

International Disability Alliance (IDA)

Member Organizations:

Disabled Peoples' International, Down Syndrome International,
Inclusion International, International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant recommendations to be included in the Concluding Observations of the Committee for the Elimination of Discrimination against Women 48th Session (17 January -4 February 2011)

The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations, based on references to persons with disabilities to be found in the state report and list of issues.

KENYA

Kenya ratified the Convention on the Rights of Persons with Disabilities on 19 May 2008.

References to persons with disabilities in the State report and List of Issues:

[State Report](#)

12. **Kenya government has taken a number of legislative, judicial, administrative and programmatic actions towards elimination of discrimination against women in a number of sectors** since the presentation of the last country report. In the area of legislation, a number of laws have been passed which explicitly outlaw discrimination against women. For example, the new Employment Act, No. 11 of 2007 which came into force in December 20, 2007 expressly prohibits discrimination and harassment of actual and prospective employees on the basis of sex in section 5(3)(a) thereof. It provides that: "No employer shall discriminate directly or indirectly against an employee- on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, **disability**, pregnancy, mental status or HIV status; in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment."

34. **Vision 2030** -The Government has developed an ambitious national plan and strategy for the country dubbed Vision 2030. This plan sets out a national vision to be achieved in the year 2030 through three key pillars i.e. political, economic and social pillars. Under the social pillar, Vision 2030 goal is "A just and cohesive society enjoying equitable social development in a clean and secure environment." The social pillar has identified Gender concerns and in particular equity in power and resource distribution between the sexes as a priority. It aims at increasing all round opportunities among women and increase the participation of women in all economic, social and political decision making processes. It seeks to do this by starting with higher representation of women in Parliament, improving access to business opportunities, health services, education services, housing and justice to all disadvantaged groups including women, **persons with disabilities**, the youth, people living in arid and semi-arid lands (ASAL'S) etc, minimizing vulnerabilities through prohibition of harmful cultural practices such as Female Genital Mutilation/Cutting (FGM/C), increasing school enrolment

for girls and children from nomadic communities and poor rural and slum communities, attaining gender parity and fairness in the delivery of justice including up scaling training for **people with disabilities** and special needs.

[List of Issues](#)

Older women, women with disabilities

33. In its previous concluding observations (CEDAW/C/KEN/CO/6, para. 45), the Committee requested that information be provided in the seventh periodic report about the situation of older women and women with disabilities in the areas covered by the Convention. The report, however, does not provide any information on the situation of older women in the country and includes only a cursory reference to the situation of **women with disabilities** when introducing the national plan and strategy titled “Vision 2030” (paras. 34 and 220). Please provide information thereon.

[Reply to the List of Issues](#)

17. ...

Affirmative Action is now entrenched in the new constitution, which clearly states that the Membership of the National Assembly shall consist of forty-seven women elected by registered voters of counties. The Senate shall have sixteen women who shall be nominated by political parties as well as two youth members being one woman and one man. It further states that parliament shall enact legislation to promote the representation in parliament of women, **persons with disabilities**, youth, ethnic and other minorities and marginalized communities.

Older women, women with disabilities

33. The situation of older women and **women with disabilities** in the areas covered by the Convention.

Situation of older women: Section 57 of the new constitution obligate the government ensures the rights of older persons, and to ensure that older people can fully participate in society. It also obliges the state to ensure that older people live dignity and respect and that they are free from abuse; finally section 57 entitles older people to care and assistance from both their family and the State.

The government is committed to ensuring that the elderly lead meaningful and fulfilling lives while enjoying all rights without discrimination. The government intends to facilitate the creation of an environment where older women and men are given opportunities to continue utilizing their skills knowledge and experience. A National Policy for Older Persons has been developed. The policy recognizes that gender variations in ageing and proposes development of specific programmes including addressing **older persons with disabilities**. The National Hospital Insurance Fund has also been reviewed to include contributing members beyond 60 years.

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Situation of women with disabilities:

The new constitution obligates the government to promote the development of **Kenyan Sign language, Braille** and other communication formats and technologies accessible to **persons with disabilities** -Article 3. The new constitution also places state organs under a duty to address the needs of vulnerable groups within society, including women, older members of society and **persons with disabilities** –Article 21 (3)

Article 54 of the new constitution which specifically addresses the needs of **person with disabilities including women**, entitles **persons with disabilities** to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning. It also accords them the right to educational institutions, reasonable access to all places, public

transport and information; access materials and devices to overcome constraints arising from their disability. Finally Article 54 obligates the state to ensure the progressive implementation of the principle that at least five percent of the members of the elective and appointive bodies are **persons with disabilities**.

It also provides for the fair representation of **persons with disabilities** and, requires that their needs are taken in account in all electoral processes – Article 82. The new constitution also requires **persons with disabilities** be part of twelve members nominated by parliamentary political parties. Furthermore the constitution requires that the Senate of the new government o have two members, one man and one woman, representing **persons with disabilities** Article 98 (1) (d).

The National Social Protection Strategy Includes responses by the state to **protect persons with disabilities** from risks, vulnerabilities and deprivation, measures envisaged by this protection entail; measures to secure education, healthcare social welfare, livelihood, access to stable income as well as employment.

Recommendations from IDA

- To collect adequate data on women and girls with disabilities and use disaggregated data and results of studies to develop policies and programmes to promote equal opportunities for them in society.
- To adopt measures to ensure that women with disabilities are consulted and participate in leadership roles in policy development.
- To raise awareness and provide more information about women and girls with disabilities, who are often subjected to multiple forms of discrimination, especially with regard to access to education, employment, access to health care and violence.
- To ensure that all national plans and action address and include the rights of women and girls with disabilities and that all measures are taken to actively consult with persons with disabilities and their representative organisations in devising laws, policies, plans and with respect to implementation.
- To address the heightened risk for girls and women with disabilities of becoming victims of domestic violence and abuse, and adopt urgent measures to ensure that both services and information for victims are made accessible to women and girls with disabilities living in institutions and the community.
- To adopt measures to ensure that all health care and services, provided to persons with disabilities, including all mental health care and services, is based on the free and informed consent of the person concerned, and that involuntary treatment and confinement are not permitted by law in accordance with the CRPD.
- To adopt measures to ensure that all information, healthcare and services relating to sexual and reproductive health are made accessible to women and girls with disabilities, and that they are respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned, and that consensual treatment such as the administration of contraception, or fertility treatments are not denied, while all non-consensual treatment, including that for which consent is given by a third party, is not permitted by law (including *inter alia* forced abortions, forced contraception, and forced sterilisation).
- To consider acceding to the Optional Protocol to the CRPD.

