



GUIDE ON DISABILITY-INCLUSIVE LEGISLATION, PLANNING & BUDGETING IN COUNTIES





GUIDE ON DISABILITY-INCLUSIVE LEGISLATION, PLANNING AND BUDGETING IN COUNTIES

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Prepared for the United Disabled Persons of Kenya

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“You must not take no for an answer. But do also remember that your county bureaucracy may not know too much about disability”

UDPH

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The logo of the United Disabled Persons of Kenya (UDPK) is a circular emblem. It features three stylized human figures in the center, each with a circular head and a body that forms a 'V' shape. The figures are rendered in a light beige color. Above them is a larger circular shape, also in beige, which appears to be a stylized sun or a protective canopy. The entire emblem is set against a background of soft, overlapping curves in shades of pink and beige. Below the emblem, the letters 'UDPK' are written in a large, white, sans-serif font.

1.0

Introduction

UDPK

1.1 Background

The Guide on Disability-Inclusive Legislation, Planning and Budgeting in Counties was commissioned by the United Disabled Persons of Kenya (UDPK), which is the umbrella body of organisations of persons with disabilities in the country. It has been developed under the auspices of UDPK's Amplifying Voices of Women with Disabilities Initiative, which is aimed at equipping women with disabilities in particular, and persons with disabilities in general, with skills on advocacy and social accountability so that they can effectively participate in public participation activities as organized by County Governments and track how persons with disabilities are benefiting from county plans and budget allocations. The Guide's development supports the aims of UDPK which include building the self-advocacy capacities of organisations of persons with disabilities.

This Guide has been prepared for you as a member of the public who holds a stake in ensuring disability-inclusion in your county. You may be a person with disability resident in a particular county; or you may be a rate payer in a particular city or municipality. You may be a member of a civic organisation resident in the county; or you may be part of an organisation with an interest in the governance of the county. You may be a member of an organisation of persons with disabilities or an organisation for persons with disabilities. You may even be a non-resident person using the services or facilities provided by the county. The Guide will also benefit Members of County Assemblies (MCAs), members of your County Executive Committee and other officials of your county. This Guide shall refer to each one of you as disability stakeholders.

The Guide addresses needs which UDPK identified in the course of its advocacy work on devolved governance. Although disability-inclusion in counties is guaranteed under the Constitution of Kenya (2010), persons with disabilities continually raise concerns about the extent and effectiveness of their inclusion in county affairs. Following the establishment of counties after the 2013 general elections, persons with disabilities started to lobby County Executive Committees and County Assemblies to enact legislation and adopt policies on issues of disability. Persons with disabilities also expected that county development projects would be inclusive and that they would also benefit from employment opportunities. Persons with disabilities continue to raise the concerns that these expectations have not been fulfilled. On their part, MCAs with disabilities told UDPK that they face monumental difficulties when they seek to perform their representational roles. Indeed, MCAs and other county officials quite often have limited experiences of disability, making it difficult for them to engage positively on disability-inclusive policy and law-making. Even MCAs with disabilities may not have requisite capacities since their election is determined by political parties rather than by the disability constituency. During UDPK's engagements with stakeholders on disability-inclusion in devolved

governments, a number of questions kept recurring. Stakeholders asked how the law-making function in County Assemblies might be better used to enact legislation on disability issues. They wondered how County Executive Committees might be prevailed on to implement programmes inclusive of persons with disabilities; and how the planning and budget-making process might be used to guarantee funding for disability-specific programmes. MCAs with disabilities also repeatedly explained that physical and social barriers inside and outside their County Assemblies undermined their effectiveness as legislators. It was clear that county authorities did not understand the importance of ensuring accessibility and providing reasonable accommodations and supports for legislators with disabilities. Finally, UDPK also recognised the importance of ensuring that disability-inclusive county legislative functions would be undertaken even when this did not involve MCAs with disabilities, for example in situations where a County Assembly did not have MCAs with disabilities.

1.2 Purpose of the Guide

The purpose of the Guide, therefore, is to suggest and explain the strategies which you as a stakeholder may use to ensure disability-inclusion in your county. The Guide is indeed one of UDPK's contributions to county civic education programmes intended to empower citizens as they engage with their governments.

Specifically, the Guide will:

- i. Explain the importance of effective representation of persons with disabilities in County Assemblies;
- ii. Explain how disability stakeholders may use the law-making function to ensure disability-inclusive county legislation;
- iii. Explain how disability stakeholders may use the budget-making function to ensure disability-inclusive county budgeting;
- iv. Introduce and explain how disability stakeholders may use public participation to ensure disability-inclusive representation; and
- v. Introduce and explain how your County Assembly and your County Executive Committee may ensure accessibility and provide reasonable accommodation measures to MCAs with disabilities.

1.3 Methodology

The information used to prepare this Guide has been drawn from the concerns raised by stakeholders in a series of workshops on devolved governance undertaken by UDPK following the 2017 general elections. These workshops were organised in partnership with county disability caucuses from across the country, and the Guide is also inspired by the experiences of those caucuses. The Guide's development has also benefited from interviews

undertaken by its author. A total of nine respondents with disabilities were interviewed to amplify and clarify various relevant issues. The respondents were drawn from Kakamega, Meru, Migori, Mombasa and Kiambu, including four MCAs, one county administrator and four respondents from disabled peoples' organisations. Primary sources including relevant laws as well as secondary writings on devolution were also used.

This Guide seeks to explain issues while avoiding technicalities. It uses plain language, and it is not intended to provide exhaustive information. It includes a list of useful references. This Guide refers to persons with disabilities interchangeably with disabled persons for ease of reference.

The logo of the United Disabled Persons of Kenya (UDPK) is a circular emblem. It features three stylized human figures in the center, holding hands. Above them is a sun-like symbol with rays. The entire emblem is set against a background of a rising sun or a stylized 'U' shape. The text 'UDPK' is written in large, bold, white capital letters at the bottom of the emblem.

2.0

Devolution and Disability-Inclusion

2.1 Introduction

One of the most welcome changes which the Constitution introduced was the establishment of governments at the national as well as the county levels. Today, devolution is one of the constitutional values and principles of governance which binds public institutions and officials and other persons when interpreting or applying the Constitution or when making, applying or interpreting legislation or policy.

Our focus in this Guide is on the 47 counties to which the Constitution devolved or transferred significant functions which had previously been performed by the central government. As we shall show, the implementation of these devolved functions should have regard for disability-inclusion.

2.2 Aims of devolution

The objects of devolution established in the Constitution include some which have notable importance for the discussion on disability-inclusion.

Devolution promotes democratic and accountable use of power. If your County Government is not implementing the pledges it made on issues of disability in its manifesto, you may call it to account. It is indeed easier to demand accountability from a devolved government since county officials are far closer to you than officials controlled from Nairobi by the National Government.

Devolution also fosters national unity by recognising diversity. Kenya's diversity should be measured by the way we interact despite our different ethnicities, genders or indeed abilities. Some of us may have physical disabilities while others have hearing disabilities and yet others have psychosocial (mental) or intellectual disabilities. Some of us may have visual disabilities while others may not be disabled. Yet our diversities do not make any one of us lesser citizens or lesser residents of our counties. In this sense our diversities or differences are what makes our counties or indeed country strong.

It is this recognition of diversity that grows into an appreciation that each one of us has rights and interests and that available resources should be shared equitably. This is the basis on which disability stakeholders should expect and demand a fair share of resources from the national as well as devolved governments.

2.3 Functions of counties

The Constitution distinguishes between the functions of the National Government on

one hand and the functions of County Governments on the other hand. As a stakeholder, you cannot advocate effectively for county disability-inclusion if you remain unaware of the functions which you should expect your County Government to implement and the functions which the National Government should perform.

The Fourth Schedule of the Constitution outlines the functions of the National Government on one hand and those of County Governments on the other hand. The functions of the National Government include foreign affairs; immigration and citizenship; national defence; police services; courts; national economic policy and planning; transport and communication; and monetary policy.

The functions of County Governments include the following:

- i. Agriculture;
- ii. County health services;
- iii. Control of air pollution, noise pollution, other public nuisances and outdoor advertising;
- iv. Cultural activities, public entertainment and public amenities;
- v. Animal control and welfare;
- vi. Trade development and regulation;
- vii. County planning and development;
- viii. Pre-primary education, village polytechnics, homecraft centres and childcare facilities;
- ix. Implementation of specific national government policies on natural resources and environmental conservation;
- x. Firefighting services and disaster management;
- xi. Control of drugs and pornography;
- xii. County public works and services; and
- xiii. County transport, including county roads, street lighting, traffic and parking, public road transport, and ferries and harbours.

As a stakeholder, you should recognise that certain functions and powers may be in the concurrent jurisdiction of the National and County Governments. It is even possible for one level of government to transfer a specific function or power of government to the other level of government. This happens where both levels of government feel the particular function would be better implemented by virtue of the transfer.

County Governments are even required by law to decentralise their functions and services as far as is efficient and practicable. Devolved units may be established covering urban areas and cities, sub-counties which are equivalent to parliamentary constituencies, wards and village units.

Do, therefore, remember that matters of disability should be addressed both by the National as well as the County Governments. It is not true to say that matters of disability have not been devolved. The National Government addresses matters of disability which are part of its national functions while County Governments address matters of disability linked to devolved functions.

Finally, stakeholders often raise the concern about whether the functions of the National Council for Persons with Disabilities are devolved. The National Council operates across the whole country to undertake fairly specific functions. These functions include the issuance of adjustment orders to ensure barrier-free access for persons with disabilities, the registration of persons with disabilities, and the formulation of measures to support equalisation of opportunities for persons with disabilities. The National Council can decentralise its services including by opening its offices in different counties. If you wish to advocate for your county to establish disability legislation, that law should not duplicate functions which are already being performed by the National Council for Persons with Disabilities.

2.4 Functions of County Executive Committees

The executive authority of your county is vested in the County Executive Committee. The functions of the Committee, which is headed by the Governor, are fourfold. It implements legislation enacted by the County Assembly as well as relevant national legislation. The County Executive Committee also proposes legislation for consideration by the County Assembly. It also manages and coordinates the functions of the county administration and its departments.

As we shall show in the next chapters of the Guide, you should work closely with members of County Executive Committees to ensure that they include disability matters in their portfolios.

2.5 Functions of County Assemblies

The legislative authority of a county is vested in and exercised by the County Assembly. What are your County Assembly's specific functions?

- i. A County Assembly makes laws.
- ii. It exercises oversight authority over the County Executive Committee and other organs.
- iii. A County Assembly receives and approves plans and policies for managing and exploiting the county's resources, and developing and managing its infrastructure and institutions.

- iv. A County Assembly vets and approves nominees for appointment to county public offices.
- v. It approves the County Government's budget, expenditure and borrowings as well as county development plans.

2.6 Roles of Members of County Assemblies

Members of County Assemblies (MCAs) often raise the concern that their constituents far too often ask them to perform tasks which are not part of their functions. They are for example asked to make contributions in harambees for funerals and weddings. MCAs are also asked to implement projects when in fact that is the responsibility of the County Executive Committee under the principle of separation of powers.

As a disability stakeholder, do keep in mind that these are the functions which the law requires your MCAs to perform.

First, your MCA should consult you as a member of the electorate on issues which are before or being discussed in the County Assembly. When a county health bill proposes to provide free health care services for persons with disabilities, your MCA should seek your views on the matter.

Second, your MCA should present your views, opinions and proposals as a member of the electorate to the Assembly. If you for example suggest that the county health bill should provide for sign language interpretation services in all county hospitals, your MCA should present and seek the Assembly's support for that provision. When you require the budget bills to include tax exemptions or waivers for persons with disabilities conducting businesses, your MCA should make that case before the relevant committees of the County Assembly. You may therefore ask your MCA to co-present your petition before the Assembly.

Third, your MCA should attend sessions of the Assembly and its committees. As a stakeholder, you should show interest not only on whether your MCA attends the Assembly but even more important you should find out whether the MCA contributes to matters brought before the Assembly. Judging the performance of your MCA will guide you when you decide whether to re-elect him or her. Do keep in mind that you may also exercise your constitutional right to recall your MCA.

Fourth, your MCA should provide a linkage between the Assembly and the electorate on public service delivery. Your MCA should participate in the Assembly's oversight on the

County Executive Committee. Your MCA should use their good offices to encourage or call out the Executive Committee when it fails to employ persons with disabilities or when it fails to disburse resources allocated to matters of disability.

Finally, do remember that your MCA too has professional knowledge, experience or competencies which he or she should utilise on issues being discussed in the County Assembly. You should not pigeon-hole your MCAs by expecting them to focus only on specific issues of disability. MCAs with disabilities have diverse professional backgrounds – as business-people, development experts, teachers or lawyers – and they should use their professional expertise to benefit county laws and policies.

2.7 Disability-inclusion

The principle of disability-inclusion requires that the social, economic or political environment should be framed in a way that ensures the participation of persons with disabilities on an equal basis with others. It addresses the exclusion which persons with disabilities have faced over time in their everyday social and physical environments. Persons with disabilities have for example been excluded from receiving an education with their brothers and sisters in the local community school because the education system is ill-equipped to support learners who are deaf or blind or learners who have psychosocial, physical or intellectual disabilities. Disability inclusion seeks to remedy this by challenging society to remove the social, physical and digital barriers which disabled persons face when they engage with society. As a stakeholder, you should be interested to ensure that a learner who has dyslexia should not be forced to leave his family to go to a faraway boarding school in order to get an education.

Disability-inclusion seeks to ensure that persons with disabilities too are represented in your county's political organs, including the County Executive Committee and the County Assembly. As persons with disabilities say, 'nothing about us without us'; persons with disabilities are in the best position to articulate the policy and legislative interventions best-suited to deal with the barriers they face.

Finally, it is important to mention here that Kenya is a party to the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The CRPD identifies full and effective participation and inclusion in society as one of its general principles.

2.8 Constitutional approach to disability-inclusion

How does the Constitution advance the inclusion of persons with disabilities?

First, citizens have the right to participate in the activities of political parties or to campaign

for political parties or causes. Our particular concern in this Guide is the importance of the participation of citizens with disabilities in politics. Far too often, persons with disabilities feel constrained by law or fact from participating in politics and political parties. Yet the Constitution and other laws recognise that the effective representation of persons with disabilities is a critical matter.

Second, the Constitution requires that the electoral system should provide for the fair representation of persons with disabilities. The question of what may or may not be fair is determined by factors such as the proportion of persons with disabilities in your county and across the whole country. In this regard, some county assemblies do not have any MCAs with disabilities, a position which is clearly not fair. Some counties have one MCA with disability while a few have two or more than two.

Third, laws on the conduct and supervision of elections and referenda should take into account the specific needs of persons with disabilities. The Independent Electoral and Boundaries Commission both in the 2013 and 2017 general elections endeavoured to put some measures in place to support the participation of persons with disabilities in the polls. Yet much more still needs to be done even on this matter.

2.9 Membership of county assemblies

What, then, is the membership of your County Assembly? To what extent are persons with disabilities represented in the Assembly?

County Assemblies are constituted of members elected using three different approaches. But an important general point should be made here. Disability stakeholders should remember that constituents with disabilities are represented individually and collectively by all MCAs regardless of how they are elected.

First, members of a County Assembly include members elected by voters to represent each ward. Every disabled person resident in a particular ward is represented by the MCA elected for that ward, whether that MCA has a disability or not.

As well, your County Assembly includes members nominated by political parties to ensure that at least one third of the assembly's membership is of different genders. Again, it is expected that where the gender top-up innovation is used through female or male candidates, some of those candidates should be persons with disabilities. Some County Assemblies have indeed benefited from female MCAs with disabilities elected under this formula.

Third, a County Assembly also includes six members of marginalised groups including persons with disabilities. These MCAs are nominated by each political party in proportion to the number of the party's elected MCAs.

In conclusion, do remember this. Under the Constitution, most MCAs are elected using the first-past-the-post electoral system to represent each of your county's wards. A few MCAs with disabilities have been elected this way to represent wards. Other MCAs are elected using the proportional representation electoral system. The quota for MCAs with disabilities or for gender top-up are calculated on the basis of your political party's strength in the County Assembly.

As a disability stakeholder, do therefore remember that each and every MCA is elected to the county assembly. MCAs with disabilities are therefore not nominated; they are elected by virtue of the number of electoral seats garnered by their political parties in your County Assembly. Hence, under the law, there are no first class and second-class MCAs: the functions of all MCAs are similar. Their rights, privileges and benefits too should be similar.

2.10 Conclusion

As we have seen in this chapter, the Constitution establishes solid pillars for supporting disability-inclusion in counties. There is no reason why the aims of devolution and the functions of counties cannot be framed in a way that includes matters of disability. As we shall see in the next chapters, immense opportunities exist for disability stakeholders to push for disability-inclusion in policy and law-making as well as in planning and budgeting.



3.0

The Legislative Function and Disability-Inclusion

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3.1 Introduction

The aim of this chapter is to explain how disability stakeholders may use the law-making function to ensure the enactment of disability-inclusive county legislation. Stakeholders have to advocate and work with their County Assemblies and members of their County Executive Committees. They should also be well-aware of law-making processes.

3.2 Law-making and disability-inclusion

County Assemblies make laws in exercise of the legislative authority bestowed on them by the Constitution. Disability-inclusion is a critical element of law-making. The Constitution obligates all county organs and public officers to address the needs of vulnerable groups such as persons with disabilities. It also obligates County Governments and the National Government to enact and implement legislation to fulfil Kenya's international human rights obligations.

As we have already seen, Kenya is a party to the Convention on the Rights of Persons with Disabilities (CRPD) which establishes the minimum normative standards for ensuring the rights of persons with disabilities. The CRPD requires Kenya to take policy, legislative and other measures to ensure the human rights of persons with disabilities. As such, counties may not enact laws which run counter to the provisions in the CRPD.

At the same time, counties may not enact legislation or otherwise act or omit to act in ways that discriminate persons with disabilities since this would violate the Constitution which prohibits direct or indirect discrimination of persons with disabilities. the County Governments Act also requires counties to protect marginalised and minority groups from discrimination. It also requires counties to respect and promote the identities and characteristics of minorities and to promote their effective participation in public and political life.

How, then, should Members of County Assemblies (MCAs) use the law-making function to ensure disability-inclusive county legislation and policies? How should other disability stakeholders advocate for the effective use of the law-making function to address their concerns?

3.3 Factors for disability-inclusive legislation

Before you as a stakeholder may advocate for the enactment of laws on disability matters, you should explore the strategies best suited to bring about success. Do understand the procedures which are used in your County Assembly and do investigate the best ways of

addressing the concerns at hand.

You should keep in mind three factors as you decide when and how to advocate for enactment of disability-inclusive legislation.

First and foremost, each person with disability is a human being holding equal rights with other county residents. **Every county law applies to all persons with disabilities in the same ways that it applies to other persons.** At the same time, each person with disability has family and friends with no disabilities with needs and interests across different spheres of life. Disability-inclusion therefore requires that each and every county law should take account of the needs of persons with disabilities. MCAs with disabilities must, therefore, take subject-matter or professional interest in bills tabled in the County Assemblies.

Second, all bills impact persons with disabilities in fairly specific ways which must be addressed before they are enacted into laws. As we have already explained, the functions devolved to the county level are listed in the 4th Schedule of the Constitution. Whenever bills are proposed on any of these functions, you must investigate their possible impact on persons with disabilities and make relevant proposals.

Third, addressing certain disability-specific concerns may require disability-specific legislation. In such instances, you may proceed to prepare and propose specific substantive legislation.

3.4 Distinguishing between policy-making and law-making

When a person encounters a problem, their first reaction may be to call for law reform. As a disability stakeholder, you should recognise that law may not address some concerns and that county governments in fact may have better tools for dealing with some issues effectively. Even without enacting a new law, **a County Government can take administrative or budgetary measures to address the needs of persons with disabilities.** In this regard, it is important that you should distinguish between law-making and policy-making.

A policy sets out the goals and activities for realising a particular purpose. A county policy outlines what the County Government plans to achieve for the county. Achievement may be realised through legislative or non-legislative means. Ideally, legislation should be enacted in fulfilment of policies. Residents can lobby the County Government or County Assembly to adopt particular policies. Policies may also be proposed in party manifestoes. You should on an ongoing basis identify areas that require policy-interventions which you should investigate and act upon. As you decide whether to advocate for the preparation

of a policy, the following questions are important:

- i. What concerns do persons with disabilities have in the county which may be addressed via a policy?
- ii. Does the county have jurisdiction to address those matters or are those matters mandated to the national government?
- iii. What gaps exist in the policy and legal framework?
- iv. What is the vision of the proposed policy?
- v. What is the goal of the proposed policy?
- vi. What are the objectives of the proposed policy?
- vii. What strategies will lead to the realisation of the policy?
- viii. Who are the beneficiaries of the proposed policy?
- ix. What is the implementation framework of the proposed policy?
- x. What is the monitoring and evaluation framework for the proposed policy?
- xi. What are the financial implications of the proposed policy?
- xii. Is a legal instrument necessary to implement the proposed policy?

Once you identify an area requiring policy intervention, you have a number of options. You may first engage with the relevant member of your County Executive Committee. Where this is not possible, you may use other entry points, including by petitioning the County Assembly.

3.5 Law-making procedure

Do you wish to propose a new law? Do you wish to amend an existing law? Do you wish to repeal an existing law?

You should make strategic choices on the type of legislative intervention which is most suitable for your purposes. An inclusive approach requires that all statutes should take account of the needs and concerns of persons with disabilities. On occasion it may be necessary for disability-specific bills to be proposed and enacted. You must not assume that a single all-purpose disability law will deal with all the needs of persons with disabilities.

Where an MCA seeks to introduce a private member's bill, it is imperative that he or she caucuses and plans with colleagues first. You should keep in mind that a private member cannot introduce a money bill without first getting support from the committee responsible for matters of finance. A money bill is one which makes provisions dealing with taxes; the imposition, variation or repeal of charges on a public fund; the appropriation, receipt, custody, investment or issue of public money; or the raising, guarantee or repayment of a loan.

Any person may suggest an idea for a bill, what is called a legislative proposal. Once such idea has been published for consideration by a county assembly, it is referred to as a bill. A bill can be introduced by a member of the County Executive Committee or by a committee of a County Assembly. It can also be introduced as a private member's bill by an MCA. As we have said, money bills however cannot be introduced in a private member's bill.

You should be aware of the law-making procedure established in the standing orders of your County Assembly. A county bill goes through a number of stages.

In the first reading, the bill is introduced in the Assembly, then it is referred to the relevant departmental committee for consideration. At this point, the departmental committee facilitates public participation on the bill by inviting the public to submit memoranda and by holding public hearings. The committee also consults relevant stakeholders and experts. The departmental committee prepares a report with proposed amendments for eventual consideration by the Assembly.

In the second reading, the bill is proposed by its sponsor and seconded by another member, after which it is debated by the Assembly. The debate focuses on any aspects of the bill, including its principles, objects and how its enactment into law is likely to affect the county's residents. The debate is also informed by the report of the departmental committee. At the end of the debate, the proposer of the bill concludes by responding to the issues raised in the debate, after which the Assembly votes on whether the bill should proceed to the committee of the whole Assembly.

In the committee of the whole assembly, the Assembly considers the whole bill clause by clause. Amendments to each clause are proposed and voted on.

In the report stage, the report of the committee of the assembly is made to the Assembly, following which it is adopted. A member may seek to recommit the bill to the committee of the assembly for further consideration.

In the third reading, a final vote on the bill is taken. Substantive changes to the bill are not made at this point.

After a bill is passed by the Assembly, the speaker presents it to the Governor for assent. The Governor may assent to the bill within 14 days or the Governor may refer the bill back to the Assembly setting out reservations. The Assembly may then take account of the reservations or override the Governor's objections by a two-thirds majority vote.

3.6 Conclusion

This chapter has explained how disability stakeholders may use the law-making function to ensure the enactment of disability-inclusive county legislation. Its key message is that legislation indeed may and does make a difference to the lives of persons with disabilities. Yet addressing particular concerns may also involve non-legislative interventions. Disability stakeholders should also focus on all law-making, not laws that focus narrowly on issues of disability. This indeed is the essence of inclusion.



4.0

The Planning and Budgeting Function and Disability-Inclusion

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4.1 Introduction

This chapter explains how disability stakeholders may seek to ensure disability-inclusive county planning and budgeting.

One constant concern which disability stakeholders raise is that County Governments do not finance projects that impact the lives of persons with disabilities. It is not uncommon for the public to be left disappointed after looking forward to the budget's presentation trusting that the projects that concern them will be funded. As a matter of fact, it is important that members of county assemblies (MCAs), disability county caucuses and other stakeholders begin engaging with the planning and budgeting process long before the date when the budget is read in the County Assembly.

4.2 County planning and development

The law requires your County Government to put in place a county planning framework which upon approval by the County Assembly becomes the basis for the appropriation of all public funds. The planning framework includes the county integrated development plan, county sectoral plans, the county spacial plan and the cities and urban areas plans. If matters of relevance to disability are not included in county plans, they cannot be financed by the county's budget. One MCA respondent explained her frustration on discovering that her county's integrated development plan had not taken account of the needs of persons with disabilities. She had to await the second planning cycle to advocate for disability-inclusive projects.

Do note that the county integrated development plan covers every five years. It should set clear goals and objectives, clear outcomes, monitoring and evaluation framework, and clear reporting mechanisms.

4.3 County budgeting

A budget outlines the income and expenditure of an entity during a given time. A county budget presents your County Government's proposed annual revenue and spending priorities. The budget is negotiated between your County Executive Committee which makes budget proposals and your County Assembly which scrutinises and passes the budget. negotiating a county budget is essential since county governments as indeed the national government have limited financial resources which should be allocated carefully to achieve optimal impact.

Both the County Executive Committee and the County Assembly are obligated to involve the public in making the budget since the residents have a stake in the projects that receive budgetary allocations. As a stakeholder, you too have an interest to ensure that budgets have regard for disability-inclusive projects.

As an MCA, you may also submit your views as a friend of relevant committees. When your views are not taken account of, you should use other avenues including informal networks and contacts with key members of the Assembly.

Do note that the budget-making process can be fairly technical and mysterious. One respondent for the Guide, who himself is an MCA with disability, noted that new MCAs may waste as much as one year because they are not inducted into the technical budget-making process. He advised that an MCA with disability should endeavour to become a member of key committees such as the County Planning Committee or the County Finance, Budget and Appropriations Committee.

Your county's budget has two components: revenue and expenditure.

Revenue comprises the income which your County Government collects from taxes and other investments. Your County Government's revenue, which is deposited into the County Revenue Fund, is derived from property rates, entertainment taxes and any other statutory taxes. Your county may also draw conditional or unconditional revenue from the National Government's revenue. In the very minimum, 15 percent of the last audited National Government revenue is transferred to County Governments. Some counties also are supposed to receive financing from the Equalisation Fund which is established under the Constitution and overseen by the National Government to provide basic services such as water, roads, health facilities and electricity to marginalised areas of the country. Do, therefore, remember that if you wish to advocate for your County Government to exempt persons with disabilities from paying certain taxes, you should target taxes which your County Government can actually raise. Some county disability bills have purported to exempt persons with disabilities from paying income tax when that tax may only be collected by the National and not your County Government.

Expenditure has two parts: recurrent expenditure and development or capital expenditure. Recurrent expenditure covers spending on goods and services required to enable your County Government to provide services. It pays for salaries and equipment and supplies such as rent, fuel and stationery. Development expenditure covers the acquisition of long-term assets such as roads, schools and hospitals.

4.4 Key events and dates of the county government budget process

Your county's fiscal period begins on 1 July and ends on 31 June of the following year. The annual budget process for your county government includes the preparation of the county integrated development plan; adoption of the county budget estimates; and the enactment of financial appropriation laws.

Do you as a stakeholder know the key events and dates which guide your County Government throughout its planning and budgeting process?

- i. By 30 August, your County Executive Committee Member for Finance issues a budget circular to county entities and spending units.
- ii. By 1 September, your County Executive Committee Member for Planning submits the integrated development plan to the County Assembly. The plan covers matters such as the county's strategic priorities and programmes, and the services and goods which it shall deliver. If you wish for the design or re-design of key infrastructure to benefit persons with disabilities, you should seek their inclusion in the development plan. For example, many county services are housed in old inaccessible buildings and it is essential that new or renovated infrastructure take due account of the accessibility needs of persons with disabilities. Remember that any proposed programmes will have to be balanced against other programmes since they will also be costed. You should

- engage on this with your County Executive Committee Member for Planning.
- iii. By 21 October, your County Executive Committee Member for Finance tables in the Assembly the county budget review and outlook paper which is published thereafter.
- iv. By 28 February, your County Executive Member for Finance submits to the Assembly the county fiscal strategy paper which is adopted thereafter within 14 days. Remember that your county's treasury should take account of the public's views as it prepares the county fiscal strategy paper.
- v. By 30 April, your County Executive Member for Finance submits the county's budget estimates to the Assembly. The County Assembly's estimates are prepared by the clerk of the Assembly. The estimates are consequently published. Do note that at this point you may petition the departmental County Assembly committee to which the estimates are sent for consideration. The Assembly approves the estimates thereafter.
- vi. By 30 June, relevant appropriation laws are enacted by the Assembly. Your County Executive Committee Member for Finance makes a public announcement of the proposed revenue measures, and the finance bill is tabled in the County Assembly at the same time.

4.5 Conclusion

This chapter has explained how disability stakeholders may seek to ensure disability-inclusive county planning and budgeting. County Governments are obligated to include disability matters in their planning and budgeting. Disability stakeholders should ensure that County Governments do not neglect to perform this obligation.



5.0

Public Participation and Disability-Inclusion

UDPK

5.1 Introduction

This chapter explains how public participation may be harnessed to support disability-inclusion within counties.

Far too often, persons with disabilities are not consulted in the planning and implementation of development projects which concern them or which impact their lives. Decisions are made in their absence or consultations are undertaken using means or formats that are inaccessible to those with disabilities.

Like other Kenyans, persons with disabilities have the constitutional right to associate for purposes of campaigning for legal or policy reforms. They may also assemble, demonstrate, picket or petition to advocate for their issues. Indeed, a number of county disability caucuses have been established across the country to spearhead advocacy and accountability initiatives.

5.2 Meaning of public participation

As a stakeholder working on issues of disability, you should take time to understand the meaning and value of public participation as well as the ways in which you may participate in determining your county's development priorities.

Public participation seeks to involve you in the decision-making process concerning matters which may affect you or your constituency. It is the process by which a public or private entity interacts with the public or its clients to generate better decisions. The process involves informing, listening, dialoguing, debating and analysing and implementing agreed decisions.

5.3 Public participation in county governance

The Constitution recognises that the effective participation of persons with disabilities would be undermined where messaging is not framed in languages and communication formats that they can access. That is why counties are obligated to use Kenyan Sign Language, Braille and other communication formats and technologies accessible to persons with disabilities.

The application of the Constitution, laws as well as policies in your county is underpinned, among others, by the principle of participation of the people. Your county is obligated to facilitate public participation and involvement in the legislative process as well as other business of the assembly or its committees. County Assemblies hold their sittings in public and should not exclude the public or media from such sittings. The principle of public participation in financial matters also guides all aspects of public finance.

The functions of your Governor include promoting and facilitating citizen participation in the development of policies and plans, and delivery of services in the county. Your County Executive Committee is required to prepare a performance management plan decentralised to all sub-county units to evaluate the performance of the county public service and implementation of the county's policies. That plan has to have regard for citizen participation.

Why is public participation in devolved governments beneficial to you?

- i. It facilitates timely access to information on policy formulation and implementation.
- ii. It enables you to have reasonable access to the process of formulating and implementing policies, laws and regulations.
- iii. Public participation also supports protection and promotion of the interests and rights of minorities, marginalized groups and communities and their access to relevant information.
- iv. It provides you with standing to appeal from or seek the review of decisions or the redress of grievances.

Your County Government is required to establish a consultative forum for the coordination of development activities. The forum comprises the county's heads of departments and heads of recognised professional bodies.

As we saw in the previous chapter, disability stakeholders must participate holistically in the preparation and implementation of county planning frameworks. The law requires each county to develop a five-year county integrated development plan with clear goals and objectives, an implementation plan with clear outcomes, a monitoring and evaluation framework, and clear reporting mechanisms. The plan should also have a resource mobilisation and management framework.

Some of you may find that your county integrated development plans do not have regard for disability-inclusion. Where that is the case, the law allows amendments to the plan to be tabled by the County Executive Committee for adoption by the County Assembly. An individual too may propose amendments.

As a disability stakeholder, do keep in mind that your County Government is required to facilitate the establishment of structures for citizen participation such as information communication technology-based platforms, town hall meetings, budget preparation and validation forums, notice boards and development project sites.

5.4 Right to petition county assembly

A petition is a written request. As a stakeholder, you have the right to petition your County Assembly to consider the enactment, repeal or amendment of any law or any other matter.

If you wish to petition your County Assembly to address a specific disability issue, check the petition format established in your county. Your petition should usually contain the following:

- i. It should be hand-written, printed or typed. If you are blind, you may seek to file your petition in Braille since the Constitution obligates your county to use Braille as an accessible format. Remember that we all need to test the efficacy of the Constitution.
- ii. Your petition should be in English or Kiswahili, and it should be written in respectful language. Again, if you are deaf, you may seek to communicate your petition

- for transcription through Kenyan Sign Language. It should be addressed to the County Assembly.
- iii. Your petition should state the subject-matter of concern. Is your concern the violation of the right to education for toddlers with disabilities who cannot attend kindergarten? Is your concern the mistreatment of patients with psychosocial disabilities in the level five hospital? do take note not to file petitions on matters which clearly relate to functions of the National Government. For such matters the National Assembly should be petitioned.
 - iv. Your petition should indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory.
 - v. Your petition should also indicate whether the matter of concern is pending before a court or other constitutional or legal body. Have you sought an adjustment order from the National Council for Persons with Disabilities? Has the Council addressed your matter? Or have you sought a remedy from the Kenya National Commission on Human Rights or the National Gender and Equality Commission? You should note that the County Assembly may opt to defer considering your petition if a parallel redress mechanism remains seized of your matter. At the same time, your petition has better chances of being heard if you have tried to seek assistance from other relevant agencies.
 - vi. Your petition should then explain the actions which you wish the County Assembly to take. are you requesting for legal or policy change? Are you requesting specific administrative action?

Remember that you may file a petition as an affected or concerned individual. It is however advisable to file a petition jointly with other affected or concerned individuals. County disability caucuses do indeed have standing to file petitions. You may also opt to seek your MCA to present the petition on your behalf, but in that case, you will usually also be expected to counter-sign the petition. Finally, on the question of signatures, signatures or thumb impressions may be used. Yet, again, if as a blind person you use a rubber stamp as your signature, your petition should not be invalidated on that account.

5.5 Access to information

As a citizen of Kenya, you have the constitutional right to access information. Information includes records held by a public or private entity.

You have the right to information held by the State either through the National Government or through your County Government. if you suspect that your county's water treatment plant is using chemicals that are affecting the health of children with autistic spectrum disorder, you have the right to ask for the water treatment records.

You also have the right to information held by another person where such information would enable you to exercise or protect any human right or fundamental freedom. Again, if a private education academy declines to enrol your child into primary school because she has a learning disability, you have the right to demand for the information used to make that decision.

The law provides elaborate guidance on the nature of information which public entities

such as County Governments should disclose. You can seek information on:

- i. An entity's particulars, functions and duties. Does your county recognise disability-inclusive functions and duties?
- ii. The powers and duties of an entity's officers and employees. Again, do county officials recognise their responsibilities in relation to persons with disabilities? Is this stated in their contracts of employment or their annual performance targets?
- iii. Decision-making procedures. Do the county's procedures take account of the circumstances of residents with disabilities?
- iv. The salary scales of its officers. Are employees with disabilities remunerated on a basis of equality with their non-disabled peers?
- v. The rules established by the entity for discharging its functions.
- vi. The entity's guidelines for dealing with the public. What rules, regulations, instructions, manuals and records does your county government use for discharging its functions?

Do take note that the law specifically requires that the dissemination of information shall consider the need to reach persons with disabilities. Entities are obligated to take steps to ensure that applicants with disabilities may make their information requests.

Each County Government is required by law to put in place a legal and institutional framework to support that right. Each county indeed has a county information office.

5.6 Civic education

Civic education aims to have an informed citizenry actively participating in governance affairs on the basis of knowledge, understanding and ownership of the Constitution. As a disability stakeholder, you should participate in the design and implementation of county civic education programmes.

5.7 Conclusion

This chapter has explained how public participation may be harnessed to support disability-inclusion within counties. County Governments need to take conscious measures for purposes of enabling persons with disabilities to participate meaningfully in development initiatives. Organisations of persons with disabilities should use formal and informal networks to ensure their voices are heard and respected.



6.0

Accessibility and Reasonable Accommodation Measures

6.1 Introduction

The full participation of persons with disabilities in society is far too often undermined by physical, digital and other barriers. Legislators with disabilities too face these barriers on an ongoing basis as they undertake their work. Yet Members of county assemblies (MCAs) who have disabilities are in all respects equal to other MCAs. They are required and expected to deliver on all the functions of a legislator despite their disabilities.

MCAs with disabilities have repeatedly raised concerns that the facilities and services in County Assemblies do not ensure equal access for them, and that physical and social barriers in the County Assemblies impede the ability to play their legislative roles effectively on an equal basis with others.

The aim of this chapter is to introduce and explain how County Assemblies may ensure that persons with disabilities have barrier-free access to facilities and services. as well, the chapter explains how County Assemblies may provide reasonable accommodation measures to MCAs with disabilities to support their full participation and productivity.

6.2 Barrier-free access to facilities and services

The Constitution and other laws recognise the importance of ensuring barrier-free access for persons with disabilities. They are entitled to reasonable access to all places, public transport and information.

Undoubtedly, therefore, the precincts of a County Assembly, including the Assembly chambers, committee rooms, offices, and entrances to those buildings and other amenities, must be barrier-free for users with disabilities. Facilities and services used by MCAs such as hotels and vehicles must also be accessible.

The Constitution and other laws also recognise the importance of ensuring and providing reasonable accommodations to MCAs with disabilities. It obligates the State to promote the use and development of Kenyan Sign Language, Braille and other communication formats and technologies accessible to persons with disabilities. Kenyan Sign Language is one of the official languages of county assemblies, alongside English and Kiswahili.

MCAs with disabilities face many instances of discrimination. Direct discrimination takes place when an MCA is treated differently than other MCAs on account of how they were elected. Direct discrimination takes place when an MCA with disability is treated in a way that affects them negatively when compared with the treatment of other MCAs. If certain allowances are withheld from MCAs elected via proportional representation, then that is direct discrimination.

MCAs with disabilities have also raised the concern that they face indirect discrimination. Indirect discrimination happens where a practice which seems to apply neutrally to all MCAs has the effect of disadvantaging MCAs with disabilities. Indirect discrimination for example takes place when a departmental committee holds its sittings in an upstairs meeting room with no lift or ramp access to which an MCA with mobility disability cannot thereby reach.

6.3 Establishing services and facilities for MCAs with disabilities

The most relevant aspects that you should keep in mind are ensuring barrier-free access for persons with disabilities and providing reasonable accommodation measures to MCAs with disabilities.

What measures should you seek?

Each County Assembly should ensure that its work environment is barrier-free. Accessibility requires each County Assembly to provide essential facilities such as ramps, sufficiently large and unblocked corridors and doors, the placement of door handles, the availability of information in Braille and easy-to-read formats, the use of sign interpretation or interpreters, and the availability of assistance and support.

As an MCA with disability, regardless of whether you were elected via the first-past-the-post electoral system or the proportional representation electoral system, your County Assembly is obligated to provide specific services and facilities to ensure you are able to perform your functions as a legislator effectively and on an equal basis with other MCAs. Specifically, the County Assembly should provide you with reasonable accommodation measures. **The principle of reasonable accommodation requires an entity such as your County Assembly to make modifications or adjustments to the work environment to enable you to work as effectively as others.** Some reasonable accommodation measures may require financial investments, but do remember that many reasonable accommodation measures may not be particularly expensive. Also, do remember that reasonable accommodation measures are negotiated on a case-by-case basis. Finally, where your county assembly does not provide you with reasonable accommodation measures, this amounts to discrimination.

What sorts of services and facilities may MCAs with disabilities or County Assembly employees with disabilities require?

- i. Your Assembly's oral, written or virtual communications and platforms should take account of the particular needs of MCAs with disabilities.
- ii. Your Assembly should provide sign language interpreter services.
- iii. It should invest in a Braille transcription service and it should avail documents electronically.
- iv. It should provide assistive devices including assistive technologies.
- v. It should cover costs of reasonable accommodations such as additional travel benefits and the costs for human assistants.
- vi. Specifically, the website of your county assembly should be configured to ensure accessibility. Pertinent considerations include the following:
 - a. Does the website have the option of print magnification?
 - b. Does it have effective use of links and buttons to support use by a blind person?
 - c. Is audio communication augmented with textual or visual communication to support deaf or blind users?
- vii. The physical design of the chambers of your county assembly should ensure barrier-free access for legislators with disabilities. relevant questions include the following:
 - a. Are the entry-points, doors and aisles of the county assembly's chambers designed for use by persons with reduced mobility?
 - b. Are the sitting arrangements and placement of microphones disability-appropriate?

Do remember that MCAs with disabilities may usually require the use of a mix of human assistants as well as assistive devices. The needs of each MCA with disability should be identified on a case-by-case basis. Officials of your County Assembly must not assume that reasonable accommodation measures for one legislator will necessarily fit the needs of another legislator simply because their disability seems similar. While one blind MCA may prefer to use Braille, another blind MCA may not even be a Braille reader. Similarly, the Braille reader may prefer certain types of material in Braille while she may prefer to access other types of material electronically.

MCAs with disabilities may require reasonable accommodation measures to enable them to vote on a basis of equality with their non-disabled colleagues.

6.4 Conclusion

This chapter has introduced and explained how County Assemblies may ensure that persons with disabilities have barrier-free access to facilities and services and how County Assemblies may provide reasonable accommodation measures to MCAs with disabilities to support their full participation and productivity. Its key message is that the productiveness of persons with disabilities will be enhanced where County Governments ensure that services and supports are in place to address physical and digital inaccessibility.



7.0

Successes, Challenges and Good Practices

UDPK

7.1 Introduction

In this final chapter of the Guide, we highlight some of the successes and challenges which disability stakeholders have encountered in their engagements on county disability-inclusion. The chapter also highlights good practices which you may learn from as you endeavour to advocate for disability-inclusion in your county.

The chapter's key message is that you can indeed make a difference in your life and the lives of persons with disabilities resident in your county. Do not simply sit back and complain. Do something: write a petition; lobby your MCA; organise yourselves into an advocacy group. And when cause is unsuccessful the first time, do try again.

This chapter is based on interviews of respondents with disabilities representing MCAs, disabled peoples' organisations and county officials from five counties: Kakamega, Kiambu, Meru, Migori and Mombasa. It also draws from a number of case studies undertaken by UDPK of disability stakeholders who have established county disability caucuses.

7.2 County Disability Caucuses

During the last few years, UDPK has encouraged disability stakeholders to establish advocacy groups which have come to be known as county disability caucuses or county disability forums. A county disability caucus usually is composed of organisations of persons with disabilities in a county, MCAs representing persons with disabilities, and other allied MCAs, individuals with or without disabilities, non-governmental organisations, community-based organisations and self-help groups. These caucuses aim to advocate for county disability-inclusive policies, laws, planning and budgeting. The caucuses operate at the county level in a fashion similar to the Caucus on Disability Rights Advocacy whose operations are at the national level.

UDPK's case studies for this chapter are drawn from Bungoma County Disability Forum, Laikipia County Disability Forum, Kakamega County Disability Forum and Meru County Disability Forum.

As a disability stakeholder, do find out if your county has a county disability caucus. If not, you may wish to work with others to begin one.

7.3 Successes, challenges and good practices

County disability-inclusion has led to mixed results for residents with disabilities. Some County Governors have appointed persons with disabilities to senior public positions, including as Chief County Officers, although it is rarer for Governors to appoint disabled persons as County Executive Committee Members. Some county Service Commissions have hired persons with disabilities onto nursing, clerical and early childhood development positions. Disabled persons have also been employed in temporary contract positions addressing public emergencies such as the COVID-19 pandemic. The bulk of employment for persons with disabilities, however, involves low-

level temporary county positions and there is a scarcity of employees with disabilities in senior and middle management positions.

The inclusion of officials with disabilities in key county institutions is making positive differences. This is apparent in counties which have included persons with disabilities in their county economic and budget planning forums. A respondent explained that the concerns of disabled persons were thereby articulated. One county disability caucus successfully negotiated the placement of persons with disabilities in the health committees of each of the county's nine sub-county hospitals.

Increasing business opportunities for persons with disabilities is a particular preoccupation of MCAs with disabilities and county disability caucuses. One respondent MCA explained he had been able to negotiate street vending opportunities in the central business district for vendors with disabilities. A county disability caucus advocated for persons with disabilities to have better access of the County Enterprise Fund through grants for table banking activities and loans for business persons with disabilities.

Some County Assemblies have enacted specific disability legislation, while disability bills have been tabled in other county legislatures. MCAs with disabilities focus quite a lot on shepherding these bills through their County Assemblies. **Some respondents stressed the importance for MCAs with disabilities to participate holistically in all the bills that are tabled in the County Assemblies.** These respondents understood the importance of taking an inclusive or mainstreaming approach so that each new law may take account of disability. Legislators with disabilities recognized the importance of including disability-relevant provisions whenever a bill is tabled in their County Assemblies. One of the most fulfilling markers of progress for a disabled legislator is when disability-relevant legislative proposals are made by colleagues without disabilities, meaning that one need not be there for disability issues to be covered.

One disability county caucus prepared with the County Government an action plan on access to government procurement opportunities and the employment of persons with disabilities.

Respondents however pointed out that disability mainstreaming may be used as a justification for not doing tangible work for disabled people. They explained it was more difficult to track disability-mainstreaming than it would be where disability-specific projects were initiated on the basis of budget vote-heads on disability which could be easily isolated and verified.

Some counties have taken innovative measures to support residents with disabilities. One County Assembly passed a motion that persons with disability cards would receive free treatment from health facilities. It also undertook a survey on its number of disabled persons. While the principle itself was welcome, its execution was problematic and many persons with disabilities were not counted. Another county set aside a revolving fund from which persons with disabilities could borrow to establish investments. One County Assembly had a disability caucus comprising legislators with disabilities, the Chairpersons of the Health, Budget and Public Service Committees, the Deputy Speaker and a number of elected MCAs interested in disability issues perhaps because they had a relative with disability. The clerk designated to support the caucus would be informed by other clerks whenever matters before departmental committees might require disability-specific inputs.

One respondent noted the importance of visibility, stating that “the fact they acknowledge we are here is a big plus for us.” This visibility enables us to engage on important issues such as our employment.”

Respondents however expressed a lot of skepticism on the actual benefits of public participation for persons with disabilities. One respondent felt that the budget-making process involved persons with disabilities only for purposes of ticking the boxes. They were used as tokens or rubber stamps for decisions which had already been made. More than one respondent cited their unsuccessful attempts to advocate for an independent disability department which would stop the comingling of disability-allotted resources with resources for women and youth who got the lion’s share of those funds.

Public participation for persons with disabilities was also undermined since information was not communicated in accessible formats and in good time. Many Meeting places were also inaccessible, particularly where initial venues were moved for logistical reasons. **One County Assembly provided seed money to support the public participation of persons with disabilities. One county disability caucus successfully lobbied for changes to the county’s public participation policy which now requires that all meetings must be made physically accessible to persons with disabilities, that persons with disabilities will be facilitated to attend such forums, and that there shall be targeted communication to ensure that persons with disabilities participate successfully.**

Increasing barrier-free access is one of the pastimes of county disability caucuses. One caucus successfully lobbied for Huduma centres to become more accessible for persons with disabilities, resulting in the employment of a Sign Language interpreter as part of the staff.

A few respondents indicated that their county chambers were relatively accessible for persons with disabilities. One county had made adjustments to suit the sitting needs of an MCA with physical disability. Some of the surveyed county assemblies were however not accessible. In one county MCAs with disabilities were redirected to the backdoor for purposes of accessing the county assembly chamber. In another county, while the debating chamber was accessible, the public gallery was inaccessible since the access ramp was far too steep. In yet another county, the offices of key county officials, including the Speaker of the County Assembly and the County Executive Committee Member for Gender, Youth and Sports, were located upstairs in buildings without lifts or ramps. Even the MCA’s office was not accessible.

The five surveyed counties provided a level of reasonable accommodation measures for their MCAs and other employees with disabilities. All the County Assemblies provided aides for MCAs with disabilities, with one respondent noting that the Salaries and Remuneration Commission had indeed sent a circular covering this matter. The counties also provided travel allowances for aides supporting MCAs with disabilities. No county however had established sign language interpretation or Braille transcription services.

7.4 conclusion

This Guide has sought to suggest and explain the strategies which you as a stakeholder may use to ensure disability-inclusion in your county. UDPK expects that the Guide will be

an essential resource as you seek to engage more fully with your County Government to ensure that policy-making and the enactment of legislation takes account of the rights of persons with disabilities. It is important that you go out of your way to participate in your county's development agendas. You must not take no for an answer. But do also remember that your county's bureaucracy may not know too much about matters of disability. Participate in awareness-raising and capacity-building wherever you can.

Useful References

1. Access to Information Act No. 31 of 2016 <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2031%20of%202016>
2. Basic Education Act No. 14 of 2013 <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2014%20of%202013>
3. Commission on Administrative Justice Act No. 23 of 2011 <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2023%20of%202011>
4. Commission on Revenue Allocation Act No. 16 of 2011 <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2016%20of%202011>
5. Community Land Act No. 27 of 2016 <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2027%20of%202016>
6. Constituencies Development Act No. 30 of 2013 <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2030%20of%202013>
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8. County Governments Act No. 17 of 2012 <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2017%20of%202012>
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12. Kenya National Commission on Human Rights Act No. 14 of 2011 <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2014%20of%202011>
13. National Gender and Equality Act No. 15 of 2011 <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2015%20of%202011>
14. Persons with Disabilities Act No. 14 of 2003 <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2014%20of%202003>
15. Political Parties Act No. 11 of 2011 <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2011%20of%202011>
16. Public Finance Management Act No. 18 of 2012 <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2018%20of%202012>
17. Urban Areas and Cities Act No. 13 of 2011 <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2013%20of%202011>

Useful Contact Agencies and Organisations

	Organization	Key Services	Contacts
1.	Association of the Physically Disabled in Kenya (APDK) Network of 10 branches across the country With the headquarters located in Nairobi	Rehabilitative services Manufacturing, fabrication and provision of quality assistive and mobility aids such as appropriate wheelchairs, special seating, calipers, crutches; among other services.	APDK Nairobi Branch: <i>Waiyaki Way, Opp. ABC Place</i> Orthopedic Compound T: +254 722 334677 +254 734 590497 E: nbi@apdk.org info@apdk.org W: www.apdk.org
2.	Motivation Charitable Trust	Wheelchair fitting and provision services Support and follow up of wheel chair users Exploring new technologies in effective wheel chair and service delivery	Peter Mbuguah Director E: mbuguah@motivationafrica.org.za
3.	Kenya Institute for the Blind (KIB)	Resource Centre for the Blind Persons A Braille printing press to produce learning, teaching, and leisure reading materials. Establish and manage a Braille printing press to produce learning, teaching, and leisure reading materials. Establish and manage a library of reading materials and recordings for	Mai Mahiu Road Nairobi West Nairobi T: +254 (0) 20 600 5712 E: kblind@keib.or.k

3.
Cont..

the visually impaired persons.
Produce large print materials for persons with low vision.
Teach Braille reading and writing skills to persons living or working with blind

4.

Kenya Society for the Blind (KSB)

Rehabilitation services for blind and low vision persons
Provision of assistive devices for blind and low vision persons
Capacity building of blind and low vision persons

E: info@ksblind.org
ksb@ksblind.org
T: **+254 775061819**
+254 704326668

5.

African Braille Centre (ABC)

Braille services at a fee
Repair of braille machines

Barclay House, Mai Mahiu road, off Langata road:
T: **+254 20 601 212/608176/607704**
E: abckkenya@nbnet.co.ke
info@africanbraille.org
W: www.africanbraille.org

6.

National Council for persons with Disabilities (NCPWD)

State agency responsible for coordination of disability issues in the country.
Registration of persons with disabilities

E: info@ncpwd.go.ke
T: **+254 709107000**

7.	Jaipur Foot Trust	Manufacture of prosthesis for persons with physical disabilities	Naomi W. Muasa Project Manager T: +254721766841 E: jaipurKenya@Wanaichi.com
8.	United Disabled Persons of Kenya (UDPK)	Federation of organizations of persons with disabilities Training and sensitization Capacity building of organizations of persons with disabilities National level advocacy on the rights of persons with disabilities UDPK will create to linkages to other organizations of persons with disabilities and County level Disability forums.	United Disabled Persons of Kenya Waiyaki Way, Opposite ABC Place, Orthopaedic Complex E: udpk@udpkenya.or.ke T: +254722126197 W: www.udpkenya.or.ke

NOTES

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NOTES

This image shows a full page of blank, lined paper. It features approximately 20 evenly spaced horizontal grey lines across the entire width of the page, providing a guide for handwriting or typing. The background is a solid off-white color.

GUIDE ON DISABILITY-INCLUSIVE LEGISLATION, PLANNING & BUDGETING IN COUNTIES



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