

Decent Work for People with Disabilities

Inclusion of People with Disabilities in Kenya



International Labour Organization



FACT SHEET

Women and men with disabilities can and want to be productive members of society. In both developed and developing countries, promoting more inclusive societies and employment opportunities for people with disabilities requires improved access to basic education, vocational training relevant to labour market needs and jobs suited to their skills, interests and abilities, with adaptations as needed. Many societies are also recognizing the need to dismantle other barriers - making the physical environment more accessible, providing information in a variety of formats, and challenging attitudes and mistaken assumptions about people with disabilities.

Current Situation

There is no recent data on the situation of people with disabilities in Kenya. Some numbers are available, although these do not give an accurate picture of the number of disabled people living in the country. Applying the WHO recommended 10 per cent to today's Kenyan population of approximately 36 million¹ would indicate that there may be some 3 million disabled people.

Many disabled people in Kenya, as in most developing countries in the world, live in poverty, have limited opportunities for accessing education, health, suitable housing and employment opportunities.

Governmental support for people with disabilities

The Government of Kenya has adopted a number of laws and policies pertaining to people with disabilities, including their right to productive and decent work and basic services. The main ones are listed below.

- **The 1969 Constitution of Kenya** outlaws discrimination on various grounds such as race, tribe and colour, however, it does not refer to discrimination on the basis of disability. **A new Draft Constitution of Kenya**, still to be agreed and adopted, explicitly prohibits discrimination on the grounds of health status and disability.

¹ Kenyan National Bureau of Statistics, <http://www.cbs.go.ke/>, accessed on 29 June 2009.

- **The Persons with Disabilities Act, 2003**, is a comprehensive law covering rights, rehabilitation and equal opportunities for people with disabilities. It creates the National Council of Persons with Disabilities as a statutory organ to oversee the welfare of persons with disabilities. The Law also requires that both public and private sector employers reserve 5 per cent of jobs for disabled persons.
- **The National Security Act, (Chapter 258, Laws of Kenya)**, mentions invalidity benefits for worker incapacitated before the established retirement age.
- **National Social Security Fund Act, 1965 (No. 5 of 1997)**, amended 2001, contains a provision which states that physical and mental disabilities shall not be considered as leading to work incapacity.
- **The Workmen's Compensation Act, (Chapter 236, Laws of Kenya)**, recognizes disability but only where it has been acquired during and in the course of work.
- **Free Primary Education, 2003**, crucial to the attainment of universal primary education, removes all levies that previously prevented children especially those from poor economic backgrounds from accessing education. The scheme has been extended to special education and schools for children with disabilities, through the provision of additional funding to meet the needs of children with disabilities in schools.
- **National Development Plan (2002-2008)**, focused on strengthening vocational rehabilitation centres for people with mental and physical disabilities and affirmative action in areas of employment, vocational training and education.
- **Vision 2030**, provides a long-term development framework and initiatives aimed at sustaining rapid economic growth and tackling poverty. The plan follows soon after the implementation of the Economic Recovery Strategy (ERS), 2003-2007. Under Vision 2030, Kenya hopes to become a globally competitive and prosperous nation with a high quality of life by 2030.

Other legislation to promote opportunities for people with disabilities has been drafted.

These include:

- **The Draft Equity Bill, 2000**, which aims to combat discrimination faced by various groups, including people with disabilities. The Bill also prohibits employers from paying employees differently for work of equal value.
- **The Draft Affirmative Action Bill 2000**, which guarantees minority groups, including disabled people, a minimum of 33 per cent of representation in Parliament and on local authorities.
- **The Draft National Disability Policy**, which operationalizes the Persons with Disabilities Act 2003 by providing guidelines for the implementation of the Act.
- **The Draft Special Needs Education Policy**, which provides a roadmap for the education of children with disabilities.

- **The Social Protection Draft Policy**. About 46 per cent of all Kenyans live below the poverty line while 19 per cent live in extreme poverty. This draft policy aims at cushioning the most vulnerable citizens against the ravages of poverty. The policy also identifies orphans and vulnerable children, persons with disabilities and older persons as the priority targets for social protection.

Key ministries and agencies responsible for disability issues

The Ministry of Gender, Children and Social Development is the focal point for disability issues in Kenya. Among its many services, the Ministry is responsible for 12 rural rehabilitation centres throughout the country and Nairobi's Industrial Rehabilitation Centre, which trains persons with disabilities for jobs. The National Rehabilitation Committee of the Department of Social Services also provides for vocational rehabilitation services. It is decentralized into 49 District Rehabilitation Centres.

Activities undertaken by the centres are part of the National Rehabilitation Programme, which was established to provide persons with disabilities with the opportunity to acquire employable skills.

The National Council for Persons with Disabilities, the official arm of the government on disability issues, is under the Ministry of Gender, Children and Social Development.

Education

The Ministry of Education provides for children with physical and mental disabilities to be placed in mainstream schools.

Other significant bodies:

- The Kenya Institute of Special Education (KISE), a government institution established in 1986, with the aim of meeting the educational needs of disabled children, youth and adults.
- The Kenya National Commission on Human Rights, established through an Act of parliament, monitors abuse of human rights in Kenya.

Key international standards on disability and their status

- International Labour Organization (ILO) Convention concerning Discrimination in Respect of Employment and Occupation, 1958, (No. 111). Status: ratified, May 2001.
- ILO Convention Concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983, (No. 159). Status: ratified, 27 March 1990.
- United Nations Convention on the Rights of Persons with Disabilities (2006) and Optional Protocol. Status: ratified on 19 May 2008.

Kenya works to implement the Action Plan established for the African Decade of Persons with Disabilities, extended to December 2019.

Organizations of persons with disabilities

The United Disabled Persons of Kenya (UDPK) is an umbrella body made up of disabled persons' organizations (DPOs). UDPK's main aims are to address disability equality concerns through legislation and advocacy and awareness-raising.

Other significant organizations include:

- Kenya Society for the Blind
- Kenya Programmes of Disabled Persons
- Kenya Institute of the Blind
- Kenya Union of the Blind
- African Union of the Blind
- Kenya National Association of the Deaf
- Kenya Association of the Intellectually Handicapped
- Autism Society of Kenya
- Kenya Society of the Mentally Handicapped

Organizations for persons with disabilities

- Association for the Physically Disabled of Kenya
- Machakos Technical Institute for the Blind
- Handicapped Mobility Appliances Centre (HAMAC)
- Kenya Association for the Intellectually Handicapped
- Parents Association for the Mentally Handicapped
- Sight Savers International
- East Africa Deafblind Initiative
- Kenya Disabled Development Society
- Leonard Cheshire Disability

The role of the ILO

The primary goal of the ILO today is to promote opportunities for everyone, including people with disabilities, to obtain decent and productive work, based on the principles of freedom, equity, security and human dignity. The ILO works to achieve its goals of decent work for all through promoting labour standards, advocacy, knowledge building and technical cooperation services and partnerships, both within the ILO and externally. The Kenya Decent Work Country programme establishes the framework for delivery of ILO action.

In Kenya, a current ILO technical cooperation project on disability is “Promoting Decent Work for Persons with Disabilities through a Disability Inclusion Support Service” (INCLUDE). The project builds capacity at regional and national levels to effectively support the full participation of women entrepreneurs with disabilities in entrepreneurship development activities conducted under the ILO's Women's Entrepreneurship Development and Gender Equality (WEDGE) programme. INCLUDE also involves advocacy and awareness-raising activities to promote decent work for persons with disabilities.

The way forward

Productive and decent work enables people with disabilities to realize their aspirations, improve their living conditions and participate more actively in society. Ensuring a disability perspective in all aspects of policy and labour legislation, effective implementation and enforcement of existing disability laws and policies and providing for equal employment opportunities and training are among the factors that contribute to the reduction of poverty and to the social and economic inclusion of people with disabilities in Kenya.

Further information:

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