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DISABILITY LANDSCAPE IN KENYA



A Comprehensive Landscape Analysis of Disability at the
County and National Levels in Kenya for Informed Policy
and Full Societal Inclusion

January 2024



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.

Mission

To promote and protect equalization of opportunities and realization of human rights for PWDs to live decent livelihoods.

Vision

A barrier free society for Persons with Disabilities.

Core Values

Inclusivity, Human dignity, Equality and equity, Integrity, and Results oriented

DISABILITY LANDSCAPE ANALYSIS

A Comprehensive Landscape Analysis of Disability at the County and National Levels in Kenya for Informed Policy and Full Societal Inclusion

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FOREWORD

Persons with disabilities constitute a significant segment of our population. Globally, it is estimated that the population of persons with disabilities account for 16% of the world population. In Kenya, according to the 2019 Kenya Population and Housing Census the population of persons with disabilities above the age of 5 years stands at nine hundred and eighteen thousand, two hundred and seventy persons (918, 270). This constitutes about 2% of our total population.

Despite their significant percentage, persons with disabilities in Kenya continue to face numerous barriers that prevent them from enjoying their full civil, political, economic, social, cultural and development rights. This is largely due to a lack of understanding and prejudice in our society. It is also because some legislations fail to protect their rights, and to meet the standards and principles of international human rights instruments.



Disability issues are multi-faceted, cross-cutting, and closely connected and require inclusivity in the delivery of goods and services. Building an inclusive society continues to be the key priority of the Government of Kenya. As a country, Kenya has made significant and visible progress since the enactment of the Persons with Disabilities Act No 14 of 2003.

Our constitution under the Bill of Rights recognizes in Article 54 that persons with disabilities are entitled to be treated with dignity and respect and not to be referred to in a demeaning manner, to access educational institutions and facilities for persons with disabilities, to reasonable access to all places, public transport and information, to use sign language, Braille or other appropriate means of communication and to access materials and devices to overcome constraints arising from the person's disability.

In 2008, Kenya ratified the Convention on the Rights of Persons with Disabilities (CRPD), which sets new benchmarks regarding the rights of Persons with Disabilities. The realization of disability rights as envisaged in these laws, calls for a collective effort by all of us. As a country, we need to work together, and we must also build effective and meaningful partnerships with all stakeholders if we want to achieve tangible results in disability inclusion.

It is in this respect that the *Comprehensive Landscape Analysis of Disability at the County and National Levels in Kenya for Informed Policy and Full Societal Inclusion* provides the roadmap for achieving this including providing clear roles of the various partners and stakeholders. The report identifies the specific roles that the various sectors

including the national and county governments, the private sector, the civil society, and the research institutions will play to achieve a disability inclusive society. The report also provides critical information and recommendations that if implemented will go a long way in enhancing disability inclusion in Kenya.

Further, the Analysis is the first attempt to capture in one volume, data on policies, programmes, and emerging challenges and issues that affect persons with disabilities at the national and county levels in Kenya. The report highlights some key achievements made in disability inclusion both at the national and county levels. It further provides areas that require strengthening for Kenya to attain a fully inclusive society both at the national and county levels.

It is my hope and conviction that the findings and recommendations of the Analysis will be implemented by all stakeholders. As a government, we will continue providing an enabling environment for all stakeholders to ensure we achieve a disability-inclusive society. The government is committed to formulating and implementing effective national legislation, policies, and action plans for the promotion and protection of the rights of persons with disabilities.

The implementation of the findings of the survey will go a long way in helping us reengineer our service delivery to persons with disabilities. The report provides a guide on the role of the various partners and practical tips for successful stakeholder engagement in promoting disability inclusion.

Collectively, we can remove barriers and make impactful differences for persons with disabilities to be empowered and lead positive changes in their lives.

Hon. Florence Bore,

Cabinet Secretary
Ministry of Labour and Social Protection

PREFACE

The Disability Landscape Analysis was a collaborative effort between the National Council for Persons with Disabilities (NCPWD) and the United States Agency for International Development (USAID) – Kenya and East Africa. This Disability Landscape Analysis conducted in June 2023, employed a mixed methods approach, incorporating key informant interviews and focus group discussions at the national level and across the 13 counties of Kiambu, Makueni, Nakuru, Bungoma, Kakamega, Kisii, Kisumu, Homa Bay, Mombasa, Isiolo, Samburu, Marsabit, and Turkana.



The analysis is in line with USAID's commitment to fully prioritise, embody, and advance diversity, equity, inclusion, and accessibility in its activities and programmes. The survey was conducted in line with the NCPWD's mandate to promote and protect equalisation of opportunities and realisation of human rights for persons with disabilities to live decent livelihoods. The purpose of the analysis was to gain insights and understanding on the policies, programmes, and emerging challenges and issues that affect persons with disabilities at the national and county levels in Kenya.

The scope of the analysis included: county governments' roles and responsibilities; services provided to and access to the services by persons with disabilities at both national and county levels; existing gaps in service provisions and social participation of persons with disabilities; support required by counties and the national government to implement their mandate (from NCPWD, Council of Governors, development partners, and implementing partners); and mapping the programmes supporting services related to persons with disabilities.

The key recommendations of the analysis are categorised into four key priority areas that include:

- Strengthen data collection and analysis regarding persons with disabilities
- Empower persons with disabilities to effectively participate in socio- economic development
- Promote disability inclusion in all sectors of society
- Strengthen the capacity of institutions

It is our expectation that through a multi-sectoral approach to implementing the recommendations, we will make great gains in disability inclusion.

Mrs. Elizabeth Chesang

Chairperson, National Council for Persons with Disabilities

ACKNOWLEDGEMENTS

The report on the Landscape Analysis of Disability at the County and National Levels in Kenya is the product of a collaborative effort between the National Council for Persons with Disabilities and USAID. The analysis seeks to gain insight on and understanding of policies, programmes, and emerging challenges related to disability in Kenya. The analysis aims to lay out a foundation for collaboration and coordination efforts towards complementing the Government's work in service delivery to persons with disabilities at both the county and national levels.



We extend our sincere appreciation and commendation to our Cabinet Secretary at the Ministry of Labour and Social Protection, Hon. Florence Bore, for her unwavering and sustained support throughout our ongoing endeavours in fulfilling our mandate. Her continuous encouragement has been instrumental in motivating our team. We also express our gratitude to Mr. Joseph Motari MBS, the Principal Secretary of the State Department for Social Protection and Senior Citizen Affairs. His strong and consistent support, especially in matters related to disability mainstreaming, has significantly contributed to the success and impact of our initiatives.

The dedication and collaboration of both Hon. Florence Bore and Mr. Joseph Motari MBS exemplify their commitment to advancing social protection and inclusivity, and we look forward to continuing our collaborative efforts under their guidance.

In addition, we wish to convey our deepest gratitude to USAID for their immense support throughout the process of the research. Special appreciation to Ms. Karen Exel, USAID's Diversity, Equity, Inclusion, and Accessibility Coordinator, for her commitment in ensuring the realisation of our collaboration's objectives. We would also like to express our gratitude to the SoCha LLC team, specifically, Dr. Charles Oyaya, Ms. Mitchell Oguna, Mr. Francis Aywa, Dr. Maureen Ngesa, Mr. Tom Kipruto, and Ms. Nicola Ball, who provided the research expertise, coordination support, and editorial support to ensure timely conclusion of the disability analysis and the finalization of this report.

Our gratitude is also extended to all the organisations and institutions at the national and county governments, the private sector, and civil society for participating in the survey. The participants include the Council of Governors; National Treasury; Clerk of the National Assembly Departmental Committee on Labour; Clerk of the Senate Committee on Labour and Social Welfare; ICT Authority; National Council for Population and Development; State Department for Transport; State Department for Housing and Urban Development; Ministry of Education; Ministry of Health; Kenya Revenue Authority; Public

Service Commission; Attorney General Office; Office of the Chief Justice; Kenya Judiciary Academy; National Gender and Equality Commission; Kenya National Chamber of Commerce and Industry – County Chapters; County Public Service Boards; Chief Officers responsible for disability- related services; County Directors of Social Services; County Directors responsible for disability-related services; and the County Assembly committees.

We also appreciate USAID implementing partners and local development organisations; representatives of organisations of and for persons with disabilities; Kenya Association for the Intellectually Handicapped; Kenya National Association of the Deaf; and representatives of other development partners in the 13 counties of Kiambu, Makueni, Nakuru, Bungoma, Kakamega, Kisii, Kisumu, Homa Bay, Mombasa, Isiolo, Samburu, Marsabit, and Turkana.

Finally, we commend the leadership demonstrated by the Board of Directors of the National Council for Persons with Disabilities, under the guidance of Chairperson Mrs. Elizabeth Chesang, throughout the entire preparation process of the report. Our special appreciation goes to the dedicated staff of the National Council for Persons with Disabilities at both the headquarters and in the counties for their valuable collaboration and active participation during the research.

Mr. Harun Hassan, EBS

Executive Director
National Council for Persons with Disabilities

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ACRONYMS AND ABBREVIATIONS

AGPO	Access to Government Procurement Opportunities
APDK	Association for the Physically Disabled of Kenya
CBO	Community-based Organisation
CIDP	County Integrated Development Plan
COG	Council of Governors
CSO	Civil Society Organisation
CSR	Corporate Social Responsibility
OPD	Organisation of/for Persons with Disabilities
FY	Financial Year
ICT	Information and Communications Technology
KNCHR	Kenya National Commission on Human Rights
KRA	Kenya Revenue Authority
KUB	Kenya Union of the Blind
LISA	USAID Localization, Inclusion, and Sustainability Activity
LPO	Local Purchase Order
MCA	Member of County Assembly
MDAs	Ministries, Departments, and Agencies
NDFPWD	National Development Fund for Persons with Disabilities
NFDK	National Fund for the Disabled of Kenya
NGEC	National Gender and Equality Commission
NGO	Non-Governmental Organisation
UNICEF	United Nations Children's Fund
WHO	World Health Organization

EXECUTIVE SUMMARY

The World Health Organization estimates that 16% of the world's population has disabilities. Applying this to Kenya's 54 million population in 2022 suggests around 8.6 million Kenyans may have disabilities. Alarming, 67% of persons with disabilities in Kenya live in poverty, heavily relying on familial support.¹

In June 2023, the National Council for Persons with Disabilities (NCPWD) initiated a study to gain insights and understanding on the policies, programmes, and emerging challenges and issues that affect persons with disabilities, in all their diversity at the national and county levels in Kenya. The study employed a mixed methods approach, incorporating over 150 key informant interviews and focus group discussions at the national level and across 13 counties.² The study combined qualitative and quantitative analyses. Specifically, thematic analysis offered insights by identifying recurring themes, patterns, and trends, while quantitative analysis provided numerical summaries and statistical patterns.

Findings

1. The disability landscape in Kenya is intricate and involves stakeholders from the government (at national and county levels), non-governmental organisations, development partners including multilateral and bilateral agencies and the private sector. There is largely an enabling environment for involvement of and collaboration between stakeholders. Together and separately, the stakeholders offer a diverse range of services, but the availability of these services depends on the stakeholders' priorities and resource availability.
2. While the national government has instituted specific funding mechanisms to support persons with disabilities, funding at the county level was found to vary and to rely on a combination of county government budget allocations, the private sector, and donor funding. Overall, funding at both the national and county levels remain inadequate to address the increasing needs of persons with disabilities in all their diversity.
3. In the majority of counties, the absence of suitable legislation, policies, and guidelines hinders effective and meaningful inclusion and participation of persons with disabilities. Even in cases where efforts have been made to promote the inclusion of persons with disabilities, respondents often perceive these initiatives as primarily meeting legal compliance requirements rather than as ensuring substantive participation in county legislative, policy, planning, budgeting and implementation processes.
4. Both national and county governments offer diverse support for persons with disabilities. These include education assistance, infrastructure and equipment

¹ Krystle Kabare (2018), Social Protection and Disability in Kenya, Development Pathways Working Paper, October 2018. <https://www.developmentpathways.co.uk/wp-content/uploads/2018/10/Disability-Report-Kenya.pdf>

² Nakuru, Isiolo, Marsabit, Turkana, Kisumu, Kisii, Homabay, Bungoma, Kakamega, Mombasa, Samburu, Kiambu, and Makueni

support, social protection including cash transfers, provision of assistive devices/technologies, rehabilitative services, developmental disability services, economic empowerment, access to government procurement opportunities, employment opportunities, legal advisory services, and tax exemptions and waivers. However, inadequate frameworks for stakeholder coordination and involvement hinders overall coordination to ensure as many persons with disabilities as possible receive the services they need.

5. Persons with disabilities face significant physical, informational, communication, institutional, socio-cultural, and economic barriers that limit their access to services and participation in governance and development processes. Critical gaps also persist in addressing essential needs, such as healthcare, education, accessibility, representation, awareness, and public transportation. These gaps are exemplified by shortages in trained educators, adapted materials, inadequate stakeholder coordination, and insufficient data.
6. There are weak monitoring systems for tracking the progressive realisation of the rights of persons with disabilities, with no integrated national monitoring and evaluation framework. The weak monitoring systems are attributed to the lack of clear national standards, indicators, and information management systems.
7. The adoption and utilisation of information and communications technology and digital technologies are recognized as crucial for enhancing persons with disabilities' access to services and involvement in governance, However, while some national-level digital solutions exist to support persons with disabilities, there is a lack of corresponding county-level initiatives to make these solutions accessible at the local level. Counties lack clear policy frameworks that address digital accessibility and the inclusion for persons with disabilities.

Conclusions and Recommendations

Based on the findings, the following are the recommendations that the NCPWD in coordination with its partners could pursue:

Priority Area	Recommendations
Strengthen data collection and analysis regarding persons with disabilities	<ul style="list-style-type: none"> ● NCPWD to collaborate with the Kenya National Bureau of Statistics to carry out a national census to determine the population of persons with disabilities to help enable accurate budgeting and planning. ● NCPWD to develop standardised protocols for research, establish a national integrated information management system, and provide training for staff to enhance their capacity to gather, analyse, and utilise data effectively.

Priority Area	Recommendations
Empower persons with disabilities to effectively participate in socio-economic development	<ul style="list-style-type: none"> ● NCPWD and county governments to develop inclusive training and skill development programmes for persons with disabilities at national and county levels to enhance their employability. ● County governments, donors, and non-state actors to implement awareness programmes to educate the public, including persons with disabilities, about the rights and needs of persons with disabilities and the opportunities available for them. ● The Ministry of Labour and Social Protection to enhance social protection for persons with disabilities through development of a health insurance product for groups with high healthcare needs and amending social protection criteria to include more vulnerable persons with disabilities. ● Kenya Revenue Authority to establish an inter-agency mechanism for better coordination on tax exemptions for persons with disabilities. This mechanism should involve the NCPWD, Ministry of Health, Public Service Commission, Council of Governors, and other relevant agencies.
Promote disability inclusion in all sectors of society	<ul style="list-style-type: none"> ● NCPWD to push for the development and enforcement of legislation and national policy towards effective disability inclusion. ● NCPWD to collaborate with the Kenya Law Reform Commission to create a model Persons with Disabilities Bill for county adoption. ● NCPWD to advocate for harmonisation of the two persons with disability bills at the National Assembly and Senate and to work with the Council of Governors to develop guidelines for mainstreaming disability services in counties. ● NCPWD, county governments, and Ministries, Departments and Agencies (MDAs) to ensure that there are focal persons within the institutions who are Deaf and conversant with Deaf service needs, including inclusive education, training, and employment. ● Educational Assessment Resource Centres to Employ a Deaf person to provide Sign Language services for children. ● The health service providers to raise awareness among mothers of the need to take their babies for hearing screening within the first three months, as stipulated by the Joint Commission on Infant Hearing. ● NCPWD, in collaboration with Kenya National Association of Deaf and other stakeholders, to produce training manuals and policy guidelines for the provision of Sign Language interpretation services. ● The Ministry of Health and county governments should ensure that each gazetted assessment facility has at least one ear, nose, and throat specialist and has the relevant equipment for assessing Deaf or hard of hearing persons. ● NCPWD to conduct audits and implement training programmes to identify and address barriers for persons with disabilities in public services to foster community engagement initiatives for awareness and inclusivity.

Priority Area	Recommendations
	<ul style="list-style-type: none"> ● National Treasury to reform financing structures at the national and county levels, including encouraging public-private partnerships for inclusive service delivery. ● NCPWD to work with relevant bodies to review and reform the national and county-level financing structures to allow for better support and services for persons with disabilities. ● Parliament and County Assemblies to increase funding at the national and county levels to adequately finance disability service delivery. ● Ministry responsible for public service to reinstate disability inclusion indicators in government frameworks and scale up social protection programmes for persons with disabilities. ● Non-state actors to enhance their coordination around awareness creation and capacity development efforts towards persons with disabilities being able to actively pursue leadership positions. ● National and county governments to strengthen intergovernmental and stakeholder coordination and cooperation mechanisms around efforts towards the inclusion of persons with disabilities.
Institutional capacity strengthening	<ul style="list-style-type: none"> ● Ministry responsible for public service to conduct regular capacity audits regarding its ability to effectively provide services for persons with disabilities. ● Ministry responsible for planning to establish a comprehensive national monitoring and evaluation framework, with clear standards and indicators, to monitor provision of services for persons with disabilities and to enhance accountability. ● Enforce accessibility standards for physical and digital spaces and promote digital inclusivity using globally recognized models. ● NCPWD to conduct a national institutional capacity assessment and to collaborate with stakeholders and counties to create capacity development strategies at the local level. ● NCPWD to conduct a staff audit internally and within MDAs to find those who have expertise in handling the specific needs of Deaf and hard of hearing people. ● NCPWD to establish training and mentorship programmes to enhance leadership skills. ● NCPWD to inform advocacy efforts around policies and regulations to increase representation of persons with disabilities at all government levels.

1. INTRODUCTION AND BACKGROUND

1.1. INTRODUCTION

In its preamble, the United Nations Convention on the Rights of Persons with Disabilities (CRPD) recognizes disability as “an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others”.³ The CRPD thus identifies persons with long-term physical, mental, intellectual, and sensory disabilities as the key focus groups under the Convention.⁴

Article 260 of the Constitution of Kenya defines disability as “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”.

The Persons with Disabilities Act, 2003, defines disability as “physical, sensory, mental, or other impairment, including any visual, hearing, learning, or physical incapability, which adversely impacts social, economic, or environmental participation. This seems to take both a medical and social approach to the definition of disability.”

Kenya’s Disability Medical Assessment and Categorization Guidelines, 2022 adopt the World Health Organization (WHO) definition of disability to provide a standard process and unified and consistent language, and for conducting the assessment and categorization of persons with disabilities. These guidelines categorise disability into six key domains, in line with the International Classification of Functioning, Disability and Health framework. The six disability domains are: physical disabilities; visual impairments; hearing, speech, and language disabilities; mental health disorders, intellectual disabilities, and autism spectrum disorders; progressive chronic conditions; and maxillofacial disabilities.

1.2. ABOUT THE NATIONAL COUNCIL FOR PERSONS WITH DISABILITIES (NCPWD)

The National Council for Persons with Disabilities (NCPWD) was set up in December 2004 following the enactment of the Persons with Disabilities Act No 14 in 2003. Its mandate is “to promote and protect equalisation of opportunities and realisation of human rights for persons with disabilities to live decent lives.” The NCPWD's vision is to create a barrier free society for persons with disabilities. The role of NCPWD is to support, coordinate, and

³ Department of Economic and Social Affairs, *The Convention on the Rights of Persons with Disabilities*.
<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/preamble.html>

⁴ Kenya National Commission on Human Rights, 2022, *Review of county legislation on the rights of persons with disabilities: Compliance with the UN Convention on the Rights of Persons with Disabilities and the Kenyan Constitution*.
<https://www.knchr.org/Portals/0/Disability%20Publications/Review%20of%20County%20Legislation%20On%20The%20Rights%20of%20persons%20with%20disabilities.pdf?ver=2022-06-02-123434-927>

regulate provision of a range of services and programmes for persons with disabilities in Kenya.

NCPWD collaborated with USAID/Kenya and East Africa to conduct a landscape analysis of issues related to persons with disabilities at the national and county levels.

1.3. PURPOSE, GOAL, AND OBJECTIVES

Purpose

The purpose of the analysis was to gain insights and understanding on the policies, programmes, and emerging challenges and issues that affect persons with disabilities at the national and county levels in Kenya.

Goal

The main goal of the analysis was to identify the objectives, activities, and partners related to persons with disabilities within 13 target counties and at the national level.

The analysis sought to:

- a) Identify areas where NCPWD, the Council of Governors (COG), and development and implementing partners can support the counties.
- b) Provide insights on areas where donor partners, the public sector, and the private sector are already collaborating and where they could collaborate.
- c) Provide insights on areas that require prioritisation and investment by the national government, counties, donor partners, and the private sector.
- d) Inform new programme designs by NCPWD, USAID, and other interested partners.
- e) Inform the development of the new NCPWD Strategic Plan.

Specific Objectives

The specific objectives of the analysis were to:

- 1) Document the services provided to persons with disabilities at the national and county levels and persons with disabilities' access to these services.
- 2) Determine the readiness of county governments to adopt digital accessibility approaches in ensuring the inclusion of persons with disabilities.
- 3) Document the existing gaps in service provision for and the social participation of persons with disabilities.
- 4) Document the support required by counties and the national government, from NCPWD, COG, development partners, and implementing partners, to implement their mandate.
- 5) Map the programmes that are supporting services for persons with disabilities in the target areas.
- 6) Map the potential and untapped stakeholders in the target areas.

Alignment with NCPWD Strategic Plan Priority Areas

One of the goals of this analysis is to inform the development of the new NCPWD Strategic Plan (2023–2027). With this in mind, **Table 1** below shows the alignment between NCPWD priority areas and the specific objectives of the analysis, and also shows where this information can be found in the report.

Table 1: Alignment of the research objectives with the NCPWD priority areas

NCPWD Priority Area	aligns with	Specific objective(s)	Report section(s)
1. Strengthen data collection and analysis on Persons with disabilities		3	3 and 4
2. Empower persons with disabilities for effective participation in socio-economic development		3	3 and 4
3. Promote disability inclusion in all sectors of society		1 and 2	3 and 4
4. Institutional capacity strengthening		4, 5, and 6	3 and 4

1.4. SCOPE AND TARGET AUDIENCE

At the national level, the analysis covered national institutions, stakeholders, policies, strategies, legislation, programmes, and services related to persons with disabilities. In the counties, the analysis covered the same elements (but at the county level) as well as capacity gaps, performance, and budgetary allocation. The 13 target counties⁵ were a representation of urban, rural, arid, and semi-arid counties across Kenya. The primary audience for this analysis is NCPWD, national and county-level governments including county assemblies, USAID/Kenya and East Africa, donor partners, regional economic blocs and those who provide services for persons with disabilities, including Organisations of/for Persons with Disabilities (OPDs), the private sector, and civil society organisations (CSOs). The wider audience for this analysis is researchers, the media, and the public, especially persons with disabilities and their families.

⁵ Kiambu, Makueni, Nakuru, Bungoma, Kakamega, Kisii, Kisumu, Homa Bay, Mombasa, Isiolo, Samburu, Marsabit, and Turkana.

Table 2: Scope and Targeted Participants for the Disability Analysis

NATIONAL LEVEL		COUNTY LEVEL
Institutions interviewed	Target counties	Key informants interviewed in the target counties
<ol style="list-style-type: none"> 1. National Council for Persons with Disability 2. Kenya Revenue Authority 3. Public Service Commission of Kenya 4. Attorney General Office 5. Judiciary (Office of the Chief Justice) 6. Kenya Judiciary Academy 7. Association for the Physically Disabled of Kenya 8. United Disabled Persons of Kenya 9. Albinism Society of Kenya 10. Cerebral Palsy Society of Kenya 11. Kenya Society for the Blind 12. National Gender and Equality Commission 13. Ministry of Health 14. USAID/Kenya East Africa 	<ol style="list-style-type: none"> 1. Kiambu 2. Makueni 3. Nakuru 4. Bungoma 5. Kakamega 6. Kisii 7. Kisumu 8. Homa Bay 9. Mombasa 10. Isiolo 11. Samburu 12. Marsabit 13. Turkana 	<ol style="list-style-type: none"> 1. Secretary to the County Disability Board 2. Kenya National Chamber of Commerce – County Chapter 3. County Public Service Board 4. County Director of Social Services 5. County Director responsible for disability-related services 6. Disability Champions at the county level 7. County Director responsible for ICT and information services 8. County Assembly Committees 9. Chief Officer responsible for disability-related services 10. County Director responsible for public participation 11. Representatives of USAID implementing partners and local development organisations 12. Representatives of OPDs operating at the county level 13. Representatives of other development partners
Institutions interviewed		
<ol style="list-style-type: none"> 1. Council of Governors 2. National Treasury 3. Clerk of the National Assembly Departmental Committee on Labour 4. Clerk Senate Committee on Labour and Social Welfare 5. State Department for Social Protection 6. Information and Communication Technology Authority 7. Kenya Association for the Intellectually Handicapped 8. Kenya National Association of the Deaf 9. National Council for Population and Development 10. State Department of Transport 11. State Department of Housing and Urban Development 12. Ministry of Education 13. National Chamber of Commerce and Industry 14. Kenya Association of Manufacturers 15. Kenya Private Sector Alliance 		

1.5. METHODOLOGY

A mixed methods approach was used to gather, analyse, and synthesise data from various sources, including key informant interviews (KIs) and focus group discussions (FGDs). Thematic analysis techniques were used to identify patterns and trends, while quantitative analysis provided descriptive statistics. The data were validated through stakeholder input to ensure the reliability and comprehensiveness of the final report.

- **Selection of Respondents:** The respondents were purposively selected from diverse stakeholder groups involved in matters related to persons with disabilities. In selecting the respondents, consideration was given to their experience and knowledge of and exposure to matters related to and affecting persons with disabilities. The selected respondents were deemed to be capable of giving the information needed to meet the analysis objectives.
- **Data Collection Instruments:** An assessment framework was developed to guide the research process. KI guides and consent forms were created and a checklist was used to collect data from the respondents from the NCPWD and county departments responsible for matters that affect persons with disabilities. Over 150 KIs were conducted. In total, 36% of the respondents were persons with disabilities.
- **Data Management:** An effective data management system was established in collaboration with NCPWD. Close coordination with NCPWD county coordinators and partners facilitated appointments with key informants. Virtual interviews were conducted to accommodate the short timeline of the analysis.
- **Data Analysis:** Qualitative and quantitative methods were employed to analyse the collected data. Thematic analysis techniques were used to identify meanings, themes, and trends and to generate insights to meet the analysis objectives.
 - **Quantitative Analysis:** Data from the checklist were converted into a flat file (text database) and analysed using Excel. Descriptive statistics, including frequencies and percentages were generated.
 - **Qualitative analysis:** The Dedoose application was used to analyse data. Thematic analysis was used to find core ideas, patterns, and trends in the data. This process included reviewing, organising, coding, compiling, categorising and summarising data.
 - **Synthesis and Interpretation:** An analytical framework for synthesis was used to conduct a thematic analysis of interview notes, transcripts, and checklist data. Data from both secondary and primary sources were triangulated and synthesised to create comprehensive findings.
- **Validation:** The report was presented to NCPWD management and key stakeholders for review and validation, ensuring the findings accurately represented the insights gathered.

2. SITUATION ANALYSIS

The subsections below give an overview of the situation surrounding disability and persons with disabilities in Kenya. They cover a snapshot of the current situation, the policy and legal environment for disability inclusion, and the roles and responsibilities of governments in the provision of services for persons with disabilities. Each subsection covers both the national and county levels.

2.1. DISABILITY IN KENYA

Disability Prevalence in Kenya

WHO estimates that approximately 16% of the world's population, (1.3 billion people) have disabilities.⁶ This means that with an estimated population of 54 million people,⁷ the approximate number of persons with disabilities in Kenya would be 8.6 million.

However, in the 2019 Kenya Population and Housing Census, only 0.9 million people (2.2% of Kenyans) over 5-years-old were officially reported as having some form of disability. This represents a significant decrease from the 3.5% reported in the 2009 census.⁸ The 2019 census data revealed that disability prevalence was higher among women (2.5%) than men (1.9%) and higher in rural areas (2.6%) than in urban areas (1.4%).⁹ Certain regions in Kenya, including Central, Eastern, and Western parts, had notably higher disability prevalence. Embu County topped the list with 4.4% of residents reporting some form of disability, followed by Homa Bay, Makueni, Siaya, and Kisumu. Counties in North-Eastern Kenya and Nairobi had the lowest disability prevalence. Wajir County reported the lowest prevalence at 0.6%.

There are significant challenges related to the accuracy and universality of data related to persons with disabilities in Kenya. These challenges include the limitation of the Washington set of questions adopted during the 2019 population census; and the lack of universally accepted standards for classifying disabilities and issues related to stigma in data collection methods.

⁶ World Health Organization, 2023, *Disability and Health*. <https://www.who.int/news-room/fact-sheets/detail/disability-and-health>

⁷ <https://data.worldbank.org/country/KE>

⁸ Kenya National Bureau of Statistics, 2017, *Analytical report on disability volume 13*. <http://www.knbs.or.ke/download/analytical-report-on-disability-volume-xiii-2/>

⁹ Republic of Kenya, 2021, *Status Report on Disability Inclusion in Kenya, 2018-2021: Implementation of the Global Disability Summit Commitments of 2018, State Department of Social Protection, Senior Citizens and Special programmes*

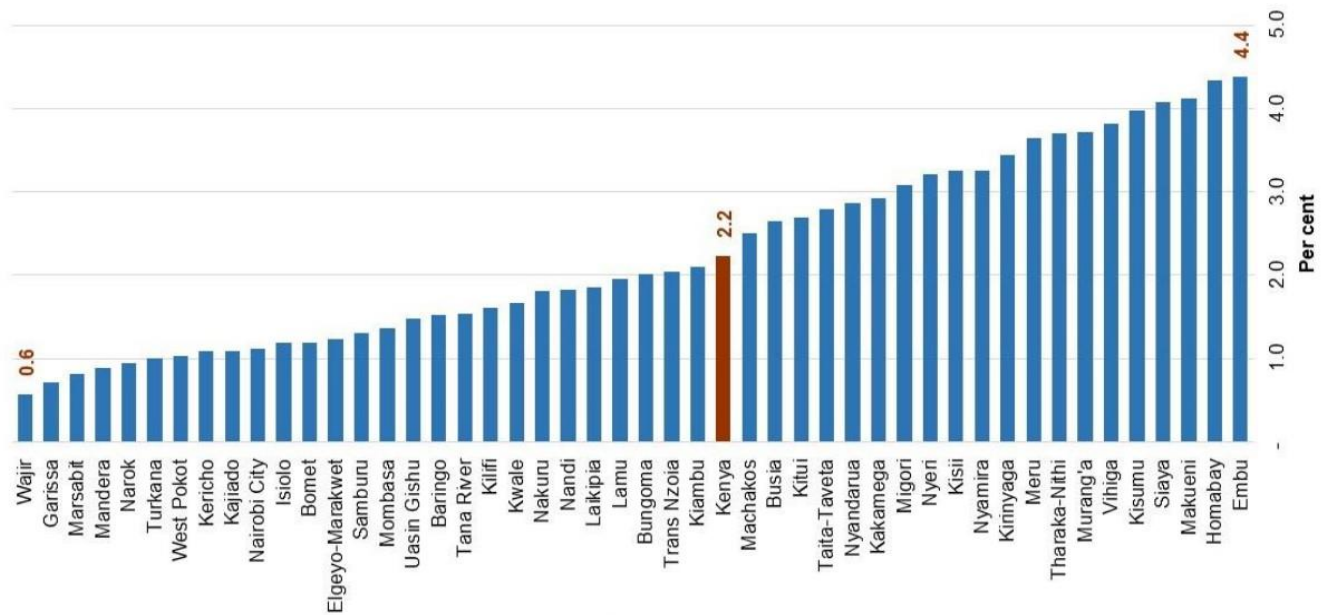


Figure 1: Disability Prevalence by County in Kenya

Source: Kenya National Bureau of Statistics (KNBS), 2019 Kenya Population and Housing Census: Analytical Monograph on Disability Volume XV, April 2022

In addition, past censuses and surveys in Kenya have utilised various data collection questions and methodologies and this variation inaccurately estimates disability prevalence in official statistics.¹⁰ This inaccuracy potentially results in poorly designed and planned programmes, inadequate provision of education and healthcare services, insufficient funding allocation, and a lack of emphasis on disability inclusion in political and development agendas.¹¹

Socio-economic Situation

Approximately 67% of persons with disabilities in Kenya live in poverty, relying largely on their families for various forms of support,¹² including social, financial, material, and psychological assistance.¹³ According to the 2019 Population and Housing Census, over three quarters (76.1%) of persons with disabilities of working age cited incapacitation as the reason for being inactive in the labour force. More women and girls with disabilities were out of the labour force (61.1%) compared with their male counterparts (39.1%).¹⁴

¹⁰ Development Initiatives, 2020, *Status of disability in Kenya Statistics from the 2019 census: Background Paper*. https://devinit.org/documents/727/Status-of-disability-in-Kenya__IF.pdf

¹¹ See 7.

¹² Krystle Kabare, 2018, *Social Protection and Disability in Kenya*, Development Pathways Working Paper. <https://www.developmentpathways.co.uk/wp-content/uploads/2018/10/Disability-Report-Kenya.pdf>

¹³ Global Disability Rights Now, *Disability in Kenya*. <http://www.globaldisabilityrightsnow.org/infographics/disability-kenya>.

¹⁴ KNBS, 2019 Kenya Population and Housing Census: Analytical Monograph on Disability Volume XV, April 2022

Research shows a strong correlation between poverty and disability, where each can exacerbate the other. Poverty can cause disability due to factors such as food insecurity, malnutrition, poor healthcare, insecurity, disasters and unsafe living conditions. On the other hand, disability can lead to poverty through higher unemployment rates, limited job opportunities, and reduced income-generating activities.¹⁵

In Kenya, persons with disabilities face ongoing barriers to full societal participation, especially in income generation, education, and social activities, due to enduring stigma and discrimination. Persons with disabilities often suffer abuse, abandonment, or concealment by their families as a result of societal prejudice and biases.

Table 3: Status of Persons with Disabilities

Kenya at a Glance								
Indicator	Sub Category	SDG Related Indicators and Targets	PWDs			Persons Without Disability		
			Total	Male	Female	Total	Male	Female
Disability Prevalence	Kenya		2.2	1.9	2.5			
	Rural		2.6	2.2	2.9			
	Urban		1.4	1.2	1.6			
	Seeing		0.8	0.7	0.9			
	Hearing		0.4	0.3	0.4			
	Mobility		0.9	0.7	1.1			
	Cognition		0.5	0.4	0.6			
	Self Care Communication		0.3	0.3	0.4			
Net Enrollment Rate	Pre-Primary		53.8	53.2	54.6	73.4	73.2	73.5
	Primary		72.2	71.5	73.0	75.3	74.1	76.5
	Secondary	4.5	70.4	68.1	73.0	42.0	38.3	46.0
Gross Enrollment Rate	Pre-Primary		175.7	177.9	172.9	175.3	180.8	169.6
	Primary		90.0	89.0	91.3	100.0	101.0	99.0
	Secondary		55.6	49.8	62.0	76.4	75.4	77.4
Labor Force Participation Rate	Kenya	8.5	76.9	76.9	76.9	73.5	76.0	71.0
Status in Employment	Employed		41.3	50.4	34.0	49.4	58.2	40.7
	Self-Employed		58.7	49.6	66.0	50.6	41.8	59.3
	Proportion of PWDs who are Staying Alone	Kenya	11.8	10.3	13.0			
Access to ICT	Rural		11.0	8.7	12.8			
	Urban		15.1	16.9	13.7			
	Ownership/ Usage of a phone		55.7	52.7	57.9	55.1	55.2	55.1
Use of Internet		9.0, 10.2	11.4	13.5	9.8	22.9	25.4	20.5
	Use of a Computer/ Laptop/ Tablet		4.7	5.9	3.8	10.8	12.2	9.5

Source: KNBS, 2019 Kenya Population and Housing Census: Analytical Monograph on Disability Volume XV, April 2022

Services for Persons with Disabilities

The Kenyan government and various other stakeholders, including non-governmental organisations (NGOs) and the private sector, provide a wide range of services to support persons with disabilities. These services include education assistance, infrastructure and

¹⁵ Krystle Kabare, 2018, *Social Protection and Disability in Kenya, Development Pathways, Working Paper*. <https://www.developmentpathways.co.uk/wp-content/uploads/2018/10/Disability-Report-Kenya.pdf>

equipment support, cash transfers, sunscreen provision for individuals with albinism, assistive devices, economic empowerment programmes, employment opportunities, legal advisory services, and tax exemptions and incentives.¹⁶

Kenya National Commission on Human Rights (KNCHR) reports that many persons with disabilities are not aware of their rights or the existing legislation designed to protect and improve their well-being, including legislation regarding access to crucial social services, such as education, healthcare, and support for job training and employment.¹⁷

There are significant barriers that hinder disability inclusion, leaving many persons with disabilities underserved by programmes and services. However, there are ongoing efforts to mainstream disability at both the national and county levels and this is a step towards achieving disability inclusion in governance and development.

Funding for Services and Programmes for Persons with Disabilities

The primary sources of financing for services and programmes for persons with disabilities in Kenya include:

- exchequer allocations to NCPWD and the National Development Fund for Persons with Disabilities (NDFPWD);
- exchequer allocations to specific social protection, economic empowerment and education programmes for persons with disabilities and the National Fund for the Disabled of Kenya (NFDK);
- donors, including the UN entities, bilateral development agencies and international NGOs;
- the private sector, through corporate social responsibility (CSR) and philanthropy; and
- other parties interested in supporting provision of services and disability inclusion work.

The Government of Kenya has made notable progress in establishing various funding mechanisms that directly support programmes and services targeting persons with disabilities. However, a Development Initiative analysis of government budget allocations at the national level to disability inclusion programmes between FY 2016/17 and FY 2020/21 found that government funding either reduced or remained constant over the period. For example, allocations to the NDFPWD remained constant at Ksh. 259 million between FY 2016/17 and FY 2019/20,¹⁴ while as a proportion of the State Department of Social Protection's (SDSP's) total budget, the percentage going to the NDFPWD reduced by nearly half between FY 2016/17 and FY 2020/21¹⁸ as shown in the

¹⁶ Kenya Disability Resource, *Kenya Government Disability Services*. <http://www.kenyadisabilityresource.org/Kenya-Government-Disability-Services>

¹⁷ Kenya National Commission on Human Rights, 2014, *From Norm to Practice: A Status Report on Implementation of the Rights of persons with disabilities in Kenya*.

¹⁸ Development Initiative (2020), *Government funding to support disability inclusion in Kenya report*, August 2020 https://devinit.org/documents/803/Government-funding-to-support-disability-inclusion-in-Kenya_IF.pdf

figure below. Revenues for NCPWD programmes showed similar trends as the allocations to the NDFPWD, as shown in **Figure 2** below.

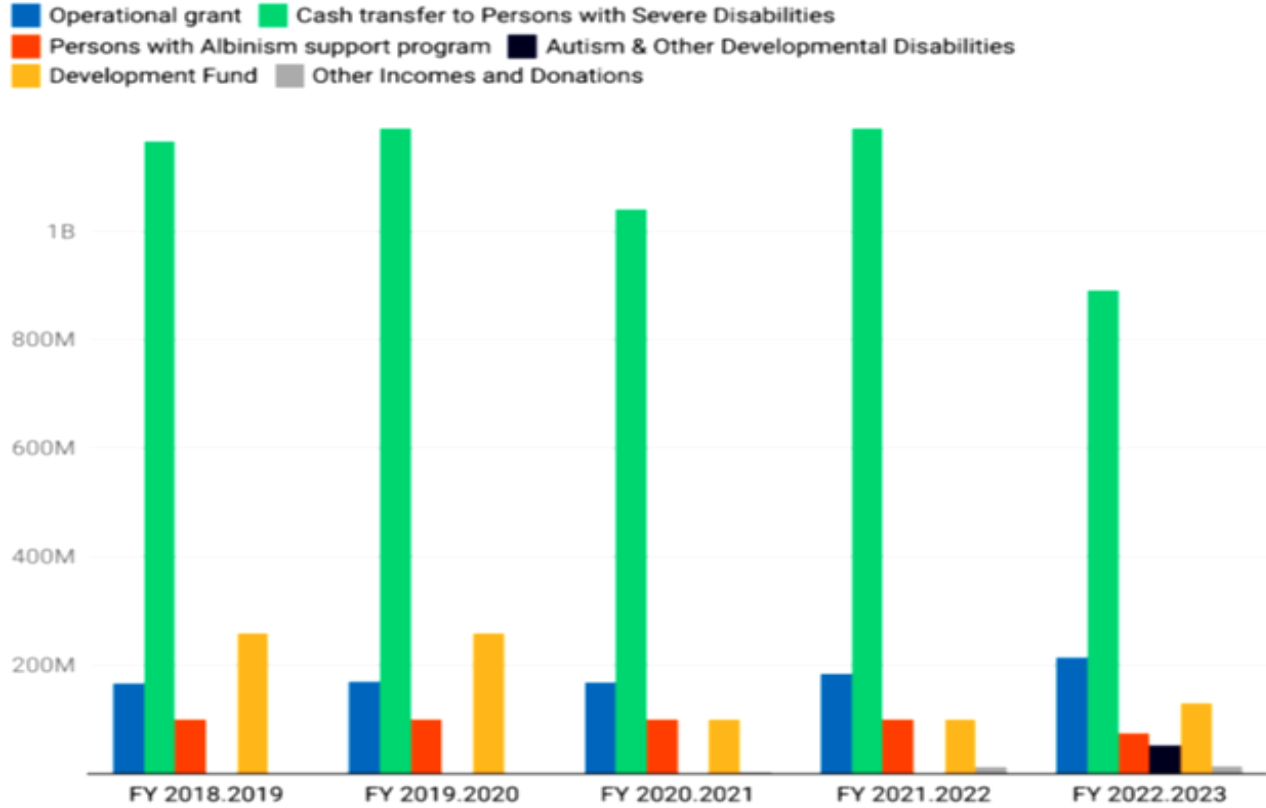


Figure 2: National Council for Persons with Disabilities Program Revenue for FY 2018/19 to FY 2022/23 (Source: National Council for Persons with Disabilities 2023)

While the Office of the President increased budget allocations to the NFDK from Ksh. 100 million in FY 2016/17 to Ksh. 550 million in the budget of FY 2019/20, the allocations sharply dropped to Ksh.150 million in the FY 2019/20.¹⁹

The general reduction or stagnation in government funding may limit the scope of the programmes intended to directly benefit persons with disabilities.²⁰

The State Department of Social Protection's budget for disability inclusion, excluding allocations to the Consolidated Fund Services and county governments, accounted for 0.1% of the total budget for national government ministries, departments, and agencies (MDAs) in FY 2019/20 and FY 2020/21. Most of this budget (66%) was allocated for the Cash Transfer for Persons with Severe Disabilities (PWSD-CT) scheme implemented under the National Safety Net Programme. Other funds were earmarked for social

¹⁹ Development Initiative (2020), Government funding to support disability inclusion in Kenya report, August 2020

https://devinit.org/documents/803/Government-funding-to-support-disability-inclusion-in-Kenya_IF.pdf

²⁰ Development Initiative, 2020, Government funding to support disability inclusion in Kenya.

https://devinit.org/documents/803/Government-funding-to-support-disability-inclusion-in-Kenya_IF.pdf.

development services (9%), NDFPWD (14%), and vocational rehabilitation (11%).²¹ As shown in **Figure 3**, the percentage allocation to the PWD-CT reduced from 5.2% in FY 2016/17 to 3.6 % in FY 2020/21.

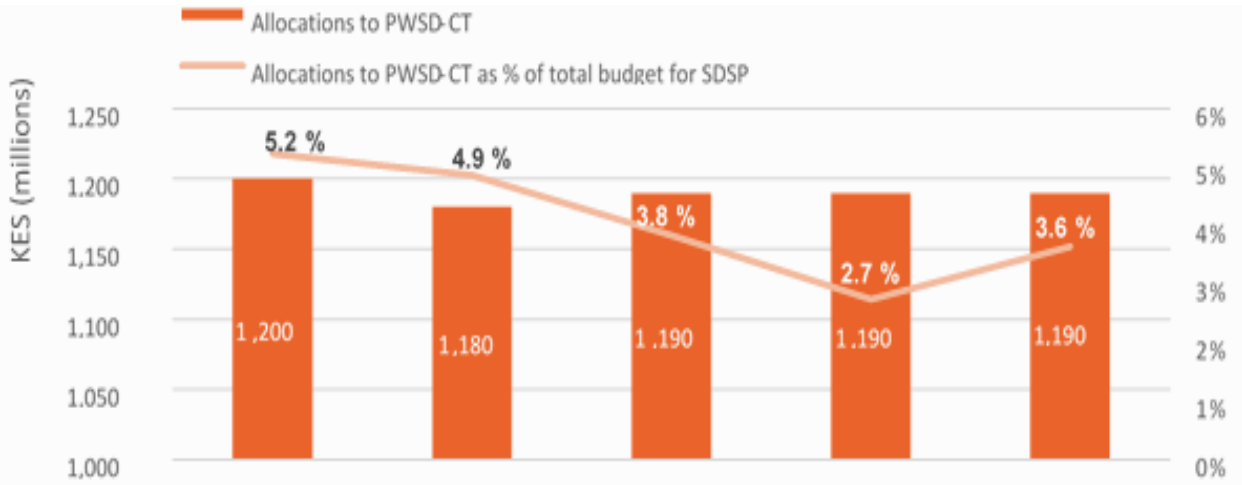


Figure 3: Allocations to the Cash Transfer for Persons with Severe Disabilities made by the State Department for Social Protection, FY 2016/17 to FY 2020/21 (Source: Development Initiatives (2020) based on national government budget documents for FY 2016/17 to FY 2020/21)

Other notable public financing for services and support for persons with disabilities include allocations through the State Department for Early Learning and Basic Education, State Department for Vocational and Technical Training, and the National Treasury's Procurement Guarantee Fund for Persons with Disabilities under the Access to Government Procurement Opportunities (AGPO) affirmative action initiative.

At the county level, funding for persons with disabilities varies and includes a mix of county government budget allocations and collaborations with NGO and donor-funded initiatives. Studies indicate that budget lines that support persons with disabilities are few and are not consistently allocated funding.²² While some counties have established specific funding for persons with disabilities under their persons with disabilities legislation, some of this legislation does not make provisions for the needed funds or, where it does, it does not make provisions for the source of funds. In some cases, the budget allocations are not ring-fenced or protected to avoid diversion.

Notably, most counties lack the legal framework needed to establish county funding mechanisms to address the needs of persons with disabilities.

The disability inclusion financing challenges across the counties include:

- low budget allocation for relevant programmes due to competing priorities
- weak policies and institutional frameworks

²¹ Global Disability Rights Now, *Disability in Kenya*. <http://www.globaldisabilityrightsnow.org/infographics/disability-kenya..>

²² Inclusive Futures, 2021, *How much do counties in Kenya invest in disability inclusion? A synthesis report*.

- inadequate or inconsistent allocations to relevant programmes
- lack of dedicated budget lines for disability inclusion
- lack of disaggregated and ready-to-use budget documents.

There is also the challenge of identifying whether budgets related to persons with disabilities are specifically targeted towards their *inclusion* or are targeted at persons with disabilities but do not promote their inclusion or rights.²³

2.2. AN OVERVIEW OF THE POLICY AND LEGAL ENVIRONMENT FOR DISABILITY INCLUSION

Changes in Policy and Institutions Since the 1950s

The policy and institutional landscape related to persons with disabilities in Kenya has steadily evolved since the 1950s, building from the establishment of specialised and statutory institutions for persons with disabilities during the colonial and post-independence periods.

Disability programming gained momentum in 1950, after World War II, leading to the establishment of schools and specialised institutions for persons with disabilities. This programming was reinforced by the establishment of statutory institutions, such as the Association for the Physically Disabled of Kenya (APDK), created in 1953 by the colonial Legislative Council and the Kenya Society for the Blind in 1956. The Kenya Society for Deaf Children was established in 1958 while the Kenya Union of the Blind was registered in 1960. The approach to disability during this period revolved around the charity and medical models of disability, with persons with disabilities treated as broken objects or sick bodies who require fixing or healing and to be pitied and given charity whenever it was convenient.²⁴

The charity and medical models of disability persisted in the post-independence period (1963-1989). The Mwendwa Committee for the Care and Rehabilitation of the Disabled formed in 1964 following a street march by KUB). Around the same time, KUB produced a report that influenced social and rehabilitation programmes in Kenya. The report advocated for the rehabilitation of persons with disabilities as the main focus of response to the needs of persons with disabilities.

In preparation for the United Nations International Year of Disabled Persons (1981), Kenya declared the National Year for Persons with Disabilities and launched disability awareness campaigns. OPDs formed coalitions to enhance their advocacy efforts. These coalitions include the Kenya National Association of the Deaf, the Kenya Society of the Physically Handicapped, and organisations for parents of persons with intellectual and psychosocial disabilities. The United Disabled Persons of Kenya was formed in 1989 as an umbrella organisation for organisations of persons with disabilities.

²³ Development Initiative, 2020, *Government funding to support disability inclusion in Kenya report*.

²⁴ United Disabled Persons of Kenya, 2016, *Turning Intent into Action: Strategies and Priorities for Non-State Actors to Support Implementation of the Recommendations Made to Kenya by the Committee on the Rights of Persons with Disabilities*.

In 2003 and 2004, the country enacted laws and institutions related to persons with disabilities and in 2010 entrenched disability rights and related functions in the Constitution of Kenya. The 2003 Persons with Disabilities Act, for the first time, explicitly recognized the rights of persons with disabilities and initiated an institutional framework for implementing the statute, including establishing NCPWD. In 2006, Kenya came up with its first National Policy on Persons with Disabilities. The policy sought to address disparities in service provision and ensure that services that are available to other citizens are also available to persons with disabilities. In 2008, Kenya ratified the CRPD following active advocacy by Kenyan OPDs. The United Disabled Persons of Kenya and other disability rights advocates formed a disability caucus to participate in the constitutional review process leading to the promulgation of the Constitution of Kenya 2010, which provides for the rights of persons with disabilities.

The general and specific provisions for persons with disabilities in the Constitution include:

- the national values and principles of governance
- the exercise of political rights by persons with disabilities
- equality and freedom from discrimination
- mechanisms for ensuring representation of persons with disabilities in elective and appointive bodies
- the right to vote and to be a candidate for public office or office within a political party of which a person with disability is a member, National Assembly, Senate, County Assemblies and any other elective public body or office by persons with disabilities
- nominations to legislative bodies of persons with disabilities and other marginalised groups through the party lists.²⁵

At the first general elections under the Constitution of Kenya 2010, held in 2013, 12 Members of the National Assembly and Senate with disabilities and over 100 Members of County Assemblies with disabilities were elected and nominated.²⁶

Since 2010, the charity and medical models of disability programming have persisted; however, this programming is now steadily moving towards models that are human rights-based and that have a focus on sustainable development.

Frameworks at All Levels

At the global and regional levels, Kenya is party to various conventions, treaties, and declarations that expressly protect the rights of persons with disabilities and/or have provisions concerning the protection of these rights. Examples of these treaties and conventions are shown in **Table 4** below.

²⁵ United Disabled Persons of Kenya, 2016, *Turning Intent Into Action: Strategies And Priorities For Non-State Actors To Support Implementation Of The Recommendations Made To Kenya By The Committee On The Rights of Persons with Disabilities*.

²⁶ United Disabled Persons of Kenya, 2013, *Towards the 2017 General Elections: Nuts and Bolts for Ensuring Effective Inclusion and Participation by persons with disabilities in Kenya's Politics*.

Table 4: Global and Regional Treaties and Conventions

Global and regional treaties and conventions with provisions concerning the protection of the rights of persons with disabilities
United Nations Convention on the Rights of Persons with Disabilities, 2008
United Nations Convention on the Rights of the Child, 1989
International Labour Organization Convention concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983
African Charter of Human and Peoples' Rights, 1981, <i>and</i> the Protocol to the Charter on the Rights of Persons with Disabilities in Africa, 2018
African Charter on the Rights and Welfare of the Child 1989

The Constitution of Kenya, 2010 sets out the overarching policy and legislative framework for disability-related matters in Kenya. While Article 54 of the Constitution of Kenya is specific on the rights of persons with disabilities, rights of persons of disabilities are also found in other provisions, either expressly or in provisions concerning protection of rights. Specifically, Article 54 (1) of the Constitution outlines the entitlements for persons with disabilities, which include: (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; (c) to reasonable access to all places, public transport and information; (d) to use Sign Language, Braille, or other appropriate means of communication; and (e) to access materials and devices to overcome constraints arising from the person's disability. Article 7 (3) (b) also provides for the development and use of Sign language, Braille, and other communication formats and technologies accessible to persons with disabilities.

Article 43 of the Constitution guarantees every person, including persons with disabilities, to economic and social rights and services, including the highest attainable standard of health, which includes the right to healthcare services, including reproductive healthcare; accessible and adequate housing, including reasonable standards of sanitation; be free from hunger and to have adequate food of acceptable quality; clean and safe water in adequate quantities; social security; education; and emergency medical treatment. Article 43(3), in particular, obligates the State to provide appropriate social security to persons who are unable to support themselves and their dependents.

Article 54(2) further requires the State to ensure the progressive implementation of the principle that at least 5% of the members of the public in elective and appointive bodies are persons with disabilities. Article 97(1) (c) requires 12 nominees to the National Assembly to be persons with disabilities while Article 98 (1) (d) requires two nominees to the Senate to be persons with disabilities. Article 177 (1) (c) specifically provides for the

nomination of persons with disabilities to County Assemblies. The national legislative framework for disability in Kenya consists of a large number of laws that cover persons with disabilities directly or have aspects concerning persons with disabilities. Examples of these laws are shown in **Table 5**.

Table 5: National legislation on Matters Relating to Persons with Disabilities

National legislation with provisions concerning the protection of the rights of persons with disabilities	
<ul style="list-style-type: none"> ● Persons With Disabilities Act, 2003 ● Public Procurement and Asset Disposal Act, 2015 ● Employment Act, 2007 ● Public Service (Values and Principles) Act, 2015 ● Sexual Offences Act, 2006 ● Social Assistance Act, 2013 ● Mental Health Act, 1989 ● Basic Education Act, 2013 ● Penal Code ● Children Act, 2022 ● Criminal Procedure Code ● Marriage Act, 2014 ● Elections Act, 2011 ● National Social Security Fund Act, 1965 (No. 5 of 1997) ● Social Health Insurance Fund Act 2023 ● County Government Act of 2012 ● Public Finance Management Act 2012 ● The Counter-trafficking in Persons Act, 2016 ● Data Protection Act, 2019 ● Victim Protection Act, 2014 ● National Employment Authority Act, 2016 ● Evidence Act (Chapter 80, Laws of Kenya) ● Health Act, 2017 ● Work Injury Benefits Act, 2007 ● Witness Protection Act, 2006 	<ul style="list-style-type: none"> ● Intergovernmental Relations Act, 2012 ● Kenya Society for the Blind Act Chapter 251 ● Trustees (Perpetual Succession) Act (Chapter 164, Laws of Kenya) ● Kenya National Commission Human Rights Act No. 14 of 2011 ● National Gender and Equality Commission Act, 2011 ● National Social Security Fund Act (Chapter 258, Laws of Kenya), 2013 ● Persons with Disabilities (Income Tax Deductions and Exemptions) Order, 2010 ● Kenya Legislative Supplement No. 11 2010 ● Civil Procedure Act and the Civil Procedure Rules, 2010 ● Kenya Citizenship and Immigration Act, 2011 ● HIV and AIDS Prevention and Control Act (No. 14 of 2006) ● Sale of Goods Act (Chapter 31, Laws of Kenya) ● Law of Succession Act (Chapter 160, Laws of Kenya) ● The Persons Deprived of Liberty Act, 2014 ● Trust of Land Act, 2012 ● Access to Information Act, 2016 ● County Assembly Service Act, 2017 ● Traffic Act (Chapter 403, Laws of Kenya)

The Persons with Disabilities Act 2003, the principal law related to persons with disabilities in Kenya, was enacted into law in 2003 and came into force on 25 June 2004 through Legal Notice 64 of 2004. The primary aims of the Act are to provide for the rights and rehabilitation of persons with disabilities; to achieve equalisation of opportunities for persons with disabilities; and to establish the NCPWD. However, the normative design of the Persons with Disabilities Act, which was enacted before the Constitution of Kenya 2010, does not align with the principles of the Constitution. Some of the points of difference include the right to legal capacity and equality before the law; details around representation and holding office; and the obligations of county and national governments towards persons with disabilities.

There have been court rulings that have declared certain sections of Kenyan law unconstitutional regarding the rights of persons with disabilities. These include *Hassan Hussein v. Republic* (Criminal Appeal Number 59 of 2014) that declared Sections 166 and 167 of the Criminal Procedure Code unconstitutional.²⁷

Attempts to reform the Persons with Disabilities Act since 2012 to ensure its compliance with the Constitution and the CRPD, have not been successful. These attempts include the drafting of the Persons with Disabilities Bill, 2018, and the Mental Health Amendment Bill, 2018. The Persons with Disabilities (Amendment) Bill, 2019, was also introduced as a Senate Bill to address some of the emerging issues not captured by the Persons with Disabilities Act.

The 2019 Bill largely addressed the functions of the national and county governments in the provision of education, health, and social services for persons with disabilities. It also addressed matters of governance to ensure more persons with disabilities are included in government agencies and institutions. (See more on reforms in the Snapshot of 2023 subsection below).

Snapshot of 2023

At the time of this landscape analysis (August 2023), there were four bills concerning persons with disabilities in the Senate and National Assembly. These were: Kenyan Sign Language Bill 2023(Senate), The Learners with Disabilities Bill, 2023 (Senate), the Persons with Disabilities Bill, 2023 (Senate) and the Persons with Disabilities Bill 2023 (National Assembly).

The Kenyan Sign Language Bill 2023 aims to give effect to Article 7(3)(b) of the Constitution on the promotion and development of the use of Kenyan Sign language; give effect to Article 54(1)(d) of the Constitution on the use of sign language Braille and other appropriate means of communication; provide for the inclusion of sign language in education curriculum; and provide for the use of sign language in legal proceedings.

The Learners with Disabilities Bill, 2023 seeks to, among others aspects: provide a framework for the realisation of the right to education for all learners with disabilities;

²⁷Hassan Hussein Yusuf V Republic HCCA 59 of 2014 available at <http://kenyalaw.org/caselaw/cases/view/121892/>.

ensure equal access to education for learners with disabilities; ensure the transition of all learners with disabilities through all levels of education; and provide a framework for accountability in the delivery of quality special needs education and related services.

As can be seen in **Table 6** the two persons with disabilities Bills are similar in design, objectives, and content. These similarities mean there is a need to harmonise the bills into one legislative proposal to be considered by both the Senate and National Assembly.

Table 6: 2023 bills Relating to Persons with Disabilities

Bill	Key points and objectives
<p>National Assembly Persons with Disabilities Bill 2023 (dated 20 February, 2023)²⁸</p>	<ul style="list-style-type: none"> ● Provide for the rights of persons with disabilities ● Provide for the powers and functions of NCPWD ● Provide for incentives and relief ● Codify the relationship between national and county governments on matters related to persons with disabilities ● Codify offences and penalties ● Alignment of the NDFPWD with the Public Finance Management Act, 2012
<p>Senate Persons with Disabilities Bill 2023 (dated 12 June, 2023)²⁹</p>	<ul style="list-style-type: none"> ● Repeal the Persons with Disabilities Act of 2003 ● Put in place law consistent with Article 54 of the Constitution ● Restructure NCPWD and provide for its functions and powers ● Provide for incentives and relief ● Codify a human rights approach

According to a 2022 Kenya National Commission on Human Rights review of county legislation on the rights of persons with disabilities, of the 47 counties, nine counties had legislation on persons with disabilities. Many of these legislations seemed to have been drafted between 2016 and 2020.³⁰ Most of the County Persons with Disabilities Bills appear to match ongoing activities towards aligning the Persons with Disabilities Act,

²⁸ The Persons with Disabilities Bill, 2023. Kenya Gazette Supplement No. 16 (Senate Bills No. 7)

²⁹ The Persons with Disabilities Bill, 2023. Kenya Gazette Supplement No. 16 (Senate Bills No. 7)

³⁰ Kenya National Commission on Human Rights (2022), Review of county legislation on the rights of persons with disabilities Compliance with the UN Convention on the Rights of Persons With Disabilities and The Kenyan Constitution, <https://www.knchr.org/Portals/0/Disability%20Publications/Review%20of%20County%20Legislation%20On%20The%20Rights%20of%20PWDs.pdf?ver=2022-06-02-123434-927>

2003, with the Constitution.³¹ **Table 7** shows the status of county disability legislation in all counties of Kenya as of 1 March 2021.³²

Table 7: Status of Disability Legislation in all Counties of Kenya

Counties that have a Persons with Disabilities Act	Counties that have a Persons with Disabilities Bill	Counties that do not have a Bill nor an Act on Persons with Disabilities
<ol style="list-style-type: none"> 1. Turkana 2. Kisii 3. Machakos 4. Meru 5. Nakuru 6. Kisumu 7. Nairobi 8. Kiambu 9. Makueni 	<ol style="list-style-type: none"> 1. Homabay 2. Nyamira 3. Tharaka Nithi 4. Bomet 5. Kwale 6. Samburu 7. Embu 8. Vihiga 9. Mombasa 10. Muranga 11. Elgeyo Marakwet 12. Baringo 13. Tana River 14. Siaya 15. Lamu 16. Wajir 17. Kilifi 18. Isiolo 19. Bungoma 20. Kajiado 	<ol style="list-style-type: none"> 1. Kirinyaga 2. Garissa 3. Mandera 4. Marsabit 5. Kitui 6. Nyandarua 7. Nyeri 8. West Pokot 9. Trans Nzoia 10. Uasin Gishu 11. Nandi 12. Laikipia 13. Narok 14. Kericho 15. Kakamega 16. Busisa 17. Migori 18. Taiata Taveta

Source: Kenya National Commission on Human Rights (2022)

Out of the 13 target counties in this analysis, eight (Turkana, Kisii, Kakamega, Nakuru, Makueni, Kiambu, and Homa Bay) have enacted County Persons with Disabilities Acts. Mombasa, Samburu, Isiolo, and Bungoma have drafted Persons with Disabilities Bills that are awaiting approval. Marsabit County has neither an Act nor a Bill.

In addition, some of the County Persons with Disabilities Acts (such as in Kisii and Turkana) establish specific funding for persons with disabilities while others have exempted

³¹ Kenya Hansard Reports, Legislative Proposal Tracker 2016-2020 available at: <http://www.parliament.go.ke/index.php/legislative-proposals-tracker>

³² Kenya National Commission on Human Rights (2022), Review of county legislation on the rights of persons with disabilities Compliance with the UN Convention on the Rights of Persons With Disabilities and The Kenyan Constitution, <https://www.knchr.org/Portals/0/Disability%20Publications/Review%20of%20County%20Legislation%20On%20The%20Rights%20of%20PWDs.pdf?ver=2022-06-02-123434-927>

persons with disabilities from taxation and charges on their businesses. **Table 8** summarizes the existing policies and strategies related to persons with disabilities within the 13 targeted counties.

Table 8: Existing Policies and Strategies Related to Persons with Disabilities within the 13 Targeted Counties

Policies, legislation, and strategic frameworks	Counties that have them
Draft disability mainstreaming policy	Bungoma, Mombasa, Makueni, and Isiolo
Persons with Disabilities Act	Homabay (2020), Kisii (2016), Kisumu (2016), Makueni (2017), Samburu (2017), and Turkana (2017)
Draft Persons with Disabilities Bill	Isiolo
Disability mainstreaming policy	Homabay, Nakuru, Makueni, and Isiolo
Disability inclusion strategy or plan	Bungoma, Kakamega, Homabay, Nakuru, Kiambu, Makueni, Isiolo, Turkana, and Mombasa
Disability fund	Bungoma (Ksh6-10 million in FY 2023/24 for soft loans) and Kiambu (as part of its enterprise fund)

Challenges to Legislation Implementation

The subsections above note some of the challenges regarding the implementation of legislation that concerns persons with disabilities, including inconsistencies and lack of funding. Other challenges include those related to the interpretation of concepts of disability and the cross-cutting nature of disability inclusion meaning it cannot be viewed in isolation.

Additional challenges include the lack of coordination between the county and national governments, including the fact that several sections of some county persons with disabilities legislations are in direct conflict with the Constitution and the CRPD. For example, some drafters of county persons with disabilities legislations have omitted the rights guaranteed under Chapter 4 of the Constitution, which is discriminatory and leaves the county governments open to litigation. In addition, there is a lack of model disability county law to guide the development county legislation.

2.3. AN OVERVIEW OF THE STAKEHOLDERS' ROLES AND RESPONSIBILITIES IN THE PROVISION OF SERVICES FOR PERSONS WITH DISABILITIES

Disability rights and inclusion are cross-cutting themes found across different functions and sectors at the national, county, and community levels. This means the institutional framework for disability rights and inclusion is complex.

The Fourth Schedule to the Constitution and various other legislative instruments assign disability rights and inclusion and related functions to the national and county governments. Typically, these functions are defined through a list of identified stakeholders, their roles and responsibilities, and the formal and informal relationships between those stakeholders. Common stakeholders include national and county MDAs, regional economic blocs, CSOs, OPDs, private sector actors, educational institutions, faith-based organisations, community-based organisations (CBOs), and development partners.

Key roles and responsibilities are summarised below.

- **Policy and regulation** responsibilities include the determination, development, and enforcement of disability policies, laws, strategies, plans, regulations, rules, guidelines, and standards. This is the responsibility of the Ministry of Labour and Social Protection, NCPWD, Parliament, County Assemblies, and county governments.
- **Financing** responsibilities include the raising, spending, and accountability of resources. The National Assembly, Senate and County Assemblies are responsible for legislation, consideration and approval of budgets, appropriation and oversight. The Offices of the Controller of Budget and of the Auditor General also play critical roles in overseeing the implementation of the budgets of national and county governments. These offices authorise withdrawals from public funds and audit and report on the accounts of the national and county governments, including the funds and agencies of national and county governments. Other stakeholders include development partners and non-state actors who provide funding for disability programs and service delivery.
- **Service provision** responsibilities include designing programmes and ensuring that services are provided and made accessible without discrimination. This responsibility is undertaken by NCPWD, county governments, and non-state actors.
- **Representation and participation:** Parliament and County Assemblies have slots allocated for persons with disabilities so they can represent persons with disabilities in law-making, budget appropriation, and oversight. The National Gender and Equality Commission (NGEC) monitors the meaningful participation and inclusion of persons with disabilities in public affairs and institutions. Non-state actors promote the participation and full inclusion of persons with disabilities in all aspects of life while advocating for persons with disabilities' rights, building their capacity, and providing information. Ensuring the participation of persons with disabilities in decision-making

processes at the national and county levels is the responsibility of different platforms, including disability boards and councils, stakeholder forums, technical working groups, interagency coordinating committees, and intergovernmental coordinating mechanisms, including the COG.

- **Monitoring and enforcement of the rights of persons with disabilities:** NGEC monitors efforts to improve the accessibility of public buildings and public transport and the integration of children with disabilities into educational institutions. KNCHR monitors the enforcement of the rights of persons with disabilities. The Commission on Administrative Justice (Office of the Ombudsman) oversees, monitors, and enforces the rights of persons with disabilities to fair administrative action and access to information. Other key constitutional institutions and independent offices with roles and responsibilities related to disability inclusion include the Public Service Commission, Parliamentary Service Commission, Judiciary Service Commission, Ethics and Anti-Corruption Commission, the Controller of Budget, Office of the Auditor General, Office of the Attorney General, Salaries and Remuneration Commission, and Commission on Revenue Allocation. Other stakeholders include the Ministry of Interior and National Administration and CSOs.
- **Coordination:** NCPWD and county governments coordinate services for persons with disabilities, in collaboration and partnership with various government MDAs and OPDs at the national and county levels.

Table 9: Stakeholders' Roles and Responsibilities in the Provision of Services for Persons with Disabilities

Key Institutional Stakeholder	Roles and responsibilities
National Government	<ul style="list-style-type: none"> ● Develop policies on the promotion of the welfare of persons with disability. ● Undertake investigations, surveys, and research into the causes and nature of disabilities and the development of new assistive devices. ● Put in place measures for the prevention of disabilities and rehabilitation of persons with disabilities. ● Provide facilities and infrastructure for the training of professionals in the rehabilitation and habilitation of persons with disabilities. ● Promote the integration of persons with disabilities into schools. ● Promote the inclusion of persons with disability in public service and put in place measures to ensure that at least 5% of public service jobs are filled by persons with disabilities. ● Prescribe minimum standards and guidelines to be adhered to by public transport vehicles, communication service companies, and infrastructure developers to facilitate reasonable access by persons with disabilities. ● Adopt affirmative action measures in the procurement of national government goods and services by implementing preferential procurement for entities owned or managed by persons with disabilities. ● Ensure access to free basic education and other social amenities to every child with a disability.

Key Institutional Stakeholder	Roles and responsibilities
	<ul style="list-style-type: none"> • Allocate adequate resources to programmes, including training specifically targeting persons with disabilities. • Ensure equity in the distribution of resources to all categories of persons with disabilities. • Promote affirmative action to ensure that learners with disabilities are enrolled in all levels of learning institutions.
Ministry of Labour and Social Protection State Department for Social Protection	<ul style="list-style-type: none"> • Rehabilitation of persons with disabilities. • Policy and programmes for persons with disabilities. • The executive oversight of the NCPWD.
National Council for Persons with Disabilities (NCPWD)	<ul style="list-style-type: none"> • Issue and enforce orders to ensure a barrier free and friendly environment for persons with disabilities. • Formulate and develop measures and policies designed to ensure realisation of the rights and inclusion of persons with disabilities. • Register persons with disabilities and institutions, associations, and organisations of and for persons with disabilities. • Provide a range of services and interventions for persons with disabilities in collaboration and partnership with the government, development partners and other partners according to the Persons with Disabilities Act. • Provide, to the maximum extent possible, assistive devices, appliances, and other equipment to persons with disabilities • Provide, to the maximum extent possible, access to information and technical assistance for all institutions, associations and organisations concerned with the welfare and rehabilitation of persons with disabilities. • Consult with the Government in the formulation of suitable curricula for vocational rehabilitation centres and other training facilities for persons with disabilities. • Make provision for assistance to students with disabilities in the form of scholarships, loan programmes, fee subsidies, and other similar forms of assistance. • Assess and report on the welfare and rehabilitation of persons with disabilities and advise on the priority measures. • Consult with the Government in the provision of suitable and affordable housing for persons with disabilities. • Carry out measures for public information on the rights of persons with disabilities and relevant sections of the law. • Conduct inquiries into any matter relating to the welfare and rehabilitation of persons with disabilities.

Key Institutional Stakeholder	Roles and responsibilities
	<ul style="list-style-type: none"> ● Carry out or commission research on, or supply information on, any matter relating to the welfare and rehabilitation of persons with disabilities. ● Administer the National Development Fund for Persons with Disabilities. ● Decentralise and coordinate services for persons with disabilities at the county level. ● Provide technical assistance and capacity building to the counties. ● Perform other functions as may be assigned under the Persons with Disabilities Act or any applicable law.
National Development Fund for Persons with Disabilities	<ul style="list-style-type: none"> ● Contribute to the expenses, including capital expenses, of organisations of or for persons with disabilities. ● Contribute to the expenses, including capital expenses, of institutions that train persons in the care of persons with disabilities. ● Contribute to the capital expenses of projects undertaken by the Government for the benefit of persons with disabilities. ● Provide or contribute to the cost of assistive devices and services. ● Pay allowances to persons with disabilities who are in the following categories and who have no other source of income: persons with severe disabilities; older persons with disabilities; and single parents with children with disabilities. ● Make payments or contributions for such purposes as may be prescribed by NCPWD.
National Gender and Equality Commission	<ul style="list-style-type: none"> ● Monitor, facilitate, and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions. ● Act as the principal organ of the State in ensuring compliance with all treaties and conventions ratified by Kenya on issues of equality and freedom from discrimination relating to special interest groups, marginalised groups, minorities, persons with disabilities, and children. ● Coordinate and mainstream issues related to gender and to persons with disabilities and other marginalised groups and advise the Government on the same. ● Promote the mainstreaming and monitoring of disability in governance structures at the national and local levels.
Kenya National Commission on Human Rights	<ul style="list-style-type: none"> ● Ensure that the State complies with human rights norms and standards. ● Promote and protect human rights. ● Build awareness around rights. ● Act as the national monitoring body under Article 33 of the CRPD. ● Undertake studies and monitoring exercises to assess the rights of persons with disabilities through surveys involving households with disabled members, organisations of or for persons with disabilities, learning and

Key Institutional Stakeholder	Roles and responsibilities
	health institutions, local authorities, justice systems, and other public services.
Judiciary	<ul style="list-style-type: none"> ● Ensure adherence to the rule of law and enforcement of the Bill of Rights, including the right of persons with disabilities. ● Interpret and develop the law in a manner that most favours the enforcement of the rights and freedoms of persons with disabilities. ● Make rules on court proceedings on disability matters. ● Strengthen the capacity of courts, judges, and judicial officers to effectively adjudicate on matters related to persons with disabilities, including disputes, offences, and claims of rights violations.
Council of Governors	<ul style="list-style-type: none"> ● Provide a forum for inter-county relations, consultation, coordination, exchange, and sharing of information and best practices in the implementation of county functions related to persons with disabilities.
Parliament (National Assembly and Senate)	<ul style="list-style-type: none"> ● Make national laws concerning matters that affect persons with disabilities. ● Appropriate funds for the National Development Fund for Persons with Disabilities, the National Fund for the Disabled of Kenya, and national public investment in other disability programmes. ● Represent the interests of persons with disabilities ● Exercise oversight power over national and county governments in accordance with the Constitution
County Governments	<ul style="list-style-type: none"> ● Implement national policies for the protection and promotion of the welfare of persons with disabilities. ● Allocate adequate resources to programmes specifically targeting persons with disabilities. ● Ensure access to free pre-primary education and other social amenities to every child with a disability. ● Coordinate and disseminate information on services and programmes for persons with disabilities within the respective counties. ● Promote the inclusion of persons with disabilities in the county public service by putting in place measures to ensure that at least 5% of the employment positions are filled by persons with disabilities. ● Adopt affirmative action in procurement of county government goods and services by implementing preferential procurement from entities established or managed by persons with disabilities. ● Put in place policy and legislative measures and interventions for the promotion and protection of the rights of persons with disabilities in the county ● Develop mechanisms for the identification and registration of persons with disability residing in the county in collaboration with the national council for persons with disabilities.

Key Institutional Stakeholder	Roles and responsibilities
	<ul style="list-style-type: none"> ● Establish a database of persons with disability residing within the county containing disaggregated information. ● Monitor and evaluate the progress by the county in ensuring the realisation of the rights of persons with disabilities under the Bill of Rights, including articles 43 and 54 of the Constitution. ● Formulate and implement programmes aimed at promoting socio-economic development of persons with disabilities, including participation in cultural life, recreation and sports. ● Coordinate the implementation of programmes developed by NCPWD and other national authorities related to persons with disabilities. ● Prepare and publish reports containing statistical or other information relating to programmes for persons with disabilities and the effect of those programmes.
County Government Department Responsible for Disability Matters	<ul style="list-style-type: none"> ● Provide services and programmes for persons with disabilities. ● Develop enabling county level policies and guidelines for disability inclusion. ● Implement national disability policies and legislation as appropriate. ● Promote programmes and services for persons with disabilities through county planning and budgeting. ● Provide training and capacity building. ● Facilitate persons with disabilities' participation in county governance. ● Monitor and evaluate disability strategies, plans, programmes, and services. ● Promote public investment and financing.
County Disability Boards and Councils	<ul style="list-style-type: none"> ● Formulate policies and guidelines designed to achieve equal opportunities for persons with disabilities and to ensure access to services to the maximum extent possible within the county. ● Cooperate with the national government through NCPWD. ● Advise county governments on the provisions and benefits of national legislation and agreements relating to the welfare or rehabilitation of persons with disabilities. ● Recommend measures to prevent discrimination against persons with disabilities. ● Encourage and secure the rehabilitation of persons with disabilities within their own communities and social environment. ● Encourage and secure the establishment of vocational rehabilitation centres and other institutions and services within the county for the welfare, rehabilitation, and employment of persons with disabilities. ● Coordinate services provided within the county for the welfare and rehabilitation of persons with disabilities. ● Facilitate, in collaboration with NCPWD, the registration of persons with disabilities, including persons with disabilities whose condition requires constant medical attention.

Key Institutional Stakeholder	Roles and responsibilities
	<ul style="list-style-type: none"> ● Facilitate, in collaboration with NCPWD, the registration of institutions, associations, and organisations controlled and managed by the county government that provide services for the rehabilitation and welfare of persons with disabilities. ● Provide, to the extent possible, assistive devices, appliances, and other equipment to persons with disabilities. ● Provide, to the extent possible, access to available information and technical assistance for all institutions, associations, and organisations concerned with the welfare and rehabilitation of persons with disabilities, including those controlled and managed by the county government. ● Consult with the national government in the formulation of suitable curricula for vocational rehabilitation centres and other training facilities for persons with disabilities. ● Make provision for assistance to students with disabilities in the form of scholarships, bursaries, fee subsidies, and other similar forms of assistance for both public and private institutions. ● Assess and report to the County Executive Committee the welfare and rehabilitation of persons with disabilities and advise on priority programme measures. ● Consult with the county government on the provision of suitable and affordable housing for persons with disabilities. ● Mainstream matters affecting persons with disabilities within the county. ● Perform other functions in relation to the welfare and rehabilitation of persons with disabilities as necessary.
County Legislative Assemblies	<ul style="list-style-type: none"> ● Make enabling laws for the exercise of the assigned county disability functions and powers under the Fourth Schedule. ● Appropriate an adequate budget for the execution of county powers and functions related to persons with disabilities and for fulfilling the rights of persons with disabilities. ● Exercise oversight of the County Executive Committee, including agencies to ensure effective implementation of county plans and budgets related to persons with disabilities. ● Represent the interests of persons with disabilities.
Non-state actors including OPDs, CSOs, and the private sector	<ul style="list-style-type: none"> ● Provide services for persons with disabilities. ● Promote participation of persons with disabilities in governance and decision-making ● Promote networking and advocacy on the rights of people with disabilities. ● Capacity building. ● Build awareness and provide information. ● Promote the interests of persons with disabilities.

3. FINDINGS

The findings in this section are presented under each of the six objectives of the landscape analysis. The findings are informed by data collected in the literature review, key informant interviews, and focus group discussions.

3.1 OBJECTIVE 1: SERVICE PROVISION TO PERSONS WITH DISABILITIES AT NATIONAL AND COUNTY LEVELS

This objective aimed to document services provided to and accessed by persons with disabilities at the national and county levels in Kenya.

3.1.1 Services for Persons with Disabilities Provided by the National Government

At the national level, NCPWD works in collaboration with the national government through different MDAs and OPDs to undertake a range of programmes and initiatives aimed at delivering services for persons with disabilities. These programmes and initiatives include:

- a) **Policy development:** One of the mandates of the NCWPD is to formulate policies and guidelines that safeguard the interests of persons with disabilities. NCPWD advises the government on national policy and ensures that the rights of persons with disabilities are implemented countrywide. This should include whether the policies comply with the principles of inclusivity, non-discrimination and equality of opportunity for persons with disabilities.
- b) **Registration of persons with disabilities:** NCPWD conducts registration of persons with disabilities throughout the country in partnership with a number of stakeholders including the Ministry of Health at the headquarters and county levels. The registration process is aimed at establishing and maintaining a database of persons with disabilities. Registration enables persons with disabilities to access the services offered by NCPWD. Registration is also important in establishing the data and statistics related to persons with disabilities in Kenya. In line with the government plan to digitise services, NCPWD has been digitising the registration process. The registration service was added to the E-citizen platform in the fourth quarter of FY 2021/22 and was a significant step towards modernising public administration and enhancing citizen-centric service delivery.



Mass registration exercise for Persons with Disabilities (File Photo/NCPWD)

The process of registration begins with an assessment at a government hospital gazetted for disability assessment. Once a person with disability has been assessed, the assessment report is issued to them for registration. Persons with disabilities are then required to initiate the self-registration process on the E- citizen platform (<http://ncpwd.ecitizen.go.ke/>), after which they are issued with a disability registration certificate. The registration process takes 1 to 14-days after submission of the relevant registration documents (copy of identification card [or birth certificate for minors], passport photo, and a signed disability assessment report).

Despite registration being essential for accessing government services, NCPWD noted that only approximately 500,000 persons with disabilities are registered, a significantly lower number than the 918,000 persons with disabilities identified in the 2019 national census.

*"First, we register persons with disabilities. Data and statistics for persons with disabilities is currently a big thing. At the Council, we say if you are not counted then you do not count. And that speaks to programming that people and their needs need to be known so that then programming can respond to those needs. So, registration is one of our key mandates." **KII, National***

It was also pointed out that deaf persons seeking assessment often end up with frustration given the fact that medical personnel responsible for assessment of deaf clients are very few, and in some cases like in Vihiga County, non-existent. In Homabay County, there is only one ear, nose, and throat clinician responsible for

all the nine sub-counties. To make it worse, assessment equipment like Audiogram, MRI are not available in the majority of assessment facilities forcing many referral cases at the expense of the deaf clients.

Overall, the current landscape of disability assessment is not fully compliant with the CRPD principles that requires: focus on the requirements of the person due to barriers within society, rather than the impairment; ensuring the process of obtaining disability status is accessible, simple and free for everyone everywhere; elimination of multiple methods of assessment; reduction of the burden on applicants and promoting consistency and transparency in assessment; and making information on assessments requirements accessible and user-friendly and not basing assessments solely on medical reports of impairments and health conditions.

- c) **Provision of assistive devices and services:** NCPWD provides assistive devices, such as white canes, wheelchairs, crutches, hearing aids, and computers with assistive software. The programme on assistive devices and services is aimed at improving mobility and independent living by persons with disabilities. NCPWD also offers up to Ksh. 100,000 to persons with disabilities in need of an assistive device; persons with disabilities must cover any amount above Ksh.100,000. During FY 2022/2023, NCPWD supported 939 persons with disabilities across the country with various assistive devices that included hearing aids, crutches, wheelchairs, tricycles, white canes, and walking appliances.

NCPWD also implements an Albinism Support Programme, which aims to improve the welfare of persons with albinism through provision of sunscreen lotion, after-sun lotion, lip balm, protective clothing (including hats and long-sleeved shirts), eye care services, and skin cancer screening and treatment. The programme also aims to sensitise communities on albinism to help end stigma, discrimination, and the violation of human rights. During FY 2022/23, 3,818 persons with albinism collected sunscreen and after-sun lotions from hospitals across the country. NCPWD also supported 24 groups of persons with albinism with grants for economic empowerment. However, the majority of pre-lingual deaf persons who do not need hearing aids but sign language training and interpreter services have not been benefiting from NCPWD assistive devices programme.



Distribution of wheelchairs (File Photo/NCPWD)

- d) **Kenyan Sign Language Training:** NCPWD has a Sign Language training programme for public service officers. This is part of the effort to mainstream services for the deaf or hard of hearing Kenyans who visit public offices in search of services. Currently this is done in partnership with Kenya Institute of Special Education, which annually provides training in Kenya Sign Language to over 350 public employees who provide essential services. It was, however, pointed out that the sign language interpreters training offered at KISE focuses largely on general communication and is not sufficient for classroom sign language. For one to be trained as a Kenyan Sign Language Interpreter he or she must have passed through intensive language training to the level of expertise. Three months is not sufficient to train language interpreters.

*"I spoke about Sign Language, it's only a few places you'll go and find a Sign Language interpreter. And mainly most of those will be government offices because currently, we are pushing the government to employ and train the staff on that." **KII, National***

- e) **Rehabilitative services:** Under the Persons with Disabilities Act, rehabilitation services include prevention of disability, early identification of disability, early rehabilitation of persons with disabilities, enabling persons with disabilities to receive free rehabilitation and medical services in public and privately owned health institutions, availing essential health services to persons with disabilities at an affordable cost, availing medical personnel to local health institutions for the benefit of persons with disabilities, and the prompt attendance by medical

personnel to persons with disabilities. NCPWD supports the provision of rehabilitation services for persons with disabilities through various partner organisations. For deaf persons, however, Kenya does not have proper guidelines and procedures for early identification of hearing loss. Where this is done, there is no clear guideline for provision of early intervention services to children diagnosed with hearing challenges.

- f) **Education assistance:** NCPWD offers educational scholarships and bursaries to persons with disabilities. This assistance not only targets persons with disabilities directly but also the children of persons with disabilities who have low incomes. NCPWD collaborates with other agencies and organisations, including the Higher Education Fund to support persons with disabilities to attend university or college. NCPWD also partners with the corporate sector, such as the Kenya Pipeline Corporation, KCB Foundation, Mombasa Cement, to offer scholarships and bursaries to students with disabilities in secondary, vocational, technical, and tertiary education institutions. Furthermore, assistance and donations, exemplified by the Helen McGowan Scholarship, has contributed scholarships and bursaries for students with disabilities in educational institutions. Learners within the scholarship programmes also receive mentorship and career guidance through the Tunza Mentorship and Career Guidance. NCPWD also supports the development of accessible school infrastructure, including classrooms, dormitories, and workshops. Persons with disabilities can also obtain educational bursaries from national government funds, for example, the National Government Constituencies Development Fund and the Presidential Secondary School Bursaries. During FY 2022/23, NCPWD provided scholarships to 2,372 learners with disabilities through the various scholarships offered in collaboration with various partners.

The rights of deaf children to accessible inclusive education however remains far from being realised. The rights of pre-lingual deaf learners to accessible inclusive education have especially not received adequate attention which disadvantages pre-lingual deaf learners who need social attention from the teachers to properly access the curriculum. Studies have shown that pre-lingual deaf learners who enter formal education without pre-literacy skills have no strong foundation on which to begin compared to the hearing learners who enter formal education with pre-literacy skills commensurate with their age. A study on English Grammar Functioning Level of Class Three Prelingually Deaf Learners in Kenya showed that grade three prelingual deaf learners' functioning level was at the level of grade one hearing learners.³³

- g) **Public information, awareness creation, and advocacy:** NCPWD leads countrywide sensitization and awareness creation activities related to the rights of

³³ Ogotu Tobias Adera, Kochung Edwards Joash, Adoyo Peter Oracha and Matu Peter Maina (2017), Assessment of English Grammar Functioning Level of Class Three Prelingually Deaf Learners in Kenya, *Journal of Educational and Social Research*, 7(1), 49.
<https://www.richtmann.org/journal/index.php/jesr/article/view/9726>

persons with disabilities through commemoration of disability days and events, production of documentaries, publication of quarterly *Usawa na Haki* newsletters, and media engagement. This is done to reduce the stigma and discrimination of persons with disabilities. NCPWD also advocates for disability mainstreaming to create an environment for persons with disabilities to operate as independently as possible, ensure their inclusion in all areas of life, and ensure physical accessibility of public buildings and spaces. For instance, during FY 2022/2023, NCPWD supported 22 OPDs to carry out advocacy on disability issues, including participating in various events.

Even though NCPWD has been leading countrywide sensitization and awareness creation activities related to the rights of persons with disabilities, the needs of deaf persons have not been adequately catered for. In most cases, there is a belief that all that the deaf need is training of Sign language interpreters. However, their information needs are complicated and requiring to be addressed by persons conversant with deaf persons issues



Public awareness and advocacy (File Photo/NCPWD)

*“So when we started the Council [NCPWD], awareness, community education, training, persons with disability to be self-advocates was very big. But as awareness increased, people expected concrete services. ‘Don’t come and tell me I have rights. I want to enjoy those rights.’ Whether those rights are receiving a pair of crutches, or a wheelchair, or school fees to attend school, or money to do business, or cash transfer, or lotion. So, given the limitation of resources, we had to make a decision. Do we continue telling people they have rights in every corner of the country or use those resources to provide the services.” **KII, National***

- h) **Social Protection:** The PWSD-CT scheme for households with persons with severe disabilities is a Vision 2030 flagship project under the National Safety Net Programme (Inua Jamii) and is implemented by the SDSP and the NCPWD. PWSD-CT started in FY 2010/2011. The scheme aims to provide cash transfers to 47,000 households with persons with severe disabilities per year. Beneficiaries receive Ksh. 2,000 every month, paid bimonthly. In FY 2022/23, NCPWD disbursed cash transfer funds to 38,118 households through the six Inua Jamii contracted payment service providers (KCB Bank, Equity Bank, Post Bank, Cooperative Bank, KWFT Bank, and National Bank). The disbursement of the cash transfer funds was, however, reported to sometimes experience delays from the exchequer. These delays were attributed to the design of the Inua Jamii programme that requires payment of the three cash transfer programmes under the SDSP to be paid out at the same time. Currently, the programme also excludes deaf persons even though research has shown that some deaf persons have additional disabilities such as learning and physical challenge and should be eligible for cash transfer.

Respondents also mentioned that the government, through the State Department of Social Protection, supports nutrition improvement through the Nutritional Improvements through Cash and Health Education (NICHE) programme. The programme provides health, education, and monthly cash transfers to vulnerable groups, including persons with disabilities, in targeted counties such as Kilifi, Kitui, Marsabit, Turkana, and West Pokot. In addition, during FY 2022/23, NCPWD provided grants to learning and social care institutions that give support to persons with severe disabilities who need extensive support. In total, NCPWD supported 11 schools with grants for development of infrastructure and equipment.

- i) **Economic empowerment:** The government, through NCPWD, supports the economic empowerment of persons with disabilities through three main avenues. Firstly, it assists self-help groups led by persons with disabilities in launching income-generating projects through training, capacity building, and start-up grants. In FY 2022/23, NCPWD provided economic empowerment support to 90 self-help groups of parents and caregivers of persons with severe disabilities.

Secondly, vocational training is provided for young persons with disabilities to equip them with productive and business skills. NCPWD also provides young persons with disabilities with tools related to their training. The Tools of Trade programme provides beneficiaries with employment and wealth creation opportunities in selected sectors, such as catering, automotive engineering, agriculture, and beauty and domestic services. During FY 2022/23, NCPWD in collaboration with partners supported 83 persons with disabilities with tools of trade.

Thirdly, the NCPWD's Local Purchase Orders (LPO) Financing Programme supports businesses of persons with disabilities that are registered with the National Treasury under Access to Government Procurement Opportunities (AGPO) affirmative action initiative. LPO financing comprises funds granted by partner financial

institutions, such as KCB Bank, up to Ksh. 500,000 for tenders provided to persons with disabilities by procuring government entities. So far, NCPWD has supported about 120 businesses owned by persons with disabilities.³⁴ During FY 2022/23, NCPWD provided LPO financing to 11 businesses registered under AGPO. The LPO Financing Programme however, faces some challenges, including limited budgetary allocations from the NCPWD that lock out businesses with orders requiring more than Ksh 500,000 and low awareness among persons with disabilities, resulting in low uptake of LPO financing opportunities.



Economic empowerment activities for Persons with Disabilities (File Photo/NCPWD)

- j) **Access to government procurement opportunities (AGPO):** AGPO is a national government affirmative action initiative aimed at empowering disadvantaged groups by giving them more opportunities to do business with the government. The initiative aims to facilitate enterprises owned by youth, women, and persons with disabilities to participate in government procurement. AGPO is part of the implementation of the government policy of reserving 30% of government procurement opportunities for youth, women, and persons with disabilities. In FY 2021/22, at the national level, the total procurement budget allocated to special groups under AGPO was Ksh. 48 billion. Of this, 2,591 persons with disabilities received about Ksh. 2.6 billion (5.3%) from the National Treasury while 3,923 persons

³⁴ National Council for Persons with Disabilities <https://ncpwd.go.ke/lpo-financing/>

with disabilities received approximately Ksh. 2.8 billion (5.9%) from other public institutions.³⁵

Most public institutions are not in compliance with the AGPO 30% rule. For example, during the FY 2021/2022, only 63 (13%) of public institutions at the national level complied with the AGPO policy of at least 30% allocation of procurement budget to youth, women, and persons with disabilities. In total, 88 institutions did not award tenders to any of the special groups. In FY 2022/23, under AGPO, NCPWD awarded about Ksh. 78 million worth of tenders and contracts to youth (Ksh. 28.1 million), women (Ksh. 23.7 million), and persons with disabilities (Ksh. 27.6 million).

The key barriers to persons with disabilities' participation in the AGPO initiative and other government procurement processes include a lack of tax compliance; low awareness among persons with disabilities of the AGPO tendering laws, processes, and procedures resulting in their low uptake of AGPO; and inadequate commitment by governmental procuring entities to implement the 30% policy.

- k) **Autism and Related Developmental Disabilities Support Programme:** NCPWD has initiated a new programme targeting 6,000 persons with autism and other developmental disabilities including cerebral palsy, epilepsy, intellectual disabilities, and Down Syndrome. The services under the new programme include early identification and management, including referral care; provision of therapies, including diet therapy, occupational therapy, speech therapy, and essential drugs and supplies; and provision of adult diapers. During FY 2022/2023, NCPWD engaged APDK through a service contract to provide occupational, physio, and diet therapy for 1,200 beneficiaries in ten areas (Nairobi, Mombasa, Nakuru, Kisii, Siaya, Busia, Kisumu, Machakos, Embu and Uasin Gishu). Given the general lack of awareness of developmental disabilities in the country, NCPWD plans to increase awareness of these conditions and expand access to treatment, including drugs and different kinds of therapy.
- l) **Access to employment opportunities and job placement:** To promote employment of persons with disabilities, NCPWD established a job portal (<https://ncpwd.fuzu.com>) to help persons with disabilities access job opportunities from the public sector and private sector organisations. During FY 2022/23, NCPWD enrolled 439 employers, predominantly from government agencies, and successfully onboarded nearly 6,000 individuals with disabilities actively seeking employment opportunities through the job portal. Many respondents identified the need to encourage more public agencies and private companies and organisations to advertise their employment opportunities on the portal. The programme is also not beneficial to many deaf persons, especially the prelingual categories. There should be intentional measures to address the job placement

³⁵ The Public Service Commission (2022), Annual Report on the Status of Compliance with the Values and Principles in Articles 10 and 232 of the Constitution of Kenya, of December 2022

needs of prelingual deaf persons interested in, for example, unskilled or manual jobs.

“So, we have established this career portal to make sure that whenever jobs are advertised by those on the platform, this information is accessible immediately to those who qualify for those jobs that are being advertised. So, the platform is sort of a marketplace.” **KII, National**

Overall, it was reported that despite both the Constitution and the Persons with



Registration exercise to register Persons with Disabilities on the job portal (File Photo/NCPWD)

Disabilities Act requiring that at least 5% of employees in all types of organisations, including public and private entities, are persons with disabilities, most entities do not meet this requirement. For example, a 2022 survey conducted by the Public Service Commission³⁶ revealed that only 1.4% of public sector employees in Kenya are persons with disabilities.

At the NCPWD and in many MDAs, it was observed that there are no deaf persons employed in administrative positions to create awareness on specific needs of deaf persons. At the same time, it was pointed out that most of the staff within the quality assurance and standards department of the Ministry of Education may not have the required expertise to handle inclusive education policy for deaf learners within the education system.

³⁶<https://publicservice.go.ke/index.php/publications/reports?download=481:status-of-compliance-with-values-and-principles-in-articles-10-232-of-the-constitution-annual-report-2021-2022>

At the county level, the National Cohesion and Integration Commission (NCIC) Ethnic and Diversity Audit 2023 report revealed that access to employment in the public sector is limited for persons with disabilities. Of the total county workforce of 184,876, only 1.14% (2,087) represented persons with disabilities with 98.87% (182,789) representing persons without disabilities. From the findings none of the 47 counties attained the Constitutional and Persons with Disabilities Act 2003 5% threshold in terms of representation of persons with disabilities in the county public service.³⁷ **Table 9** below presents the representation of Persons with Disabilities in the County Public Service in the 13 study counties

Table 10: Representation of Persons with Disabilities in County Public Service in the 13 Study Counties

County	Proportion of county public service employees who are persons with disabilities
Bungoma	1.0%
Homa Bay	1.0%
Isiolo	2.1%
Kakamega	0.8%
Kiambu	0.7%
Kisii	1.3%
Kisumu	1.4%
Makueni	1.9%
Marsabit	1.9%
Mombasa	0.8%
Nakuru	1.3%
Samburu	1.3%
Turkana	2.4%
National	1.1%

Source: NCIC (2023), Ethnic and Diversity Audit of the County Public Service Report 2023,

- m) **Legal support:** NCPWD reported working with partners, including Kituo cha Sheria, NGEN, the Federation for Women Lawyers in Kenya, the Attorney General's Office, and the Commission on Administrative Justice, to provide free legal services for persons with disabilities when needed. Some of the most sought legal services

³⁷ The National Cohesion and Integration Commission (2023), Ethnic and Diversity Audit of the County Public Service Report 2023, NCIC Publication No. 1/2023

include support with cases related to gender-based violence, rape and sexual assault, inheritance, and elections.

*"We do investigations on violations of rights for persons with disabilities. So if a person with a disability feels that his/her rights have been violated, and they are seeking legal advice, we handle that through our legal department." **KII, National***

- n) **Tax exemption:** NCPWD facilitates persons with disabilities to access tax exemptions. The legal basis for granting tax exemptions for the Persons with Disabilities include the Persons with Disabilities Act and the Persons with Disabilities (Income Tax Deductions and Exemptions) Order No. 11 of 2010. The tax measures relevant to Persons with Disabilities in Kenya include Income tax exemptions and reliefs; Income tax deductions and credits; Value-Added Tax (VAT) and other consumption tax incentives; and import duty, demurrage charges, port charges, and any other government levy for the importation of assistive devices such as wheelchairs, walking sticks and motor vehicles modified for special needs.³⁸

Through the Persons with Disabilities (Income Tax Deductions and Exemptions) Order 2010, a person with disability registered with NCPWD who is in receipt of an income of the first Ksh. 150,000 per month or Ksh. 1.8 million per annum may apply to the Cabinet Secretary responsible for Finance for exemption from income tax and any other levies on such income.

NCPWD facilitates application of tax exemptions for persons with disabilities by KRA. For a person with disability to access the tax exemption benefits he or she must acquire a tax exemption certificate. The process of acquiring the tax exemption certificate is strenuous and cumbersome for persons with disabilities. The process involves first, filing out in duplicate an Income Tax Exemption Application Form to be submitted to the NCPWD.

The application form must be accompanied by various documents including KRA Pin Certificate from the iTax platform; Copy of NCPWD Disability Card; Copy of National Identification Card; Copy of the Disability Assessment Report from government-gazetted hospitals possessing a signature and remarks from the Director General or Director of Health/Medical Services; Certified copy of the latest payslip (where applicable); Tax compliance certificate; Original letter from the employer stating the nature of the disability and how it affects the employee's productivity in the workplace (where applicable); and in the event of a renewal, a copy of the expired certificate is required.³⁹

Once the Commissioner is satisfied with the completeness and accuracy of the application, then KRA issues a tax exemption certificate valid for 5 years. The

³⁸ Roberto Ramos Obando, Taxation Of Persons With Disabilities, National Tax Payers Association and International Lawyers Project, <https://www.nta.or.ke/Resources/Reports/PWDandTaxation.pdf>

³⁹ KRA, <https://www.kra.go.ke/individual/special-needs/your-situation/people-with-disability>

renewal of the certificate also demands going through the same process.⁴⁰ Application process for the Kenya Disabled Persons Car Import Tax Exemption is similarly arduous.

Respondents reported several challenges and barriers to persons with disabilities using the available tax exemptions. These are listed in **Table 8** below.

Table 11: Challenges to Access Tax Exemptions and Incentives by Persons with Disabilities

Challenges in accessing tax exemptions and incentives by persons with disabilities
<ul style="list-style-type: none">● Persons with disabilities are unaware of the tax exemptions available to them.● Tax exemption application processes are lengthy and cumbersome.● Vetting and verification processes that require personal appearances can pose serious difficulties, particularly for those with limited mobility.● Lack of guidelines to support the vetting and verification process.● Five-year expiration of tax exemptions can create uncertainty, and the re-application process may result in denials, especially for individuals not in formal employment.● Low tax literacy levels among persons with disabilities, especially about the tax exemption requirements.● Communication barriers, for example, the KRA mostly contacts taxpayers only by email, which is not an accessible means of communication for everyone.● Unclear definition of disability for tax exemption purposes.● Absence of guidelines to aid the administration of the tax incentives.

3.1.2. Services for Persons with Disabilities Provided by County Governments

The analysis found that counties have taken steps to provide county-specific services and support for persons with disabilities. However, the extent and nature of the services and support vary based on each county's priorities and available resources. Generally, counties provide education support, economic empowerment, advocacy and rights awareness, infrastructure, assistive devices, and emergency assistance. Table 11 below summarises the main services provided to persons with disabilities at county level.

⁴⁰ Global Payment and Compliance (2023), Tax Exemption for Persons with Disabilities in Kenya <https://www.myworkpay.com/blogs/tax-exemption-for-persons-with-disabilities-in-kenya> February 9, 2023

Table 12: Summary of Services for Persons with Disabilities Provided at County Level

Services for persons with disabilities	Counties providing the services
Provision of assistive devices	Bungoma, Samburu, Turkana, Kakamega, Kisumu, Homabay, Nakuru, Kiambu, Makueni, Kisii, Marsabit and Mombasa
Tax relief and waivers	Bungoma, Kisii, Kisumu, Makueni, Kakamega, Homabay, Nakuru, Kiambu, Turkana, Marsabit, and Mombasa
Business licence fee exemption	Bungoma, Nakuru, and Kisumu
Sporting activities for persons with disabilities	Bungoma, Turkana, and Kisii
Awareness creation on the rights of persons with disabilities	Isiolo, Marsabit, Samburu, Bungoma, Kakamega, Kisumu, Homabay, Nakuru, Makueni, Kisii, and Turkana
County surveys of persons with disabilities	Isiolo, Marsabit, Mombasa, and Kakamega
Training and capacity building	Isiolo, Marsabit, Samburu, Bungoma, Kakamega, Kisumu, Homabay, Nakuru, Makueni, Kisii, and Turkana
Sign Language interpretation	Kisii and Nakuru
Employment and job opportunities	Kisumu, Nakuru, Kakamega, Homabay, Makueni, Kisii, Turkana, Mombasa, and Bungoma
Health services, (medical) assessments, waived fees, physiotherapy services	All 13 counties assessed
Education bursaries and scholarships	Makueni, Nakuru, Samburu, Turkana, and Bungoma
Legal support	Makueni. (Bungoma for support related to gender-based violence)
Food and humanitarian relief during crises	Marsabit, Samburu, and Turkana
Cash transfers and financial relief	Marsabit, Samburu, and Turkana.
Sunscreen and lotion for persons with albinism	Nakuru, Kakamega, Homabay, Kisumu, Makueni, and Kisii
Physical infrastructure support	Turkana, Kisii, Kakamega, Kisumu, Homabay, Nakuru, Makueni, and Marsabit
Access to procurement opportunities	Bungoma, Kisii, and Kisumu
Affirmative action	Homabay, Makueni, Isiolo, Turkana, Marsabit Mombasa, and Bungoma

Economic empowerment and financial incentives: These include business empowerment funds, grants, and training programmes to encourage entrepreneurship and self-employment. Other economic empowerment and social protection support reported include employment and job placements, cash transfers, and financial inclusion and affirmative action programmes.

Many of the counties assessed also reported providing financial incentives, including tax waivers and relief. For example, most of the counties assessed (82%) reported the existence of waivers on business licences for businesses owned by persons with disabilities. Members of the Chamber of Commerce, County Assemblies, and County Executive Committees reported championing waivers for persons with disabilities, while some counties, such as Kakamega, Homa Bay and Makueni, stated that they already have executive orders to this effect.

“We have been fighting for those waivers so that persons with disabilities may work freely. Some of us, persons with disability have registered with KRA so that they may be given a tax exemption. For those who do not have, the caregivers are given a waiver, a business waiver so that they may be able to do their work.” KII, Nakuru

Only 27% of the counties visited have social protection programmes in place, this low rate is due to the perception that these programmes are the national government’s responsibility. Respondents in all the counties assessed mentioned the existence of some form of food assistance programme where food is distributed annually or bi-annually to persons with disabilities, either through the county registry or via registered social groups.

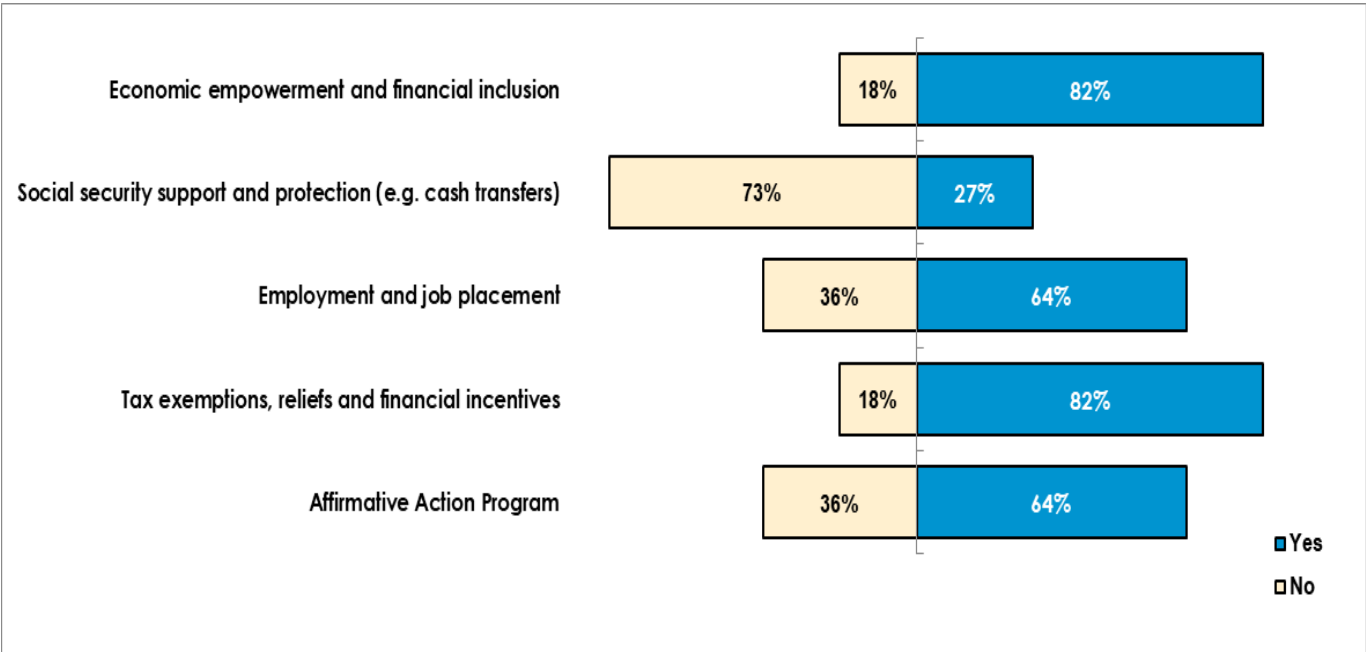


Figure 4: Services for Persons with Disabilities Available at County Level (n=11)

Homa Bay County reported providing tools of trade to persons with disabilities who had technical training in fields such as hairdressing, electrical services, tailoring, carpentry

and information technology. Half of the targeted counties (Samburu, Mombasa, Bungoma, Kakamega, and Kiambu), with support from private partnerships, also offer training on market trends and trading, agribusiness, budgeting, and climate change.

*“We believe that given the opportunity, some of these people [persons with disabilities] can make their own money because giving them a fish may not solve the problem but teaching them how to fish will. That's where the Makueni County Empowerment Fund comes in. We give them money to do business.” **KII, Makueni***

Some counties, such as Samburu, stated that they had a cash transfer programme at the county level that responds to natural disasters, such as floods and drought. In these programmes vulnerable groups, including persons with disabilities, are given financial assistance. Samburu also reported providing food and hygiene items to children's homes that house persons with disabilities.

Education support: The analysis found that nearly two thirds (64%) of the counties provide education support to persons with disabilities. This support encompasses a range of initiatives aimed at ensuring persons with disabilities have access to learning opportunities. Scholarships and bursaries to help cover the cost of school fees, supplies, and other expenses were the most common type of educational support, with nearly all the counties assessed stating that they were providing bursaries and full scholarships to students with disabilities.

This financial support ranged from Ksh. 2,000 to Ksh. 40,000 for students in boarding secondary schools and tertiary institutions. For example, Samburu County partners with Equity Bank under the Wings to Fly programme to provide sponsorship to underprivileged children, including children with disabilities.

Makueni County provides vocational training for persons with disabilities. Some county governments also partner with NGOs and private companies to support the provision of protective gear for those taking courses in construction, welding, and masonry. These partnerships also support the provision of assistive devices and the improvement of infrastructure through the construction of classrooms and ramps.

*“There are also education support services, including assessments and appropriate placement of these children in schools where they can get education. Specifically, those with hearing impairments, those who've got mobility impairments, and those who've got central neurological disorders.” **FGD, Homabay***

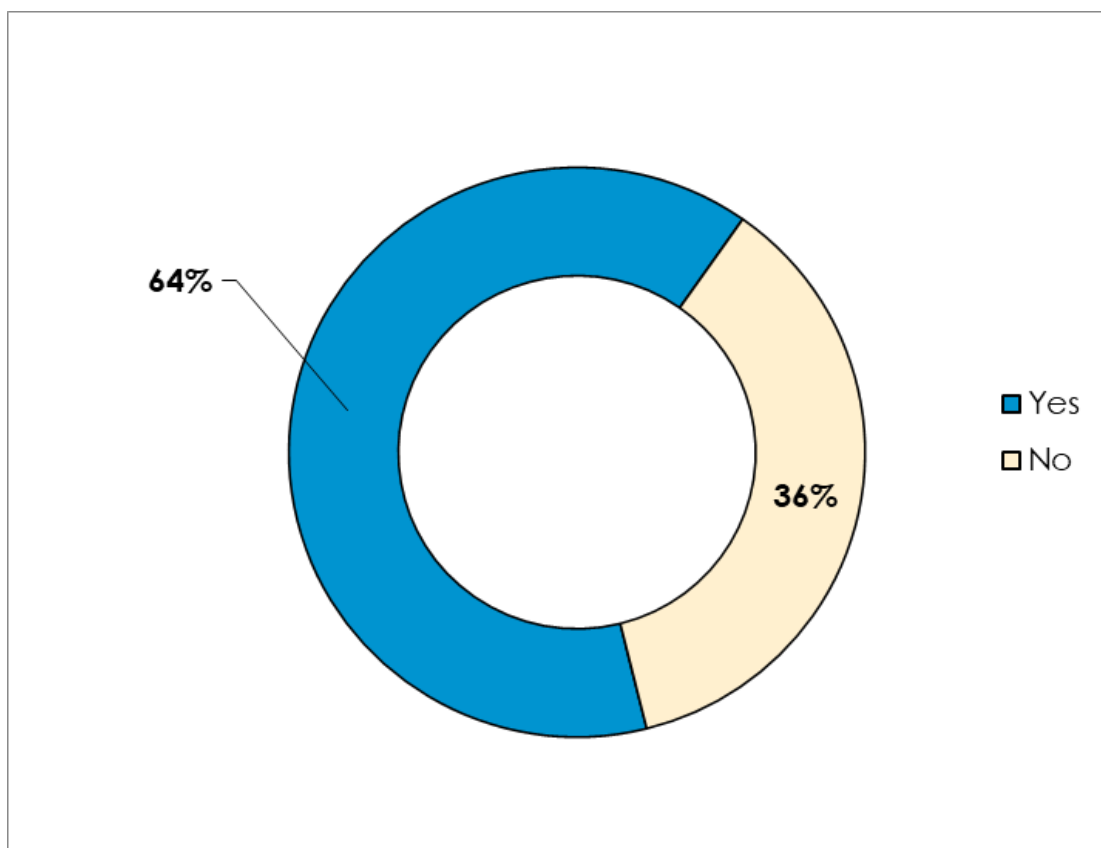


Figure 5: Provision of Education Support (n=11)

Infrastructure, equipment, and assistive devices support: The analysis revealed that six of the 11 counties assessed provide infrastructure and equipment support to institutions for persons with disabilities, such as schools. For instance, Turkana County was constructing multipurpose accessible halls. The county also constructed stalls specifically for persons with disabilities to sell their goods. More than three-quarters of the counties provide assistive devices and equipment, including mobility aids such as crutches, wheelchairs, walking sticks, and white canes. County governments either collaborate with NGOs, like APDK, or allocate a budget to procure and distribute assistive devices to persons with disabilities.

Kakamega and Kisii reported distributing sunscreen, sunglasses, and hats to people with albinism. Kakamega also indicated the existence of a housing project that caters to the vulnerable in society, including persons with disabilities. The project has so far built 360 houses. Samburu County officials reported the provision of prosthetics and corrective surgeries for those with physical disabilities. Some counties also reported annually distributing blankets and mattresses. However, due to the high demand, most counties (82%) cannot provide devices or equipment to everyone who needs them. Consequently, there was a reported need for partnerships and collaborations with non-state actors. For example, Makueni County collaborated with the Jaipur Foot Trust to provide prosthetics.

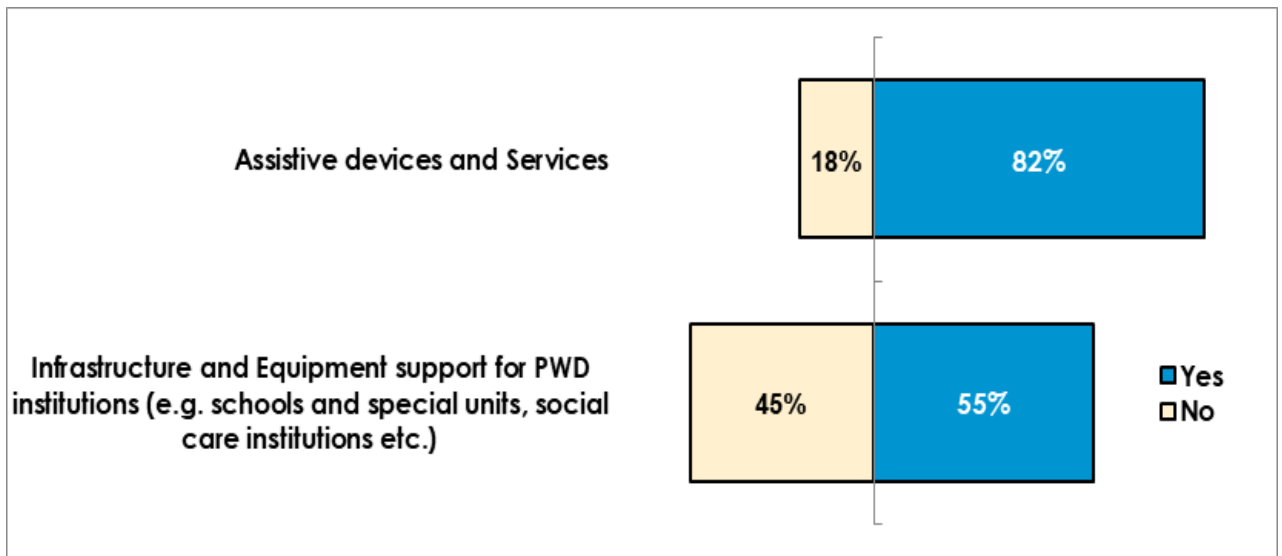


Figure 6: Assistive devices, infrastructure, and equipment support at county level (n=11)

“So, for this, this one so we try to break barriers to accessing health breaking barriers like communication for the Deaf. We have sign language interpreters, and infrastructure, we are trying to construct ramps and what have you we have started small. Yeah, so that they access our buildings now where we have waiver services for those who are not able to pay with their pay, so we take them through a waiver system. We just have special programmes for persons with disabilities. We have community-based health education. Yeah, we have special clinics just for them and then advocacy campaigns on disability prevention.” **Kil, Bungoma**

Awareness creation, sensitization, and capacity building: About two thirds (64%) of the assessed counties carry out public or civic education initiatives to raise awareness and sensitization around disability and the rights of persons with disabilities. Most of the awareness creation activities are carried out on the International Day of Persons with Disabilities (3 December) and during other public events.

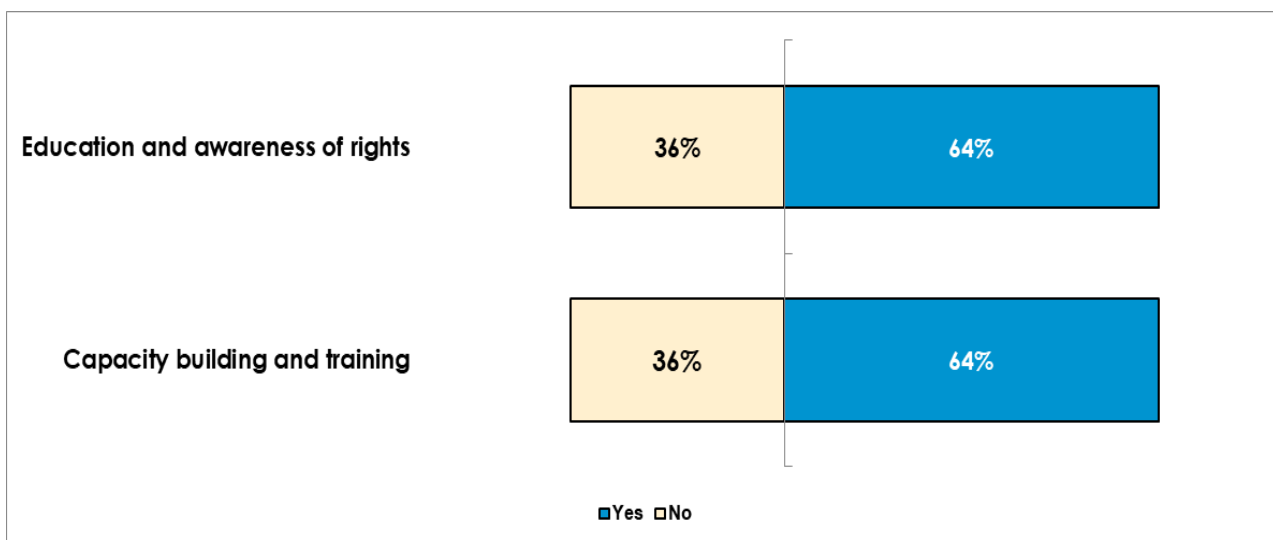


Figure 7: Provision of Education, Awareness, and Capacity Building Services (n=11)

Some counties, including Kisii, reported that they occasionally organise workshops for persons with disabilities to inform them of their rights per the Constitution and Persons with Disabilities Act. Some counties also reported working closely with parents of children with disabilities to help reduce the stigmatisation of persons with disabilities in society. The analysis also found that two thirds of the counties (64%) provided capacity building and training for persons with disabilities.

"We did a capacity building workshop when we inaugurated the office because persons with disabilities thought they were coming to this office to get the money for their problems. But we decided to have the workshop to enlighten them that every department has its obligation because as per article 54 of the Constitution requires that in any employment, any selection, or election, at least 5% of those in office must be people living with disabilities." KII, Kisii

Most county staff interviewed reported the use of Kenyan Sign Language interpreters at public events and the organisation of interpretation in meetings with a Deaf or hard of hearing person. Some respondents mentioned some staff were sponsored by NCPWD to attend basic Sign Language training.

"The county government two years ago appointed seven interpreters to support the deaf community within Kisumu. These interpreters have been allocated at the hospitals to help the deaf were sick. So some are within the County Public Service Board offices and some are placed in various other offices." KII, Kisumu

Health services that are considered persons with disabilities-friendly are only available in 45% of the counties assessed. Persons with disabilities have challenges accessing the health services they need, as in most counties many facilities lack specialised services, such as physiotherapy. In some counties, persons with albinism receive sunscreen from hospitals. Non-state actors complement the health services offered at government facilities. For example, CURE International in Kijabe, offers reconstructive and orthopaedic surgeries to children with disabilities. Some counties, such as Bungoma, Kakamega, Makueni, Marsabit, and Homa Bay, reported remitting monthly payments of Ksh. 500 to the public health insurer, National Health Insurance Fund, for registered persons with disabilities in their counties. Some counties also reported arranging free medical camps for persons with disabilities and the availability of community-based health services that cater for persons with disabilities.

Registration of persons with disabilities: NCPWD county offices mentioned initiating registration drives of people with disabilities through the support of development partners or NCPWD. Only Kakamega county cited conducting a census of persons with disabilities in the county. All county officials interviewed reported that the official registration of persons with disabilities is a function of the NCPWD and thus counties can only support registration when requested. Disability assessments, for registration, are done at level 4 and level 5 facilities across the country. Most counties reported that the assessment is done at no charge except for those with significant disabilities.

3.1.3. Funding Provisions for Disability Related Services at the National and County Levels

Services for persons with disabilities are mainly funded by the national and county exchequers. At the national level, there are two dedicated funds: the National Fund for the Disabled of Kenya (NFDK) and the NDFPWD. Established in 1980, the NFDK operates as a trust, receiving grants from the Office of the President. The NDFPWD was established through the Persons with Disabilities Act and supports various services and programmes, such as assistive devices, educational assistance, economic empowerment, and infrastructure.

The current budget allocations for programmes at the national and county levels do not utilise available evidence on disability status from the population census and other surveys. Data inconsistencies and insufficient disaggregation by age, gender, and disability also remain a major challenge in planning for delivery of services for persons with disabilities.

In terms of budgetary allocation, cash transfers receive the largest share of funds from the national government. For instance, in FY 2022/2023 approximately Ksh. 1.19 billion was allocated for cash transfers. In the same year, about Ksh. 259 million was allocated to the National Development Fund operated by NCPWD, Ksh.100 million was designated for programmes specifically targeting people with albinism, and Ksh. 70 million was allocated to programmes for people with autism and other developmental disabilities.

One of the significant challenges faced by NCPWD is the insufficient funding to reach a larger number of registered persons with disabilities and their families. The demand for services and support for persons with disabilities is high but resource constraints limit the ability of NCPWD to provide for everyone in need. Insufficient funding particularly affects services that require continuous support, such as student scholarships.

To complement government funding, NCPWD is exploring alternative funding options, including donor funding for specific programmes. Respondents mentioned that donor funds are most suitable for projects with definite timeframes, such as advocacy, awareness creation, community education, and distribution of assistive devices. A drawback noted was that the sustainability of donor-funded programmes can be uncertain due to the dynamic nature of donor commitments.

At the county level, funding for persons with disabilities varies, with a mix of county government budget allocations and collaborations with NGOs or donor-funded initiatives. An analysis of various county budget documents, such as the County Budget Review and Outlook Paper and annual county budget estimates, found that during FY 2022/2023 out of the 47 counties:

- Five counties (11%), namely Lamu, Baringo, Kiambu, Kakamega, and Kisii, made some direct budget allocations for disability inclusion and mainstreaming programmes and services.
- 23 counties (49%) made some budget allocations for programmes and services for persons with disabilities through the Gender, Youth, Sports and Culture and Social Development and Services departments.

- 19 counties (40%) made no budget allocation for programmes and services for persons with disabilities.

Notably, most counties assessed were found to lack an enabling legislative framework that would allow them to establish a funding mechanism to comprehensively address the needs of persons with disabilities. As shown in **Figure 8** below, 55% of the counties assessed indicated that they have guidelines for budget inclusion and mainstreaming and 45% have budget lines and codes for programmes related to persons with disabilities. Only 18% reported having a dedicated county fund for persons with disabilities. Where there are funds allocated, most of this funding was reported to be spent on the procurement of assistive devices, scholarships and bursaries, and International Day of Persons with Disabilities celebrations. **Figure 8 and Table 12** highlight the mechanisms for disability financing and budget inclusion.

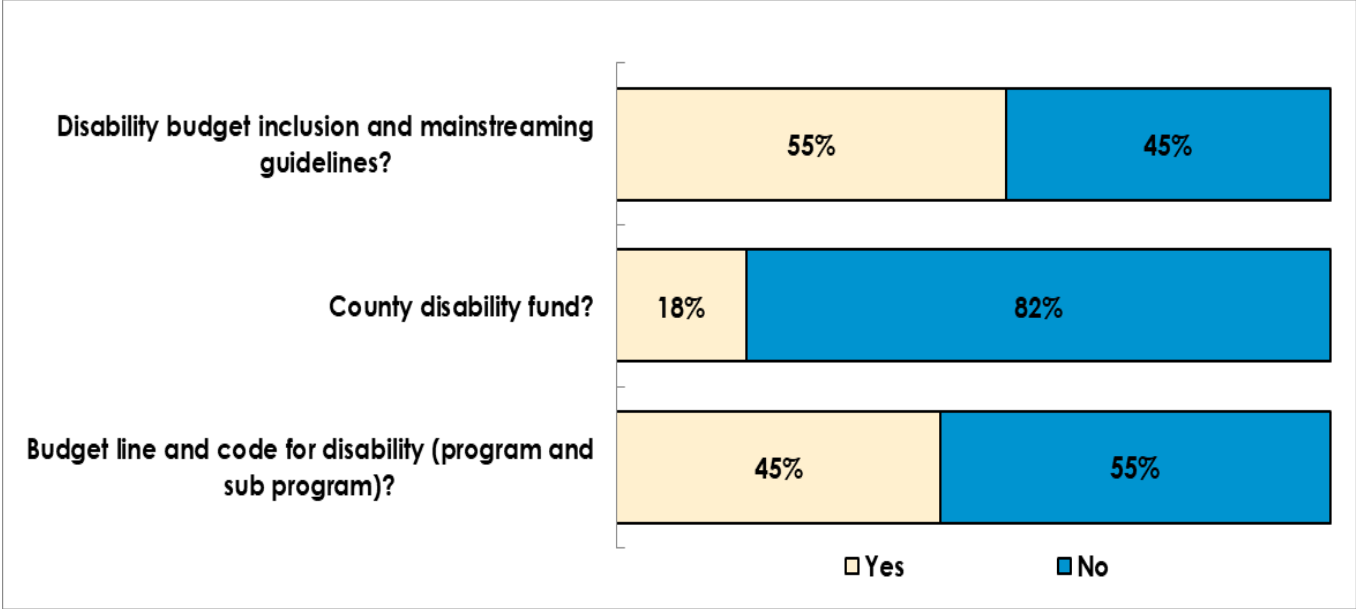


Figure 8: Mechanisms for Disability Financing and Budget Inclusion (n=11)

Table 13: Funding for Services for Persons with Disabilities

County	Funding for services for persons with disabilities
Bungoma	It was reported that funding from the county treasury was limited and does not enable the county department responsible for gender and social services to fully implement its mandate. Ksh.10 million budgeted for assistive devices for persons with disabilities in FY 2019/2020 was reallocated to other county priorities before it could be spent. Each county department in Bungoma County is required to set aside 1% of its 'social budget' for persons with disabilities, in line with the provisions in the CIDP. However, this rarely happens. Bungoma has a County Disability Empowerment Fund, which is managed by the gender and social services department and reportedly has about Ksh.6 million allocated annually. It was also reported that, despite the funding gaps, an

County	Funding for services for persons with disabilities
	allocation of Ksh.1.5 million was made annually to celebrate the National Disability Day.
Isiolo	No funding mechanisms for persons with disabilities at the county level, with most of the activities funded by donors or partners. Limited attention on activities related to persons with disabilities, with priority given to other sectors, such as water.
Kisii	Though a fund for persons with disabilities was created through an act of the County Assembly in 2016, no allocations were ever made in the county budgets to operationalize it. The fund was meant to enable persons with disabilities to have access to credit for starting businesses and growing their economic activities.
Makueni	Limited funding directed on persons with disabilities. However, it was mentioned that in FY 2023/2024, about Ksh. 4,000,000 is set aside to facilitate the collection of information about persons with disabilities. The county has collaborated with partners, such as the Jaipur Trust, who support the provision of prosthetics.
Mombasa	Funding for services for persons with disabilities mainly comes from the county government. The county has been in talks with financial institutions, including Equity Bank, Kenya Commercial Bank, and Gulf Bank, about potential funding partnerships. These institutions have suggested that the county government should allocate funds then they will match these allocations
Nakuru	Ksh. 27.5 million was set aside in the county budget for services for persons with disabilities in 2022. Each of the wards in the county was allocated Ksh. 500, 000 for development projects specifically tailored for persons with disabilities. The budgetary allocation has been on a decline over the years.
Samburu	The county has a board for people with disabilities, which has an annual budget of Ksh. 5,000,000. However, this budget has not consistently been disbursed over the years. The county sets aside Ksh. 1,000, 000 for bursaries for persons with disabilities.
Turkana	The county government allocates funds which come from the county's gross budget, and a portion is allocated specifically for the development and implementation of programmes and services for persons with disabilities. Ministry of Trade, provides an empowerment fund available to all people, including persons with disabilities. This fund is separate from the county government's budget and aims to support businesses and economic empowerment. For FY 2023/24 the allocations from this fund for activities for persons with disabilities were: Ksh.20 million for grants to support persons with disabilities; Ksh.15 million for the development of infrastructure that benefits persons with disabilities; and Ksh.10 million for programmes that support persons with disabilities

The majority of the counties reported relying on support from NGOs and private sector partners to run programmes for persons with disabilities, such as for the procurement of

assistive devices and tools for self-employment, sports sponsorships, grants for business start-ups, food assistance programmes, and scholarships. County officials also reported receiving funding support from NCPWD towards the procurement of assistive devices and the provision of scholarships and bursaries.

Overall, financing for supporting persons with disabilities at the national and county levels faces various challenges. The financial resources are dispersed across multiple sources and these sources have different objectives, criteria, and administrative processes. The absence of a specific budget for persons with disabilities or affirmative action programmes in some counties, as well as a lack of NGOs dedicated to programmes for persons with disabilities, hampers comprehensive support and service provision for persons with disabilities. Consequently, programmes for persons with disabilities are underfunded.

The national government has been reducing the funds allocated to support and services for persons with disabilities over the years due to budgetary constraints, which further worsens the financing situation.

“Sometimes we encounter budgetary constraints, like the amount of money that has been allocated to disability mainstreaming, which may not cause, according to me, public participation from the persons with disabilities, the priority they gave was the assistive device, but we are still consulting partners to support us in that endeavour.” FGD, Makueni

3.1.4 Participation of Persons with Disabilities in Decision-making Processes

Public participation is a key aspect of involving persons with disabilities in decision-making processes. Public participation activities involve ensuring persons with disabilities can take part in public forums, meetings, and consultations related to policy development, planning, and budget making. Parliament and County Assemblies also have a constitutional duty to facilitate and involve persons with disabilities in their legislative processes. Key findings on modalities to facilitate the participation and involvement of persons with disabilities are discussed below.

Public participation by persons with disabilities: In general, there were efforts made to ensure public participation of persons with disabilities in all the counties assessed. All counties reported that persons with disabilities were often included in public participation forums on the County Integrated Development Plans (CIDPs), annual plans, budgets, law-making, and other policy-making processes. CSOs collaborate with county governments to facilitate the participation of persons with disabilities in these forums. Some counties also reported that they organised sessions to educate persons with disabilities on the county budget-making processes.

To help ensure and increase participation of persons with disabilities in public participation meetings, respondents at both the national and county levels recommended the following strategies:

- Ensuring that meeting venues are suitable for persons with disabilities, including being accessible to people with physical disabilities, and are centrally located for ease of access. Most counties indicated they have put measures in place to ensure that public venues and facilities are accessible, including through the provision of ramps, elevators, and other accessibility features as well as qualified Kenyan Sign language interpreters. The key considerations in selecting venues for public participation meetings included location, ramps or lifts, protective rails on stairs, wide walkways and corridors, and accessible washrooms. Some informants noted that when a suitable venue was not available, they opted to hold the meeting in an open space where accessibility was more likely. Some counties reported providing transport reimbursements to help enable persons with disabilities to reach meeting venues.
- Given that many persons with disabilities face financial barriers to attending public participation events, including high transportation costs, using existing local structures of and for persons with disabilities can help ensure persons with disabilities are effectively mobilised, represented, and involved. Some counties, including Kakamega, Bungoma and Makueni, reported reaching out to persons with disabilities through grassroot forums to collect their views on a given subject to reduce transport costs to a central venue. Samburu County reported having instituted village-level representatives of persons with disabilities who are called upon whenever there is a need.

“They come to the grassroots, we reach them at their homes, just to make sure that they don’t travel long distances. We cover their travel expenses after participation in CIDP. Yeah, they’re given refreshments and they were reimbursed fairly.” FGD, Homa Bay

- Ensuring persons with disabilities are involved at various stages of decision-making, including planning, budgeting, presentation, validation, and feedback.
- Identifying and recruiting persons with disabilities familiar with decision-making processes to represent other persons with disabilities for effective and impactful participation.
- Decentralisation of public participation forums to the sub-county, ward, and village levels to increase participation of persons with disabilities.
- Sensitization of persons with disabilities on the importance of advocating for their interests through their involvement in public participation meetings.
- Ensuring communication in languages that are easily understood by all participants during meetings, including Sign Language. Persons with disabilities are allowed to bring their assistants during public participation to allow them to communicate comfortably. In Turkana County, for example, Sign Language interpreters are consistently present to assist Deaf and hard of hearing people and materials are provided in large print and Braille to accommodate people who are blind, partially sighted, or have low vision. They also use local vernacular languages to relay information to persons with disabilities, and others, who may not be proficient in Swahili or English.

“We have made it a common agenda, in every major county function, you must have a Kenyan sign language interpreter. And the reception was very good. Even the feedback we get from the deaf, they are saying now we are recognized and appreciated, it may not have been happening before but it is always good to start somewhere.” FGD, Makueni

The respondents at both national and county levels however, observed that while persons with disabilities are being increasingly targeted for participation in governance and decision-making processes, the level of their involvement is largely not satisfactory and meaningful. At the county level, only 36% of counties assessed agreed that persons with disabilities were accorded adequate opportunities and facilitation to participate in decision-making in their counties.

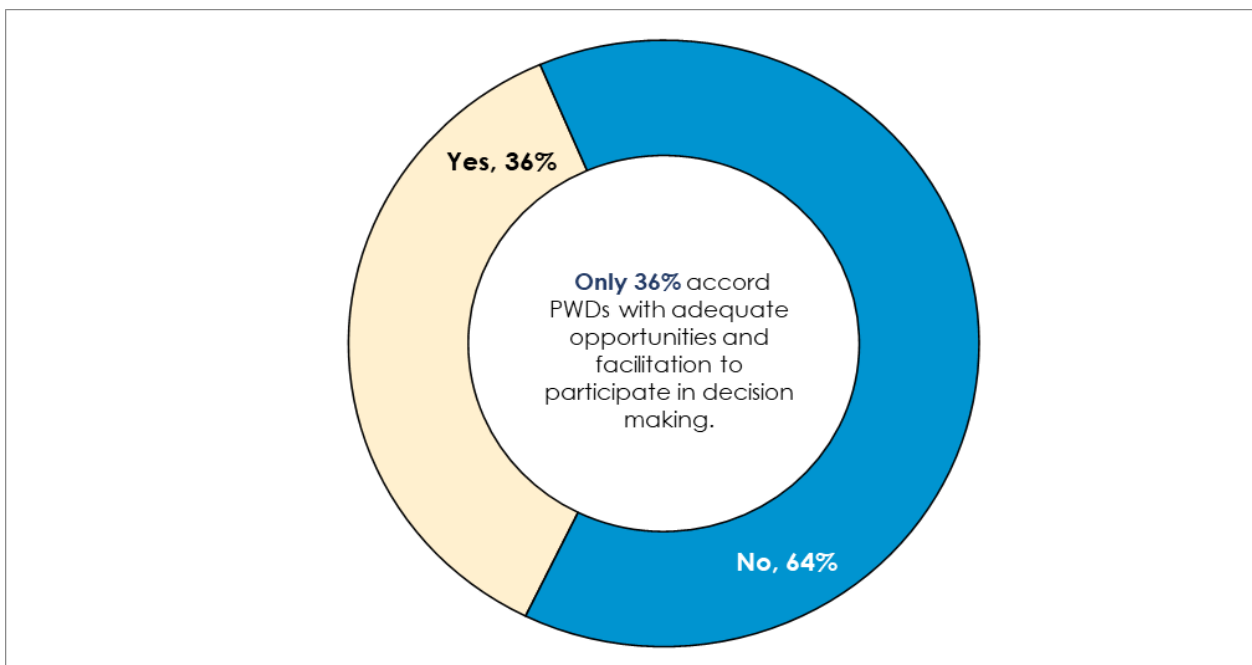


Figure 9: Adequacy of Opportunities and Facilitation Accorded to Persons with Disabilities to Participate in Decision Making (n=11)

Representation in decision-making platforms: County governments reported making efforts to involve persons with disabilities in governance and decision-making structures. Persons with disabilities are nominated to Parliament and County Assemblies through political party lists. Isiolo has disability inclusion plans that outline strategies for involving persons with disabilities in decision-making processes related to policies, budgets, and plans.

The governor of Kisumu has appointed an advisor to guide on matters related to persons with disabilities in the county. In Marsabit County, persons with disabilities are represented in different stakeholder forums and in policy-making processes. Makueni County issued an executive order that every department should have a disability mainstreaming focal person.

“So you go to various offices, and you will get the persons with disabilities represented. In the county assembly, we have our representatives. In the executive, we are soon having our representatives, even in the governance advisory and other structures in government. Here is where we advise the government on what these people require. And like for example, in the budget itself, I am a member of the county Budget and Economic Forum. So, when it comes to annual development plans, then we always consult on what the persons with disabilities want.” **KII, Kisumu.**

Persons with disabilities-focussed structures: 73% of the counties assessed indicated that they have established technical working groups, committees, or task forces for coordination of activities and stakeholders related to persons with disabilities. 64% have stakeholder forums and 55% have established boards through county legislation. The county boards are dedicated to addressing the concerns and interests of persons with disabilities. For example, Samburu and Turkana have County Persons with Disabilities Boards established under their Acts of County Assemblies.

The boards are responsible for addressing the issues affecting persons with disabilities, including ensuring persons with disabilities' participation in county governance and decision-making processes and advocating for their needs and rights. However, only a few counties have established inter-agency coordination committees (36%) or intergovernmental coordination mechanisms (45%) as shown in **Figure 10** below.

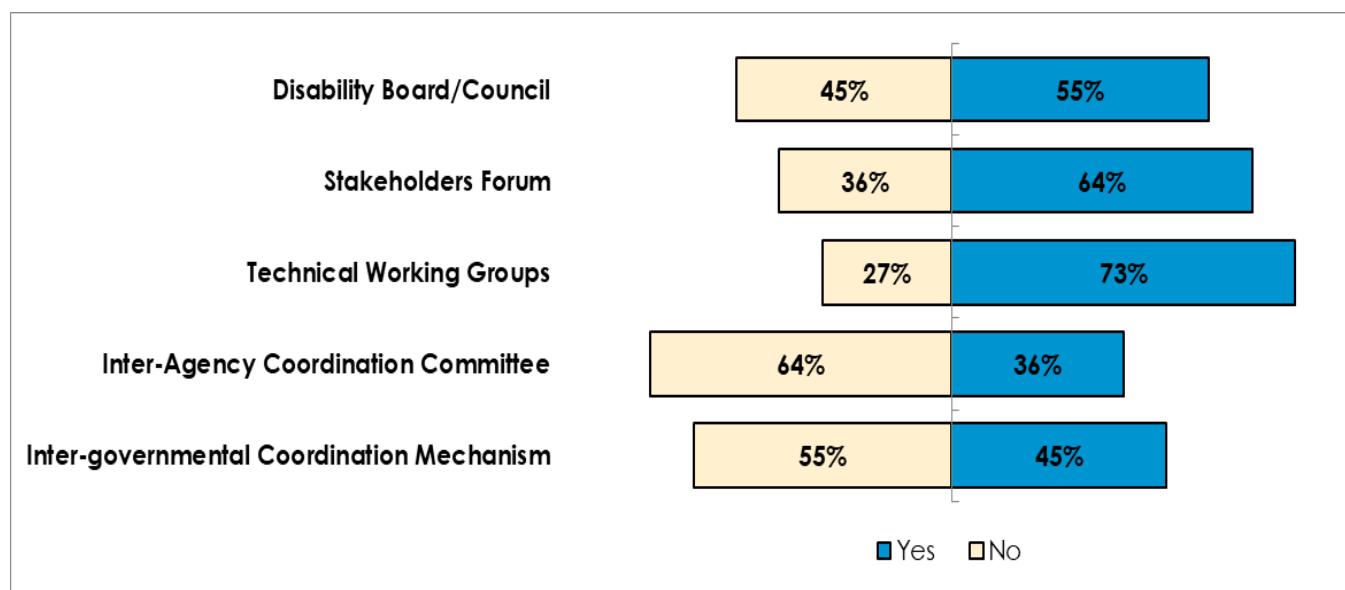


Figure 10: Modalities for Coordination of Activities and Stakeholders Related to Persons with Disabilities at county Level (n=11)

Designated positions for persons with disabilities in public service: All the counties recognized that the Constitution of Kenya and the Persons with Disabilities Act require that at least 5% of positions in public service be occupied by persons with disabilities. Some county public service boards, for example, reserved some positions for persons with disabilities in their recruitment processes.

At the time of data collection, the County Executive Committee Member for Finance in Bungoma County and the Chief Officer for Service Delivery were the senior most persons with disabilities in Bungoma and Kakamega county governments, respectively.

All counties reported posting vacancy announcements on their websites in addition to newspapers for a wider reach and to help ensure that the announcements are more accessible to persons with disabilities. Some also indicated that they use local administration and community structures to directly reach and encourage persons with disabilities to apply for jobs.

Overall, it was observed that the percentage of persons with disabilities employed in the county public service fell short of the 5% target in all the counties, resulting in representation gaps in various governance structures.

3.1.5 Attitudes and Perceptions on Public Participation

Some respondents reported that there was a lack of genuine engagement of persons with disabilities in decision-making, with the inclusion of persons with disabilities in public participation done as a procedural requirement rather than a sincere effort to involve them in the processes. Respondents raised the following limitations related to persons with disabilities' meaningful public participation:

- The majority of persons with disabilities in rural Kenya have low literacy levels and thus do not effectively participate in public participation meetings or tend to attend public participation forums only as a formality.
- Most persons with disabilities do not understand or appreciate the importance of their participation, due to their lack of training, exposure, or awareness. This means they often do not attend meetings even when invited, as they perceive public participation as a waste of time.
- Even when invited to meetings, some persons with disabilities do not attend due to lack of funds for transport to the meeting venue.
- Some persons with disabilities believe they are, at times, not invited to public participation meetings by county officials who have their preferred people to represent the views of persons with disabilities.
- The needs of participants who are blind, partially sighted, or have low vision and Deaf or hard of hearing participants are often not catered for. There is a lack of documents in braille or large print and Kenyan Sign Language interpreters.
- The absence of clear policy guidelines on the involvement and participation of persons with disabilities in decision-making is a hindrance to effective participation.

*"I can say they were there for formalities. You can come to a forum where you have no right to say anything just to take breakfast there, lunch, and 1,000 for your transportation back." **KII, Marsabit***

“And also, when you go there, [a public participation meeting] they say you waste your whole day. Nobody gives you transport back home or money to go and feed your young ones if you leave them at home. So instead of coming for public participation, you go to the farm to get money to feed the children.” KII, Kiambu

3.1.6 Mechanisms to Monitor Realisation of the Rights of Persons with Disabilities

Monitoring and tracking of the rights of persons with disabilities at the national level is done through the NCPWD, NGECE, and KNCHR. NCPWD carries out research on and supplies information on any matter relating to the rights of persons with disabilities, as well as measures for public information on these rights. NCPWD monitors, tracks, and evaluates the implementation of all programme areas within the framework of the National Disability Strategic Plan. NCPWD also collaborates with the Kenya National Bureau of Statistics to carry out surveys and track the progress of disability mainstreaming.

NGECE is mandated to monitor the principles of equality and freedom from discrimination in all public and private institutions and to ensure compliance with all treaties and conventions ratified by Kenya on issues of equality and freedom from discrimination relating to marginalised groups, including persons with disabilities. NGECE also coordinates and mainstreams issues concerning women, persons with disabilities, and other marginalised groups in national development. NGECE supports monitoring efforts to track improvements in the accessibility of public buildings and public transport and the integration of children with disabilities within educational institutions.

KNCHR is mandated to ensure that the State complies with human rights norms and standards. It undertakes studies and monitoring exercises to assess the rights of persons with disabilities. These studies include surveys of households with persons with disabilities, OPDs, learning and health institutions, local authorities, justice systems, and other public services. For example, in 2014, KNCHR assessed the implementation of the CRPD in Kenya.

Other key constitutional commissions and independent offices with roles in monitoring the rights of persons with disabilities include the Public Service Commission, the Commission on Administrative Justice, and the Ethics and Anti-Corruption Commission.

Out of the 13 counties assessed, most lacked proper mechanisms for monitoring realisation of the rights of persons with disabilities. The weak or absent monitoring systems for the implementation of the rights of persons with disabilities at the county level were attributed to lack of an enabling policy, legal, and institutional framework and inadequate human and financial resources.

Only three counties (Marsabit, Turkana, and Kisii) reported having mechanisms to track implementation. In Marsabit County, a forum within the Department of Culture and Social Services established a framework for tracking the rights of persons with disabilities. However, it was reported that the tracking might not be taking place due to financial constraints.

Turkana had in place structures at various administrative levels, including sub-county, ward, and village, to oversee the well-being of persons with disabilities. The county has a department responsible for monitoring and evaluating services and programmes related to persons with disabilities. Additionally, regular audits are conducted for county government projects and programmes, including those related to persons with disabilities. These include external audits to assess the inclusivity of policies and the effectiveness of implementation. The county also reported the existence of a local committee that periodically checked plans and initiatives related to persons with disabilities.

In Kisii County, there were systems in place to provide legal advice in cases of abuse and for the reporting and tracking of participation of persons with disabilities in development activities. In Homa Bay County, it was reported that there is a Governor's Delivery Unit that monitors implementation of all projects or programmes in the county, including those for persons with disabilities. In other counties, such as Mombasa, monitoring of initiatives for persons with disabilities was largely carried out by non-state actors. Bungoma County reported having a vibrant civil society that monitors performance on the realisation of the rights of persons with disabilities and keeps the county accountable.

"We always have review meetings every month for persons with disabilities, together with the county government officials, so that we may see the feedback from the period we have done." KII, Bungoma

3.1.7 Enabling Factors for Private and Non-governmental Sectors in Provision of Services for Persons with Disabilities

Several enabling factors were reported to encourage the involvement of the private and non-governmental sectors in offering services and support to people with disabilities. These factors include:

- **Supportive policies:** The presence of supportive national and county policies that facilitate private sector entities and NGOs to initiate programmes and deliver services and support for persons with disabilities.
- **Availability of data:** Having access to data on persons with disabilities, which helps in planning and tailoring services to their specific needs.
- **Political goodwill:** Demonstrated political commitment and goodwill at the county level, through initiatives, policies, and legal frameworks, to address the challenges faced by persons with disabilities.
- **Representation:** The presence of representatives at the county level who actively advocate for persons with disabilities and voice their concerns and needs.
- **Community awareness:** An increasing awareness and understanding of disability-related issues within the local community, which fosters inclusivity and support for persons with disabilities.
- **Involvement of the financial sector:** Collaborations between counties and financial institutions to assist persons with disabilities in entrepreneurship by providing access to loans and financial education and thereby promoting financial empowerment.

- **Peaceful environment:** A stable and secure environment within the county, marked by peace and safety to create a conducive atmosphere for delivering services and support to persons with disabilities.
- **Improved infrastructure:** Efforts to enhance infrastructure, including roads and buildings, to improve mobility and accessibility for persons with disabilities, enabling their participation in various activities and services.

3.1.8 Availability of Policies, Legislation, and Strategies Relating to Persons with Disabilities

Ensuring effective provision of, and access to, services for persons with disabilities and the realisation of the rights of persons with disabilities require enabling policies and legislation at both national and county levels. The majority of the counties assessed, however, did not have appropriate legislation or inclusion and mainstreaming policies and guidelines in place. However, strategies or plans related to the inclusion of persons with disabilities were reported to be available in nearly two-thirds of the counties assessed.

While some counties were actively involved in crafting county-specific disability-related legislation and policies, there were reports of delays in passing these drafts through the County Assemblies. Counties also reported limited involvement of persons with disabilities in the policy development and decision-making processes. **Figure 11** below shows the availability of legislation, policies, and strategies related to persons with disabilities within the targeted counties.

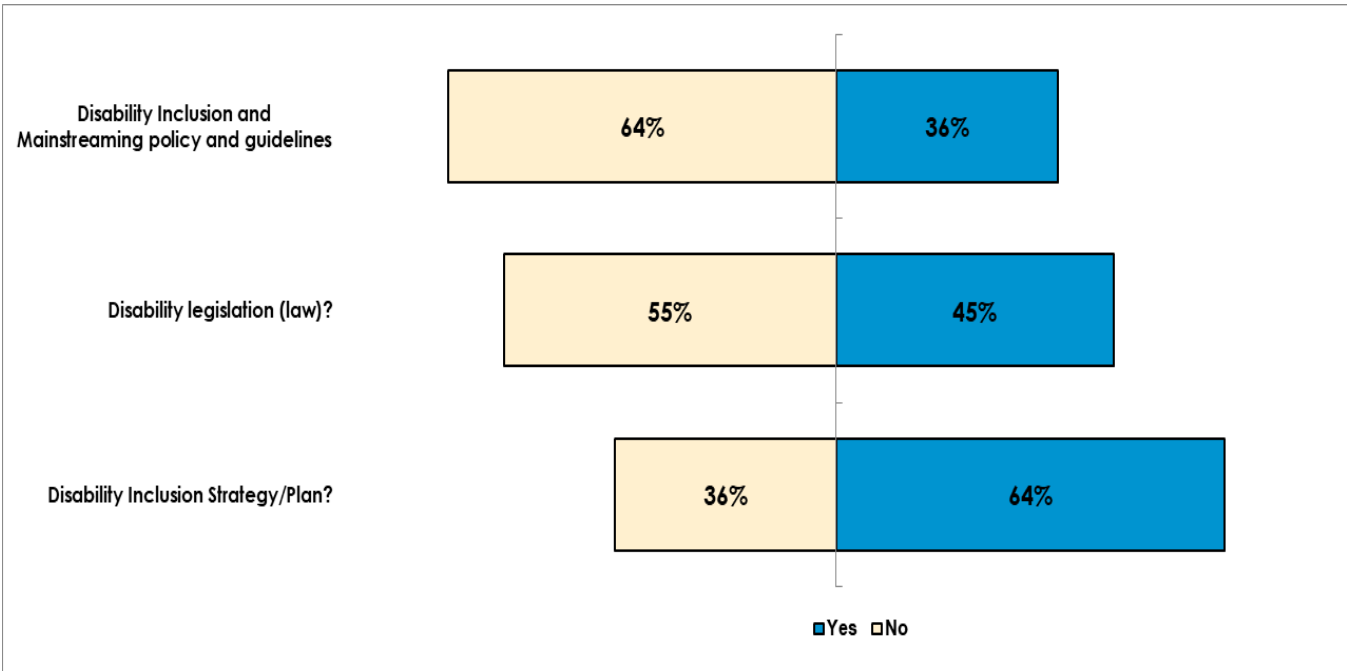


Figure 11: Policy, Legislative, and Strategic Frameworks at the County Level (n=11)

3.1.9 Challenges in Service Provision

In Kenya, efforts to address issues affecting persons with disabilities are fragmented across different sectors, leading to disjointed efforts in addressing the diverse needs of persons with disabilities. Even when policies and laws are in place, implementation is frequently delayed or indefinitely deferred, resulting in inadequate support for persons with disabilities. The lack of strong government commitment poses a significant obstacle to making progress in addressing challenges and advancing the rights and inclusion of persons with disabilities.

Although Kenya has ratified numerous international and regional instruments and policies related to the rights of persons with disabilities, there are ongoing challenges in effectively incorporating and implementing these frameworks. Additionally, there is a lack of clear delineation of roles and responsibilities among various institutions involved in the implementation.

For example, the role of the Ministry of Health is not well-defined within the Persons with Disabilities Act in terms of the duty of the Ministry in the provision of health services for persons with disabilities. Section 20 of Persons with Disabilities Act only provides for the representation of the NCPWD at the Ministry of Health. Section 20 of the Act provides that “the Council shall be represented in the implementation of the national health programme under the Ministry responsible for health for the purpose of:

- a. prevention of disability
- b. early identification of disability and early rehabilitation of persons with disabilities
- c. enabling persons with disabilities to receive free rehabilitation and medical services in public and privately owned health institutions.
- d. availing essential health services to persons with disabilities at an affordable cost
- e. availing field medical personnel to local health institutions for the benefit of persons with disabilities; and
- f. prompt attendance by medical personnel to persons with disabilities.”

Table 14: Challenges in Service Provision at the National and County Levels

Challenges in Service Provision at the National and County Levels

Resource constraints: Limited financial and material resources pose challenges in provision of services for persons with disabilities. Counties reported struggling to allocate sufficient funds to support comprehensive programmes and services for persons with disabilities.

Limited awareness and advocacy efforts: Some counties lack comprehensive awareness campaigns to inform the public about the rights and needs of persons with disabilities. This lack could perpetuate stigma and discrimination, making it difficult for persons with disabilities to access services and participate fully in society.

Inadequate data: Counties reported challenges in collecting and maintaining up-to-date data on persons with disabilities, hindering targeted support and resource allocation.

Access disability services: Services are fragmented and not well-coordinated, which often results in duplication of efforts, inefficiencies, and difficulties for persons with disabilities in navigating the service system. In conflict prone counties, persons with disabilities remain most vulnerable to service disruptions due to conflict induced internal displacements. In Turkana, it was also reported that conflicts between NGOs and host communities sometimes arise and these can escalate to physical confrontation if the government does not intervene.

Limited employment opportunities: Despite legal requirements for a percentage of employees to be persons with disabilities, the actual implementation and enforcement of this was lacking at both the national and county levels.

Lack of consideration for the different communities: Most of the programmes for persons with disabilities did not take into consideration the different community groups and their lifestyles. For example, 90% of Isiolo's population are pastoralists, and the persons with disabilities in this community group receive less attention.

Challenges in serving persons with cognitive disabilities: It was reported in some places, such as Kisumu, that among persons with disabilities, persons with cognitive disabilities are the most complex to understand and to serve. This was attributed to inadequate capacity among county officials and most citizens to know how to care for and communicate with persons with cognitive disabilities.

Tax exemption challenges: Application process for tax exemption is lengthy and cumbersome, potentially deterring persons with disabilities from pursuing this benefit. Additionally, coordination between NCPWD and the KRA remains a challenge, requiring individuals to engage with these entities separately. The vetting and verification procedures for persons with disabilities, which may necessitate personal appearances, can pose difficulties, particularly for those unable to physically attend appointments. Furthermore, the five-year expiration of tax exemptions creates uncertainty for persons with disabilities as the reapplication process does not guarantee requalification for the same exemption.

Lack of tax compliance and capacity: A key barrier to many persons with disabilities' participation in the AGPO programme and other government procurement processes is a lack of tax compliance and capacity.

Corruption and nepotism: In some counties, discrimination and nepotism result in limited representation of persons with disabilities within decision-making structures, including the County Assembly. There were also reports of people without disabilities receiving tenders and employment

Challenges in Service Provision at the National and County Levels

opportunities reserved for persons with disabilities. Corrupt practices that lead to issuance of disability cards to a person without disabilities are blamed for this state of affairs that further disadvantages those who require help.

Limited access to healthcare: Government programming for essential medications and healthcare for persons with disabilities is lacking. Where health benefits exist, persons with disabilities were often not aware and ended up spending money out of pocket. Moreover, the rugged terrain and poor road networks in some counties hinder health service delivery and emergency response for persons with disabilities.

Lack of comprehensive outreach efforts: Some counties struggled with reaching all persons with disabilities, especially those in remote or underserved areas.

Physical access barriers: Persons with disabilities face barriers in accessing services and public facilities. Access barriers include the inaccessibility of public transport, government offices, public and private hospitals, and public toilets.

Retrogressive cultural practices: Cultural practices that discriminate against persons with disabilities are still prevalent.

Charity perspective: Viewing disability solely from a charitable standpoint can perpetuate stigma and hinder efforts to empower and integrate persons with disabilities into society. The planning and programming approach in Kenya remains largely charity and medical in approach despite the new Constitution requiring a rights-based approach. This out-of-date approach is due to the fact the Persons with Disabilities Act is yet to be realigned with the Constitution of Kenya 2010.

Inadequate policy guidelines: There is a lack of adequate intergovernmental mechanisms to ensure effective coordination between and among counties and the national government. There is no national policy on the implementation and management of functions related to persons with disabilities, including the implementation of the rights of persons with disabilities by the national and county governments. There are also no policy guidelines on the progressive realisation of the rights of persons with disabilities.

Violence against women and girls with disabilities: Women and girls with disabilities are particularly vulnerable to various forms of violence, which poses a significant challenge to their safety and well-being. At the same time, they face significant barriers to accessing disability sensitive healthcare and other support services.

High cost of assistive devices: The high cost of assistive devices, such as wheelchairs, limits access to them for many who need them.

Stigmatisation of persons with disabilities is still rife: Many persons with disabilities suffer stigma and discrimination, which creates a barrier to services and participation.

Low number persons with disabilities applying for employment positions: KRA has been facing a challenge in complying with the requirement for 5% of employees to be persons with disabilities, as only low numbers of persons with disabilities apply for advertised positions. For instance, in a concluded recruitment of Revenue Service Assistants, out of 127,117 applicants, only 567 (0.45%) were persons with disabilities.

3.2. READINESS OF COUNTY GOVERNMENTS TO ADOPT DIGITAL ACCESSIBILITY APPROACHES IN ENSURING THE INCLUSION OF PERSONS WITH DISABILITIES

The analysis sought to evaluate the extent to which county governments were ready and equipped to implement digital accessibility strategies that would enhance the inclusion of persons with disabilities. This involved assessing whether county governments had the necessary infrastructure, policies, and practices in place to make digital services accessible to persons with disabilities.

ICT and digital technologies offer opportunities for the inclusion and integration of persons with disabilities in various aspects of life by increasing the scope of activities available to them. According to the 2019 Population and Housing Census, there was no significant difference between persons with disabilities and without disabilities in terms of ownership and use of mobile phones, with 56% and 55%, respectively, of these populations reporting having access to a mobile phone. However, there was a large disparity between persons with and without disabilities in terms of the use of the internet. About 11% of persons with disabilities reported having used the internet in the three months prior to the census compared to 22.9% of persons without disabilities. The same disparity was observed in the use of computers, laptops, and tablets, with a smaller proportion of persons with disabilities (4.7%) reporting having used either a computer, tablet, or laptop, compared with 10.8% of persons without disabilities. These findings indicate the need to scale up and accelerate investment in the digital inclusion and capacity building of persons with disabilities, including making technologies more accessible.

It was found that county governments are adopting some ICT approaches in the provision of services to persons with disabilities and were willing and ready to adopt digital accessibility approaches to help ensure the inclusion of persons with disabilities. However, counties face a number of challenges to implementing these approaches, including lack of awareness on what is required and what is available and a lack of resources, capacity, and support.

3.2.1 Digital Solutions to Support the Inclusion of Persons with Disabilities in Service Delivery and Decision-making Processes

At the national level, the Ministry of Information, Communications and the Digital Economy established the National Information and Communications Technology Policy 2019 to ensure universal access to ICT infrastructure and services. Additionally, the government published the National ICT Accessibility Standards (Kenya Standard 2952-1:2022) to address accessibility issues.

NCPWD has a department dedicated to mainstreaming digital accessibility. In line with the government agenda in digitising services, NCPWD identified the registration of persons with disabilities as a key service to be digitised. The inclusion of this service on the eCitizen platform during FY 2022/23 was a strong step towards improving efficiency,

accessibility, transparency, and citizen satisfaction. Self-registration of persons with disabilities on the eCitizen portal started in FY 2023/24.

Concerns, however, exist about the adequacy of the government's addressing of the specific needs of persons with disabilities in its digital transition and whether enough is being done to help ensure the inclusion of persons with disabilities in digitally provided public services.

The national government plans to conduct a detailed accessibility assessment of the digital services provided by state institutions to help ensure their full accessibility for persons with disabilities.

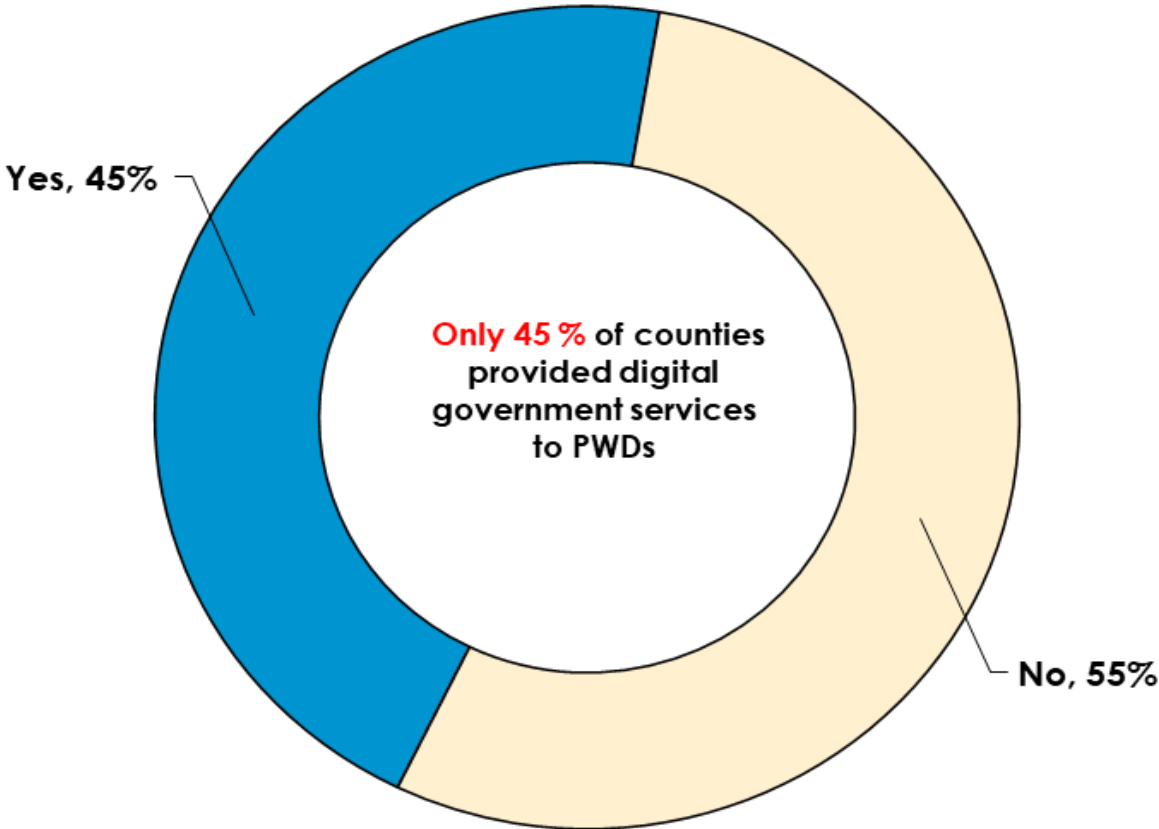


Figure 12: Availability of Digital Government Services (n=11)

All county officials interviewed reported the presence of county websites. Most counties indicated the availability of internet connectivity in most towns; however, remote areas, especially in northern counties, including Marsabit, Isiolo, and Turkana, lacked reliable connectivity.

The implementation of digital or ICT solutions tailored for persons with disabilities is limited or non-existent in many counties. Only 45% of counties provide digital government services for persons with disabilities, and there is a lack of a clear policy framework that

addresses digital accessibility and inclusion for this group. Counties face infrastructure challenges, including limited access to reliable internet and suitable devices for persons with disabilities. While some national-level digital platforms or solutions exist to support persons with disabilities, there is a lack of corresponding county-level initiatives or adaptations to make these solutions accessible at the local level.

The ICT solutions mentioned include:

- **Government's Ajira Programme:** Respondents highlighted the Ministry of ICT's Ajira programme, although this is not exclusive to persons with disabilities. The Ajira programme aims to upskill youth for online job opportunities. Young people with disabilities have benefited from training and job opportunities through the programme.
- **County-Level ICT Solutions:** For example, in Turkana County, various ICT solutions were being developed to support persons with disabilities, including enhancing the single registry and data management systems and digitising programmes, in collaboration with UNICEF. The goal of the work with UNICEF is to provide accessible information and services through digital means.
- **UserWay Widget in Kisumu and Kakamega Counties:** Kisumu and Kakamega Counties incorporated the UserWay widget into their official websites to enhance accessibility. This widget allows users to make adjustments, such as to text size and font, for easier website access and reading.

The respondents identified the following key challenges that affect persons with disabilities' access to digitally provided services and participation:

- **Limited digital literacy:** A significant challenge is the lack of digital literacy among persons with disabilities as well as the broader population. Many persons with disabilities lack the necessary skills to effectively use digital platforms, which hampers their ability to access online services and information.
- **Inadequate consideration of diverse needs:** Existing digital solutions often do not take into account the diverse needs of persons with disabilities. This lack of consideration limits the accessibility of digital services to a broad range of persons with disabilities.
- **Lack of training and support:** Another critical challenge is the absence of training and support for persons with disabilities, particularly older individuals, in using new digital technologies. The lack of guidance and assistance makes it challenging for them to adapt to digital tools and services, further exacerbating the digital divide.

"Not much has been done in line with disability on the ICT framework, and I think there should be a proper policy developed to ensure that people with disabilities have information about the jobs. So, if policies are framed in such a manner that even those on the lower side can access the IT and it will be easier for them to also get a gateway to the county and even businesses and other jobs come to us. But that is not happening as we speak. It's a challenge that we are facing." FGD, Kisumu

3.2.2 Factors Influencing the Adoption of Digital Accessibility Measures

The digital revolution has brought both opportunities and challenges, including for persons with disabilities. While digital technologies have the potential to enhance accessibility and inclusion, several factors influence the adoption of digital accessibility measures that help ensure that persons with disabilities can fully participate in the digital age.

When asked about the factors that might have an impact on the counties' adoption of digital accessibility measures for persons with disabilities, the respondents pointed out four crucial factors:

- **Internet accessibility and infrastructure:** The availability and accessibility of internet connections are crucial factors. Improving internet infrastructure and connectivity is essential to facilitate easier access to online services and information, benefiting both persons with disabilities and the general population.
- **Training initiatives:** Training programmes focused on enhancing the digital literacy of persons with disabilities play a vital role in promoting ICT accessibility. These initiatives equip individuals with the skills needed to effectively use digital tools and platforms, enabling their greater participation in county activities.
- **Resource allocation and budget provisions:** Adequate funding by counties for ICT initiatives, including training programmes, provision of assistive devices, and establishment of ICT centres, is essential. Allocating resources ensures that the necessary tools and technologies are available to support digital accessibility for persons with disabilities.
- **Policy frameworks:** Clear policies related to digital accessibility and tax exemptions for persons with disabilities can act as catalysts for ICT adoption. A supportive policy framework creates an enabling environment for the implementation of digital accessibility measures, making it easier for persons with disabilities to access and benefit from online services and information. For example, KRA mostly communicates with taxpayers online, including through email.

The adoption and utilisation of ICT and digital technologies for persons with disabilities were acknowledged by most respondents in the counties as crucial for enhancing access to services and involvement in governance. ICT offers persons with disabilities opportunities, such as access to education and knowledge, customised digital content, increased visibility in decision-making through advocacy, improved mobility, and enhanced productivity at work. For example, speech recognition systems and screen readers allow people who are blind, partially sighted, or have low vision to control computers by speaking and accessing screen text.

3.3 GAPS IN SERVICE PROVISION AND SOCIAL PARTICIPATION OF PERSONS WITH DISABILITIES

Objective 3 sought to document existing gaps in service provisions and social participation of persons with disabilities at the county level.

The analysis revealed significant gaps in meeting the diverse and essential needs of persons with disabilities. Implementation of the Persons with Disabilities Act 2003 varies widely at the county level, resulting in service disparities. Unmet needs spanned critical service areas, including healthcare, education, accessibility, representation, and awareness.

Infrastructure and accessibility: Many counties identified the absence of infrastructure appropriate for persons with disabilities. Underdeveloped infrastructure, especially in arid and semi-arid regions, poses significant challenges for persons with disabilities in accessing services and participating in decision-making. The lack of accessible transportation options further restricts persons with disabilities' mobility and ability to attend meetings and access healthcare. In addition, limited accessibility in public buildings poses a significant barrier for persons with disabilities' access to vital services and participation.

Comprehensive service delivery: Concerns were raised about the limitations of existing laws and regulations and how these limitations impacted the ability of county governments to provide comprehensive services for persons with disabilities. Furthermore, the division of responsibilities between the national and county governments is unclear for some respondents. Key functions, such as primary education and persons with disabilities registration, are primarily handled by the national government.

Healthcare and social protection: Healthcare services for persons with disabilities pose challenges for counties due to a lack of clear funding mechanisms. Concerns were raised about the restricted coverage of the National Health Insurance Fund (Edu-Afya), which primarily targets secondary school students and excludes children in primary schools. Respondents emphasised the necessity of creating a dedicated health insurance product tailored to vulnerable populations, especially persons with disabilities, who frequently require healthcare and rehabilitation services. Additionally, some respondents advocated for broadening the eligibility criteria for social protection programmes to better meet the needs of the most vulnerable persons with disabilities.

Children with disabilities: Access to quality education and training for children with disabilities is a critical challenge due to shortages of specialised schools, trained educators, and tailored materials. Services related to civic education and awareness about issues that affect persons with disabilities are also lacking. There is a need to address the education of children with developmental and intellectual disabilities who

do not participate in national exams or receive recognition for their skills including issues of reasonable accommodation.

3.3.1 Lessons Learnt in the Provision of Services for Persons with Disabilities

Participants shared the following lessons learnt from their implementation of programmes and services for persons with disabilities:

1. **Alignment of policies** across the different levels of governments is important to ensure overlaps and gaps are eliminated and that roles of different stakeholders are clearly defined in a way that ensures accountability by the different stakeholders.
2. Without **accurate, segregated data**, it is difficult to effectively deliver services for persons with disabilities and to ensure accessibility.
3. **Persons with disabilities are able to work** and should be trained and accommodated in the fields of their interest. Workplaces should strive to accommodate persons with disabilities and the government should incentivise the private sector to provide employment for persons with disabilities.
4. **Cash transfer services** should be expanded to accommodate all vulnerable persons with disabilities.
5. **Rehabilitative services** are essential for persons with disabilities and need to be mainstreamed in local health facilities for ease of access by persons with disabilities.
6. **Partnerships and collaboration** are key when tackling issues that affect persons with disabilities, to help avoid duplication and to enhance synergies among stakeholders.
7. **Secondment of staff to NCPWD county offices** by partners, including county governments, is useful to ease the process of registration of persons with disability and the delivery of other services mandated to NCPWD. NCPWD's human capacity is overstretched, especially at the county level.
8. **Political goodwill and prioritisation** of issues that affect persons with disabilities by national or county governments have been key in bringing issues that affect persons with disabilities to the forefront. This has been seen in counties where disability mainstreaming is being embraced.
9. When **persons with disabilities are well informed** about their rights and entitlements and when they organise into OPDs, they are better able to advocate for the rights and entitlements.
10. **Government officials, private sector partners, and CSOs who are better informed** on the rights of persons with disabilities are better placed to provide the services

required. For persons with disabilities to receive quality services, the relevant capacities of employees in health facilities and training institutions need to be built.

3.3.2 Challenges Counties Face in Intergovernmental Relations and in Coordination with Non-Governmental Partners

- **Funding and resource allocation:** Allocation priorities during budgeting often do not favour issues that affect persons with disabilities, resulting in inadequate financial support. Some counties lack a specific budget allocation for persons with disabilities and affirmative action, making it difficult for them to fund initiatives. Over-reliance on the government treasury limits collaboration with donors.
- **Private sector engagement strategy:** The absence of a government strategy for involving the private sector and other non-state actors in development programmes hinders innovation, partnerships, and resource allocation.
- **Coordination challenges:** Inadequate county frameworks for the coordination of NGOs and other non-state actors involved in implementation of programmes for persons with disabilities potentially leads to duplication of efforts.
- **Data and information limitations:** Limited or outdated data related to persons with disabilities makes it challenging for NGOs to target beneficiaries and participants accurately and develop effective programmes to address their specific needs.
- **Transparency concerns:** Transparency issues, including the misappropriation of funding by NGOs and county governments, have eroded trust in the coordination of service provision for persons with disabilities.
- **Capacity constraints:** CBOs supporting persons with disabilities at the grassroots level often miss out on funding due to not being able to meet other donor requirements.

3.3.3 Inhibiting Factors for Private and Non-Governmental Sector Involvement in Providing Services and Support to Persons with Disabilities

Key informants were asked to share what they saw as the inhibiting factors for private and nongovernmental involvement in providing services and support for persons with disabilities. Below are factors shared by county and national level respondents.

- **Lack of proper structures:** The lack of a policy framework that can be used by private partners to anchor their programmes is a barrier to private entities forming partnerships with county governments. The lack of a framework sometimes resulted in:
 - lack of accountability and openness concerning resources shared by the partners
 - rivalry between departments or sister organisations instead of collaboration and coordination
 - strained working relationships between partners
 - bureaucracy that results in longer processes with limited outcomes.

- **Limited NGOs dedicated to addressing issues affecting persons with disabilities:** Few NGOs prioritise the provision of services for persons with disabilities. In some counties, such as Isiolo, most NGOs have prioritised other services and programmes, leading to fewer resources and support systems available for persons with disabilities. Few dedicated NGOs addressing issues that affect persons with disabilities reduces the availability of services and support.
- **Inadequate incentives:** Without incentives from the government, private partners may not be motivated to invest in programmes for persons with disabilities. Incentives such as waivers and tax exemptions were recommended.
- **Capacity constraints:** Most OPDs have inadequate capacities to effectively engage with donors, such as through developing proposals that meet donor requirements. Building skills and expertise within OPDs is crucial for fostering collaboration.
- **Donor attitudes:** Some donors believe the government has sufficient resources to address issues that affect persons with disabilities, leading to a reduced willingness to provide additional support. Donors sometimes prefer channelling funds through NGOs rather than directly funding government agencies, creating complexities in partnerships.
- **Political atmosphere:** Political transitions at the national and county levels can affect donor willingness to engage with the government, impacting funding. Political changes strain donor-government relationships and influence decisions about project ownership and funding allocations.
- **NGO-government relations:** Strained relationships between NGOs and government bodies stem from differences in approaches, priorities, and expectations. Lack of standardised memoranda of understanding and time-consuming negotiations hinder NGO-government engagement.
- **Sustainability and continuity:** NGOs implement programmes with the understanding that the government will take over at the end and integrate the programme into its structures. However, the absence of suitable structures for this continuity makes NGOs pull out of or not invest in some programmes.
- **Inaccuracies in records related to persons with disabilities:** Lack of clear records related to persons with disabilities at the county level hinders the private sector's ability to understand the community's needs accurately. This lack of reliable data affects the number of CSR initiatives for persons with disabilities.

3.4. SUPPORT REQUIRED BY STAKEHOLDERS TO IMPLEMENT THEIR MANDATES RELATED TO SERVICE DELIVERY FOR PERSONS WITH DISABILITIES

Objective 4 of this study sought to document the support required by stakeholders to implement their mandates related to service delivery and access to those services by persons with disabilities. As already indicated in section 2.3 of this report, stakeholders include national and county MDAs, CSOs, private sector actors, CBOs, and development partners. **Table 10** below highlights the support required from specific stakeholders by others.

Table 15: Support Required by stakeholders from other Stakeholders

Stakeholder	Support required from the stakeholder by others
<p>National government</p>	<ul style="list-style-type: none"> ● Allocate sufficient funding for programmes, including those for education, healthcare, and vocational training for persons with disabilities. ● Develop and implement policies that promote the rights and inclusion of persons with disabilities, to help ensure that all sectors consider the needs of persons with disabilities in their programmes. ● Develop a clear, well-structured, and widely recognized framework to regulate disability-related matters, ensuring consistency across counties. ● Coordinate with county governments to ensure consistent support and services for persons with disabilities across counties. ● Enact laws and regulations that protect the rights of persons with disabilities and ensure their equal participation in society. ● Provide training and capacity-building programmes for regulatory bodies and government staff and officials to enhance their ability to serve persons with disabilities effectively. ● Ensure representation of persons with disabilities in all elective and appointive bodies in accordance with the applicable laws.
<p>NCPWD</p>	<ul style="list-style-type: none"> ● Provide support to enhance stakeholders' ability to advocate for persons with disabilities, monitor their welfare, and address the challenges faced by persons with disabilities. ● Advocate for persons with disabilities and influence policies and programmes that benefit them. ● Develop training manuals on disability inclusion and mainstreaming tailored to different various sectors and roles. ● Contribute to the Kenya Judiciary Academy's training curriculum and provide training resources on disability rights, law, and mainstreaming.
<p>County governments</p>	<ul style="list-style-type: none"> ● Allocate a specific budget for services for persons with disabilities, including healthcare, vocational training, and provision of assistive devices.

Stakeholder	Support required from the stakeholder by others
	<ul style="list-style-type: none"> ● Invest in making public facilities and infrastructure more accessible to persons with disabilities. ● Conduct awareness and advocacy campaigns about persons with disabilities' rights and inclusion to help change societal attitudes and behaviours. ● Collaborate with NGOs, development partners, and other stakeholders to help leverage existing resources and expertise to support persons with disabilities effectively. ● Ensure representation of persons with disabilities in all elective and appointive bodies in accordance with the applicable laws.
NGOs and CBOs	<ul style="list-style-type: none"> ● Empower persons with disabilities to actively participate in all aspects of society through targeted training and capacity building. ● Carryout advocacy and awareness campaigns to promote the rights and inclusion of persons with disabilities, influence policies, and help change societal attitudes and behaviours.
Donors and development partners	<ul style="list-style-type: none"> ● Provide financial resources to support programmes for persons with disabilities, including for education, healthcare, and skills development. ● Offer technical expertise to help organisations plan and implement effective services for or persons with disabilities. ● Advocate for increased funding for disability inclusion programmes, services and institutional support for organisations of and for persons with disabilities. ● Assist organisations in mobilising financial and in-kind resources from various sources.

3.5. MAPPING OF PROGRAMMES THAT SUPPORT SERVICES FOR PERSONS WITH DISABILITIES IN THE TARGET AREAS

This objective sought to identify some of the programmes that offer support to persons with disabilities. Respondents at the national and county levels were surveyed to establish what programmes they knew about. Respondents reported receiving direct support from private organisations, CSOs, and NGOs in their efforts to provide services for persons with disabilities. However, responses to this objective were limited. **Table 11** below highlights the organizations and programmes mentioned by respondents.

Table 16: Table 11: Some Organisations that support or provide services for Persons with Disabilities

County	Organisation	Activities or programmes
Kisii	RTI International	USAID Western Kenya Sanitation Program
	APDK	Empowerment programmes, rehabilitation services, and advocacy programmes
	United Disabled Persons of Kenya	Advocacy programmes, support to OPDs, rights awareness, sensitization of duty bearers, and promoting participation of persons with disability in governance structures
	National Agricultural Rural Inclusive Development Project	Agricultural development
	FRIDA/Young Feminist Fund	Participation Research and Development Programme
	Kenya Relief Africa	Medical and surgical support
	International Solidarity Foundation	Empowering communities to reduce gender-based violence. Gender equality programmes
Kisumu	Kisumu Medical and Education Trust	Reproductive, maternal, newborn, and child health
	TINADA Africa	Integrated mental health and education empowerment
	Catholic Relief Services and ICS SP	Changing the Way We Care programme
Homa Bay	Centres for Disease Control and Prevention	Health programmes
	Kijabe Hospital and Lions Club	Eyecare programme
	Sight Savers	Eyecare. Inclusion and equality programmes. Donations of prosthetics.
	Plan International	Not known or specified by respondent
	PATH	Nuru ya Mtoto
Isiolo	Catholic Relief Services	USAID Nawiri
	ENATI	Not known or specified by respondent

County	Organisation	Activities or programmes
	Actionaid	Men for Change programme
	KCB Foundation	Not known or specified by respondent
	Northern Rangelands Trust	Peace and security programmes
	BOMA	The Rural Entrepreneur Access Project. The Seed Programme
Kiambu	Salvation Army	Not specified by respondent
	Thika School for the Blind	Education
	Children's Health	Health programmes
	Better Kids	Mentorship
	Kiambu Trust	Not specified by respondent
	Christian Health Association of Kenya	CHAP Stawisha. USAID Jamii Tekelezi. Bread for the World Capacity Building project
Makueni	Safaricom Foundation	Construction of classrooms
	Japa Foods	Food distribution programmes
	APS (Doctors)	Disability assessment programmes
	Caritas	Humanitarian, livelihoods and capacity building programmes
Marsabit	Catholic Relief Services	USAID Nawiri
	KCB Foundation	Feeding programmes
	World Food Programme	Food and nutrition assistance and unconditional cash-based transfers
	Caritas	Humanitarian, livelihoods and capacity building programmes
	National Drought Management Authority	Registration of persons with disabilities

County	Organisation	Activities or programmes
	Kenya Red Cross	Cash for Health and Restoring Family Links programmes
	Food for the Hungry	Kenya RAPID: Access to clean and reliable water and strengthening children's cognitive and emotional development through caregivers
	Rural Agency for Community Development and Assistance	Health and nutrition programmes
Nakuru	Safaricom	Donation of tools for trade
	Equity Bank	Wings to Fly programme: education scholarships
	Lions Club	Sight First, Sight for Kids, and Corneal Donation Awareness programmes
	Centre for Enhancing Democracy and Good Governance	Global governance programme
Samburu	Safaricom Foundation	Infrastructure development
	Equity Bank	Wings to Fly programme: education scholarships
	KCB Foundation	Education scholarships
Turkana	Ministry of Education	ICT programmes
	World Food Programme	Food distribution
	UNICEF	Funding programmes
	Ministry of Livestock and Agriculture	E-surveillance of livestock
	GIZ	Disability assessments
	Red Cross	Mental health and psychosocial support programme
	Greens of Africa Foundation	Mobility devices

County	Organisation	Activities or programmes
	Save the Children	USAID NAWIRI in partnership with Mercy Corps
	Adventist Development and Relief Agency	Core Group Polio and Global Health Security Program
	Mercy Corps	USAID Nawiri
	Food and Agriculture Organization	Not specified by respondent
	International Rescue Committee	Not specified by respondent
	World Vision	Not specified by respondent
Kakamega	Ford Foundation	Advocacy and capacity building
	Kakamega County Disability Caucus	Advocacy, representation, and capacity building
	Transparency International	Advocacy
	United Nations Development Programme	Not specified by respondent
	Women Challenged to Challenge	Capacity building
	Disability Network	Capacity building
	Chamber of Commerce	Business strengthening
	Catholic Church	Rural development programmes, health facilities and vocational training
	Seventh Day Adventists	Not specified by respondent
	Moi University	USAID 4theChild
	GROOTS Kenya	Securing Social Protection for Orphans and Vulnerable Children
Bungoma	Red Cross	Provision of assistive devices. Empowerment and capacity building programmes

County	Organisation	Activities or programmes
	APDK	Empowerment programmes, rehabilitation services, and advocacy programmes
	Sightsavers	Eyecare. Inclusion and equality programmes.
	Save the Children	Child protection and child rights governance
	UNICEF	Educate A Child Programme
	Christian Blind Mission	Inclusive eye health
	Disability Employment Network	Not specified by respondent
Mombasa	Trademark East Africa	Not specified by respondent
	Kenya Power	Not specified by respondent
	Kenya Commercial Bank Foundation	Education scholarships
	M-PESA Foundation	Education scholarships
	Equity Bank	Education scholarships

3.6 MAPPING POTENTIAL AND UNTAPPED STAKEHOLDERS

The analysis sought to learn more about potential and untapped stakeholders in the target areas. This section also includes potential models that could be harnessed to enhance inclusion.

This objective attracted the least responses from the counties assessed. Given the gaps in this mapping, a more detailed stakeholder mapping is needed and could take place alongside the further mapping of organisations that support or provide services for persons with disabilities.

In general, it was found that the county governments have not fully tapped into the potential of integrated service delivery that is inclusive towards persons with disabilities. In Bungoma County, for instance, officials stated that one of the gaps in the realisation of inclusive service delivery was the lack of coordination between the county government, NCPWD, and non-state actors.

Below is a list of the stakeholders and programme areas mentioned by respondents in response to the question regarding potential and untapped stakeholders.

- **County Assemblies:** Persons with disabilities and their associations can lobby the County Assemblies for representation and petition for their issues to be addressed.
- **County governments:** These governments could improve their structures. For example, counties could have county directorates in charge of issues that affect persons with disabilities, to help ensure better service delivery.
- **Private sector entities:** These entities can create services and employment opportunities for persons with disabilities. As part of their CSR, they could develop economic empowerment programmes or initiatives to enhance the financial independence of persons with disabilities. Banks and other financial institutions could develop specialised financial products and services designed to cater to the needs of persons with disabilities. These could include accessible banking services and financial support programmes aimed at empowering persons with disabilities to pursue entrepreneurial ventures.
- **Human rights organisations and CSOs:** With findings showing that persons with disabilities do not always know or understand what their rights are, these organisations are needed to support civic education to empower persons with disabilities to demand and receive their rights.
- **NGOs:** NGOs can support a range of activities including the delivery of programmes and services for persons with disabilities, facilitation of the participation of persons with disabilities in governance and decision-making, including planning and budgeting processes, advocacy for the rights of people with disabilities, capacity building, and the provision of information.
- **OPDs:** The majority of OPDs have capacity challenges, particularly related to institutional, financial, and human resources. These challenges inhibit their current ability to effectively provide support and services for persons with disabilities; however, if their capacities are built, these organisations have a strong potential to deliver for persons with disabilities.
- **Regional Economic Blocs:** Counties have formed regional blocs to spur economic growth within their respective regions through policy harmonisation and resource mobilisation. The six blocs are the Frontier Counties Development Council, North Rift Economic Bloc, Lake Region Economic Bloc, Jumuia ya Kaunti za Pwani, South Eastern Kenya Economic Bloc, and Mt. Kenya and Aberdares Region Economic Bloc. These blocs have the potential for advocacy and for disability mainstreaming and inclusion in regional investment strategies, research, data and statistics, and cross county programming
- **Intergovernmental relations institutions:** The various intergovernmental relations institutions, including the COG, the Intergovernmental Summit, the Intergovernmental Relations Technical Committee, and the Intergovernmental Budget and Economic Council can foster stronger intergovernmental coordination in the provision of services for persons with disabilities.
- **County Assemblies Forum:** The County Assemblies Forum has the potential to carry out advocacy for disability legislation, make budget allocations, work towards awareness creation, and champion the rights of persons with disabilities.

4. CONCLUSION AND RECOMMENDATIONS

4.1. CONCLUSION

The nature of Kenya's disability landscape provides opportunities for various stakeholders to collaborate in the provision of services for persons with disabilities. Persons with disabilities continue to face substantial barriers to accessing services, as critical gaps persist in healthcare, education, accessibility, representation, and public transportation. The absence of adequate legislation, policies, and guidelines and inadequate frameworks for stakeholder coordination and involvement impede effective service provision, disability inclusion, and the meaningful participation and representation of persons with disabilities in governance and decision-making including legislative, policy, planning, budgeting, implementation, and accountability processes.

Insufficient funding, both nationally and at the county level, hampers efforts to meet the growing needs of persons with disabilities. There are only weak monitoring systems in place and these hinder the tracking of disability inclusion efforts and service provision. While the potential of ICT and digital technologies is acknowledged by the findings, the lack of county-level initiatives and clear policy frameworks impedes digital accessibility.

In conclusion, Kenya continues to make progress towards a society that is more inclusive of persons with disabilities. However, many challenges and structural barriers inhibit persons with disabilities' full enjoyment of their rights and their access to services without discrimination remain. The current disability inclusion policies, legislations, strategies, and programmes are not sufficient to protect the rights of persons with disabilities or to address the systemic and structural issues inhibiting access to services.

4.2. RECOMMENDATIONS

The recommendations below are made to inform new programme designs, policies, and legislative interventions. They are aligned with the NCPWD strategic plan (2023–2027) priority areas.

4.2.1. Strengthen data collection and analysis on persons with disabilities

NCPWD in collaboration with partners and research institutions to establish mechanisms for coordinating and undertaking research and development activities related to persons with disabilities. Some coordination mechanisms that could be considered include:

1. The NCPWD, government, donors, and non-state actors to undertake research focused on:
 - a. Socio-cultural aspects of disability, including social attitudes and behavioural patterns towards persons with disabilities.
 - b. Access to education.
 - c. Employment status of persons with disabilities by type of disability, gender, and type of employment.

- d. Prevalence of different types of disabilities and their causes.
2. NCPWD to establish a national integrated management information system for data related to persons with disabilities and the services available to them.
3. NCPWD, in collaboration with the Kenya National Bureau of Statistics, to undertake a comprehensive national disability survey. This should be regularly undertaken every five years.

4.2.2. Empower persons with disabilities to effectively participate in socio-economic development

1. County governments, donors, and non-state actors to conduct awareness and advocacy programmes to inform the public and persons with disabilities about the rights and needs of persons with disabilities and opportunities for their participation.
2. NCPWD to design a national economic empowerment programme for persons with disabilities, including example business models.
3. The national government to develop a health insurance product specifically directed towards groups with high healthcare costs, including persons with disabilities.
4. The national government to review and amend the eligibility criteria for social protection programmes to include more vulnerable persons with disabilities.
5. KRA, NCPWD, and non-state actors to enhance the tax education and financial literacy training offered to persons with disabilities.
6. The Ministry of Labour and Social Protection, in collaboration with National Treasury, to increase the monthly income tax exemption limit from Ksh. 150,000 to Ksh. 300,000.
7. KRA, in collaboration with NCPWD, to review the tax exemption regulations to aid the administration and accessibility of tax exemptions and incentives for persons with disabilities.
8. National and county governments to ensure that public service websites and online systems adhere to KS 2952.
9. County governments to develop guidelines on tax waivers, including waivers for licence fees and other charges, for persons with disabilities who want to set up businesses.

4.2.3. Promote disability inclusion in all sectors of society

4.2.3.1. Legal and policy reforms

1. The Ministry of Labour and Social Protection to finalise its national disability policy so it aligns with the Constitution and international commitments. The policy should address, among other things, planning, budgeting, and investment related to services for persons with disabilities.
2. NCPWD to collaborate with the Kenya Law Reform Commission to develop a model Persons with Disabilities Bill for county adoption. NCPWD to support counties to enact Persons with Disabilities Acts.
3. NCPWD to advocate for harmonisation and fast tracking the enactment of the two persons with disability bills at the National Assembly and Senate.

4. NCPWD to advocate for the passage of the Kenyan Sign Language Bill in the National Assembly.
5. Kenya Bureau of Standards, in collaboration with NCPWD, to develop national standards on assistive devices and products.
6. NCPWD, in collaboration with the COG, to develop guidelines for mainstreaming services for persons with disabilities in the counties.
7. The judiciary to promote access to justice in the context of the rights of persons with disabilities.
8. The Kenya Judiciary Academy, the Kenya School of Law, and the Law Society of Kenya to hold regular continuing legal education training for judges, judicial officers, and the legal fraternity on the rights of persons with disabilities and judicial obligations and duties.
9. The Chief Justice to strengthen the protection of the rights of persons with disabilities and emerging jurisprudence related to persons with disabilities by revising the Constitution of Kenya (Protection of Rights and Fundamental Freedoms) Practice and Procedure Rules, 2013.
10. The Kenya Judiciary Academy, in collaboration with NCPWD, to carry out a capacity needs assessment for the judiciary and design a training programme, including training content, facilitator guides, and case studies, for judges and judicial officers on the rights of persons with disabilities and disability related laws.

4.2.3.2. Disability planning, financing, and investment

1. The SDSP and NCPWD to develop a national and inclusive strategic investment plan for services for persons with disabilities.
2. The SDSP and NCPWD, in collaboration with the COG, National Treasury, and other partners, to review and reform the national and county-level financing architecture for support and services for persons with disabilities. This should include an assessment of the feasibility of merging the NDFPWD and NFDK, both of which receive public financing.
3. NCPWD, in collaboration with the National Treasury and COG, to develop national guidelines for disability-inclusive budgeting across all national and county governments.

4.2.3.3. Disability services and inclusion

1. NCPWD to advocate for disability inclusion in all sectors, including public institutions, services, and infrastructure, such as public transport.
2. NCPWD to promote public and private partnerships for the production of assistive devices.
3. NCPWD portal link to other employment portals in Kenya in an effort to leverage employment opportunities in other sectors
4. The state department responsible for public service performance management to reinstate disability inclusion performance indicators in the government performance contracting framework.

5. NCPWD, in collaboration with partners, to encourage local production of assistive devices through initiatives like 'Buy Kenya – Build Kenya' in order to make these devices more accessible and affordable.
6. NCPWD, in collaboration with partners, to conduct broad awareness campaigns to promote understanding and empathy regarding issues that affect persons with disabilities.
7. Ministry of Education to ensure educational institutions implement tailored pedagogical approaches to cater for the specific needs of persons with disabilities.
8. NCPWD, in collaboration with Kenya National Association of Deaf and other stakeholders, to produce training manuals and policy guidelines for the provision of Sign Language interpretation services.
9. The SDSP and Senior Citizen Affairs to scale up social protection programmes for persons with disabilities.
10. The Ministry of Health and county governments should ensure that each gazetted assessment facility has at least one ear, nose, and throat specialist and has the relevant equipment for assessing Deaf or hard of hearing persons.
11. NCPWD, in collaboration with partners, to conduct a national capacity needs assessment for digital inclusion for persons with disabilities.
12. The Ministry of Information, Communications and the Digital Economy, in collaboration with NCPWD, to scale up the dissemination of and sensitization on KS 2952 (Accessibility–ICT products and services) to county governments.
13. NCPWD, in collaboration with the Information and Communication Technology Authority, COG, and other partners, to develop a national disability digital accessibility and inclusion strategy.
14. NCPWD, county governments, and MDAs to ensure that there are focal persons within their institutions who are Deaf and conversant with Deaf service needs, including inclusive education, training, and employment.
15. Educational Assessment Resource Centers to employ a Deaf person to provide Sign Language services for children.
16. Healthcare providers to raise awareness among mothers of the need to take their babies for hearing screening within the first three months, as stipulated by the Joint Commission on Infant Hearing.
17. NCPWD, in collaboration with the Ministry of Health and COG, to design policies on infant hearing screening and recommend relevant early intervention measures to reduce the negative effects of delayed language acquisition.
18. The national government and its partners to allocate funds for literacy development to address literacy deficiencies among prelingual Deaf learners and for further research on the best early intervention practices, such as pre-literacy captioned videos.
19. NCPWD to collaborate with the County Assemblies Forum to:
 - a. conduct regular capacity audits of Members of County Assemblies (MCAs) representing persons with disabilities to gauge their ability to be effective champions of disability inclusion and the rights of persons with disabilities.

- b. assess and identify barriers for persons with disabilities' participation and inclusion in county legislative processes and representation
- c. implement capacity building programmes for MCAs with disabilities to on disability rights and inclusion
- d. advocate for the development and passage of country-level legislation related to persons with disabilities
- e. implement awareness programmes for MCAs on the rights and needs of persons with disabilities to enhance MCAs' abilities to advocate for constituents with disabilities.

4.2.3.4. Leadership and governance

1. NCPWD, NGEC, donors, and non-state actors to advocate for increased representation of persons with disabilities in all levels of government and elective positions, including regional legislative bodies, to ensure their inclusion in decision-making processes.
2. NCPWD and county governments to strengthen national and county-level intergovernmental and stakeholder coordination and cooperation mechanisms for the inclusion of persons with disabilities.
3. National and county governments to develop policies, laws, and regulations to guide and govern the implementation of overlapping national and county functions related to persons with disabilities.
4. NCPWD to develop donor partnership guidelines and templates for partnership agreements and memoranda of understanding for service provision for persons with disabilities.

4.2.4. Institutional capacity strengthening

NCPWD to:

- a. conduct an institutional capacity needs assessment on institutions' abilities to provide services and support for persons with disabilities
- b. develop capacity building and training manuals related to disability inclusion and mainstreaming in various sectors
- c. establish efficient mechanisms for data collection from OPDs, enabling persons with disabilities representatives to stay informed and advocate effectively for their rights
- d. develop county capacity development strategies in collaboration with county governments to strengthen county service delivery systems and persons with disabilities' capacity to actively participate in all aspects of society
- e. conduct a staff audit internally and within MDAs to find those who have expertise in handling the specific needs of Deaf and hard of hearing people.



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