

SITUATIONAL ANALYSIS OF THE RIGHTS OF PERSONS WITH DISABILITIES

KENYA



COUNTRY BRIEF



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This brief was prepared by the Technical Secretariat. It summarizes the key findings from the situational analysis report and does not necessarily reflect the position of the UNPRPD MPTF.

CONTENTS

1. Background	2
2. Why a country analysis?	3
3. Introduction to disability context in Kenya	4
4. Findings	5
4.1 Stakeholder coordination mechanisms	5
4.2 Preconditions for disability inclusion	7
4.3 Cross-cutting approaches: Participation, gender, inequalities	12
4.4 Disability inclusion in broader development, humanitarian and emergency contexts	13
5. Conclusions	14

ACRONYMS AND ABBREVIATIONS

CSOs	Civil Society Organisations
IATWC	Inter-Agency Technical Working Committee
IDA	International Disability Alliance
IDDC	International Disability and Development Consortium
ILO	International Labour Organization
KNBS	Kenya National Bureau of Statistics
KNCHR	Kenya National Commission on Human Rights
KUB	Kenya Union of the Blind
LGBTQI+	Lesbian, Gay, Bisexual, Trans, Queer and Intersex
MOH	Ministry of Health
MoLSP	Ministry of Labour and Social Protection
NCPWD	National Council for Persons with Disabilities.
OHCHR	Office of the High Commissioner of Human Rights
OPDs	Organisations of Persons with Disabilities
SDGs	Sustainable Development Goals
SRHR	Sexual and Reproductive Health and Rights
UDPK	United Disabled Persons of Kenya
UNCRPD	UN Convention on the Rights of Persons with Disabilities
UNCT	United Nations Country Team
UNESCO	United Nations Educational Scientific and Cultural Organisation
UNDESA	United Nations Department of Economic and Social Affairs
UNDIS	UN Disability Inclusion Strategy
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNPRPD	United Nations Partnership on the Rights of Persons with Disabilities
WCAG	Web Content Accessibility Guidelines
WG	Washington Group
WHO	World Health Organization

1

BACKGROUND

The United Nations Partnership on the Rights of Persons with Disabilities Multi-Partner Trust Fund (UNPRPD MPTF) is a unique partnership that brings together United Nations (UN) entities, governments, organizations of persons with disabilities (OPDs) and broader civil society to advance the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) and disability-inclusive Sustainable Development Goals (SDGs) at the country level around the world.

The UN entities participating in UNPRPD are ILO, OHCHR, UNDESA, UNDP, UNESCO, UNICEF, UNFPA, UN Women and WHO. Other UNPRPD members include the International Disability Alliance and the International Disability and Development Consortium. The main contributors to the UNPRPD MPTF are Australia, Finland, Norway, Sweden and the United Kingdom.

In 2020, with the Strategic and Operational Framework 2020-2025, UNPRPD adopted a new programme design approach. The Framework moves towards proactive, results-oriented joint programming to drive implementation of the CRPD and disability-inclusive SDGs.

In the same year, the UNPRPD launched its fourth funding call and invited UN Country Teams (UNCTs) to submit proposals for joint country-level programmes with the objectives of advancing CRPD implementation and improving the implementation of disability-inclusive SDGs. The selected teams were then allocated an initial budget to deliver an induction training, conduct a country situational analysis and complete a full joint programme proposal based on the findings of the situational analysis.

From May to November 2023, Kenya UNCT conducted the comprehensive situational analysis. The methodology included a desk review of relevant literature, key informant interviews and focus groups, stakeholder mapping exercises, and consultative workshops with key stakeholders.

This brief provides a summary of the key gaps and opportunities presented in the full report. The full situational analysis report with additional background and context can be found on the UNPRPD website.

2 WHY A COUNTRY ANALYSIS?



Many countries still struggle to transform the CRPD into concrete policies, systems, programmes and services that uphold the rights of persons with disabilities. It is urgent that governments and their implementation partners deliver on their SDG commitments through CRPD-compliant interventions. To support countries in the most catalytic way requires understanding the main bottlenecks and priorities in each country in relation to the fulfilment of the CRPD. We needed to know who the key stakeholders are, how implementation/monitoring mechanisms are functioning (or not), which capacities stakeholders may need to improve, and which ongoing development processes could be leveraged to become more disability inclusive.

The situational analysis was designed to:

- Inform the design of future PRPD funded programmes in the country and serve as a baseline for these programmes;
- Inform UNCTs of gaps in terms of disability inclusion in ongoing national processes and programmes and recommend further, in-depth analysis where needed;
- Build a base of mutual understanding and working relationships among UN entities, government, OPDs and other civil society organizations (CSOs), as well as the private sector and academia, as the basis for future co-design of joint programmes;
- Strengthen the capacity of those stakeholders to more effectively include and address the rights of persons with disabilities as outlined in the CRPD; and,
- Serve as an advocacy tool for OPDs and other civil society partners, both national and international.

3

INTRODUCTION TO DISABILITY CONTEXT IN KENYA

 Population	54.03 million
 Disability Prevalance	2.2%

Historical Overview

Disability in Kenya has historically been viewed through charity and medical lenses. Post-World War II, disability programming gained traction, leading to the establishment of specialized schools and institutions for persons with disabilities. Charity organisations like the Association for the Physically Disabled of Kenya, Kenya Society for the Blind, and Kenya Society for Deaf Children were formed to provide specialized services. Organizations of persons with disabilities (OPDs) were established later, including the Kenya Union of the Blind (KUB) in 1959 and the United Disabled Persons of Kenya (UDPK) in 1989.

Advocacy efforts by organizations like UDPK led to the review of laws related to persons with disabilities, resulting in the enactment of the Persons with Disabilities Act in 2003. Kenya ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2008, now incorporated into Kenyan law through the Constitution of Kenya 2010.

The country is currently reviewing the Persons with Disabilities Act 2003 to align it with the provisions of the CRPD.

Kenya Disability Statistics

According to the 2019 national population census, 2.2% of Kenyans live with some form of disability. The census used the Washington Group short set of questions, revealing that mobility is the most experienced form of disability, followed by seeing, cognition, hearing, and self-care challenges. Prevalence rates vary by residence, with higher rates in rural areas (2.6%) compared to urban areas (1.4%). The highest prevalence rates are recorded in Central, Eastern, and Western Kenya, with specific counties like Embu, Homa Bay, and Makueni having the highest rates. The reliability of the survey has however been widely questioned, as the expected prevalence rates are considerably higher. The flaws may be attributed to the limited training of enumerators and exclusion of children with disabilities below 5 years.

Poverty rates are significantly higher among vulnerable groups, including persons with disabilities, estimating that 67% of them live in poverty. Due to the mutually reinforcing cycle of poverty and disability, many Kenyans with disabilities face challenges accessing health, education, clean water, sanitation, and adequate housing. A large percentage lacks an adequate standard of living and social protection at both national and county levels.

4 FINDINGS

4.1 STAKEHOLDER COORDINATION MECHANISMS

The Stakeholder and Coordination Analysis section explores the landscape of stakeholders and coordination specific to persons with disabilities in Kenya, with a focus on roles, responsibilities, relationships, successful coordination efforts, and areas for improvement.

- 1 Equality and non-discrimination
- 2 Accessibility
- 3 Inclusive service delivery
- 4 CRPD-compliant budgeting and financial management
- 5 Accountability and governance

Key stakeholders include Organizations of Persons with Disabilities (OPDs), Ministries, Departments, Agencies, and Counties, Civil Society Organizations (CSOs), and International Cooperations. • Organizations of Persons with Disabilities (OPDs): The United Disabled Persons of Kenya (UDPK) serves as the umbrella body for OPDs, playing a crucial role in addressing disability equality concerns through legislation, advocacy, and awareness-raising. Challenges faced by OPDs include inadequate involvement in the design of disability-related programs, leading to a disconnect between program objectives and the actual needs of persons with disabilities. Fragmentation within the disability sector, lack of unity, and insufficient funding for coordination and advocacy further hinder effective collaboration.

- Ministries, Departments, Agencies, and Counties: The Ministry of Labour and Social Protection (MoLSP) is the focal point ministry for Disability Programming, with the National Council for Persons with Disabilities (NCPWD) responsible for mainstreaming and monitoring disability initiatives at national and county levels. Challenges include superficial disability inclusion efforts, inadequate political will, limited awareness among County Officers, and concentration of responsibilities on NCPWD, hindering effective mainstreaming and support at the county level.
- Civil Society Organizations (CSOs): CSOs, such as CBM, Humanity & Inclusion, Sight Savers International, This Ability Trust (TAT), Special Olympics Kenya and others, play a vital role in promoting disability inclusion through programs like community-based rehabilitation, inclusive education, inclusive employment, and inclusive technology and accessibility.
- International Cooperations: Several UN Agencies working in Kenya are actively promoting disability inclusion. The UN Disability Strategy (UNDIS) guides agencies to implement disability-inclusive practices. Efforts include private sector engagement, social protection, sexual and reproductive health and rights (SRHR), child protection and education, policy and legislation support, and data generation and analysis.

The Coordination Mechanisms section evaluates the existing coordination structures among key stakeholders focusing on national and county-level disability coordination, CRPD and Global Disability Summit (GDS) Commitments Coordination, CRPD Monitoring, and SDGs Coordination.

- National and County-level Disability Coordination: The Intergovernmental Relations Technical Committee (IGRTC) and the Council of Governors (CoG) were established to facilitate consultation and cooperation between national and county governments. However, there is inadequate coordination, leading to challenges in addressing crosscutting disability issues.
- Ad-hoc coordination between relevant county departments and national government structures negatively impacts efforts to address concerns of persons with disabilities, including service access and budget allocation.
- CRPD and GDS Commitments Coordination: The State Department of Social Protection and Senior Citizen Affairs coordinates the implementation of the CRPD and GDS commitments through the Disability Inter-Agency Coordinating Committee. It is chaired by the State Department and Sightsavers International and brings together state and non-state actors. Concerns have been raised by Organizations of Persons with Disabilities (OPDs) that the narrow focus on GDS commitments has slowed down fulfilling the wider obligations under the CRPD.
- CRPD Monitoring: The Kenya National Commission on Human Rights (KNCHR) is designated as the monitoring agency of the CRPD. It plays a crucial role in organizing awareness-raising activities, reviewing legislation, policies, and programs, and receiving complaints related to disability rights. The National Gender and Equality Commission (NGEC) also serves as a monitoring agency of the CRPD, focusing on inclusivity and the rights of persons with disabilities.
- SDGs Coordination: The Ministry of National Treasury and Planning, through the SDGs Coordination Directorate, aligns the government's development agenda with the UN Sustainable Development Goals (SDGs). The Inter-Agency Technical Working Committee (IATWC), co-chaired by the SDGs Kenya Forum and the Kenya Private Sector Alliance, plays a central role. The SDGs Coordination Directorate engages various stakeholders, including over 350 Civil Society Organizations, including OPDs, to drive the implementation of the SDGs. The five-year medium-term plan is a key instrument in this process.

Gaps in Stakeholder and Coordination capacity

The analysis reveals challenges such as fragmentation and inadequate funding for coordination and advocacy, and limited awareness, calling for strategies to enhance collaboration, address gaps in disability implementation, and promote effective coordination among stakeholders. The insufficient funding for coordination and advocacy at the organizational level, limits the scope and effectiveness of initiatives. For example, the Interagency Coordinating Committee lacks financial support, and has low capacity in disability programming and mainstreaming which is impacting its effectiveness.

OPDs face challenges due to minimal financial resources and inadequate capacities hindering their ability to raise awareness, provide support, and advocate for policy changes. Persons with disabilities are still often left out in consultations related to both disability specific and mainstreamed development programmes, including disability specific services that are provided by these programmes. The findings underscore the importance of meaningful engagement of persons with disabilities in development processes and the need for clear guidelines and coordination mechanisms to clarify responsibilities at both county and national levels so as to ensure no one is left behind.

In summary, the coordination mechanisms face challenges such as ad-hoc coordination, a focus on GDS commitments at the expense of CRPD obligations, and insufficient funding for effective implementation. Addressing these gaps is crucial to enhancing the overall coordination and effectiveness of disability-related initiatives.

4.2 PRECONDITIONS FOR DISABILITY INCLUSION

A critical new element of the UNPRPD strategy is its focus on the essential preconditions for disability inclusion to advance the CRPD. These preconditions must be met to address the requirements of persons with disabilities across all sectors. The following findings focus on the preconditions.

EQUALITY AND NON-DISCRIMINATION

Kenya has ratified the CRPD and developed a National Plan of Action (2015-2022) in consultation with organizations of persons with disabilities (OPDs). The plan is based on the recommendations from the Committee on the Rights of persons with disabilities. It emphasizes inclusive education, accessible healthcare, employment opportunities, and social protection reflecting a commitment to disability rights and inclusion. However, the implementation of this plan and other legal frameworks has been slow, resulting in the continued marginalization of people with disabilities. The Action Plan is currently under review.

The Constitution of Kenya 2010 plays a pivotal role in protecting the rights of persons with disabilities. Article 27(4) explicitly prohibits discrimination based on various grounds, including disability. Additionally, the Constitution mandates the state to promote the development and use of communication formats accessible to persons with disabilities, reflecting a commitment to inclusivity.

The Persons with Disabilities Act 2003, despite undergoing a revision since 2010, has faced challenges in enforcement, particularly regarding accessibility requirements. Critics argue that it focuses too much on physical accessibility, neglecting other crucial elements such as access to justice, affirmative action, legal capacity, and political participation. In a significant move, the Act is currently under review by the parliament, with the introduction of the Persons with Disabilities Bill No. 26 of 2023. This new draft aligns with the Constitution, CRPD, and other international frameworks. However, the final version's compliance with the CRPD remains uncertain as it undergoes parliamentary processes.

The Children's Act (2022) aims to protect the rights and welfare of children in Kenya, indirectly addressing disability-related issues. It emphasizes non-discrimination, the best interests of the child, the right to education, healthcare, and protection from abuse. Although not specifically focusing on disability, it acknowledges and includes provisions relevant to children with disabilities.

Kenya has a plethora of additional legislation that indirectly impacts the rights of persons with disabilities, such as the Employment Act (2007), Work Injury Benefits Act (2007), and others. However, there have been limited efforts to revise these laws in alignment with the CRPD, leading to the continued marginalization of certain disability groups.

At the county level, there are varied efforts to improve legislation and prioritize disability-related issues. Some counties have enacted disability-specific laws, while others are still in the process. Implementation challenges persist, indicating a need for better coordination and capacity-building at both county and national levels.

Key findings

In conclusion, Kenya has made strides in enacting laws and policies to protect the rights of persons with disabilities. Still, challenges in implementation, enforcement, and the need for comprehensive legal frameworks persist. Despite clear provisions in the Constitution, laws and policies have been under review for a long time, without being finalized and enforced. Also, the devolution of powers to counties, have slowed down the implementation of legal and policy level provisions, as each county needs to develop and pass its own framework. The progress is uneven and the coordination and support from the national level is insufficient. There is a need for a holistic approach to achieve equity and non-discrimination for all individuals with disabilities in Kenya.

INCLUSIVE SERVICE DELIVERY

Disability assessment and referral services

The disability assessment process in Kenya is the responsibility of the National Council for Persons with Disabilities (NCPWD) and the Ministry of Health (MOH) in designated hospitals (Level 4 and 5). Utilizing outdated World Health Organization (WHO) guidelines, the medical disability assessment aims to categorize disabilities based on type, severity, and impact on daily functioning. Following assessment, the NCPWD issues a disability registration card, acting as official recognition for access to disability-related services and benefits.

The present system has several challenges, which leads to very low levels of registration, such as:

- Non-digitization and extensive paperwork in processes from hospital to NCPWD.
- Lack of responsibility for systematic identification of persons with disabilities.
- Arduous, bureaucratic processes with forms disappearing, and non-responsive officers during assessments.
- Financial burdens due to levies for assessments, long waiting lists, and high costs for specific disability assessments.
- Low awareness among the Persons with Disabilities and their caregivers on the need to be registered including accessibility of the registration process.

To address some of these challenges, there are some recent developments. In 2021, the President directed free registration of persons with disabilities, particularly in gazetted hospitals. In 2022, the Ministry launched Disability Assessment and Categorization Guidelines, updating the WHO framework. The new guidelines aim to standardize assessments, devolving roles to County Directors of Health, with a focus on seven domains. Concerns include potential failure of implementation without national-level requirements, political will, and budget allocations.

In summary, the disability determination and certification process in Kenya faces various challenges, including financial barriers, poor accessibility, and inefficiencies in the current system. Recent initiatives, such as the new guidelines, aim to address these issues but face potential implementation challenges at the county level. Awareness among persons with disabilities and their families about the new system, the planned services and the monitoring and complaints mechanisms will be critical.

Disability support services

Kenya's primary social protection mechanism for persons with disabilities is the Cash Transfer Program, targeting poor households with members with severe disabilities. Additionally, tax exemptions on income and other disability-related products alleviate financial burdens. Specific programs cater to persons with albinism and developmental disabilities. However, challenges persist in accessing these services due to low awareness and complicated application processes.

The Ministry of Health offers disability prevention and rehabilitation services, although predominantly at higher-level hospitals, posing accessibility challenges. Tax exemptions for medical expenses exist but require operationalization. Skin cancer screening and sunscreen provision are available for persons with albinism, but there's room for improvement in service delivery and availability.

Kenya aspires for inclusive education but predominantly relies on special schools. Financial support is provided to special schools and units, and the integration of children with disabilities into mainstream education remains gradual. The role of Education Assessment Resource Centres (EARCs) is crucial in identifying and placing children with disabilities, but shortages of trained personnel and equipment hinder their effectiveness.

Legislation mandates affirmative action for the employment of persons with disabilities in both public and private sectors. Various programs by the National Council for Persons with Disabilities (NCPWD) aim to facilitate livelihood and employment access, including grants for income-generating projects and support for entrepreneurship. Despite these efforts, employment rates for persons with disabilities remain disappointingly low.

Targeted legal aid programs, including those by the National Council for Person with Disabilities, strive to enhance access to justice for persons with disabilities. However, mainstream legal aid programs mostly do not include persons with disabilities, which underscores the need for more comprehensive legal support systems.

Inclusion in mainstream services

Regarding healthcare, Kenya aims for universal health coverage (UHC) to ensure quality, affordable, and accessible services for all. However, access to healthcare remains low, particularly for persons with disabilities, who face additional barriers such as lack of accessible facilities and communication support. Maternal and reproductive health services are also lacking in targeting adolescent girls, boys, women and men with disabilities, leading to poor knowledge and limited access to essential information.

In education, there's a shift towards inclusive education policies to integrate learners with disabilities into regular schools. Despite this, many children with disabilities are still out of school or enrolled in special schools due to various barriers. Efforts are being made to increase access and support, including teacher training and curriculum adaptations, but challenges persist, such as data gaps, adequate teacher training, accessibility of school buildings/transport as well as limited engagement of disability organizations.

The justice system also presents challenges, with existing laws failing to recognize the legal capacity of persons with disabilities and lacking appropriate accommodations. Derogatory language in legal instruments further exacerbates the situation. While there have been some positive developments, such as the declaration of unconstitutional provisions, there's a need for more comprehensive legal aid provisions for persons with disabilities.

Despite having social protection policies and legal frameworks in place, the practical implementation is hindered by resource limitations at both national and sub-national levels. However, there are ongoing efforts to address these issues, such as the development of the Enhanced Single Registry (ESR) to collect disability-disaggregated data for better inclusivity of social protection programs.

Key findings

In summary, while Kenya has established programs and legislation to address the needs of persons with disabilities, there are persistent challenges in implementation, awareness, and accessibility across these sectors. Significant challenges remain in translating policies into tangible, accessible services. Addressing these challenges requires sustained commitment, resources, and collaboration among stakeholders.

ACCESSIBILITY

The Constitution of Kenya and the CRPD (Convention on the Rights of Persons with Disabilities) affirm the right of individuals with disabilities to access information at par with others, facilitating their independent living and full participation in society. Efforts are being made to promote easy-to-read materials through legislation like the Access to Information Act and the forthcoming Persons with Disabilities Bill.

However, implementation challenges persist, with only a few government bodies adhering to these provisions. Many government websites and digital services do not meet accessibility standards, hindering access for individuals with disabilities. The government is working to ensure compliance with Web Content Accessibility Guidelines (WCAG) standards, but efforts have been limited, with most agencies only making their landing pages accessible.

Kenya is in the process of enacting a Kenyan Sign Language Bill to promote the use of sign language. Despite progress, access to Kenyan Sign Language interpretation remains limited, primarily confined to televised news programs and official events. Efforts are being made to train teachers and frontline government workers in sign language to improve communication with individuals who are Deaf or hard of hearing. However, challenges persist, such as the assignment of teachers without sign language skills to educate students who are Deaf.

The Persons with Disabilities Act mandates barrier-free environments and accessible transportation. However, enforcement of accessibility standards has been lacking, with the NCPWD not issuing any adjustment orders due to lack of regulations. Efforts are underway to update building codes and standards to ensure comprehensive accessibility requirements.

The Ministry of Education has developed standards to improve the safety and suitability of school environments for learners with disabilities. However, there is a need for greater enforcement of accessibility regulations in mainstream schools.

Key findings

Overall, while progress has been made in promoting accessibility across various sectors in Kenya, significant challenges remain, including inadequate implementation of legislation, limited access to sign language interpretation, and insufficient enforcement of accessibility standards in infrastructure and digital technologies.

CRPD-COMPLIANT BUDGETING AND FINANCIAL MANAGEMENT

National budget projections indicate declining funding for the State Department for social protection, potentially impacting vulnerable groups, including persons with disabilities. Despite some recent increases in budgets, overall, funding for the NCPWD has been static over the last five years. Government spending on special education is inadequate, with much of the financing for inclusive education coming from civil society. The Kenya Institute for the Blind and the Kenya Institute for Special Education play critical roles in producing instructional materials and training teachers in special needs education.

Although most counties have provisions for disability inclusion in their Integrated Development Plans (IDPs), budget allocations for disability issues remain meagre and are often not explicitly mentioned.

Challenges in accessing disability-related budget information exist, with inconsistencies between financial and non-financial performance information.

Key findings

Despite challenges such as underfunding, inadequate registration of persons with disabilities, and inconsistencies in budgeting and performance reporting, efforts are being made to involve persons with disabilities in planning and execution processes at various levels, with civil society organizations playing a significant role in advocating for disability rights and inclusion.

ACCOUNTABILITY AND GOVERNANCE

Inclusive evidence and data gathering systems

Efforts have been made to collect data on persons with disabilities, including through the use of the Washington Group Set of Questions in the census and support needs assessments. However, challenges such as low quality of census implementation and training, resource constraints, and inadequate data collection methods persist, leading to underestimations of the number of persons with disabilities.

National accountability mechanisms

The Kenya National Commission on Human Rights (KNCHR) plays a crucial role in promoting and protecting human rights, including those of persons with disabilities, although limited resources and high staff turnover hinders full implementation of its mandate. Despite facing challenges, organizations of persons with disabilities (OPDs) have participated in legislative and UN reporting processes, facilitated by institutions like KNCHR, although government interference in reporting processes has been cited as an issue.

Key findings

Overall, while there have been significant strides in recognizing and promoting the rights and inclusion of persons with disabilities in Kenya, challenges remain in governance, accountability, data collection, and addressing intersecting factors. Efforts to strengthen accountability mechanisms, enhance participation, and address cross-cutting issues are crucial for advancing disability rights and inclusion in the country.

4.3 CROSS-CUTTING APPROACHES: GENDER, PARTICIPATION, INEQUALITIES

The UNPRPD has adopted three cross-cutting approaches to be intrinsically applied across all of UNPRPD MPTF's work, including its structures, programmes, and processes to ensure full and meaningful participation of all persons with disabilities.



Participation:

Enabling full and effective participation of persons with disabilities



Inequalities:

Ensuring the inclusion of marginalized and underrepresented groups of persons with disabilities



Gender:

Addressing gender inequality and advancing the rights of women and girls with disabilities

PARTICIPATION

While there has been some progress, significant obstacles remain in ensuring the meaningful inclusion of persons with disabilities (PWDs) and organizations representing them (OPDs) in development and humanitarian planning processes. Prevailing discriminatory attitudes, combined with limited OPD capacity and resources hinder their effective engagement with the government in policy development and programming.

OTHER INEQUALITIES

Persons with disabilities face marginalization, with specific groups such as persons with deaf blindness, indigenous persons with disabilities, and LGBTQI+ individuals experiencing further discrimination. Their needs are often overlooked, leading to exclusion from essential services and support systems. Limited representation and funding further weaken their advocacy efforts further leaving them behind.

Indigenous communities in Kenya face challenges such as land insecurity, poor service provision, and discrimination. These challenges are compounded for indigenous persons with disabilities, highlighting the need for increased accessibility, information, and property rights within these communities.

Efforts to safeguard the rights of children with disabilities in Kenya include legislation and policies promoting non-discrimination and inclusive education. However, challenges such as delayed birth registration and limited access to schooling persist, indicating the need for continued advocacy and support for children with disabilities.

Kenya's inclusion of intersex individuals in the 2019 census marked a significant step towards recognition and support for this marginalized group. Legal provisions and efforts to provide appropriate medical treatment, education, and social protection services demonstrate progress in addressing intersex rights.

GENDER

Women and girls with disabilities experience multiple forms of discrimination, including inequitable access to sexual and reproductive health services, gender-based violence, and limited political participation. Gender-responsive policies and inclusive education initiatives aim to address these disparities but require further implementation and support.

4.4 DISABILITY INCLUSION IN BROADER DEVELOPMENT, HUMANITARIAN AND EMERGENCY CONTEXTS

National Development Plans

Kenya has made efforts to integrate disability inclusion into its national development plans and Sustainable Development Goals (SDG) processes. However, progress has been slow and uneven, with the COVID-19 pandemic further hindering advancements. The country's commitment to the SDGs is evident through initiatives like the United Nations Sustainable Development Cooperation Framework (UNSDCF) and the Medium-Term Plan III, but challenges remain in achieving the goals by 2030.

Climate change, disaster risk reduction and humanitarian action

Kenya has established policies for disaster management and risk reduction, but there is a lack of explicit representation of persons with disabilities in disaster management committees. Efforts to incorporate disability-inclusive approaches in emergency plans are underway, but there is room for improvement to ensure accessibility and effectiveness in responding to emergencies.

Despite having frameworks for climate change mitigation and adaptation, Kenya's legal framework lacks specific provisions addressing persons with disabilities. Moreover, persons with disabilities are often excluded from strategic climate change discussions, despite being vulnerable to climate-related hazards. Efforts to engage persons with disabilities in climate change conversations are essential to address their unique needs and vulnerabilities.

COVID-19 recovery

The COVID-19 pandemic disproportionately affected persons with disabilities in Kenya, leading to challenges in accessing healthcare, essential services, and economic opportunities. The initial response to the pandemic lacked inclusion of persons with disabilities, highlighting the need for better representation and consideration of their specific needs in emergency response efforts. Efforts to address these challenges include the development of guidelines and resources for disability-inclusive humanitarian response, but more work is needed to ensure the full participation and protection of persons with disabilities during emergencies.

5 CONCLUSIONS

The delay in aligning national and county legislation with the CRPD poses a significant challenge. Without appropriate legal frameworks, it's difficult to ensure the protection of disability rights and address discrimination effectively. Additionally, the absence of anti-discrimination laws exacerbates this issue, leaving persons with disabilities vulnerable to discrimination in various aspects of life.

Despite of already existing policies and commitments, there's often a lack of prioritization by political leaders and policymakers. Without strong political will and adequate resource allocation, disability issues remain marginalized in the policy agenda. Key obstacles include:

- The lack of accurate and representative disability disaggregated data inhibits evidence-based policymaking and planning. Without reliable data, it's difficult to identify disparities, assess progress, and allocate resources effectively to address the needs of persons with disabilities.
- Poor coordination between government entities and civil society organizations on disability matters leads to fragmented efforts and duplication of resources. Without effective collaboration, it's challenging to address the diverse needs of persons with disabilities comprehensively.
- High costs associated with disability assessment and related health services create financial barriers for persons with disabilities, particularly those in rural areas, arid and semi-arid land (ASAL) and informal settlements. Access to affordable healthcare is essential for maintaining health and well-being.
- Despite efforts to promote inclusive education, challenges such as inadequate resources for reasonable accommodation hinder progress. Ensuring equal access to quality education for learners with disabilities requires comprehensive support and resource allocation.
- Limited access to employment opportunities and poor compliance with employment reservation policies hinder the economic empowerment of persons with disabilities. Promoting disability-inclusive workplaces and providing support for skills development are essential for enhancing employment prospects.
- The existing shock responsive social protection system fail to consider and is ill prepared to support persons with disabilities while responding to emergency situations.

Meaningful engagement of persons with disabilities and their representative organizations is crucial for designing and implementing effective policies and programs. However, inadequate capacity and tools for engagement hinder their participation in decision-making processes, limiting the effectiveness of disability-inclusive initiatives.

The limited involvement of organizations of persons with disabilities in emergency response planning and inadequate government policies for disability-inclusive emergencies pose significant challenges. Persons with disabilities are disproportionately affected during emergencies, highlighting the urgent need for inclusive disaster management strategies.

At the same time there are opportunities that could be leveraged:

- Initiatives promoting inclusive education present an opportunity to create a more equitable educational environment for learners with disabilities. By expanding inclusive education programs and ensuring adequate resources, Kenya can improve educational access and outcomes for persons with disabilities.
- Kenya's rapidly growing digital landscape provides opportunities for improving digital accessibility and literacy among persons with disabilities. By investing in digital inclusion initiatives and ensuring accessible technology, Kenya can empower persons with disabilities to participate fully in the digital economy.
- By supporting collaboration between researchers and organizations of persons with disabilities, Kenya can generate valuable data and insights for shaping policies and practices.
- The growing awareness of the rights of persons with disabilities create momentum for policy change and increased support for disability rights. By continuing to foster a culture of inclusion and promoting diverse narratives, Kenya can create a more inclusive society that respects and values the rights of persons with disabilities.

The following structural changes are deemed as the most urgent and prioritised to address:

- Strengthening of disability coordination mechanisms nationally and locally.
- Reforming the National and County legislations in alignment with the CRPD.
- Developing more systematic, reliable data collection on disability.
- Development of a universal social protection coverage of persons with disabilities.
- Enhanced employment and business opportunities for persons with disabilities.
- Speeding up the implementation of the 2018 inclusive education policy.
- Including persons with disabilities in humanitarian and climate adaptation plans.
- Enhanced accessibility for persons with disabilities in public spaces, transport and in access to information.

To underpin these changes, there is a need to:

- Strengthen political commitment on implementation and enforcement of legislations, policies and programmes for persons with disabilities.
- Build capacity of key stakeholders within the disability sector to speed up implementation of the CRPD, existing disability laws and policies and to enhance disability inclusion in mainstream public and private programmes,
- Support awareness creation to demystify disability to reduce stigma and discrimination.

More detailed recommendations are found in the full Situational Analysis.



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