

**KENYA NATIONAL INNOVATION AGENCY**

 **GENDER BASED VIOLENCE POLICY**

****

 **2023**

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# **DEFINITION OF TERMS**

**“Gender”** refers to the socially or culturally determined power relations, roles, responsibilities and entitlements for men, women, girls, and boys. The social constructors vary between cultures as well as overtime.

**“Gender-Based Violence”** is an umbrella term for any harm that is perpetrated against a person’s will because of gender-power inequalities that exist among males and females. It refers to any violent action inflicted on the victim primarily because of his/her gender.

**“Gender Biases”** refers to attitudes held by people regarding the superiority or inferiority of being a male or a female.

**“Gender Equality”** refers to the equal treatment of women and men, girls, and boys so that they can enjoy the benefits of development such as equal access to and control of opportunities and resources.

**“Gender-Equity”** refers to the practice of fairness and justice in the distribution of benefits, access to and control of resources, responsibilities, power, opportunities, and services.

**“Sexual Abuse**” refers to the misuse of sex. It refers to unlawful, forceful sexual contact or intercourse. It is abuse of a sexual nature including acts such as rape, incest, fondling and indecent exposure.

**“Sexual Assault**” refers to a wide range of forms of non-consensual sexual conduct, ranging from sexual coercion, attempted rape and date-rape. Sexual assault involves unwanted sexual experiences, sexual aggression, and sexual abuse, ranging from non-consensual kissing to coerced sexual intercourse. At the core of sexual assault is power and misuse of authority, which may include threats of harm or use of actual physical force.

**“Sexual Harassment**” it refers to unwelcome advances, requests for sexual favours or other verbal or physical conduct of sexual nature by way of words, acts, gestures, or comments that would embarrass humiliate, intimidate, demean, or compromise a person at whom such advances, requests or conduct are directed. It also refers to the imposition of sexual requirements in the context of a relationship of unequal power.

**“The Agency”** means KeNIA.

**“KeNIA Disciplinary Committee”** The Committee is responsible for considering and disposing of any allegation made against a staff which constitutes a major offence, as defined in the Gender Based Violence Policy.

# **ACRONYMS AND ABBREVIATIONS**

**KeNIA** Kenya National Innovation Agency

**GBV** Gender-based Violence

**GMC** Gender Mainstreaming Committee

**NGO** Non-Governmental Organization

**TOR** Terms of Reference

**UN** United Nations

**DVC** Domestic ViolenceCommittee

**NGEC** National Gender, and Equality Commission

# **1. CHAPTER ONE**

## **1.1 INTRODUCTION**

### **1.1.1 Background**

The Kenya National Innovation Agency (KeNIA) is a State Corporation established under the Science, Technology, and Innovation (STI) Act, No. 28 of 2013 under the Ministry of Youth Affairs, the Arts and Sports. The core mandate of the Agency is to develop and manage the National Innovation System. The Agency is therefore responsible for coordination, promotion, and regulation of the National Innovation Ecosystem.

Attainment of gender equity and equality in KeNIA is a core development issue and a goal towards the accomplishment of this goal. The Agency has developed the Policy which provides a comprehensive framework of the principles and strategies to be pursued in-order to achieve gender equality and equity. It also acknowledges ongoing initiatives globally, regionally, and locally in bridging the gender gaps in the provision of services. The policy also identifies special measures that the Agency will undertake to redress identified gender inequities and inequalities among them establishment of a Gender Mainstreaming Committee tasked with addressing gender issues and concerns in the Agency.

**VISION**

To develop and manage a dynamic national innovation system that facilitates taking ideas to the market.

**MISSION**

“A key enabler of socio-economic development through innovation.

**CORE VALUES**

* Innovativeness
* Teamwork
* Professionalism
* Integrity

# **2. CHAPTER TWO**

## **2.1 LEGAL REGULATORY FRAMEWORK**

### **2.1.1 The Legal Policy Environment for Gender Based Violence**

Within this context, Kenya has taken steps in ratifying international treaties and regional conventions on elimination of SGBV and gender inequality. This Policy is guided by the following policy and legal instruments.

1. The National Policy on Gender and Development (2019)
2. The National Commission on Development Act 2003,
3. Sessional paper no. 2 of May 2006 on Gender Equality and Development
4. National Poverty Eradication Plan (NPEP),
5. Poverty Reduction Strategies Paper, (PRSP 2001-2004),
6. Economic Recovery Strategy Paper (ERS 2003-2007),
7. Vision 2030
8. The Agency HR Policies and Procedures Manual 2018

### **2.1.2 Purpose**

 The purpose of this policy is to ensure the safety and welfare of all staff who may be the subject of gender-based violence and provide impartial processes for dealing with such violence.

### **2.1.3 Policy Objectives**

1. To sensitize the Agency on what constitutes gender-based violence.
2. To provide disciplinary procedure and reprieve for the aggrieved.
3. To provide prompt, effective and consistent, sensitive, and fair guidelines for handling cases of gender-based violence at the Agency
4. To create awareness on the reporting procedure for victims of gender-based violence including circumstantial evidence

### **2.1.4 Scope of the Policy**

This policy document provides guidelines on how to identify, prevent, deal with, mitigate, and manage Gender – Based Violence at the workplace in the Agency.

### **2.1.5 Guiding Principles**

The policy is guided by the following principles.

* 1. Prevention of GBV and sexual harassment from occurring in the first place and from recurring at the workplace.
	2. Protection from GBV and sexual harassment by identifying and providing services to victims.
	3. Accountability to ensure that the perpetrators are disciplined.

# **3. CHAPTER THREE**

## **3.1** **Gender Based Violence (GBV) at workplace.**

This refers to a term for harmful acts of abuse perpetrated against a person's will and rooted in a system of unequal power between women and men. This is true for both conflict-affected and non-conflict settings, any form of violence at the workplace related to social expectations and social positions based on gender. It also includes any kind of violence at the workplace based on non-conformance to a socially accepted gender role. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion, and other deprivations of liberty.

Gender violence like other forms of violence at workplace, has serious negative ramifications to the parties involved, their families, other workers, and the organization at large.

Where abuse is currently being experienced there may be a requirement for an urgent response, safety planning, flexible working arrangements and the provision of information. Where abuse has occurred historically the required response will be on supporting the employee to identify and address the long-term consequences of the abuse.

## **3.2 Sexual Harassment at workplace**

As per KeNIA Human Resource policy and procedure manual,2018 on Sexual harassment it stipulates on how an employee should not sexually harass a fellow employee or a member of the public in the following ways:

1. Making request or exerting pressure for sexual activity or favours
2. Making intentional or careless physical contact that is sexual in nature.
3. Making gestures, noises, jokes, or comments including innuendoes regarding a person’s sexuality
4. Attempt to commit sexual assault of any degree.

In case of any sexual harassment at the workplace, there shall be an offence warranting dismissal given by the Board through the Human Resource Advisory Committee

## **3.3** **Complaint and Resolution Procedure**

### **3.3.1 Formal Process**

Either party can choose to follow the formal complaint and resolution procedure as follows.

1. **Written Complaint**

A formal written complaint may be made to the immediate supervisor. The complaint will specify the details of the allegation, including name, title, and location of the respondent.

A description of the action/circumstances of the complaint, date(s) of incident(s), Name of witnesses, if any. If the complaint is against the supervisor, it can be filed with the next level of management. The supervisor will send formal written complaints to the Human Resources Department

The department of HR shall write to the DVC on the same and request for constitution of an investigating panel. The DVC shall appoint an investigating panel constituting of the Agency Admin as the chair, HR officer as the secretariat and legal officer. In case any of the above officers is the complainant or the accused, the DVC shall substitute them with other suitable officers.

1. **Investigation**

The investigation panel shall investigate the allegations of gender violence and make recommendations through a written report to the DVC. The investigations shall involve giving a fair hearing to all the parties. The panel may summon such witnesses who may hold necessary evidence to the benefit of the investigations. Based on the investigations, disciplinary action will be taken in line with the terms and conditions of service for staff members and as per the Agency rules and regulations.

## **3.4 Retaliation**

The Agency will not tolerate retaliation, reprisals, or threats because of filing a complaint or speaking as a witness. Any acts of retaliation will be dealt with as per the terms and conditions of service.

## **3.5 Privacy and Confidentiality**

The Agency is committed to respecting the confidentiality of the Survivor/Victim’s experience of Sexual/Gender-based Violence, as well as the confidentiality of the Respondent, unless the safety of a Survivor/Victim or the greater Agency Community is at risk and/or where the Agency has an extraordinary legal obligation to act. In these circumstances, the Agency reserves the right to initiate an investigation or to report the incident to the appropriate authorities.

## **3.6 Reporting to the Police**

The Agency has a responsibility to report a suspected crime to the police. Where gender violence constitutes a criminal offence, then the Agency shall report and cooperate with the police in ensuring justice and fairness to both the victim and the accused.

## **3.7** **Medical Treatment and Support**

Appropriate medical treatment shall be availed, where required, to workers affected by gender violence at workplace. Counselling services shall also be made accessible to such victims and their close family members as appropriate.

##  **3.8 Promotion of the Policy**

The employees shall be made aware of this policy through a range of methods such as providing information about the policy on noticeboards, notices, newssheets in, websites, through training courses and more creatively where possible via the media of drama, YouTube, and staff seminars etc. Information on the policy should be included in employee handbooks, induction packs, and relevant in-house training. The policy shall be promoted by senior management in partnership with DVC.

## **3.9** **Recording Acts of Violence at the Workplace Level**

Incidences of gender violence at workplace in the Agency shall be recorded. This is important for the Agency to learn from those experiences. The management shall review these experiences to identify patterns and trends, including:

1. Identifying sources of workplace violence as being internal or external, where possible; Categories and severity.
2. Incidence of violence in particular area/task categories.
3. Perpetrator and victim characteristics.
4. Forms of violence.
5. Possible contributing factors, such as delays in service provision.
6. Situational contexts.
7. Other risk factors such as time of day or night.

## **3.10** **Implementation Framework**

The implementation of the Gender Policy will be a collaborative effort by all levels of the Agency. The effective implementation will be achieved through the:

# **4. CHAPTER FOUR**

## **4.1 ROLES AND RESPONSIBILITIES**

1. Top Management
2. Gender Focal Point & DVC

The above actors will execute their roles as stipulated in the table below:

|  |  |  |
| --- | --- | --- |
| **S/NO** | **ACTORS** | **ROLE** |
|  | **Top Management** | 1. Appoint a committee to issues in the Agency with clear Terms of Reference (TOR)
2. Advocate for and ensure the inclusion of Gender issues in decision making.
3. Facilitate organizational capacity to implement all Gender Based Violence activities as outlined in the Gender Policy.
 |
|  | **Gender Focal Point & DVC.** | 1. Execute the TOR as shall be stipulated by the Authorized Officer in the appointment letters.
2. Co-ordinate and implement the Gender Based
3. Identify relevant and commensurate activities that are aimed at achieving the strategies outlined in the policy.
4. Monitor and evaluate the implementation of the policy Submit reports to the Authorized Officer and other relevant Officers on a quarterly basis
 |

# **5. CHAPTER FIVE**

## **5.1** **MONITORING AND EVALUATION**

The activities shall be measured through qualitative and quantitative gender indicators as part of the Monitoring and Evaluation system.

The Agency shall keep accurate and updated sex disaggregated statistics to inform planning. It shall also be essential to record the beneficiaries of various activities from a gender perspective of the programs the Agency is undertaking.

In line with the above initiatives, the State department is committed to undertake concrete steps that shall address current gender gaps and opportunities for change by ensuring that:

Gender sensitive indicators are an integral part of all key result areas at planning, project, and program levels.

All departments shall report progress on gender mainstreaming of activities to the DVC.

# **6. CHAPTER SIX**

## **6.1 BREACH OF POLICY**

Violations of prescribed procedures will be considered serious policy violations and may result in disciplinary action, including but not limited to.

1. Report on cost recovery i.e., the committee
2. Administrative action
3. To the competent road safety authority i.e., police report and NGEC

##  **6.2 POLICY REVIEW**

This policy will be reviewed after 3 years and as need arises in consultation with the Gender Committee.

**THE END**