CONSULTANCY SERVICES FOR DEVELOPMENT OF GUIDELINES ON GENDER MAINSTREAMING

REPORT ON IDENTIFICATION OF POTENTIAL GENDER BARRIERS, GENDER INEQUALITIES, GAPS AND ENTRY POINTS FOR GENDER MAINSTREAMING IN ROAD INFRASTRUCTURE

JUNE 2019

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CONSULTANCY SERVICES FOR DEVELOPMENT OF GUIDELINES ON GENDER MAINSTREAMING

LOT 1: MOMBASA-KWA JOMVU SECTION (A109) - 11.3KM

REPORT ON IDENTIFICATION OF POTENTIAL GENDER BARRIERS, GENDER INEQUALITIES, GAPS AND ENTRY POINTS FOR GENDER MAINSTREAMING IN ROAD INFRASTRUCTURE

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<tr>
<td>AfDB</td>
<td>African Development Bank</td>
</tr>
<tr>
<td>AIDS</td>
<td>Acquired Immuno-Deficiency Syndrome</td>
</tr>
<tr>
<td>Aol</td>
<td>Area of Influence</td>
</tr>
<tr>
<td>BRT</td>
<td>Bus Rapid Transit</td>
</tr>
<tr>
<td>EIB</td>
<td>European Investment Bank</td>
</tr>
<tr>
<td>EMCA</td>
<td>Environmental Management and Coordination Act</td>
</tr>
<tr>
<td>ESHS</td>
<td>Environment Social Health and Safety</td>
</tr>
<tr>
<td>ESIA</td>
<td>Environmental and Social Impact Assessment</td>
</tr>
<tr>
<td>ESMP</td>
<td>Environmental and Social Management Plan</td>
</tr>
<tr>
<td>ESMS</td>
<td>Environmental and Social Management System</td>
</tr>
<tr>
<td>GAP</td>
<td>Gender Action Plan</td>
</tr>
<tr>
<td>GoK</td>
<td>Government of Kenya</td>
</tr>
<tr>
<td>HIV</td>
<td>Human Immuno-Deficiency Virus</td>
</tr>
<tr>
<td>HR</td>
<td>Human Resources</td>
</tr>
<tr>
<td>IFC</td>
<td>International Finance Corporation</td>
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<tr>
<td>IFI</td>
<td>International Finance Institutions</td>
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<tr>
<td>IP</td>
<td>Indigenous Peoples</td>
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<tr>
<td>JICA</td>
<td>Japan International Coordination Agency</td>
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<tr>
<td>KeNHA</td>
<td>Kenya National Highways Authority</td>
</tr>
<tr>
<td>KeRRA</td>
<td>Kenya Rural Roads Authority</td>
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<tr>
<td>KNBS</td>
<td>Kenya National Bureau of Statistics</td>
</tr>
<tr>
<td>KNCHR</td>
<td>Kenya National Commission on Human Rights</td>
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<tr>
<td>KURA</td>
<td>Kenya Urban Roads Authority</td>
</tr>
<tr>
<td>LN No.</td>
<td>Legal Notice Number</td>
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<tr>
<td>LVSR</td>
<td>Low Volume Seal Roads</td>
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<tr>
<td>MDB</td>
<td>Multinational Development Banks</td>
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<tr>
<td>MDG</td>
<td>Millennium Development Goals</td>
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<tr>
<td>M&amp;E</td>
<td>Monitoring and Evaluation</td>
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<tr>
<td>MoTIHUD</td>
<td>Ministry of Transport Infrastructure Housing and Urban Development</td>
</tr>
<tr>
<td>MRTS</td>
<td>Mass Rapid Transit System</td>
</tr>
<tr>
<td>NACC</td>
<td>National AIDS Control Council</td>
</tr>
<tr>
<td>NAMATA</td>
<td>Nairobi Metropolitan Area Transport Authority</td>
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<tr>
<td>NEMA</td>
<td>National Environment Management Authority</td>
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<tr>
<td>NGEC</td>
<td>National Gender and Equality Commission</td>
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<tr>
<td>NLC</td>
<td>National Land Commission</td>
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<tr>
<td>OP</td>
<td>Operational Policy</td>
</tr>
<tr>
<td>OS</td>
<td>Operational Safeguard</td>
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<tr>
<td>PPP</td>
<td>Public Private Partnership</td>
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<tr>
<td>PS</td>
<td>Performance Standard</td>
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<tr>
<td>RAP</td>
<td>Resettlement Action Plan</td>
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<td>SDG</td>
<td>Sustainable Development Goals</td>
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<tr>
<td>SEP</td>
<td>Stakeholder Engagement Plan</td>
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<tr>
<td>STI</td>
<td>Sexually Transmitted Infection</td>
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1 INTRODUCTION

1.1 Background

1.1.1 General Information

The Government of the Republic of Kenya (GoK) has received financing from the African Development Bank (AfDB) towards the cost of the Mombasa-Mariakani (A109) Project, Lot 1: Mombasa - Kwa Jomvu Section.

The gender analysis done as part of the project preparation and appraisal mission for Mombasa Mariakani Highway Project established that there were no sector specific indicators for gender mainstreaming in the Transport Sector. As such, part of the proceed from the loan for construction of the road project has been applied to procure consultancy services for development of guidelines on gender mainstreaming in the transport sector.

GIBB Africa Limited was commissioned by the Kenya National Highways Authority (KeNHA) as a firm of experts to develop Gender Mainstreaming Guidelines for the Transport Sector in Kenya.

1.1.2 Assignment Scope

The Constitution of Kenya stipulates the need for gender mainstreaming as one of the key driving factors towards enhancing sustainable development. This is also in line with the African Development Bank's ten-year strategy which emphasizes gender mainstreaming and women empowerment.

Furthermore, the road sector is a major contributor to socio-economic growth; contributes to poverty reduction; adds to employment creation and increases access to social amenities, markets and investment. In Kenya transport infrastructure encompasses roads, railways, airports and harbours.

In order to achieve meaningful social and economic development through road infrastructure, then institutional and physical gender inequalities, barriers and gaps must be avoided and systematically dealt with to allow increased accessibility for gender and social inclusion leading to increased economic and social empowerment for men, women, youth and PWD's.

The scope of this assignment therefore covers the preparation of a strategy, action plan, guidelines, indicators, toolkits and checklists for use in preparation, design, implementation and monitoring of gender responsive programming for road projects in the road sub-sector.

The assignment Inception Phase included a review of the assignment objectives so as to further define the focus areas in the gender gap and gender inequality analysis. Based on the literature review and limited stakeholder engagement (including the client start-up meeting) at Inception phase also informed the focus area for the gap analysis phase.

In addition to the Terms of Reference (ToR) as defined in the Contract, the Inception Phase Findings provided the following parameters in further defining the assignment scope:

- Gender mainstreaming will be undertaken for the road project level and not the institutional level. As such, there would be no need for gender analysis and mainstreaming for the roads authorities as institutions. All parties involved in road development such as contractors and consultants should however be considered from the project context.
- With regard to the gender mainstreaming strategies to be developed under this assignment, the proposed measures must consider elements that the infrastructure
developer would have control over.

- Review opportunities that can be integrated into the programs that road authorities currently undertake for the youth and persons living with disabilities (PWDs).
- For the case study criteria, Road maintenance projects will be included in the case study criteria.
- The Ministry of Transport Infrastructure Housing and Urban Development (MoTIHUD) had developed a Guideline on Gender Mainstreaming to be used in MoTIHUD operations. This document will inform the development of recommendations for gender mainstreaming in the road sector.

The study activities have been categorised into 5 main study assignment phases categorised into the following objectives:

- Identify potential gender barriers, inequalities, gaps and entry points for gender mainstreaming in road infrastructure;
- Develop a Strategy for Gender Mainstreaming in programming of the road sub-Sector;
- Prepare a Gender Mainstreaming Action Plan for the road sub-sector;
- Prepare guidelines, checklists and tools for implementation of gender programming in the road sub-sector; and
- Monitor the implementation of the program one year after completion and approval of the Strategy, Action Plan and guidelines.

This report covers the expectations of bullet 1 above.

1.1.3 Target Group

The overall objective of the assignment is to provide strategic direction for gender mainstreaming in the road sub-sector and to provide a tool for effective mainstreaming of gender in infrastructure programs and projects with a view to undertake the following:

- Guide task managers and implementation teams to plan, design, implement, monitor and evaluate gender-sensitive and responsive road infrastructure development projects; and
- Assist industry players and implementers to become both agents for ensuring effective gender analysis and mainstreaming of gender in infrastructure development interventions.

The target group to benefit from this assignment are the key actors in road infrastructure development and maintenance in Kenya.

1.2 Review of Focus Areas for Phase II of the Assignment

1.2.1 Phase II Assignment Objectives

This report is the key deliverable for phase II of the assignment whose overall objective is the identification of potential gender barriers, gender inequalities, gaps and entry points for gender mainstreaming in road infrastructure.

A high-level discussion on the key questions that guided the preparation of this report is as below. These key questions are either discussed for the first time in this phase of the assignment, or further refined from the preliminary analysis undertaken during Phase 1 (Inception Phase of the Assignment).
Review of Gender Barriers: The assessment aims at identifying the legal, economic and socio-cultural barriers that have the potential to negatively or disproportionately impact women, girls, boys and men targeted or impacted by road infrastructure projects.

Review of Gender Gaps: The assessment aims to identify societal differences experienced by men and women with regard to opportunities, influence, decision making, power, status and attitudes. Ignoring gender gaps in project development can pose a risk to the effectiveness, efficiency and sustainability of the achievement of project interventions and goals. As such, the assessment of the gender gaps for the road sector is expected to facilitate the identification of opportunities to address gender gaps in the road project cycle.

Review of Gender Inequalities: Inequalities arising from the barriers and gaps identified are discussed in this report. Where possible, qualitative data from field assessments and quantitative data from secondary sources was integrated in these discussions. The Discussion on Barriers, Gaps and Inequalities is expected to set the ground for identification of the differentiated impacts and opportunities.

1.2.2 Revision and Update of Phase I Findings

To support the analysis above, the following aspects derived from Phase I (Inception Phase) Findings were included in this assessment phase:

- Update of the review of the road infrastructure and related development cycle;
- Update of the review of environmental and social risks / opportunities relevant to road infrastructure development projects;
- Update of stakeholder analysis;
- Review of the Policy and Legal Framework related to gender and road infrastructure development.

Updated Review of the Road Infrastructure and Related Development cycle was undertaken at the Inception Phase. At the Inception phase, the review of the cycle aimed at mapping the stages of the road cycle, the main actors and the key areas of discussion with road agencies during the stakeholder engagement activities to be undertaken in phase II. In this phase, a presentation of typical road infrastructure and related issues is discussed.

The Updated Review of the Environmental and Social Risks / Opportunities was further refined from the Inception Phase findings. Critical areas of interests to gender mainstreaming that were identified include both negative impacts and opportunities that typically arise from development, operation and maintenance of road infrastructure projects are as outlined below:

- Community ownership, control and access rights over natural resources / natural resource base and ecosystem services typically targeted for use or significantly impacted by road infrastructure projects;
- Community participation and engagement in decision making over management of negative impacts and enhancement of positive impacts / opportunities;
- Land and land based livelihood streams as driven / impacted by;
  - Land-take and economic displacement;
  - Positive and negative changes in land use / land value and urbanisation;
- Impacts arising from labour influx as driven by road infrastructure development and maintenance;
- Social development opportunities arising from road projects including increased / reduced access to social amenities, enhanced mobility / accessibility, increased access to regional markets etc;
- Road Safety;
- Occupational Health and Safety (OHS) Risks;
- Community Health and Safety (CHS) / public health risks;
- Employment, Labour and Working Conditions;

Updated Stakeholder analysis undertaken during the Inception Phase was further refined to determine the key actors, their roles and mandates with regards to the potential interventions
and relevant entry points. This is expected to set the stage for the determination of partnerships that are critical to gender mainstreaming for the road sector in Kenya.

An additional outcome of this updated stakeholder analysis is to make recommendations for the target groups for the gender mainstreaming strategy to be developed at the next phase.

The findings of the additional analysis are expected to further inform the focus areas for intervention through-out the road infrastructure project cycle.

The updated assessment led to good feedback and where possible, lessons learnt in their current endeavours / interventions in gender analysis, gender action plans and monitoring and evaluation of the efficiency, effectiveness and sustainability of gender mainstreaming initiatives being undertaken to-date.

The findings from these discussions greatly informed this report's findings on the mapping of risks and opportunities in gender mainstreaming for the road sector.

1.2.3 Key Actors in the Road Sector in Kenya

The road sub-sector in Kenya is regulated by the following key actors:

• The Ministry of Transport, Infrastructure, Housing and Urban Development;
• The Kenya Roads Board (KRB);
• KeNHA;
• The Kenya Urban Roads Authority (KURA);
• The Kenya Rural Roads Authority (KeRRA);
• County Governments, specifically the departments charged with management of roads under the jurisdiction of the County Governments;
• National Transport Safety Authority (NTSA);
• Nairobi Metropolitan Area Transport Authority (NAMATA).

The National Gender and Equality Commission (NGEC) is a constitutional office mandated to promote gender equality and freedom from discrimination in accordance with Article 27 of the Constitution and work with other relevant institutions in the development of standards for the implementation of policies for the progressive realization of the economic and social rights specified in Article 43 of the Constitution among other functions.

The National Gender and Equality Commission (NGEC) defines gender mainstreaming as a means of ensuring that the concerns of women and men form an integral dimension of the design of all policies, laws and administrative procedures including budgeting and budget implementation, and the monitoring and evaluation of programmes implementing such policies, laws and administrative procedures in all political, economic and societal spheres, so as to ensure that women and men benefit equally, and that inequality is not perpetuated;

In view of the above, the National Gender and Equality Commission (NGEC) is another key actor in undertaking this assignment due to their oversight role in gender mainstreaming in Kenya. Indeed, KeNHA has taken deliberate steps to include NGEC in the implementation of this assignment.

All the above actors were identified as key stakeholders in the preparation, adoption and implementation of the Gender Mainstreaming Guidelines for the Transport (Roads) Sector. As such, addition to the client (KeNHA), these stakeholders will be engaged during the development of recommendations under this assignment. These agencies provided representatives to participate in the stakeholder engagement process prior to the preparation of this Report.

Further discussion on stakeholder identification and analysis is as presented in Chapter 2 of this Report.
1.3 Approach and Methodology Applied

1.3.1 Desk Review

A desk review of policies, laws, regulations and publications of relevance to the assignment was undertaken. The following documents were reviewed:

- The Constitution of Kenya;
- Kenyan Laws and related regulations namely:
  - The Road Act;
  - National Gender and Equality Commission Act;
  - The Environment Management and Co-ordination Act, (Amendment), 2015;
  - Land Act with 2016 Amendments;
  - The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012
  - The Matrimonial Property Act 2013;
  - The Children Act, 2001 (Revised 2010 and 2012)
  - HIV/AIDS Prevention and Control Act (Act No. 14 of 2006);
- National Policies and Strategies namely:
  - Gender and Development Policy;
  - Kenya Vision 2030;
- International Conventions, Charters, Protocols and Agreements namely:
  - Human Rights Charter 1945
  - The Convention for the Elimination of all forms of Discrimination against Women (CEDAW) - 1979
  - Nairobi Forward Looking Strategies for the Advancement of Women, 1985
  - International Conference on Population and Development (ICPD) - 1994
  - Beijing Platform for Action, 1995
  - Millennium Development Goals (MDGs)
  - Sustainable Development Goals (SDGs)
- KeNHA Policies and Plans namely:
  - Gender Mainsreaming Policy for the Kenya National Highways Authority, May 2017;
- Environmental and Social Safeguard Policy Documents for International Financing Institutions (IFIs) and Multinational Development Banks (MDBs) namely:
  - The African Development Bank (AfDB) Integrated Safeguards System;
  - World Bank Operational Policies;
  - World Bank Environmental and Social Framework;
  - International Finance Corporation (IFC) Performance Standards;
  - European Investment Bank (EIB) Environmental and Social Hand Book;
  - Japan International Coordination Agency (JICA) Guidelines for Confirmation of Environmental and Social Considerations.
- Other policies, plans and publications deemed relevant to the assignment namely:
  - Kenya Roads Board Strategic Plan 2018-2022;
  - Kenya Urban Roads Authority Strategic Plan 2018-2022, August 2018;
  - Kenya Rural Roads Authority Strategic Plan 2018-2022, August 2018;
  - Baseline Survey on Research Undertakings in the Road Sub-Sector, Kenya Roads Board, September 2015;
  - Kenya Roads Board Complaints Handling and Resolution Policy, January 2017;
  - Kenya Roads Board Customer Service Delivery Charter;
1.3.2 Stakeholder Engagement for Participatory Rapid Appraisal

The stakeholder engagement activities under this phase of the assignment aimed at providing information to support the findings of the desk studies. In addition to this, the discussions with stakeholders engaged served to provide qualitative data to underscore or further explain gender gaps, barriers and inequalities as well as challenges, lessons learnt and good practices currently experienced in gender mainstreaming for the road sector.

The stakeholder engagement schedule was undertaken from February to early May 2019 as below.

Table 1-1: Stakeholder Engagement Schedule and Status

<table>
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<tr>
<th>Date</th>
<th>Stakeholder Group</th>
<th>Key Issues of Discussion</th>
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<tr>
<td>15 April 2019</td>
<td>KeERRA</td>
<td>To identify potential gender barriers, gender inequalities, gaps and entry points for gender mainstreaming in road infrastructure</td>
</tr>
<tr>
<td>2 April 2019</td>
<td>KURA</td>
<td>To identify potential gender barriers, gender inequalities, gaps and entry points for gender mainstreaming in road infrastructure</td>
</tr>
<tr>
<td>2 May 2019</td>
<td>KeNHA</td>
<td>To identify potential gender barriers, gender inequalities, gaps and entry points for gender mainstreaming in road infrastructure</td>
</tr>
<tr>
<td>8 March 2019</td>
<td>KRB</td>
<td>To identify potential gender barriers, gender inequalities, gaps and entry points for gender mainstreaming in road infrastructure</td>
</tr>
<tr>
<td>13 March 2019</td>
<td>NTSA</td>
<td>Discussion of gender issues in implementation of NTSA programs which are expected to include: matters relating to road transport and safety, Policies relating to road transport and safety, road safety strategies and education of members of the public on road safety.</td>
</tr>
<tr>
<td>12 March 2019</td>
<td>NAMATA</td>
<td>Discussion of gender issues in implementation of NAMATA programs which include providing sufficient and sustainable transport options for the metropolitan areas in Nairobi, Kiambu and Kajiado Counties.</td>
</tr>
<tr>
<td>25 March 2019</td>
<td>National Council for Persons with Disability</td>
<td>To identify potential gender barriers, gender inequalities, gaps facing persons with disabilities in accessing and use of road services and related infrastructure.</td>
</tr>
<tr>
<td>28 March 2019</td>
<td>Gender and Social Services Department, Ministry of Public Service Youth and Gender Affairs</td>
<td>To identify potential gender barriers, gender inequalities and gaps.</td>
</tr>
<tr>
<td>27 February 2018</td>
<td>NGEC</td>
<td>Discussion of the identified gender barriers, inequalities and gaps as pointed out by the Road authorities and Civil Societies and make recommendations for the improvement of the functioning of the institutions concerned.</td>
</tr>
<tr>
<td>Did not Materialise.</td>
<td>State Department for Social Protection, Ministry of Labour and Social Protection</td>
<td>Discussion of potential gender barriers, gender inequalities, gaps in road infrastructure for children, the elderly and Persons living with disability. The stakeholder responded via a letter which has been included in the desk based review of this assignment.</td>
</tr>
</tbody>
</table>
1.3.3 Case Review

Considering the diverse environments in which road sector operates, representative case studies were to be selected for each phase of this assignment. For this phase, the Mombasa-Mariakani Road Project was selected to provide an in-depth view of particular issues relating to the assignment objectives. This project was selected as it is understood that resources have been allocated to integrate gender mainstreaming into the construction phase of the project.

It is important to note that the review of the Mombasa-Mariakani Road Project for this assignment is not aimed at auditing the gender mainstreaming initiatives introduced for the road. It is only meant to draw information on lessons learnt, good case practices and challenges expected in gender analysis, gender mainstreaming as well as monitoring and evaluation of the effectiveness and efficiency of selected interventions.

The following project reports / documents of relevance to the assignment were shared with the study team:

- Updated RAP Report for the Proposed Dualling of Mombasa - Mariakani A109 Road Project; Vol A, January 2017;
- Labour Influx and Management Plan, Mombasa-Mariakani (A109) Road Project-Lot 1; May 2018;
- Drawings of Non-Motorized Transport facility/road furniture.

To support the desk review of reports and documents received, discussions were held with the following key actors:

<table>
<thead>
<tr>
<th>Date</th>
<th>Stakeholder Group</th>
<th>Key Issues of Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did not Materialise.</td>
<td>UN Women</td>
<td>Discussion of potential gender barriers, gender inequalities and gaps for women and girls in accessing programmes and services offered by Government and civil societies that promote gender equality. To be targeted for engagement in future phases of the assignment.</td>
</tr>
</tbody>
</table>
The findings from the exercise have informed the discussions and recommendations in this report. A detailed report on the case review exercise is presented in Annex 1 of this Report.

1.3.4 Use of the Gender Analysis tools

Gender analysis is the systematic attempt to identify key issues contributing to gender inequalities, barriers and gaps. This process explores how gendered power relations, together with class, ethnicity, age, disability status, sexuality, etc., gives rise to discrimination, subordination and exclusion of people in society. In order to identify, understand, and describe gender differences and the relevance of gender roles and power dynamics in the road subsector context, as a basis for gender mainstreaming a systematic analytical process has been apply.

The Harvard gender analysis framework was applied based on the understanding that women and men are affected by development activities differently. It was also applied to introduce an understanding of the socially differentiated roles, responsibilities, priorities and resources at the work place, accessing social amenities and economic benefits of the road infrastructure.

The process was guided by questions dealing with key domains including access and control of resources, decision making, leadership and time as a resource as represented among women, men, young women, young men and PWD at all levels of road development including the planning designing, implementing and monitoring stages.

The assessment took into account specific social development aspects namely, improved access to health, education and other social amenities; control and decision-making capabilities as a result of employment creation and enterprise development, improved mobility and related elements connected to improved quality of life.

1.4 Report Outline

The chapters in this report are as follows:

Chapter 1: Introduction – This Chapter outlines the assignment objectives and concludes by introducing the key objectives, assessment approach and findings of this phase of the assignment.

Chapter 2: Situational Analysis – This Chapter sets the stage for gender barriers, gaps and inequalities in Kenya with a focus on cross cutting and thematic issues of relevant to road infrastructure developments. It looks at the institutional framework of relevance to gender, transport (road sector) and development through stakeholder analysis against the road infrastructure footprint and project cycle. Thirdly it denotes risks and opportunities to gender mainstreaming in the current policy, legal and institutional framework in Kenya today.

Chapter 3: A Case for Gender Mainstreaming in the Road Sector – The chapter begins by highlighting the main gender gaps, barriers and inequalities underlining the road sector in Kenya. It also sets the stage for the next stage of the assignment which is the Strategy Development Phase; by providing a summary of the Gender Mainstreaming Entry Points as contextualised in the analysis of the barriers, gaps and inequalities.
2 SITUATION ANALYSIS

2.1 Policy Legal and Regulatory Framework in Kenya

The United Nations has identified gender equality as one of the seventeen Sustainable Development Goals and it recognizes that gender equality is not only a fundamental human right but a necessary foundation for a peaceful, prosperous and sustainable world.

The introduction of gender into the mainstream of society has been established as a global strategy for promoting gender equality by charting a number of protocols and policies related to social inclusion and gender equality that have received global acceptance and ratification.

The process of gender mainstreaming in the road sector will be undertaken within a policy, legal and institutional framework to ensure that the priorities set will facilitate the achievement of mainstreaming goals that would feed into the larger national agenda in an organised and systematic manner.

The primary purpose of this section therefore is to provide a quick reference to the critical legal and policy provisions for appropriate planning and impact assessment during project planning, design, implementation and monitoring.

The second objective was to undertake a review of pre-selected sectoral laws through a gender lens, in order to identify barriers contributing to gender inequalities in Kenya.

2.1.1 The Constitution of Kenya 2010

Article 21 (3) of the Constitution of Kenya places a duty on all state organs and public officers to "address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, ............" This article is on the duty of the State and every State organ to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights.

Article 27 of the Constitution of Kenya discusses matters of equality and freedom from discrimination. All are equal before the law where it states that "Women and men have the right to equal treatment including the right to equal opportunities, in political, economic, cultural and social spheres". It further recognises that "The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth". This article is very key in achieving balanced participation of men and women in leadership positions.

Article 33 discusses freedom of expression, where it states in part: "Every person has the right to freedom of expression which includes, freedom to impart information or ideas". It further states that "In the exercise of the right to freedom of expression, every person shall respect the rights and reputation of others".

Article 100 states that parliament shall enact legislation to promote representation of women, youth, persons with disabilities, ethnic and other minorities and marginalized communities.

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1 The Constitution of Kenya, Article 27(3)
2 The Constitution of Kenya, Article 27(4)
Relevance

<table>
<thead>
<tr>
<th>Framework for Gender Mainstreaming</th>
<th>The Constitution of Kenya outlines the expectations on equal opportunity, freedom from discrimination, leadership and representation of men and women.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Deliberate action in addressing the needs of vulnerable groups which include women, older members of society, persons with disabilities, children and youth.</td>
</tr>
</tbody>
</table>

2.1.2 Human Rights Charter 1945

Human rights are basic rights and freedoms that all people are entitled to irrespective of nationality, gender, national or ethnic origin, race, religion, language, or other status. Human rights are believed to be universal in application and egalitarian, with all people having equal rights by merit of being human. The United Nations Charter contains general human rights provisions which were signed in San Francisco on 26th June 1945 at the end of World War II. The major function of the Charter of the United Nations 1945 is to promote respect for and observance of universal human rights for all.

The policy generally stresses on the importance of maintaining peace and security of all the member states in an attempt to avoid violations of human rights that was witnessed during World War II. Generally, the document stresses on the need for the respect of human rights irrespective of the gender, race or religion and thus acts as a strategy for social inclusion. However, the policy document is gender blind since it does not seem to put into consideration how the men and women will benefit. In addition, the membership to the councils and the general assembly covered in this charter does not clearly show the percentage or the fraction of the total membership that should be awarded to the men or women in order to ensure representation.

Consequently, the men are to be benefit from the lack of differentiation between men and women requiring different kind of attention.

2.1.3 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa


Article 2 of the Protocol outlines the requirements for member states on legislation required to integrate gender perspectives in their policy decisions, legislation, development plans, programmes and activities and in all other spheres of life.

It further requires member states to take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist.

The article further calls for enactment and effective implementation of appropriate legislative or regulatory measures prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women.

Article 12 on the rights to education and training requires member states to provide access to counselling and rehabilitation services to women who suffer abuses and sexual harassment. The article also calls for promotion of education and training for women at all levels and in all disciplines, particularly in the fields of science and technology.

Article 13 on social and human rights gives direction on the following aspects of relevance to the assignment:

- Access to employment;
- Equal pay;
- Sexual harassment in the workplace and protection from exploitation;
- Promotion and support of informal sector activities;
- Minimum working age and exploitation of children, especially the girl child;
- Pre and post-natal maternity leave;
- Equal taxation and allocation of allowances and entitlements to both salaried men and women;
- Parental responsibility on upbringing and development of children.

Article 14 on reproductive health rights gives direction on actions with regard to sexually transmitted infections (STIs) and HIV/AIDS which is a key thematic issue in road infrastructure projects.

Article 18 on the right to a clean and healthy environment, the protocol covers the following aspects:
- Participation of women in the planning, management and preservation of the environment and the sustainable use of natural resources at all levels;
- Renewable energy, appropriate technology and facilitation of women to access and control such technologies;
- Women and Indigenous Knowledge systems;
- Management, processing, storage, transportation and disposal of domestic and toxic wastes.

Article 19 on sustainable development focusses on the following issues of relevance to this assignment:
- Gender perspective in development of initiatives and programs as well as indicators of human development;
- Promote women's access to and control over productive resources such as land and guarantee their right to property;
- Promote women's access to credit, training, skills development and extension services;
- Minimisation of negative impacts of globalisation on women.

The protocol gives special protections to the following groups of women:
- Widows;
- Elderly women;
- Poor women;
- Women with disabilities;
- Women in detention;
- Women heads of families;
- Women from marginalized population groups;
- Pregnant women;
- Nursing women.

Lastly, article 26 calls for reporting at national level on the progress of implementation of the requirements of this protocol.

**Relevance**

Focus areas on:

<table>
<thead>
<tr>
<th>Framework for Gender Mainstreaming</th>
<th>Measures to eliminate discrimination of women</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Affirmative action for empowerment of women in the work place</td>
</tr>
<tr>
<td></td>
<td>Child protection in the work place</td>
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<tr>
<td></td>
<td>Protection from sexual harassment in the work place and</td>
</tr>
<tr>
<td></td>
<td>Management of HIV/AIDS and STIs</td>
</tr>
<tr>
<td></td>
<td>Support for pregnant women and breastfeeding mothers</td>
</tr>
<tr>
<td></td>
<td>Enhancement of participation by women in development initiatives and programs as well as environmental protection and management</td>
</tr>
<tr>
<td></td>
<td>Management of domestic and toxic wastes</td>
</tr>
</tbody>
</table>

Development of Gender Mainstreaming Guidelines 2-3
Report on Gender Gaps, Inequalities & Entry Points for Mainstreaming

Issue 1.0 June 2019
Globalisation and trade factors driven by improvement of road development infrastructure / corridors

<table>
<thead>
<tr>
<th>Vulnerable Groups</th>
<th>Special protections for particular groups of women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monitoring and reporting</td>
<td>Potential contribution to the periodic reports submitted in accordance with Article 62 of the African Charter</td>
</tr>
</tbody>
</table>

The protocol provides focus areas for entry points to promote gender equality in specific areas for social development, and entry points for men.

2.1.4 The Convention for the Elimination of all forms of Discrimination against Women (CEDAW) - 1979

The convention popularly referred to as CEDAW was adopted in 1979 by the UN General Assembly, as 'international bill of rights for women'. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination including "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

Thus, the Convention is based on declaration of the Charter of the United Nations that reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women.

Article 11 specifically requires state parties to take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women the same rights in particular:

- The right to work as an inalienable right of all human beings;
- The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment.

Relevance

This policy generally seeks to promote the empowerment of women in all spheres of life.

2.1.5 Nairobi Forward Looking Strategies for the Advancement of Women, 1985

This is a policy document that was adopted in 1985 at the third world conference on women held in Nairobi to review and appraise the achievements made as well as the obstacles faced during the United Nations decade for women.

The policy document thus provides a blue print for action until 2000 where the member states were urged to take the constitutional and legal steps to eliminate all forms of discrimination against women, and tailor national strategies to facilitate the participation of women in efforts to promote peace, equality and development; the three broad objectives of the UN decade for women.

In addition, it contains the specific recommendations for gender empowerment in regard to health, education and employment. In summary the Forward-Looking Strategies calls for sexual equality, women's autonomy and power, recognition of women's unpaid work as well as the advancements in women's paid work. Thus the policy document is not gender-blind since it recognizes that gender equality and equity is not an isolated issue, but encompassed all areas of human activity.
Relevance

Women's participation is necessary not only in spheres relating to gender but in all other spheres aimed at peace and development of the society.

2.1.6 International Conference on Population and Development (ICPD) - 1994

The ICPD programme of action was adopted by 179 governments at a conference held on September 1994 in Cairo, Egypt. Major emphasis in the conference was put on the key actions to be implemented in order to improve the lives of the individuals as well as increase respect for their human rights. The major function of the ICPD programme that the international community agreed to achieve included; the reduction of infant, child and maternal mortality, the provision of universal access to education particularly for girls and the provision of universal access to a full range of reproductive health services including family planning as well as ensuring gender equality and equity. Road infrastructure is significant in accessing and achieving such indicators which all aimed at reducing widespread poverty, disease, and hunger and gender inequality.

The issues of gender equality, equity and empowerment of women have been discussed at length in the fourth chapter of the ICPD’s programme of action. The challenges that women face in their attempt to lead a satisfying and productive life including; overburdened with the household responsibilities which usually goes unpaid, low education status and consequently low economic status.

Thus the policy document is gender sensitive since a major attempt has been made to incorporate the gender perspective in trying to achieve change and emphasizing that men and women require different attention to deal with their unique needs. In addition, the document also strives for the inclusion of all groups of people at all levels of development thus it is strategy for social inclusion.

Relevance

Recognition of the role of women's gender roles in their low economic status.

The road subsector is engaged in road construction which is key in creating employment women can get gainful and paid employment in the development, rehabilitation and maintenance of roads. The policy document has highlighted the plights of women and the girl child living in a highly patriarchal society and key actions to be undertaken to alleviate such problems.

2.1.7 Beijing Platform for Action, 1995

This policy document was adopted in 1995, and is committed to the advancement of the goals of equality, development and peace for all women everywhere in the interest of all humanity.

The critical areas of concern where girls and women require differential treatment including; access to education and training, access to health care and related services, lack of involvement of women in decision making processes, management of natural resources and safeguarding of the environment, increasing burden of poverty on women and the stereotyping of women.

The need for the participation of all stakeholders including men as well of change of attitudes has been stressed so as to eliminate the gender disparities in these areas.

Relevance

The Platform for Action is an agenda for women's empowerment, aiming at accelerating the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women and removing all the obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making.

This policy document is quite comprehensive in dealing with gender issues since it has emphasized the key actions to be undertaken by the government and other non-governmental...
organizations in addressing each critical area in the subsequent chapters. These actions are essential in ensuring peace, development and gender equality and equity.

2.1.8 Millennium Development Goals (MDGs) and Sustainable Development Goals (SDGs)

In September of the year 2000, leaders of 189 countries met at the United Nations in New York and endorsed the Millennium Declaration, a commitment to work together to build a safer, more prosperous and equitable world. The declaration was translated into a roadmap setting out eight time-bound and measurable goals to be reached by 2015, known as the (MDGs), namely:

1. Eradicate extreme poverty and hunger
2. Achieve universal primary education
3. Promote gender equality and empower women
4. Reduce child mortality
5. Improve maternal health
6. Combat HIV/AIDS, malaria and other diseases
7. Ensure environmental sustainability
8. Develop a global partnership for development

The third goal on the promotion of gender equality and empowerment of women is directly linked to this study. For example, women access to social amenities such as health/maternal health, education, market centres call for improvement in road infrastructure, eradication of extreme poverty can be achieved by allowing women to participate in the road projects for employment and business.

Children will access schools to attain an education so that they can take advantage of available opportunities for self-development. Environmental sustainability promotes health and safety and this is key for children and women especially in relations to road development. This policy document is generally gender-sensitive since the eight goals are connected to the empowerment of women. Moreover, all the eight MDGs aimed at ensuring every group in the society is involved in development thus leading to social inclusion.

Sustainable Development Goals (SDGs) came about from the progress made by the Millennium Development Goals (MDGs) over the past 15 years. At the United Nations Sustainable Development Summit on 25 September 2015, world leaders adopted the 2030 agenda for Sustainable Development, which includes a set of 17 SDGs to end poverty, fight inequality and injustice, and tackle climate change by 2030.

The SDGs are intended to be universal in the sense of embodying a universally shared common global vision of progress towards a safe, just and sustainable space for all human beings to thrive on the planet.

These SDGs include:

1. End poverty in all its forms everywhere
2. End hunger, achieve food security and adequate nutrition for all, and promote sustainable agriculture
3. Attain healthy life for all at all ages
4. Provide equitable and inclusive quality education and lifelong learning opportunities for all
5. Attain gender equality, empower women and girls everywhere
6. Secure water and sanitation for all for a sustainable world
7. Ensure access to affordable, sustainable, and reliable modern energy services for all
8. Promote strong, inclusive and sustainable economic growth and decent work for all
9. Promote sustainable industrialization
10. Reduce inequality within and among countries
11. Build inclusive, safe and sustainable cities and human settlements
12. Promote sustainable consumption and production patterns
13. Promote actions at all levels to address climate change
14. Attain conservation and sustainable use of marine resources, oceans and seas
15. Protect and restore terrestrial ecosystems and halt all biodiversity loss
16. Achieve peaceful and inclusive societies, rule of law, effective and capable institutions
17. Strengthen and enhance the means of implementation and global partnership for sustainable development

The main aim of SDG 5 aim is to achieve gender equality and empower all women and girls. Among the targets to this goal, the following will be applicable to this assignment:

- Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life;
- Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women;
- Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

Relevance

Most of the SDGs aim at ending the marginalization of women, youth and PWDs who have been excluded from economic empowerment due to lack of major factors of production and the lack of employment opportunities. The eighth goal on the promotion of inclusive and sustainable economic growth by providing decent work for all aims to ensure that every person and especially women, youth and PWDs have access to employment opportunities. Thus, the achievement of these SDGs will ensure the participation of the women and PWDs in the road infrastructure development.

The fifth goal specifically focuses on gender equality and the empowerment of women because for a long time they have been discriminated and left to work on farms and perform domestic chores with very little pay or no pay at all. In addition, the rest of the goals such as ending extreme poverty and attainment of a healthy life all point out to need of the achievement of equity and social inclusion in the society.

All the SDGs focus on the need to have inclusive society where all the members of society live a healthy life and access the basic necessities of life. Hence, gender equality is a significant pre-condition for the attainment of the other SDGs

2.1.9 Vision 2030

Section 5.6 of Vision 2030 on Gender Youth and Vulnerable Groups states that Kenya is keen on equity in power and resource distribution. Specific strategies are to increase the participation of women in all economic, social and political decision-making processes.

The flagship project for gender is the institutionalization of the Women Enterprise fund and increasing its overall amounts and efficiency in projects launched by its beneficiaries. (Kenya Vision 2030, popular version 2007).

The Fund, a flagship project under the first medium term plan 2008-2012, disbursed Ksh. 1.55 billion through the Constituency Women Enterprise Scheme. An additional Ksh. 1.85 billion was disbursed through 83 active financial intermediaries. In total, approximately 704,026 beneficiaries from across the country accessed the fund. The following challenges were however identified in achieving the goals:

- Harmful social cultural and religious factors, e.g. female genital mutilation and forced early marriages;
- Low levels of awareness on gender equality and women empowerment;
- High incidences of gender based violence especially to women and girls;
- Low levels of implementation of gender related policies and laws. (2nd medium term plan 2013-2017)

In the second Medium term plan 2013 – 2017, it was noted that women are progressively realizing their potential in all sectors especially in agriculture, education and sexual reproductive health rights. Kenya has also made strides to ensure access to alternative financial services for women through the Women Enterprise Fund.
In order to address the Challenges, the MTP gender programme is organized under two headings:

**Gender Mainstreaming**

- Coordinate monitoring of gender mainstreaming across MDAs: The sub-sector will enhance the capacities of the decentralized gender functions in order to effectively push forward the gender mainstreaming agenda;
- Enactment of a national affirmative action policy and monitoring compliance: The sub-sector will operationalize and monitor compliance to the Constitution of Kenya 2012 provision of not more than 2/3 of either gender representation in all appointive and elective positions;
- Development and implementation of the National Gender and Development policy: The sub-sector will develop and implement a National Gender and Development policy in line with COK 2012 and international and regional gender related commitments and instruments;
- Gender disaggregated data to guide policy decision making: The sub-sector will collect, analyze and utilize gender disaggregated data to update the gender development index;
- Establishment of Gender Research and Documentation Centre: The sub-sector will establish and equip the Centre with requisite resources;
- Establishment of integrated one stop sexual and gender based violence response centers in all healthcare facilities in Kenya. The proposed centers will offer medical, legal and psychosocial support to victims of SGBV;
- Public awareness campaign against FGM, early and forced marriages: The sub-sector will develop and implement a national sexual and gender based violence policy and operationalize the FGM Act 2011. The sub-sector will work closely with the National Gender and Equality commission to issue sanctions and recommend prosecution on gender discrimination cases.

While all of this is well planned, there are serious problems with implementation. The budgets for the implementing agencies are constrained and in many cases, they are unable to implement the planned programmes. Changing cultural values takes time and there is constant need for teaching, demonstration and observation, and therefore need for continuous awareness campaign and advocacy on the issues.

**Women Empowerment**

This has mainly focused on economic empowerment and there is evidence that women have benefited from the various programmes and funds established. The 30% public procurement preference for women has grown over the years and in the roads sector the emergence of women managed enterprises has been on the rise.

The financial allocation in terms of contracts for those enterprises was recognised to have grown but women still need to be encouraged to seek help from the various funds in order to finance the contracts that they get.

The focus areas in women empowerment are to be through:

- Implementation of the 30 percent public procurement preference for women entrepreneurs: The sub-sector will carry out a public awareness campaign on the provisions of the Public Procurement and Disposal Regulations 2013 for women;
- Implementation of the Uwezo Fund: the sub-sector will seek to expand access to finances and promote women led enterprises at the constituency level through the Uwezo Fund;
- Women Enterprise Fund: The sub-sector will seek to review the funds product and services, re-brand and re-launch.
Relevance

The Vision 2030 documents provide an insight into the lessons learnt from the primary initiatives in gender mainstreaming under Vision 2030 and enunciates the areas where the government aims to re-focus its resources with regard to women empowerment.

2.1.10 The Gender Policy 2011

The Gender Policy 2011 interprets the provisions of the constitution and provides a platform for implementation. The Ministry of Gender has adopted a gender mainstreaming strategy to ensure that:

- Deliberate attention is paid on reaching men, women, boy and girls
- Historical disadvantages resulting from gender roles, access to resources and participation in decision making will be addressed
- Due attention will be given to gender considerations and promote equity and equality between women and men, girls and boys

The Policy proposes the use of the following strategies to reach its objectives:

- Strengthening the institutional procedures which ensure that the needs of women, girls and boys, are all met equitably.
- Formulating measures to ensure that gender-specific vulnerabilities and capacities of men and women are systematically identified and addressed;
- Institutionalize data collection to ensure that data on beneficiaries is disaggregated by sex for needs assessment and that program planning and gender analysis is integrated into program design, delivery, monitoring and evaluation;
- Reviewing and enhancing existing strategies for capacity building in gender mainstreaming as part of institutional development programs with special attention to staff training (within the Ministry and the other line Ministries) on gender analysis skills;
- Ensuring that reporting and accountability mechanisms for activities and results in gender mainstreaming are put in place. This includes performance evaluations, budget allocation analysis and actions to enable the full participation of women and men on an equal and meaningful basis in development activities at all levels.
- Establish gender research and documentation center to systematically collect, analyze, disseminate and utilize gender related information to all line ministries and external partners (Gender policy 2011)

With these policies in place, there is sufficient backing for engagement of men and women in the development and management of road sector projects. Women and men have the right to express themselves when roads are being developed in their areas. This would ensure that they access maximum benefits from the projects. They also have the right to participate as leaders in the institutions that are set up to manage the projects.

2.1.11 National Gender and Equality Commission Act 2011

NGEC was established under this Act and is charged with ensuring that implementation of article 27 of the constitution was operationalized through the roles specified in the Act including the following:

- Monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions;
- Act as the principal organ of the State in ensuring compliance with all treaties and conventions ratified by Kenya relating to issues of equality and freedom from discrimination and relating to special interest groups including minorities and marginalized persons, women, persons with disabilities, and children;
- Co-ordinate and facilitate mainstreaming of issues of gender, persons with disability and other marginalized groups in national development and to advise the Government on all aspects thereof;
- Monitor, facilitate and advise on the development of affirmative action implementation policies as contemplated in the Constitution;
• Investigate on its own initiative or on the basis of complaints, any matter in respect of any violations of the principle of equality and freedom from discrimination and make recommendation for the improvement of the functioning of the institutions concerned;
• Work with other relevant institutions in the development of standards for the implementation of policies for the progressive realization of the economic and social rights specified in Article 43 of the Constitution and other written laws;
• Co-ordinate and advise on public education programmes for the creation of a culture of respect for the principles of equality and freedom from discrimination;
• Conduct and coordinate research activities on matters relating to equality and freedom from discrimination as contemplated under Article 27 of the Constitution;
• Receive and evaluate annual reports on progress made by public institutions and other sectors on compliance with constitutional and statutory requirements on the implementation of the principles of equality and freedom from discrimination;
• Work with the National Commission on Human Rights, the Commission on Administrative Justice and other related institutions to ensure efficiency, effectiveness and complementarities in their activities and to establish mechanisms for referrals and collaboration in the protection and promotion of rights related to the principle of equality and freedom from discrimination;
• Prepare and submit annual reports to Parliament on the status of implementation of its obligations under this Act;
• Conduct audits on the status of special interest groups including minorities, marginalized groups, persons with disability, women, youth and children;
• Establish, consistent with data protection legislation, databases on issues relating to equality and freedom from discrimination for different affected interest groups and produce periodic reports for national, regional and international reporting on progress in the realization of equality and freedom from discrimination for these interest groups.

Relevance

The National Gender and Equality Commission (NGEC) is a key partner in the realization of the Gender Mainstreaming Strategy and related initiatives for the road sector.

2.1.12 Land Laws with 2016 Amendments

The Land Act provides the mechanisms and procedures for land take under the power of eminent domain. It empowers the National Land Commission to undertake compulsory acquisition in accordance with the Land Act and all other land related laws including the National Land Commission Act, The Land Registration Act, The Community Land Act and the Land and Environment Court Act. 3

The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012 applies to all internally displaced persons that arise either through calamities, social conflict or development project and is guided by the Bills of Right under the Constitution of Kenya. Section 5 of the Act lists development projects among the displacement factors and outlines involvement of the affected persons through awareness, sensitization, training and education on causes, impact, consequences and prevention measures. Section 6 of the Act provides that displacements and relocation from development project will only be justified by compelling and overriding public interest.

For cases where land take occurs in projects funded by IFIs, the procedures for Compulsory Acquisition are supported by additional safeguards outlined in their (IFIs) particular requirements for Involuntary Resettlement.

3 Provides mechanisms for legal redress in land related matters including compulsory acquisition

Development of Gender Mainstreaming Guidelines

Report on Gender Gaps, Inequalities & Entry Points for Mainstreaming

Issue 1.0 June 2019

2-10
Relevance

The Land laws will provide a basis for development of strategies for gender mainstreaming of the land acquisition process for government funded projects as well as preparation of resettlement action plans for IFI funded projects.

2.1.13 Employment Act

Section 5 (3) (a) states that No employer shall discriminate directly or indirectly, against an employee or prospective employee or harass an employee or prospective employee on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, mental status or HIV status.

Relevance

The Act will provide a basis for gender mainstreaming with a focus on non-discrimination in the workplace.


Part 11, Section 7 of the Act requires that HIV and AIDS education be carried out at the workplace. The government is expected to ensure the provision of basic information and instruction on HIV/AIDS prevention and control at the workplace.

Relevance

The Act will provide a basis for gender mainstreaming of HIV/AIDS Management Strategies for the Road Sector.

2.1.15 The Children Act, 2001 (Revised 2010 and 2012)

This is an Act of Parliament to among others, put special attention to the safeguards for the Rights and Welfare of the Child with special emphasis on the Right to:

- Education, health care and religious education,
- Protection from child labour, drugs, sexual exploitation and other forms of abuse;
- Protection from harmful cultural rites such as early marriage or other cultural rites, customs or traditional practices that are likely to negatively affect the child's life, health, social welfare, dignity or physical or psychological development.

Relevance

The Act will provide a basis for provision of special protections for boys and girls.

2.1.16 The Matrimonial Property Act 2013

The Matrimonial Property Act 2013 sets out the law and procedures for creation and division of a marital estate. It also stipulates how and by whom matrimonial property should be managed as well as how it should be divided at the end of a marriage.

Under section 6 of the Act, Matrimonial Property is described as the matrimonial home, household goods and effects in the matrimonial home, immovable property owned by either spouse, which provides basic sustenance for the family and any other property acquired during the subsistence of the marriage which the spouses expressly or impliedly agree to be matrimonial property.

Under section 3 (2) of the act, the parties to a marriage have equal rights and obligations at the time of the marriage and at the dissolution of it. Matrimonial property shall be deemed to vest in the spouses in equal shares regardless of the contribution of either of them towards the acquisition thereof.
Section 12(1) provides that no estate or interest in any matrimonial property shall be alienated in any manner without the prior consent of both spouses and that neither spouse shall be liable to be evicted from the matrimonial homes except in accordance with a court order. The provisions of this Act are relevant to the recognition of the role of both spouses in the decisions connected to matrimonial property to be affected by the project, and especially compensation payment on the same.

Relevance

The Matrimonial Property Act will provide a basis for gender mainstreaming with regard to:

- Compulsory acquisition;
- Involuntary resettlement;
- Acquisition of property on a willing-buyer willing seller basis with a focus on acquisition of material sites and temporary rights of way by contractors during road infrastructure development and maintenance activities.

2.1.17 Kenya Road Act, 2007

On enactment, the Act vested the powers and functions of all urban Roads under the Public Roads and Roads of Access Act, Cap 399 on the Kenyan Urban Roads Authority. It empowered the Authority to manage and develop roads on all designated urban road reserves for the benefit of the residents.

Relevance

An updated review of the Act will be undertaken to identify the need, if any, for legislative adjustments to empower the road authorities to implement the strategies provided for in this assignment.

2.1.18 National Transport Safety Authority Act

This is an Act of Parliament to provide for the establishment of the National Transport and Safety Authority (NTSA); to provide for the powers and functions of the Authority, and for connected purposes.

The functions of NTSA include the following:

- Advise and make recommendations to the Cabinet Secretary on matters relating to road transport and safety;
- Implement policies relating to road transport and safety;
- Plan, manage and regulate the road transport system in accordance with the provisions of this Act;
- Ensure the provision of safe, reliable and efficient road transport services; and
- Administer the Traffic Act.

Relevance

An updated review of the Act will be undertaken to identify the need, if any, for legislative adjustments to empower the road authority to implement the strategies provided for in this assignment.

2.1.19 Traffic Act

This is an Act of Parliament to consolidate the law relating to traffic on the roads. It covers vehicle registration, vehicle licensing, licensing of drivers, parking, road accident investigation and reporting, regulation of public service vehicles as well as offences and related penalties.
This act was reviewed to provide a basis for the discussion on road safety as a key thematic issue in this assignment.

Relevance

An updated review of the Act will be undertaken to identify the need, if any, for legislative adjustments to empower the road authority to implement the strategies provided for in this assignment.

2.1.20 IFI and MDB Environmental and Social Safeguards

A review of gender considerations across the various lender’s guidelines was undertaken as presented in Appendix 2 of this report.

In essence, the policies require that gender segregated data be applied in assessment and appraisal stages of projects and are very keen on including men and women’s views in consultation process. More importantly, the safeguards require that the results of the engagement should inform the project planning phases and this is best demonstrated in safeguard documents, designs, bidding documents and contracts for the particular projects.

Thirdly these safeguards call for gender segregated data in measuring the performance of the set goals and objectives in order to demonstrate the performance / benefit measures on each gender.

An additional review of AfDB’s Policies is as presented below:

(a) **African Development Bank Gender Policy**

The policy defines the commitment of the African Development Bank to promote gender mainstreaming as a means of fostering poverty reduction, economic development and gender equality on the Continent. Among the five (5) key priority areas is Reducing Women’s Poverty and Governance.

(b) **AfDB Checklist for Gender Mainstreaming in the Infrastructure Sector**

The checklist provides an outline of what the Banks appraisal team will be looking at in a project to determine its compliance with incorporating gender dimensions in its design and that the benefits accruing from the project will benefit all without gender discrimination.

(c) **AfDB Kenya Country Strategy Paper 2014-2018**

The Bank’s Country Strategy Paper (CSP) 2014-18 for Kenya supports the country’s ambitions and addresses its main developmental challenges by promoting job creation as the overarching objective. The CSP has two main strategic pillars which are enhancing physical infrastructure to unleash inclusive growth and developing skills for the emerging labour market of a transforming economy. The CSP is keen on addressing the youth unemployment issue which is one of the setbacks in Kenya. The CSP is also keen in the newly emerging themes of promoting green and inclusive growth especially with the private sector and gender mainstreaming.

Relevance

The findings from the review will provide a basis for gender mainstreaming strategies in consideration of IFI funded road infrastructure projects.
2.2 Review of Planned and On-Going Road Infrastructure Projects

2.2.1 General Information

The entire road network in Kenya is approximately **177,000 km** out of which about **63,000 km are classified roads**; **14,000 km** are unclassified urban roads and the balance of about **100,000 km** are unclassified rural roads (KeNHA, 2019).

Considering that the road network in Kenya accounts for about 93% of freight traffic⁴, a reliable and efficient road network is a critical component in management of the cost of doing business in Kenya.

Road infrastructure development projects are expected to be a large undertaking in Kenya’s future considering that only 12% of the classified roads, is currently paved (KURA, 2017).

The main actors in road infrastructure development and maintenance projects are KENHA, KURA, KeRRA and KRB. The section below reviews the planned and on-going road projects among these agencies. An overview of the prioritised Public Private Partnership (PPP) Projects has also been included as a stand-alone aspect in this report.

The road transport sub-sector involves movements of both goods and services on land. It encompasses training, regulating, financing and maintenance of both the road sub-sector services as well as facilities providing the services that is the regulating authorities, National road networks.

The Gender Mainstreaming strategy is to be integrated into the road’s project cycle. Details on the road project cycle will be documented in detail in the Gender Mainstreaming documentation to inform the entry points and timings of proposed interventions.

From preliminary review conducted during this stage, we have compiled a non-technical summary of the road project cycle as presented below.

**Phase 1: Inception & Conceptual Phase:** Planning of the project largely based on the market demand, perceived needs, and government policies. Mainly involves the Pre-Feasibility studies based on need of roads depending on traffic demands, economic analysis requirements and government policies.

**Phase 2: Feasibility Studies & Preliminary Design:** Involves further studies on needs based on traffic demands and detailed economic and social impacts of preconceived developments with an aim of procuring and coming up with the most economical system in terms of operation and maintenance.

**Phase 3: Detail Design, Tendering, Finance Sourcing, Procurement, and Contract Award:** Mainly involves the procurement of services of a specialised contractor to carry out the construction of the project as designed including post award amendments.

**Phase 4: Construction and Contract Administration:** Involves the physical execution of the design. In addition to this, the construction phase usually includes maintenance of existing infrastructure during construction and maintenance of newly constructed infrastructure during the defects liability period.

**Phase 5: Facility Management, Post Construction Maintenance and Annuity:** Involves the maintenance of the constructed road so that it serves the intended purpose as it supplies the services to the public. The road is further monitored if it meets the needs requirements and it provides a source of research for the development of other roads and improvements of the same.

2.2.2 Kenya Roads Board

Kenya Roads Board (KRB) is a State Corporation established under the Kenya Roads Board Act, 1999. Its mandate is to oversee the road network in Kenya and coordinate its development, rehabilitation and maintenance funded by the KRB Fund and to advise the Cabinet Secretary for Transport and Infrastructure on all matters related thereto.

KRB Fund comprises of the Road Maintenance Levy, Transit Toll and Agricultural cess. Fuel levy was established in 1993 by the Road Maintenance Levy Act. Fuel levy is charged at the rate of Kshs 9 per litre of petrol and diesel.

The Annual Public Roads Programme (APRP) presents the consolidated Annual Road Work Programmes from the designated road agencies and provides detailed allocations for all the funds accruing from KRB Fund in a particular Financial Year.

KRB Fund is typically allocated to specific agencies as below:

- Class A, B and C allocated to KeNHA;
- Constituency Roads allocated to KeRRA;
- Critical links - rural roads allocated to KERRA;
- Urban Roads allocated to KURA;
- National parks/reserves allocated to Kenya Wildlife Service;
- Administration allocated to Kenya Roads Board;
- Roads under Road Sector Investment Programme allocated to KRB/Minister for Roads.

2.2.3 Kenya National Highways Authority

Kenya National Highways Authority (KeNHA) is a state corporation, established under the Kenya Roads Act 2007 with the responsibility for the management, development, rehabilitation and maintenance of Class S, B and A roads, that is, Superhighways, National trunk roads and International trunk roads.

The main functions of KeNHA are:

- Constructing, upgrading, rehabilitating and maintaining roads under its control;
- Controlling National trunk roads and road reserves and access to roadside developments;
- Implementing road policies in relation to National trunk roads;
- Ensuring adherence to the rules and guidelines on axle load control prescribed under the Traffic Act and under any regulations under the Kenya Roads Act, 2007;
- Ensuring that the quality of road works is met;
- Collecting and collating data related to the use of National trunk roads;
- Preparation of road works programmes for all National trunk roads;
- Monitoring and evaluating the use of National trunk roads;
- Planning the development and maintenance of National trunk roads;
- Advising the Cabinet Secretary for Transport and Infrastructure on all issues relating to National trunk roads;
- Liaising and co-ordinating with other road authorities in planning and on operations; and
- Performing such other functions related to the implementation of the Kenya Roads Act, 2007 as may be directed by the Cabinet Secretary Transport and Infrastructure.

In undertaking this mandate, the Authority propels the country to achieve its infrastructure goals espoused in the vision 2030.

Publicly available records show that KeNHA has active construction projects covering approximately 3,900km in various stages of completion ranging from 6% to 99% completion. These roads cross through 27 of the 47 counties in Kenya namely: Baringo, Bungoma, Busia,
Elgeyo Marakwet, Garissa, Kajiado, Kakamega, Kericho, Kiambu, Kisii, Kisumu, Kitui, Kwale, Laikipia, Lamu, Machakos, Makueni, Meru, Migori, Mombasa, Nairobi, Narok, Nyandarua, Samburu, Siaya, Turkana and Uasin Gishu Counties.

Future projects by KeNHA include an additional 185km of road in Mombasa, Kilifi, Turkana, Murang'a, Embu, Kirinyaga, Nyeri, Nairobi and Machakos Counties.

GoK has also planned to construct 10,000 km priority roads nationwide through the roads 10,000 program. Under this program roads will be constructed through long-term contracts for design, finance, construction and maintenance under PPP arrangement with payments linked to completion of roads and performance based maintenance. KeNHA prioritized implementation of some of the roads identified under the Roads 10000 program. These roads are located in Kwale, Wajir, Mandera, Narok, Nairobi, Kajiado, Kiambu, Laikipia, Marsabit and Taita-Taveta Counties.

2.2.4 Kenya Rural Roads Authority

KeRRA's primary mandate is to develop, construct and maintain the rural road network in the country as per the Kenya Roads Act, 2007. The scope of the rural road network was revised via the Kenya Gazette Legislative Supplement No. 4 (Special Edition) of 22nd January 2016.

The main functions of KeRRA are:

- Constructing, upgrading, rehabilitating and maintaining rural roads;
- Planning the development and maintenance of rural roads;
- Controlling reserves for rural roads and access to roadside developments;
- Implementing road policies in relation to rural roads;
- Ensuring adherence by motorists to the rules and guidelines on axle load control prescribed under the Traffic Act or any other existing regulations;
- Ensuring that the quality of road works is in accordance with such standards as may be defined by the Ministry responsible for Transport and Infrastructure;
- Overseeing the management of traffic on rural roads and issues related to road safety;
- Collecting and collating data related to the use of rural roads as may be necessary for efficient forward planning;
- Monitoring and evaluating the use of rural roads;
- Liaising and co-coordinating with other Authorities in planning and operations in respect of roads;
- Preparing road work programs for all rural roads;
- Advising the Cabinet Secretary on all issues relating to rural roads; and
- Performing other functions related to rural roads as may be directed by the Cabinet Secretary.

KeRRA's head office is located in Nairobi and is supported by 30 Regional Administrative Units and Offices to cover the 47 Counties in Kenya.

The Authority's road infrastructure programs are guided by the Second Roads Sector Investment Programme (2017-2021) as the basis for road investment prioritization and preparation of Annual Road Works Programmes. Their operations are further devolved to the Constituency level to facilitate maintenance of roads in all 290 Constituencies as guided by the respective Constituency Roads Committees (CRCs); through the annual Roads Maintenance Levy Fund (RMLF) allocations.

Thirdly, GoK has committed to construct 10,000km of roads countrywide under the Low Volume Seal Roads (LVSR) technology for a programme dubbed the LVSR 10,000km Programme. According to publicly available records on the LVSR 10,000km program, KeRRA has two sub-programs namely the R2000 LVSR strategy (Labour Based) and the R10,000 Program (Machine Based). The two sub-programs account for about 4,100km of road already under construction and about 5,485km under various stages of procurement.
2.2.5 Kenya Urban Roads Authority

KURA has the core mandate of Management, Development, Rehabilitation and Maintenance of National urban trunk roads. The main functions of KURA are:

- Constructing, upgrading, rehabilitating and maintaining roads under its control;
- Controlling urban roads reserves and access to roadside developments;
- Implementing road policies in relation to urban roads;
- Ensuring adherence by motorists to the rules and guidelines on axle load control prescribed under the Traffic Act CAP 403 and any regulations under the Act;
- Ensuring that the quality of road works is in accordance with such standards as may be defined by the Cabinet Secretary;
- In collaboration with the Ministry responsible for transport and the Police Department, oversee the management of traffic and road safety on urban roads;
- Monitoring and evaluating the use of urban roads;
- Planning the development and maintenance of urban roads;
- Collecting and collating all such data related to the use of urban roads as may be necessary for efficient forward planning under this Act;
- Preparing the roads works programmes for all urban roads;
- Liaising and co-ordinating with other road authorities in planning and on operations in respect of roads;
- Advising the Cabinet Secretary on all issues relating to urban roads; and
- Performing such other functions related to the implementation of this Act as may be directed by the Cabinet Secretary.

From publicly available records, KURA's current / active road construction projects covering 221.6km in Nairobi, Uasin Gishu, Meru, Machakos, Kiambu, Nyeri, Kisii, Laikipia and Kericho Counties. The disclosed percentage completion status of these roads ranges from 7% to 98% (On Defects Liability Period).

KURA also have active road projects under construction through LVSR technology covering approximately 145km in Bomet, Bungoma, Lamu, Makueni, Meru, Nakuru, Tana River, Uasin Gishu, West Pokot, Mombasa, Garissa and Machakos Counties.

Future / planned projects will cover approximately 107km of road in 7 Counties namely Nairobi, Kisii Kajiado, Machakos, Kiambu, Narok and Embu. The disclosed percentage completion status of these roads ranges from 15% to 98%.

2.2.6 National Transport Safety Authority

NTSA was established through an Act of Parliament; Act Number 33 on 26th October 2012. The objective of forming the Authority was to harmonize the operations of the key road transport departments and help in effectively managing the road transport sub-sector and minimizing loss of lives through road crashes. The main functions are to advise and make recommendations on matters relating to road transport and safety, to implement policies relating to road transport and safety, to plan, manage and regulate the road transport sector in accordance with the provisions of the Act and to ensure the provision of safe, reliable and efficient road transport service.

2.2.7 Nairobi Metropolitan Area Transport Authority

NAMATA was created by a presidential executive order of February 2017. The jurisdiction of NAMATA falls within Nairobi, Kiambu, Muranga, Kiambu and Machakos Counties; all of which are counties that cover the greater Nairobi Metropolitan Area.

Through various presidential interventions, the authority is expected to move towards positively redefining the nation's capital as well as the wider metropolitan by formulating a sustainable integrated public transport strategy based on the development of a sustainable urban mobility plan that will lead to a metropolitan area mass transit system which will incorporates both bus rapid transit and commuter rail.
In 2019, NAMATA declared the following roads as Mass Rapid Transport System (MRTS) corridors through Legal Notice (L.N.) No. 16 of 2019; under the State Corporations Act and the NAMATA order, 2017:

- **BRT Line 1: Ndovu** (Limuru-Kangemi-CBD-Imara Daima-Athi River-Kitengela);
- **BRT Line 2: Simba** (Rongai-Bomas-(Langata Rd)CBD-Ruiru-Thika-Kenol;
- **BRT Line 3: Chui** (Tala-Njiru-Dandora (Juja Road)-CBD-Show Groung (Ngong Rd)-Ngong;
- **BRT Line 4: Kifaru**:
  - East: Mama Lucy Hospital-Denholm (Jogoo Rd)-CBD;
  - West: CBD-T Mall-Bomas-Karen-Kikuyu;
- **BRT Line 5: Nyati** (Ridgeways (Kiambu Rd)-Balozi (Allsops)-Imara Daima.

The effective corridors will include the feeder network and complementary services that connect the periphery termini, park and ride facilities, transfer stations and their installations.

The above corridors are critical components to the Nairobi Metropolitan spatial development strategies and also form a critical component of improved mobility in Nairobi County under the Nairobi Integrated Urban Development Master Plan (NIUPLAN).

### 2.2.8 Priority PPP Road Projects

According to the World Bank, Kenya faces a significant infrastructure financing deficit estimated at $2.1 billion annually, which constrains growth and development. Sustained expenditures of almost $4 billion per year will be required to meet the country's infrastructure needs. With public debt standing at 57 percent of GDP, this deficit cannot be met by public resources. The country needs to mobilize the private sector and local currency to finance infrastructure needs.  

The PPP model is to be applied in Kenya in infrastructure development in accordance with the PPP Act and its regulations. According to the Cabinet Secretary in charge of Transport and Infrastructure, the focus of the PPP model for road infrastructure, was on major highways and trade routes in a bid to improve transport infrastructure and reduce costs of business in the country and the region at large.

GoK has plans to undertake 5 road projects under the PPP model. These are:

- **Dualling and Upgrading of the Nairobi-Mombasa Road under a Design Build Finance Operate and Transfer (DBFOT) model.** The road is to be packaged into three lots namely: 
  - Jomo Kenyatta International Airport (JKIA) to Kibwezi (174km); Kibwezi to Voi (132km); Voi to Mombasa (160km);
- **Dualling and Upgrading of the Nairobi-Nakuru-Mau Summit Road under a DBFOT model.** The road is to be packaged in two sections namely Gitaru to Mau Summit (187km); and South Rironi to Naivasha (58km);
- **Construction of the Second Nyali bridge under a under a Design Build Finance Operate and Transfer (DBFOT) model (7km);**
- **Operation and Maintenance of the Nairobi-Thika Road (50km);**
- **Operation and Maintenance of the Nairobi Southern By-Pass.**

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3 THE CASE FOR GENDER MAINSTREAMING IN ROAD INFRASTRUCTURE PROJECTS

3.1 Background

Road networks are a crucial building block in social and community development. Not only do roads provide access to basic social amenities such as schools, health facilities, emergency response and security services; they are crucial to livelihoods by connecting people to their work places and trade spaces namely local, regional and international markets. A good road network provides for efficient and safe travel that also saves time best diverted to income generating activities or rest and leisure.

Road infrastructure and related transport services planning is informed by travel patterns, traffic volumes, accessible transport modes, availability of financing and accessible technologies.

With regard to opportunities emerging from development of road infrastructure, studies show that socially determined reproductive, productive and community related roles greatly influence travel patterns leading to differentiated implications on men, women, girls and boys. Men and women’s relative economic status also influences their travel patterns as well as how they utilise accessible transport modes (Asian Development Bank, 2013).

The larger socio-economic context of the beneficiary communities can also influence the gender dimensions from one community to another, in the sense that the disparity between men and women may be higher in some areas more than in others.

Road infrastructure projects also result in direct and indirect negative impacts on the biophysical and socio-economic environment within the road corridor area of influence (AoI). Again, socially determined reproductive, productive and community related roles result in different impacts and differentiated levels of impact on men, women, boys and girls. The effectiveness and efficiency of the strategies, management plans and interventions for avoidance, minimisation, mitigation and compensation for such impacts will require gender mainstreaming of the assessment, implementation, monitoring and evaluation activities and processes.

A third consideration is the level of participation and engagement of communities in decision making over in road infrastructure development, operation and maintenance aspects that affect / impact their lives. Meaningful engagement is greatly informed by an understanding of the power, control, leadership, representation, agency\(^6\) and decision-making aspects / dynamics within the target communities and social groups.

Findings of a review of some of these risks and opportunities through a gender lens is as presented below.

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\(^6\) Agency in social science is the capacity of individuals to act independently and to make their own free choices. By contrast, structure is those factors of influence (such as social class, religion, gender, ethnicity, ability, customs, etc.) that determine or limit an agent and their decisions. Ref: Barker, Chris, 2005, Cultural Studies: Theory and Practice, Sage Publications Ltd, London.
3.2 Gender Barriers, Gaps and Inequalities in the Road Sector

3.2.1 General Information

The main actors in road infrastructure development and maintenance projects are KENHA, KURA, KeRRA, KRB and County Governments. NAMATA is in its initial planning and organisational structuring phases but is set to become a major player in road infrastructure development in the Nairobi Metropolitan Area, following the gazettement of the BRT and Commuter Rail Corridors in the region.

NTSA is another critical stakeholder in the user end of road development as they are a major regulator in safety of transport systems that rely on road infrastructure developed, operated and maintained by the road agencies.

3.2.2 An Overview of Population Data by Gender

A review of census data in Kenya shows that the proportion of men and women in Kenya has been roughly the same since 1969, with the population of women being marginally higher than that of men.

<table>
<thead>
<tr>
<th>Chare in population 1969-2016</th>
<th>Population for selected groups, 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution of population in millions</td>
<td>Numbers in Thousands</td>
</tr>
<tr>
<td>Age-group</td>
<td>Female</td>
</tr>
<tr>
<td>0-4</td>
<td>3,526</td>
</tr>
<tr>
<td>3-5</td>
<td>2,077</td>
</tr>
<tr>
<td>6-13</td>
<td>4,668</td>
</tr>
<tr>
<td>14-17</td>
<td>1,965</td>
</tr>
<tr>
<td>15-19</td>
<td>2,380</td>
</tr>
<tr>
<td>15-34</td>
<td>8,340</td>
</tr>
<tr>
<td>15-64</td>
<td>12,735</td>
</tr>
<tr>
<td>15-49</td>
<td>11,343</td>
</tr>
<tr>
<td>65+</td>
<td>798</td>
</tr>
</tbody>
</table>

Source: KNBS, 2017

Age groups from the KNBS projections show the gender segregation for children under five, children in the early childhood education group, teenagers, the work force, women in the reproductive age and the elderly. Across these age groups, the population of males is slightly higher from birth up until the 15-year-old threshold where the female population becomes slightly higher.

3.2.3 An Overview of Kenya's Population Living with Disability

Population statistics from the KNBS also show that persons with disability represent 3.5% of Kenya's population of which 49% men are and 51% are women (KNBS, 2017). The types of disability by gender are as presented below:
### Table

<table>
<thead>
<tr>
<th>Type of Disability</th>
<th>Sex Distribution</th>
<th>Percentage Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td>Visual</td>
<td>54</td>
<td>46</td>
</tr>
<tr>
<td>Hearing</td>
<td>52</td>
<td>48</td>
</tr>
<tr>
<td>Speech</td>
<td>46</td>
<td>54</td>
</tr>
<tr>
<td>Physical/Self Care</td>
<td>52</td>
<td>48</td>
</tr>
<tr>
<td>Mental</td>
<td>45</td>
<td>55</td>
</tr>
<tr>
<td>Albino</td>
<td>53</td>
<td>47</td>
</tr>
<tr>
<td>Others</td>
<td>56</td>
<td>44</td>
</tr>
<tr>
<td>Total</td>
<td>51</td>
<td>49</td>
</tr>
</tbody>
</table>

Source: KNBS, 2017

3.2.4 Gender and Road Infrastructure Planning and Design

Benefits from road infrastructure development are not all gender neutral. Investment in road infrastructure benefit and negatively impact men and women differently. As such, in order to promote equal opportunities to both men and women in road infrastructure development, the particular needs of men and women have to be integrated into the assessment, appraisal and decision-making processes in road design.

One of the considerations in gender responsive planning through use of gender segregated data in conducting technical and socio-economic analysis of proposed road projects. From engagement with stakeholders, it is clear that the gender issues in road infrastructure planning are not well understood by the practitioners in the industry. These gaps stem from their earlier academic training as well as the professional courses applied for continuous improvement / learning. There were also repeated reports that data segregated by gender is available but it is not utilised to inform decisions on road infrastructure development.

There was also a concern that road infrastructure planning focusses a lot on vehicular traffic with minimal considerations on non-motorised transport. It is in these spaces that transport mode transfer occurs especially for people with multiple trips and different / unique travel patterns. For example, mothers using public transport to take children to school or health facilities before heading to work places or the market. These patterns are driven by women’s productive and care giving roles and can be an issue in urban areas. Understanding trip patterns from a gender perspective and the local project area context is therefore a critical aspect in transport planning.

Designs also need to be responsive to the needs of persons with disability. An understanding of the particular needs for persons with disability is crucial in road infrastructure planning.

Planning for road side amenities also requires an understanding of the various needs of road users by gender. For example, and users of long-distance public service vehicles need sanitation and ablution facilities, clean spaces for quick meals, while long distance (mostly male) drivers need all the aforementioned services plus over-night stop overs or resting points. The gender differentiated needs are valuable to improving public health and good travel experience on Kenyan roads.
Benefits of BRT systems include reduction in green-house gas emissions, positive growth in land and urban property value, job creation and improved safety in stations and buses through creation of safer BRT environment.7 With the integration of BRT Systems in Kenyan urban roads, enhancement of socio-economic benefits of BRT Systems should be informed by gender segregated data and measured through gender segregated performance indicators.

Stakeholder feedback also showed that Measurement of development based on tangible infrastructure rather than the impact and productivity has also been attributed to development of gender related programs on funds left over from infrastructure planning design or construction, rather than specially dedicated funds from the project inception stage. From consultations, it emerged that enforcement of gender policies is stronger on donor funded programs than GoK funded programs. However, KeNHA’s goal is to develop a brand that guarantees that gender analysis is carried out in all projects irrespective of the financier.

PROPOSED ENTRY POINTS FOR GENDER MAINSTREAMING

• Establishment of guidelines for harmonised collection of gender segregated data among all road agencies and relevant partners in Kenya;
• Establishment of guidelines and tools for harmonised gender analysis methodologies and gender mainstreaming strategies for customisation at project level. These guidelines and tools will be adopted by all road sector agencies through all the stages of road project cycles;
• Development of a mandatory series of Continuous Professional Development (CPD) courses that are a condition for the renewal of the annual engineering practice license. This ensures that all practicing professionals are aware in the need for gender inclusivity in planning and design;
• Development of guidelines or specifications that incorporate gender at the planning stage of all projects. By default, due attention will be given if it is part and parcel of the process from the beginning;
• Use of indicators based on gender-disaggregated data from surveys or records to inform decision making in planning and execution of road sector programs;
• Integrate gender targets into bidding documents;
• Break down implementation for respective parties i.e. Client, Engineer and Contractor, similar to the breakdown of responsibilities in FIDIC conditions of contract;
• Identification of gender related programs at an early stage, ideally planning, in close collaboration with local communities to ensure the relevance of the programs;
• Undertaking of social assessment and gender assessment in early stages of road infrastructure planning to inform subsequent gender action plans in all facets of road infrastructure risk management plans;
• Review of local design manuals and guidelines to integrate gender responsive considerations in design for rural roads (including low volume roads) feeder roads, NMT facilities, bridges and road side amenities;
• Establishment of tools for monitoring and evaluation of indicators that require gender segregated reporting as well as indicators that measure progress toward closing the gap between men and women.

7 Carrigan A, Duduta N, King R, Raitman M, Velasquez JM, Social, Environmental and Economic Impacts of BRT Systems, Bus Rapid Transit Case Studies from Around the World, EMBARQ.
3.2.5 Employment

Road Infrastructure construction, operation and maintenance activities provide both short-term and long-term employment opportunities that typically would be classified as follows:

Table 3-1 Employment Opportunities Available in Road Infrastructure Projects

<table>
<thead>
<tr>
<th>Road Project Phase</th>
<th>Professional (Technical)</th>
<th>Other Professions</th>
<th>Semi-Skilled</th>
<th>Unskilled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Appraisal and feasibility studies</td>
<td>Civil Engineers (Structural, Highways, Material, Geotechnical)</td>
<td>Office Administration and Management: • Human Resources; • Information technology (IT); • Finance and Administration; • Risk and Quality Management</td>
<td>Office Management (e.g. Printer operators)</td>
<td>Cleaners</td>
</tr>
<tr>
<td></td>
<td>Economists (Transport Sector)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Road Safety Specialist</td>
<td>Transport Model Experts</td>
<td>Environmental and social safeguards Experts (e.g. environmental chemists, sociologists, RAP experts, anthropologists, ecologists etc)</td>
<td></td>
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<tr>
<td></td>
<td>Transport Planners</td>
<td>Hydraulic / Hydrological Engineers</td>
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<tr>
<td></td>
<td>Architects</td>
<td>Transport Model Experts</td>
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<tr>
<td></td>
<td>Material Engineers</td>
<td>Geotechnical</td>
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<tr>
<td></td>
<td>Quantity Surveyors</td>
<td>Environment and Social Safeguards Experts (e.g. environmental chemists, sociologists, RAP experts, anthropologists, ecologists etc)</td>
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<tr>
<td></td>
<td>Land Surveyors and Geographic Information System (GIS) Experts</td>
<td></td>
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</tr>
<tr>
<td>Construction, Operation and Maintenance</td>
<td>Civil Engineers (Structural, Highways, Material, Geotechnical)</td>
<td>Office Administration and Management: • Human Resources; • Information technology (IT); • Finance and Administration; • Risk and Quality Management</td>
<td>Carpenters</td>
<td>Office Management (e.g. Messenger)</td>
</tr>
<tr>
<td></td>
<td>Transport Economist</td>
<td></td>
<td>Masonry Electricians</td>
<td>Cleaners</td>
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<tr>
<td></td>
<td>Road Safety Expert</td>
<td></td>
<td>Office Management (e.g. Printer operators)</td>
<td>Lab Attendants</td>
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<tr>
<td></td>
<td>Quantity Engineers</td>
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<tr>
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<td>Contract Managers</td>
<td>Environment and Social Safeguards Experts (e.g. environmental chemists, sociologists, RAP experts, anthropologists, ecologists etc)</td>
<td>Machine Operators</td>
<td>Drivers</td>
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<td></td>
<td>Land Surveyors</td>
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<tr>
<td></td>
<td>Road Inspectors</td>
<td></td>
<td>Community Liaison Officers Steel Fixers Levellers</td>
<td></td>
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<tr>
<td></td>
<td>Lab Technologists</td>
<td></td>
<td>Land and Asset Valuers Mechanics Labourers</td>
<td></td>
</tr>
</tbody>
</table>

Professional Employment Opportunities

Employment opportunities in the road sector are found in road agencies as well as professional firms that provide services to the road sector. These potential employers usually recruit experts ranging from graduate level to professional / registered experts.

<table>
<thead>
<tr>
<th>Profession</th>
<th>Males</th>
<th>Females</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional Engineering Technologists - 2019</td>
<td>92%</td>
<td>8%</td>
</tr>
<tr>
<td>Licensed Surveyors</td>
<td>93%</td>
<td>7%</td>
</tr>
</tbody>
</table>
As part of the situational analysis, a spot review was undertaken on the latest publicly available list of registered and practicing professionals\(^8\) in the following professions:

- Engineering technologists;
- Land Surveyors;
- Consulting Engineers, Graduate Engineers and Professional Engineers;
- ESIA Experts.

<table>
<thead>
<tr>
<th>Professional Type</th>
<th>Registered</th>
<th>Licensed ESIA Experts</th>
<th>Registered Professional Engineers</th>
<th>Registered Graduate Engineers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>96 %</td>
<td>79 %</td>
<td>94 %</td>
<td>86 %</td>
</tr>
<tr>
<td></td>
<td>4 %</td>
<td>21 %</td>
<td>6 %</td>
<td>15 %</td>
</tr>
</tbody>
</table>

From the analysis, none of the professions had more than 21% females\(^9\) registered or practicing as professional experts. This already gives an indication of the gap in female professionals in this area. Secondary data shown that the number of people employed in the transportation and storage industry in Kenya stood at 232,000 women (25.61%) against 674,000 men (74.39%).\(^10\)

In support of this, KeNHA’s experience is that majority of the contractors and those involved in road construction are men.\(^11\)

Feedback from KRB is that they made deliberate efforts to hire registered female engineers through their gender mainstreaming policy. This resulted in them having 4 out of 20 female engineers in the organisation.

Discussion with the stakeholders on why few women study these professions and why even fewer women practice produced the following findings:

- **Work-Life Balance:** For female employees across all cadres of the sub-sector of child bearing age, work-life balance more often than not takes priority over career progress. For example, a working mother in a profession in the road sector is less likely to take up a posting in the field in order to look after her child, at the expense of career progression through field based experience. This is a challenge for female engineers as both office and site experience are a necessity for one to become a Registered Engineer. In addition to this, most work places in Kenya are unlikely to provide flexi-work schedules for new mothers and fathers. In extreme cases, this situation can force women to become stay-at-home moms at the expense of their careers. In most cases, some women change jobs to undertake less time demanding economic activities or professions.

- **Security Concerns:** For road construction opportunities, professional women reportedly fear for their security in cases such as sexual harassment. Work in remote areas is also perceived to carry a higher risk of physical assault and robbery with violence where security personnel may not be able to respond fast enough.

- **Inadequate amenities in field based work:** Construction camps carry the risk of not having amenities critical to a conducive work environment. For example, some camps may not have gender segregated toilets or toilets with no doors, inadequate waste disposal facilities, lack of private rooms for nursing mothers, lack of water for personal hygiene etc. All these inadequacies make field based opportunities unattractive to women due to the higher health risk.

- **Low uptake of non-discrimination interventions / strategies in the work place:** There is a perception that fewer women are employed in general, due to employee costs that arise during down-time by female employees when they take maternity leave. With reference to the road construction industry, there is a perception that there are no

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\(^9\) Female Registered Professionals in 2019: 21% Lead ESIA Experts, 15% Graduate Engineers, 7% Licensed Surveyors, 6% Professional Engineers, 4% Consulting Engineers


\(^11\) Interview with KeNHA representatives undertaken during this assignment.
real efforts in making the work place or work culture attractive to female employees of child bearing age.

- **Low uptake of gender policies in the workplace** to guide gender inequalities in staffing and Human Resource Management, staff training, technical training, promotions, responsibilities etc. and sensitizations on gender mainstreaming needs to be conducted.

- **Low uptake of Science Technology Engineering and Mathematics (STEM) based careers by women:** Cultural and social expectations on the appropriate careers for women (mostly in the arts) lead to low uptake on STEM based careers from an early age. There are also reservations in careers which are considered to be male dominated either because the work is considered to be too “hard” due to the physical labour involved or the fact that would have to work predominantly with “rough” male colleagues, or the risk of sexual harassment in a male dominated work place. These perceptions and concerns are a contributor to the lower numbers of female students and graduates or technicians who would be eligible to apply for employment opportunities in the technical careers in the road sector.

Unskilled labour opportunities are the most direct employment benefits for a community within a road Aol.

From stakeholder engagement during the undertaking of this assessment KRB reported that in Western, Eastern and Central provinces there over 30% female construction workers in the roads project.\(^{12}\)

KURA’s experience also has recorded achievements in the casual labour segment whereby a project in Meru was reported to have a representation of over 50% of women employees. In addition to this, artisanal training funded by an AfDB grant with a requirement of a representation of 60% female to 40% male beneficiaries, has contributed to an achievement of a representation of at least 55% females in both skilled and unskilled job opportunities in another project.\(^{13}\)

However, employment opportunities do not benefit men and women equally across the country.

Cultural and religious restrictions in some areas in Kenya act as a barrier to women applying for or undertaking casual jobs in the road construction industry. In such cases, women are discouraged or not allowed to work with men or to take employment that would remove them or hinder them from undertaking their gender based roles and responsibilities in the home.

Both girls and boys from poor households may also independently or through coercion by their parents look for work in infrastructure construction projects. While employment of children is allowed for a certain age, the problem may arise if they drop out of school due to the attraction of the financial freedom that would come from earning more by working full time. Child protection strategies within employment / human resources policies for the road sector are therefore necessary. It also goes without saying that enforcement measures on prohibited forms of child labour must be put in place and be seen to be implemented.

**PROPOSED ENTRY POINTS FOR GENDER MAINSTREAMING**

- Establishment of baseline gender segregated data on human resources (HR) and gender segregated HR reporting systems;
- Provision for monitoring and enforcement legal and regulatory requirements under employment laws of Kenya;
- Provision of family friendly work policies such as flexible work hours and physical facilities for new and young parents such as creches and nursing rooms;
- Provision for monitoring and performance evaluation for all investment in employee sensitisation activities;

\(^{12}\) Interview with KRB representatives undertaken during this assignment.

\(^{13}\) Interview with KURA Representatives undertaken during this assignment.
• Development of a government policy that gives tax breaks to organisations that provide facilities for mothers;
• Set targets for women employment;
• Review of manuals on staff housing in construction camps;
• Increased monitoring of adherence to the employment act by organisations;
• Civic and employee education on sexual harassment in the work place;
• Review of work place policies to include staff codes of conduct, gender and issue sensitive staff grievance redress mechanisms as well as establishment of a safe and ethical reporting environment;
• Establishment of mentorship programs to promote the interest of girls in STEM based careers;
• Establishment of community sensitisation programs and pupil / student exposure programs / career guidance and counselling outreach to promote education of the girl child or all children as appropriate to the context of the road infrastructure project.

3.2.6 Procurement Opportunities in the Road Sector

Kenyan policy requires that 30% of procurement opportunities be set aside for women, youth and persons with disability. In October 2013 the Access to Government Procurement Opportunities (AGPO) program was launched to facilitate and empower enterprises owned by women, youth and persons with disability to be able to participate in GoK opportunities.

KRB experience is that while their Department of Technical Compliance have a specific package to target the women and the youth, only one firm for women qualified and none for the youth. As such lack of technical expertise for the road sector is still a challenge in KRB procurement outcomes. Some of the packages tailored for youth/women (under the Roads 2000 programme) ended up being retendered due to lack of the applicants meeting the required qualifications. The organisation recommended that some requirements should be tailor made to enable women to take up the sub-contracts in capital intensive projects.

KeNHA’s experience is that 30% of all procured goods and services are from the youth, women and persons with disabilities and this is reported to the relevant organisations.

On the positive side, women in the Central region have been more proactive in forming partnerships and enterprises hence they are more likely to succeed in such opportunities. Unfortunately, this trend has not been taken up in other regions in the country.

In summary, despite the efforts taken, the perception in the road sector is that the uptake on these opportunities is still low due to the following reasons:

• Lack of awareness as to why the affirmative action has to be taken among the procurement officers and therefore do not take bold steps during the process of procurement;
• Lack of capacity within target groups where women participation in road construction contracts are insignificant. They also lack role models;
• Cultural beliefs where women taking up manual and technical jobs are not encouraged. This is particularly prevalent in the pastoral nomadic communities;
• Awareness programs carried out at grassroots are prone to manipulation by local politicians;
• Applicants apply as individuals rather than groups where they can consolidate resources and knowledge as opposed to taking advantage of available opportunities to partner or act collectively hence increasing their chances;
• Establish a system for provision of grants to support promotion of women and PWD participation;
• Identify opportunities to target women, youth, PWDs or men as appropriate;
• Lack of mainstreaming of the procurement process: Guidelines and procedures should address gender considerations to promote women’s participation.
A concern raised by stakeholders on potential strategies for affirmative action in procurement was the risk of women led enterprises succeeding in the procurement stage only to "sell" these opportunities to other groups.

Additional resources during the procurement and implementation stages to support gender mainstreaming of the procurement and project execution phases, while ensuring compliance with public procurement requirements would also have to be integrated into the gender mainstreaming strategies.

**PROPOSED ENTRY POINTS FOR GENDER MAINSTREAMING**

- Develop guidelines for inclusive procurement practices;
- Establish systems for tracking bidders and awardees from women headed or majority women owned firms;
- Set up a mechanism to promote bid-readiness support for women owned or majority women owned small firms and businesses;
- Include a training provision in all projects to cater for capacity building of disadvantaged groups;
- Development of a dynamic list of project components reserved for special groups rather than a specific component across all projects.
- Provision of incentives for organised group applications e.g. subsidised training costs.

### 3.2.7 Road and Construction Site Safety

Road safety risks in consideration of road accidents and safety of road users from assault or violent crime also differ in men and women. An understanding of these aspects would greatly inform road design in consideration of the road user facilities provided for in road design. For example, dark public spaces with no quick exit are considered risky by female users. KeNHA representatives gave an example of Singapore's good case practice of underground pedestrian crossings which have shops and restaurants. These strategies can be adopted as suggestion to increase security in pedestrian crossings due to active movements in such areas. Kenya has already started adopting the use of footbridges with transparent parapets for safety purposes.

On the other hand, some counties in Kenya reportedly have special wards for male bodaboda (motor cycle taxi) drivers due to the increased number of bodaboda accidents. Indeed KRB, KURA and NTSA have in the past undertaken road safety programs targeting bodaboda drivers in a bid to mitigate this impact. Bodaboda use is high in urban areas where there is a lot of traffic congestion (they tend to overlap and weave through traffic hence "reducing" travel time) as well as peri-urban and rural areas where there is no public transport between residential areas and work places or social amenities. In some urban areas, small children can also be spotted clinging to bodaboda drivers as they may be forced to use this means of transport travel to school (as opposed to walking unsupervised by an adult or using cost prohibitive school buses).

KeNHA reported that a computerised system has been developed to collect crash data to be used by NTSA; that will give a better picture such as gender affected and geolocation of traffic accidents. NTSA and the Traffic Police are key stakeholders in ensuring that road safety statistics as well as road accident data collected at every event and location is segregated by gender and age. This data must be made accessible to road and transport planners to ensure gender response road safety strategies, interventions and programs.

Safety Plans in road construction sites is a critical aspect to occupational health and safety (OHS) and community health and safety (CHS).

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PROPOSED ENTRY POINTS FOR GENDER MAINSTREAMING

• Review of local design manuals and guidelines to integrate gender responsive considerations in design for NMT facilities, bridges and roadside amenities;
• Establish data collection and analysis guidelines for gender responsive surveys;
• Establish indicators for gender sensitive road safety awareness programs and materials;
• Define guidelines for community road safety committees and champions with quotas for involvement of women;

3.2.8 Stakeholder Engagement

Stakeholder engagement in Kenya is a requirement of all planning and implementation of government plans, projects and programs. Leadership and representation principles and requirements of the Constitution are also very clear on representation of minority and marginalised groups, which include women and persons with disability. National laws on environmental management, land acquisition as well as financial, infrastructure, urban area and county planning have been strengthened to promote meaningful public participation in decisions that impact their lives.

Stakeholder engagement in road infrastructure projects has also over time (i.e. since 2010), expanded beyond public participation in ESIA studies to include participation in road design, resettlement planning, social assessment, construction supervision as well as grievance management during operation and maintenance activities for road projects.

Disclosure of information by public bodies through use of newspapers, the Kenya Gazette, local radio, websites, email, telephone inquiries and walk-ins has also been strengthened through the enactment of the Access to Information Act. With all the increased access to information and deliberate efforts by government agencies to reach out to communities and stakeholders, people interacting with road projects have also become more proactive in making inquiries and reaching out to road design teams so as to engage meaningfully in proposals on roads used to access their properties.

While it is possible that the impetus of self-driven public participation is more prevalent in urban areas than in rural areas, there is a clear shift in the recent past with rural communities being more vocal and participating more actively in public outreach events on infrastructure development.
Despite the progress made in public participation and meaningful stakeholder engagement in Kenya, the following issues are still applicable from a gender perspective:

- **Leadership and representation:**
  
  Political representation of women has grown since the promulgation of the Constitution in 2010 with women being elected or nominated in national and local platforms. However, at community level there is still a need to ensure that the outcomes of engagement of representatives of community / social groups provides a representation of the views, concerns and recommendations of both men and women. Where necessary, deliberate measures must be put in place to ensure representation of women and youth, especially where communities select leaders through nomination or election.

- From an issue based perspective, empowering the disadvantaged gender to give voice to their concerns and positions. For example, due to deep seated cultural values women may not give voice to their concerns in a mixed meeting, unless deliberate efforts are made for them to speak and in some instances, unless they have their own meeting in a comfortable environment and under their own terms. In some settlements, they may sit in meetings and their only comment would be that what the men have stated is their position as well.

- From the social structure perspective, eliminating participation barriers. For example, participation barriers are sometimes based on social status segregated by gender and age and can be visibly seen in meetings. Youth and women in some pastoral-nomadic settlements that are still predominantly patriarchal, may not be allowed to attend meetings where “men” are present; and if they do attend, they are not allowed to speak, e.g. where Turkana women are not allowed to mix with men, they may be forced to sit far from the main meeting or to sit with their backs to the main meeting.

- Sensitivity to men and women’s daily and seasonal activity calendars to ensure that all members get an equal chance in participating in community and stakeholder engagement meetings.

- Political and perception barriers to participation can also be based on gender.

- For persons with disability, ensuring that they have access to information in a form and manner that they understand; and that they can communicate effectively — e.g. provision of braille and sign language services.

- For child headed households, allocation of resources and child protection measures so as to respond to their particular needs.

- Sensitisation of media outlets to facilitate proper representation of gender issues in the public realm.

- In all the above factors, adequate time for planning is necessary to determine workable schedules, rational allocation of resources and to secure agreements with communities on the mechanisms for engagement.

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15 Certain initiation and certain life stages must be achieved before one is considered a man who can speak in a community gathering.
- Accessible and user-friendly grievance management systems.

In both cases, a clash between culturally appropriate meetings and meaningful public participation occur leading to a need for discussion and agreement on appropriate measures prior to undertaking meetings for needs assessment or decision making.

**PROPOSED ENTRY POINTS FOR GENDER MAINSTREAMING**

- Promote legislation for national gender sensitive public participation guidelines or rules for infrastructure in Kenya;
- Social assessment, gender assessment and preparation of customised initiatives to promote equal participation of men and women;
- Establish indicators for ensuring and measuring women participation in meetings;
- Develop checklists and tools to counter-check that the concerns, recommendations and issues properly reflect the voice of men and women;
- Monitor whether the gender segregated issues are addressed in the feedback loop of the public participation process;
- Establish tools and checklists to promote record keeping that reflects the voice of men and women;
- Establishment of gender sensitive community leadership empowerment programs;
- Promote improvement in gender representation in top management and boards of the road agencies in Kenya.

### 3.2.9 Gender Based Violence, Sexual Exploitation and Abuse

Secondary data shows that large influx of labourers in infrastructure construction projects carries the **risk of gender based violence and sexual abuse** in communities living within the infrastructure. Women and girls are mostly at risk as they walk to their places of work, school or on other errands in their everyday life. Gender segregated statistics on sexual abuse from the Kenya Demographic and Health Survey suggest that women and girls in Kenya are at a higher risk of sexual violence than men as shown below. The data also suggests that men are less likely to seek help when they experience sexual violence.

![Percentage Distribution](image)

Source: KNBS, 2017
In addition to the above, the data suggests that men at 6% and 8% respectively are at a higher risk of sexual violence by employers and strangers than women at 1% and 6% (KNBS, 2017).

As such, while women are more likely to experience sexual violence in general, responses to sexual violence, especially those in the work place must therefore have interventions to protect both men and women.

Sometimes labourers have relationships with underage girls resulting in cases of statutory rape and pregnancies. In extreme cases, especially in communities where unwed mothers are taboo, parents have been known to force such children into child marriages. Surprisingly, this happens even though parents are likely to be fully aware of the risk of imprisonment for such offences as required in Kenya’s child protection laws.

Cases of mothers abandoned by the fathers of their children after conclusion of construction work are also reported widely in Kenyan media. Both male and female children abandoned by their fathers can end up living in impoverished households, especially where the mother was relying on the father for their basic needs. This means that they end up being economically barred from enjoying their rights as children.

Girls, especially those from impoverished families can also be attracted to labourers for cash or food hand-outs in exchange for sexual favours. In the case of road construction sites, these interactions can occur in the road construction work sites as well as in public places after work hours. Child prostitution and defilement in exchange for money is also evident especially in Kenya’s coastal region.

STI and HIV/AIDS management through transactional sex, prostitution (by both men and women) in road infrastructure development would also arise as a result of the various interactions between project staff and the communities in which they operate. The national HIV prevalence rate was estimated at 4.9% with prevalence higher among women (5.2%) than men (4.5%) (NACC, 2018).

PROPOSED ENTRY POINTS FOR GENDER MAINSTREAMING

- Review of work place policies to include staff codes of conduct, gender and issue sensitive community grievance redress mechanisms as well as establishment of a safe and ethical reporting environment;
- Child protection strategies;
- Establish data collection and analysis guidelines for gender responsive surveys;
Establish indicators for gender sensitive awareness programs and materials of relevance to sexual exploitation, gender based violence, HIV/AIDS and STI response / management programs. Such programs will be guided by:

- Integration of gender analysis in programming;
- Capacity building programs for gender responsive programming;
- Strengthening of gender responsive stakeholder engagement;
- Establish systems for measuring improvement using gender segregated indicators including measurement of progress in closing gaps in barriers to access to therapy / ARV programs as appropriate;
- Mechanisms for establishment of partnership with social protection services at project level.

3.2.10 Land Ownership and Control Rights

Women and youth in communities under community land tenure that are still patriarchal in nature are disadvantaged with regard to land control rights. Their voice in decision making may therefore be diminished or non-existent.

Some of the key natural resources of importance to the transport (road) sector include:

- Fresh water;
- Borrow pits and aggregate sources;
- Timber and related wood lots or forest resources; and
- Sand - and in some cases related river sources.

Control and ownership rights to land and land based resources comes to the fore whenever decisions on land have to be made in road infrastructure projects mostly through involuntary resettlement or acquisition of land for material sites and social amenities. Women’s and youth needs on identified land are likely to be overlooked if protection measures are not put in place.

Similarly, benefits from transfer of land may end up benefiting socially recognised men at the expense of marginalised or minority social groups such as widows, persons with disability child headed households, single mothers and youth. In the case of cash compensation, women and children can become impoverished if the male household head misuses or diverts compensation funds meant for restoration of land, housing and any other land based livelihood streams.

Secondary data also shows that less than 7% of Kenyan women are registered land owners compared to 30% of men.

Even where legislation is in place, lack of legal knowledge, lack of money to access legal services, timidity and no assertiveness due to cultural and social upbringing and weak implementation mechanisms often limits the ability of women and youth to exercise their land ownership, control or access rights.

**PROPOSED ENTRY POINTS FOR GENDER MAINSTREAMING**

- Undertaking of gender analysis during resettlement planning and development of gender action plans to inform compensation and livelihood restoration strategies;
- Development of strategies for cash based compensation to protect vulnerable household members;
- Ensure sex-segregation of survey data on land and property ownership and use;
- Establish measures to monitoring implementation and enforcement of land and property rights as enshrined in Kenyan law;
- Establishment of funds to support monitoring of livelihood restoration measures;
- Determination of human resource needs (part-time and full-time) to facilitate gender responsive resettlement planning and implementation plans and programs;
- Establishment of partnership with social protection services at project level;
• Strengthening women and PWD participation in community and stakeholder engagement programs for resettlement and compensation planning, implementation and M&E;
• Measure participation by gender especially during disclosure, identification of resettlement sites, negotiation, planning for resettlement sites and participatory M&E of resettlement programs;
• Address barriers to participation by women and PWDs;
• Undertaking of social assessment and gender assessment in early stages of road infrastructure planning to inform subsequent gender action plans in all facets of road infrastructure risk management plans.

3.2.11 Alcohol and Drug Abuse

There is a perception, especially in Kenya’s Central Region that women have become empowered while men have become drug and alcohol addicts. As such, men in this region are not as economically active as the women. The concern therefore is that affirmative action in communities where men are disenfranchised would widen the gap between men and women, with men being the disadvantaged group.

Stakeholders reported that in Central province, women have formed enterprises and are benefiting from procurement opportunities in the road sector. The work force has also shifted more to women as women are willing to work while the men are mostly drunk. There was a concern therefore that:

- There are areas in the country where the gender focus needs to shift to the boychild;
- There should be balance in the society where resources are distributed equitably; in the sense that women should not be too empowered such that men do not participate.

To further understand this situation, the study team will undertake a review of the gender and employment issues in the Central Region of Kenya in subsequent phases of the assignment. This would enable preparation of tools that are sensitive to unique situations such as this one.

3.3 Conclusions

This report shows the key gender issues of relevance to the road sector. It provides a basis for the Gender Mainstreaming Strategy for the Road Sector, to be prepared in the next phase of the assignment.

Feedback from the key stakeholders for validation of findings and contribution to recommendations is encouraged for value addition in the strategy development phase.

The subsequent steps of the assignment will continue with applying participatory approaches to the development of practical and workable strategy for gender mainstreaming in the road sector.
List of Appendices

Appendix 1: Minutes of Stakeholder Engagement Meetings
Appendix 2: Review of Gender Considerations in IFI Environmental & Social Safeguards
Appendix 1: Minutes of Stakeholder Engagement Meetings
Minutes of Meetings with Kenya Rural Roads Authority (KeRRA)
MINUTES OF THE STAKEHOLDER MEETING FOR DEVELOPMENT OF GUIDELINES ON GENDER MAINSTREAMING IN THE TRANSPORT SECTOR

MEETING HELD ON 19 MARCH 2019

VENUE: KeRRA

AGENDA:
- Discuss gender barriers, inequalities gaps and mainstreaming entry points in road infrastructure under KURA's jurisdiction.

ATTENDEES:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ORGANIZATION</th>
<th>DESIGNATION</th>
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</thead>
<tbody>
<tr>
<td>Miriam Kariuki</td>
<td>KeRRA</td>
<td>Engineer-Development</td>
</tr>
<tr>
<td>Kathleen Chepkemoi</td>
<td>KeRRA</td>
<td>Human resources officer</td>
</tr>
<tr>
<td>Clara Wachero</td>
<td>KeRRA</td>
<td>Office assistant</td>
</tr>
<tr>
<td>Miriam Gachago</td>
<td>Gibb Africa</td>
<td>Sociologist</td>
</tr>
<tr>
<td>Huini Kabui</td>
<td>Gibb Africa</td>
<td>Sociologist</td>
</tr>
<tr>
<td>Philip Chele</td>
<td>Gibb Africa</td>
<td>Civil engineer</td>
</tr>
<tr>
<td>Angela Waigwa</td>
<td>Gibb Africa</td>
<td>Intern</td>
</tr>
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TIME: 11:00am-12:30pm

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>A. INTRODUCTION</td>
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<tr>
<td></td>
<td>Meeting attendees introduced themselves and a brief background of the project was given by Miriam Gachago, the team leader.</td>
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<tr>
<td></td>
<td>Kathleen elaborated on the mandate of KeRRA which is building rehabilitation roads in rural areas. They are funded by the Government of Kenya via the Kenya Roads Boards which is distributed to constituencies through RMLF. Currently, they have 30 regions which were reduced from 47 regions. She also added they work on projects below 6 million shillings.</td>
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<tr>
<th>B DISCUSSION BY THE CONSULTANTS AND THE STAKEHOLDERS</th>
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<tr>
<td>Kathleen explained some of the gender barriers that they have experienced to be as a result of the technical nature of the field, gender-balance is only concentrated at the lower cadres that is the junior engineers. In the top cadres, gender balance is a problem. She pointed out that they do enable the management to recruit more female personnel but the they are not being taken seriously due to the bill stalling in Parliament. She added that the National Gender and Equality Commission (NGEC) cannot push harder since funding for activities has been removed from PC sums in projects. Another gap is that Government entities are not working together to achieve gender equality for example there has been no response for people with disabilities from the database. She added that there is a compliance audit on projects for cross cutting issues are planned to identify challenges.</td>
</tr>
<tr>
<td>Kathleen went on to explain that overall the 2/3 policy applies but it is not a requirement for projects. She commented that NGEC is not doing enough to push for inclusivity. She informed us that compliance of jobs at regional level are being done by AgPO group that is, of the 5%, 99% has been achieved. Also, unlike the NACC which has a dedicated bill item 25, NGEC doesn't have a bill item.</td>
</tr>
</tbody>
</table>
Kathleen explained that the biggest issue is funding for example, NGEC is not pushing for allocation of PC sum for KeRRA. TOWA funding; donors are discouraging authorities for example, KeRRA from seeking funding due to unrealistic structures. Another gap is that there is nothing tying engineers to implement the 2/3 gender rule.

C

ADJOURNMENT

The meeting ended at 12.30 pm.
## GENDER MAINSTREAMING IN THE TRANSPORT SECTOR

### STAKEHOLDERS CONSULTATION ATTENDANCE LIST

**LOCATION:** KENYA ROADS BOARD, Kenya Re Towers  
**DATE:** 8 March 2019

<table>
<thead>
<tr>
<th>Name</th>
<th>Designation/Organization represented</th>
<th>Contacts Telephone</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phillip Chele</td>
<td>GIBB AFRICA, Civil Engineer</td>
<td>+254 20 324 5000 +254 718 91892</td>
<td></td>
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<tr>
<td>Huini Kabiri</td>
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<td></td>
</tr>
<tr>
<td>Miniam Gacago</td>
<td>GIBB AFRICA</td>
<td>0722 79 0286</td>
<td></td>
</tr>
<tr>
<td>Eng. Tim Omari</td>
<td>KRB - MGR PLANNING</td>
<td>0725 72 6376</td>
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</tr>
<tr>
<td>Eng. Margaret Oga</td>
<td>KRB - GM PLANNING</td>
<td>0722 74 7018</td>
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<tr>
<td>Eng. Isaac Mt. Ma</td>
<td>KRB - MTECHNIQUE</td>
<td>0722 69 4444</td>
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</tr>
<tr>
<td>Parry Muruki</td>
<td>GIBB AFRICA, Civil Engineer</td>
<td>0705 541 611</td>
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9.  

10.  

# Gender Mainstreaming in the Transport Sector

**Stakeholder Consultation Sheet**

**Date:** 15/04/2019  

**Venue:** KERRA

<table>
<thead>
<tr>
<th>AME</th>
<th>Gender (M/F)</th>
<th>Designation</th>
<th>Email Address</th>
<th>Mobile No</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
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<td>15/4/2019</td>
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<tr>
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<tr>
<td>Kathleen Chepkemoi</td>
<td>F</td>
<td>HR/O</td>
<td>kathleen.chepkemoi</td>
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<td>15/4/19</td>
<td></td>
</tr>
<tr>
<td>Iara Waclaw</td>
<td>F</td>
<td>Office Assistant</td>
<td><a href="mailto:iara@waclaw.com">iara@waclaw.com</a></td>
<td>0724852578</td>
<td>15/4/19</td>
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Minutes of Meeting with Kenya Urban Roads Authority (KURA)
MINUTES OF THE STAKEHOLDER MEETING FOR DEVELOPMENT OF
GUIDELINES ON GENDER MAINSTREAMING IN THE TRANSPORT
SECTOR

MEETING HELD ON 2 APRIL 2019

VENUE: KURA

AGENDA:
- Discuss gender barriers, inequalities gaps and mainstreaming entry points in road infrastructure under KURA’s jurisdiction.

ATTENDEES:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ORGANIZATION</th>
<th>DESIGNATION</th>
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</thead>
<tbody>
<tr>
<td>Elsie Ngéndo</td>
<td>KURA</td>
<td>Senior sociologist</td>
</tr>
<tr>
<td>Calvin Magwa</td>
<td>KURA</td>
<td>Environmentalist</td>
</tr>
<tr>
<td>Josiah</td>
<td>KURA</td>
<td>Assistant director-social safeguards</td>
</tr>
<tr>
<td>Miriam Gachago</td>
<td>Gibb Africa</td>
<td>Sociologist</td>
</tr>
<tr>
<td>Huini Kabui</td>
<td>Gibb Africa</td>
<td>Sociologist</td>
</tr>
<tr>
<td>Philip Chele</td>
<td>Gibb Africa</td>
<td>Civil engineer</td>
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</tbody>
</table>

TIME:

<table>
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<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
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</thead>
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<tr>
<td>A. INTRODUCTION</td>
<td></td>
</tr>
<tr>
<td>Meeting attendees introduced themselves and a brief background of the project was given by Miriam Gachago, the team leader. Elsie explained their mandate to be management, development, rehabilitation and maintenance of national urban trunk roads</td>
<td></td>
</tr>
</tbody>
</table>

B GAPS IN GENDER MAINSTREAMING
Josiah explained that there are gender mainstreaming policies which has not yet achieved the 30% threshold. Elsie insisted that there should be gender mainstreaming during stakeholder meetings, also for applicants for tender and employment. Josiah added that the 30% should be maintained in all projects, for example, a project in Meru achieved over 50% of women. Also, artisanal training funded by AFDB grant has a requirement of 60% female, 40% male. They have at least achieved 55% focusing on both skilled and unskilled jobs.
One of the gaps is culture which pays a major role since Kenya is a patriarchal society. Another gap is technical training in that it is limited as much as provision is made for gender jobs. Elsie recommended that mentoring process be introduced as early as high school. She also added that there lacks support from the male colleagues. Another gap is financial capability which is lacking amongst women seeking tenders. Enforcement is an issue and it is stronger on donor funded projects than GoK projects. There is also lack of support from major stakeholders such as the civil society, county councils, police and politicians.
Josiah recommended that design standards and manuals need to dynamic to accommodate inclusivity for example, footpaths. Gender should be included from the onset.
Minutes of Meeting with Kenya National Highway Authority (KeNHIA)
MINUTES OF THE STAKEHOLDER MEETING FOR DEVELOPMENT OF GUIDELINES ON GENDER MAINSTREAMING IN THE TRANSPORT SECTOR

MEETING HELD ON 02 MAY 2019 AT 9.30AM AT KeNHA OFFICES

AGENDA:
To discuss gender barriers, inequalities, gaps and mainstreaming entry points in road infrastructure under KeNHA’s jurisdiction.

ATTENDEES:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ORGANIZATION</th>
<th>DESIGNATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walter Nyatwanga</td>
<td>KeNHA</td>
<td>Deputy Director-Environmental and Social Safeguards</td>
</tr>
<tr>
<td>Eng David Muchilwa</td>
<td>KeNHA</td>
<td>Director</td>
</tr>
<tr>
<td>Rose Oloo</td>
<td>KeNHA</td>
<td>Senior Sociologist</td>
</tr>
<tr>
<td>Charity Machira</td>
<td>KeNHA</td>
<td>Budget and Corporate Planning Officer</td>
</tr>
<tr>
<td>Naomi Njoki</td>
<td>KeNHA</td>
<td>Engineer (Research &amp; Innovation)</td>
</tr>
<tr>
<td>Princess Angweny</td>
<td>KeNHA</td>
<td>Intern sociologist</td>
</tr>
<tr>
<td>Joan Masara</td>
<td>KeNHA</td>
<td>Intern sociologist</td>
</tr>
<tr>
<td>Lydia Nabwire</td>
<td>KeNHA</td>
<td>Intern sociologist</td>
</tr>
<tr>
<td>Donna Nyamu</td>
<td>KeNHA</td>
<td>Senior supply chain management officer</td>
</tr>
<tr>
<td>Eng Dorcas Awuor</td>
<td>KeNHA</td>
<td>Senior Engineer</td>
</tr>
<tr>
<td>Miriam Gachago</td>
<td>Gibb Africa</td>
<td>Sociologist</td>
</tr>
<tr>
<td>Huini Kabui</td>
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<td>Gibb Africa</td>
<td>Civil engineer</td>
</tr>
<tr>
<td>Passy Muriuki</td>
<td>Gibb Africa</td>
<td>Civil engineer</td>
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ITEM NO.
A. INTRODUCTION

The meeting began with a word of prayer and introductions.

The Chair of the meeting, Walter Nyatwanga, observed that the project is long overdue. He gave a brief explanation of the project and the expected deliverables.

Rose stated that she had only received one periodic report and that the March report is due. She explained that the update report needs to show how the work can be cleared within a short time. She further added that NGEC is part of the project therefore they would like to know the progress of the project. She noted that the gaps and barriers report that was due at the end of April was already late for submission.

Miriam explained that the objective of the meeting was to understand how KeNHA mainstreams gender. She also reported that the project is progressing and added that the Consultant had visited the Contractor and the KeNHA regional office in Mombasa in order to discuss gender mainstreaming issues regarding the Mombasa-Mariakani Project. She requested for a letter from the KeNHA headquarters to facilitate the acquisition of documents that are required for the project.

B DISCUSSION

1.1 KeNHA’s Mandate

The Chair explained that KeNHA is a state agent which was established by an Act of Parliament through the Roads Act 2007 to manage, construct, maintain, rehabilitate Class S, B and A roads, that is, Superhighways, National trunk roads and International trunk roads. He added that the agency has stakeholders such as Ministry of Infrastructure, World Bank, JICA, National Land Commission, NEMA, taxpayers, County governments, Treasury and Kenya Roads Board. The agency receives 40% of the fuel levy collected by KRB.

Rose said that KeNHA recently developed a strategic mandate where five sustainable development goals were considered which are; gender equality, good health, innovation, sustainable cities, and climate action which she further explained.
1.2 Gaps in gender mainstreaming

The Chair explained that gender involves both men and women and that currently there are no guidelines for gender mainstreaming in the road sector. He added that the road sector is male dominated and decision making is done by men. He also noted that majority of the contractors and those involved in road construction are men. In terms of employment, he went on to say that women's choices of work are limited since they tend to be exempted from physical work where they may earn more. He stated that women find it harder to negotiate their salaries compared to men and that there is no deliberate effort in many workplaces to provide flexible work hours to women or maternity or paternity leave.

The Chair gave an example of Ghana where employers in the fuel transporting business deliberately employ female drivers since male drivers tend to siphon fuel. He added that this can be entry point for women to get other jobs. He further added that women face other challenges such as; sexual harassment therefore discouraging them from working long hours, social cultural issues and transport/ safety issues. He said that gender dynamics can be seen in the compensation of land whereby the man is the one who receives the money and therefore bringing challenges to the family. He also noted that there are no provisions for female designed PPE in construction works.

Rose explained that gender also included the disabled and NMT provisions are not friendly for the disabled. She further added that in the construction industry there are issues such as retention of women and the lack of capacity in terms of female workers. She remarked that in some projects, the road agency has been accused of Gender Based Violence (GBV) and HIV/AIDS spread in the area.

1.3 NMT Design

Rose stated that greater priority is given to the design of motorized traffic instead of in the design of NMT facilities. She questioned the interaction of the engineers with the community and ultimately with the road.

Eng. Ben added that in the past not enough consideration was given to NMT. He added that a lot of attention should be given to NMT especially in the urban roads. He explained that the ToR provides for the facilities in addition to the design depending on the number of pedestrians in an area. He added that in the current road constructions, crossings are to be placed after every kilometer. He also said that pedestrian walkways along bridges are being considered.

In terms of design of the facilities, Eng. Ben stated that a lot of consideration has to be taken into account during the design phase. He explained that the minimum clearance for a footbridge is 5.5m therefore they require a lot of space and effort for one to cross the road. He gave an example of Singapore's underground pedestrian crossings which have shops and restaurants. He suggested that such facilities may be helpful to increase security. He also added that the current footbridges have transparent parapets for safety purposes. He said that in some projects such as the design for BRT lifts were considered for the disabled. It was noted that NAMATA are currently developing an NMT Manual.

1.4 Mainstreaming in the Institution

Rose remarked that there is mainstreaming policy in the institution as well as a committee that was formed to handle issues of gender in the organization. She added that through the assignment KeNHA hopes to ensure mainstreaming is done in its programs. Rose agreed to share KeNHA's gender policy document with the Consultant.

Donna added that 30% of all procured goods and services are from the youth, women and persons with disabilities and this is reported to the relevant organisations.

1.5 Data collection and segregation

The Chair stated that there is a department in KeNHA that works with NTSA and the Traffic police to do safety audits and in black spot identification. He added that KeNHA also collects traffic data that is used for inhouse design.

Rose said that KeNHA does not collect gender-segregated data. To do this they would need to enhance capacities. She added that gender segregated data may be collected depending on the financier on specific projects. She further added that KeNHA wants to form a brand that ensures that gender analysis is carried out in all projects irrespective of the financier.

Eng. Ben explained that KeNHA relies on NTSA for road safety data. He added that there is a
computerised system developed to collect crash data to be used by NTSA that will give a better picture such as gender affected and geolocation of traffic accidents.

1.6 Community engagement in design

The Chair said that public participation being a constitutional requirement is carried out from feasibility studies and during design of road projects. He noted that participation is high mainly during compensation. He added that the participation is usually uninformed and mainly attended by men and therefore issues affecting women are not highlighted. He explained that during projects the public is able to relay their grievances through a mechanism set up by KeNHA.

1.7 Training of engineers

Eng. Ben said that during the ESIA phase of the project the engineers use the feedback of the public to design the road.

The Chair said that the engineering practice is now wholistic and the engineers are becoming social engineers and therefore taking environmental and social issues into consideration during design and consideration.

However, Rose said that capacity enhancement is important since gender issues are complex. She added that generally all the different specializations working on the project e.g. surveyors should learn about gender issues. She commented that the University of Nairobi has started a center for compensation and social issues such as gender which may help in capacity building. She then explained that the Resident Engineer is in charge of all grievances therefore they have to be able to solve the social issues. She said currently there is no checklist to ensure uniformity of the projects.

Eng. Ben said training should be customized to Kenya e.g. in North Eastern, ladies' workforce is less than 2% therefore a toolbox should be developed and disseminated to all engineers.

1.8 Compensation and mainstreaming

Rose stated that there is a weakness in Land Act 2012 in that gender not considered since it deals mainly with the owner. She added that KeNHA ensures that the payment of the land is done with the Deputy County Commissioner so that in case there is a grievance from the women, the DCC can be able to freeze the account. She added that payments are made to bank accounts then a notice is issued to the public so that the women also know when the men are paid in order to raise any complaints in time. She explained that KeNHA usually does not have time to check who, in terms of gender, is being compensated.

Chairman said that in some projects people need to be trained about the use of the money so that their livelihoods do not stall after compensation. He also added that due to financial issues and since the budget is only allocated when the project is to be started the compensation is usually done in a hurry.

Rose said that in RAP preparation there is cutoff date and gazettement that prevents the compensation of new owners who crop up before the projects starts.

Rose added that through performance contracting by the national cohesion, president directive for affirmative action and bill of rights, gender mainstreaming also occurs in GoK funded projects. She added that KeNHA may have an influence on the gender mainstreaming requirements through their own guidelines and toolkits which they share with the financiers.

Rose added that KeNHA is an independent body and cannot influence other bodies e.g. KURA on issues regarding gender mainstreaming except the parties who they work with directly.

1.9 Construction related issues

Engineer Ben explained that there is social disruption that is caused by construction of roads and mitigation plans are there in terms of traffic flow. Currently, the traffic management plan for high traffic areas requires diversions to be tarmacked in order to reduce dust and mud among other issues. He added that disruptions to businesses are sometimes compensated directly or through the construction of facilities such as maternity wards, schools or markets. He noted that the social disruptions in different projects can be mitigated in different ways.

The Chairman said that KeNHA puts in place a grievance literacy strategy for reporting issues affecting the community. He added that temporary accesses are given so that movement of people is
not curtailed since disruptions cannot be avoided.

2.0 Conclusions

Engineer Ben emphasized the importance of the assignment.

Miriam reported the assignment was started late in 2018 instead of 2017. She added that getting appointment with stakeholders has been a problem therefore delaying the progress of the project.

Rose explained that the NGEC approval was the reason for the delay in the commencement of the project. She added that the Consultant needs to working closely with NGEC to develop the gender barriers and gaps report since they are the owners of gender mainstreaming in Kenya.

Rose asked the Consultant to submit the list of documents required.

C ADJOURNMENT

The meeting ended at 11:15 am.
<table>
<thead>
<tr>
<th>NO.</th>
<th>NAME</th>
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<tr>
<td>1.</td>
<td>Walter Njathianga</td>
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<td>2.</td>
<td>Reva Oluo</td>
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<tr>
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<td>5.</td>
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<td>6.</td>
<td>Joan Masara</td>
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<td>7.</td>
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<td>8.</td>
<td>Donna Nguyen</td>
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<td>KenHA</td>
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<td>9.</td>
<td>Patrick Murenok</td>
<td>Civil Engi</td>
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<tr>
<td>10.</td>
<td>Phillip Chele</td>
<td>Civil Engi</td>
<td>GIBB</td>
<td>0721391592</td>
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Vision: To be a leading Highways Authority committed to quality, safe and adequate National Trunk Roads
Mission: To construct and manage National Trunk Roads that enhance socio-economic growth and prosperity
ISO 9001 - 2015 Certified
<table>
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<tbody>
<tr>
<td>1.</td>
<td>Huma Ilahbe'</td>
<td>Secretary</td>
<td>Gibb Africa</td>
<td>0722373955</td>
<td>3704206</td>
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<tr>
<td>12.</td>
<td>Mr. Henry Gachago</td>
<td>Leader</td>
<td>Gibb Africa</td>
<td>0722798086</td>
<td>1888481</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Eng. Doron Pwiri</td>
<td>Senior Engineer</td>
<td>KENHA</td>
<td>0781648477</td>
<td>23092416</td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Eng. David Muchucha</td>
<td>Director (o)</td>
<td>KENHA</td>
<td>0722784149</td>
<td>4802908</td>
<td></td>
</tr>
</tbody>
</table>
MINUTES OF THE STAKEHOLDER MEETING FOR DEVELOPMENT OF GUIDELINES ON GENDER MAINSTREAMING IN THE TRANSPORT SECTOR

MEETING HELD ON 08 MARCH 2019 AT KENYA ROADS BOARD OFFICES

AGENDA:

To discuss gender barriers, inequalities, gaps and mainstreaming entry points in road infrastructure with special interest on KRB programs that influence road development and operations.

Potential KRB programs / policy documents of interest to this assignment are:

- Annual Road Works Program;
- Compliance Audit Program;
- Road Safety Program;
- KRB Strategic Plan.

ATTENDEES:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ORGANIZATION</th>
<th>DESIGNATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eng Tom Omai</td>
<td>KRB</td>
<td>Manager-Planning</td>
</tr>
<tr>
<td>Eng. Margaret Ogai</td>
<td>KRB</td>
<td>GM-Planning</td>
</tr>
<tr>
<td>Eng Isaac M. Maina</td>
<td>KRB</td>
<td>Manager-Technical Compliance</td>
</tr>
<tr>
<td>Miriam Gachago</td>
<td>Gibb Africa</td>
<td>Sociologist</td>
</tr>
<tr>
<td>Huini Kabui</td>
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</tr>
<tr>
<td>Passy Muriuki</td>
<td>Gibb Africa</td>
<td>Civil engineer</td>
</tr>
</tbody>
</table>

ITEM NO. | DESCRIPTION
A. INTRODUCTION

Meeting attendees introduced themselves and a brief background of the project was given by Miriam Gachago.

She explained the importance of the meeting for the project. She further explained that the project is divided into; an inception report that was submitted to KeNHA, the current task is to identify potential gender gaps and mainstreaming and to get proposals on the best way to mainstream gender in the roads sector.

Eng. Tom explained the core mandate of Kenya Roads Board, that is, to oversee, coordinate and fund road maintenance, rehabilitation and development. The body is mainly focused on road maintenance and only 10% of the funds are allocated to development. He further added that the board advises the CS on matters on road maintenance, rehabilitation and development and also includes programs such as the 5-year Road Sector investment plan (2018-2022) which is in progress and also the roads 2000 strategy which will be beneficial in our study. The Roads 2000 program started in 1974 when it was named the Minor Roads program and later on renamed to Roads 2000 program, which is a delivery method which emphasizes on the use of local resources technically and economically viable in a socially responsive manner. He explained that the roads 2000 strategy has previously been implemented without a policy which has now been formulated.

A monitoring and evaluation framework has recently been developed in the KRB Fund which has cross cutting issues which are to be monitored in all the programs in the roads sector. Eng. Tom also highlighted that gender is not mainstreamed in the planning phase.
### DISCUSSION

#### 1.1 Gaps in gender mainstreaming

Eng. Margaret explained that a gender mainstreaming policy has been developed in the ministry. She added that there is a disparity between the policy and what is actually on the ground. She further added that the Road 2000 program collects number of employees by gender. She noted that in Western, Eastern and Central provinces there over 30% female construction workers in the roads project. She went on to say that there had been a study carried out by a Consultant called Cardno IT for a DFID funded project that showed the number of women in management is lower than 5% and that it shows gaps in policy making, technical aspects and management for women. She further added that policy wise there is effort by the government but the implementation is the problem.

#### 1.2 Hindrances in implementation of policies

Eng. Margaret pointed out that one of the main hindrances is that women are not in management positions such as in the Ministry. Another major hindrance that she noted is the perception and work place dynamics. Work life tends to become complicated when a woman is working during her child bearing years therefore family and work life balance becomes challenging and the women tend to avoid being posted to the field due to family obligations.

Eng. Tom also added that there are no women in leadership thus there are not included in decision making.

Eng. Margaret went on to say that the Department of Technical Compliance have a specific package to target the women and the youth. Unfortunately, only one firm for women qualified and none for the youth, therefore, technical expertise is still a challenge even in KeNHA, KURA and KPA. She added that the Kenya Roads Board has been deliberately proactive in employment of registered women therefore there are 4 women out of a team of 20 engineers. This has been achieved through the KRB gender mainstreaming policy.

#### 1.3 Gender segregation of data

Eng. Isaac explained that Technical Compliance Department audits are not only geared to the quality of the road but also in the principles of the Roads 2000 strategy. He added that currently there are enhanced packages to do impacts on the fund through engagement of environmentalists, sociologists & economists for them to explain tools and methodologies to be used. The tools are at development stage and may now be able to segregate the records, e.g., accident data.

Eng. Isaac further explained that all the data collected, if managed properly, can be segregated. He further added that the data may be available but the use of the data is not there. Eng. Margaret added that under the Roads 2000 program there are tools to monitor matters relating to gender. She suggested that targets should be set in performance contracts since targets are mainly on the technical aspect regarding the projects. Some requirements should be tailor made to enable women to take up the sub-contracts in capital intensive projects.

#### 1.4 Benefits and challenges faced in the implementation of the Roads 2000 program and gender mainstreaming

Eng. Isaac explained that one of the challenges is picking packages which are tailored for youth/women (under the roads 2000 programme) which end up being retendered due to lack of the required qualifications. In Central province, women have formed enterprises as opposed to other regions. Also, in Central, women are mostly working while the men are mostly drunk. Therefore, now the focus shifts to the boychild. Eng. Margaret pointed out that there should be balance in the society where resources are distributed equitably. Women should not be too empowered in that men do not participate.

Eng. Margaret explained that the Cost Benefit Analysis of gender mainstreaming must be from the management & setting up structures but from a long-term basis there are greater benefits to the society.
1.5 **Road safety awareness and training under Roads 2000 program**

Eng. Isaac said that there are KIBIT Trainings under the roads 2000 program.

Eng. Margaret confirmed that KRB does road safety awareness but mainly through bodaboda sensitization. She advised GIBB to meet up with Eng. Jane Ndirangu who has been a pioneer and instrumental in the Roads 2000 program.

1.6 **Design Issues**

Eng. Margaret said that NMT facilities and Public transport mainly cater for women, children and the disabled persons since they are the majority affected by poverty in the country. She added that there is more emphasis on design of infrastructure for motorized transport. She also noted that most bodaboda passengers are women who are not provided with helmets.

Eng. Margaret explained that there is high use of footbridges but the design aspects do not encourage use while Eng. Isaac added that the main design issues are the slopes, sides and security of the foot bridges.

Eng. Margaret agreed that gender sensitive NMT design and typical cross sections should be considered and some guidelines should be put in place to consider gender sensitive issues. She added that the beginning of the design considers all road safety issues but in implementation the money runs out hence it impacts downstream.

Huini noted that there is a lot of gender-based violence experienced along the road. Eng. Tom added that some road constructions started with footbridges first due to safety issues experienced by pedestrians during construction. He added that a road should not be taken over until everything is totally finished, that is, including the road furniture. Eng. Tom suggested that there should be guidelines on what the road should be like so as to be considered ready for take over.

1.7 **Stakeholder engagement**

Eng. Margaret confirmed that they do stakeholder engagement during policy development as a constitutional requirement. Eng. Margaret pointed out that issues arising from policy development are considered and agreed that there should be a deliberate effort in ensuring a gender requirement for stakeholder consultations in future.

Eng. Tom and Eng. Margaret gave suggestions of stakeholders that could be engaged which are counties such as Kiambu which has a woman CEC, KeRRA, NGEC.

1.8 **Interaction with NGEC**

Eng. Margaret said that they haven’t interacted with them other than in employment level through performance contracting but not in day to day living. She also suggested that the attendance list should include the gender of the attendees.

She also explained the sources of funding for KRB, i.e. the exchequer which is from the national government for development projects, development partners and RMLF for road maintenance.

1.9 **Audit of gender-based issues**

Eng. Isaac explained that they do audits of gender-based issues but not to the scale that it should be done but going forward a body has been enhanced and such gender-based issues will be considered. Eng. Tom suggested that road safety should be checked at the design level of a road.

2.0 **Recommendations for case studies**

Eng. Margaret suggested that Murang’a would be a suitable area for case studies regarding gender where women saccos in the area are doing contractor works. Eng. Isaac added that cultural issues can be highlighted in areas like Lamu, Garissa, Narok where there are cultural barriers. Eng. Margaret promised to enquire further on areas where case studies can be undertaken and revert.
<table>
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<tr>
<th>2.2</th>
<th>ADJOURNMENT</th>
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<td>The meeting ended at 11:30 am.</td>
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</table>
# Gender Mainstreaming in the Transport Sector

## Stakeholders Consultation Attendance List

**Location:** Kenya Roads Board, Kenya Re Towers  
**Date:** 8 March 2019

<table>
<thead>
<tr>
<th>Name</th>
<th>Designation/Organization represented</th>
<th>Contacts Telephone</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Philip Chele</td>
<td>GIBB Africa, Civil Engineer</td>
<td>+254203248800</td>
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<td></td>
<td></td>
<td>+254721315992</td>
<td></td>
</tr>
<tr>
<td>Hutsi Kamiri</td>
<td>GIBB Africa, Architect</td>
<td>0722373495</td>
<td></td>
</tr>
<tr>
<td>Muriitha Gacaga</td>
<td>GIBB Africa</td>
<td>0722790486</td>
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</tr>
<tr>
<td>Eng. Tom Omai</td>
<td>KRB - Manager Planning</td>
<td>0725726736</td>
<td></td>
</tr>
<tr>
<td>Eng. Margaret Ogai</td>
<td>KRB - GM Planning</td>
<td>0722747218</td>
<td></td>
</tr>
<tr>
<td>Eng Isaac M. Maua</td>
<td>KRB - M-Technical Compliance</td>
<td>0722688444</td>
<td></td>
</tr>
<tr>
<td>Pansy Muriuki</td>
<td>GIBB Africa - Civil Engineer</td>
<td>0706541611</td>
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</table>
Minutes of Meeting with National Transport Safety Authority (NTSA)
MINUTES OF THE STAKEHOLDER MEETING FOR DEVELOPMENT OF GUIDELINES ON GENDER MAINSTREAMING IN THE TRANSPORT SECTOR

MEETING HELD ON 13 MARCH 2019

VENUE: National Transport & Safety Authority

AGENDA:
Discussion of gender barriers, inequalities gaps and mainstreaming entry points in road infrastructure with special interest on NTSA programs that influence road development and operations.

Potential NTSA programs of interest to this assignment are:

- Road Safety Strategies;
- Education of members of the Public on road safety;
- Research and audits on road safety.

ATTENDEES:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ORGANIZATION</th>
<th>DESIGNATION</th>
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<tbody>
<tr>
<td>Eng Christine A. Ogut</td>
<td>NTSA</td>
<td>Sociologist</td>
</tr>
<tr>
<td>Miriam Gachago</td>
<td>Gibb Africa</td>
<td>Sociologist</td>
</tr>
<tr>
<td>Huini Kabui</td>
<td>Gibb Africa</td>
<td>Civil engineer</td>
</tr>
<tr>
<td>Philip Chele</td>
<td>Gibb Africa</td>
<td>Intern</td>
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<tr>
<td>Angela Waigwa</td>
<td>Gibb Africa</td>
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TIME: 2:00pm-4:00pm

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>A.</td>
<td>INTRODUCTION</td>
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</table>

Meeting attendees introduced themselves and a brief background of the project was given by Miriam Gachago.

She explained the importance of the meeting for the project. She further explained that the project is divided into; an inception report that was submitted to KeNHA, the current task to identify potential gender gaps and mainstreaming and to get proposals on the best way to mainstream gender in the roads.

Eng. Christine gave a brief background of the National Transport & Safety Authority.

B  GAPS IN GENDER MAINSTREAMING

Eng. Christine explained that NTSA ensures they provide safe transport services in terms of:
- Safety for all road users
- Safer vehicles
- Safer road infrastructure
- Driver testing and testing
- Public service in a motor vehicle perspective
She added that in NTSA the gender policy is 40% female and about 60% male distributable in training, distribution of work and also management which is dealt with by the Human Resource Department. She also pointed out some of the gender gaps in the transport sector, for example, open drains which are insensitive to females, non-segregated washrooms at construction sites and also lack of segregation in data collection e.g. accident data. She recommended that a gender policy to be introduced in payment where 30% of the lumpsum to be assigned to women. Also we should aim at deliberately pushing the gender balance. Eng. Christine added that the project cycle should have gender perspective in all aspects and procurement bid should be reviewed to include gender balance.

C

ADJOURNMENT

The meeting ended at 4 pm.
# GENDER MAINSTREAMING IN THE TRANSPORT SECTOR

## STAKEHOLDERS CONSULTATION ATTENDANCE LIST

**LOCATION:** NTSA, Likoni Road  
**DATE:** 13 March 2019

<table>
<thead>
<tr>
<th>Name</th>
<th>Designation/Organization represented</th>
<th>Contacts Telephone</th>
<th>Signature</th>
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<tbody>
<tr>
<td>Angela Waiqari</td>
<td>GIBB Africa</td>
<td>0702535848</td>
<td></td>
</tr>
<tr>
<td>Phillip Ade</td>
<td>GIBB Africa Ltd</td>
<td>+254721391592</td>
<td></td>
</tr>
<tr>
<td>Humi Kaboni</td>
<td>GIBB Africa Ltd</td>
<td>0722377475</td>
<td></td>
</tr>
<tr>
<td>Minna Mwacige</td>
<td>GIBB - Africa</td>
<td>0722274094</td>
<td></td>
</tr>
<tr>
<td>Dr. Christopher Kagen</td>
<td>NTSA</td>
<td>0771249928</td>
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Minutes of Meeting with Nairobi Metropolitan Area Transport Authority (NAMATA)
MINUTES OF THE STAKEHOLDER MEETING FOR DEVELOPMENT OF GUIDELINES ON GENDER MAINSTREAMING IN THE TRANSPORT SECTOR

MEETING HELD ON 15 MARCH 2019

VENUE: NAMATA

AGENDA:

- Discussion of gender barriers, inequalities gaps and mainstreaming entry points in road infrastructure with special interest on NAMATA programs that influence road development and operations.
- Potential NAMATA programs of interest to this assignment will be determined through engagement with the Authority.

ATTENDEES:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ORGANIZATION</th>
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<tbody>
<tr>
<td>David Maswui</td>
<td>NAMATA</td>
<td>Deputy head operations</td>
</tr>
<tr>
<td>Abigail Muigai</td>
<td>NAMATA</td>
<td>Deputy head projects and programs</td>
</tr>
<tr>
<td>Miriam Gachago</td>
<td>Gibb Africa</td>
<td>Sociologist</td>
</tr>
<tr>
<td>Huini Kabui</td>
<td>Gibb Africa</td>
<td>Sociologist</td>
</tr>
<tr>
<td>Philip Chele</td>
<td>Gibb Africa</td>
<td>Civil engineer</td>
</tr>
<tr>
<td>Angela Waigwa</td>
<td>Gibb Africa</td>
<td>Intern</td>
</tr>
</tbody>
</table>

TIME: 11:00am-12:30pm

ITEM NO. | DESCRIPTION
A. INTRODUCTION

Meeting attendees introduced themselves and a brief background of the project was given by Miriam Gachago.

She explained the importance of the meeting for the project. She further explained that the project is divided into: an inception report that was submitted to KeNHA, the current task to identify potential gender gaps and mainstreaming and to get proposals on the best way to mainstream gender in the roads.

Abigail gave a brief introduction of the mandate of NAMATA. She explained that NAMATA is a joint authority between 5 NMA (Nairobi Metropolitan Area) counties (Kajiado, Kiambu, Murang’a, Nairobi and Machakos) plus the national Government which was established in February 2017 through an executive order by the President. The key mandate is the establishment of an inter-grated, safe, efficient, effective and sustainable public transport system within the NMA. David also added that their strategic plan will be finalized in 19th February and it shall be launched in April 2019. The launch will be in a workshop in a fortnight.
### DISCUSSION BY THE CONSULTANTS AND THE STAKEHOLDERS

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<tbody>
<tr>
<td><strong>1.1</strong></td>
<td>Abigail explained that for gender in NAMATA it is usually as per the constitution and in their mandate they will provide easy access for everyone, for example, providing ramps, seats for pregnant women and persons with disabilities. They aim at equal employment opportunities and also consider all the matters for equality. On matters of gender, they do not have a department for gender and social issues but they have a deliberate effort to support the vulnerable user that is, women, children, elderly and persons with disabilities and there was a deliberate effort to deal with gender mainstreaming in the development of the strategic plan. David also added that the department of gender mainstreaming and social issues can be incorporated going forward. Abigail explained that they are aiming at making steep bridges gentle, provide segregated sanitary facilities in busy roads and main places along the main corridor. She also pointed out that their data collection is segregated. David added that the BRT was developed from best practices and tailored to suit Kenyan environment with respect to existing design standards and practices.</td>
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<td><strong>1.2</strong></td>
<td>ADJOURNMENT</td>
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<td>The meeting ended at 12.30 pm.</td>
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Appendix 2: Review of Gender Considerations in IFI Environmental & Social Safeguards
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<tbody>
<tr>
<td>Participatory consultations</td>
<td>Local women and men need to be involved at the initial planning stages of a project MAINSTREAMING GENDER IN ROAD TRANSPORT: OPERATIONAL GUIDANCE FOR WORLD BANK STAFF; 2010: Section 4</td>
<td>Ensure a voice for women and other groups that have traditionally been excluded HANDBOOK ON STAKEHOLDER CONSULTATION AND PARTICIPATION IN ADB OPERATIONS; 2001: Section 1.1, and 2.3.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>The consultation process should capture both men's and women's views if necessary through separate forums or engagements PERFORMANCE STANDARDS ON ENVIRONMENTAL AND SOCIAL SUSTAINABILITY; 2012: Performance Standard 1</td>
</tr>
<tr>
<td>Community engagement</td>
<td>The consultation process should ensure that women's perspectives are captured and factored into all aspects of resettlement planning and implementation. THE WORLD BANK ENVIRONMENTAL AND SOCIAL FRAMEWORK; 2017: Section 5</td>
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<tr>
<td>Gender equity</td>
<td>All legitimate stakeholders be heard – in particular, women and other vulnerable groups that have traditionally been excluded. HANDBOOK ON STAKEHOLDER CONSULTATION AND PARTICIPATION IN ADB OPERATIONS; 2001: Section 2.4</td>
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<td>Aspect</td>
<td>World Bank</td>
<td>African Development Bank</td>
<td>Japan Cooperation Agency</td>
<td>European Investment Bank</td>
<td>International Finance Corporation</td>
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<td>Gender in countries where culture clearly distinguishes between women’s and men’s rights</td>
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<td>Where laws and regulations disadvantage one gender over the other the client is asked to ensure that disadvantaged populations are protected and not further disadvantaged.</td>
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<tr>
<td>Indigenous groups</td>
<td>Environmental and Social Standard recognizes that roles of women in indigenous cultures are often different from the mainstream groups, and they have frequently been marginalized both within their own communities and as a result of external developments, and may have specific needs. THE WORLD BANK ENVIRONMENTAL AND SOCIAL FRAMEWORK; 2017: Section 7</td>
<td>-</td>
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<td>-</td>
<td>For projects with adverse impacts to Indigenous Peoples, the client is required to engage them in a process of Informed Consultation and Participation (ICP).</td>
<td></td>
</tr>
<tr>
<td>Indigenous Peoples and Development</td>
<td>Address the gender and intergenerational issues that exist among Indigenous Peoples, including the special needs of indigenous women, youth, and children. OPERATIONAL POLICIES 4.10, INDIGENOUS PEOPLE, No. 22</td>
<td>-</td>
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<td>PERFORMANCE STANDARDS ON ENVIRONMENTAL AND SOCIAL SUSTAINABILITY; 2012: Performance Standard 1</td>
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<td>Aspect</td>
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<td>African Development Bank</td>
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<tr>
<td>Property rights</td>
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<td>-</td>
<td>The client should follow best practice principles to ensure that women are protected and to engage with stakeholders in a process that raises awareness of the issue, promote a process that enables women to hold property in practice and be listed on land titles. PERFORMANCE STANDARDS ON ENVIRONMENTAL AND SOCIAL SUSTAINABILITY; 2012: Performance Standard 5</td>
<td></td>
</tr>
<tr>
<td>Opinions of local residents affected by a project</td>
<td>Use consultation methods appropriate to the social and cultural values of the affected Indigenous Peoples' communities and their local conditions. OP 4.10, INDIGENOUS PEOPLE; 2005, No. 10</td>
<td>-</td>
<td>Take into account the opinions of people who may be affected by the project, including such socially vulnerable groups THE JICA ENVIRONMENTAL GUIDELINES, Social Acceptability, APPENDIX 1</td>
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<tr>
<td>Implementing participatory approaches</td>
<td>-</td>
<td>Capacity-building of poor people and women is recognized as an important element of promoting participatory development. HANDBOOK ON STAKEHOLDER CONSULTATION AND PARTICIPATION IN ADB OPERATIONS; 2001: Section 2.4, subsection 2.4.3</td>
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<td>Aspect</td>
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<tr>
<td>Consultation and participation</td>
<td>There should be institutionalized arrangements which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups are adequately represented.</td>
<td>The borrower/client engages in meaningful informed consultation and participation with the vulnerable communities before the project is submitted for Board consideration and continuing throughout the project cycle. <strong>AFRICAN DEVELOPMENT BANK GROUP’S INTEGRATED SAFEGUARDS SYSTEM POLICY STATEMENT AND OPERATIONAL SAFEGUARDS, 2013, Part 3, Operational safeguard 1</strong></td>
<td>-</td>
<td>Opportunities for consultation must be extended effectively to the full spectrum of affected persons, paying particular attention to the full participation in the consultation process of women, vulnerable and marginalized groups</td>
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<tr>
<td>Identification of participants</td>
<td>-</td>
<td>The selection of participants is key and should be undertaken in as transparent a manner as possible. Organizers should ensure that a broad spectrum of interests and views are represented, paying particular attention to those population groups that are frequently marginalized. <strong>HANDBOOK ON STAKEHOLDER CONSULTATION AND PARTICIPATION IN ADB OPERATIONS; 2001, Chapter 3 subsection 3.2.9.</strong></td>
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<td>Human rights</td>
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<td>JICA gives special attention to the human rights of vulnerable social groups when implementing cooperation projects. THE JICA ENVIRONMENTAL GUIDELINES, Section 2.5.2</td>
<td>Promoters that seek EIB finance outside the EU are required to adopt the social standards regarding involuntary resettlement, indigenous people and other vulnerable groups. THE EIB STATEMENT OF ENVIRONMENTAL AND SOCIAL PRINCIPLES AND STANDARDS; 2009, A Human Rights-based Approach No. 50</td>
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<td>Rights and interests of vulnerable groups</td>
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<tr>
<td>Participation of Primary Stakeholders</td>
<td>-</td>
<td>Special efforts are needed to address the disequilibrium of power, knowledge and influence among stakeholder groups and to allow weaker, less organized groups to interact effectively with stronger, more established stakeholders. HANDBOOK ON STAKEHOLDER CONSULTATION AND PARTICIPATION IN ADB OPERATIONS; 2001, Box 4, section 3.4</td>
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<td>Promoting Women's Participation in Project Planning</td>
<td>-</td>
<td>It is often useful to discuss subjects first with women’s groups and later in mixed groups or with the entire community. Women are often more willing to speak in smaller groups. HANDBOOK ON STAKEHOLDER CONSULTATION AND PARTICIPATION IN ADB OPERATIONS; 2001, Box 5</td>
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<td>Participatory mapping</td>
<td>-</td>
<td>Having different groups (e.g. women and men; poorer and wealthier individuals) prepare maps separately can reveal important differences in perceptions, realities and priorities in participatory research and data collection. HANDBOOK ON STAKEHOLDER CONSULTATION AND PARTICIPATION IN ADB OPERATIONS; 2001: Section 4.4</td>
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<td>Consultation, participation and broad community support</td>
<td>-</td>
<td>The borrower or client gives special attention to consultations that involve vulnerable groups. In the context of gender vulnerability. AFRICAN DEVELOPMENT BANK GROUP'S INTEGRATED SAFEGUARDS SYSTEM POLICY STATEMENT AND OPERATIONAL SAFEGUARDS, 2013, Part 3, Operational safeguard 2</td>
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<td>Compensation</td>
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<td>Particular attention is given to ensuring that the interests of both women and men and of the elderly and the handicapped are taken into account when formulating and implementing compensation packages, resettlement assistance measures and livelihood improvement measures. AFRICAN DEVELOPMENT BANK GROUP’S INTEGRATED SAFEGUARDS SYSTEM POLICY STATEMENT AND OPERATIONAL SAFEGUARDS, 2013: Part 3, Operational safeguard 2</td>
<td>-</td>
<td>The promoter must ensure that compensation and income restoration measures are implemented without discrimination based on gender, race, ethnicity, religion, disability or other prohibited grounds. EIB ENVIRONMENTAL AND SOCIAL HANDBOOK; 2013: VOLUME 1; Section 6</td>
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<td>Social Acceptability and Social Impacts</td>
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The outcome of consultations must be incorporated into the contents of every project plan; and appropriate consideration given to vulnerable social groups. JAPAN BANK FOR INTERNATIONAL COOPERATION GUIDELINES FOR CONFIRMATION OF ENVIRONMENTAL AND SOCIAL CONSIDERATIONS; 2002, Part 2, Section 1
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<tr>
<td>Vulnerable groups</td>
<td>-</td>
<td>Member countries and other borrowers/clients are responsible for protecting the physical, social and economic integrity of vulnerable groups and for paying particular attention to health needs, particularly for women.</td>
<td>-</td>
<td>All policies, practices, programmes and activities developed and implemented by the promoter should pay special attention to the rights of vulnerable groups.</td>
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<tr>
<td>Group vulnerability</td>
<td>-</td>
<td>The Bank is committed to protecting vulnerable groups that are affected by Bank projects.</td>
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<tr>
<td>Fair labor standards and equal labor opportunities</td>
<td>-</td>
<td>One of the objective is to protect project workers, including vulnerable workers such as women, persons with disabilities, children and migrant workers, contracted workers, community workers and primary supply workers, as appropriate.</td>
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<td>Specific OHS hazards related to gender are part of the assessment all companies need to perform.</td>
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**AFRICAN DEVELOPMENT BANK GROUP’S INTEGRATED SAFEGUARDS SYSTEM POLICY STATEMENT AND OPERATIONAL SAFEGUARDS; 2013, Part 3, Operational safeguard 2**

**THE WORLD BANK ENVIRONMENTAL AND SOCIAL FRAMEWORK; 2017, Chapter 2**

**THE EIB STATEMENT OF ENVIRONMENTAL AND SOCIAL PRINCIPLES AND STANDARDS; 2009, A Human Rights-based Approach, No. 52**

**PERFORMANCE STANDARDS ON ENVIRONMENTAL AND SOCIAL SUSTAINABILITY; 2012: Performance Standard 2**
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<tr>
<td>Transparency, good governance</td>
<td>-</td>
<td>The Bank is committed to ensuring that throughout the environmental and social assessment process, the borrower or client engages in meaningful and transparent consultation with affected communities, particularly with vulnerable groups, to ensure that they can participate in a free, prior and informed manner in decisions about avoiding or managing environmental or social impacts.</td>
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<tr>
<td>and inclusivity</td>
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<tr>
<td>Vulnerability and community</td>
<td>-</td>
<td>Where groups are identified as vulnerable, the borrower or client implements appropriate differentiated measures so that unavoidable adverse impacts do not fall disproportionately on these vulnerable groups.</td>
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<td>impacts</td>
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AFRICAN DEVELOPMENT BANK GROUP'S INTEGRATED SAFEGUARDS SYSTEM POLICY STATEMENT AND OPERATIONAL SAFEGUARDS; 2013, Part 2
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<tbody>
<tr>
<td>Protecting the most vulnerable</td>
<td></td>
<td>The Bank is committed to protecting Africa's most vulnerable people and providing them with opportunities to benefit from Bank operations. Of special concern to the Bank are groups whose lives and livelihoods are, or are likely to be, adversely affected by a project financed by the Bank and who have less capacity than others to adapt to the new economic or social circumstances brought about by the project. AFRICAN DEVELOPMENT BANK GROUP'S INTEGRATED SAFEGUARDS SYSTEM POLICY STATEMENT AND OPERATIONAL SAFEGUARDS: 2013, Part 2</td>
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<tr>
<td>Employment opportunities</td>
<td>Promotion of labor-based construction methods that target employment and training of local women as well as men. It is also important to monitor contractor performance in employing the targeted numbers of local women and men. MAINSTREAMING GENDER IN ROAD TRANSPORT: OPERATIONAL GUIDANCE FOR WORLD BANK STAFF; 2010, Chapter 4</td>
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<tr>
<td>Child labour</td>
<td></td>
<td>The borrower or client does not employ children in any manner that is economically exploitative, or is likely to be hazardous or to interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral, or social development.</td>
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<td>AFRICAN DEVELOPMENT BANK GROUP'S INTEGRATED SAFEGUARDS SYSTEM POLICY STATEMENT AND OPERATIONAL SAFEGUARDS, 2013: Part 3, Operational safeguard 5</td>
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<td>Grievance Mechanism</td>
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<tr>
<td>Human trafficking</td>
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<td>The consultation process should ensure that women's perspectives are obtained and their interests factored into all aspects of resettlement planning and implementation. PERFORMANCE STANDARDS ON ENVIRONMENTAL AND SOCIAL SUSTAINABILITY; 2012, Performance Standard 2</td>
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<tr>
<td>Forced labour</td>
<td></td>
<td>The borrower or client does not employ forced labour. This covers any kind of involuntary or compulsory labour; <strong>AFRICAN DEVELOPMENT BANK GROUP’S INTEGRATED SAFEGUARDS SYSTEM POLICY STATEMENT AND OPERATIONAL SAFEGUARDS; 2013: Part 3, Operational safeguard 5</strong></td>
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<tr>
<td>Public transport fleet and facilities</td>
<td></td>
<td>Design should meet women’s specific mobility needs; <strong>MAINSTREAMING GENDER IN ROAD TRANSPORT: OPERATIONAL GUIDANCE FOR WORLD BANK STAFF; 2010: Urban transport projects; Executive summary</strong></td>
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<tr>
<td>Relocation of roadside economic activities</td>
<td></td>
<td>Women who are the users of the impacted roads should be consulted to help alleviate economic losses; <strong>MAINSTREAMING GENDER IN ROAD TRANSPORT: OPERATIONAL GUIDANCE FOR WORLD BANK STAFF; 2010: Chapter 6</strong></td>
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<tr>
<td>Resettlement Action Plan</td>
<td>Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.</td>
<td>The borrower or client prepares a Full Resettlement Action Plan (FRAP) for; any project that involves 200 or more persons (as defined by the involuntary resettlement policy), or any project that is likely to have adverse effects on vulnerable groups.</td>
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<tr>
<td>Involuntary resettlement</td>
<td>Pay particular attention to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.</td>
<td>Displaced persons and host communities should be meaningfully consulted early in the planning process. The feasibility of holding separate women's meetings and fair representation of female heads of households, in addition to mixed meetings should be explored.</td>
<td>-</td>
<td>-</td>
<td>Give particular attention to vulnerable groups, including women and minorities, who may require special assistance and whose participation should be vigilantly promoted.</td>
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**THE WORLD BANK ENVIRONMENTAL AND SOCIAL FRAMEWORK, 2017:** Chapter 5, Annex 1, Part A

**AFRICAN DEVELOPMENT BANK GROUP'S INTEGRATED SAFEGUARDS SYSTEM POLICY STATEMENT AND OPERATIONAL SAFEGUARDS; 2013:** Part 3, Operational safeguard 2

**INvoluntary Resettlement POLICY; 2003:** Chapter 3, Section 3.3, Part (e)
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<tr>
<td>Disadvantaged groups</td>
<td>-</td>
<td>During involuntary resettlement particular attention should be paid to the needs of disadvantaged groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, and ethnic, religious and linguistic minorities; including those without legal title to assets, female-headed households. INVOLUNTARY RESETTLEMENT POLICY; 2003: Chapter 3, Section 3.3, Part (c)</td>
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<tr>
<td>Safeguards in resettlement plan</td>
<td>-</td>
<td>The resettlement plan should specify safeguards for the quality and quantity of land to be allocated for women in order to ensure means to achieve income generation and food security by an insertion of a specific protocol in the resettlement plan. Women's groups should be involved in resettlement planning, management and operations and in job creation and income generation. INVOLUNTARY RESETTLEMENT POLICY; 2003: Chapter 3, section 3.4.7</td>
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<tr>
<td>Resettlement and Livelihood Restoration Planning and Implementation</td>
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<td>Documentation of ownership or occupancy and compensation arrangements should be issued in the names of both spouses or heads of households, and other resettlement assistance.</td>
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<tr>
<td>Eligibility and Entitlements</td>
<td>-</td>
<td>Bank staff should make sure that project planners are ensuring that replacement land is registered in the name of women and men, when applicable and in conformity with the borrower's own laws and legislation, either by establishing independent ownership rights for women or jointly under both the husband and the wife's name.</td>
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INVOLUNTARY RESETTLEMENT POLICY, 2003: Chapter 4, Section 4.2.2
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<tr>
<td>Project Launching, Implementation and Supervision</td>
<td>-</td>
<td>At the project launching stage it will be important for both the Bank's task team and the project coordination team to dialogue with project beneficiaries, specifically women, to ensure that project objectives and activities are clearly communicated to them. <strong>CHECKLIST FOR GENDER MAINSTREAMING IN THE INFRASTRUCTURE SECTOR, 2009: Chapter 3, Section 3.1</strong></td>
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<tr>
<td>Project Completion and Evaluation</td>
<td>-</td>
<td>The Project Completion Report should generate lessons learnt on achievements related to the gender equality objectives of the project as well as institutional capacities strengths and weaknesses. It should assess whether both women and men engage in equal measure and if each gender directly benefit from the project. <strong>CHECKLIST FOR GENDER MAINSTREAMING IN THE INFRASTRUCTURE SECTOR, 2009: Chapter 3, Section 3.2</strong></td>
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<tr>
<td>Guide - Gender-sensitive infrastructure project monitoring/supervision</td>
<td>-</td>
<td>Ensure a gender balanced stakeholder and community participation to create a two-way flow of information, and facilitate development of community skills to analyze situations &amp; identify solutions. CHECKLIST FOR GENDER MAINSTREAMING IN THE INFRASTRUCTURE SECTOR, 2009: Chapter 3, Section 3.1.1, Box 3</td>
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<tr>
<td>Displacement and Resettlement</td>
<td>Project teams should make sure that women have their names on any new land certificates, that they benefit from livelihood restoration programs and that they are consulted in the initial planning phase. MAINSTREAMING GENDER IN ROAD TRANSPORT: OPERATIONAL GUIDANCE FOR WORLD BANK STAFF; 2010: Chapter 4</td>
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<tr>
<td>Vulnerability to HIV transmission</td>
<td>Counseling and treatment services should be offered to transport workers in turn benefiting sex workers and other female sex partners of transport workers through HIV awareness and education campaigns supplemented with condom distribution. <strong>MAINSTREAMING GENDER IN ROAD TRANSPORT: OPERATIONAL GUIDANCE FOR WORLD BANK STAFF; 2010: Chapter 4</strong></td>
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<tr>
<td>Occupational Health and Safety</td>
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<td>International Cooperation</td>
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The client will provide a safe and healthy work environment, taking into account inherent risks in its particular sector and specific classes of hazards in the client's work areas, including physical, chemical, biological, and radiological hazards, and specific threats to women.

**PERFORMANCE STANDARDS ON ENVIRONMENTAL AND SOCIAL SUSTAINABILITY;2012 Standard Performance 2**
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<tr>
<td>Safe accessibility</td>
<td>Building exclusive sidewalks as components of road and public transport improvement projects responds to women's as well as men's traveling needs by increasing pedestrian accessibility and safety. <strong>MAINTREAMING GENDER IN ROAD TRANSPORT: OPERATIONAL GUIDANCE FOR WORLD BANK STAFF; 2010: Chapter 5</strong></td>
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<tr>
<td>Impact of road improvements on economic opportunities</td>
<td>Women who are the users of the impacted roads should be consulted so that solutions can be found to help alleviate economic losses. <strong>MAINTREAMING GENDER IN ROAD TRANSPORT: OPERATIONAL GUIDANCE FOR WORLD BANK STAFF; 2010: Chapter 6</strong></td>
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<tr>
<td>Risks Associated with the Influx of Project Workers</td>
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<td></td>
<td>The promoter will especially endeavour to protect women and girls from sexual violence and harassment; and avoid and contain the spread of communicable diseases associated with in-migration, especially sexually. <strong>EIB ENVIRONMENTAL AND SOCIAL HANDBOOK; 2013: VOLUME 1; section 9</strong></td>
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<td>Free Prior Informed Consent</td>
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<td>Consent should be premised on consultation and participation undertaken in good faith and full and equitable participation, allowing for as much time as needed and an effective system for communicating among interest-holders, participation of peoples' own freely chosen representatives and customary or other institutions, and the participation of indigenous women, as well as children and youth as appropriate. EIB ENVIRONMENTAL AND SOCIAL HANDBOOK; 2013: VOLUME 1; Section 10</td>
<td>Assess and document the affected Communities of Indigenous Peoples' resource use without prejudicing any Indigenous Peoples' land claim. The assessment of land and natural resource use should be gender inclusive and specifically considering women's role in the management and use of these resources. PERFORMANCE STANDARDS ON ENVIRONMENTAL AND SOCIAL SUSTAINABILITY; 2012: Standard performance 7</td>
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<td>Aspect</td>
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<tr>
<td>Equality and non-discrimination</td>
<td>Inclusion encompasses policies to promote equality and nondiscrimination by improving the access of all people, including the poor and disadvantaged, to services and benefits. It also embraces action to remove barriers against those who are often excluded from the development process and to ensure that the voice of all can be heard. THE WORLD BANK ENVIRONMENTAL AND SOCIAL FRAMEWORK, 2017: Chapter 1</td>
<td>The borrower or client takes special measures to address harassment, intimidation, and/or exploitation, especially in relation to women. The borrower or client also prevents social exclusion of or employment inequalities to women and workers with family responsibilities and, to the extent possible, allows employment not to conflict with family responsibilities. AFRICAN DEVELOPMENT BANK GROUP'S INTEGRATED SAFEGUARDS SYSTEM POLICY STATEMENT AND OPERATIONAL SAFEGUARDS, 2013: Part 3, Operational safeguard 5</td>
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<td>THE PROMOTER'S HUMAN RESOURCES POLICY WILL BE NON-DISCRIMINATORY AND SHALL OBSERVE EQUAL OPPORTUNITIES. THE PROMOTER SHALL ENSURE THAT EMPLOYMENT RELATED DECISIONS WILL BE BASED ON PROFESSIONAL SKILLS AND COMPETENCIES. EMPLOYMENT RELATIONSHIP MUST BE FAIR AND EQUAL IN ALL ITS ASPECTS. LABOUR STANDARDS; EIB ENVIRONMENTAL AND SOCIAL HANDBOOK; 2013: VOLUME 1, SECTION 8</td>
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<td>PERFORMACE STANDARDS ON ENVIRONMENTAL AND SOCIAL SUSTAINABILITY; 2012: PERFORMANCE STANDARD 2</td>
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ANNEX 1

CASE REVIEW REPORT: CONSTRUCTION OF THE MOMBASA-MARIAKANI ROAD LOT 1: MOMBASA-KWA JOMVU SECTION
1 CASE REVIEW REPORT- MOMBASA-MARIAKANI ROAD PROJECT

1.1 Road Project Background Information

A brief on the project and achievements in gender mainstreaming are as presented in Table 1-1 below.

Table 1-1 Achievements in Gender Mainstreaming for the Construction of the Mombasa-Mariakani Road; Lot 1: Mombasa-Kwa Jomvu Section

<table>
<thead>
<tr>
<th>Location</th>
<th>Mombasa County</th>
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<tbody>
<tr>
<td><strong>1. Scope of works</strong></td>
<td>The works comprise of strengthening the existing road and construction of additional lanes from Mombasa to Kwa Jomvu, which is currently a four-lane dual carriageway from Km 0+000 to Km 6+700 lanes and a two-lane single carriageway from Km 6+700 to Km 12+000. The project involves improving the existing road to a six-lane dual carriageway, three lanes for each direction of travel with an objective of improving the traffic flow by reducing constrains along the road. It also involves introduction of three new interchanges at Changamwe, Mikindani and Kwa Jomvu, road over rail bridges, footbridges, service roads, drainage works and street lighting.</td>
</tr>
<tr>
<td><strong>2. Employer</strong></td>
<td>Director General, Kenya National Highways Authority</td>
</tr>
<tr>
<td><strong>3. Financier</strong></td>
<td>African Development Bank (AfDB) and Government of Kenya (GoK)</td>
</tr>
<tr>
<td><strong>4. Contractor</strong></td>
<td>The Third Engineering Bureau of China City Construction Group Co., Ltd.</td>
</tr>
<tr>
<td><strong>5. Engineer</strong></td>
<td>Sai Consulting Engineers and CAS Consultants Ltd (Joint Venture).</td>
</tr>
<tr>
<td><strong>6. Date of Commencement</strong></td>
<td>4th February 2017</td>
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<td><strong>7. Construction Period</strong></td>
<td>30 months</td>
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</table>
| **8. Contractors Employee** | Contractor total: 775  
Male 774 (92.13%)  
Female 61 (7.87%)  
Specialist female employees: 3 machine operators |
| **9. Project Specific Gender Gaps, Barriers and Inequalities** | A large number of jobs are labour rather than office based and therefore jobs for persons living with disabilities are limited.  
Cultural challenges due to society where you find the society dictating that men are the ones who work and women get to stay at home.  
Cultural barriers on the contractor’s side due to their own beliefs on the role of women  
Unrealistic expectations of the public due to political pronouncements. The contractors’ social programs are limited to avoid giving expectations to the public  
The limits of the contractor’s role implementation of gender related policies/programs during construction stage is unclear  
Segregation of sanitation facilities in the sub camps/ work sections  
Employee data segregations |
10. Entry Points

- Definition of contractors' role in gender mainstreaming
- Daily health and safety checks to ensure facilities are in place (ongoing)
- Educating contractor on the need for inclusivity
- Segregation of employee data by roles and gender to assess the impact of mainstreaming programs

11. Project Specific Gender mainstreaming programs / guidelines / facilities / duties

Dedicated field sociologist tasked with undertaking the gender mainstreaming component of the project
- Individual and child protection codes of conduct which:
  - Provide child protection guidance on relations amongst workers and between workers and the community
  - Provide guidance on protection against sexual exploitation and abuse
- Sessions for rest for lactating mothers
- Providing leave conditions for pregnant women
- Provision of menses disposal services for ladies
- Separate female sanitary facilities
- Assignment of piecework duties for women to give more opportunities for rest
- Appointment of female supervisor to monitor feminine duties for optimal performance

1.2 An Overview of Dry Docks Suppliers-A Female Owned Enterprise

Government contracting is one area where women are encouraged to participate in with a view to empowering them economically and socially. The Access to Government Procurement Opportunities (AGPO) programme was launched in 2013 with a view to enabling women, youth and people with disability participate in government opportunities. This is based on section 227 of the Constitution of Kenya whereby 30% of Government procurement opportunities are set aside specifically for enterprises owned by these groups.

As a result, the program is aimed at empowering them by giving them more opportunities to do business with Government. There are very few women who are tendering for road works due to various reasons:

- They may not have the requisite skills to complete the tender documents
- Road works are very expensive and they do not have the resources to invest in it.
- They view road work as a very technical area and therefore do not even fathom that they can do it.
- They have heard about the corrupt practices in the government tendering system and feel intimidated by such environments as they feel they are not equipped to deal with such issues should they emerge during the procurement and implementation stages of the opportunities.

There are however some few women who have felt that they would cross each bridge as the challenges arise. One of those women is Rose the proprietor of Dry Dock Suppliers Ltd. She started her career as a secretary but always felt that her destiny would be in business. She therefore incorporated the company in 2006 and started with general supplies .and after some time she discovered her passion was in road construction.
1.2.1 Mentorship

Although Rose had a great passion for working on the roads construction, she realized that she knew that she needed someone to mentor her for her to be a competent contractor. She therefore shared her passion with the engineer who was in charge of her area. The engineer read her interest immediately and he took her as his protégé. He advised her to attend the basic course for contractors at the Kenya Institute of Building and Highways and Building Technology.

When she attended the course, she was the only woman out of 31 participants. Instead of being discouraged, she actually saw this as a great opportunity and to date Rose has attended a lot more trainings despite being the only woman or one of the few women in the room. She was determined to become a contractor who did quality work and also encourage other women to join the field.

Her mentor started giving her small labour-based jobs and she did them very well. Her career in contracting for roads was unstoppable. She has also become a mentor to women who would like to get into road construction business.

1.2.2 Quality Work

Due to her value for quality work, Rose was selected to do a special project. In the year that Kenya was hosting the Global Conference on Labour Based Methods, Rose was selected to construct a 2km demonstration road from scratch in Kilifi.

She wanted to use this road to show that she was a fully qualified contractor by demonstrating her capabilities. She also wanted to prove that women were able to do very good road works. For this project, she hired 75% female workers.

From then on, she has been awarded contracts and she is very proud of her quality of work. One of the Resident Engineers talks fondly of her work planning and organizational skills. He says that due to this aspect, she is able to do her contracts on timely basis and also make optimal profits.

1.2.3 Staffing

One of Rose's objectives was to ensure that women got involved in road work for their own empowerment. She therefore ensures that at all times, women are participating in her contracts. Among her 8-permanent staff 4 of them are women.

She however wishes that women would apply for the technical jobs. While her accountant is a woman, she wishes she could have a woman engineer in her outfit. She however goes out of her way in all her different contracts to ensure that women compose more than the 30% requirement.

1.2.4 Capacity Development

Rose has spent resources to ensure that she has the capacity to guide her organization into the future. She therefore ensures that she attends courses to improve both management and technical skills. While this is an expensive endeavour, she knows that it keeps her well above the rest of the pack.

1.2.5 Benefits of National Recognition

In 2015 Dry Docks Limited was one of the nominees for the award for the Woman Contractor of the Year by the National Construction Authority. This was of course very useful in raising her profile and she now competes with other contractors across the board and has been able to get jobs in different parts of the country. She has been able to get jobs from the 30% allotted to women as well as prequalifying for other jobs.

\(^1\) Actual year to be confirmed
1.2.6 Challenges

Rose views every challenge as an opportunity for her to do better in the future. She therefore says that the challenges do not discourage her at all. She however notes that:

- In many cases, men are hiding behind women to get contracts. Women are applying for contracts only to hand them over to men for a token payment. Due to the skills that these men have, they are taking away substantial jobs that are meant for women.

- Women have not learned to interact with men in the organizations responsible for the jobs. This is mostly out of the fear that this may have a negative impact on their families.

- Women need to be encouraged in order to participate in road works. They need sensitization and training. Very little is happening and they are left lagging behind.

1.2.7 The Future for Rose and Dry Docks

Rose has grown from a shy but passionate woman who wanted to be involved in road construction. She has developed her skills and now competes with male contractors.

She is still in the lower levels of contracts but would now like to move on to qualify for higher value contracts in the road construction industry.

She would also like to be the mentor of choice when it comes mentoring other women in the road construction industry.
RECORDS OF STAKEHOLDER ENGAGEMENT UNDERTAKEN DURING THE CASE REVIEW
MINUTES OF THE STAKEHOLDER MEETING FOR DEVELOPMENT OF GUIDELINES ON GENDER MAINSTREAMING IN THE TRANSPORT SECTOR

MEETING HELD ON 20 MARCH 2019

VENUE: KeNHA

AGENDA:
- Discuss gender barriers, inequalities gaps and mainstreaming entry points in road infrastructure under KeNHA's jurisdiction.

ATTENDEES: As attached.

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td></td>
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<tr>
<td>A.</td>
<td>INTRODUCTION</td>
</tr>
<tr>
<td></td>
<td>Meeting attendees introduced themselves and a brief background of the project was given by Miriam Gachago.</td>
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<tr>
<td>B</td>
<td>GAPS IN GENDER MAINSTREAMING</td>
</tr>
<tr>
<td>1.1</td>
<td>Eng Makori explained that there is serious disparity in all 4 technical departments and gender mainstreaming is well supported in support departments but lacking in technical departments. He recommended that policies should be made in that all infrastructure must accommodate all individuals in the society. The GoK department of gender mainstreaming should have guidelines to give an idea of minimum requirements for provision of facilities. He recommended that engineers should be restrained through CPD's to introduce gender/social issues for design. He also pointed out that the current designs are out of a need to be conservative for example, design of footbridges on Mombasa Road were out of a need to develop a non-intrusive structure.</td>
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<td>1.2</td>
<td>ADJOURNMENT</td>
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<td>The meeting ended at 4 pm.</td>
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MINUTES OF THE STAKEHOLDER MEETING FOR DEVELOPMENT OF GUIDELINES ON GENDER MAINSTREAMING IN THE TRANSPORT SECTOR

MEETING HELD ON 19 MARCH 2019

VENUE: KURA COAST REGION

AGENDA:
- Discussion of gender barriers, inequalities gaps and mainstreaming entry points in road infrastructure under KURA's jurisdiction.

ATTENDEES: As attached

TIME: 11:00am-12:30pm

<table>
<thead>
<tr>
<th>ITEM NO.</th>
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<tr>
<td>A. INTRODUCTION</td>
<td>Meeting attendees introduced themselves and a brief background of the project was given by Miriam Gachago, the team leader.</td>
</tr>
<tr>
<td>B DISCUSSION BY THE CONSULTANTS AND THE STAKEHOLDERS</td>
<td>Eng. Abdulmajid Jumadal explained KURA's mandate which is mainly implementation and maintenance. He added that only 10% of works are set aside for women. They are aiming in putting in place traffic paths for children if the budgets will allow and provide footpaths and access for people living with disabilities. Eng. Abdulmajid elaborated on the several gaps that include; contractor's staff is usually dependent on the location and another gap is that it's difficult to enforce is the required 1/3 gender rule. In some cases, such as Mokowe-Township road, most of the laborers are women. He also pointed out that in Mombasa, culture comes into play, for example boychild is more vulnerable to drugs and gangs as compared to the girl child.</td>
</tr>
<tr>
<td>C ADJOURNMENT</td>
<td>The meeting ended at 12.30 pm.</td>
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</table>
MINUTES OF THE STAKEHOLDER MEETING FOR DEVELOPMENT OF GUIDELINES ON GENDER MAINSTREAMING IN THE TRANSPORT SECTOR

MEETING HELD ON 19 MARCH 2019

VENUE: KeRRA

AGENDA:
- Discussion of gender barriers, inequalities gaps and mainstreaming entry points in road infrastructure under KURA's jurisdiction.

ATTENDEES: As attached

TIME: 11:00am-12:30pm

<table>
<thead>
<tr>
<th>ITEM NO.</th>
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<tbody>
<tr>
<td>A. INTRODUCTION</td>
<td>Meeting attendees introduced themselves and a brief background of the project was given by Miriam Gachago, the team leader. Eng. Richard Ngaru elaborated that KeRRA Region only handles projects of maximum 6 million and their current projects are limited to spot improvement based in constituencies.</td>
</tr>
<tr>
<td>B DISCUSSION BY THE CONSULTANTS AND THE STAKEHOLDERS</td>
<td>Eng. Richard explained that in procurement, 30% is to be set aside for special groups (persons with disabilities, women and youth). Monthly reports are sent to headquarters on how these targets are being met. The special groups are not limited to 30% as they also qualify for the 70% if prequalified. He added that there is a policy for contractors where they are encouraged to employ ¼ of the manual laborers as women but it is usually a challenge because no women will come forward for the jobs. He pointed out that when launching the project, they take advantage of the crowd to encourage the special groups to be involved. Lately, there have been some changes in the turn out for example, most of the concrete pavement works in Mombasa are done by women and the quality of work has not been compromised with minimum supervision. He explained that the Road Management System has been configured to prohibit processing of the certificates, if the employment sheet does not have any females in the implementation team.</td>
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<tr>
<td>C ADJOURNMENT</td>
<td>The meeting ended at 12:30pm</td>
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MINUTES OF THE STAKEHOLDER MEETING FOR DEVELOPMENT OF GUIDELINES ON GENDER MAINSTREAMING IN THE TRANSPORT SECTOR

MEETING HELD IN 2019

VENUE: Coast Region Office-State Department of Gender Affairs
TIME: 11:00am-12:30pm

<table>
<thead>
<tr>
<th>ITEM NO.</th>
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<td>B</td>
<td>DISCUSSION BY THE CONSULTANTS AND THE STAKEHOLDERS</td>
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<tr>
<td></td>
<td>Dayton Kineta the one in charge of social development activities explained the mandate which is to normalize communities to form economic groups, for example, women and youth groups and at a higher levels the CBO's.</td>
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<td></td>
<td>He continued to say that some of the groups have been displaced by the road construction project (Mombasa- Kwa Jomvu).</td>
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<td>They also have cash transfer targeting orphared families and those with severe disabilities such as those needing 24/7 care where the Government of Kenya compensates the carer with 2000 shillings per month since they cannot be able to do any other work.</td>
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<tr>
<td></td>
<td>The team leader went on ahead to ask about how the department goes on the ground. Dayton explained that there are officers present in each subcounty such as Mkindani, Changarmwe at the Deputy Commissioner's office, Nyali and Mvita.</td>
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<td>It was recommended that Social Officers be involved in all initial committees for engineering projects to create an understanding of social issues as the project progresses.</td>
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<tr>
<td>C</td>
<td>ADJOURNMENT</td>
</tr>
<tr>
<td></td>
<td>The meeting ended at 12.30 pm.</td>
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# DOCUMENT CONTROL SHEET

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<thead>
<tr>
<th>Project Name and Number</th>
<th>00194L- Consultancy Services for Gender Mainstreaming in the Transport Sector</th>
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<tbody>
<tr>
<td>Title of Report</td>
<td>Report on Identification of Potential Gender Barriers, Gender Inequality, Gaps and Entry Point for Gender Mainstreaming in Road Infrastructure.</td>
</tr>
<tr>
<td>Client</td>
<td>Kenya National Highway Authority</td>
</tr>
<tr>
<td>Project Coordinator</td>
<td>Allan Ochieng</td>
</tr>
<tr>
<td>Project Reviewer</td>
<td>Aggrey Kwadha &amp; Anastasia Ngatti</td>
</tr>
<tr>
<td>Quality Manager</td>
<td>Mercy Ogola</td>
</tr>
<tr>
<td>Task Leader</td>
<td>Anastasia Ngatti</td>
</tr>
<tr>
<td>Team Members</td>
<td>Anastasia Ngatti; Assisting Socialologist Eng. Antony Wamburu Contracts Manager Philip Chele; Lead Engineer Allan Ochieng; Assisting Social Environmentalist</td>
</tr>
<tr>
<td>Sub Consultants</td>
<td>Huni Kabui: Sociologist Miriam Gachago; Gender Expert</td>
</tr>
</tbody>
</table>

**Prepared by** Miriam Gachago  
**Reviewed by** Aggrey Kwadha  
**Approved by** Anastasia Ngatti  
**Date** 21/6/2019

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