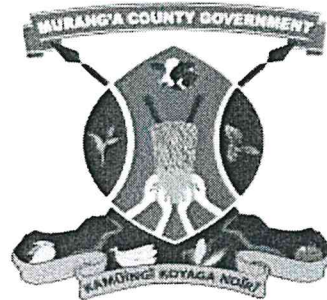


REPUBLIC OF KENYA



MURANG'A COUNTY ASSEMBLY



YOUTH, CULTURE, GENDER AND SOCIAL SERVICES COMMITTEE

THE REPORT ON WELFARE OF PERSONS LIVING WITH DISABILITIES.

Clerks Chambers

MAY, 2023

Murang'a County Assembly

MURANG'A

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1.0 PREFACE

On behalf of the Youth, Culture, Gender and Social Services Committee, it is my pleasure and duty to present to the County Assembly, the report on welfare of persons living with disabilities.

This Report is a product of deliberations on the subject matter by the committee within the precincts, CECM input through a written response to issues raised by the Committee on the subject matter and a Committee workshop held at Nairobi from May 12 to May 14, 2023.

1.1 YOUTH COMMITTEE MEMBERSHIP

The Committee comprises of the following members:

- | | |
|-------------------------------------|---------------|
| 1. Hon. Grace Sharleen Wambui Maina | Chairperson. |
| 2. Hon. Kenneth Kamau | V-Chairperson |
| 3. Hon. Anthony Chege Marubu | Member |
| 4. Hon. Hannah Wairimu Kamau | Member |
| 5. Hon. Boniface Ng'ang'a Mbau | Member |
| 6. Hon. Naomi Nyambura Maina | Member |
| 7. Hon. Gathee Wa Njeri | Member |
| 8. Hon. Julian Njiri | Member |
| 9. Hon. Caroline Wairimu Njoroge | Member |
| 10. Hon. Moses Muchiri Maina | Member |
| 11. Hon. Edwin Mwangi Wairagu | Member |
| 12. Hon. John Mwangi Kamau | Member |
| 13. Hon. Mark Wainaina Gicheru | Member |
| 14. Hon. Elizabeth Wambui | Member |
| 15. Hon. Moses Macharia Mirara | Member |
| 16. Hon. Jeremiah Gichobe Mbatia | Member |

1.2 Committee Mandate

The Sectoral Committee on Youth, Culture, Gender and Social Services is mandated to deal and consider all matters related to youth, persons with disabilities, orphans, Vulnerable Persons, cultural activities, public entertainment and public amenities including sports and cultural activities and facilities, control of drugs and phonography, cinemas, video shows, firefighting services and disaster management, gender, culture and social welfare, national heritage, betting, lotteries and sports.

1.3 Acknowledgements

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk to the County Assembly for the support extended to it in the execution of its mandate.

The Chairperson of the Committee takes this opportunity to thank all the members for their profound contribution through dedication of time and efforts towards the realization of the mandates of the Committee.

Finally, it is now my pleasant duty and privilege and on behalf of Youth, Culture, Gender and Social Services to present to this Assembly the Report on welfare of persons living with disabilities.

Thank you.

Signed.....*Sh.*.....

(Hon. Sharleen Wambui Maina, Chairperson)

Youth, Culture, Gender and Social Services Committee.

Dated this.....*25*..... day of.....*June*..... 2023.

2.0 BACKGROUND

The Departmental Committee on Youth, Culture, Gender and Social Services is one among the eleven sectoral committees of the County Assembly of Murang'a established as per Standing Orders under the establishment of Sectoral committees.

Cognizant that the hall mark of the Constitution of Kenya is Chapter Four; Bill of rights which is one of the most elaborate and advanced Constitutional provisions in the universe,

Aware that Chapter Four addresses rights of every Kenyan minus any biases. And logically, the rights there in are human rights. And in respect to definition of Human according to Oxford Dictionary "as a man, woman, or child of the species *Homo sapiens*, distinguished from other animals by superior mental development, power of articulate speech, and upright stance". And in realization of different abled humans who are part of global society and consequently Kenyan society and Murang'a County Society the committee in endeavour to protect the rights of different abled humans, and in its role to protect the provisions of Chapter four of the Constitution undertook a review of the welfare of differently abled people within the county and filed the following report;

3.0 STATISTICS OF PERSONS LIVING WITH DISABILITIES IN THE COUNTY.

According to the data provided by County Executive Committee Member in charge of Youth Affairs, Culture and Social Services, Murang'a County has a total of 5076 individuals who are registered with National Council for Disabled Persons. That figures is distributed in sub counties as per the following table;

<u>SUB COUNTY</u>	<u>NUMBER OF PWDs</u>
Kandara	850
Maragua	820
Kigumo	560
Kiharu	990
Kangema	530
Mathioya	370
Gatanga	956

The CECM informed the Committee that the process of registration is done by Social Development Officers/Welfare Officers who work in conjunction with area Chiefs to identify and record the disabled. Then they refer the person to County Hospitals for assessment.

4.0 CONSTITUTIONAL RIGHTS OF PEOPLE LIVING WITH DISABILITIES.

Article 54 of the constitution enumerates the following as rights granted to the persons living with disabilities;

- 1) A person with any disability is entitled;
 - (a) to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning;
 - (b) to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;
 - (c) to reasonable access to all places, public transport and information;
 - (d) to use Sign language, Braille or other appropriate means of communication; and
 - (e) to access materials and devices to overcome constraints arising from the person's disability.
- 2) The State shall ensure the progressive implementation of the principle that at least five percent of the members of the public in elective and appointive bodies are persons with disabilities.

To identify the status of welfare of persons living with disabilities in the county, the committee found it wise to use provisions of Article 54 as yardstick of achievement;

(A) On dignity and respect, the committee did not identify any case of contravention of provisions of Article 54 (1) (a) and neither any case was brought to the attention of the committee.

(B) Access to education.

The Committee noted with great concern that the right to education to people living with disabilities is facing challenges and if not quickly addressed majority of them will be shut out of formal education. There are no specialized schools to cater for formative stages of people living with disabilities.

Basic Education specifically Early Childhood education provision is mandated to devolved units. The county lacks special early childhood centres where children who are differently abled can be enrolled to and have their unique challenges identified early enough for specialized care and education. At the majority areas within the county differently abled children are forced to attend classes with fully abled

children and thus they are denied the care, attention and facilities they require. The foundation informs the development of a person, and thus poor foundation of education to the different enabled children disadvantages them at later stages in life.

It perturbed the committee to learn that the county lacks vocational training where persons living with disability can go and acquire skills for self-employment or even for employment purposes. While the committee appreciates some differently abled persons cannot engage in physical activities, it notes that there are some people with minimum challenges and can engage in technical activities like plumbing, hair dressing, tailoring, and designing among others. But these talents end up not being utilized because there is no specialized vocational training centre where these talents can be tapped, enhanced and then released to the market.

(C) Accessibility of public places, public transport and information.

Freedom of movement is a basic freedom that should not be denied to anyone unless due legal process has been followed to curtail that freedom. Unfortunately, the county has failed to exercise its legally given mandate to ensure before granting approval to buildings the designs caters for free and easy movement of persons living with disabilities. Shockingly, even majority of County Government offices are housed in buildings that are not friendly to persons who are abled differently.

The Committee established that majority of the markets are not easily accessible to people living with disabilities. This denies them the right to engage in business activities and even the right to be entrepreneurs. It is a responsibility of any government to cater for all sections of its citizens and therefore the committee calls CECM in charge of Youth Affairs, Culture and Social Services jointly with CECM in charge of Trade to quickly identify, mark and modify sections within the County Markets and assign them to differently abled persons to carry out their businesses in and for easier access to buys who are physically challenged.

Public transport is not friendly to people living with disability. Whereas the committee appreciates public transport is majorly a public private partnership kind of service provision, it did not fail to notice the unfavourable state it is to differently enabled persons. It is responsibility of the County Government to provide for public bus parks where public transport drops and picks the passengers. The County should endeavour to make the parks easily accessible to people living with disabilities and it should strive to provide friendly amenities like public toilets, areas for Wheel Chairs and ample sitting places for those

who cannot stand for long. Further, it should offer some incentives to private sector that will provide friendly mode of transport to people living with disabilities.

Right to information and more so to information that is held by public institution is assured in our legal system. Unfortunately, most of the time when there is any information to be disseminated it is mostly done without considering people living with disabilities. For instance none of the County Government information has ever been disseminated in braille's, and in most of public events by County Government there is rarely sign language interpreter impeding access to information to those who may be challenged among the audience.

(D) Principle of at least five percent members of the public in elective and appointive bodies are persons with disabilities

This principle is clearly not yet achieved within the county. Whereas the Committee appreciates the tricky nature of achieving this principle in elective position, it is not lost to it that nomination slots should serve this purpose when it comes to elective posts and thus implores upon political parties to ensure legal provisions are at centre of nomination process.

Further, the county through the County Public Service Board should ensure it gradually works towards meeting this constitutional requirements. Being differently abled is not inability. And we have well educated and qualified differently abled persons within the county. Therefore, the committee urges the County Public Service Board to deliberately endeavour to achieve this requirement.

The Committee feels that due to their prone nature, their physical inability and denial thereof whether intended or not intended of necessary assistive devices and facilities, people living with the disabilities risks facing the rights as granted to them by the constitution not achieved. For instance rights granted by Article 43 on economic and social rights where right to health care services, right to reasonable standards of sanitation and right to education might go unrealized by this group within the county.

5.0 PERSON WITH DISABILITIES ACT.

Act no. 14 of 2003 caters for detailed welfare of people living with disabilities and how various entities including the National Government and County Governments are supposed to check on and implement the well-being of person with disabilities. The Act addresses among other issues formation of National Council for Persons Living with Disabilities which is an entity empowered to champion, protect and work with various agencies to ensure person with disabilities welfare is achieved. Further, the entity is responsible for registering the already assessed person with disabilities.

The Act further provides for the rights and privileges of persons with disabilities among them right to education; special and non-formal education. The Committee would like to emphasize on Section 18 of the Act that states "The Council shall work in consultation with the relevant agencies of Government to make provisions in all districts for an integrated system of special and non-formal education for persons with all forms of disabilities and the establishment where possible of Braille and recorded libraries for persons with visual disabilities." The County Government should collaborate with National Council for Persons with Disabilities and explore on this avenue.

At the same time, the Act is elaborate on matters Health, accessibility and mobility, state of public buildings in respect to person with disabilities and Sports and recreation.

6.0 COMMITTEE FINDINGS

After critical observations, deliberations, assessment of facilities at the ground and analysing the CECM response on the matter the committee made the following findings;

- 1) That, the database as provided indicating the persons living with disabilities within the county is not conclusive and majority of individuals might not be captured.
- 2) That, the Constitutional rights of people living with disabilities as provided for in Article 54 of Constitution is minimally provided for by relevant County Government Agencies.
- 3) That, there is ample legislation on matters welfare of people living with disabilities across the nation and consequently across the county.
- 4) That, the welfare of people living with disabilities within Murang'a County is remotely catered for.
- 5) That, most of the markets within the county are not user friendly to Persons living with disabilities.

5.0 COMMITTEE RECOMMENDATIONS

The committee recommends as follows;

- 1) That the County Department of Social Welfare should within 60 days from adoption of this Report, sensitize and facilitate assessment of persons living with disabilities and update their database in line with the current sub-counties.
- 2) That the CECM in charge of Youth Affairs, Culture and Social Services should within 90 days from adoption of this Report initiate a collaboration agreement with National Council for Persons with Disabilities to address welfare of people living with disabilities in the county as per provisions of part III of Persons with Disabilities Act with emphasis to;
 - a) Education (On Devolved functions).
 - b) Special Education and Non-Formal Education (On Devolved elements).
 - c) Health.
 - d) Accessibility and Mobility.
 - e) Public Buildings.
 - f) Sports and Recreation.
- 3) That the CECM in charge of Youth Affairs, Culture and Social Services together with CECM in charge of Trade should within 60 days after adoption of this Report, identify sections of various markets within the county, rehabilitate them to be user friendly to persons who are differently abled and assign them to entrepreneurs with disabilities to carry out their businesses. Similarly, they should ensure all the markets are accessible to differently abled persons.

APPENDIX 1

ADOPTION OF THE REPORT

The following Committees' Members adopted the report:

- 1. Hon. Grace Sharleen Wambui Maina
- 2. Hon. Kenneth Kamau
- 3. Hon. Anthony Chege Marubu
- 4. Hon. Hannah Wairimu Kamau
- 5. Hon. Boniface Ng'ang'a Mbau
- 6. Hon. Naomi Nyambura Maina
- 7. Hon. Gathee Wa Njeri
- 8. Hon. Julian Njiri
- 9. Hon. Caroline Wairimu Njoroge
- 10. Hon. Moses Muchiri Maina
- 11. Hon. Edwin Mwangi Wairagu
- 12. Hon. John Mwangi Kamau
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- 14. Hon. Elizabeth Wambui
- 15. Hon. Moses Macharia Mirara
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