

PARLIAMENT OF KENYA



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Committee on Labour & Social
Welfare on 8/11/18 (pm)*

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DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE

REPORT ON THE GLOBAL DISABILITY SUMMIT, LONDON, UNITED KINGDOM

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ABBREVIATIONS

CPWD: Commonwealth Parliamentarians with Disabilities Network

CRPD: Convention on the Rights of Persons with Disabilities

DFID: Department for International Development

DPOs: Organisations of Persons with Disabilities

GDI Hub: Global Disability Innovation Hub

IDA: International Disability Alliance

SDGs: Sustainable Development Goals

UNICEF: United Nations Children’s Fund

USAID: United States Agency for International Development

WHO: World Health Organization

PREFACE

The inaugural Global Disability Summit was held in London on 24 July 2018. The summit was a collaborative effort by the UK Department for International Development (DFID), the International Disability Alliance (IDA) and the Government of Kenya. In line with the principle of ‘nothing about us, without us’, the International Disability Alliance (IDA) was a key partner in the organization of the Summit, to ensure that people with disabilities were central to the planning and delivery of the summit. The International Disability Alliance is an organization that works across the United Nations to ensure the UN’s human rights and sustainable development processes uphold the highest standards of the Convention on the Rights of Persons with Disabilities (CRPD).

Hon. Speaker,

The National Assembly Departmental Committee on Labour and Social Welfare participated in the Summit alongside the Senate Departmental Committee on Labour and Social Welfare; and a Member of the National Assembly representing the Commonwealth Parliamentary Association (CPA). The participation of the CPA delegation was aimed at increasing commitment to increase both the awareness and representation of persons with disabilities in political institutions across the Commonwealth, through the **Commonwealth Parliamentarians with Disabilities (CPwD) Network** which is in the process of being established in the course of the year.

The delegation of the National Assembly Departmental Committee on Labour and Social Welfare forming part of the Kenyan Delegation comprised of:-

1. The Hon. James Onyango Oyoo, MP
2. The Hon. Janet Teiyaa, MP
3. The Hon. Rose Mumo Museo, MP
4. Ms. Lynette Otieno, Legal Counsel
5. Mr. Adan Sora Gindicha- Clerk Assistant I/Delegation Secretary

The delegation of the Commonwealth Parliamentary Association comprised of:-

1. The Hon. Denittah Ghati, MP
2. Ms. Anne Shibuko- Clerk Assistant III

Hon. Speaker,

A Civil Society Forum was held a day before the Summit on 23rd July, 2018, to leverage the platform provided to amplify the voice and participation of persons with disabilities, through their individual participation and that of representative organizations (DPOs). The forum exhibited lively plenary sessions with discussions revolving around Implementation of the CRPD: *What Civil Society Sees is Needed to Achieve Full and Effective Implementation*; The Key Role of Capacity Building at national and Grassroots Levels to advance the realization of the Rights of Persons with Disabilities and a spotlight session on Data Workshop. The Business Disability Forum and PwC Tools led discussions on approaches for corporates to measure/improve performance on disability inclusion. Personal stories from representatives of Disabled People's Organizations were shared including by Mr. Anderson Gitonga the Executive Director of the United Disabled Persons of Kenya.

Hon. Speaker,

The Summit was centered around the four themes of dignity and respect for all, inclusive education, economic empowerment and technology and innovation.

On the sidelines of the Summit was an array of **spotlight sessions** exploring issues around the rights of persons with disabilities. These sessions tackled key topics such as: Understanding Gender, Disability, Voice and Violence; Beyond Immediate Needs: *Lessons From Syria and The Region*; Unlimited Potential: *The Power of Inclusive Leadership*; Ending Invisibility: *Disability Data and Inclusive Development*; From Promise to Practice: *Increasing the Voice of People with Disabilities in Humanitarian Response*; From Isolation to Inclusion: *Disability Inclusion and Infrastructure*; and My Health, My Rights: *Promoting the Sexual and Reproductive and Health Rights of People with Disabilities*.

The **marketplace tours** enabled organizations showcase good practice, innovation and evidence from across the world. People living with various disabilities including visual and hearing impairments, paraplegics, albinism and dwarfism were at hand to exhibit their wares as well as the efforts made in inclusion of people living with disability in day to day life.

Hon. Speaker,

Kenya was well represented by the Ministry of Labour and Social Protection which committed to providing the necessary policy framework to regularize standards on innovation for development and importation of assistive technology; Safaricom Ltd which committed to increase the number of staff living with disabilities to five per cent by March 2021, up from the current 1.7 per cent, as part of its strategic business objectives; and e-Kitabu which aims to deliver accessible digital content for quality education.

Hon. Speaker,

At the conclusion of the event, all participants were invited to sign the Charter for Change, the principal legacy document of the Global Disability Summit. The Charter for Change aims at ensuring global consensus to address a long-neglected issue pertaining rights of persons with disabilities such as inclusion to education, employment, independent living, voting, access to justice, among others.

Hon. Speaker,

The Summit provided a platform to showcase good practice, new policy and assistive technology for persons with disabilities, as well as to generate sustainable commitments from country governments, donors, civil society, foundations and the private sector. It is therefore our belief that the recommendations made in this report as well as the commitments will be prioritized by both the Legislature and the Executive by using them to make actual interventions that can change lives of persons with disabilities in form of legislation and policies respectively.

Hon. Speaker,

The delegation is grateful to the Speaker for allowing them to attend the Session, for facilitating travel and accommodation and providing logistical and technical support in liaison with the offices of the Clerks from the two Houses.

It is now my pleasant duty, on behalf of the delegation to present and commend this report to the House.



Hon. Ali Wario, M.P

Chairperson, Labour and Social Welfare Committee

1. BACKGROUND

There are an estimated one billion people with disabilities across the world translating to fifteen per cent of the global population. About eighty per cent of these live in developing countries of which Kenya is one. Kenya in the recent years has adopted a progressive legislative and policy framework to address the rights of persons with disabilities. Between 2003 and 2006, Kenya participated in the negotiation of the United Nations Convention on the Rights of Persons with Disabilities which was ratified in 2008.

In 2015, Kenya was a co-chair of the United Nations Sustainable Development Goals negotiations, and the inclusion of disability as a key issue in the 2030 Agenda for Sustainable Development. Further, it is important to note that the Persons with Disabilities Act of 2003 is currently undergoing the process of amendment to align it with the CRPD and the Kenya Constitution of 2010 while also addressing concerns on discriminative language in some legal instruments. The implementation of the Sustainable Development Goals (SDGs) with its clarion call to “Leave no one behind” in Kenya needs to be seen within the context of our National Vision 2030 development blueprint. As a country Kenya has worked hard to ensure that National Development Plans are aligned with the SDGs (Vision 2030), and all sectors embrace the principle of leaving no one behind, and to uphold the rights of persons with disabilities in compliance with the CRPD.

It is against the background of the above commitment towards meeting international obligation with regards to person with disabilities that Kenya was identified as a co-host of Global Disability Summit alongside the United Kingdom and the International Disability Alliance.

The objectives of the Summit were to:-

- (a) raise global awareness and focus on rights of persons with disabilities;
- (b) incorporate new voices, partnerships and approaches to broaden engagement;
- (c) mobilize new global and national commitments on disability;
- (d) improve data and evidence to raise awareness of the scale of the problem and learning on how to address barriers and;

- (e) support the leadership and representation of people with disabilities to increase their voice, choice and participation in local and global governance.

2. THE CIVIL SOCIETY FORUM

A Civil Society Forum was held alongside the Summit on 23rd July, 2018, to leverage the platform provided to strengthen the voice and participation of persons with disabilities, through their individual participation and that of representative organizations (DPOs). The Civil Society Forum launched a debate on the chronically underfunded local and regional organizations of persons with disabilities (DPOs), the need to include these DPOs in policy discussions; and the special challenge of reaching people with disabilities in situations of risk and humanitarian response. The joint civil society statement which was read out by the chairperson of IDA at the opening session of the Summit on 24 July highlighted the crucial role the civil society played at the Global Disability Summit.

The Forum was a platform for Civil Society to highlight current issues relevant to the global disability movement and realization of the CRPD that would not specifically be addressed at the Summit. The Forum also set the stage for the more specific dialogues at the Summit on the specific thematic areas. The key objectives of the Civil Society Forum were: -

- (a) To heighten attention to the importance of actively involving persons with disabilities, and their families through their representative organizations, in the development and implementation of legislation, policies and programmes to implement the CRPD, as well as in all decision-making processes that affect their lives and full participation and inclusion in society.
- (b) To provide a platform for Civil Society to influence the outcomes of the Summit through a unified statement that would be read during the opening of the Summit on behalf of persons with disabilities and their representative organizations.
- (c) To provide an opportunity for people with disabilities, their representative organisations and other actors working in support of disability inclusion, to engage with each other and with other stakeholders who will attend the Summit, to develop new relationships, partnerships and Summit commitments.

(d) In line with the spirit of Article 4 (3) of the CRPD, the organization of the Forum would seek to ensure the voices of persons with disabilities are raised and the panel composition duly include mainly representatives of organizations of persons with disabilities of all constituencies on the basis of parity, including those more marginalized such as, but not limited to, women with disabilities, persons with psychosocial disabilities, persons with intellectual disabilities, deaf-blind persons, etc.

Various organizations including Government Delegations, Private Sector organizations and Civil Society Organizations that participated in the forum include:-

1. World Federation of the Deaf
2. International Disability Alliance
3. Government of Kenya
4. Government of the United Kingdom
5. Commonwealth Parliamentary Association
6. Kenya Disability Caucus
7. Global Disability Summit Youth Group
8. Safaricom
9. E- Kitabu
10. Legal Action for Persons with Disabilities Uganda
11. Government of Malawi
12. World Federation of the Deafblind
13. CRPD Committee, Ghana
14. Alliance for Inclusive Education, UK
15. Government of Uganda
16. National Union of Disabled Persons of Uganda
17. International Disability & Development Consortium
18. Pacific Disability Forum
19. Federation of Disability Organisations Malawi
20. UN Women
21. European Disability Forum
22. Government of Australia

23. National Indigenous Disabled Women Association Nepal
24. Microsoft
25. Access Bangladesh Foundation
26. CRPD Committee Nigeria
27. Disability Rights UK
28. World Bank
29. Shaw Trust
30. Alive Albinism Initiative (Malawi)
31. State for International Development

3. THE GLOBAL DISABILITY SUMMIT

3.1 Implementation of Rights of Persons with Disabilities in Kenya

The Cabinet Secretary for Labour for the Ministry of Labour and Social Protection in his presentation informed the plenary the developments Kenya had made as regards the rights of persons with disabilities. Kenya as a Country has in the recent years adopted a progressive legislative and policy framework to address the rights of persons with disabilities. Persons with disabilities in Kenya played a central role towards the negotiation of the Convention on the Rights of Persons with Disabilities (CRPD) from 2003 to 2006, culminating to its ratification in 2008. The Cabinet Secretary reiterated that the Kenyan Government would continue to engage with the leadership of civil society groups in the disability sector to increase understanding of the need for inclusion and dissemination of information. Additionally, the Government had concluded the drafting of terms of reference to guide the establishment of a National Interagency Committee where DPOs and civil society would work with the Government to ensure categories of disabilities are clearly understood, their needs and concerns addressed and are included in development plans.

The Government of Kenya (GoK) has initiated plans to ratify the African Protocol on the rights of persons with disabilities, which is intended to complement the African Charter on Human and

Peoples' Rights and address continued exclusion, harmful practices, and discrimination affecting Persons with disabilities, especially women, children, and the elderly. This protocol, adopted during the 19th Extraordinary Session of the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa is the culmination of the African Union's focus on the rights of persons with disabilities, and concerns that are particular in the African continent which increase risks to the very existence of people with disabilities in communities. The ratification of the Protocol would enhance efforts in addressing increased rates of poverty; systemic discrimination; and risk of violence and abuse.

Civil Society Organizations of persons with disabilities were involved and played a pivotal role in drafting the Constitution of Kenya, 2010. The Constitution provides for the rights of persons with disabilities, giving them access to education, employment, representation and leadership. In addition to supporting government's efforts, civil society has always been pivotal in pushing for the inclusion of people with disabilities including monitoring Government commitments and programmes targeting Persons with Disabilities.

3.2 DFID Commitments at the Global Disability Summit

The Right Honorable Penny Mordaunt, MP, Secretary for International Development; UK gave a keynote address at the Summit where she restated the United Kingdom's commitment towards supporting the disability movement. The Secretary stated that the Department for International Development (DFID) leads the UK's work to end extreme poverty. The Department and other participants were gathered at the Summit to get to the root causes of stigma, discrimination and abuse; to work towards inclusive education and employment for all and to harness the power of technology, innovation and assistive devices for people with disabilities across the world. The UK recognized that they had a role to play in the process, and in-view of that they would launch a range of dedicated policy and programming to champion the rights of the most marginalised and vulnerable people with disabilities. The Department would launch 'AT Scale', a partnership for assistive technology (with partners such as USAID, WHO, UNICEF and GDI Hub) to transform access and affordability for life-changing Assistive Technology (AT) such as wheelchairs, prosthetics, hearing aids and glasses. Indeed, access to AT is a critical enabler for

inclusive education, economic empowerment and participation in communities. But at present only ten percent of the one billion people in the world who are in need assistive products and services have access to them.

The Department was also in the process of launching a DFID Scale Up on Inclusive Education with a new education policy with a clear promise for the most disadvantaged children. Through strengthening education programming; the Department committed to support countries including Ethiopia, Rwanda, Pakistan, Tanzania, Zimbabwe and Jordan.

In summary the DFID used the summit to make a series of announcements, including:-

- (a) a UK-Kenya Strategic Partnership to economically empower people with disabilities in Kenya
- (b) the "AT Scale" partnership on access to assistive devices
- (c) the UK Aid Connect programme to support people with disabilities access jobs
- (d) a new Global Data Portal on disability; and
- (e) a commitment to end the institutionalization of children with disabilities.

The commitments made at the summit are within current global narratives around disability and development and include:-

1. Inclusion of people with disabilities, and their representative organizations in development processes that impact them;
2. Recognition of diversity and intersectionality of people with disabilities: the impact of discrimination on the grounds of other characteristics, such as gender, age, race, belief and sexuality, may further marginalize people with disabilities. Policies and development initiatives need to challenge these multiple discriminations;
3. Implementation of international agreements and standards: the CRPD is the cornerstone of global standards on the inclusion of people with disabilities and sets out principles including non-discrimination, equality of opportunity and accessibility. The Sustainable Development Goals also set out specific targets across a number of goals, to ensure the inclusion of all people with disabilities; and

4. Commitment of money and resources to inclusion. Global financing processes need to leverage disability inclusive development; national budgets need to factor in universal design; and donors and the private sector need to understand the value for money of inclusion.

3.3 The African Union Round Table Session of the Global Disability Summit

The African Union (AU) Assembly of African Union Heads of States and Governments held from 28-29 January 2018 adopted the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa. The Protocol critically addresses the realities of people with disabilities in an African context and provides a roadmap for change. It sets out the systemic barriers at all levels that need to be overturned. Moreover, the Protocol highlights States' responsibilities to ensure protection and promotion of the rights of persons with disabilities.

National governments and other organisations made one hundred and seventy (170) sets of commitments around the four central themes of the Summit (ensuring dignity and respect for all, inclusive education, routes to economic empowerment and harnessing technology and innovation) as well as the two cross cutting themes (women and girls with disabilities and conflict and humanitarian contexts), and data disaggregation.

Nine national governments including African countries at the Summit announced their commitment to pass or formulate new or revised laws for disability rights (Lesotho, Nigeria, Malawi, Nepal, Uganda, Rwanda, Mozambique, Palestine, Namibia).

3.4 Kenya Situation in view of the Convention on the Rights of Persons with disabilities

The Constitution of Kenya 2010 provides in Article 54 for the right of people with disabilities to be treated with dignity and respect; access to educational institutions and facilities integrated into society; accessing places, public transport and information; using sign language, Braille or other

appropriate forms of communication; and accessing materials and devices to overcome disability-related constraints.

The Cabinet Secretary for the Ministry of Labour and Social Protection, Hon (Amb) Ukur Yatani restated Kenya's commitment to enforcement of existing laws and policies promoting the rights of Persons with Disabilities and partnership with Disability People Organizations. The urgent concerns as regards this, includes actualizing the constitutional provision of the five per cent progressive realization of representation of Persons with Disability in all appointive and elective positions; and the enforcement of legal provisions on accessibility within the health sector to ensure that reproductive health-care facilities and equipment are accessible for women with disabilities.

The Cabinet Secretary informed the Summit that on May 25th 2018, the President of Kenya launched the *Education Sector Policy for Learners and Trainees with Disabilities* which requires the Government to set ambitious commitments to ensure that education and training for learners with disabilities is given urgent attention. Requisite policies and necessary infrastructure aimed at transforming the lives of people with disabilities had been put in place and had therefore elicited a number of actions. One of them was establishment of ten model Education Assessment and Resource Centers to increase access of learners with disabilities to school and ensuring the schools have the required infrastructure improvement to enable their learning.

Whereas mainstreaming disability inclusion in all sectors of development is the ultimate goal of the Government Kenya, the Executive had adopted direct approaches in improving the lives of persons with disabilities. This included a Nationwide Cash Transfer program for persons with severe disabilities which responds to the need for constant care for severe disability of a person in the household. Another direct approach is the policy provision that ensures thirty percent of all Government procurement is allocated to Women, youth and persons with disabilities.

Kenya was similarly committed to raising public awareness on disability rights and supporting the involvement of Organizations of Persons with disabilities in the process through revival of Community Based Initiative Development programs as a way of raising awareness with special

focus on socio-economic inclusion of all people in communities; building capacity of emergency responders, and service delivery professionals on rights based approaches to delivery of their services.

Kenya was also working towards improving the collection of accurate data disaggregated by gender, age, disability and geographic location for use in planning. As part of this commitment the Government would make use of the Washington Group Short set of Questions during the 2019 Housing and Population Censuses and Surveys to bring out critical evidence of the status of people with disability to enable inclusive national planning. The country is also keen to sign up to the Inclusive Data Charter and develop inclusive action plans.

4. THE CHARTER FOR CHANGE

At the conclusion of the event, all participants were invited to sign the Charter for Change, the principal legacy document of the Global Disability Summit. The charter for change provides the following ten commitments:-

1. Catalyse political will and leadership to turn our promises into change; in long-term plans that we invest in, implement and review.
2. Promote the leadership and diverse representation of all persons with disabilities to be front and centre of change; as leaders, partners and advocates. This includes the active involvement and close consultation of persons with disabilities of all ages.
3. Eliminate stigma and discrimination through legislation and policies that make a difference, promoting meaningful leadership, and consistently challenging harmful attitude and practices.
4. All people deserve dignity and respect. Progress and support actions that advance inclusive quality education for people with disabilities, with the necessary resources to put plans into practice: every child has the right to learn from birth.
5. Open up routes to economic empowerment and financial inclusion so that persons with disabilities can enjoy decent work and achieve financial independence. This will mean creating more and better jobs, providing social protection, ensuring the necessary skills training, making workplaces accessible and hiring people with disabilities.
6. Revolutionise the availability and affordability of appropriate assistive technology, including digital, which will enable persons with disabilities to fully participate and contribute to society.
7. Change practices to make all humanitarian action fully inclusive and accessible to persons with disabilities. We will mainstream inclusion across all Disaster Risk Reduction and humanitarian sectors, and implement our commitments in the Charter Inclusion of Persons with Disabilities in Humanitarian Action.
8. Leave no one behind and put the furthest behind first. We will champion the rights of the most under represented and marginalised persons with disabilities, of all ages affected by any form of multiple discrimination, and notably women and girls with disabilities.

9. Gather and use better data and evidence to understand and address the scale and nature of challenges faced by persons with disabilities, using tested tools including the Washington Group Disability Question Sets.
10. Hold ourselves and others to account for the promises we have made here today. We agree that our individual commitments will be reviewed assessed and published on a regular basis, with the results published online.

5. RECOMMENDATIONS

There is need to for Kenya to undertake the following measures as soon as possible:-

1. The relevant Committee of the National Assembly should carry out an assessment of the status of implementation of the Constitutional provision of the five per cent progressive realization of representation of Persons with Disability in all appointive and elective positions;
2. The Ministry of Health should oversee the enforcement of legal provisions on accessibility within the health sector to ensure that reproductive health-care facilities and equipment are accessible for women with disabilities;
3. The Ministry of Education, Science and Technology should fast track the implementation of the Education Sector Policy for Learners and Trainees with Disabilities. Including allocation of funds particularly for equipment, infrastructure and teacher training in inclusive education;
4. The Ministry of Education, Science and Technology should fast track the implementation of national policy guides on technology and innovation for assistive devices as well as funding research on assistive technology involves participation of DPOs and stakeholders in all stages; and
5. The relevant Committee of the National Assembly should carry out an assessment of the status of Implementation of international agreements and standards on the Rights of Person with Disabilities; including monitoring and evaluation on status of implementation of the CRPD.