should start with the development of a concise and coherent policy/strategy to guide GBV and EE of girls and young women CSR/CSI initiatives.

- **Sectoral Regulatory Framework:** - There is need for the development of a standard guideline for private firms seeking to engage in GBV and EE CSR initiatives. The guideline should enable firms to identify initiatives already done by others and seek to consolidate or build on these initiatives for a more long-lasting impact.
- **Sensitization of Private Firms on GBV and EE Initiatives:** - Lack of commitment from managers and employees towards GBV and EE to a more significant extent, stems from lack of information, data, and impact of these initiatives. Sensitization and advocacy should be used as a tool for advancing the case for GBV and EE.



## CHAPTER FIVE

# 5.0 CONCLUSION AND RECOMMENDATIONS

### 5.1 Introduction

The purpose of this study was to establish the role of both the formal and informal private sector in addressing Gender Based Violence (GBV) and Economic Exclusion (EE) of vulnerable girls and young women in Kenya with a particular focus on Nairobi (informal settlement), Kwale and Kisumu counties. This chapter is organised in the following manner: First, comparative case discussions are presented to highlight similarities with GAA approach to GBV, and economic exclusion of girls and young women from economic opportunities. Secondly, the conclusion based on the findings is presented, followed by a recommendation for each specific objective examined under the study.

### 5.2 Case Discussion

#### 5.2.1 USAID, NIKE FOUNDATION, AND CARDNO: KENYA “VALUE GIRLS” PROGRAM

The Kenya Value Girls programme, was a four-year initiative funded by the Nike Foundation and USAID to offer young women access to high growth value chains that are safer and more lucrative for them. The programme focuses on improving the young women’s safety and security by facilitating access to alternative livelihood options; enhancing their income by increasing their participation in high growth value chains; developing and

communicating an effective model for economically empowering girls and young women. The Value Girls Programme was being implemented by Cardno Emerging Markets USA, Ltd. around Lake Victoria in Nyanza and Western provinces of Kenya. The overarching goal of the Value Girls Programme is to improve the social-economic welfare of girls and young women between the ages of 14 and 24 years by increasing and strengthening their participation in proven, high growth value chains. With support from young women and other important stakeholders, the programme selected poultry and vegetable production as alternative sources of livelihood for the girls and young women that are living on the beaches of Lake Victoria, where the programme is underway. However, due to enhanced sexual harassment, the project design was changed to protect the young women under the project as indicated in BOX 5.1

#### **BOX 5.1: USAID, NIKE FOUNDATION, AND CARDNO: KENYA “VALUE GIRLS” PROGRAMME**

Between 2008 and 2012, Cardno implemented the USAID and Nike Foundation-cofunded “Value Girls” project aimed at developing a replicable and scalable model for economically empowering young women and girls through access to high growth value chain opportunities in Kenya. The project undertook a girl-centered value chain assessment of Tilapia and Omena fish, and related value chains, including a situational analysis of the socio-cultural context and the current economic opportunities for girls and young women living along the shores of Lake Victoria. This girl-centered value chain assessment and situational analysis (VCA/SA) was used to inform the program design and interventions.

The VCA/SA revealed major barriers to increased girls’ participation, including issues of vulnerability to sexual coercion, social isolation, fierce competition for supply, cultural barriers, and safety issues. The practice of trading sex for access to fish illuminated the dangers of incorporating additional girls into the value chain. As a result, the program shifted its focus away from introducing new girls into the Tilapia and Omena fish chains due to the serious safety and health concerns. Instead the program worked on strengthening the capacity, negotiation skills, and bargaining power of girls already working in these value chains. This has helped to empower girls already integrated the chain, better the terms of participation, and provide them with options for moving into alternative economic activities.

**(Source: USAID. 2009a. Early Lessons Targeting Populations with a Value Chain Approach. For more information, see USAID 2012a.)**

### 5.2.2 Neqdar Nesharek: Taking Action to Empower Rural Women Socially and Economically

The Population Council implemented the Neqdar Nesharek in Egypt in partnership with USAID. The purpose of the project was to enhance livelihood opportunities for young women in rural Upper Egypt: The success of this project is highlighted in BOX 5.2.

#### **BOX 5.2: Neqdar Nesharek: Taking Action to Empower Rural Women Socially and Economically**

Young women in rural Upper Egypt suffer in terms of poorer access to education and restricted mobility when job opportunities are not readily available in the villages. Also, conservative social norms further restrict women’s mobility and participation in the public sphere. To address this problem, the Population Council’s Egypt office, in partnership with three local non-governmental organizations (NGOs) and 30 community development associations (CDAs), and with funds from USAID, implemented the Neqdar Nesharek Programme (Neqdar), or “We Can Participate.” Launched in September 2011 and completed in December 2014, Neqdar is a social and economic empowerment programme that targeted 4,500 marginalized young women aged 16–29 in 30 villages in the governorates of Fayoum, Qena, and Sohag located in Upper Egypt. Unlike existing entrepreneurship programs, which usually focus on a single dimension of support such as microfinance, Neqdar realised that access to financial resources alone did not automatically translate into women’s empowerment. Rather, Neqdar holistically provided the mentoring and training young women need to have the ability and agency. Selected achievements of the project included the following: The programme directly reached 4,786 women in 30 villages with capacity-building activities to build their cognitive, social, and economic capital; More than 1,000 women have started businesses in their own villages, including handcrafts/ sewing businesses, poultry-raising, hair salons, kiosks, food catering services, cellphone/computer repair stores, garment stores, and nurseries; More than 600 women found employment opportunities in their own villages and in nearby communities (in schools, literacy programmes, hospitals, nurseries, pharmacies, local CDAs, lawyers’ offices, and factories). Thus, the Neqdar model provided wonderful insight on how to engage young women outside the mainstream employment structures.

**(Source: Population Council, 2014  
[https://www.popcouncil.org/uploads/pdfs/2014PGY\\_NeqdarNesharekFinalReport.pdf](https://www.popcouncil.org/uploads/pdfs/2014PGY_NeqdarNesharekFinalReport.pdf))**

As the outcome of the Kenya Value Girls programme by the Nike Foundation and USAID, and the Neqdar Nesharek in Egypt (implemented by the Population Council in partnership with USAID) indicate, success in investing in GBV and economic inclusion of young women and girls is mostly effective

when the private sector, public sector, non-governmental Organisations and development partners work in concert. This study presents the case as to why it is essential for the Kenyan private sector to actively engage in gender policy formulation, GBV and gender equality and enhance young women and girls' access to economic livelihood opportunities.

## 5.3 Conclusion

### 5.3.1 Policy Framework, Regulations and Practices

This study sought to examine international, regional, national and county frameworks, policies and practices adopted by private sector companies in addressing issues of equitable employment opportunities for young women and girls, workplace practices on gender policies, GBV, and economic empowerment of young women and girls in both the formal and the informal sectors. This study concludes that Kenya has a robust and well-developed constitutional framework that embraces ratified international conventions and treaties. Additionally, the constitution and statutory frameworks provide broad mandates to the private sector regarding policies and practices on gender equity, discrimination, SGBV, disabilities, human rights, cultural and socio-economic rights and employment opportunities. However, this study concludes that adoption, translation, and implantation of these frameworks by the private sector, both at the national and county level is at best ad hoc, inconsistent, and unregulated. There is no single framework or policy in existence that can be used as a standard guideline for the private sector on gender policy and practices.

On whether private sector firms have current policies and practices on gender equity, this study concludes that: The majority of the private sector firms' have incorporated bits and pieces of gender-sensitive practices in their code of conduct and operational manuals including non-discrimination in recruitment based on gender, race, and disability; equality in access to employment and economic opportunities and equal payment in salaries and wages for women, just as men. However, the majority of private sector firms do not have a well-developed and articulated gender policy framework on gender equity to guide workplace practices. Additionally, issues to do with the economic exclusion of young women and girls in employment and economic opportunities have not been addressed. For the few firms that have attempted, the policy and practices are neither deliberate, consistent nor comprehensive.

On whether private sector firms have adopted and incorporated gender policy and practices on GBV, this study concludes that: The majority of private sector firms at the national and county level had incorporated bits and pieces of GBV guidelines into their code of conduct and operational manuals. All the organisations lacked a well-articulated GBV with remedies, access to justice and psycho-social support mechanisms.

Whether the informal sector had adopted and incorporated gender equity and gender policy and practices on GBV, this study concludes that policy guidelines on gender equity and GBV workplace practices are non-existent. The informal sector is highly unregulated. The sector does not have mechanisms to implement statutory frameworks provided at national and local levels. Without structured guidelines, no tools exist to address the plight of young women and girls' access to business and employment opportunities, social insurance, and protection against GBV in the course of their work.

### **5.3.2 Corporate Social Responsibility Policies and Practices**

This study sought to establish the extent to which private sector was engaged in coordinated CSR initiatives, CSR models being used to carry out these initiatives, and the extent to which private sector CSR initiatives were addressing GBV and economic exclusion of young women and girls. Based on the findings, this study concludes that CSR initiatives being implemented by the private sector were not guided by any concise model, are need-based interventions, and not founded on altruistic community transformative goals. Additionally, there is no CSR policy or strategy that guides organisations in establishing long-term CSR initiatives. Most of the CSR initiatives were formulated to advance respective organisation's marketing goals. Thus, private sector organisations did not have a CSR budget, and therefore could not plan effectively for broader and long-term interventions. Importantly, CSR initiatives by most private sector organisations are not formulated to respond to the achievement of SDGs. Initiatives on SDG Four (education); SDG One (poverty eradication); SDG Three (Health and well-being); SDG Five (Gender equality); SDG Eight (Decent work and economic growth) are ad hoc and not well-coordinated or planned. Therefore, there is little or no tangible impact documented from the CSR initiatives most organisations have been implementing over the years.

## 5.4 Recommendations

### 5.4.1 Private Sector

The following are recommendations on how the private sector can develop, enhance, monitor and evaluate policies and practices on GBV and economic inclusion of young women and girls:

- Private sector firms should partner with GAA to develop strategies on equality and anti GBV that meet both international and statutory framework thresholds.
- GAA should initiate round-table meetings with private sector member organisations (KEPSA, KAM, FKE) to design projects and initiatives that address economic inclusion of young women and girls.
- GAA partners should establish a GBV training curriculum for the private sector.
- GAA partners should establish a child protection training curriculum for the private sector.
- Private sector member organisations (KEPSA, KAM, FKE) should continually lobby members to adopt the UN Global Compact Business Principles.
- GAA partners should partner with UN Global Compact business principles to be conducting periodic evaluation on compliance with GBV policies and other policies related to child abuse, child trafficking, and commercial sexual exploitation of children.

### 5.4.2 County Governments

The following are recommendations on how the county governments can develop, enhance, monitor and evaluate policies and practices on GBV and economic inclusion of young women and girls:

- County governments should partner with the civil society (GAA included) to profile cultural practices that still inhibit young women and girls' human rights and equality in access to social and economic livelihood.
- GAA should partner with county governments to develop grassroots training and sensitisation programmes against GBV and cultural

practices that inhibit young women and girls' engagement or access to economic livelihood opportunities.

- GAA should lobby and help county governments establish SGBV and early childhood marriages rescue and rehabilitation centers, including funding justice and redress, psycho-social rehabilitation and re-integration.
- GAA should partner with county governments to profile and document sector specific CSR requirements based on SDGs. This should include developing coordinated guidelines for sector-based CSR at the county level.
- In consultation with private sector stakeholders, develop minimum business licensing requirements that uphold commitment to human rights, gender equality, and anti-GBV practices.
- Partner with GAA and civil society to offer capacity building and training on GBV, gender equality and child protection to informal sector associations and their members.

### 5.3.3 National Government

The following are recommendations on how the national government can develop, enhance, monitor and evaluate policies and practices on GBV and economic inclusion of young women and girls:

- Implement National Gender Development Policy in line with agenda 2030 for SDGs.
- Establish child and gender friendly policies towards migrants and refugee children, by providing specific protection against child trafficking, child abuse, commercial sexual exploitation of girls and SGBV.
- Partner with watchdog organisations such as Kenya Human Rights Commission and NGEC to monitor compliance to human rights provisions that provide protection for refugees, including young women and girls, and children both in the formal and informal sector.
- Provide tax or other incentives to private sectors firms that have adopted UN Global Compact business principles.

- Strengthen enforcement mechanisms through punitive measures for violations on statutory and constitutional frameworks, particularly those touching on child abuse, child labour, exploitation, and SGBV.
- Partner with GAA and civil society to offer capacity building and training on GBV, gender equality and child protection to the informal sector associations and their members.



## ANNEXES

## Annex I: List of Kenyan Companies / NGOs Signed on UN Global Compact Business Principles

	Name	Type	Sector	Joined On
1	<i>Youth Go Green Kenya</i>	NGO Local	Not Applicable	2018-11-12
2	<i>CPF Financial Services Limited</i>	SME	Financial Services	2018-08-28
3	<i>International Livestock Research Institute (ILRI)</i>	NGO Global	Not Applicable	2018-08-20
4	<i>Rocket</i>	SME	Diversified	2018-07-03
5	<i>Infomage Solutions Limited</i>	SME	ICT & Equipment	2018-06-26
6	<i>Altima Africa Limited</i>	SME	Diversified	2018-06-26
7	<i>Muthoni Kanyana Consultancy Ltd. (MK-Africa)</i>	SME	Support Services	2018-05-29
8	<i>Stealth Africa Consulting LLP</i>	SME	Support Services	2018-03-28
9	<i>Expertise Global Consulting Ltd.</i>	SME	Support Services	2018-03-13
10	<i>ESBT Platinum Limited</i>	SME	Construction & Materials	2018-03-12
11	<i>Busara Center for Behavioural Economics</i>	NGO Global	Not Applicable	2018-02-09
12	<i>Ikoaje Digital Services</i>	SME	Software & Computer Service	2018-01-24
13	<i>Globistic Limited</i>	SME	Logistics	2018-01-02
14	<i>MML Turner &amp; Townsend Ltd</i>	SME	Construction & Materials	2017-09-28
15	<i>Bridge International Academies</i>	Company	Support Services	2017-09-14
16	<i>ThinkPlace Kenya Limited</i>	SME	Support Services	2017-09-07
17	<i>African Coffee Roasters EPZ Limited</i>	SME	Beverages	2017-08-14
18	<i>Airworks Kenya Limited</i>	SME	Aerospace & Defense	2017-07-23
19	<i>Amanzi Telecommunications Ltd</i>	SME	Mobile Telecommunications	2017-06-22
20	<i>Undugu Digital Network</i>	SME	Media	2017-06-15
21	<i>Githinji Building and Civil Engineering Ltd</i>	SME	Construction & Materials	2017-06-07
22	<i>Elite Offset Limited</i>	SME	Forestry & Paper	2017-04-28
23	<i>Emerging Business Technologies Limited</i>	SME	IT and Hardware	2017-03-28
24	<i>Migliore Construzione and Techniche East Africa Ltd</i>	SME	Construction & Materials	2017-03-09
25	<i>Top Choice Surveillance Limited</i>	SME	ICT and Hardware	2017-03-03
26	<i>Panini Corner Limited</i>	SME	Food Producers	2017-01-12
27	<i>Melvin Marsh International Limited</i>	SME	Beverages	2016-12-07
28	<i>Boex Construction Company Limited</i>	SME	Construction & Materials	2016-11-22
29	<i>The Nairobi Hospital</i>	NGO Local	Not Applicable	2016-11-15
30	<i>Blue Ticks Communications Services</i>	SME	Media	2016-10-20
31	<i>Jubilee Holdings Limited</i>	Company	Financial Services	2016-10-19
32	<i>Brand ID Technologies East Africa Ltd</i>	SME	Software & Computer Service	2016-10-13
33	<i>Cityscape Trends Services Limited</i>	SME	Support Services	2016-10-04

	<b>Name</b>	<b>Type</b>	<b>Sector</b>	<b>Joined On</b>
34	<i>NLS Banking Solutions</i>	SME	Software & Computer Services	2016-09-06
35	<i>Epsilon Publishers</i>	SME	Forestry & Paper	2016-08-09
36	<i>Stratostaff EA Ltd</i>	SME	Support Services	2016-07-21
37	<i>Essential Management Consultancy Services</i>	SME	Support Services	2016-07-12
38	<i>Fireside Communications Limited</i>	SME	ICT and Equipment Hardware	2016-06-28
39	<i>Kenya Climate Innovation Center</i>	NGO Local	Not Applicable	2016-06-13
40	<i>Lavington Security Limited</i>	Company	Aerospace & Defense	2016-05-24
41	<i>Nairobi Securities Exchange</i>	SME	Financial Services	2016-05-24
42	<i>Broadband Communication Network Limited</i>	SME	Mobile Telecommunications	2016-05-17
43	<i>Outsource Technique Ltd</i>	SME	Electronic & Electrical	2016-05-06
44	<i>Global Solutions Media - Africa</i>	NGO Global	Not Applicable	2016-04-29
45	<i>Ace Technologies Ltd</i>	SME	ICT and Equipment Hardware	2016-04-27
46	<i>United Multipurpose Cooperative Society Ltd</i>	Association	Not Applicable	2016-04-21
47	<i>International Transformation Foundation</i>	Foundation	Not Applicable	2016-04-21
48	<i>Organisation for Youth in environmental and educational affairs (Ofyeneda)</i>	NGO Local	Not Applicable	2016-03-22
49	<i>africappractice</i>	SME	Support Services	2016-03-10
50	<i>Iconet Solutions Ltd</i>	SME	ICT Hardware & Equipment	2016-03-07
51	<i>Frigoken Limited</i>	Company	Food Producers	2016-02-08
52	<i>Vanguard Engineering Limited</i>	SME	Construction & Materials	2016-01-12
53	<i>Bens Electronics Services Ltd</i>	SME	Telecommunications	2015-12-17
54	<i>Adrian Kenya Limited</i>	SME	ICT, Equipment and hardware	2015-12-17
55	<i>Ends International Company Limited</i>	SME	Construction & Materials	2015-12-02
56	<i>Matric Drillers Limited</i>	SME	Gas, Water & Multi-utilities	2015-12-02
57	<i>Wabcom Ventures Limited</i>	SME	Support Services	2015-12-02
58	<i>Cooper K-Brands Ltd</i>	SME	Pharmaceuticals & Biotech	2015-11-30
59	<i>Goldfin Investments Management Limited</i>	SME	Mobile Telecommunications	2015-11-20
60	<i>Riovern East Africa Limited</i>	SME	Construction & Materials	2015-09-16
61	<i>Empire Microsystems Limited</i>	SME	Software & Computer Service	2015-08-14
62	<i>Bunson Travel Service Limited</i>	SME	Travel & Leisure	2015-08-14
63	<i>Population Services Kenya</i>	NGO Local	Not Applicable	2015-08-05
64	<i>Marketing &amp; Social Research Association</i>	Association	Not Applicable	2015-07-30
65	<i>MT Kenya Environmental Conservation Organisation</i>	NGO Local	Not Applicable	2015-07-27
66	<i>Sarakasi Trust</i>	NGO Local	Not Applicable	2015-07-17
67	<i>KOFAR Kenya Ltd</i>	SME	Support Services	2015-07-17
68	<i>Meru Greens Horticulture</i>	SME	Food Producers	2015-07-16
69	<i>Metsec Cables Ltd</i>	SME	Construction & Materials	2015-07-15

	<b>Name</b>	<b>Type</b>	<b>Sector</b>	<b>Joined On</b>
70	<i>Intex Construction Limited</i>	SME	Construction & Materials	2015-07-13
71	<i>Aramex Kenya Limited</i>	SME	Industrial Transportation	2015-07-02
72	<i>Extra Dimensions Company Limited</i>	SME	Support Services	2015-06-05
73	<i>Sasini Limited</i>	Company	Beverages	2015-05-27
74	<i>Junior Achievement Kenya</i>	NGO Local	Not Applicable	2015-05-15
75	<i>Al Is On Production Limited</i>	SME	Media	2015-04-08
76	<i>Prof. Musili Wambua &amp; Company Advocates</i>	SME	Support Services	2015-03-26
77	<i>Kenya Green Building Society</i>	NGO Global	Not Applicable	2015-02-27
78	<i>Architectural Association of Kenya</i>	Association	Not Applicable	2015-01-20
79	<i>Safedrive Africa Foundation (SDAF)</i>	NGO Local	Not Applicable	2014-12-08
80	<i>Express Kenya Limited</i>	SME	Industrial Transportation	2014-12-02
81	<i>Nyangorora Banana Processors Limited</i>	SME	Food Producers	2014-12-01
82	<i>Acceler Global Logistics Limited</i>	Company	Industrial Transportation	2014-11-14
83	<i>KCB (Kenya Commercial Bank)</i>	Company	Banks	2014-11-10
84	<i>eManage Africa Ltd</i>	SME	Software & Computer Services	2014-10-23
85	<i>Airtel Networks Kenya Ltd</i>	Company	Mobile Telecommunications	2014-08-07
86	<i>Sintel Security Print Solutions Ltd</i>	SME	Support Services	2014-08-06
87	<i>Green Pencils Ltd</i>	SME	Forestry & Paper	2014-08-01
88	<i>Motorcraft Kenya Ltd</i>	SME	Automobiles & Parts	2014-03-14
89	<i>Kenya Property Developers Association</i>	SME	Not Applicable	2014-02-21
90	<i>Symbiotic Media Consortium Limited</i>	SME	Software & Computer Services	2014-01-30
91	<i>Antmak Office Technologies Limited</i>	SME	ICT, Equipment, and Hardware	2013-11-20
92	<i>Adpack Limited</i>	SME	General Industrials	2013-11-07
93	<i>Krystalline Salt Limited</i>	Company	Food Producers	2013-10-16
94	<i>Nilepharm East Africa Ltd</i>	SME	Pharmaceuticals & Biotech	2013-10-01
95	<i>Pristine Systems Ltd</i>	SME	ICT, Equipment, and Hardware	2013-08-28
96	<i>Express Travel Group Ltd</i>	SME	Travel & Leisure	2013-06-27
97	<i>Airtel Networks Kenya Ltd</i>	Company	Mobile Telecommunications	2014-08-07
98	<i>Sintel Security Print Solutions Ltd</i>	SME	Support Services	2014-08-06
99	<i>Salama Fikira Group Limited</i>	SME	Support Services	2013-06-10
100	<i>Tripple Tours &amp; Travel Ltd</i>	SME	Travel & Leisure	2013-05-16
101	<i>Air Techniques Ltd</i>	SME	Industrial Engineering	2013-04-26
102	<i>Kenya Bixa Ltd.</i>	SME	General Industrials	2013-03-15
103	<i>Debra Limited</i>	SME	Health Care Services	2013-03-08
104	<i>Baisy Oryx Tours Travel and Safaris Ltd.</i>	SME	Travel & Leisure	2013-03-05
105	<i>Almond Air &amp; Logistics Ltd.</i>	SME	Support Services	2013-01-29
106	<i>Strathmore University</i>	Academic	Not Applicable	2013-01-18
107	<i>Africa Biosystems Limited</i>	SME	Health Care Services	2012-12-26

	<b>Name</b>	<b>Type</b>	<b>Sector</b>	<b>Joined On</b>
108	<i>Braeburn Schools Limited</i>	Academic	Not Applicable	2012-06-05
109	<i>East African Breweries Limited (EABL)</i>	Company	Beverages	2012-05-18
110	<i>Oshwal College</i>	Academic	Not Applicable	2012-04-30
111	<i>English Press Limited</i>	Company	Support Services	2012-04-23
112	<i>Kapa Oil Refineries Limited</i>	Company	Food Producers	2012-03-06
113	<i>Lean Energy Solutions Ltd.</i>	SME	Alternative Energy	2012-03-05
114	<i>Kenya Sweets Limited</i>	Company	Food Producers	2012-02-21
115	<i>Ufadhili Trust</i>	NGO Local	Not Applicable	2012-02-02
116	<i>Uniglobe Northline Travel</i>	SME	Travel & Leisure	2011-12-14
117	<i>Pathologists Lancet Kenya Limited</i>	SME	Health Care Services	2011-08-01
118	<i>Baker Tilly Merali's Kenya</i>	SME	Financial Services	2011-03-23
119	<i>PKF Eastern Africa</i>	Company	Financial Services	2011-03-21
120	<i>Odd-Mac Engineering Limited</i>	SME	Construction & Materials	2010-11-10
121	<i>Kenya Private Sector Alliance (KEPSA)</i>	Association	Not Applicable	2010-06-29
122	<i>Transparency International Kenya</i>	NGO Local	Not Applicable	2010-06-10
123	<i>Kenya Association of Manufacturers</i>	Association	Not Applicable	2010-05-14
124	<i>Scangroup Limited</i>	Company	Media	2010-04-01
125	<i>Bidco Africa Limited</i>	Company	Food Producers	2009-10-06
126	<i>Complast Industries Limited</i>	SME	Household Construction	2008-12-19
127	<i>Karen Blixen Camp</i>	SME	Travel & Leisure	2008-12-09
128	<i>City Clock (K) Limited.</i>	SME	General Retailers	2008-10-01
129	<i>General Printers Limited</i>	SME	General Industrials	2008-10-01
130	<i>Kaluworks Limited</i>	Company	Industrial Metals & Mining	2008-10-01
131	<i>Makini Schools Limited</i>	Academic	Not Applicable	2008-09-28
132	<i>AAR Health Care Holdings Ltd.</i>	Company	Health Care Services	2008-09-23
133	<i>Gertrude's Children's Hospital</i>	NGO Local	Not Applicable	2008-09-10
134	<i>BOC Kenya Ltd</i>	SME	Chemicals	2007-08-23
135	<i>Kenya Power</i>	Company	Electricity	2007-08-23
136	<i>Federation of Kenya Employers (FKE)</i>	Association	Not Applicable	2007-02-13
137	<i>Tata Chemicals Magadi Ltd.</i>	Company	Mining	2007-02-07
138	<i>Foundation for ECO Diversity</i>	NGO Local	Not Applicable	2006-10-03
139	<i>Safaricom Limited</i>	Company	Mobile Telecommunications	2006-05-05
140	<i>Eastern Produce Kenya Ltd.</i>	Company	Food Producers	2006-04-11
141	<i>Mabati Rolling Mills</i>	Company	Industrial Metals & Mining	2006-04-04

## Annex II: Respondents List

NAIROBI				
Name	Agency	Title /Position	Mobile No.	Email Address
Jane Keeru	Ministry Youth and Gender	Senior Gender Officer	07224759 71	jakeeru@yahoo.com
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Tabitha Nyambura	NGEC	Head of Gender and Women Department	0726256150	tnyambura79@gmail.com
Belinda Atieno	FGD	Beneficiary	N/A	-
Dorothy akinyi	FGD	Beneficiary	N/A	-
Rhoda Atieno	FGD	Beneficiary	N/A	-
Cynthia Tsisichi	FGD	Beneficiary	N/A	-
Helisha Atieno	FGD	Beneficiary	N/A	-
Eunice Akoth	FGD	Beneficiary	N/A	-
Nancy Omasha	FGD	Beneficiary	N/A	-
Faith Osore	FGD	Beneficiary	N/A	-
Grace Apondi	FGD	Beneficiary	N/A	-
Faith Nyamwangi	FGD	Beneficiary	N/A	-
Bridgite Njairo	FGD	Beneficiary	N/A	-
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Name	Agency	Title /Position	Mobile No.	Email Address
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Omar Nathan	Health Options for Young Men on HIV/AIDS/STI	Support Group Coordinator and Advocacy Officer	N/A	hoymas4@yahoo.com
Peninah Wairimu	Women Empowerment Link	Programme Assistant	0705625221	
Florence Syevuo	SDG Forum	Secretariat Coordinator	0721848613	
Miriam Mueni	Ministry of Public Service, Youth and Gender			
Maureen Mukalo	COVAW	Project Manager	0720270401	
Michael Gitere	Plan International	Project Officer	0723627885	
Imelda Achieng	Parliamentary SDG Caucus	Member	0710750436	
Hon. Gideon Ochanda	Parliamentary SDG Caucus	Chairperson		
Richard Agutu	The Boda Boda Association – Kwa DC	Chairman	0754984879	
Josephine Oguye	National Council for Children’s Services	Head-NCCS	0721450166	
Truphena Chemningwa	National Council for Children’s Services		0733272638	
Anja Roymans	Embassy of the Kingdom of Netherlands	First Secretary Economic Development	-	anja.roymans@minbuza.nl

Name	Agency	Title /Position	Mobile No.	Email Address
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<b>KWALE</b>				
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Hellen Kinuthia	Mangro Hotel	721820930	hairperson	

Name	Agency	Title /Position	Mobile No.	Email Address
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Margaret Kamau	Curio Business (informal)	714949959	Beadwork Trainer	
Juma Nassoro	Diani Swimming Academy (formal)	726979882	Proprietor/ Manager	
Musa Awadh	Ukunda Matatu Operators (informal)	710701610	Curriculum Support Officer	
Vincent Yawa	Ministry of Education (TSC)	708082503	TSC Field Education Coordinator	
Juma Mwanyalu	Government	722433570	Chief	
Wanjala	Government	725397611	Probation Officer	wanjalajamn@gmail.com
Biasha Mwanyalu	Informal Sector	0711749620	Community Activist/ Genius Girls Group	
Mariam Rihaza	Informal Sector	711749620	Community Activist	
Aisha Juma	Informal Sector	703517728	Beneficiary, COVAW Mwakamba	
Roma Idi		791617577	Beneficiary, COVAW Mwakamba	
Hamisi Saudi		705277606	Beneficiary, COVAW Mwakamba	
Haji Tenga	Matuga Arts Group	748887879	Chairman, Matuga Arts Group	
Emily Nyanga	Debssie Beads (informal)	717660030	Owner/ Manager	debssiebeadskenya@gmail.com
Catherine Mwangi	Leather Business (informal)	723716212	Business-woman	
Jane Nyaga	Kwale County Cooperative Development Committee	0721778002	Secretary, Kwale Cooperative Development Committee	
Salama Musa	Government	0716922182	Chief, Matuga	
Jeedah Bakari	Women Fighting Against AIDS in Kenya (WOFAK)	716922182	Program Officer	

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Joan Ndu`ngu	Leopard Beach Resort	0721705338	Manager	
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