



# DISABILITY AWARENESS CREATION BOOKLET



Kenya (Kenya flag) VISION 2030



MINISTRY OF LABOUR AND  
SOCIAL PROTECTION

**"LEAVING NO ONE BEHIND"**



**DISABILITY AWARENESS CREATION**  
**BOOKLET**

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## FORWARD

This Disability Awareness Creation Booklet is developed to guide in creating awareness on disability with an aim of demystifying disability to reduce stigma and discrimination and thus enhance social inclusion of Persons with Disabilities. It will help raise public awareness on the needs, aspirations and capacities of Persons with Disabilities to enhance their acceptance, participation and inclusion in the society. The Booklet will also be used as a tool for lobbying and advocating for the rights of Persons with Disabilities.

The Government of Kenya, United Kingdom and International Disability Alliance co-hosted the Global Disability Summit in 2018. The aim of the Summit was to transform the lives of Persons with Disabilities by raising global attention and focus on a hugely neglected area, mobilizing new global and national commitments to meet and implement the ambition set out in the global goals and UN Convention on the Rights of Persons with Disabilities.

After the disability summit the Government established an Inter-Agency Coordinating Committee (IACC) to monitor the implementation of GDS 2018 Commitments. A total of 25 organizations were identified from both the state and non-state actors to spearhead the monitoring of the commitments. The Committee is chaired by the State Department of Social Protection and Co-chaired by United Disabled Persons of Kenya (UDPK). The Secretariat is provided by the National Council for Persons with Disabilities (NCPWD) and the Department of Social Development.

The development of the booklet was guided by three fundamental documents that address disability inclusion namely;

1. The Global Disability Summit Commitments, One of the commitments is tackling stigma and discrimination by creating public awareness on disability rights by involving Persons with Disabilities and/or their representative organizations to demystify disability.
2. The UN Convention on the Rights of Persons with Disabilities, which Kenya is a signatory to and whose purpose is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all Persons with Disabilities and to promote respect for their inherent dignity. The Convention equally calls for the inclusion of Persons with Disabilities and members States are to take appropriate action to implement this.
3. Sustainable Development Goals (SDGs) which is a universal call to

action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity by 2030; with an overarching principle of “leave no one behind”.

The formulation of this booklet was initiated by carrying out desk survey on policies, legislations, Regional and International instruments on disability that are implemented in the Country.

The Booklet will be used by social and community development practitioners including the public, private, community change agents and Persons with Disabilities. It will guide in raising awareness on disability and will foster respect for the inherent dignity for Persons with Disabilities. It will help to combat stereotypes, prejudices and harmful practices relating to disability and Persons with Disabilities.

I therefore call upon all the users of this Booklet to use it as a tool to sensitize the public on disability, advocate for the rights of Persons with Disabilities to increase acceptance, their involvement and participation in National Development.

The Ministry of Labour and Social Protection will support and coordinate the implementation of Disability awareness creation and Inclusion Programs.



Simon Chelugui,  
**CABINET SECRETARY**  
**MINISTRY OF LABOUR AND SOCIAL PROTECTION**

## ACKNOWLEDGEMENTS

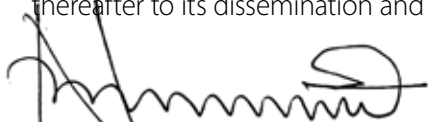
The development of this “Disability Awareness Creation Booklet” is a response by the Government following the commitments it made during the Global Disability Summit held in 2018 in the United Kingdom. One of the commitments made by the Government was to “Tackling Stigma and Discrimination” which are the key barriers to the inclusion of Persons with Disabilities in National Development.

This exercise would not have been successful without the commitment and able leadership portrayed by the Director for Social Development in the coordination of the process and provision of policy guidance. The role played by the staff in the Department in providing technical support cannot be over emphasized.

We also acknowledge technical expertise provided by Kenya National Commission on Human Rights, United Disabled Persons of Kenya, and Association for Physically Disabled of Kenya (APDK), Christoffel Blinden Mission (CBM), and other Disabled Persons Organizations.

The Inter Agency Coordination Committee and other Stakeholders in the disability sector are also acknowledged for their support and valuable contribution to the development of this Booklet.

Special acknowledgement goes to the Cabinet Secretary for the Ministry of Labour and Social Protection for the financial support accorded to the State Department for Social Protection in the development of this Booklet and thereafter to its dissemination and implementation.



Nelson Marwa Sospeter, CBS

**PRINCIPAL SECRETARY**

**STATE DEPARTMENT FOR SOCIAL PROTECTION**

## EXECUTIVE SUMMARY

This Disability Awareness Creation Booklet is developed to guide in creating awareness on disability with an aim of demystifying disability to reduce stigma and discrimination and thus enhance social inclusion of Persons with Disabilities.

Chapter one of this booklet is the introduction which gives the background information that necessitated the need for an awareness creation booklet. The main objectives of the booklet will be highlighted. The chapter also mentions the expected users of this booklet and also discuss the expected results that the booklet will achieve if appropriately used to create awareness on disability.

Chapter two of this booklet defines disability and also discusses the various major categories of disability. The chapter also highlights some of the models of disability and also discusses the general etiquettes on disability that needs to be adhered to in disability mainstreaming and awareness creation. It also highlights the relationship between disability and aging.

Chapter three focuses on legal and policy provisions on disability highlighting some of the key international, regional and national legal frameworks that have direct impacts on disability and those that ensure that the rights of Persons with Disabilities are safeguarded. It is expected that the users of this booklet will refer to some of the frameworks mentioned while they are carrying out awareness creation.

Chapter four discusses stigma and discrimination. It gives the various forms of discrimination that persons with disabilities are subjected to mainly due to their disability. This chapter explains the components of stigma and discrimination, the main types and causes of disability discrimination and the consequences that result from stigma and discrimination towards Persons with Disabilities. It further expounds on the myths, stereotypes, and states the facts about Persons with Disabilities and makes recommendation on ways of addressing disability stigma and discrimination. It also illustrates how disability mainstreaming can be used to reduce stigma and discrimination.



Chapter five explains various forms of discrimination that Persons with Disabilities face in different sectors in the society namely ;education, training ,sports and recreation ,work and employment, health, information communication and technology, social protection, infrastructure accessibility, land acquisition and culture.

Chapter six covers programs offered by State Department for Social Protection and further lists other types of assistance offered to Persons with Disabilities by other State actors.

Lastly, chapter seven lists International and World disability celebration days. It is my hope that the content in this booklet will go a long way to help the users and the community at large in understanding disability and will therefore enhance the inclusion and participation of Persons with Disabilities in development programs, projects and activities to contribute to National development and significantly reduce stigma and discrimination.



Josephine Muriuki

**DIRECTOR FOR SOCIAL DEVELOPMENT**

**DEPARTMENT OF SOCIAL DEVELOPMENT**

## LIST OF ACRONYMS

<b>AGPO</b>	Access to Government Procurement Opportunities
<b>CBR</b>	Community Based Rehabilitation
<b>CRPD</b>	Convention on Rights of Persons with Disabilities
<b>CDF</b>	Constituency Development Fund
<b>CTP</b>	Cash Transfer Program
<b>DPO</b>	Disabled People Organization
<b>EARC</b>	Educational Assessment Resource Centre
<b>GDS</b>	Global Disability Summit
<b>KISE</b>	Kenya Institute of Special Education
<b>KNCHR</b>	Kenya National Commission on Human Rights
<b>KSL</b>	Kenya Sign Language
<b>KICD</b>	Kenya Institute of Curriculum Development
<b>ML&amp;SP</b>	Ministry of Labour and Social Protection
<b>NCPWD</b>	National Council for Persons with Disabilities
<b>NFDK</b>	National Fund Disabled of Kenya
<b>NGAAF</b>	National Government Affirmative Action Fund
<b>NHIF</b>	National Hospital Insurance Fund
<b>NGEC</b>	National Gender and Equality Commission
<b>NCKK</b>	National Council of Churches of Kenya
<b>PWSD</b>	Person with Severe Disability
<b>PWSD-CT</b>	Persons with Severe Disabilities Cash Transfer
<b>SGBV-PWD</b>	Sexual Gender Based Violence Against Persons with Disabilities
<b>SUPKEM</b>	Supreme Council of Kenya Muslims
<b>SCSDO</b>	Sub County Social Development Officer
<b>UNDESA</b>	United Nation Department of Economic and Social Affairs
<b>VRC</b>	Vocational Rehabilitation Centre
<b>WEF</b>	Women Enterprise Fund
<b>WHO</b>	World Health Organization.
<b>YEDF</b>	Youth Enterprise Development Fund

## DEFINITION OF TERMS

**Assistive Devices:** includes implements, tools, equipment, taped texts, audio, visual and pictorial recording, Braille equipment and materials, tactile equipment, orthopedic appliances and other devices and machines of whatever kind for Persons with Disabilities for their socio-cultural, economic, civil, political well-being of persons with disabilities.

**Assistive Services:** refers to any specialized service provided for persons with disability for their political, economic, socio-cultural, civil well-being.

**Awareness creation** - means educating people regarding disabilities and giving people the knowledge required to reduce stigma and discrimination.

**Disability Mainstreaming:** means a strategy through which concerns, needs and experiences of Persons with Disabilities are made an integral part or dimension of the design, budgetary allocation, implementation, monitoring and evaluation, and reporting of policies and programmes in all political, economic and societal spheres so that Persons with Disabilities benefit equally and inequality is not perpetuated.

**Discrimination** – means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

**Public Participation:** means having an open, accountable and structured process where citizens or people or a segment of a community can interact, exchange views and influence decision making.

**Reasonable Accommodation:** means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to Persons with Disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

**Stigma** – It is a negative attribute possessed by a person or group that is regarded as undesirable or discrediting. It is a mark of disgrace associated with a person e.g. curse, disease, dependence and helplessness.

**Universal Design:** means the design of products, environments, programmes and services to be usable to the greatest extent possible, without the need for adaptation or specialized design, including assistive devices for particular groups of Persons with Disabilities necessary.

## KEY MESSAGES

- Education Inclusive education and training benefits all.
- Sports and Recreation Sport and recreation activities are important components of healthy living contributing to longer life. Health
- Quality health services should be accessible and affordable
- Immunize to prevent disability.
- Persons with Disabilities have a right to work and employment.
- Persons with Disabilities rights are Human rights.
- Disability can result from conditions before birth, during birth or after birth "It's not a bad omen or a curse".
- Disability does not negate the rights of a person.
- Accessible, credible and relevant Information to everyone.
- Friendly and Barrier free society.
- Attacking People with Disabilities is the lowest display of Power

## SLOGANS

- Disability is not inability.
- Nothing for us without us.
- Leave no one behind.
- Disability is not contagious, Ignorance is.
- Not disabled just differently abled.
- Know me for my abilities, not my disability.
- Not all disabilities are visible

# CHAPTER 1



## INTRODUCTION

This chapter highlights background information on disability, users of the booklet, its objectives and expected results.

## BACKGROUND INFORMATION

According to WHO about 15% of the world population have some form of disabilities of whom 2-4% experience significant difficulties in functioning. The global estimate for disability is on the rise due to aging population and rapid spread of chronic diseases as well as the improvement in the methodology to measure disabilities. The Persons with Disabilities are the worlds most underprivileged minority and are considered poorest of the poor (borgenproject.org)

In Africa an estimated 60 to 80 Million people have disabilities today. Persons with Disabilities are estimated at 10% of the general Africa population but possibly as high as 20% in the poorer regions (Disability news Africa). Disability is caused by many factors such as birth defects, environmental

factors, accidents wars and conflicts. In the poorest parts of Africa, the percentage of disabled children who receive an education as low as 1-3%. They are denied education because there are no special facilities to accommodate them. Furthermore, there are cultural attitudes such as shame and fear associated with having a disability.

According to the Kenya National Housing and Population Census, 2019 the overall disability rate in Kenya is 2.2% which translates to 918,270 Persons with Disabilities. Additionally Kenya has a total of 9,720 Persons with Albinism.

Persons with Disabilities in Kenya face widespread economic hardship resulting in them depending on their families for social, financial, material and psychological support. Therefore, under the current situation Persons with Disabilities are more likely to have less access to resources than other members of the family.

*Persons with Disabilities in Kenya face widespread economic hardship resulting in them depending on their families for social, financial, material and psychological support*

## USERS OF THE BOOKLET

Public and private sector, community leaders and Persons with Disabilities.

## OBJECTIVE OF THE BOOKLET

1. To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities (CRPD).
2. To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life (CRPD).
3. To promote awareness of the capabilities and contributions of persons with disabilities. (CRPD).
4. To raise awareness on existing laws and policies promoting the rights of Persons with Disabilities.
5. To raise awareness on existing programs and opportunities available to Persons with Disabilities.
6. To standardise key messages on disability to be used during sensitization forums to the public.

## EXPECTED RESULTS

- The awareness creation booklet will capture key messages from all relevant documents on disability with the aim of raising awareness to the public in efforts of demystify disability.
- Increase the levels of public awareness on the needs, aspirations and capacities of Persons with Disabilities so as to enhance their acceptance, participation, inclusion and integration in society.
- The awareness creation booklet will act as a tool for lobbying and advocacy for rights of Persons with Disabilities.

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## CHAPTER 2





## UNDERSTANDING DISABILITY

The intent of this chapter is to give definitions, models, categories and general etiquettes of disabilities. It also highlights relationships between disability and aging.

### WHAT IS DISABILITY?

**DISABILITY:** Includes any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long-term effect on an individual's ability to carry out ordinary day-to-day activities

'PERSONS WITH DISABILITIES' include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others' (CRPD, 2008)

### MODELS OF DISABILITY

There are four models of understanding disability within the international community: **Charity Model** - people with disabilities are viewed as objects in need of charity; they are seen as victims without the capabilities to help themselves

**Medical Model** - people with disabilities are seen as patients in need of treatment; they are seen as broken in need of fixing

**Social Model** - states that the problem is a disabling society, that people are disabled not by their own impairments but by attitudinal (fear influenced by lack of understanding and religion), environmental (lack of accessibility) and institutional (exclusion from legal rights) barriers; the social model

proposes education and awareness, access and rehabilitation into society

**Rights-Based Model** – emphasizes the lack of equality and opportunities for participation for persons with disabilities as the disabling factor not solely their impairments; advocates for empowerment of persons with disabilities through the right to health care, education and employment and accountability of institutions to legally and socially implement these rights. This is the recommended model.

### CATEGORIES OF DISABILITIES

#### Physical Disabilities

- Includes physiological, functional and/or mobility impairments
  - Can be fluctuating or intermittent, chronic, progressive or stable, visible or invisible
- Skin based disabilities.
- Albinism
  - Vitiligo

#### Visual Disabilities

"**Legally Blind**" describes an individual who has 10% or less of normal vision.

Only 10% of people with a visual disability are Actually totally blind. The other 90% are described as having a "Visual Impairment."

"**Low vision**" is a visual impairment, not correctable by standard glasses, contact lenses, medicine, or surgery that interferes with person's ability to perform every day activities.

#### Hearing Disabilities

- "**Deaf**" describes an individual who has

severe to profound hearing loss.

- **“Deafened”** describes an individual who has acquired a hearing loss in adulthood.
- **“Deaf Blind”** describes an individual who has both a sight and hearing loss.
- **“Hard of Hearing”** describes an individual who uses their residual hearing and speech to communicate.

## Mental Health Disabilities

Mental health disabilities can take many forms. All mental illnesses can be managed. They are generally classified into six categories:

- **Schizophrenia** – The most serious mental illness
- **Mood Disorders (Depression, Bi-polar and Manic Depression)** – Depression is the most common mood disorder.
- **Anxiety Disorders** – They include phobias and panic disorder as well as obsessive-compulsive disorder.
- **Personality Disorders** – There are many different personality disorders. People with these disorders usually have a hard time getting along with other people. They are the most difficult disorders to treat.
- **Organic Brain Disorders** – They are the result of physical disease or injury to the brain (i.e., Alzheimer’s, Stroke, and Dementia).

## Intellectual Disabilities

- Characterized by intellectual development and capacity that is significantly below average.
- Involves a permanent limitation in a person’s ability to learn.

## Learning Disabilities

- A learning disability is essentially a

specific and persistent disorder of a person’s central nervous system affecting the learning process.

- This impacts a person’s ability to either interpret what they see and hear, or to link information from different parts of the brain.
- One of the most common indicators of a learning disability is a discrepancy between the individual’s potential (aptitudes and intellectual capacity) and his or her Actual level of achievement.
- Having a learning disability does not mean a person is incapable of learning; rather that they learn in a different way.

## Psychosocial Disabilities

Psychosocial disability is used to describe the experience of people with impairments and participation restrictions related to mental health conditions.

## GENERAL DISABILITY ETIQUETTE

Acceptable terminology to refer to an individual with disability is ‘person with disability’

## Conversation Etiquette

- Call a person with a disability by his/her name and refer to a person’s disability only when it is related to what you are talking about. For example, don’t ask “Mutua the blind man?”
- Be eloquent, audible and avoid using lots of non-verbal illustrations
- Do not assume that a person with a disability needs your help. Ask before acting.
- Make eye contact and speak directly to the person, not through their companion.

- Avoid actions and words that suggest the person should be treated differently.
  - It is alright to invite a person in a wheelchair to “go for a walk” or to ask a person with visual impairment if she/he “sees what you mean.”
  - When greeting a person with a severe loss of vision, always identify yourself and others who may be with you.
  - Listen attentively when you are talking to a person who has a speech impairment. Keep your manner encouraging rather than correcting.
  - When introduced to a person with a disability, it is appropriate to offer to shake hands. People with limited hand use or who wear an artificial limb can usually shake hands.
  - Treat adults in a manner befitting adults
  - If an interpreter is present, speak to the person who scheduled the appointment, not to the interpreter. Maintain eye contact.
  - Help in a dignified manner with sensitivity and respect. Be prepared to have the offer declined. Don't proceed to assist, if your offer is declined. If the offer is accepted, listen to, or ask for instructions.
- Reception Etiquette**
- Use a normal tone of voice when extending a verbal welcome. Don't raise your voice unless requested.

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*DISABILITY: Includes any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long-term effect on an individual's ability to carry out ordinary day-to-day activities*

## **RELATIONSHIP BETWEEN DISABILITY AND AGEING**

According to UNDESA report of 2015, currently it is estimated that 15% of the population worldwide or one billion individuals live with one or more disabling conditions. More than 46% of Older persons, those aged 60 years and above have disabilities and more than 250 million Older persons experience moderate to severe disabilities.

The higher disability rates among Older persons, is as a result of an accumulation of health risks across a lifespan of disease, injury and chronic illness. These contributes to the higher disability rates among Older persons, urging Countries to review and further explore the complementarities between the discourses on ageing and on disability.

Around the world, Persons with Disabilities (PWDs) face a number of obstacles including attitudinal, environmental and institutional barriers preventing their full and equal participation in all aspects of life. Often Older persons with disabilities are the most affected, facing further age barriers in society.

The UN convention on the rights of PWDs sets out the legal obligation on States to promote and protect the rights of PWDs in society and development. It contains several articles which highlights the cross-sectional ties of ageing and disability. For instance

Article 9, on accessibility, Article 19, on living independently and being included in the community, Article 20, on personal mobility and Article 25 on health are just a few examples on how the convention provides a complete framework for action which may be of particular interest to the discussion on disability and ageing.

The 2030 Agenda for leaving no one behind advocates for promoting and protecting the rights and dignity of Older persons and facilitating their full participation in society for sustainable development. The agenda makes explicit references to Older persons and PWDs with regards to ending poverty, good health and well-being, decent work and economic growth and sustainable cities and communities as sustainable development will not be achieved without the conscious and intentional inclusion of the increasing number of older persons with or without disabilities.

It provides a critical platform for countries to address the cross-sectional ties of ageing and disability at global level, yet the opportunities and challenges must be fully explored, understood, and incorporated in national social development programmes and policies. This means disability and ageing have a close relationship affirming that most concerns dealt with in the Booklet also apply to Older persons.

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*More than 46% of Older persons, those aged 60 years and above have disabilities and more than 250 million Older persons experience moderate to severe disabilities*

# CHAPTER 3



## LEGAL AND POLICY PROVISIONS ON DISABILITY

This chapter covers legal and policy provisions on disability based on international, Regional and national contexts.

### GLOBAL OVERVIEW

The Universal Declaration of Human Rights as proclaimed by the United Nations General Assembly (UNGA) of 1948. Under this declaration, “all human beings are born free and equal in dignity and rights.”

#### Convention on the Rights of Persons with Disabilities – CRPD

The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all Persons with Disabilities and to promote respect for their inherent dignity.

The general principles of the Convention include;

- Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices and independence of persons
- Non- discrimination
- Full and effective participation in society
- Equality of opportunity
- Accessibility

In 2007, Kenya signed the CRPD and in 2008 the country ratified it.

### REGIONAL CONTEXT

#### African charter on Human Rights

The African Charter on Human and Peoples’ Rights (also known as the Banjul Charter 1987) is an international human rights instrument that is intended to promote and protect human rights and basic freedoms

in the African continent. Kenya ratified it in 1992.

#### East African Community Disability Policy

The policy will promote a framework for:

1. Enhancing the recognition of the roles, contributions and potentials of PWD in the development process.
2. Strengthening/developing the informal and formal community based support systems and Actions for PWD.
3. Recognizing that disability is not inability and providing special safety nets for PWD.
4. Ensuring and improving access to rehabilitation, education, training and community sports.
5. Guiding, coordinating and harmonizing interventions for PWDs by stakeholders.
6. Promoting and protecting disability rights as human rights.
7. Promoting research on issues of PWD.
8. Promoting the self-representation of persons with disabilities in all public decision

#### Protocol to the African Charter on Human Rights and Peoples Rights on the Rights of Persons with Disabilities in Africa.

The purpose of the protocol is to promote, protect and ensure full and equal enjoyment of all human and people’s rights by all persons with disabilities and ensure respect for their inherent dignity

#### General Principles

- Ensuring respect for protection of the inherent dignity, privacy, individual autonomy including freedom to make one’s own choices and independences of persons

- Non –discrimination
- Full and effective participation and inclusion society
- Respect for difference and acceptance of Persons with disabilities as part of diversity and humanity
- Equality of opportunity
- Reasonable accommodation
- Respect for the evolving capacities of children with disabilities and respect for children with disabilities

## NATIONAL CONTEXT

### Constitution of Kenya 2010

The Constitution of Kenya, 2010, confers upon its citizens, including Persons with Disabilities, the right to enjoyment of all human rights and fundamental freedoms. The basis of these protections is spelt out in the national values and principles of governance.

- **Article 10:** binds all State organs, State officers, public officers and all persons applying or interpreting the Constitution to make or implement public policy decisions that among other things promote non- discrimination. It also seeks to minimize barriers to equalization of opportunities for persons with disabilities in all aspects including socio-cultural, economic, and political life.
- **Article 27:** further guarantees the right to equality and freedom from discrimination and expressly prohibits discrimination on the ground of disability.
- **Article 54:** outlines the entitlements to persons with disabilities;
  - a. To be treated with dignity and

respect and to be addressed and referred to in a manner that is not demeaning;

- b. To access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;(these has been done through education sector policy for learners and trainees with disabilities- May 2018)
- c. To reasonable access to all places, public transport and information; to use Sign language, Braille or other appropriate means of communication;
- d. To access materials and devices to overcome constraints arising from the person’s disability.
- e. The State shall ensure the progressive implementation of the principle that at least five percent of the members of the public in elective and appointive bodies are persons with disabilities.

- **Article 227:** The Access to Government Procurement Opportunities (AGPO) program is founded on the Constitution of Kenya, 2010 Article 227 on the fair, equitable, transparent and cost-effective public procurement of goods and services; Article 55 on affirmative Action and the Public Procurement and Asset Disposal Act, 2015.

The aim of the AGPO Program is to facilitate the youth, women and persons with disabilities-owned enterprises to be able to participate in government procurement.

- **Article 7(3)b:** Promotes development and use of indigenous languages, Kenya sign language, braille and other communication formats and technologies accessible to Persons with Disabilities.
- **Article 43(3):** The state shall provide appropriate social security to Persons who are unable to support themselves and their dependants.

### Persons with Disabilities Act 2003

This is a comprehensive law covering rights, rehabilitation and equal opportunities for Persons with Disabilities. It creates the National Council for Persons with Disabilities (NCPWD) as a statutory organ to oversee the welfare of Persons with Disabilities.

The law also requires that both public and private sector employers reserve 5 per cent of jobs to Persons with Disabilities.

### Children Act 2001

Part II (12): a disabled child shall have a right to be treated with dignity, to be accorded appropriate medical treatment, special care, education and training free of charge or at reduced cost whenever possible.

### Basic Education Act 2013

Part IV (28)(2)(d): Provides for special and integrated schools for learners with disabilities.

### Public Service Act 2015

Section 10 the public service, public institution or an authorized officer shall ensure all public officers are appointed and promoted on fair competition and merit. The public service may promote or appoint

public officers without undue reliance on fair competition or merit if persons with disabilities are not adequately represented in the public service or institution

### Sexual Offence Act 2006

Section 7 States that a person who intentionally commits rape or an indecent act with another within the view of a family member, a child or a person with mental disabilities is guilty of an offence and is liable upon conviction to imprisonment for a term which shall not be less than ten years.

### Social Assistance Act 2013

A person with Disability shall eligible for social assistance under the Act if the person suffers from severe mental disability or physical disability or if the person's disability renders them incapable of catering their own basic needs and there is no known income or support for the person.

### The Mental Health Act 2012

The intent of the Act is to amend and consolidate the law relating to: the care of persons who are suffering from a mental disorder or mental sub-normality with a mental disorder; the custody of their persons and the management of their estates; and the management and control of mental hospitals

### Employment Act 2007

It contains elaborate provisions aimed at protecting persons from discrimination in the employment which explicitly prohibits an employer to discriminate directly or indirectly, against an employee or prospective employee, or harass an employee or prospective employee on



grounds of disability.

### Public Service Act (Values and Principles) Act 2015

Section 10 allows public institutions for purposes of ensuring representation of Persons with Disabilities and other marginalized groups, not to unduly rely on merit in making appointments may disadvantage People with Disabilities.

### The Work Injury Benefits Act 2007

This Act recognizes disability but only where it has been acquired during and in the course of work.

### National Social Security Fund Act 2013

The fund provides invalidity benefits to members who are permanently incapable of engaging in the labour market due to physical and mental disability. Members who are partially incapacitated but of a permanent nature can also receive benefits, however this applies only to those aged 50 years and above.

## Policy Frameworks

The following legal frameworks guide the implementation of programs in the Department of Social Development:

### National Policy for Persons with Disabilities

The Department of Social Development in consultation with Disability Stakeholders drafted and finalized the Policy on Persons with Disabilities. The policy recognizes that Persons with Disabilities are a distinct group whose needs, capacities and aspirations require special attention.

The policy is therefore expected to provide guidelines for addressing issues of Persons with Disabilities.

This policy also seeks to address disparities in service provisions and also ensure that services that are available to other citizens are also available to Persons with Disabilities.

### National Disability Mainstreaming Strategy

The National Disability Mainstreaming Strategy is to provide guidelines on implementing disability mainstreaming in all sectors. Disability should be made an integral part when planning, designing, implementing, monitoring and evaluating policies and programmes.

In most cases, issues of Person with Disabilities are invisible to policy makers, planners and programmers. Deliberate efforts therefore need to be made to mainstream and integrate Persons with Disabilities in National Development Programmes that are aimed at reducing poverty. This helps us to promote inclusion and break the poverty cycle.

### Social Protection Policy 2011

The Policy presents the Government's vision of creating an all-inclusive society through the provision of sustainable mechanisms for the protection of persons living in situations of extreme poverty and vulnerability.

The Policy identifies orphans and vulnerable children, people with disabilities, older persons, the urban poor living in slum areas, people living in the streets in urban areas, people living with dilapidating illness, the internally displaced persons, among others as vulnerable and qualifying for social protection

### Sector Policy for Learners and Trainees with Disabilities

This policy has been developed with an overall goal of promoting the provision of education and training for learners and trainees with disabilities. The pursuit of this goal has necessitated several critical shifts from the 2009 Special Needs Education Policy. Inclusive education is now the overarching principle of the entire policy.

This policy has also been developed jointly with its implementation guidelines. This reviewed policy concurs with the person first language principle in addressing persons with disabilities, which exemplifies that the 'person' is more important than his or her 'disability'.

Though the policy recognizes all disabilities and special needs, it now prioritizes the coverage of learners and trainees who have hearing impairments, visual impairments, deaf blindness, physical impairments, intellectual disabilities, specific learning disabilities, cerebral palsy, speech and language difficulties, multiple disabilities, autism and albinism.

Specifically, this policy seeks to achieve four objectives, to:

1. Align education and training services for learners and trainees with disabilities with the relevant national policy frameworks;

2. Develop a clear policy framework for the provision of inclusive education and training;
3. Address the existing policy and implementation gaps in the provision of education and training for learners and trainees with disabilities; and
4. Develop guidelines for the implementation of the policy.

### Kenya Health Policy 2014-2030

Employ a human rights-based approach in healthcare delivery - attention to the needs and rights of all, with special emphasis on children, Persons with Disabilities, youth, minorities and marginalized groups, and older members of the society and ensuring that health services are made accessible to all.

### Public Service Code of Practice for Mainstreaming Disability in the Public Service 2010

It obligates public entities to reasonably accommodate the needs of Persons with Disabilities in public service by retaining, retraining, and deploying public servants who acquire disabilities in the course of duty.

### The National Land Policy

The National Land Policy makes provision for land rights of vulnerable groups who include Persons with Disabilities.

## CHAPTER 4



## STIGMA AND DISCRIMINATION

This chapter explains the components of stigma and discrimination, the main types and causes of disability discrimination and the consequences that result from stigma and discrimination towards Persons with Disabilities. It further expounds on the myths, stereotypes, and states the facts about Persons with Disabilities and makes recommendation on ways of addressing disability stigma and discrimination. It also illustrates how disability mainstreaming can be used as a strategy to reduce stigma and discrimination in the society.

**Stigma** - refers to negative attribute possessed by a person or group that is regarded as undesirable or discrediting. Stigma arises when elements of labelling, stereotyping and prejudice combine to lead to status loss and discrimination of individual or group and occur in situations where they are disempowered. It elicits negative responses such as pity, anxiety, avoidance, hostility, and even hatred and disgust.

**Discrimination** – means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

### MAIN TYPES OF DISABILITY DISCRIMINATION

**Direct discrimination**—This happens when someone treats you worse than another person in a similar situation because of disability. For example:

- During an interview, a job applicant tells the potential employer that he has multiple sclerosis. The employer decides not to appoint him even though he's the best candidate they have interviewed, because they assume, he will need a lot of time on sick off.

**Indirect discrimination** – This happens when an organisation has a particular policy or way of working that has a worse impact on Persons with Disabilities compared to persons who without disability. For Example:

- Not providing a ramp for entry in buildings limits people using wheelchairs from gaining entry.
- A job advert states that all applicants must have a driving licence. This puts some persons with disabilities at a disadvantage because they may not have a licence because, for example, they have epilepsy. If the advert is for a bus driver job, the requirement will be justified. If it is for a teacher to work across two schools, it will be more difficult to justify and deemed as discriminatory.

### Failure to make reasonable adjustments

Persons with Disabilities can experience discrimination if the employer or organisation doesn't make a reasonable adjustment. This is known as a 'failure to make reasonable adjustments'. For example:

- An employee with mobility impairment needs a parking space close to the office. However, her employer only gives parking spaces to senior managers and refuses to give her a designated parking space

**Harassment**—This occurs when someone treats

you in a way that makes you feel humiliated, offended or degraded. For example:

- A Person with Disabilities is regularly ridiculed and called names by colleagues at work because of his/her disability.

**Victimization** - This is when you are treated badly because you have made a complaint of discrimination as per the law. It can also occur if you are supporting someone who has made a complaint of discrimination. For example:

- An employee has made a complaint of disability discrimination. The employer threatens to sack them unless they withdraw the complaint.
- An employer threatens to sack a member of staff because he advocates for a colleague's disability discrimination claim.

## CAUSES OF STIGMA AND DISCRIMINATION

- Lack of understanding and awareness on disability/ misinformation regarding the causes of disabilities and their resulting characteristics is a key factor in the stigma experienced by Persons with Disabilities.
- Misconceptions about the cause of disabilities often result from cultural or religious beliefs. Disability is often blamed on: misdeeds of ancestors, parents, person with disabilities; supernatural forces such as demons/spirits; witchcraft; or punishment or fate from God.
- Discriminatory legislation and policies reinforce prejudice and discrimination, while the segregation of Persons with Disabilities perpetuates negative stereotypes.

## TYPES OF DISABILITIES AND ASSOCIATED LEVELS OF STIGMA

Persons with intellectual disabilities, severe mental health conditions, albinism, and sensory disabilities are often more stigmatised than persons with physical disabilities.

- Persons with Disabilities who can participate in their communities experience less stigma than those with more severe disabilities.
- Females with Disabilities are doubly disadvantaged, due to the stigma associated with gender as well as disability.
- Socio-economic status can affect attitudes towards disability.
- Persons with Disabilities in rural areas may experience more harmful practices than in urban areas.

## CONSEQUENCES OF STIGMA AND DISCRIMINATION

Different understanding of the causes of disability results in stigma and discrimination which can have serious consequences for the lives of Persons with Disabilities, including:

- **Infanticide:** Lack of understanding about why their child is born with impairment and beliefs that it means the family is being punished or under some form of curse or that the child is a non-human spirit has resulted in the infanticide of new born children with disabilities in some parts of Kenya.
- **Rights Violation:** Exclusion and dehumanizing treatment in all areas of their lives – including workplaces,

health care services and educational institutions.

- **Paternal abandonment:** The stigma associated with the birth of children with disabilities can lead to fathers abandoning the family, with the mother left with the sole responsibility for care.
- **Lack of registration:** The low number of Persons with Disabilities in national census or official statistics and administrative data is often attributed to stigma around disability, where Persons with disabilities go uncaptured.
- **Violence and abuse:** Such negative beliefs and the stigma associated with disability contribute to Persons with Disabilities being seen as unworthy which means they face a greater risk of violence than their non-disabled peers. Prejudice and stigma can also result in less direct violence with widespread maltreatment of children with disabilities in the form of child neglect or malnutrition.
- **Restricted participation:** Negative beliefs can also result in some families stigmatising their relative with disabilities. Caregivers of Persons with Disabilities conceal them at time in inhumane conditions or forbid them to take part in social activities owing to stigma and shame.
- **Low self-esteem:** Due to the negative perception by the community Persons with Disabilities lack confidence and feel bad about themselves.
- **Rejection and isolation:** The stigma around disability can sometimes cause the

exclusion of Persons with Disabilities and their whole families. When disability is associated with punishment for previous immorality it can be met with strong social disapproval and as a result, Persons with Disabilities may never leave their homes or are sent away to institutions in order to avoid being seen by the community, as the community believes that the family has done something wrong or is under some form of curse.

## MYTHS, STEREOTYPES, AND FACTS ABOUT PERSONS WITH DISABILITIES

Stigma and discrimination that Persons with Disabilities experience begins with people's attitudes towards them. These attitudes are often deep-rooted in misinformation and misunderstandings leading to myths and stereotypes towards Persons with Disabilities. Consequently, this promotes negative images about disability creating barriers to full participation of Persons with Disabilities in socio-economic activities. The following are some common myths and stereotypes that emerge repeatedly in our communities:

**Myth: Persons with Disabilities are sick and in constant pain.**

**Fact:** Many people see PWDs as being under constant agony and pain. They see disability as a sickness that needs to be fixed, an abnormality to be corrected or cured. But it should be noted that PWDs are like Persons without disabilities, they get sick on occasion or sometimes may be in pain.

**Myth: Persons with Disabilities are special and should be treated differently.**

**Fact:** The label of "special" about Persons with Disabilities does not convey equality.

Expectations for success should not be underestimated to accommodate the “special” label that is associated with Persons with Disabilities.

**Myth: Most Persons with Disabilities cannot have sexual relationships.**

**Fact:** Anyone can have a sexual relationship by adapting the sexual activity. PWDs can have children naturally or through adoption. Persons with Disabilities, like other people, are sexual beings.

**Myth: Disability is a personal tragedy and deserves our pity.**

**Fact:** Disability is often viewed as an unending burden. Persons with Disabilities are often viewed as tragic figures whom society should pity. Disability does not mean a poor quality of life. It is often the negative attitudes of society and the lack of accessibility within the community that are the real

**Myth: Persons with disabilities are dependent and always need help.**

**Fact:** All of us may have difficulty doing some things and may require assistance. Persons with disabilities may require help on occasion; however, disability does not mean dependency. It is always a good strategy not to assume a person with a disability needs assistance.

**Myth: Persons with disabilities want to associate with each other.**

**Fact:** Relationships and friendships are a matter of personal choice. Persons with Disabilities may share similar characteristics; however, it should not be assumed that everyone wants to associate or develop friendships with each other.

**Myth: Persons with severe disabilities need to live in nursing home or rehabilitation hospitals or under constant supervision so that they do not hurt themselves.**

**Fact:** Unfortunately, this myth has created a system of long-term care in our nation that relies on institutions such as nursing homes and other facilities. Even those with the most severe disabilities could live in their own home given adequate community-based service, and at the very least, they should be given that choice.

**Myth: Persons with Disabilities have a poor quality of life.**

**Fact:** This is one of the most common and damaging stereotypes, because it discourages social interactions and the development of mature relationships. Persons with disabilities have needs just like those without disabilities, and they strive for a high degree of quality of life as other individuals. Society handicaps individuals by building inaccessible schools, workplaces, homes, buses, etc.

**Myth: People with disability can only do basic unskilled jobs**

**Fact:** Persons with disabilities bring a range of skills, talents, and abilities to the workplace. They work in all sorts of jobs and hold a range of tertiary and trade qualifications. PWDs have a clear understanding of their abilities and are unlikely to apply for jobs they cannot do.

**Myth: Persons with Disabilities cannot lead a full and productive life**

**Fact:** Persons with Disabilities are capable of fully participating in community life. The challenge is to focus on a person's ability, not their limitations.

## ADDRESSING STIGMA AND DISCRIMINATION

Efforts geared towards addressing stigma need to use a combination of methods that address its different component parts: problems of knowledge (ignorance), problems of attitude (prejudice), and problems of behaviour (discrimination) as listed below:

- Interventions at the intrapersonal and family level include self-help, advocacy and support groups, which have generally been found to be effective to some extent. The empowerment of Persons with Disabilities is especially important for overcoming those affected by stigma.
- Families of children with disabilities to actively nurture their child's development; to include them in the community; spread information to counter myths and superstitions about disability; and advocate on their behalf.
- Parents' associations can be an important strategy for addressing stigma in the community.
- Interpersonal interventions should involve education (aiming to challenge inaccurate stereotypes by providing factual information) or contact (encouraging positive interactions between the public and persons with disabilities).
- Community based rehabilitation: village gatherings to communicate messages on disabilities in a way that harmonises with local cultural values and activities;

and support from community leaders are strategies suited to reducing disability stigma.

- Interventions at the governmental/ structural level including legislation to tackle disability discrimination; disability mainstreaming; mass media campaigns; reporting and documenting

## DISABILITY MAINSTREAMING STRATEGY

A Disability Mainstreaming Strategy is one of the ways of the Governments intervention in addressing stigma and discrimination in both the public and private sector. It is the responsibility of every Government and Private institution both at the National and County level to identify the relevant internal as well as external disability mainstreaming measures under various themes and formulate action plans within the organization's annual work plan. A Disability Mainstreaming Strategy aims at promoting accessibility to buildings and built environment, employment and work, and services by the Persons with Disabilities and also ensuring that issues of legal capacity for persons with disability are addressed.

### Goal and Objectives

The goal of disability mainstreaming is to realize maximal and sustainable enjoyment of human

rights by the Persons with Disabilities.

The objectives of mainstreaming process include:

- To promote the inclusion of Persons with disabilities in the social, economic, and political developments.
- To enhance efforts for equalization of opportunities for Persons with Disabilities.
- To facilitate removal of barriers that



hinder the participation of Persons with Disabilities.

- To facilitate assessment of the implications for Persons with Disabilities of any planned action, including legislation, policies, and programmes.

### Levels of Mainstreaming

The disability mainstreaming takes place at two levels as elucidated below;

**Internal mainstreaming:** This concerns institutions' workplace, mainly the employees and internal procedures. It is related to institutional policies, guidelines and activities addressing disability among employees and immediate family members. Internal mainstreaming is effected when an agency puts in place work place policies that address needs of Persons with disabilities and others.

The workplace policies give forth to strategies and work plans through which actual activities are implemented targeting employees and family members. Internal mainstreaming is considered as an entry point for mainstreaming in the external domain.

**External mainstreaming:** Means adapting core functions of an institution to respond to related needs of Persons with Disabilities through responsive targets, policies and strategies. The external domain is the organization's mandate and routine work targeting the population it serves. (Targets the general public, people outside a particular institution)

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*Stigma and discrimination that Persons with Disabilities experience begins with people's attitudes towards them. These attitudes are often deep-rooted in misinformation and misunderstandings leading to myths and stereotypes towards Persons with Disabilities. Consequently, this promotes negative images about disability creating barriers to full participation of Persons with Disabilities in socio-economic activities.*

## CHAPTER 5



## OPPORTUNITIES AND SOLUTIONS TOWARDS ELIMINATION OF STIGMA AND DISCRIMINATION

This chapter explains various forms of discrimination that Persons with Disabilities face in different sectors in the society namely; Education, Training, Sports and Recreation, Work and Employment, Health, Information, Communication and Technology, Social Protection, Infrastructure accessibility, Land acquisition and Culture.

The Government of Kenya has used both a legal and programmatic approach to create opportunities and solutions to eliminate the stigma and discrimination towards Persons with Disabilities and promote their inclusion and participation in all societal activities towards achievement of National Development targets.

The rights of Persons with Disabilities have further been given Constitutional recognition and safeguard under Article 54, which provides substantive provisions for the rights of persons with disabilities. In giving effect to the provisions found in the Convention on the Rights of Persons with Disabilities, the text of the Constitution is further couched in specific terms designed to minimize barriers to equalization of opportunities in all aspects of social-cultural, economic and political life. Article 54 provides inter alia that a Person with disability is entitled to be treated with dignity and respect.

Government efforts, complimented by other interventions by different stakeholders have been very instrumental in getting disability to be at the core of National Development aimed at ensuring that Persons with Disabilities live in dignity and enjoy their human rights and barriers that exclude them from full and equal participation in society are addressed in each sector as indicated below:

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*Persons with Disabilities face various forms of discrimination in different sectors namely Education, Training, Sports and Recreation, Work and Employment, Health, Information, Communication and Technology, Social Protection, Infrastructure accessibility, Land acquisition and Culture*

## SECTOR | Education

This chapter covers forms of discrimination and legal framework, opportunities and solutions towards eliminating stigma and discrimination in different sectors in the Country.

### FORMS OF DISCRIMINATION

- Preference in school enrolment/Prejudice
- Inaccessible Infrastructure in learning institutions- Many schools, especially in rural areas, are physically inaccessible to learners with certain disabilities . The inability to walk to school for a long distance and/or the cost of obtaining transport for learners with disabilities limit access to school. The costs of assistive devices (like wheelchairs) are expensive and access to these devices is limited.
- Inadequate learning/teaching facilities and equipment that support learners with disabilities.
- Non-integration - Most of schools segregate learners with disabilities from their counterparts without disabilities thereby preventing inclusivity.
- Inadequate skilled personnel (teaching and non-teaching)
- Insensitive Curricula to the needs of learners with disabilities
- Social isolation, teasing, bullying and harassment

### LEGAL PROVISIONS

#### Basic Education Act 2013

**Section 28;** It focuses on promotion of special needs education. It addresses, inter alia, the establishment and management of special and integrated schools for learners with disabilities. Under the Act, children with special needs are identified as including 'intellectually, mentally, physically, visually, emotionally challenged, or hearing-impaired learners, pupils with multiple disabilities and specially gifted and talented pupils. It also provides an entire part on special need education (Part VI).

**Section 46;** further stipulates that, it shall be the duty of every County Education Board in consultation with the relevant County Government to provide for education assessment and research centres including a special needs service in identified clinics in the Country.

#### Convention on Rights of Persons with Disabilities

**Article 7;** Seeks to ensure that States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights

and fundamental freedoms on an equal basis with other children.

**Article 24;** stipulate that, States Parties shall ensure Persons with Disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability.

## OPPORTUNITIES

- Free basic education
- Available scholarships
- Availability of legal instruments which outlaw stigmatization and discrimination
- Availability of devolved funds
- Availability of training institutions e.g KISE

## SOLUTION

- Awareness creation and sensitization (civic education)
- Employ and enforce the strategy of universal design
- Integration/ Change of attitude. (ABC)
- Integrate disability in school curriculum
- Provision of appropriate learning facilities by stakeholders
- Integrated learning
- Promote social inclusion in schools
- Training of more staff
- Lobbying and advocacy
- Subsidies and tax exemptions for expensive equipment
- Offer community transport to school
- Allocate more resources for scholarships / bursaries and matters disability

## SECTOR | Training

### FORMS OF DISCRIMINATION

- Most of personnel in the training centres do not have basic skills and etiquette in matters pertaining to disability which lead to mistreatment of trainees with disabilities.
- Most training institutions lack support services for trainees with disabilities.
- Inadequate funding to provide appropriate infrastructure in training.

## LEGAL PROVISIONS

### Section 39(g); Basic Education Act 2013

It lists the obligations of the government to provide special education and training facilities for talented and gifted pupils and pupils with disabilities.

### Section 19; Persons with Disability Act 2003

On Special and non-formal education states that, the Council shall work in consultation with the relevant agencies of Government to make provisions in all districts for an integrated system of special and non-formal education for persons with all forms of disabilities and the establishment where possible of Braille and recorded libraries for persons with visual disabilities.


## OPPORTUNITIES

- Existence of affirmative Action initiatives
- Existence of the legal framework
- Existing institutions/ funds like CDF, NGAAF to improve on infrastructure

## SOLUTION

- Provision of appropriate learning facilities by stakeholders
- Establish and equip appropriate vocational training and rehabilitation facilities
- Training of more staff
- Lobbying and advocacy
- Subsidies and tax exemptions for expensive equipment
- Employ and enforce the strategy of universal design
- Allocate more resources for scholarships / bursaries and matters disability

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## SECTOR | Sports and Recreation

### FORMS OF DISCRIMINATION

- Lack of early exposure in sports due to concealment of children with disabilities.
- Negative attitude towards Persons with Disabilities participating in sports by the community.
- Inaccessible sporting facilities and equipment.

## LEGAL PROVISIONS

### Article 30; Convection on Rights of Persons with Disabilities

Seeks to ensure that States Parties recognize the right of Persons with Disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that Persons with Disabilities, have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources.

### Section 28; Persons with Disability Act 2003

It stipulates that all Persons with Disabilities shall be entitled, free of charge, to the use of recreational or sports facilities owned or operated by the Government during social, sporting or recreational activities and entitled to participate in all national and international sports events. The government shall also ensure through relevant Ministries access and use or recreation, culture, sports, and tourist events & services for Persons with Disabilities through determining

## OPPORTUNITIES

- Availability of sports for PWDs e.g. tennis, track
- Opportunity for skill development, leadership and teamwork
- Availability of legal framework
- Existence of Kenya Paralympic team
- Role models
- Devolution of the sports department

## SOLUTION

- Establishment of accessible facilities
- Sensitization and awareness creation
- Lobby and advocacy
- Offer subsidies and tax exemption for equipment meant for PWDs sports facilities
- Encourage inclusion and integration
- Allocate adequate resources for equipment for sports facilities for PWDs

## SECTOR | Work and Employment

### FORMS OF DISCRIMINATION

- Inaccessible advertisements - Most of advertisements are not presented in accessible formats eg. Captions/signed or transcribed in braille.
- Non-compliance to the provisions of the law in recruitment that requires that at least 5 percent of all recruitments should be Persons with Disabilities.
- Inadequate provision of reasonable accommodation during interviews and at workplaces.
- Low retention of employees who acquire disabilities in the line of duty

### LEGAL PROVISIONS

#### Employment Act 2007

It contains elaborate provisions aimed at protecting persons from discrimination in the employment which explicitly prohibits an employer to discriminate directly or indirectly, against an employee or prospective employee, or harass an employee or prospective employee on grounds of disability

#### Section 12 & 13; Persons with Disabilities Act 2003

It states that Persons with Disabilities shall have access to opportunities for suitable employment and further that an employee with a disability shall be entitled to exemption from tax on all income accruing from his employment. It also requires that both public and private sector employers reserve 5 per cent of jobs for Persons with Disabilities.

#### Public Service (Values and Principles) Act 2015

Section 10 allows public institutions for purposes of ensuring representation of Persons with Disabilities and other marginalized groups, not to unduly rely on merit in making appointments may disadvantage People with Disabilities.

#### The Public Service Code of practice for mainstreaming disability in the Public Service 2010

It obligates public entities to reasonably accommodate the needs of Persons with Disabilities in public service by retaining, retraining, and deploying public servants who acquire disabilities in the course of duty.



## The Work Injury Benefits Act 2007

This Act recognizes disability but only where it has been acquired during and in the course of work.

### OPPORTUNITIES

- Tax rebates
- Legal provision of 5% Employment of PWDs

### SOLUTION

- Enforcement of the existing laws
- Promote employment for PWDs
- Lobby and enforce advertisements to be done in accessible formats
- Advocate for provision of reasonable accommodation during interviews
- Promote use of universal design to accommodate PWDs
- Retention and redeployment of employees who acquire disability in line of duty

## SECTOR | Health

### FORMS OF DISCRIMINATION

- Inaccessible Health facilities - lack of physical access and proximity to health facility; lack of ramps, adjustable examination tables, and similar facilities; lack of information and communication materials (e.g. inadequate materials in braille, large print, simple language, and pictures; inadequate sign language interpreters, inadequate materials for the deaf and persons with hearing impairment)
- Negative perception among medical personnel while serving Persons with Disabilities
- Disability identification, assessment and determination is lengthy and inaccessible to Persons with Disabilities.
- Sterilization of women with disabilities without consent

### LEGAL PROVISIONS

#### Section 20; Persons with Disabilities Act 2003

It seeks to ensure that education and information on the rights of Persons

with Disabilities shall form part of the health care service by health care providers by providing training for healthcare providers to acquire skills for proper informative dissemination and education on the rights of Persons with Disabilities.

### **The Mental Health Act 1989**

The intent of the Act is to amend and consolidate the law relating to: the care of persons who are suffering from a mental disorder or mental sub-normality with a mental disorder; the custody of their persons and the management of their estates; and the management and control of mental hospitals. Section 16 of the Act authorizes non-consensual psychiatric treatment as well as detention. Section 26 of the Act provides that the court may make orders for the management of the estate of any person suffering from a mental disorder and for the guardianship of any person suffering from a mental disorder.

### **The Children Act 2001**

It explicitly prohibits discrimination against a child on the ground of disability under Section 5. Section 107(2) of the Act provides for the extension of guardianship when a child suffers from a mental or physical disability or illness rendering him or her incapable of maintaining himself or herself or managing his own affairs and property without a guardian's assistance.

### **Kenya Health Policy 2014–2030**

Employ a human rights-based approach in healthcare delivery - attention to the needs and rights of all, with special emphasis on children, Persons with Disabilities, youth, minorities and marginalized groups, and older members of the society and ensuring that health services are made accessible to all.

### **Article 25; Convection on Rights of Persons with Disabilities**

Stipulates that, States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for Persons with Disabilities to health services that are gender-sensitive, including health-related rehabilitation

## **OPPORTUNITIES**

- Medical Equipment Services Partnerships
- Disability responsive budgeting
- Kenya Sign Language training
- Availability of adaptive technologies
- Registered professional Medical Bodies to regulate medical practitioners
- Advancement in medical technology

- Provision of customized assistive devices
- Universal Health Care
- Availability of Family planning
- Linda mama program

## SOLUTION

- Sensitization of County budget committees on the need for responsive budgeting.
- Universal Health Care
- Expansion of KSL trainings offered by NCPWD to medical practitioners
- Lobby and advocacy
- Medical training curriculum to be inclusive
- Knowledge, attitude and practice sensitization
- Disability mainstreaming and enforcing existing laws
- Disability responsive budgeting
- Engage County Governments to waive charges for assessment
- Awareness creation on reproductive rights of PWDs



## SECTOR | Information Communication Technology

## FORMS OF DISCRIMINATION

- Inaccessible information to Persons with Disabilities - Most of information is conveyed in inaccessible format e.g. inaccessible website, inadequate braille transcriptions or audio for visually impaired, inadequate sign language interpreters or captions for persons with hearing impairment.

## LEGAL PROVISIONS

### Section 39; Persons with Disabilities Act 2003

It seeks to ensure that public broadcasting stations shall from such dates as the minister may by notice in the gazette appoint, incorporate sign language in their television programmes. Additionally, that newspaper and such other print media shall make publications available in electronic form. Telephone services shall incorporate assistive aids for persons with hearing impairment, speech, and visual disabilities.

### Article 21; Convection on Rights of Persons with Disabilities

It states that State Parties shall take all appropriate measures to ensure that Persons with Disabilities can exercise the right to freedom of expression and

opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.

### OPPORTUNITIES

- Existence of laws
- Good will from stakeholders
- Advancement in adaptive technology
- Availability of regulatory bodies

### SOLUTION

- Awareness creation Reduce cost of adaptive technologies
- Make all forms of communications accessible by all

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## SECTOR | Social Protection

### FORMS OF DISCRIMINATION

- Inadequate funds allocated to social protection programs for Persons with Disabilities e.g. PWSD-CT
- Discriminative identification criteria for social protection programs.

### LEGAL PROVISIONS

#### Social Protection Policy 2011

The Policy presents the Government's vision of creating an all-inclusive society through the provision of sustainable mechanisms for the protection of persons living in situations of extreme poverty and vulnerability. The Policy identifies orphans and vulnerable children, people with disabilities, older persons, the urban poor living in slum areas, people living in the streets in urban areas, people living with dilapidating illness, the internally displaced persons, among others as vulnerable and qualifying for social protection

#### Social Assistance Act 2013

Section 23 of the Act provides that a person with a disability is eligible for social assistance under the Act if the person suffers from severe mental or physical disability, if the person's disability renders them incapable of catering for their basic needs and there is no known source of income or support for the person.

### National Social Security Fund Act 2013

The fund provides invalidity benefits to members who are permanently incapable of engaging in the labour market due to physical and mental disability. Members who are partially incapacitated but of a permanent nature can also receive benefits, however this applies only to those aged 50 years and above.

### OPPORTUNITIES

- Expansion of CT programs for PWSDS
- Use of accessible formats in communication

### SOLUTION

- Introduce universal CT Programs for PWDs not in formal employment.
- Lobby for increased exchequer funding for PWSD-CT
- Engage PWDs in Public participation
- Enforce the law.
- Sensitization of stakeholders

## SECTOR | Infrastructure Accessibility

### FORMS OF DISCRIMINATION

- Inaccessible public transport system
- Inaccessible Social facilities and amenities (footpaths and walkways, parks, public swimming pools and public toilets, office blocks, banks, cafes, restaurants, churches, mosques, theatres and entertainment venues)

### LEGAL PROVISIONS

#### Section 21; Persons with Disabilities Act 2003

States that, Persons with Disabilities are entitled to a barrier-free and disability-friendly environment to enable them to have access to buildings, roads and other social amenities, and assistive devices and other equipment to promote

their mobility. It also seeks to ensure that relevant ministries department, of government and local authorities shall from such a date as the minister may by notice in the gazette appoint; ensure provision of ramps in public buildings, adaptation of all public toilets for wheelchair users & other Persons with Disabilities as well as provision of Braille symbols and auditory signals in elevators or lifts.

### **Section 39(e); Basic Education Act 2013**

It shall be the duty of the Cabinet Secretary Education, to provide for infrastructure including schools, learning, and teaching equipment and appropriate financial resources.


### **OPPORTUNITIES**

- Availability of institutions empowered to regulate and enforce transport law
- Availability of institutions empowered to regulate and enforce transport law

### **SOLUTION**

- Awareness creation
- Enforcement of the law
- Engage PWDs in Public participation
- Awareness creation
- Waiver of fees

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## **SECTOR | Land Acquisition**

### **FORMS OF DISCRIMINATION**

- Inheritance practices that discriminate Persons with Disabilities

PWDs are usually not incorporated in land management and utilization. It's assumed that the PWDs lack capacity to carry on the family tree and are also not able to utilize the land to the maximum

## LEGAL PROVISIONS

### The National Land Policy

Section 3.6.5 Clause 194 of the National Land Policy makes provision for land rights of vulnerable groups who include Persons with Disabilities. This is in recognition of the fact that they lack power, voice, and representation in society, which limits their opportunities to own land-based resources. To secure their rights the Policy provides for the development of mechanisms for identifying, monitoring and assessing the vulnerable groups; establish mechanisms for redistribution of land and resettlement; facilitate their participation in decision making over land and land based resources; and protect their land rights from unjust and illegal expropriation. The Policy also seeks to resolve historical land injustices, especially those perpetrated to persons with disabilities, among others.

## OPPORTUNITIES

- Land Commission to handle land issues
- Available legal avenues – pro bono lawyers
- Active Civil Societies that champion advocacy on land issues
- NGEC to address inequality issues

## SOLUTION

- Awareness and sensitization on the rights of PWDs.
- Advocacy and lobbying
- Inclusion of PWDs on issues of land e.g sub-division of customary land
- Engage PWDs in Public participation

## SECTOR | Culture

### FORMS OF DISCRIMINATION

- Use of derogatory terminologies such as “unsound mind”, “mental case”, “imbecile” and “mad”.
- Disability seen as bad omen or curse. Persons with Disabilities are forced to undergo some cleansing rituals. In extreme cases even infanticide and concealment.
- Marriage; Families do not easily allow one of their own to get married to a person with a disability due to cultural beliefs associated with disability. if a person acquires disability after marriage, the other spouse is likely to

abandon him/her.

- Gender Roles; Persons with Disabilities are expected by the society to perform gender roles and in case they are not able to, they are discriminated on this basis.
- Persons with Disabilities are vulnerable to SGBV especially Women and girls with Disabilities who are prime victims of this violence.
- Persons with Albinism are used for witchcraft rituals which leads to murder

## LEGAL PROVISIONS

### Article 23; Convection on Rights of Persons with Disabilities

It seeks to ensure that; States Parties shall take effective and appropriate measures to eliminate discrimination against Persons with Disabilities in all matters relating to marriage, family, parenthood, and relationships, on an equal basis with others. This will ensure that, the right of all Persons with Disabilities who are of marriageable age to marry and to find a family based on free and full consent of the intending spouses is recognized.

### Sexual Offences Act 2006

The Act recognizes Persons with Disabilities as ‘vulnerable witnesses’ under Section 31 and authorizes the use of intermediaries to enable the ‘vulnerable witnesses’ engage with the judicial system. An intermediary is ‘a person authorized by a court, on account of his or her expertise or experience, to give evidence on behalf of a vulnerable witness and may include a parent, relative, psychologist, counselor, guardian, children’s officer or social worker.’ Section 31(10) provides that an accused shall not be convicted solely on the uncorroborated evidence of an intermediary.

## OPPORTUNITIES

- Legal instruments and institutions in place advocated for the Rights of Persons with Disabilities

## SOLUTION

- Awareness and sensitization on the rights of PWDs.
- Advocacy and lobbying
- Socio economic empowerment programmes for persons with disability
- Physiotherapy and psychosocial support
- Reporting and referral pathways of SGBV cases



## CHAPTER 6



## DISABILITY SUPPORT PROGRAMS AND SERVICES

The chapter covers programs offered by State Department for Social Protection and further lists other types of assistance offered to Persons with Disabilities by other State actors.

### STATE DEPARTMENT FOR SOCIAL PROTECTION

The executive order no. 1 (14) of 2018 has given the state Department of social protection mandate over the following:

- Policy and Programs for persons with Disability
- Social protection Policy
- Vocational Training and rehabilitation for Persons with Disabilities
- Protection and advocacy of needs of Persons with Disabilities

### Department of Social Development

The Department of Social Development coordinate fomulation of policies and legislations on disability and oversees the implementation of various disability development programs and rehabilitative services among others social development programs.

#### Vocational Rehabilitation Centres (VRC)

There are 12 VRCs distributed across the Country for impacting technical skills to Persons with Disabilities in various courses. These courses include; Welding/Fabrication, Hairdressing, Knitting, Electrical Installation, Tailoring, Shoemaking, Agriculture, Information Technology (IT), Beadwork, Leather work and Carpentry.

	Vocational Rehabilitation Centre (VRCs)	County
1	Industrial Rehabilitation Centre (IRC)	Nairobi
2	Nyandarua VRC	Nyandarua
3	Muriranjas VRC	Murang'a
4	Machakos VRC	Machakos
5	Embu VRC	Embu
6	Kisii VRC	Kisii
7	Kakamega VRC	Kakamega
8	Itando VRC	Vihiga
9	Odiado VRC	Busia
10	Kericho VRC	Kericho
11	Kabarnet VRC	Baringo
12	Bura VRC	Taita Taveta

### Start-up Toolkits

The Department coordinates program for provision of Startup tool kits to VRCs ex-grandaunts with a main aim of empowering the Persons with Disabilities economically and make them self-reliant and to contribute to National Development. The VRCs Ex-grandaunts are required to make an application for the startup toolkits through the County Coordinator for Social Development for consideration. Among the tools of trade offered to the ex-grandaunts include and are not limited to:

1. Sewing toolkits
2. Leather work toolkits
3. Carpentry toolkits
4. Farming toolkits
5. Welding toolkits
6. Knitting toolkits
7. Salon toolkit
8. Computer and accessories

### Criteria for Application

1. Must be a PWDs (18 years and above)
2. Must have skills as per the requested tool
3. Must be willing to be attached in existing workshop (apprentice program)
4. Be willing to be supervised and monitored by Social Development Officers
5. Submit a dully filled application form to the Social Development Officers

### Role of Social Development Officers in placement of PWDs in VRCs

- Community mobilization
- Awareness creation and sensitization
- Identification of mentors
- Link them with the institutions
- Monitoring-in training and after training
- Ensure conducive learning environment
- Resource mobilization. Financial/ material/human resource

- Linkage and placement after training
- Sourcing and issuance of startup toolkits

### Community Based Rehabilitation-CBR

CBR is a multi-sectoral approach working to improve the equalization of opportunities and social inclusion of Persons with Disabilities while combating the perpetual cycle of poverty and disability.

CBR seeks to enhance the quality of life for persons with disabilities and their families as well as meeting their basic needs and ensuring their full inclusion and participation as useful members of the society. It is implemented through the combined efforts of persons with disabilities, their families and communities, and relevant government and non-government organizations in health, education, vocational, social and other services; in order to promote community involvement and ownership.

### Lay Volunteer Counsellors

The Department for Social Development identifies and trains Lay Volunteer Counsellors who offer psychosocial support to families with Persons with Disabilities. The role of Lay Volunteer Counsellors is;

- To raise awareness about disability in their communities
- To mobilize persons with disabilities towards formation of self-help groups for social economic development
- Provide guidance and counselling services to children, persons with disabilities and family members in need of care and protection.
- Provide referral and linkage services to distressed families with the relevant service providers and stakeholders.

### Community Mobilization

This refers to capacity building process

through which local people identify felt needs, identify locally available resources, plan, carry out and evaluate activities on a participatory initiative. It is also a process of organizing people to create awareness and disseminate information on existing and planned project activities. Mobilization leads to formation and registration of groups and projects including groups for Persons with Disabilities to pull resources to address common felt needs and receive support to empower them to participate in National development.

### **National Council for Persons with Disabilities (NCPWD)**

The National Council for Persons with Disabilities is a state corporation established by an Act of Parliament; the Persons with Disabilities Act No. 14 of 2003 and set up in November 2004. The Council representation

is drawn from key government Ministries and organizations of/for persons with disabilities.

### **Programs of the National Council for Persons with Disabilities**

#### **Registration of Persons with Disabilities Individual Registration**

Individuals who qualify as per the definition of a PWD are registered at the county level. Registration is done in all offices of the National Council for Persons with Disabilities in all counties. The registration process is a continuous exercise where children and adults are all registered.

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## Requirments

- 1 A colored passport sized photo
- 2 A copy of a medical report from the government gazetee hospitals
- 3 Dully filled individual registration form

### Benefits of registrations

- For planning purpose i.e. national and county planning
- Taxes waivers –individual and institution
- Employment fulfilment of article 54 and PDA act
- For education assistance e.g. affirmative action
- For assistive devices
- For necessary exceptions

### Disabled Persons Organizations (DPOs) Registration

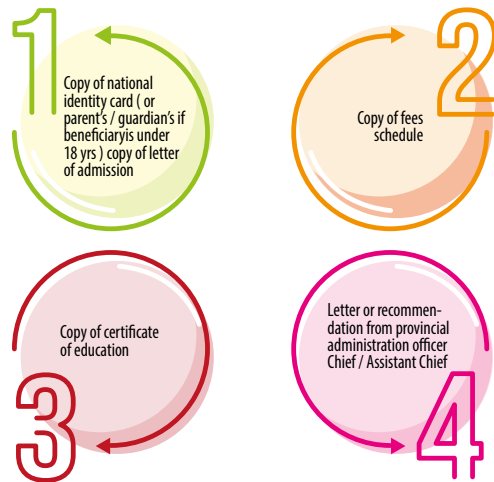
The Council has been mandated to ensure that all organizations, institutions and associations offering services to PWDs are registered under the Council. It will be critical that all these entities serving PWDs be registered with the Council for purposes of administration and recognition

## Requirments

- 1 A copy of certificate of registration from a recognized body eg Government CBOs, NGOs etc
- 2 Dully filled Organization Registration form

### Economic Empowerment & Scholarships

Students with Disabilities can request for Scholarship from NCPWD which range from Primary School, Secondary School, and College to University level. Those PWDs with various technical skills (Certificate, Diploma, and Degree) should inform the NCPWD so that they can be referred to the potential employers.



### Albinism Program

The Council has been implementing the National Persons with Albinism Sunscreen Support Programme.

The programme is designed to carry out awareness and offer lip care and after sun lotion and other services for all persons with albinism in the country.

#### Main Activities

- Provision of sunscreen lotions
- Provision of after sun lotions
- Provision of protective clothing (Caps and Long Sleeved T-Shirts)
- Cancer intervention
- Provision of comprehensive Eye Care
- Provision of lip care

### Local Purchase Order Financing

Persons with Disabilities (PWDs) can get opportunities to supply goods and services to Government institutions through the Access to Government Procurement Opportunities (AGPO).

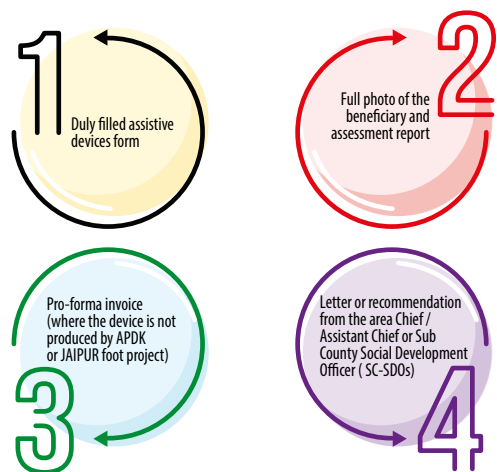
Persons with Disabilities who have companies should register their business with the National Treasury so as to get AGPO certificate.

### Cash Transfer for Persons with Severe Disabilities

The overall objective of the program is to enhance the capacities of the caregivers through cash transfers thereby improving the livelihoods of persons with severe disabilities.

### Assistive devices

Assistive devices and services are any product or service designed to enable greater independence for PWDs. Common examples of such devices are wheelchairs, crutches, hearing aids, callipers, surgical boots and prosthetic arms or legs



## OTHER STATE ACTORS

### TYPE OF ASSISTANCE

#### 1 Education

- Assess the capacity of PWDs for placement in learning institutions (EARC)
- Provide training on special needs(KISE)
- Curriculum development (KICD)
- Provide trainers
- Bursaries

#### 2 Health

- Provide medical assessment for Persons with Disabilities
- Provide habilitation and rehabilitation services
- Distribution of sunscreen lotions for Persons with Albinism

#### 3 County Government

- Cash Transfer
- Provision of Assistive device
- Loans and grants

#### 4 National Fund for the Disabled of Kenya

- Provision of Assistive devices
- Economic empowerment grants
- Grants to institutions training PWDs for infrastructure improvement

#### 5 Public Service, Youth and Gender

- Affirmative Action funds-WEF, NGAAF, Uwezo, YEDF

# CHAPTER 7





## INTERNATIONAL/ WORLD DISABILITY CELEBRATIONS



**4TH**

**WORLD  
BRAILLE DAY**  
January

World Braille Day is observed in order to raise awareness on the importance of Braille as a means of communication in the full realization of the human rights for blind and partially sighted people.



**1ST**

**INTERNATIONAL  
WHEELCHAIR DAY**  
March

International Wheelchair Day is an annual day of events and activities which take place around the World when wheelchair users celebrate the positive impact a wheelchair has on their lives.



**4TH**

**WORLD  
HEARING DAY**  
March

The Day provides an opportunity to raise community awareness on hearing impairment and ways to protect your hearing from damage.



**21ST**

**WORLD DOWN  
SYNDROME DAY**  
March

On this day, people all around the world celebrate the lives and achievements of people with Down syndrome, creating a global voice, advocating for the rights, inclusion and wellbeing of persons with Down syndrome.



**2ND**

**WORLD AUTISM  
AWARENESS DAY**  
April

World Autism Awareness Day, encourages Member States of the United Nations to take measures to raise awareness about people with Autism Spectrum Disorder (ASD) throughout the world.



**25TH**

**WORLD  
VITILIGO DAY**  
June

Is an initiative aimed to build global awareness about vitiligo. Vitiligo occurs in 1-2% of the population worldwide; a loss of color in the skin creating a variety of patterns on the skin from loss of pigmentation.

## INTERNATIONAL/ WORLD DISABILITY CELEBRATIONS

27TH

**INTERNATIONAL DAY  
OF DEAFBLIND**  
June

To increase public awareness for people with deaf blindness in our communities and raise awareness on being deafblind.

23RD

**INTERNATIONAL DAY  
OF SIGN LANGUAGE**  
September

The Day seeks to raise awareness of the importance of sign language in the full realization of the human rights of people with hearing impairment.

6TH

**WORLD CEREBRAL  
PALSY DAY**  
October

The Day advocates for movement of people with cerebral palsy and their families, and the organizations that support them, to ensure that children and adults with cerebral palsy (CP) have the same rights, access and opportunities as anyone else in our society.

2ND

**WORLD  
SIGHT DAY**  
October

(Second Thursday) Is an annual day of awareness held on the second Thursday of October, to focus global attention on blindness and vision impairment

15TH

**WHITE CANE  
SAFETY DAY**  
October

The Day advocates for recognition of white canes which enable blind people to travel safely and independently. While the white cane does keep blind people safe (because drivers and other pedestrians can easily see it), it is also a tool that blind people use to explore and navigate the environment.

## INTERNATIONAL/ WORLD DISABILITY CELEBRATIONS

25TH

### WORLD SPINA BIFIDA AND HYDROCEPHALUS DAY October

The aim of the Day is to raise awareness and understanding about Spina Bifida and Hydrocephalus. On this day, we also advocate and promote the rights of persons with these conditions.

29TH

### WORLD STROKE DAY October

Raise awareness of the prevention and treatment of the stroke, and ensure better care and support for survivors.

3RD

### INTERNATIONAL DAY OF PERSONS WITH DISABILITIES December

It aims to promote the rights and well-being of persons with disabilities in all spheres of society and development, and to increase awareness of the situation of persons with disabilities in every aspect of political, social, economic and cultural life.











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