

UNITED DISABLED PERSONS OF KENYA

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STATEMENT ON POLICE BRUTALITY TOWARDS PERSONS WITH DISABILITIES IN THE COVID-19 RESPONSES

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This week the Chair of the United Nations Committee on the Rights of Persons with Disabilities and the Special Envoy of the United Nations Secretary-General on Disability Accessibility issued a joint statement on Persons with Disabilities and COVID-19. In the statement they reiterated the obligation that State Parties to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) have to take all possible measures to ensure the protection and safety of persons with disabilities in the national response to situations of risk and humanitarian emergencies. Kenya became a party to the Convention on 19 May 2008 when it ratified the Convention. As such it is the legal obligation of the government in the midst of the COVID-19 crisis to put in place measures in all areas of life of Kenyan persons with disabilities to safeguard their health, safety, dignity, and independence in the community throughout the COVID-19 outbreak and related health emergencies; including protecting them from discriminatory attitudes and practices.

Since the enforcement of the 5am-7pm curfew, rampant incidences police brutality have been witnessed across the country. Kakamega police were on the spot for the assault of a 35-year old man with intellectual disability on the night of 1st April 2020 who later succumbed to death. Barely a day later, on the night of 2nd April a young man who is Deaf was assaulted by police in Mumias. This has brought to light the vulnerability of persons with disabilities, especially those with invisible disabilities to government COVID-19 responses.

Invisible disabilities are not immediately apparent thus are not discernible to the naked eye, and include hearing disabilities, intellectual disabilities, neurodiverse disabilities, psychosocial disabilities and some visual disabilities. People with invisible disabilities and conditions like autism, deafness, mental illness, dementia or a range of other conditions may be inhibited in their ability to communicate, follow commands or behave in accordance with social norms, putting them at risk during encounters with law enforcement. Certain responses or behaviors connected to a person's disability might be mistaken for defiance, and therefore there must be an alternative to using lethal force. For instance, behaviors associated with autism - a neurodiverse disability - are often impossible to spot from a distance, and there is potentially overwhelming stress among people on the spectrum when confronted by police sirens, shouting, or the expectation of eye contact. Persons who are Deaf or hard of hearing are often perceived by police to be noncompliant and dangerous as they appear to ignore police orders. People with intellectual disabilities have certain limitations in cognitive functioning and skills, including communication and social skills.

The recent tragedies are part of a pattern that shows the urgent need for improved and mandatory police training on disability. Education and outreach on disability issues must be part of standard law enforcement training across the country. There is need for some innovative programs within law enforcement to build awareness among officers about disability. Without implementing this necessary change, law enforcement officers will continue to be placed in situations that they have not been equipped to handle. And the instances that we have recently seen will only continue to happen.

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