

REPUBLIC OF KENYA



NATIONAL ASSEMBLY
PAPERS LAID

DATE: 11th AUG 2019

DAY: Thursday

THE NATIONAL ASSEMBLY

TABLED
BY:

Chair, D.C. on social
Labour & welfare
Betruide Chebet

TWELFTH PARLIAMENT

DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE

REPORT ON THE 12TH SESSION OF THE CONFERENCE OF STATES PARTIES TO
THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES,

UN HEADQUARTERS, NEW YORK

JUNE 10 -13, 2019

PARLIAMENT
OF KENYA
LIBRARY

Approved & Tabled
8/8/19
DSWA

Clerk's Chambers
Directorate of Committees Services
Parliament Buildings
NAIROBI

AUGUST, 2019

1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025

1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025

Contents

ABBREVIATIONS.....	2
1.0 INTRODUCTION.....	6
1.1 Establishment and Mandate of the Committee.....	6
1.2 Membership of the Committee.....	7
1.3 Committee Secretariat.....	7
1.4 The Convention on the Rights of Persons with Disabilities.....	8
1.5 The Conference of State Parties.....	9
1.6 The Kenyan Position.....	10
1.7 Kenya's Participation during the 12 th Session of the COSP to the UN-CRPD.....	12
2.0 THE 1 TH SESSION OF THE COSP OF THE UN-CRPD.....	15
2.1 Pre-Conference Briefing with Representatives of the Ministry of Labour.....	15
2.2 Proceedings of the 12 th Session of the COSP of the UN-CRPD.....	15
3.0 MAIN SESSIONS.....	16
3.1 Opening Remarks by H.E. Antonio Guterres, United Nations Secretary General.....	16
3.2 Summary of other Statements made during the Opening Ceremony.....	16
3.3 Summary of Round Table and Side Events.....	17
4.0 OBSERVATIONS.....	23
5.0 RECOMMENDATIONS.....	25

ABBREVIATIONS

AGPO	Access to Government Procurement and Opportunities
CRPD	Convention on the Rights of Persons with Disabilities
CAJ	Commission on Administrative Justice
CBR	Community Based Rehabilitation
DPOs	Disabled Persons Organizations
DFID	Department for International Development
GDS	Global Disability Summit
H.E.	His/Her Excellency
KNCHR	Kenya National Commission on Human Rights
NGEC	National Gender and Equality Commission
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
PWDS	Persons with Disabilities
MLSP	Ministry of Labour and Social Protection
SEQIP	Secondary Education Quality Improvement Project
U.N.	United Nations
UK	United Kingdom
UNICEF	United Nations International Children's Emergency Fund
ICTs	Information and Communication Technologies
IACC	Inter Agency Coordinating Committee
WHO	World Health Organization
WG	Washington Group
M.P.	Member of Parliament

FOREWORD

Hon. Speaker,

It was my pleasure to attend the 12th Session of the Conference of State Parties to the Convention on the Rights of Persons with Disabilities which took place from 10th – 13th June, 2019 at the United Nations Headquarters in New York, USA. The Conference was opened by the Secretary General of the United Nations, Mr. Antonio Guterres and the President of the Conference who is the Ambassador and Permanent Representative of Ecuador to the United Nations, Luis Gallegos.

The Conference of State Parties (COSP) to the UN Convention on the Rights of Persons with Disabilities (UN-CRPD) is held in accordance with Article 40 of the Convention which stipulates that *“The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.”* Since 2008, ten sessions of the COSP have been held at the United Nations Headquarters, New York. The overarching theme of the 12th Session of the CRPD was “Ensuring the inclusion of persons with disabilities in a changing world through the implementation of the CRPD”. Sub-thematic areas included: (i) Technology, digitalization and ICTs for the empowerment and inclusion of persons with disabilities; (ii) Social inclusion and the right of the highest attainable standards of health; and (iii) Inclusion of persons with disabilities in society through participation in cultural life, recreation, leisure and sports.

The Ministry of Labour and Social Protection (MLSP) invited the Departmental Committee on Labour and Social Welfare and the Select Committee on National Cohesion and Equal Opportunity to participate in this year’s Conference. The Hon. Members were part of a larger Kenyan delegation that was led by Hon. Abdul Buhari Ali Jillo, Chief Administrative Secretary, MLSP.

The two Committees were presented by:

1. Hon. David Ole Sankok, M.P – Member, Departmental Committee on Labour and Social Welfare and Leader of Delegation
2. Hon. Daniel Wanyama Sitati – Member, Select Committee on National Cohesion and Equal Opportunity.
3. Mr. John Mugoma- Clerk Assistant (Delegation Secretary)

The UN-CRPD is the first legally binding international document that protects, promotes and ensures the full and equal enjoyment of all human rights and fundamental freedoms by all PWDs. The COSP is held each year to take stock of the implementation of the CRPD, promote global discourse on issues affecting PWDs and facilitate broad participation from governments, civil service organizations and the UN system.

The sessions were very informative and relevant to the mandate of the Departmental Committee on Labour and Social Welfare. The delegation made several key observations including the following:

The Delegation observed that:

- (a) There is no recent data on the situation of Persons with Disabilities in Kenya.
- (b) Kenya remained committed to the implementation of the provisions of the Convention through participating in 11 past conferences in line with Article 40 of the Convention.
- (c) Though significant progress had been made by the international community to implement the Convention since its adoption in 2006, there is still a long way to go towards the realization of rights but there is need to strengthen inclusion, solidarity and equality, as well as build partnerships.
- (d) State parties should ensure that the rights of persons with disabilities are promoted protected through implementation of laws that are in line with the CRPD and also ensure that laws are put in place that promote technology for use to the betterment of persons with disabilities.
- (e) Disability inclusion is central to the promise of the 2030 Agenda for Sustainable Development, even though there is a long way to go in changing mind-sets, laws and policies to ensure the rights, opportunity and dignity for persons with disabilities around the world.
- (f) There is need for the Government to ensure and actualize the accessibility and mainstreaming of the rights of persons with disabilities through the United Nations Disability Inclusion Strategy, to consciously adopt a systematic approach to the rights of persons with disabilities across all operations and programmes of the United Nations System and ensuring that, persons with disabilities participate on an equal basis with others.
- (g) The United Nations Convention on the Rights of Persons with Disabilities (UN-CRPD) aims to promote, protect and ensure all PWDs enjoy human rights and fundamental freedoms on

an equal basis with others. It also aims to promote respect for the inherent dignity of PWDs. Kenya ratified the UN-CRPD in May 2008.


(h) Article 21(4) of the Constitution obligates the State to enact and implement legislation to fulfill its international obligations in respect of human rights and fundamental freedoms. While the country has witnessed positive developments in the policy, legislative and institutional arrangements for PWDs in Kenya since the ratification of the Convention and the enactment of the Constitution 2010, progress towards the full realization of disability rights has been hampered by challenges in implementation particularly in relation to resourcing, gender, political participation and equal recognition before the law.

(i) Persons with disabilities have the opportunity to realize their rights provided the necessary resources are made available to them. The obligations set out in the Convention have financial obligations that require adequate resourcing at both the national and international level.

The Committee wishes to thank the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to Members in facilitating the said activity.

In addition, the delegation also wishes to extend its gratitude to the Ministry of Labour and Social Protection under the leadership of the Chief Administrative Secretary and Head of the Kenya Delegation Hon. Abdul Buhari Ali Jillo, and to the Kenya Permanent Mission to the U.N. in New York under the leadership of H.E Ms. Koki Muli Grignon for the instrumental role they played in providing logistical and technical assistance to the delegation.

On behalf of the delegation, and pursuant to the Standing Orders it is my pleasant duty and privilege to table in the House the Report of the Eleventh Session of the Conference of the States Parties to the Convention on Rights of Persons with Disabilities.


Hon. David Ole Sankok, M.P

8/8/19

Leader of Delegation

1.0 INTRODUCTION

The National Assembly was invited to participate in the 12th Session of the COSP to the UN-CRPD which was held from 10th – 13th June, 2019 at the UN Headquarters, New York. The National Assembly was represented by:

1. Hon. David Ole Sankok, M.P – Member, Departmental Committee on Labour and Social Welfare and Leader of Delegation
2. Hon. Daniel Wanyama Sitati – Member, Select Committee on National Cohesion and Equal Opportunity.
3. Mr. John Mugoma- Clerk Assistant (Delegation Secretary)

The Kenyan delegation was led by the Hon. Abdul Buhari Ali Jillo, Chief Administrative Secretary, Ministry of Labour and Social Protection.

1.1 Establishment and Mandate of the Committee

The Committee on Labour and Social Welfare is one of the Departmental Committees of the National Assembly established under Standing Order 216 and mandated:

- i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- ii. To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation.
- iii. To study and review all legislation referred to it;
- iv. To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
- v. To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary and as may be referred to them by the House;
- vi. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);
and

- vii. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

1.2 Membership of the Committee

The Committee is currently comprised of:

1.	The Hon. Ali Wario, MP - Chairperson	Jubilee Party
2.	The Hon. Joyce Korir, MP - Vice Chairperson	Jubilee Party
3.	The Hon. Gladys Wanga, MP	Orange Democratic Movement Party
4.	The Hon. Janet Marania Teyiaa, MP	Jubilee Party
5.	The Hon. Janet Nangabo Wanyama, MP	Jubilee Party
6.	The Hon. Ronald Kiprotich Tunoi, MP	Jubilee Party
7.	The Hon. James Onyango Koyoo, MP	Orange Democratic Movement Party
8.	The Hon. Rose Museo, MP	Wiper Democratic Party
9.	The Hon. Alfred Kiptoo Keter, M.P	Jubilee Party
10.	The Hon. Charles Kanyi Njagua, MP	Jubilee Party
11.	The Hon. Catherine Wambilyanga, MP	Ford Kenya Party
12.	The Hon. Fabian Kyule Muli, MP	Independent
13.	The Hon. Ole Sankok David, MP	Nominated (Jubilee Party)
14.	The Hon. Abdi Mude Ibrahim, MP	Jubilee Party
15.	The Hon. Michael Mwangi Muchira, MP	Jubilee Party
16.	The Hon. Safia Sheikh Adan, MP	Jubilee Party
17.	The Hon. Tom Odege, MP	Orange Democratic Movement Party
18.	The Hon. Wilson Sossion, MP	Nominated (O.D. M Party)
19.	The Hon. Omboko Milemba, MP	Amani National Congress Party

1.3 Committee Secretariat

First Clerk Assistant	Mr. Adan Gindicha
Second Clerk Assistant	Mr. John Mugoma
Legal Counsel	Ms. Marlene Ayiro
Research Officer	Mr. Said Osman
Fiscal Analyst	Ms. Amran Mursal.

1.4 The Convention on the Rights of Persons with Disabilities

The UN-CRPD is recognized globally as the defining international treaty that protects, promotes and ensures the full and equal enjoyment of all human rights and fundamental freedoms by PWDs. Persons with disabilities include those who have physical, mental, intellectual, psychosocial and sensory impairments which hinder their full and effective participation in society on an equal basis with others (CRPD).

The UN-CRPD was adopted by the UN General Assembly by its resolution 61/106 of 13 December 2006. It came into force on 3 May 2008 upon its 20th ratification. Since its inception, it has been ratified by 177 countries.

There are eight guiding principles that underlie the Convention and each one of its specific articles:

1. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
2. Non-discrimination
3. Full and effective participation and inclusion in society
4. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
5. Equality of opportunity
6. Accessibility
7. Equality between men and women
8. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities

As outlined in the Convention, by signing the CRPD, State Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability by:

- a) Adopting appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention;
- b) Taking appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- c) Taking into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;

- d) Refraining from engaging in any act or practice that is inconsistent with the Convention and ensuring that public authorities and institutions act in conformity with the present Convention;
- e) Taking all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
- f) Undertaking or promoting research and development of universally designed goods, services, equipment and facilities, as defined in Article 2 of the Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of persons with disabilities; promoting their availability and use; and promoting universal design in the development of standards and guidelines;
- g) Undertaking or promoting research and development of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities at an affordable cost.
- h) Providing accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;
- i) Promoting the training of professionals and staff working with persons with disabilities on the rights recognized in the Convention so as to better provide the assistance and services guaranteed by those rights.

1.5 The Conference of State Parties

The Conference of State Parties (COSP) to the UN Convention on the Rights of Persons with Disabilities (UN-CRPD) is established under Article 40 of the Convention which stipulates that *“The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.”* Since 2008, ten sessions of the COSP have been held at the United Nations Headquarters, New York. The overarching theme of the 12th Session of the CRPD was *‘Ensuring the inclusion of persons with disabilities in a changing world through the implementation of the CRPD’*.

During the COSP, State Parties to the UN-CRPD take stock of the implementation of the UN-CRPD, discuss issues affecting PWDs and engage a broad range of stakeholders from governments, civil service organizations and the UN with a view to promoting the rights of PWDs.

1.6 The Kenyan Position

Hon. Abdul Buhari Ali Jillo, Chief Administrative Secretary, MLSP, who was the Head of Delegation, delivered Kenya's Country Statement which highlighted the following:-

- i. The population of PWD's in Kenya which stands at 1.3million (3.5%).
- ii. Government efforts towards the participation and enjoyment of rights by all citizens in all aspects of development.
- iii. Achievements, challenges and opportunities that Kenya has made towards the implementation of the CRPD which include the following:-

Achievements

a) Legislation

These include; The Constitution 2010, The Persons with Disability Act 2003, The Children's Act 2001, The Basic Education Act 2003 amongst other statutes guarantee the respect, protection and promotion of rights entitled to persons with disabilities.

b) Education

Development of a Marshal Plan to support Learners with disabilities- Through this the Government set aside KES 22 billion (220 million USD) to procure assistive devices and technologies for use by learners with disabilities in targeted 30 counties.

Twenty percent (20%) of the infrastructural budget in Education is allocated to infrastructure development in respect to learners and trainees with disabilities.

Educational Assessment Resource Centres have been refurbished in collaboration with UNICEF while others have been constructed, among other infrastructural developments.

c) Employment

The Government in partnership with the private sector has come up with a caucus to encourage employment of Persons with Disabilities in public and private sectors. Further non-state actors have initiated inclusive employment projects with a combined target to employ 3000 PWD's, 40% of whom must be women. Additionally, The Kenya Commercial Bank, a quasi-Government

financial institution has come up with a project on self-employment to build the capacity of the 1000 youths with disabilities in self-employment.

d) Affirmative Action

PWD's are represented in appointive and elective positions in both the National and County levels of Governments. Kenya has 2 Senators, 12 members of the National Assembly and 97 county representatives with disabilities spread over Kenya's forty-seven counties. A number of PWDs are also serving as judges, constitutional commissioners, Principal Secretary as well as other senior and middle level cadres.

e) Development of a National Action Plan to provide a framework towards the implementation of the commitments made during the 11th conference and the Global Disability Summit held in 2018. An inter-agency coordinating committee was established to monitor and coordinate implementation of these commitments.

f) Promoting disability-inclusive budgeting

Each Government Ministry, Department or Agency is mandated to report on the steps they are taking to ensure the same. Further, the government through the Access to Government Procurement and Opportunities (AGPO), allocates 30% of all procurement to women, youth and PWDs. Out of the 30%, 2% is ring fenced to PWDs.

g) Training of persons with disabilities in vocational rehabilitation centres

To facilitate this, the government has set aside an annual budget of KES 85 million (\$840,000) whereas the National Council for Persons with Disability and the National Fund for the Disabled receives 1.5 billion (\$ 14.8 million) to implement disability programs.

h) Tackling stigma and discrimination of PWD's through raising awareness

The government in partnership with DPOs developed a Disability Awareness Booklet to be shared with all government departments, private sectors and non-state actors to create awareness on disability, reduce stigma and discrimination and ultimately demystify disability. Further the government established Community Based Rehabilitation (CBR) Programs and committees in all sub-counties to steer awareness at the County and community levels.

i) Cash transfer to Persons with Severe Disabilities

The government provides monthly cash transfers to Persons with Severe Disabilities through four designated banks of their choice.

j) Monitoring mechanisms

Constitutional Commissions including Kenya National Commission on Human Rights (KNCHR), National Gender and Equality Commission (NGEC) and Commission on Administrative Justice (CAJ) are tasked to monitor human rights and discrimination, gender equality and resolution of public complaints for members of the public including Persons with Disabilities.

k) The State Department for Culture and Heritage undertakes the registration of artists and cultural practitioners, including PWD's to facilitate them get recognition by other government agencies as well access loan facilities in financial institutions. Further it nurtures talent by ensuring PWD's compete in music festivals and beauty pageants.

Challenges

1. The realization of five percent representation as envisaged in the Constitution is still far from being achieved, but necessary awareness-raising on this is under way.
2. Data collection has been an area of concern and the government continues to be committed to gathering timely, accurate and disaggregated data for PWDs.

1.7 Kenya's Participation during the 12th Session of the COSP to the UN-CRPD

Kenya and UK Government Co-hosted the side event on "the Global Disability Summit; One Year On" where the Principal Secretary Josephtha Mukobe highlighted the following achievements of Disability Summit commitments by the Government:-

i. Tackling Stigma and Discrimination

Objective: To raise public awareness on disability rights and to support the involvement of persons with disabilities and/or their representative organizations in the process.

Achievements:

1. Developed the awareness creation booklet to raise awareness and promote the Rights of Persons with Disabilities.
2. Revitalized Community Based Rehabilitation Committees in the whole country as a way of raising awareness with special focus on socio-economic activities such as livelihood.
3. Established a roadmap on the ratification of the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa with an aim of having it ratified by 2019.

ii. Inclusive Education

Objective: To develop and implement coasted inclusive education sector plans that focus on equipment, infrastructure and teacher training.

Achievements:

1. The Secondary Education Quality Improvement Project (SEQIP) USD 220M have been set aside to procure assistive devices and technologies for use by learners with disabilities in targeted 30 counties.
2. Twenty percent (20%) of the infrastructural budget in Education is allocated to infrastructure development in respect to learners and trainees with disabilities.
3. Support for modernizing Vocational Rehabilitation Centres with an annual budget of (\$0.85 M) to enable them offer quality services, targeting Persons with Disabilities; and allocate and Ring-fence funds for equipment, appropriate infrastructure and teacher training in inclusive education.

iii. Economic Empowerment

Objective: To improve the lives of Persons with Disabilities and to enhance opportunities for the development of their economic potential.

Achievements:

The **National Fund for the Disabled of Kenya** and the **National Council for Persons with Disabilities** receives a total of USD15 Million annually. These funds have enable the Government to deliver a number of programmes and services to Persons with Disabilities, some of which include but not limited to; provision of assistive devices, education

scholarship, Community grants, start-up tool kits, Cash Transfer, infrastructure support, sunscreen lotion and services to Persons with Albinism, support to access Government Procurement Opportunities,

1. Safaricom one of the largest mobile service provider, with 2.1% of their employees being Persons with Disabilities and it is one of the largest employer of Persons with Disabilities in private sector.
2. Inclusive employment project started this year that is funded by DFID is being implemented by Sight-savers International Kenya, Leonard Cheshire Disability Kenya and Motivational Charitable Trust Kenya.
3. Kenya Commercial Bank which is a quasi-Government financial institution which builds capacity of the youths with Disabilities in self-employment both through training and provision of capital.

iv. Harnessing Technology and innovation

Objective: To finalize and implement the national disability policy on assistive devices and support services.

Achievements:

The Country is collaborating with the Global Disability Initiative whose aim is to Spark Innovation that will establish an Innovation ecosystem in Kenya; create a challenge fund for innovation acceleration; try new ideas to bring to market; and establish an Assistive Technology Hub.

v. Data collection and disaggregation

Objective: To promote the collection of accurate data on persons with disabilities, disaggregated by gender, age, disability and geographic location for use in planning.

Achievements:

The Country has adopted the use of the Washington Group (WG) module in the collection of the disability data to be used in the upcoming National Housing and Population census of August, 2019.

vi. Registration of Artists and Cultural Practitioners

The Government through the State Department for Culture and Heritage has undertaken the registration of artists and cultural practitioners including persons with disabilities to facilitate them get recognition by other government agencies as well access loan facilities in financial institutions.

Further, it nurtures talent by ensuring persons with disabilities compete in music festivals and beauty pageants.

Challenges in implementation of the Global Disability Summit commitments

- 1) Inadequate data on Persons with Disabilities and categories of disabilities to inform planning processes.
- 2) Long legal processes in the development and adoption of laws.
- 3) Varying views on strategies on the implementation of the commitments.
- 4) Resource mobilization.

2.0 THE 12TH SESSION OF THE COSP OF THE UN-CRPD

2.1 Pre-Conference Briefing with Representatives of the Ministry of Labour and Social Protection

Prior to the Conference, the Kenyan delegation held a briefing session chaired by Hon. Abdul Buhari Ali Jillo, Chief Administrative Secretary, MLSP, at the Kenyan Mission to the United Nations offices to plan for the optimal participation of Kenya in all the CRPD sessions.

A schedule was prepared whereby the Kenyan delegates were assigned specific responsibilities to attend and report on the proceedings of the main sessions and the numerous side events. The delegation was further encouraged to participate actively and to contribute both at the plenary discussions and at the question and answer discussions.

2.2 Proceedings of the 12th Session of the COSP of the UN-CRPD

During the Conference, several general meetings were convened during which the Agenda was considered and adopted, the Conference was officially opened, officials elected and general debates

conducted. During the general debate statements were made by States parties, including Kenya. In addition, several round table meetings and side events were held from 10th to 13th June, 2019.

3.0 MAIN SESSIONS

3.1 Opening Remarks by H.E. Antonio Guterres, United Nations Secretary General

In his opening remarks the Secretary General of the United Nations, H.E. Antonio Guterres expressed gratitude for the work the member states do to advance the rights of persons with disabilities across the world. He further reiterated that disability inclusion is central to the promise of the 2030 Agenda for Sustainable Development, even though we had a long way to go in changing mind-sets, laws and policies to ensure the rights, opportunity and dignity for persons with disabilities around the world.

3.2 Summary of other Statements made during the Opening Ceremony

The President of the Conference who is the Ambassador and Permanent Representative of Ecuador to the United Nations, Luis Gallegos officially opened the twelfth session of the Conference of States Parties by welcoming all member state who attended and extended special welcome to the State of Kazakhstan that had ratified the Convention on the Rights of Persons with Disabilities since the previous session. He also encouraged the members to take the opportunity to reflect on the experiences and lessons learned in recent years; identify gaps in their legislations and strengthen their policies towards the full implementation of the Convention.

The 12th Session had more than 1,500 participants from about 180 States Parties and Observers, as well as hundreds of non-governmental organizations and dozens of entities of the United Nations. In the same way, through digital media, around six million people were also reached. The Conference featured ninety side events in conjunction with the partners, where various experiences from countries were shared.

The president concluded by acknowledging that there was still a long way to go towards the realization of rights but there is need to strengthen inclusion, solidarity and equality, as well as build partnerships.

Recognizing that significant progress had been made by the international community to implement the Convention since its adoption in 2006, the President underscored the importance of states parties ensuring that the rights of persons with disabilities are promoted protected through implementation of laws that are in line with the CRPD and also ensuring that laws are put in place that promote technology for use to the betterment of persons with disabilities.

3.3 Summary of Round Table and Side Events

The following are some of the round table & side events discussions which were attended by delegates:-

1. Technology, digitalization and ICTs for the empowerment and inclusion of persons with disabilities.

Objectives

- a. To identify barriers that negatively affects the access of PWDs to technology, digitization and ICT.
- b. To determine what can be done by state and non-state actors to promote access by persons with disabilities to technology, digitization and ICT.
- c. To identify examples of good practices.

Key messages

- a. Technology and ICT are mobilisers and need to be accessible and available to all.
- b. PWDs should be encouraged and supported to be producers, users and entrepreneurs of technology.

Recommendations

- a. Research and development of technology, digitization and ICT has changed lives of PWDs in the form of assistive devices and their organisations should be consulted on product design.
- b. A Universal design on mobile gadgets could be agreed upon by both users and producers of mobile technology to bring down the costs and make it accessible and available for all.

2. Social inclusion and the right to the highest attainable standards of health.

Objective

To determine ways of achieving social inclusion and highest health standards.

Key messages

- a. Comparable data on disability is key to enable understanding of health care needs of PWDs and make it possible to meet such needs.
- b. CBR enhances social inclusion of PWDs and their families, which reverses the vicious circle of poverty is only being implemented by 90 Countries. More developing countries should be encouraged to adopt this.

Recommendations

- a. Strengthen National legislations and policies on Healthcare services to PWDs based on their needs.
 - b. Address discriminatory practises in health insurance and expand this to cover assistive devices and rehabilitation services.
 - c. Access to health technologies should also take into consideration medical ethical principles and not use PWDs as genie pigs.
3. Inclusion of PWDs in society through participation in cultural life, recreation, leisure and sports.

Objectives

- a. To increase the participation of PWDs in the cultural, recreational, leisure and sporting life of their communities.
- b. To put in place measures to increase opportunities for PWDs to participate in cultural recreational, leisure and sporting activities.

Recommendations

- a. Special needs of PWDs should be taken into consideration in the design of infrastructure, social amenities including stadia, swimming pools, basketball courts, tennis courts, pubs and restraunts to make them accessible to the PWDs for their involvements and participation as they are members of the society.
- b. Children concerns should be taken into consideration in the design of the amenities to enhance their participation in sports activities.

- c. Wheelchairs should be adopted to fit in the various terrains for easy use in sporting activities.

4. Connecting the dots: data, screening and interventions in education.

Objectives

- a. To emphasized on the need to use the right tools to identify and screen children for disabilities, so as to deliver the right and appropriate interventions.
- b. To encourage the use of the Washington Group/UNICEF Module on Child Functioning, once reviewed.

Recommendations

- a. Stakeholders are encouraged to work together to ensure the use of the right tools to enable early identification and screening of children for disabilities.
- b. Delivery of appropriate and effective interventions and monitor progress in schools.
- c. Research to address existing gap in the education of children with disabilities.

5. UN disability inclusive strategy for an inclusive, accessible and sustainable world: linking global commitment and global action.

Recommendations

Stakeholders where encourage to ensure that the UNDisability Inclusion Strategy is fully implemented by starting with capacity building of all entities.

6. Global Disability Summit: One Year ON.

Objectives

The side event was held to mark one year on from the Global Disability Summit 2018 (GDS18) which was held in the United Kingdom and co-hosted by UK-DFID, Government of Kenya and International Disability Alliance. The event featured a highlight of the progress made since the summit

Key messages

- a. The Summit was a great success and created a big springboard for the disability Agenda worldwide
- b. There is a huge progress on the commitments made as 75% of the commitments are underway

- c. Kenya is doing very well in regards to the achievements experienced so far in regards to the commitments made and they were congratulated for that.
- d. Most of the commitments made were in regards to Stigma and discrimination while harnessing Technology had the least commitments.
- e. A secretariat will be established after the finalisation of the report to support, follow-up and monitor the implementation of the commitments.
- f. As most of the commitments were in line with the CRPD and the SDGs, the summit helped awaken discussions on CRPD by the member states of the UN. An example is Nigeria which assented to the Persons with disabilities Bill immediately after the Summit following 18 years of serious campaigns by DPOs.

Recommendations

- a. Develop a clear mechanism and a plan to share the commitments at the local level.
- b. A tracking mechanism is needed to inform the process on how many commitments will influence or trigger legislative reforms, policies or guidelines.
- c. Implementation of the commitments should be in line with the CRPD and the concluding Remarks during CRPD reporting.
- d. The commitments should form part of the country reports to the CRPD Committee and in the parallel reports by DPOs to align them to the CRPD.
- e. For DPOs to have a clear role on the commitments, capacity building of DPOs is needed and this can only be achieved through core funding can DFID follow up on this.

7. International Albinism Awareness Day: Still Standing Strong!

Objectives

- a. The event was purposely planned for 13 June 2019 to commemorate "international Albinism Awareness Day.
- b. To create awareness on albinism and progress made so far in their movement.

Key messages

- a. Kenya has spent a total of 7M USD on the programme of albinism since inception of the movement.
- b. Persons with Albinism have conquered territories at the national level and gone international.
- c. Hosted Mr. and Miss. Albinism (Kenya and East Africa).
- d. PWA killings have declined from 2015 to present. (Tanzania)
- e. Employers are required to report on affirmative action on PWAs. (Namibia)

Recommendations

- a. Heroes fighting for the course of albinism in different capacities where encouraged and urged to move on.
- b. Heroes who have lost their lives where commemorated. (UN experts).

3. Strengthening Political Participation of PWDs

Objectives

To Commemorate and honour Kalle Kustaa Topias Konkola who was a Finnish Politician and a human rights activist

Key messages

- a. Established PWD politicians to mentor the younger aspiring ones.
- b. To strengthen partnership between CSOs, DPOs, and Governments to make political process more inclusive as seen in Indonesia

Recommendations

PWDs are encouraged to work with different partners to mobilize resources required in political processes to secure political position.

9. Realizing Inclusive Social Protection Systems for PWDs. A special meeting at the UNUCEF Headquarters.

Objectives

To develop practical guidelines to support Countries, Development agencies and DPOs to build social protection systems that support inclusion of PWDs

Key messages

Social protection must not perpetuate dependency syndrome and poverty among PWDs, but rather it should instead be geared towards enabling PWDs to lead a life of independence, dignity and respect.

Recommendations

- a. Draft reports detailing experiences of countries be prepared and shared with stakeholders.
- b. Subsequent meetings to be held at the National levels bringing together stakeholders to discuss inclusive social protection systems.
- c. Countries should aim to use at least 0.5% of their GDPs, to support social protection systems for PWDs.

10. Using the Human Rights Approach to tackle Stigma and Discrimination against PWDs

Objective

Address the plight of Persons with Leprosy.

Key messages

Persons with Leprosy are first of all human beings, not to be viewed as objects of Charity and must be respected.

Recommendations

- a. Empower PWDs Organizations by building capacity and resourcing for them to hold the governments to account.
- b. Stakeholders to work together to address the existing policy gaps.

4.0 OBSERVATIONS

The delegation observed as follows:

- (a) There is no recent data on the situation of Persons with Disabilities in Kenya.
- (b) Kenya remained committed to the implementation of the provisions of the Convention through participating in 11 past conferences in line with Article 40 of the Convention.
- (c) Though significant progress had been made by the international community to implement the Convention since its adoption in 2006, there is still a long way to go towards the realization of rights but there is need to strengthen inclusion, solidarity and equality, as well as build partnerships.
- (d) State parties should ensure that the rights of persons with disabilities are promoted protected through implementation of laws that are in line with the CRPD and also ensure that laws are put in place that promote technology for use to the betterment of persons with disabilities.
- (e) Disability inclusion is central to the promise of the 2030 Agenda for Sustainable Development, even though there is a long way to go in changing mind-sets, laws and policies to ensure the rights, opportunity and dignity for persons with disabilities around the world.
- (f) There is need for the Government to ensure and actualize the accessibility and mainstreaming of the rights of persons with disabilities through the United Nations Disability Inclusion Strategy, to consciously adopt a systematic approach to the rights of persons with disabilities across all operations and programmes of the United Nations System and ensuring that, persons with disabilities participate on an equal basis with others.
- (g) The United Nations Convention on the Rights of Persons with Disabilities (UN-CRPD) aims to promote, protect and ensure all PWDs enjoy human rights and fundamental freedoms on an equal basis with others. It also aims to promote respect for the inherent dignity of PWDs. Kenya ratified the UN-CRPD in May 2008.
- (h) Article 21(4) of the Constitution obligates the State to enact and implement legislation to fulfill its international obligations in respect of human rights and fundamental freedoms. While the country has witnessed positive developments in the policy, legislative and institutional arrangements for PWDs in Kenya since the ratification of the Convention and


the enactment of the Constitution 2010, progress towards the full realization of disability rights has been hampered by challenges in implementation particularly in relation to resourcing, gender, political participation and equal recognition before the law.

- (i) Persons with disabilities have the opportunity to realize their rights provided the necessary resources are made available to them. The obligations set out in the Convention have financial obligations that require adequate resourcing at both the national and international level.

 8/8/19

5.0 RECOMMENDATIONS

1. The Kenya National Bureau of Statistics should use the Washington group of short questions in the upcoming National Population and Housing Census in August 2019. This is also in line with the recommendations of the concluding observations of the CRPD Committee on Article 31 on data and statistics and in line with the commitment on data collection and disaggregation.
2. The Government should legislate on the Persons with Disability Draft Bill 2018, the review of the Bill is important in order to align it with the constitution of Kenya which was promulgated in 2010 and also to make it compliant with the CRPD which Kenya ratified in 2008 and by virtue of article 2(6) of the Constitution which forms part of Kenya's written laws. The draft bill should be aligned with the Sustainable Development Goals to ensure that persons with disabilities in Kenya are not left behind in the area of inclusive development.
3. The Government should review the Mental Health Act of 1989 to align it with international best practises and the Convention on the Rights of Persons with Disabilities (CRPD).
4. The Ministry of Labour and Social Protection should also develop a booklet on awareness creation to address the thematic areas of stigma and discrimination. This should be done in consultation with organizations of and for persons with disabilities to ensure that the booklet is in accessible formats, have clear targeted messages for different constituents and effective disseminations at all levels.
5. Government departments and agencies should implement and enforce existing legal and policy frameworks while at the same time reform the laws that explicitly discriminate against persons with disabilities to make them compliant with the CRPD and reflect international human rights standards.
6. The line Ministries should synchronize the implementation of the concluding observations of the CRPD Committee and the National Action plan for the implementation of the Global Disability Summit commitments from 2018-2021 to avoid duplication and create synergies among all the stakeholders and also on Agenda 2030 and the SDGs.
7. The Government should ensure that mainstream and disability specific economic empowerment programs should be accessible to all persons with disabilities.
8. The line Ministries should promote inclusive data collection processes in all areas of service delivery. This will ensure consistent collection of disability disaggregated data and carry out a disability specific survey since the last one was conducted in the year 2007.


8/8/19