



Commonwealth Parliamentarians with Disabilities (CPwD) Africa Region

Report of

**THE INAUGURAL COMMONWEALTH PARLIAMENTARIANS WITH
DISABILITIES (CPwD) AFRICA REGION CONFERENCE**

SERENA HOTEL, NAIROBI, KENYA

14th -18th October, 2021

Theme

“Mainstreaming Disability Considerations in Legislative Agenda in the 21st Century”

October, 2021

Table of Contents

Contents

1.0 Introduction..... 4

1.1 Background..... 4

2.0 Objectives of the Inaugural CPwD – Africa Region Conference..... 5

3.0 Official Opening of the Conference 6

4. 0 Overview of Conference Presentation: 8

4.1. Existing Legal Frameworks on Protection of Rights of PwDs 9

4.1.0 Highlight of the CPwD Strategic Pan 2021 – 2024 9

4.1.1 Implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) and other Agreements..... 10

4.2 Role of the Legislature in ensuring implementation of Commitments on the Rights of Persons with Disabilities 13

4.2.0 Progress on Commitments made at the Global Disability Summit in 2018: Achievements so far 13

4.3 Mainstreaming Disability Considerations 15

4.3.0 Protection of Persons with Disabilities from all forms of violence: Addressing the challenges..... 15

4.3.1 Participation of Persons with Disabilities in political Process 16

4.3.2 Access to justice and fair treatment of persons with Disabilities 17

4.3.3 Mainstreaming disability programmes in the public and private sector: Challenges and Opportunities ... 18

4.4 Adoption of Outcome Statement and Conference Resolutions 19

4.5 Official Closing and Excursion 23

ABBREVIATIONS & ACRONYMS

ADR	Alternative Dispute Resolution
AGPO	Access to Government Procurement Opportunities
CAS	Chief Administrative Secretary
CPA	Commonwealth Parliamentary Association
CPwD	Commonwealth Parliamentarians with Disabilities
DPO	Disabled People Organizations
DAC	Disability Advisory Council
ICT	Information Communication Technology
HSC	Head of State Commendation
NHIF	National Health Insurance Fund
NGEC	National Gender and Equality Commission
NCPWD	National Council for Persons with Disability
KEDIPA	Kenya Disability Parliamentarians Association
LPO	Local Purchase Order
MDAs	Ministries, Departments and Agencies
PIL	Public Interest Litigation
PLWD	People Living with Disabilities
SoCATT	Society of Clerks 0 at – the – table
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNDP	United Nations Development Programme

1.0 Introduction

This report summarizes the proceedings of the Inaugural Commonwealth Parliamentarians with Disabilities Conference (CPwD Conference) held on 14th to 18th October, 2021 under the theme “Mainstreaming Disability Considerations in Legislative Agenda in the 21st Century” convened by Commonwealth Parliamentarians with Disability Network with support from the National Assembly of Kenya.

1.1 Background

The Commonwealth Parliamentarians with Disabilities (CPwD) Network was established in 2017 to facilitate activities and programmes to champion and increase representation of persons with disabilities in Commonwealth parliaments and to work towards the mainstreaming of disability considerations in all CPA activities and programmes.

In 2020, the network established its governing committee of nine regional champions. The CPwD Regional Champions were chosen to represent each of the CPAs nine regions, to promote the rights of Commonwealth parliamentarians with Disabilities in their respective Regions and generally represent disability interests within the larger CPA fraternity.

The Hon. Dannitah Ghati, HSC MP, from the National Assembly of Kenya, was elected the CPwD Chairperson following the 2021-Q3 Meeting of the CPwD Regional Champions held in September, 2021. She succeeded the first CPwD Network Chairperson, Hon. Kevin S. Murphy MLA, Speaker of the Nova Scotia House of Assembly, and will serve for the period 2021/24.

The Inaugural CPwD Africa Region Conference was deliberated and agreed upon at the 50th Annual General Meeting of the of the CPA Africa Region held in Zanzibar, Tanzania in September 2019 and during the 80th Executive Committee Meeting held in Nairobi, Kenya in July, 2021, the meeting resolved that the Inaugural CPwD Africa Region Conference would be held in Nairobi before the end of the year. Upon consultation between the CPA Kenya Branch and the CPA Africa Region Secretariat, it was agreed that the conference be held between the 14th and 18th of October, 2021.

In the context of this, the National Assembly of Kenya with support from the Commonwealth Parliamentarians with Disabilities (CPwD) with support from the National Assembly of Kenya and CPA Kenya Branch, hosted the Inaugural CPwD Conference in Kenya at Serena Hotel, Nairobi, from 14th to 18th October, 2021. The conference brought together members of Parliament from Kenya, Sierra Leone, South Africa, Tanzania and Uganda.

The conference was held over a two-day period comprising the opening session, six plenary sessions and the closing ceremony. The conference was hosted as a hybrid event that involved both in-person and virtual participation by the Secretary General CPA.

Participant’s engagement was achieved through a Question-and-Answer session and through the discussion of key issues at each plenary by designated session discussant.

Appendix 1 shows the Program of the Conference while Appendix 2 gives the list of the people that attended the Conference.

2.0 Objectives of the Inaugural CPwD – Africa Region Conference

In the context of the overall strategic objectives of CPwD, the purpose of the Inaugural CPwD Conference that was held in Nairobi, Kenya, from 14th to 18th October, 2021 was to facilitate the process of identifying Disability champions within the CPA Africa Region to continue mainstreaming disability considerations in the governance framework of branches and promote the use of CPA membership in expanding the progress realized in ensuring that disability issues are taken into consideration at all levels of governments. More importantly, increase disability representation in decision making through Strategic interventions provided in the CPwD Strategic plan 2021/24 as well as in the context of the SDGs and Agenda 2063. In this regard, the objectives of the Conference were stated as follows:

- (a) To bring together Members from the Africa Region to discuss and understand the Strategic Plan of the CPwD Network and identify disability champions from each of the participating branches;
- (b) To share information and experiences in national implementation of the rights of persons with disabilities;
- (c) To identify the challenges faced by the CPwDs and understand the role of CPwD in mitigating the challenges; and
- (d) Adopt resolutions to help mainstream considerations of persons with Disabilities in

Against the above background, the Inaugural CPwD Africa Region Conference was held under the theme: *Mainstreaming disability considerations in Legislative agenda in the 21st Century*. Guided by this Theme, the Conference aimed to cover the following sub-themes, issues and Topics –

- (a) Highlights of the CPwD Strategic Plan 2021/24
- (b) Implementation of the UN Convention on the Rights of Persons with disabilities (UNCRPD) and other agreements: *taking stock of successes and looking into the future*
- (c) Progress on commitments made at the Global Disability Summit in 2018: *Country specific achievements*
- (d) Protection of persons with disabilities from all forms of violence: Addressing the challenges

- (e) Participation of persons with disabilities in the political process
- (f) Access to justice and fair treatment of persons with disabilities
- (g) Mainstreaming disability programmes in the public and private Sectors: Challenges and opportunities

The resource persons and Guest Speakers who graced the Conference were drawn from various government institutions, the Commonwealth Parliamentary Association as well as Members of Parliament.

Appendix 1 presents the conference objectives, Resource persons, Guest Speakers and shows the Thematic Areas as well as the titles of the papers that were presented and discussed during the Conference.

3.0 Official Opening of the Conference

The Inaugural CPwD Conference was officially opened on Friday 15th October, 2021 by the Rt. Hon. Justin B N. Muturi EGH MP, Speaker of the National Assembly of Kenya. The official opening Speech was preceded by remarks from the Mr. Michael R. Sialai CBS, the Clerk of the National Assembly of Kenya, Hon. (Dr.) Makali Mulu MP, CPA Senior Regional Representative and the Hon. Dennitah Ghati HSC MP, Chairperson Commonwealth Parliamentarians with Disabilities (CPwD).

1) Welcome remarks by the Clerk National Assembly of Kenya, Mr. Michael R. Sialai, CBS

The Clerk of the National Assembly Kenya, welcomed all the participants to the inaugural Commonwealth Parliament with Disabilities (CWPD) conference to deliberate on the disability issues in legislatures.

While enumerating the Conference objectives the Clerk reiterated the need for participants and CPA branches to support the leadership of CPwD in delivering on the conference resolution and engage in purposeful and progressive entrenchment of disability issues in parliament.

2) Remarks by the CPA Senior Regional Representative, (Dr.) Makali Mulu, MP

The Regional Representative appreciated the effort in development in legislation on disability concerns in the region, he said that the participation of Commonwealth champions in the progress made was very crucial.

He further noted that there was need to do Partnerships in implementation of the Strategic plan 2021/24 and further said that building network of champions and dialogue at lower level would always go a long way.

3) Remarks by the Chairperson, CPwD Network, Hon. Dennitah Ghati, HSC MP

The Honorable Member Dennitah Ghati noted that she was glad to witness the inaugural CPwD Conference, and appreciated all the participants;

She noted that it is important for the participants to define the place of people with disability in the commonwealth fraternity adding that the network was active in all the CPA branches;

The legislature urged all the members to consider the issues that may hinder the participation of persons with disabilities in the governance spectrum and look into them;

She further noted that Kenya had enforced Article 24 and 27 of the Constitution of Kenya that provided for the rights and freedoms of persons with disability

Further noting, the Honorable Member said that KEDIPA was a champion of rights of persons with disability including the Members of Parliament and she called upon the democratic institutions to further the expansion of the operation environment for PLWD

She concluded saying that the resolutions from the Conference would feed into the wider CPA agenda of democratization and that the strategic plan implementation was key for mainstreaming the disability issues to governance.

4) Keynote Address & Official Opening by the Hon. Justin B N. Muturi, EGH, MP

In his official opening remarks the Speaker implored upon the participants to understand the role of persons with disability in leadership and noted that political parties financing as one of the ways to ensure inclusivity in elective positions and hence sustainable representation of persons with disabilities in governance structures.

He appreciated that the Conference was as a result of concerted efforts of Kenya CPA branch in pursuing the actualization of Key Performance Indicators of the CPA and facilitation of activities of branches to mainstream the disability considerations to all CPA programs and activities.

The Speaker further reiterated that there was need to work together to deliver the needs for disability in legislation and that the 12th Parliament of Kenya had begun the process of mainstreaming disability issues in legislation among them is the review of the

National Health Insurance Fund Act to accommodate disability issues that require medical attention.

In his remarks he noted that there was momentous growth in engagement of disability concerns in legislation and that more gains had been made through the promulgation of the Constitution of Kenya, 2010 there are improvements in the appointment of persons with disability to public office as evidenced by data available with the Public Service Commission of Kenya.

He further remarked that disability mainstreaming through legislative agenda remain the spectrum for entrenching disability issues in Kenya and that the UN Convention on the rights of persons with disabilities, 2008 had been ratified by Kenya.

The Honourable Speaker, highlighted Story of one Mr. OLOO from Mombasa County who had made considerable suggestions ways to resolving the problems faced by persons with disabilities in Kenya and insisted that tokenism was not been a solution to problems facing people with disability.

He stated that there was apparent need to consider the positive outcomes of legislations and policies towards enhancing the gains made in promoting and protecting persons with disability in our society and that sharing experiences would allow for peer review in championing the needs for PWD and conducive setting for deliberating the objectives of the conference as ably put in the theme.

While concluding his remarks, the Speaker noted that the realization of fundamental rights of persons with disabilities to participate in decision making was critical and its prioritization was paramount going by the quote *“Nothing about us without us.”*

4. 0 Overview of Conference Presentation:

This section provides a synopsis of the presentations as well as the critical points that will generate lessons learnt and support in the realization of conference objectives guided by the theme “Mainstreaming disability considerations in legislative agenda in the 21st Century”.

Additionally, plenary discussions and question answer sessions will buttress the outcome statement and resolutions of the conference.

The presentations herein cover a spectrum of issues ranging from legislations, conventions on rights of persons with disabilities, participation of persons with disabilities in political processes and achievements realized in the implementation of the Commitments in the Global Disability Summit, 2018.

4.1. Existing Legal Frameworks on Protection of Rights of PwDs

The session explores on the legal, regulatory ecosystem as well as the implementation of the UN Convention on the rights of persons with disabilities who are often excluded from the mainstream of the society and denied their human rights. Discrimination against persons with disabilities takes various forms, ranging from invidious discrimination, such as the denial of educational opportunities, to more subtle forms of discrimination, such as segregation and isolation because of the imposition of physical and social barriers.

Effects of disability-based discrimination have been particularly severe in fields such as education, employment, housing, transport, cultural life and access to public places and services. This may result from distinction, exclusion, restriction or preference, or denial of reasonable accommodation on the basis of disablement, which effectively nullifies or impairs the recognition, enjoyment or exercise of the rights of persons with disabilities.

4.1.0 Highlight of the CPwD Strategic Plan 2021 – 2024

Mr. Stephen Twigg, Commonwealth Parliamentary Association, Secretary General through his virtual presentation on the CPwD strategic Plan 2021/24 noted that the Conference was historic and ground breaking, following the Adoption of the Agenda 2030 on the SDGs vision of “Leave no one Behind”;

He informed the gathering that the establishment of the CPwD was primarily to facilitate involvement of the persons with disability in decision making in the member countries;

He went on to explain that the network is the third in the CPA family after Society of Clerks – at – the – Table (SoCATT). He further, noted that there were disruptions in parliamentary operation occasioned by the Covid-19 pandemic hence unprecedented review of activities and programs of the CPA; operating under the new normal was a norm everywhere;

He submitted that the review of the CPA strategic plan was to ensure efficiency and effectiveness in delivering on its objective and mandate which is equally important and that there was need to seek new consensus in operations within branches as mutual engagement in entrenching the disability issues of concern was crucial in democratic governance.

In his submission he reiterated that the published CPwD Strategic plan set out the priority issues to be actualized through programs and activities with the view of mainstreaming disability issues to legislation.

He further noted that the Conference was a means of promote mutual learning within CPA and encourage parliaments to tackle exclusion by tightening the representation of PwDs, further ensuring that their involvement was paramount based on the principle of “nothing about us without us.”

He informed that the wider institution of parliament should be inclusive and disability inclusion was central in the elimination of poverty and allow for gender equality as provided in the United Nations Vision 2030 and the Sustainable Development Goals framework.

The Secretary General reiterated that SDGs. 16 respond to the inclusiveness of persons with disabilities and particularly on peace, justice and building of strong institutions which remain critical in the realization of the desires by PWDs.

He further noted that in its endeavour to strengthen the realization of the CPwD strategic plan CPA academy is developing a course in the inclusion of persons with disability in Legislatures. The course will be available to the Parliamentarians and staff to increase knowledge and competence on mainstreaming disability concerns.

In conclusion, the Secretary General informed that CPA Headquarters is working with UNDP in convening and preparation of disability summit in 2022 that is underway; the Summit will create an avenue for networking on education, employment opportunities and disability inclusive education that are important in providing safeguards for aggregation of gains across the CPA fraternity.

4.1.1 Implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) and other Agreements

Hon Linah Jebii Kilimo, MGH –Chief Administrative Secretary, Ministry of Public Service, Gender, Senior Citizens Affairs and Special Programmes in her presentation on the implementation of the UN Convention on the rights of persons with Disabilities and other agreements noted that the Constitution of Kenya, 2010 has been lauded as being progressive Constitution regionally in mainstreaming disability issues in Kenya and that the Cabinet has approved the Protocol of persons with disability and is currently under consideration for ratification by Parliament of Kenya; Kenya and Mali are the only African Countries to ratify the protocol.

She that the establishment of the Disability Institutions was underway pursuant to the enactment of the Disability Act, 2003 in Kenya, and that the review/ repeal of the Persons with disability Act, 2003 to respond to the provisions in the Constitution of Kenya.

The CAS highlighted on the status of operationalization of the PWDs fund designed to support disability priorities and that Article 9 of the UN- disability convention mandated the adoption of the ICT Policy for PWDs.

She further noted that going forward, the universal access to information by persons with disability shall be fundamental and that service provider Safaricom and Coca-Cola have already actualized information access for persons with disability in Kenya.

As the CAS in charge of Gender issues, she reiterated that the Government of Kenya is providing sustainable healthcare services to children and older persons with disability and that they are working in partnership with private sector actors to avail resources to provide

assistive devices to the people with disabilities and that the country has allocated a budget of ksh.51.6 million to the procurement of assistive devices and other requirements for persons with disabilities.

The Hon. Jebii Kilimo noted that violence against children, mothers and PWDs was rampant in the informal settlement and the Judiciary has pragmatically designed measures to provide for participation of PWDs in judicial process through employment and interpretation of judgements.

In her presentation; she submitted that cash transfer programs for older persons and PWDs are facilitated by contracted payment service providers or agency banking within a radius of 6km, this is to reduce the distance covered by the beneficiaries.

She submitted that the State Department of Gender supported PWDs during covid-19 pandemic through the provision of re-useable masks, water tanks and other consumables; in addition, the government provided financing for PWDs groups through grants for economic empowerment and entrepreneurial skills development to a tune of Ksh. 28 million; this was supplemented by other sources like Uwezo fund, Youth and Women Fund that are interest free.

To realize their potential and ensure the non-discrimination in education; the government has revitalized Vocational training centers and established new centers to support skill acquisition for employability and Mentorship programs provided to persons with disabilities to leverage on skills and experience gained; also provided training in Kenya for Sign language to public service providers.

She reiterated that Procurement laws in Kenya provide for quota reservation under the Access to Government Procurement Opportunities (AGPO) where specific quotas of supply of good and services or works are reserved for persons with disabilities, this is also strengthened by Article 27 of the UN Convention on the rights of persons with disabilities which obligate governments and other institutions to set aside at least five percent of employment opportunities to the people living with disabilities.

She highlighted that the National Council for persons with Disabilities has developed and implemented a career portal to track compliance with Constitutional provisions as well as to enable PWDs in possession of particular skills and knowledge to be easily linked with employers and that employers enjoy tax rebates on employing PWDs.

That to achieve proper planning for persons with disabilities in Kenya; information and data is readily available courtesy of Kenya Bureau of Statistics who is charged with data collection and analysis. This has been successfully done under the Kenya National Population Census. Whereas rapid assessment of the needs of the disability is aggregated and is used for planning purposes at all levels of government.

She further noted that in the transport sector there was need to structure the transport sector to allow for resilient use of the service, as accessibility to infrastructure and mobility was a challenge.

The Chief Administrative Secretary submitted that some categories of disability have not been mainstreamed including those children born to mothers who don't attend pre-natal care. This should be part of the challenge to stakeholders going in to the future on disability concerns regionally.

Honorable Isaac Mwaura, MP while discussing the presentation by the Chief Administrative Secretary, State Department of Gender highlighted that the UN Convention on the rights of persons with disabilities was finalized in 2006 and came into effect in 2008. Kenya enacted the Disability Act, 2003 to guide the implementation of issues relating to the rights and freedoms of persons with disabilities; the country is in the process of ratifying the protocol on the rights of persons with disability as required by the Constitution of Kenya which allows for the domestication of conventions and treaties.

To realize the right to representation he reiterated that the legislature be called to safeguard the principle of equity in representation and the need for provision of special seats in Parliament for PWDs.

He noted that equality and non-discrimination of PWDs ought to be entrenched in society and that women and girls with disabilities have made strides in participation in social contracts and that more must be done to expand participation in other sectors.

He further informed that there was need to mainstream disability issues within the legislative agenda; noting that implementation of the CRPD ought to be multipronged to achieve the inalienable rights of PWDs.

He further noted that mental disability and the inability to enter into contractual agreements due to mental infirmity was also a challenge and that there was need to develop structures to allow for PWDs make choices through their aids and or caregivers as well as donating their decision-making right without affecting their obligation.

During the session plenary members explored on measures to enhance implementation of conventions and agreements; Representative from South Africa noted that their country had Ratified African charter of persons with Disabilities, and that there was need for pursue adequate measures in regard to housing for PWDs and other steps to protect and promote the rights of PwDs.

That non-discrimination on the basis of gender and disability or physical presentation of employees was prevalent and measures must be explored to re-engineer their participation. Additionally, a delegate from Uganda informed the conference that ratification of the CRPD by African countries had not been implemented and that there was need to focus on the implementation framework of the CRPD nationally through review and repeal of relevant disability laws to reflect the provisions of the CRPD.

Delegate from Sierra Leone indicated that they had signed the African Charter on PWDs and the country was in the process of ratifying the UN protocol on the rights of persons with

disabilities and further there was need to develop robust sensitization programs on the rights and freedoms of PWDs.

Kenya delegation informed the participants that that there was need to bring on board other members of parliament to play the champion role for disability and use the law to affirm the rights and freedoms of PWDs. The conference agreed that culture and other non-formal means ought to be explored as advocacy measures for the rights of PWDs and that there was need to find ways of adding value to the societal issues to maintain relevance.

Furthermore, it was agreed that there was need for PWDs to claim marginalization to secure their space in decision making and policy ecosystem; whereas stakeholder partnerships are important including development of mechanisms for communicating with the citizens to strengthen appreciation and build a lens for inclusion.

The plenary reiterated that inaugural conference on CPwD has opened the space for engagement on the rights of PWD and has created relationships with the decision makers to champion disability course and that they needed to Consider building network with the political parties who are the vehicles to elective positions.

4.2 Role of the Legislature in ensuring implementation of Commitments on the Rights of Persons with Disabilities

The session seeks to understand and appreciate the progress made so far in the implementation of the commitments ascribed by state parties during the global disability summit held in 2018; more so the looking inward on national legislations by countries in relation to furthering the realization of the rights and fundamental freedoms of persons with disabilities.

Aware of the influence that legislatures carry in the enactment and review of legislations there is need to explore mainstreaming disability matters using political platforms to enhance the prioritization of development related to Persons with Disabilities.

4.2.0 Progress on Commitments made at the Global Disability Summit in 2018: Achievements so far

The presentation was done by Mr. Macharia who is the Executive Officer of Kenya Disability Parliamentary Association (KEDIPA) on behalf of The Hon. Tim Wanyonyi, MP- Chairperson, Kenya Parliamentarians with Disabilities Association (KEDIPA).

The Executive Officer highlighted the progress so far realized the implementation of the commitments made at the Global Disability Summit in 2018 included the First disability summit in the CPA, and disability has been mainstreamed into the SDGs.

He noted that the commitments made in 2018 numbered 170 under four thematic areas and Kenya was committed to include among others education, technology and innovation, build capacity on risk reduction by involving PWDs.

He further stated that inclusive education was key in realizing other parameters included in the 2018 commitments; the government is implementing a robust financing framework within the education sector that will improve education centers for Persons with Disabilities through equipment support, modernized education facilities and rehabilitation of existing infrastructure.

That quota allocation of opportunities for persons with disabilities, global partnerships on assistive devices, regularization and enforcement of standards in the importation of PWDs equipment was critical since such mechanisms play a facilitative role in advancing the rights of persons with disabilities in the Country.

The presenter implored on each state party to take cognizant of some of the issues that were realized in the implementation process such as elimination of stigma and that there was a committee to monitor the implementation of Global Summit Commitments including the creation of awareness on the global disability summit 2018 commitments by the Ministry of Public service -disability awareness.

The Executive officer also noted that the Persons with Disability Act, 2003 was undergoing review in line with the commitments from the summit, 2018 and there was also reservation of 5% to PWDs in employment.

He further reiterated that the government is actively involving the devolved units in furthering the disability agenda and that there were other bodies available to support the work of the Council of PWDs including the National Gender and Equality Commission and Commission on Human Rights. To realize expanded job opportunities for persons with disabilities the Council has put in place career placement portal for learners with disability under the Basic Education Act,2013.

In his submission he stated that in order to actualize the economic rights of the PWDs; its' only through national legislation, also ratification of regional protocols including the East Africa Community disability policy that is progressive in focusing on the disability concerns.

He further stated that 30% quota on procurement reservation under the AGPO provided and the NCPWDs is currently supporting through the provision of LPO financing, and that Tax rebates – tax exemption for disability earning below Hundred and fifty thousand Kenya shillings and elongated retirement age of 65 years was also implemented in Kenya.

He also shared with the conference other milestones to improve the livelihood of persons with disability including harnessing technology and innovation for improved services, provision of assistive devices to PWDs, and KEDIPA has partnered with the University of Nairobi to undertake research on the need for tailored courses suitable for PWDs.

To achieve sustainable progress in mainstreaming disability concerns in development and socio-economic fronts state parties need to enhance individual and collective legislative oversight functions of its members, which include building their respective capacities so as to enable them effectively participate in the law-making process. This will also enable them interact with other relevant yet resourceful agencies.

From the discussions that ensued in the plenary session; It was noted that monitoring and evaluation is critical to actualizing the summit commitment and that there was need to fast track the implementation process of the programs and activities targeting the PWDs.

4.3 Mainstreaming Disability Considerations

Disability inclusive planning is fundamental in furthering the realization of the UN Convention on the Rights of persons with Disabilities. Mainstream these rights and freedoms with reasonable accommodation is primarily a step in the enjoyment of such rights and freedoms by PWDs.

The session explores key areas of mainstreaming disability concerns through National Plan of Action on Implementation of Recommendations made by the Committee on the Rights of Persons with Disabilities. Further, outline the activities different government actors intend to undertake in order to implement the Committee recommendations.

4.3.0 Protection of Persons with Disabilities from all forms of violence: Addressing the challenges

The Chairperson sought to enlighten delegates on the definition of violence against people with disability; this will provide the foundation for activation and identification of violence in the society. She noted that violence against persons with disability include any acts directed to persons on the basis of their disability that resulted in physical, sexual or mental harm or suffering to people with disability; and that the PwDs are more likely to suffer violence 1.5 times more than able persons.

She informed that public and private spaces have become unsafe for PwDs; reiterating the forms of violence as physical, mental, child abuse and sexual abuse.

She noted that protection mechanisms instituted to mitigate on violence against persons with disability include, UNCRPD, Protocols to the African Charter National Constitutions, National Policies, Legislation, Regulations, Standards, and Guidelines.

She further noted that the challenges in the protection Mechanisms include non-ratification of the UNCRPD by majority of African countries; statistics indicate that 35 African countries have signed the convention and only 25 have domesticated the convention through ratification. It is important to note that failure to sign regional instruments like Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities will slow down the gains made so far globally.

Dr. Joyce Mutinda highlighted that only nine African Countries have ratified the African Charter on Human and peoples' Rights on the persons with disabilities, this therefore begs the question on the future of mainstreaming disability issues. Further, non-adherence to constitutional provision that protects PwDs against violence and laws pertaining to protection of the rights of PwDs are not self-executing but form part of the challenges facing PwDs.

She also noted that disability machinery lacks predictable funding and resources to protect PwD from violence and that in some instances the PwDs were unable to recognize that

violence is a crime, ignorant in detecting and reporting, stereotyping the reporting and rampant negative attitude towards people with disabilities.

She concluded that some PwDs lack legal capacity and are not able to access justice, access to quality information and support and that there was need to sign international and regional instruments, lobbying for PwDs, reasonable accommodation, creating awareness, proper supervision of institutions, and report incidence.

The plenary session deliberated on such measures to protect PWDs and reiterated that there is need for authorities to ratify the instruments in place that include, UNCRPD, and local instruments.

It therefore agreed that taking care of PwDs remain a societal responsibility that required a number of parties to play their part to ensure that PwDs are protected against violence.

Delegates from Tanzania argued that the government of Tanzania signed the UN Convention on the Rights of persons with disabilities and ratified in accordance with the constitution.

Further noted that other legislative measure has been implemented that makes provisions for representation of PWDs at all levels such as districts and villages, whereas in education university entry points are lowered for PwDs.

That there was representation of PWDs in Parliament and Ministries, support funding and grants were availed to facilitate start up ventures and disabled person groups. These groups are funded for projects both nationally and in districts.

4.3.1 Participation of Persons with Disabilities in political Process

Ms. Anne Nderitu, the Registrar of Political parties in her presentation noted that the National Council for Persons with Disabilities is responsible for registering PWDs. She further restated the classification of disability as any physical, sensory, mental; psychological or illness that has, or 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.

That data from the 2019 population Census in Kenya indicate that PwDs were 2.2%, men 3.7% and women 3.9 %, 2009 3.6 % men 1.9% and women 2.5%.

She explained that in Kenya there were 79 political parties, PwDs party membership stood at 7,536 with most members holding office as Special Interest Groups and not substantive office holders and that in gender parity there was need to give special attention to women with disability.

She noted that the political environment is usually not levelled up especially for people with disability notwithstanding the lack of finances and that the challenges in participating in politics also included, nomination fees not being waived, lack of support and stigma from even families, generalization of all forms of disability, culture of violence and intimidation, and low levels of accommodation.

She further noted that there were low educational achievements among the people living with disability. In her submission she reiterated the need for deliberate provisions in law, implementation of existing laws, addressing gatekeeping against each other, mapping and building capacity of PwDs and that sensitization of political parties and players on inclusion of PwDs in their programming.

She further suggested that there is need to incentivize political parties to accommodate PwDs as duty bearing in election.

She concluded her remarks by seeking concurrence in budgeting, planning and advocacy for common agenda for all categories of marginalization.

The session plenary agreed that Persons with Disabilities be involved in the political discourse including elective positions through mix of strategies that will guarantee enjoyment of their rights. Additionally, fast track the provisions of the disability Act that requires all boards of management in Kenya to set aside proportionate positions to be filled by PwDs; pursue their involvement in all decision -making organs in recognition of the phrase “Nothing for Us Without Us”.

4.3.2 Access to justice and fair treatment of persons with Disabilities

Mr. Washington Sati- Vice Chairperson, Commission on Administrative Justice (Ombudsman) stated that the Commission (Ombudsman) mandate is derived from Article 59 and is complimentary to the courts.

He explained that persons with disabilities face various barriers in courts, that include financial capacity, hence the legal waiver for PwDs, institutional barriers such as what a blind person standing as an eyewitness; it is almost impossible to appear as many courts do not have sign language interpreters, physical barriers like lack of ramps and also attitudinal barriers also prevent PwDs from accessing justice.

He informed that despite the existence of policies favorable to PwDs little is known and practiced, and that Alternative Dispute Resolution remain the focus to deal with judicial redress, mediation and negotiations.

He added that investigations on matters of public interest like inaccessible buildings were done though the NCPWD has recommended accordingly.

He said that issues of unfair dismissal, delay of release of documents like title deeds have also been addressed by the Commission, but the level of the existence of the Commission is still low and there is need to sensitize of people who need the services.

He noted that through Ombudsman, complains were received and are well addressed, some of which involved people with disabilities, and others involving decisions of the committees and Boards.

He further noted that the Commission has also worked with other authorities to ensure the PwDs are able to access information that has been withheld from them, for example not brailled, inaccessible websites, and also sign language interpreters are provided for when required.

He added that Public Interest Litigation (PIL) address such issues that are of concern to persons with disabilities, substantial public issues are looked into through the Ombudsman and reduced the number of litigations directed to the court on public interest.

He concluded that it was a Constitutional mandate for PwDs to access public services, and that there was need to create awareness on the mandate of the Ombudsman, which included looking into the service of institution to PwDs, and that there was need to join hands as the area has not been realized, with people who were required to benefit from the Ombudsman.

Hon Esther Onana, MCA while discussing the presentation by the Vice chairperson of the Ombudsman noted that there was need to continue prioritizing access to information for PWDs which will eventually lead to access to fair treatment and justice.

4.3.3 Mainstreaming disability programmes in the public and private sector: Challenges and Opportunities

Mr. Harun Hassan Malim, the Executive Director for National Council for Person with Disabilities (NCPD) noted that the Ministry of Health had developed guidelines for assessment of disabilities and that there were new guidelines which were to be rolled out for assessment to fill the gaps that were there in the current assessment.

He stated that some people had abused the privileges of the people with disabilities and wanted to only benefit even when they are not disabled.

He further noted that in the private sector it had been a challenge to have PwDs get opportunities compared to public sector; A plan to ensure that the completely disabled persons get a stipend is currently at advanced stages with the government seeking partnerships to implement.

He further stated that there was need to have children with disabilities enrolled for planning purposes. He also noted that the council is providing sunscreen lotion to people with albinism cost free, he challenged members that disabled is an expensive lifestyle that affected implementation of some policies.

Ms. Mercy Okiro- from KEPSA while discussing the presentation by the Executive Director, NCPWD insisted that there as need for PwDs to be involved in decision making procedures with other stakeholders.

She noted that women inclusion in Boards was on the increase with 36%, and no increase in PWDS. She further acknowledged the shortage of assistive device coupled with Covid- 19 pandemic which has led to increase in challenges facing PWDs and that nominating organizations had always been advised to include PWDs in their management.

She further noted that opportunities in private sectors include, mainstreaming people with disabilities through adoption of the Ajira online program that provide work related access platform, also affordable loans to SMEs, private sector driven agenda in terms of representation and through procurement reservation under the Access to Government Procurement Opportunities.

In her conclusion, she reiterated the need for a collaborative framework with county governments in mainstreaming disability considerations in legislation as well as resource allocation.

4.4 Adoption of Outcome Statement and Conference Resolutions

The presentations during the CPwD Conference; the Plenary Sessions; and the deliberations submitted by respective CPA branch delegates at the closure of the Conference that exclusively focused on the theme *“Mainstreaming Disability Considerations in Legislative Agenda in the 21st Century”* brought to the surface several messages that constituted the Outcome Statement and Resolutions from the Inaugural CPwD Conference held in Nairobi, Kenya. The Conference Outcome Statement and Resolutions are highlighted below: -

A. OUTCOME STATEMENT

BY THE INAUGURAL COMMONWEALTH PARLIAMENTARIANS WITH DISABILITIES (CPWD) AFRICA REGION CONFERENCE ON 16TH OCTOBER, 2021

NAIROBI, KENYA

WE the Members of Parliament from Kenya, Sierra Leone, South Africa, Tanzania and Uganda gathered in Nairobi, Kenya on 15th and 16th October, 2021 for the Inaugural Commonwealth Parliamentarians with Disabilities (CPwD) Africa Region Conference;

NOTING THAT, over the last two days we have taken significant strides in discussing mainstreaming disability considerations in legislative agenda;

FURTHER NOTING THAT, Article 29 (a) of the United Nations Convention on the Rights of Persons with Disabilities provides that, states shall *“Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives”*;

RECOGNIZING THAT, mainstreaming disability considerations is fundamental to the realization of the United Nations Convention on the Rights of Persons with Disabilities and by extension full enjoyment of the inherent rights of Persons with Disabilities;

COGNIZANT OF THE FACT THAT, it will be important for Member Branches to report on implementation of commitments through existing mechanisms such as the Call to Action and the Commonwealth Parliamentarians with Disabilities Network (CPwD) programmes and activities including the key performance indicators;

NOW THEREFORE, the Inaugural Commonwealth Parliamentarians with Disabilities Conference-

- (i) **Resolves to** collectively work to sustain the momentum of this conference by advocating for disability focused measures that resonate with the public and respond to expansion of access to human rights and fundamental freedoms by persons with disabilities at all levels both in public and private sector;
- (ii) **Further resolves to** strengthen integrated responses to disability matters throughout the governance system, review the fulfilment of the fiscal and budgetary provisions on a country-to-country basis, and implement political, policy and good practice commitments made today;
- (iii) **Urges** individual and corporate members of the Commonwealth Parliamentary Association and the CPwD Network to deliver on commitments made to Persons with Disabilities;
- (iv) **Decides that** the CPwD Network Africa Region Conference is held annually;
- (v) **Calls on** all Branches to support implementation of these resolutions and mainstreaming of disability considerations in legislative agenda.

B. RESOLUTIONS & WAY FORWARD

**BY THE INAUGURAL COMMONWEALTH PARLIAMENTARIANS WITH
DISABILITIES (CPWD) AFRICA REGION CONFERENCE ON 16TH OCTOBER, 2021**

NAIROBI, KENYA

The Inaugural Commonwealth Parliamentarians with Disabilities (CPwD) Africa Region Conference held in **Nairobi, Kenya on 14th -18th October, 2021** under the theme: ***“Mainstreaming Disability Considerations in Legislative Agenda in the 21st Century”*** deliberated on key issues that form the premise of disability considerations regionally and resolved **THAT-**

1. Commonwealth Parliamentary Association regional member countries should expedite the ratification of the United Nations Convention on the Rights of Persons with Disabilities (UN-CRPD) of 2006 to provide the framework for promoting, protecting and ensuring full and equal enjoyment of human rights and fundamental freedoms by all Persons with Disabilities, and promote respect for their inherent dignity;
2. Parliaments in Africa should prioritize enactment and adoption of progressive legislations and policy frameworks suitable for addressing economic, social, cultural, political and civil rights of Persons with Disabilities;
3. Disability Advisory Council (DAS) should be established as a requirement within the context of CRPD to help fast track and monitor disability issues especially those that form the fulcrum for performance and their contribution to socio-economic development;

4. Governments should focus on the provision of social amenities and recreational facilities that are accessible to Persons with Disabilities; to enhance their participation in development activities;
5. To enhance participation in education and improve social welfare of Persons with Disability there is need for early identification, assessment, intervention and school placement of children with disabilities in appropriate education setting. Target mapping of Disability education needs should primarily precede budgeting and financing of facilities and equipment for access by learners and trainees with disabilities;
6. Persons with Disabilities should be treated as right holders; institutions will be duty bound by law to ensure that Persons with Disabilities are facilitated to realize their rights to physical access, transport, communication, education, healthcare, employment and access to justice;
7. Legislative interventions and affirmative action strategies should be prioritized; that disability mainstreaming committees should be established in Ministries, Departments and Agencies (MDAs) to facilitate measures for attitude change, monitoring and evaluation of programs, increased employment opportunities and retention and promotion of PWDs in their places of work;
8. State parties should define in their legislation the principle of reasonable accommodation in all areas in line with article 2 of the Convention, and ensure legal recognition of the denial of reasonable accommodation as a form of discrimination;
9. There should be a long-term strategy aimed at raising awareness and combating discrimination against Persons with Disabilities including all aspects covered by the Convention;
10. Individual State parties should carry out mass-media awareness-raising campaigns and workshops in collaboration with other stakeholders in order to foster the positive image of Persons with Disabilities and their contributions to society;
11. Parliament should ensure that national, sub national and program budgets are disability focused by entrenching financing on disability concerns through a program-based approach within all sectors. Ring fenced disability financing will institutionalize the mainstreaming process of disability issues;
12. Public and private sector actors should strengthen efforts to ensure that health policies and programs including sexual and reproductive rights are fully accessible to Persons with Disabilities;
13. African Governments should pursue tax policies that are adaptive to expanding access to assistive devices for Persons with Disabilities; tax laws should provide exemptions on manufacturing and importation of assistive devices as well as provide for tax rebates on their earnings to stimulate investment and improve livelihoods;
14. To realize the provisions of Article 31 of CRPD; Population, enumerative census and disability surveys should be positioned to collect, analyze, interpret and provide for recommendations that positively boost the realization of the inherent rights and freedoms of persons with disabilities; information and data collected should focus on

disaggregation of key parameters on disability for ease of use and reference by the public and other research practitioners;

15. With the heterogeneity of the state party's governance structures; each member State shall make reasonable adjustments to Commonwealth Parliamentary Association (CPA) programs and engagements to enable the participation of people with any disability in decision making;
16. Parliamentary leadership should put in place measures to ensure that parliament premises are accessible as well adopt innovative and modern approaches that will make the work of parliamentarian easier for persons with disabilities both as parliamentarians and stakeholders;
17. Political parties and elections management bodies to develop cogent measures that encourage culture of inclusivity for persons with disabilities either by way of nomination, and campaign financing; this will expand the participation of persons with disabilities in policy decision making and representation;
18. Employment and labour laws need should be reviewed to provide for specific employment quotas for persons with disabilities; also set up career portals that are user friendly for job seekers and employers to overcome accessibility barriers by persons with disabilities;
19. Disability should be categorized and measure to address their unique challenges need to be segregated by legislations; example mental disability and decision-making ought to be made open through legislation where assisted decision-making mental disability is mainstreamed with an objective of reducing exposure and provide the distinction of choice of delegation while distinguishing from mental infirmity;
20. Institutions and parliament to undertake mapping and building capacity for persons with disabilities; this will particularly provide necessary information for involvement in mitigation measure that concern them, this is in line with the phrase "*nothing about us without us*";
21. Sensitization of Political parties, governance institutions and electoral bodies on purposive inclusion of persons with disabilities in their programming; encouraging inclusive participation in electoral matters by persons with disabilities through provision of incentives by governments and duty bearers;
22. Monitoring and evaluation framework, enforcement protocols and budgetary allocation need to be at the core of all strategies that focus on disabilities mainstreaming into legislation. Development of such frameworks will build resilience on the part of persons with disability within the premise of humanitarian rights and disaster risk reduction;
23. State parties to institutionalize national disability inclusive budgeting across all government departments both at the national and sub national levels; further, review the targeting criteria for social assistance programs for persons with disabilities;
24. People with disabilities experience stigma and discrimination which excludes them from economic and social activities and full participation in life. People with intellectual disabilities, psychosocial disabilities, as well as women and girls, older persons, children and youth with disabilities, are particularly affected and vulnerable to violence. To

address stigma meted to persons with disabilities there is need for development and enforcement of measures to ensure that cases of discrimination against persons with disabilities are enforceable before courts and victims receive appropriate redress;

25. Institutions to adopt immediate measures to foster compliance with the positive measure of quotas for persons with disabilities in employment, including an effective enforcement mechanism and sanctions for non-compliance, both in the public and the private sectors;
26. Entrepreneurial and investment opportunities are accessible to persons with disabilities through tailored trainings and affirmative action plans including preference and reservation of procurement quotas in public private institutions to persons with disabilities as well as local purchase order financing (LPO);
27. Institutionalize performance management tools that provide for disabilities mainstreaming and other gender consideration under a rapid assessment framework; this can be through reward and sanctions mechanism within the general performance appraisal tools both at management and organization level; and
28. Governments to establish a time frame for the transition process from segregated to inclusive/ integrated quality education and ensure that budgetary, technical and personal resources are available to complete the process, and collect disaggregated data on the advancement of the inclusive education system; also undertake measures, including by encouraging public-private partnerships, to ensure the provision of assistive technologies in education and;
29. State parties and in particular legislatures need to develop a wide range of community-based services that respond to the needs of persons with disabilities and respect the person's autonomy, choices, dignity and privacy, including peer support and other alternatives to the medical model of mental health.

The conference outcome statement and Resolutions were read to the delegates and put on vote respectively; in the foregoing; the outcome statement and conference resolutions were approved and adopted with a proposal by the Uganda delegation and seconded by the delegation from the Republic of South Africa.

4.5 Official Closing and Excursion

Hon. Moses Cheboi CBS, MP, Deputy Speaker of the National Assembly of Kenya has the pleasure of delivering the official closing remarks on behalf of the Speaker Senate who was initially designated to close the conference.

In his remarks Hon. Cheboi acknowledged the efforts of the Chairperson of the CPwD Network, Honourable Dennitah Ghati, MP in championing the rights of persons with disabilities which earned her the election to the important position.

He also reiterated the place of disability in the Commonwealth noting that the conference theme: *“Mainstreaming Disability Considerations in Legislative Agenda in the 21st Century”* draws

from the objectives of the Commonwealth Parliamentary Association (CPA) which aim to enhance parliamentary competitiveness through legislation and adoption of best practices.

While concluding his remarks, he urged all participants to involve colleague Members of Parliament, in this noble endeavor to mainstream disability considerations, in the legislative agenda as well as in all facets of life.

Going forward therefore, he restated that individual commitment to the cause, will be the motivation for other Members of Parliament to join you in this cause and work with you. As the saying goes, *“If you want to go fast, go alone. If you want to go far, go together”*. Involving your colleagues will ensure that the results you desire will be more impactful and far reaching.

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Conference Program

List of Participants

S/No.	Name	Country
1.		
2.		
3.		
4.		