



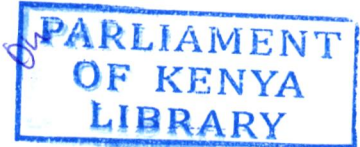
REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT

*Paper laid by
the Chairperson
of Departmental Committee
on Labour & Social Welfare
8/11/18 (pm)*



DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE

REPORT ON THE 11TH SESSION OF THE CONFERENCE OF STATES PARTIES TO
THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES,
UN HEADQUARTERS', NEW YORK

JUNE 12 -14, 2018

Clerk's Chambers
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NAIROBI

November, 2018

*Approved for table
8/11/18
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ABBREVIATIONS

CRPD	Convention on the Rights of Persons with Disabilities
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
U.N.	United Nations
H.E.	His/Her Excellency
OHCHR	Office of the United Nations High Commissioner for Human Rights
DESA	Department of Economic and Social Affairs
ASEAN	Association of Southeast Asian Nations
UNICEF	United Nations International Children's Emergency Fund
ICRC	The International Committee of the Red Cross
ICTs	Information and Communication Technologies
UN-Women	The United Nations Entity for Gender Equality and the Empowerment of Women
WHO	World Health Organization
ESCAP	The United Nations Economic and Social Commission for Asia and the Pacific
UN-Habitat	United Nations Human Settlements Programme
SDGs	Sustainable Development Goals
HLPF	High-Level Political Forum
DPOs	Disabled Persons Organizations
Sen.	Senator
M.P.	Member of Parliament



FOREWARD

Hon. Speaker,

It was my pleasure to attend the 11th Session of the Conference of State Parties to the Convention on the Rights of Persons with Disabilities which took place from 12th – 14th June, 2018 at the United Nations Headquarters in New York, USA. The Conference was opened by the United Nations Secretary General H.E Antonio Guterres.

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 11th Session of the CRPD was ***‘Leaving no one behind through the full implementation of the CRPD’***. Sub-thematic areas included: (i) national fiscal space, public-private partnerships and international cooperation for strengthening the implementation of the CRPD; (ii) women and girls with disabilities; and (iii) political participation and equal recognition before the law. Further, a key cross-cutting issue throughout the Session related to the promotion of high-quality disability statistics and disaggregation of data by disability status for the full realization of the rights of PWDs.

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. Ali Wario – Chairperson, Departmental Committee on Labour and Social Welfare.
2. Hon. Maina Kamanda – Chairperson, Select Committee on National Cohesion and Equal Opportunity.
3. Hon. David Ole Sankok, M.P – Member, Departmental Committee on Labour and Social Welfare.



4. Hon. Zadoc Ogutu – Member, Select Committee on National Cohesion and Equal Opportunity.
5. 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 need to: address the various barriers that hinder the full and effective participation of persons with mental, intellectual and psychosocial disabilities in society; enhance access to justice for PWDs; promote equity and inclusion in Education for Children with Disabilities; and, empower PWDs to enable them live an independent life and contribute fully to society.

The Delegation observed that:

- (a) 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.
- (b) Article 21(4) of the Constitution obligates the State to enact and implement legislation to fulfil 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.
- (c) 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.

- (d) Children, women and girls with disabilities face multiple forms of discrimination owing to persistent cultural, social, legal, physical and institutional barriers that restrict their rights and fundamental freedoms, particularly in relation to access to justice, education services, employment, poor working conditions, accessibility challenges etc.
- (e) Women and girls with disabilities face barriers to sexual and reproductive health rights and services as a result of poor societal attitudes and norms. Women and girls with disabilities face double jeopardy when compared to able-bodied women owing to limited access to and control of resources, lack of socio-economic opportunities, low literacy levels, poor access to health services, inaccessible reproductive health equipment and services, limited contraceptive options and insensitivity by health workers. In addition, women and girls with disabilities are vulnerable to gender-based violence and general societal neglect.
- (f) Existing guardianship laws deny legal capacity for persons with disabilities thus effectively limiting their ability to participate politically. This is especially true for persons with intellectual and psychosocial disabilities who have remained largely excluded owing to societal stigmatization and discrimination.
- (g) Lack of disaggregated data on disability is a serious impediment towards the inclusion and realization of the rights of PWDs as it limits monitoring, accountability and transparency in the implementation of disability programmes. Disaggregated data by disability, sex and age is necessary for purposes of informing policy and ensuring the effective inclusion of all persons with disabilities.

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 Mr. Lazarus O. Amayo 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. Ali Wario, M.P

Chairperson, Labour and Social Welfare Committee



1.0 INTRODUCTION

The National Assembly was invited to participate in the 11th Session of the COSP to the UN-CRPD which was held from 12th to 14th June, 2018 at the UN Headquarters, New York. The National Assembly was represented by:

1. Hon. Ali Wario – Chairperson, Departmental Committee on Labour and Social Welfare.
2. Hon. Maina Kamanda – Chairperson, Select Committee on National Cohesion and Equal Opportunity.
3. Hon. David Ole Sankok, M.P – Member, Departmental Committee on Labour and Social Welfare.
4. Hon. Zadoc Ogutu – Member, Select Committee on National Cohesion and Equal Opportunity.
5. Mr. Mugoma John – 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:

Chairperson: **The Hon. Ali Wario, MP**

Vice Chairperson: **The Hon. Joyce Korir, MP**

Members: The Hon. Gladys Wanga, MP
The Hon. Janet Marania Teyiaa, MP
The Hon. Janet Nangabo Wanyama, MP
The Hon. Ronald Kiprotich Tunoi, MP
The Hon. James Onyango Koyoo, MP
The Hon. Rose Museo, MP
The Hon. Alfred Kiptoo Keter, M.P
The Hon. Charles Kanyi Njagua, MP
The Hon. Catherine Wambilyanga, MP
The Hon. Fabian Kyule Muli, MP
The Hon. Ole Sankok David, MP
The Hon. Abdi Mude Ibrahim, MP
The Hon. Michael Mwangi Muchira, MP
The Hon. Safia Sheikh Adan, MP
The Hon. Tom Odege, MP
The Hon. Wilson Sossion, MP
The Hon. Omboko Milemba, MP

1.3 Committee Secretariat

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



1.0 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.

1.1 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 11th Session of the CRPD was ‘*Leaving no one behind through the full 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.



1.2 The Kenyan Position

Kenya prepared a country position paper based on the Conference priority themes. The position paper was peer-reviewed and adopted during a half- day Pre-COSP meeting for the Kenyan Delegation organized by the Ministry of Labor and Social Protection on 7th June, 2018.

Hon. Abdul Buhari Ali Jillo, Chief Administrative Secretary, MLSP, who was the Head of Delegation, delivered Kenya's Country Statement on 12th June, 2018. The statement highlighted the progress Kenya has made towards realizing the rights and fundamental freedoms of PWDs in line with the Constitution and the CRPD. The CAS made specific reference to efforts Kenya has made towards the realization of the rights of PWDs including integrating the Washington Group of Questions to the draft census tool and reserving 5% of employment and 2% of government procurement opportunities for PWDs.

He also made reference to the various tax reliefs and social protection measures that Kenya has undertaken for protection of the rights of PWDS. With regards to addressing the education needs of learners with disabilities, the CAS referred to H.E. President Uhuru Kenyatta's Marshall Plan for the establishment 10 model centers of excellence for learners with disabilities.

He concluded by identifying lack of adequate funding as a key challenge facing the implementation and monitoring process of the UN-CRPD.

1.3 Kenya's Participation during the 11th Session of the COSP to the UN-CRPD

Kenya and Finland co-hosted a side event on '*Leave No One Behind: The Sexual and Reproductive Health and Rights of Women and Girls with Disabilities in international development and fragile contexts*' where Senator (Dr.) Isaac Mwaura and PS Josephta Mukobe were panelists.

In addition, the following Kenyan delegates made presentations as panelists during the General Sessions:

- a) Ms. Ramla Said Omar Mohamed, Mombasa County Assembly - Roundtable 2 on Women and Girls with Disabilities
- b) Mr. Anderson Gitonga, United Disabled Persons of Kenya - Roundtable 3 on Political participation and equal recognition before the law



2. THE 11TH SESSION OF THE COSP OF THE UN-CRPD

2.1 Pre-Conference Briefing with Representatives of the Ministry of Labour and Social Protection and the Kenya Permanent Mission to the UN

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 11th Session of the COSP of the UN-CRPD

During the Conference, six 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 100 States parties, including Kenya. In addition, three round table meetings and over seventy (70) side events were held from 11th to 14th June, 2018.



3.3 MAIN SESSIONS

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

In his opening remarks, H.E. Guterres submitted that the convention has supported over 1.5 billion people with disabilities, since its inception in 2007. Noting that 177 countries had ratified the Convention, he emphasized the need to closely monitor its implementation among State Parties if the global community is to achieve Agenda 2030. Advancing the rights of PWDs is at the heart of the 2030 Agenda and the global development blue print for prosperous and peaceful societies.

Upholding the rights of PWDs as an imperative rather than an act of charity, he stated that PWDs are entitled to the same rights as everyone else and that societies must be organized to reflect that reality. He further elaborated that all stakeholders; Members states, UN systems, private investors and civil societies must do much more to ensure that PWDs have full access to opportunities that enable them to fully participate in society.

PWDs face discrimination, stereotypes and lack of respect. Women and girls face double discrimination owing to gender and must contend with multiple barriers that limit their access to education, health services, jobs etc.

In conclusion, H.E. Guterres impressed on the need to mainstream disability issues in national laws and strategies

3.3.2 Summary of other Statements made during the Opening Ceremony

In his statement, Mr. Georgi Panayotov, Permanent Representative of Bulgaria to the UN, President of the Conference acknowledged that significant steps had been taken towards the realization of the objects of the Convention. He further underscored the importance of ensuring the successful implementation of the Convention as a means to promote the human rights of persons with disabilities and ensure their inclusion and empowerment in all spheres of life.

Ms. Maria Soledad Cisternas Reyes, Special Envoy of the Secretary-General on Disability and Accessibility, in her statement, recognized the Convention as an essential tool for both human rights and development. Noting that Agenda 2030 for Sustainable Development Goals pledges to leave no one behind, she emphasized the need to enhance efforts to promote participation of persons with disabilities in every sphere of life.

Ms. Theresia Degener, Chair of the UN Committee on the Rights of Persons with Disabilities, in her statement, noted the importance of ensuring the full participation and representation of persons with



disabilities in the implementation of the Convention. She outlined several areas for collective efforts that are crucial for the implementation of the 2030 Agenda, including empowerment of women and children with disabilities, enhancing participation of persons with disabilities in national institutions and collection of disaggregated data for persons with disabilities for purposes of planning.

Ms. Catalina Devandas Aguilar, UN Special Rapporteur on the Rights of Persons with Disabilities, noted that while progress has been made on the CRPD, it is not reaching everyone in the same way. She called for increased involvement of persons with disabilities in all aspects of development including decision-making processes, based on the principle of equality of opportunity and full participation as enshrined in the Convention. While noting the complementarity of the CRPD and 2030 Agenda, the Special Rapporteur called on the UN System, including the UN Statistical Division, to support national statistical offices to collect disaggregated data by disability using the short set of questions on disability developed by the Washington Group on Disability Statistics.

Mr. Colin Allen, Civil society coordination mechanism, Civil Society Representative, reiterated the strength of working collectively to achieve true and meaningful change for persons with disabilities.

3.4 Summary of Round Table Proceedings

Round Table meetings revolved around matters related to the implementation of the Convention as summarized below:

3.4.1 Round Table One: National Fiscal Space, Public-Private Partnerships and International Cooperation for Strengthening the Implementation of the CRPD

The Round Table 1 meeting was co-chaired by by Thomas Rohland, Second Secretary of the Permanent Mission of Germany to the United Nations, Vice President of the Conference, and Mr. Setareki Macanwai, Pacific Disability Forum.

Presentations were made by six panelists as follows:

1. Ms. Yayoi Kitamura, National Rehabilitation Center for Persons with Disabilities, Japan
2. Mr. Magino Corporán, National Council on Disability (CONADIS), Dominican Republic
3. Mr. Vladimir Cuk, Global Action on Disability – GLAD
4. Ms. Shatha Abu Srour, General Palestinian Union of Persons with Disability, Civil Society Representative
5. Ms. Maria Soledad Cisternas Reyes, Special Envoy of the Secretary-General on Disability and Accessibility



Summary of proceedings:

Adequate financing of disability-inclusive policies, programmes and projects supports the implementation of the Convention and the realization of the 2030 Agenda for Sustainable Development. The national fiscal space, public-private partnerships and international cooperation represent key opportunities for PWDs to fully realize their rights.

The CRPD obligates State Parties to ensure accessibility, independent living, acceptable living standards, social protection, inclusive education, health etc with a view to ensuring that PWDs are effectively enabled to exercise their human rights. Issues and challenges limiting the effective implementation of these obligations include:

- Inadequate dedicated investment at the global and national level to tackle the socio-economic inequalities that hinder PWDs.
- Lack of adequate disaggregated data on PWDs to enable effective planning at the national level.
- Inadequate inclusion of PWDs in mainstream development programs by development partners and international organizations.
- Sub-optimal inclusion and participation of the private sector in the implementation of the Convention at national level.
- Wide disparities in annual commitments by UN entities for PWDs in comparison with other vulnerable groups: The UN Partnership to Promote the Rights of Persons Disabilities has annual commitments of \$3-5M compared to \$6B for UNICEF and \$750M for the equality and empowerment of women.
- Limited impact of PPPs on PWDs.
- Inadequate social protection measures for PWDs with regards to coverage and sufficiency of transfers.
- Inadequate mainstreaming of disability issues in national fiscal planning processes.
- Societal barriers and lack of community inclusion of persons with intellectual and psychosocial disabilities.

Some solutions for the way forward were outlined as follows:

1. Promote resourcing of disability issues by enhancing dedicated national resources available to PWDS, enhancing their inclusion in development programs by the



international community, and ensuring alignment of the private sector with the Convention.

2. Enhance PPPs for financing disability-inclusive policies while ensuring accountability and transparency.
3. Turning accessibility of services and infrastructure into a key criterion for the mobilization of national and international resources.
4. Disability-mainstreaming in the design, implementation, financing and monitoring of budgetary and fiscal policies.
5. Ensure disaggregation of disability data in order to achieve transparency, accountability and equity in financing marginalized groups within the disability community.

3.4.2 Round Table Two: Women and Girls with Disabilities

The Round Table 2 meeting was co-chaired by H.E Mr. Rohan Perera, Permanent Representative of Sri Lanka to the UN /Vice President of the Conference, and Ms. Anjlee Agarwal, Global Alliance on Accessible Technologies and Environments (GAATES).

Presentations were made by six panelists as follows:

- a) Ms. Ramla Said Omar Mohamed, Mombasa County Assembly, Kenya.
- b) Ms. Mercedes Juan, National Council for the Development and Inclusion of Persons with Disabilities, Mexico.
- c) Ms. Ana Pelaez, National Organisation of the Blind (ONCE-Spain), EU.
- d) Ms. Theresia Degener, Chair of the UN Committee on the Rights of Persons with Disabilities.
- e) Ms. Ekaete Judith Umoh, The Joint National Association of Persons with Disabilities (JONAPWD), Nigeria, Civil Society Representative
- f) Ms. Victoria Lee, Office of the UN High Commissioner for Human Rights



Summary of proceedings:

Article 6 of the Convention recognizes the multiple forms of discrimination faced by women and girls with disabilities and calls on States parties to take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

Persistent cultural, social, legal, physical and institutional barriers that pose restrictions to the full inclusion of women and girls with disabilities in society were outlined as follows:

- Denial to the right to have a family owing to discrimination and stereotypes.
- Limited personal mobility owing to lack of accessibility.
- Poor access to justice limits
- Lack of disaggregated data by disability, sex and age which is necessary for informing policies that will ensure the effective inclusion of women and girls with disabilities.
- Inequality in accessing education with 41.7 per cent of women and girls with disabilities completing primary school globally, compared with 50.6 per cent of men and boys with disabilities and 52.9 per cent of other women and girls. In addition, women and girls with disabilities have low rates of access to, and the lack of opportunities to access, education and technical and vocational guidance programmes resulting in lack of the skills and professional qualifications that would enable them to compete fairly in the job market.
- Inequalities in accessing employment opportunities with women with disabilities having a 19.6 per cent employment rate, compared with 52.8 per cent for men with disabilities and 29.9 per cent for other women.
- Where employment is granted, women and girls with disabilities often have to contend with inaccessible work environments and frequent restrictions to their participation in the workplace.
- Exclusion of women with psychosocial disabilities from employment and social protection programmes owing to stigmatization and discrimination.
- Denial and/or violation of sexual and reproductive health rights for women and girls with disabilities through such practices as forced sterilization, forced abortion, forced contraception etc.
- Subjection to gender and disability-based violence, including forced medical and psychiatric interventions, at disproportionately higher rates than their counterpart males.



- Women and girls with disabilities are disproportionately vulnerable to physical and sexual abuse and violence by family members or caregivers than other women.
- Deprivation of liberty and cruel, inhuman and degrading treatment when placed in institutional or residential care and in psychiatric facilities.
- Exclusion from decision-making and from national laws and policies thus remaining marginal to global discussions and agreements relevant to their empowerment. This neglect is also reflected within the disability movement and mainstream women's movement.

There is a need to strengthen the national legal and policy frameworks for women and girls with disabilities with the aim of reducing inequalities that woman and girls with disabilities face in all areas of private and public life as follows:

1. Prohibit all forms of discrimination against, and guarantee equal and effective legal protection for women and girls with disabilities based on, inter alia, age, type of impairment, ethnic, indigenous, national or social origin etc.
2. Adopt policies and laws for the prevention and elimination of all forms of violence, exploitation and abuse against women and girls with disabilities, including sexual and domestic violence, by ensuring appropriate forms of gender-and age-sensitive assistance and support.
3. Enact relevant laws and policies and institute independent monitoring mechanisms to ensure that women and girls with disabilities are protected from torture or cruel, inhuman or degrading treatment, such as forced medical or psychiatric interventions.
4. Mainstream women and girls with disabilities in policy and budget-making.
5. Support the creation of organizations of women and girls with disabilities.
6. Institute affirmative action for the promotion of women with disabilities in leadership in public decision-making bodies at all levels.
7. Remove barriers that limit the ability of women and girls with disabilities to participate effectively in society including barriers in education, health-care services and employment.
8. Utilize the Washington Group short set of questions on disability data disaggregated by sex, age, disability to enable planning within national contexts.



3.4.3 Round Table Three: Political Participation and Equal Recognition before the Law

The Round Table 3 meeting was co-chaired by H.E Mr. Xavier Torres, Ecuador/ Vice President of the Conference, and Ms. Connie Laurin-Bowie, Inclusion International.

Presentations were made by six panellists as follows:

1. Mr. Anderson Gitonga, United Disabled Persons of Kenya (UDPK)
2. Mr. Yong Jia, China Disabled Persons Federation, China
3. H.E Mr Engels Augusto Muniz, Vice Minister for Human Rights, Brazil
4. Ms. Jean Judes, Beit Issie Shapiro (BIS), Israel
Ms. Catalina Devandas Aguilar, UN Special Rapporteur on the Rights of Persons with Disabilities
5. Ms. Yeni Rosa Damayanti, Indonesian Mental Health Association, Civil Society Representative

Summary of proceedings:

The right to political participation of persons with disabilities is recognized under article 29 of the Convention which requires States parties to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others’. While substantial progress has been made in the recognition of the rights of persons with disabilities, key issues and challenges persist as outlined below:

- Guardianship laws that deny legal capacity for persons with disabilities thus effectively precluding their ability to participate politically, particularly for persons with intellectual and psychosocial disabilities.
- Denial of the right to vote in some jurisdictions.
- Lack of disaggregated data for persons with disabilities.
- Lack of awareness and information among persons with disabilities leading to low levels of participation in political parties.
- Inadequate uses of assistive voting devices for persons with sensory impairments to enable them vote independently etc.

Political participation is an integral part of universal human rights. Effective participation in political and public spheres is crucial to democracy and good governance. The political participation of persons with disabilities allows for them to make positive contributions to disability -inclusive policies and to experience full citizenship. This is critical to the full implementation of both the



Convention on the Rights of Persons with Disabilities and the 2030 Agenda for Sustainable Development.

Some solutions for the way forward were outlined as follows:

1. Review legislation to abolish restrictions of legal capacity in order to allow all persons with disabilities to vote and hold elective office.
2. Raise awareness among political parties and persons with disabilities with the aim of promoting meaningful political participation among persons with disabilities.
3. Address physical, communication and information barriers that prevent persons with disabilities from exercising their right to vote by specially adapting polling stations or providing alternative ways of voting e.g postal voting or voting by proxy.
4. Allocate adequate resources to national and civic organizations of persons with disabilities for purposes of promoting their participation in the activities of relevant government bodies and boards.
5. Utilize the Washington Group short set of questions on disability data disaggregated by sex, age, disability to enable planning within national contexts.

3.5 Side Events

Kenya and Finland co-hosted a side event on '*Leave No One Behind: The Sexual and Reproductive Health and Rights of Women and Girls with Disabilities in international development and fragile contexts*' where Senator (Dr.) Isaac Mwaura and PS Joseph Mukobe were panelists.

3.5.1 Leave No One Behind: The Sexual and Reproductive Health and Rights of Women and Girls with Disabilities in International Development and Fragile Contexts, Presentation by Sen. (Dr.) Isaac Mwaura, CBS.

In his presentation, Sen. Mwaura acknowledged that PWDs often face barriers to sexual and reproductive health information and services that is fueled by the ignorance and poor attitudes of society. According to the Status Report on Implementation of the Rights of PWDs in Kenya by KNCHR, while Kenya had put in place strong legislative and policy frameworks for the protection of PWDs, and while strides have been made towards the realization of disability rights (including sexual and reproductive health rights), full progress has been hampered by challenges in implementation.



He noted that women in Kenya constitute over 50 per cent of the total population, they face unique challenges compared to men including: limited access to and control of resources and other socio-economic opportunities; lower literacy levels; higher levels of unemployment; lower incomes; poor access to quality healthcare and advice on family planning. They are also more vulnerable to gender-based violence.

This situation is amplified among women with disabilities, as they are a more vulnerable, neglected society. This vulnerability stems from traditional gender biases coupled with negative cultural practices and attitudes towards disability. Women with disabilities also encounter numerous barriers to accessing quality reproductive health care services including inaccessible equipment and service points, limited contraceptive options and insensitivity by health care workers.

He went on to outline the constitutional and legal frameworks that Kenya has put in place for the protection of women and girls with disabilities including: Articles 27(3) of the Constitution of Kenya which guarantee all citizens, (including women and men with disabilities) the right to equal treatment and includes the right to equal opportunities in political, economic, cultural and social spheres. It also expressly prohibits discrimination on the grounds of sex and disability; Article 43 which provides for the right to the highest attainable standard of health, which includes the right to reproductive health services; the PWD Act 2003 which provides a framework for access to services and inclusion of PWDs in all facets of life by providing for equalization to opportunities in employment, health, education and access to physical infrastructure and information; and, the National Reproductive Health Policy which provides a framework for equitable, efficient, and effective delivery of high-quality Reproductive Health services and addresses among others, the Reproductive Health needs of persons with disabilities.

While acknowledging the positive measures that the Kenyan Government had taken to promote the welfare and wellbeing of PWDs, he acknowledged that there persisted challenges that needed to be addressed, namely:

- A general lack of awareness of the rights of PWDs among the general public.
- Inadequate resources to address the needs of PWDs.
- Persistent negative attitudes towards disabilities.
- Wide disparities in access to disability services between rural and urban areas.



- High susceptibility of girls with disabilities, particularly mental disability, to sexual abuse and violence.
- Inadequate access to health care services owing to discrimination, stigma, lack of informed consent, unfriendly infrastructure and high cost of services.
- Lack of access to justice as a result of challenges with legal capacity.

3.5.2 Summary Notes from the Side Events

1. Equity and Inclusion for Children with Disabilities

Children with disabilities are 10 times less likely to attend school than those without. Even if they attend school, they are more likely to drop out early while the level of schooling they receive is frequently below that of their peers. Children with disabilities are often unable to go to school because of unsuitable school buildings, lack of assistive devices and the social stigma they experience. In addition, there is a limited understanding within their communities and among teachers about their learning needs, which is often fueled by prejudices around disability. There is therefore need for discussion on how to enhance inclusion for children with disabilities by creating the right environment and providing the necessary resources and devices for them.

In Brazil children with disabilities attend regular schools, this has been made possible by the support by the government to create infrastructure that is friendly to children with disabilities; by making buildings easily accessible, enhancing funding to schools to support children with special needs and providing assistive devices. This has enhanced inclusion.

In Burkina Faso, there is a campaign to register children with disabilities to provide accurate data for policy making and planning. There has also been monitoring and evaluation of initiatives involved in promoting education for children with disabilities to measure their efficiency.

2. “Let me Decide and Thrive”: Securing the sexual and Reproductive Health and rights of Girls and Young Women with Disabilities

Girls with disabilities are kept in the dark about their sexual and reproductive health and often don't know how to protect themselves against abuse, pregnancy and disease. While the discriminatory hurdles posed by gender, youth or disability alone can be great, when all three come together, they intensify the negative effects of exclusion. As a consequence, girls and young women with disabilities



face significant obstacles to the full realisation of their rights, including their sexual and reproductive health and rights (SRHR).

Discriminatory attitudes and Systematic forms of exclusion stem from discriminatory attitudes, norms, and behaviours that drive profound prejudice and stigma, often making girls and young women with disabilities invisible within society and more vulnerable to harmful practices. Lack of availability and accessibility of SRHR information and services Provision of accessible sexual and reproductive health and rights information and services for girls and young women with disabilities is largely non-existent, with service providers in health centres, schools, and institutions that house them ill-prepared to handle their specific needs.

In Norway, sexual and reproductive health rights include a commitment to promote international acceptance of sexual rights in general, and sexual and reproductive health and rights in particular. Norway's support to SRHR is around 140 million USD annually, and works with like-minded countries that have national good policies and other international bodies that advocate, provide policy advice and technical support to sexual and reproductive health, and, reproductive rights.

3. Individual Social Responsibility to Create an Inclusive World For Persons with Disabilities – A Case of “VOSAP” in India

The event hosted by permanent Mission of India focused on how inspired volunteers can create “Inclusive” world for Persons with Disabilities, in line with the theme of the conference – “Leaving No one Behind”. Everyone is temporarily abled and everyone should create an inclusive community, society and world where persons with disabilities enjoy equal access, opportunities to education and employment, independent life with dignity and contribute to society based on their ability. The event sought to highlight how Voices of Specially Abled People (VOSAP) in India together with personal volunteers are working towards creating an inclusive world for persons with disabilities.

The ‘VOSAP’ has adopted a multi-faceted, comprehensive approach to advocacy that includes,

- I. Countrywide awareness campaigns dubbed ‘all of us temporarily abled’, disability can happen to anyone anytime’ to enforce reality that disability is everybody’s concern.
- II. Inspiring the government, leaders, institutions to think different and incorporate inclusion in their everyday activities



- III. Creating a grassroots social mass movement by volunteers, involving communities in community level actions to campaign for accessibility in the community and create visible, measurable impact in the community.
- IV. The creation of a mobile application platform as an advocacy tool that is going far and beyond and reaching more people and enhancing inclusion.

4. Empowerment of Persons with Disabilities in Saudi Arabia

The event was hosted by Saudi Arabia, attended by the Minister for Labour and Social development and the Commission of People with Disabilities in Saudi Arabia. The event's objective was to highlight the activities Saudi Arabia has undertaken to enhance inclusion for Persons with Disabilities. Saudi Arabia has created an action plan "vision 2020" that has outlined key objectives it aims to achieve for persons with disabilities. In the vision, it aims to increase PWDs participation in the labour market through training them, matching them with job opportunities ensuring that the labour market has the right environment for them to work in, including providing them with assistive devices where necessary. Further, Institutions that employ people with disabilities are given tax rebates and other incentives by the government.

Saudi Arabia also has a research center specifically for disability, the King Salman Center for Disability Research funds and conducts field and laboratory research in all areas of disability, and spreads the acquired knowledge through training and publications. The center issued guidance manual of Universal access that is being used as a guide to revamp the transport system in Saudi Arabia.

The Country has also established 8,000 centers across the country that provide physio-therapy, speech therapy, mental health interventions and other interventions for PWDs. There is also push for early screening for disability and therefore early interventions. Providing persons with disabilities with equal opportunities in the labour market and the right environment will ensure that they live independently and contribute to the economy.

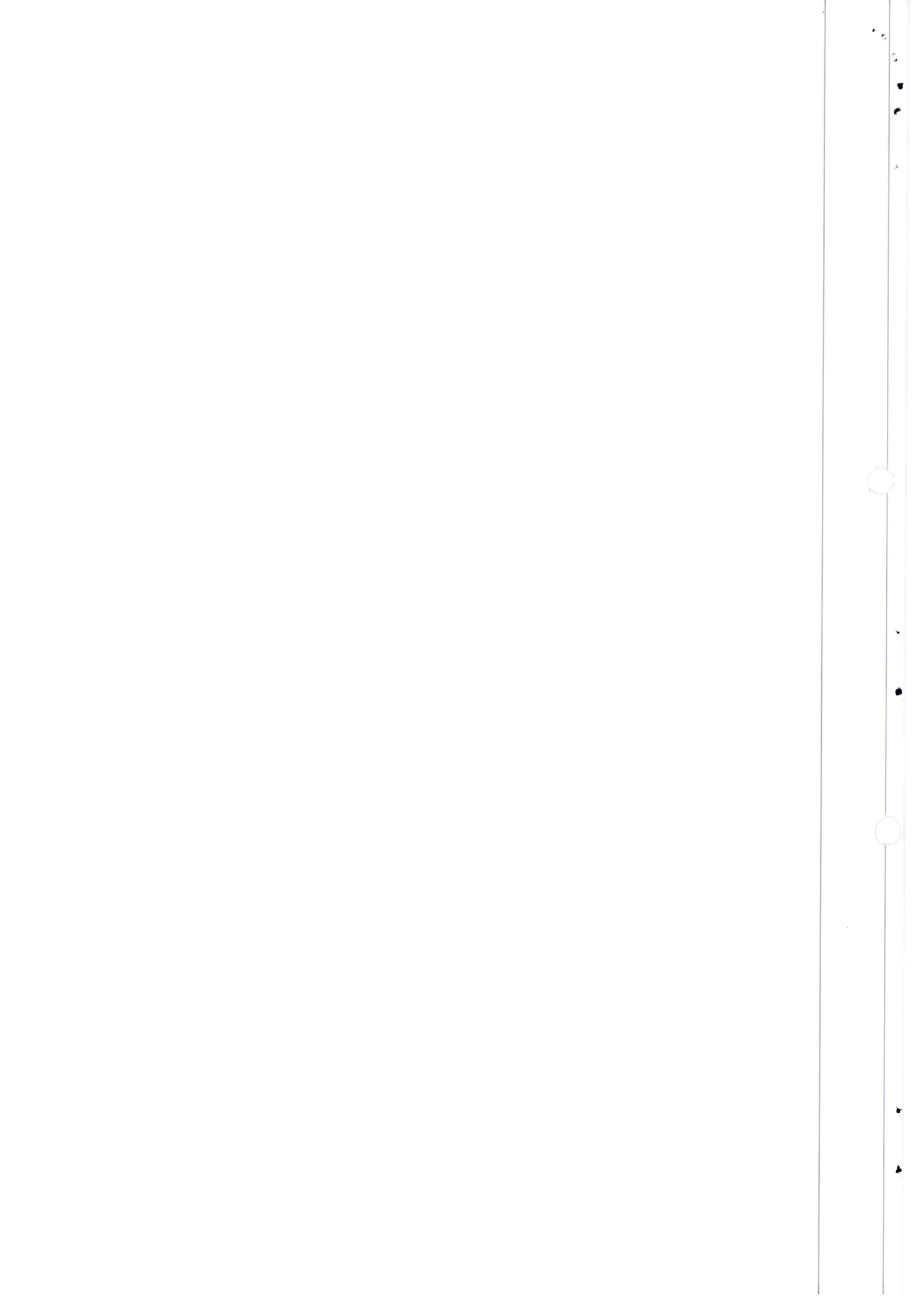
5. Some other side event topics discussed were the following; Assistive Technologies and mental wellness in a changing world; Barriers to Political Participation for persons with disabilities; Successful strategies toward equal recognition before the law; Persons with Disabilities in Prison: Challenges & Good Practice.



4.0 OBSERVATIONS

The delegation observed as follows:

- (a) 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.
- (b) Article 21(4) of the Constitution obligates the State to enact and implement legislation to fulfil 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.
- (c) 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.
- (d) Children, women and girls with disabilities face multiple forms of discrimination owing to persistent cultural, social, legal, physical and institutional barriers that restrict their rights and fundamental freedoms, particularly in relation to access to justice, education services, employment, poor working conditions, accessibility challenges etc.
- (e) Women and girls with disabilities face barriers to sexual and reproductive health rights and services as a result of poor societal attitudes and norms. Women and girls with disabilities face double jeopardy when compared to able-bodied women owing to limited access to and control of resources, lack of socio-economic opportunities, low literacy levels, poor access to health services, inaccessible reproductive health equipment and services, limited contraceptive options and insensitivity by health workers. In addition, women and girls with disabilities are vulnerable to gender-based violence and general societal neglect.
- (f) Existing guardianship laws deny legal capacity for persons with disabilities thus effectively limiting their ability to participate politically. This is especially true for persons with intellectual and psychosocial disabilities who have remained largely excluded owing to societal stigmatization and discrimination.



(g) Lack of disaggregated data on disability is a serious impediment towards the inclusion and realization of the rights of PWDs as it limits monitoring, accountability and transparency in the implementation of disability programmes. Disaggregated data by disability, sex and age is necessary for purposes of informing policy and ensuring the effective inclusion of all persons with disabilities.

5.0 RECOMMENDATIONS

1. The Government should implement the good practices from other regions in terms of situations of risks for persons with disabilities.
2. There was need for the relevant Government agencies to strategize on early assessment for disability and direct persons with disabilities for support at early stages of life.
3. The relevant Government Agencies should carry out research in the areas of disability and provide disaggregated data in terms of type of disability, age, gender, education etc for programming purposes
4. There was need for the Government to fast track establishment of an Inter-Agency committee to advise on implementation of disability policies and programmes
5. The Government should consider an incentive programme to encourage software programmers and hardware developers to create assistive technologies in the medical sector for the persons with disabilities.
6. The Government should set up early intervention institutions as well as vocational training institutions to empower persons with disabilities from an early age so as to allow them to integrate with society, get the necessary skills needed to join the job market and eventually sit at decision making tables.
7. The Ministry for Planning should include in the Census sheet a column on the type of disability the citizen faces if any. This would enable the country to plan more adequately for the persons with disability.
8. The Government should train public officers on the issue of disability especially psychosocial disability. Training of judicial officers, police officers etc in the criminal justice system and changing the law of evidence to accommodate people with disability.
9. The Government should provide adequate financing to prisons to ensure prisoners with disabilities are supported adequately and have access to mental health services. Further, prisons should be accessible for Persons with disabilities and to continuously build capacity for prison officers to deal with prisoners with psychosocial or cognitive disabilities.

