



STATUS

**THE STATUS
OF PERSONS
WITH DISABILITY
HUMAN RIGHTS
DEFENDERS
IN KENYA**

Defenders Coalition

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Designed and printed by Benjamin Luta



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LIST OF ABBREVIATIONS & ACRONYMNS

APDK	Association for the Physically Disabled of Kenya
CAF	Challenged Athletes Foundation
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organization
DC	Defenders Coalition
FBO	Faith Based Organization
HRD	Human Rights Defender
ICF	International Classification of Functioning, Disability and Health
KECOSCE	Kenya Community Support Centre
KII	Key Informant Interviews
KIHBS	Kenya Integrated Household Budget Survey
KNCHR	Kenya National Commission on Human Rights
KNCRC	Kids Neuro Clinic and Rehab Centre
MCDLF	Mombasa County Disability Leaders Forum
MUHURI	Muslims for Human Rights
NCPWD	National Council for Persons With Disabilities
NGO	Non-Governmental Organization
PDA	People with Disabilities Act
PWD	Persons with Disability
UDHR	Universal Declaration of Human Rights
UN	United Nation
UDPK	United Disabled Persons of Kenya
VoA	Voice of America
WHO	World Health Organization

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2.2 %

KENYA 2019 CENSUS

**0.9 MILLION
PEOPLE OF KENYANS
LIVE WITH SOME FORM
OF DISABILITY**



WITH A PREVALENCE RATE OF

1.9% ON MEN

2.5% ON WOMEN



INTRODUCTION

1.1 Background

The Defenders Coalition is the National Coalition of Human Rights Defenders in Kenya, a national membership organisation established in 2007 and registered under Kenyan law as a Trust. The Defenders Coalition works primarily for safety, security, and wellbeing of Human Rights Defenders (HRDs).

As a national organization that works to offer support to all HRDs in Kenya, the Defenders Coalition has worked with different HRD groups including key populations. Within the different cadres under key populations, there lies a special group which suffers disproportionately from issues ranging from unwillingness to implement supportive legal policy, marginalization, exclusion, disparities in service delivery, negative profiling, stigmatization, and non-recognition as contributing towards protecting and promoting human rights.

According to the 2019 census, 2.2% (0.9 million people) of Kenyans live with some form of disability with a prevalence rate of 1.9% on men and 2.5% on women. Within this said group are HRDs championing for the inclusion of Persons With Disabilities (PWDs) and other thematic human rights groups in governance structures. The Persons with Disabilities Act (2003) acknowledges that individuals with disabilities can and want to be productive members of society.

The Act also recognizes that inclusive societies and employment opportunities for people with disabilities requires improved access to basic education, vocational training relevant to labour market needs and jobs suited to their skills, interests, and abilities, with adaptations as needed.

Despite such vibrant legal, policy and institutional frameworks that seek to empower and include People with Disabilities in governance structures and processes, alienation, othering, and lack of political good will to support their work persists. This has contributed to the slow implementation of such policies. Moreover, there is little progress in dismantling other barriers which make the physical environment more accessible, providing information in a variety of formats, and challenging attitudes and mistaken assumptions about people with disabilities.

The Defenders Coalition, through its Strategic Plan 2020-2025 seeks to empower different HRDs by connecting, creating linkages, and strengthening such movements with the aim of encouraging working as coalitions as opposed to solitary. Further, the strengthening of movements aims to enhance collective

response towards intersecting issues and power that perpetuate violations of the rights of HRDs, rather than just focusing on the presenting issues.

Working as a movement/coalition has proved effective in ensuring the safety and security of HRDs. Further, it creates an effective collective and inclusive platform for advancing disaggregated rights and freedoms.

Through partnership with the Australian High Commission, the Defenders Coalition sought to support HRDs living with disabilities in Kenya by orchestrating the establishment of a national solidarity network. In the month of May 2021, the Coalition conducted a scenario mapping survey to map-out their areas of operation and contextualise their situation. This was meant to facilitate a better understanding of their operating environment and the unique challenges they face in the course of their work to put in place requisite measures to respond to their needs and contribute towards creating an enabling environment for all HRDs in Kenya. The survey findings will also inform the work of the Defenders Coalition in supporting HRDs with disability, promoting the visibility of their work as well as mainstreaming their plight in an ever-changing human rights environment.

Specific Objective of the Mapping Survey:

To conduct six mapping Focus Group Discussions in the following regions: Northern Kenya, Central, South Rift, North Rift, Western and Coastal Kenya. The exercise aimed to understand the working environment of PWD HRDs.

1.2 Understanding Human Rights Defender

The term “Human Rights Defender” has been used increasingly since the adoption of the Declaration on Human Rights Defenders in 1998. Until then, terms such as Human Rights “activist”, “professional”, “worker” or “monitor” had been the most common. The term “Human Rights Defender” is seen as a more relevant and useful term. “Human Rights Defender” is a term used to describe people who, individually or with others, act to promote or protect Human Rights in a peaceful manner. Human Rights Defenders are identified above all by what they do, and it is through a description of their actions and of some of the contexts in which they work that the term can best be explained. To be a Human Rights Defender, a person can act to address any human right (or rights) on behalf of individuals or groups.

Key among the Human Rights Defenders objectives include; promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights; promotion and protection of human rights in the context of a variety of challenges, including HIV/AIDS,

development, and migration; investigating, documenting, gathering information and reporting on human rights violations; Supporting victims of human rights violations by providing professional legal advice and represent victims in the judicial process; taking action to secure accountability for respect for human rights legal standards and to end impunity in their community and support better governance and government policy by encouraging a Government as a whole to fulfill its human rights obligations among others.

The majority of Human Rights Defenders work at the local or national level, supporting respect for human rights within their own communities and countries. In such situations, their main counterparts are local authorities charged with ensuring respect for human rights within a province or the country as a whole. However, some Defenders act at the regional or international level. Increasingly, the work of Human Rights Defenders is mixed, with the focus being on local and national human rights issues, but with Defenders making contact with regional and international mechanisms which can support them in improving human rights in their countries.

Human rights on the other hand are standards that recognize and protect the dignity of all human beings regardless of sex, race, language, religion sex, nationality, ethnicity, language, religion, or any other status. Everyone is entitled to the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education and much more without discrimination. Globally, the basic human rights are stipulated international human rights conventions and other instruments which include and not limited to the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention on the Rights of the Child (1989) and the Convention on the Rights of Persons with Disabilities (2006), among other which were adopted from the Universal Declaration of Human Rights of 1948 that acts as a guide for common standard of achievements for all peoples and sets all fundamental human rights to be universally protected.

In Kenya, all the fundamental and essential human rights are enshrined in the chapter 4 of Constitution of Kenya of 2010 which stipulates that every person is equal before the law and shall enjoy equal protection by the law and every person has the right to full enjoyment of essential rights and fundamental freedoms which includes the right to equal political, economic, social, and cultural opportunities. All these rights are all interrelated, interdependent, and indivisible. However, individuals often violate these rights, while the leadership or government of civilization have belittled marginalized persons for the individual gains and therefore to ensure that the human rights are upheld and protected the UN Declaration on Human Rights Defenders was adopted in 1998.

In conclusion, there is no specific definition of who is or can be a Human Rights Defender. The Declaration on Human Rights Defenders refers to “individuals, groups and associations contributing to the effective elimination of all violations of Human

Rights and fundamental freedoms of peoples and individuals”. In accordance with this broad categorization, Human Rights Defenders can be any person or group of persons working to promote Human Rights, ranging from intergovernmental organizations based in the world’s largest cities to individuals working within their local communities. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds. In particular, it is important to note that Human Rights Defenders are not only found within NGOs and intergovernmental organizations but might also, in some instances, be government officials, civil servants or members of the private sector. As per the General Assembly of the United Nations by its resolution 217 A (III) of 10 December 1948. See Fact Sheet No. 2, The International Bill of Human Rights (Rev.1), Human Rights Defenders must accept the universality of Human Rights as defined in the Universal Declaration of Human Rights (UDHR).

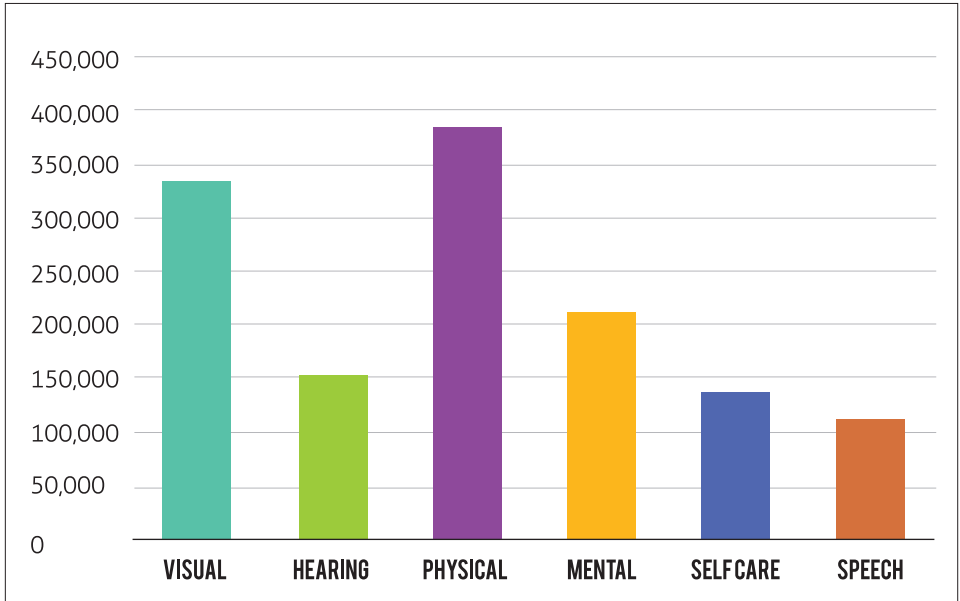
1.3 Persons With Disability Human Rights Defenders

A disability is defined as a condition or function judged to be significantly impaired relative to the usual standard of an individual or group. The term is used to refer to individual functioning, including physical impairment, sensory impairment, cognitive impairment, intellectual impairment, mental illness, and various types of chronic disease. There may be effects on organs or body parts, and there may be effects on a person's participation in areas of life, that is: Body structure and function and/or impairment thereof, Activity and/or activity restrictions, Participation and/or participation restrictions. Disabilities can affect people in different ways, even when one person has the same type of disability as another person. Some disabilities may be hidden and therefore can be referred to as invisible disabilities.

With reference to the International Classification of Functioning (ICF), Disability and Health, (a classification of the health components of functioning and disability), there are many types of disabilities, such as those that affect a person's: Vision, hearing, thinking, learning, movement, mental health, remembering, communicating and social relationships. Categories of disability types include various physical and mental impairments that can hamper or reduce a person's ability to carry out their day-to-day activities. These impairments can be termed as disability of the person to do his/her day-to-day activities.

People with disability is a group which is highly affected by discrimination and violation of human rights. According to the World Health Organization (WHO), disability affects 10% of every population. An estimated 650 million people worldwide, of whom 200 million are children, experience some form of disability. In Kenya, Disability Act 2003 defines disability as: physical, sensory, mental, or other impairment, including visual, hearing, or physical disability, which has a substantial long-term adverse effect on a person’s ability to carry out usual day to day activities. Recent statistics show that 2.2% of the population (0.9 million

people) live with some form of disability with majority being females (2.5 %) than males (1.9 %). The most common types of disability were physical (385,417 persons) and visual (333,520 persons while the list type of disability is having albinism which account for 9,729 persons.



Given the indicated statistics of persons living with disability, it is important for these people to equally have full enjoyment of all human rights and freedoms that promote their inherent dignity. As stipulated in the Convention on the Rights of Persons with Disabilities of 2006, the community should stop viewing persons with disabilities as object of charity but rather view them as subjects with rights, who are capable of claiming those rights and making decisions for their lives based on their free and informed consent as well as being active members of society. Being a ratified member of the United Nations Convention on the Rights of Persons with Disabilities (2008) is an indication that the government of Kenya should be committed to upholding the rights of people living with disability. In addition, the country is also a signatory to other treaties which include the Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities, and the East Africa Community Policy on Persons with Disabilities. Locally, the government continues to show its committed through the implementation of the Disability Act (2003) that established the National Council for Persons with Disabilities in 2004 to monitor matters of equality and non- discrimination in disability, addressing any disability discrimination complaints as well as raising awareness on disability.

Despite these interventions, Persons with Disabilities Human Rights Defenders face various barriers in their day-to-day life. Barriers include factors that hinder communications or access to communication materials, attitudes, infrastructural and administrative factors that subject PWDs to lives of unjustifiable dependency, segregation, isolation, and exclusion in a society. Some of the barriers include hindrance to social, economic and political development of PWDs that continue to manifest with various adverse outcomes, including limited access to education and its attainment, high unemployment and adverse working environment, exclusion in property ownership and business opportunities, unfavorably built environment, hostile transport facilities and behavior, limited access to assistive devices, negative societal perceptions, negative cultural attitudes and practices, stigma, limited access to justice, limited political representation, and constrained participation in sports and art.

These and other exclusions have sustained a high poverty incidence among PWDs, relative to people without disabilities. The Kenya Integrated Household Budget Survey (KIHBS) 2015/2016 showed that 52.7 percent of PWDs and in urban areas and 55.4 per cent of the PWDs in rural areas have trouble engaging in economic activity due to mobility-related challenges. Therefore, without accessible transport, millions of people with disabilities are unable to leave their homes or go to welfare services; children are unable to go to school and adults are unable to commute to work. This could further explain the fact that PWDs in Kenya are exposed to very limited knowledge and development skills and therefore, lack the necessary required technical skills.

Further, stigmatization has been identified as a factor in the high dropout rates of children with disabilities from schools, an indication that children with disabilities lack full participation in life (MoE, 2018). Additionally, according to KNCR, the main challenges relating to access and equity in the provision of education and training to children with disabilities include, amongst others, cultural prejudice, and negative attitudes. Opoku et al (2016) further suggest that barriers to employment originate mainly from the religious, cultural, and medical perceptions of disability, leading to the discrimination and exclusion of persons with disabilities from mainstream activities. A study in 2014 in Kakuma Refugee Camp also found that refugee women and adolescents with disabilities lacked access to sexual reproductive health services and faced stigmatization from health workers (KNCHR, 2016). It is because of these challenges, discrimination, and violation of the rights of the Persons living with disability have led to human rights defenders living with disability stepping up to become the voices of other people with disability.

1.4 Situation of HRDs with disability during Covid-19 Pandemic

Human Rights Defenders with disabilities in Kenya continue to suffer from marginalization and stigmatization at work, institutional and service delivery level.

Despite vibrant legal, policy and institutional frameworks that seek to empower and include People living with Disabilities in governance structures and processes, little has been achieved because of working in silos, a matter that weakens their efforts or exposes them to security risks. In addition, there is a lack of goodwill amongst state and non-state actors to support their work.

The HRDs working to promote rights of PWDs face high levels of stigmatization from community members and family members. They are also targeted by authorities and excluded from accessing basic services especially those with mental, hidden, and physical disabilities. Cases of Persons with Disabilities being hidden and excluded from accessing most social and economic opportunities persists. The livelihoods of PWD HRDs were equally impacted as their sources of income diminished due to the Covid-19 containment measures by the government of Kenya. At policy making level issues of disabilities are seen as a favor and not as a right thus not adequately represented during policy development to articulate their rights. There is also high level of discrimination especially in employment opportunities due to lack of inclusive human resource practices, negative attitudes, and lack of infrastructure to enable them access areas of work.

A study on the impact of Covid 19 Pandemic on Human Rights Defenders revealed that, although adoption of technology as the new way of working has made it possible for them to carry out their critical work, virtual sensitization cannot reach the most vulnerable persons and communities, the majority of whom lack access to information and communication technology. The pandemic has also brought into sharp focus digital inequalities between those defenders who have access to the Internet, possess digital skills and hardware, and have the necessary funds to participate in these new modes of working, and those living and working in areas with insufficient coverage, particularly those working at the grassroots and in rural areas. Furthermore, barriers to physical contacts have added to the complexity of trust creation, a critical component of defending. Finally, the very tools of communication also pose new risks, such as exposing defenders to surveillance by state and non-state actors, including hackers. For those working on sensitive information, this exposure is potentially life threatening to them and their families.

1.5 Human Rights Defenders Living with Disability

There are multitudes of Human Rights Defenders living with disability across the globe. They not only support and defend the rights of disabled persons but also champion other human rights courses in accordance with the universality of basic rights and freedoms. Some notable Human Rights Defenders with disability are:

Dr Victor Pineda: Wheelchair user Dr Victor Pineda was born in Caracas, Venezuela. He was diagnosed with spinal muscular atrophy Type II as a child and uses a ventilator 24 hours a day. An expert on building accessible and inclusive cities, he's a social development scholar – someone that looks at how the development

of society affects people's lives – a consultant and international speaker. In 2003, he launched World Enabled (also called the Pineda Foundation). It combines the efforts of disabled persons' organizations and intergovernmental agencies from across the world, to help build inclusive societies and promote the Rights of people with disabilities. He has studied business, politics, and urban development, and has a Bachelor of Art, Bachelor of Science, Masters and PhD. He has consulted with and advised more than 500 influential companies and organizations, as well as government, on developing disability-friendly policies and inclusive design. He's an honorary president of the Global Alliance for Accessible Technologies and Environments, an international organization aimed at encouraging accessibility in the built and virtual worlds. He was also the youngest person to participate in the drafting of the United Nations' Convention on the Rights of Persons with Disabilities.

Nabil Shaban: An actor and writer who co-founded Graeae. Nabil Shaban has a professional theatre company for disabled performers. Born in 1953 in Amman, Jordan, he arrived in England when he was just three years old for treatment for his osteogenesis imperfecta (also known as brittle bones). He spent the next six years in hospital and then seven in a children's home. In 1997, Shaban was awarded an Honorary Doctorate by the University of Surrey for services in the promotion of Disability Arts. He has many films and television credits to his name but is probably best known for his role as ruthless Sil in the Doctor Who stories Vengeance on Varos and The Trial of a Time Lord (BBC, 1985 and 1986). He has also written several books and plays, many of which center around disability or have a disabled character as the lead. Graeae theatre company has built up a strong reputation for high quality, challenging work that has played to mixed audiences across the country. It has allowed Shaban and fellow members to write, produce and act in a variety of roles that would otherwise be closed to them.

Alice Wong: Having a spinal muscular atrophy, is a research consultant and disability Rights activist based in San Francisco. In 2014, on the 25th anniversary of the Americans with Disabilities Act of 1990, she founded the Disability Visibility Project. It works to 'create, share and amplify disability media and culture' by collecting historical recordings of interviews with disabled people in the United States. Alice has a Master of Science in medical sociology and worked as a researcher at a university for 10 years. During that time, she was involved in a number of disability-related research projects and co-wrote numerous research papers. She has been recognized for her work in activism with a number of awards, including a Beacon Award in 2010 for leadership on behalf of disabled people. In the same year, she received a Disability Service Award for her using her research to advance access and accommodation for disabled people. From 2013, for two years, Alice served as a member of the National Council on Disability, to which she was appointed by President Barack Obama. She is also an advisory board member for Asians and Pacific Islanders with Disabilities of California, which aims to give a voice to Asian and Pacific Islanders with a disability. In addition to the Disability Visibility Project,

Alice is a co-partner on DisabledWriters.com, which helps editors find disabled writers and journalists; #CripLit, a way for disabled writers to connect on Twitter; and #CripTheVote, which encourages disabled people to take part in politics. In 2015, Wong attended the reception at the White House for the 25th anniversary of the Americans With Disabilities Act via telepresence robot. She was the first person to visit the White House and the President by robot presence.

Emmanuel Oforu Yeboah: A Paralympic athlete and activist from Ghana, West Africa, Emmanuel was born in 1977 without a right shin bone, which resulted in a severely deformed leg. Many disabled people in Africa are believed to be cursed, and so shunned from society. In fact, Emmanuel's own father abandoned him. But his mother stood by him, pushing Emmanuel to pursue his dreams. He attended school, which he had to hop more than two miles to get to but left home at the age of 13 to provide for his family by shining shoes. Spurred on by the death of his mother years later, Emmanuel wanted to bring attention to the plight of disabled people. So, in 2001, he rode 400 miles across Ghana to show people that disability does not mean inability. Along the way, he spoke to disabled children and gave speeches to church-leaders and dignitaries. After completing the cross-country trek, the Challenged Athletes Foundation (CAF), which gave him a grant for the bike ride, invited him to participate in the Triathlon Challenge in California. He completed the 56-mile event in seven hours. While in the USA, Emmanuel was told that he was eligible for a prosthetic leg, which he was offered for free. Following successful surgery and a six-week recovery, Yeboah entered the CAF Triathlon Challenge again, reducing his time by three hours. Yeboah was subsequently awarded the CAF Most Inspirational Athlete of the Year Award and Nike's Casey Martin award for Paralympic sporting achievements, receiving approximately \$50,000. Upon returning to Ghana, he used the money to open the Emmanuel Education Foundation for promising students with disabilities. He is currently working on building schools for children in Ghana, with or without disabilities.



“If you are always trying to be normal, you will never know how amazing you can be.”
– Maya Angelou

METHOD

SAMPLE
22
HUMAN RIGHTS DEFENDERS
WITH DIVERSE DISABILITIES

including physical, short statures, Albinism, Visual, mental and Deaf were drawn from various counties.

6 REGIONS

NORTH RIFT VALLEY
SOUTH RIFT VALLEY
NORTHERN KENYA
COAST OF KENYA
WESTERN KENYA
CENTRAL KENYA

86% MALE
14% FEMALE

19% VISUALLY
IMPAIRED

60% PHYSICALLY
IMPAIRED

Others were respondents with short Stature, albinism and deaf

2.1 Data Collection Methods and Tools Development

The survey employed both the primary and secondary data collection approach. Secondary data was used to inform the background of the study that indicates the status of the PWDs in Kenya. For the primary data, a sample of 22 Human Rights Defenders with diverse disabilities including physical, short statures, Albinism, Visual, mental and Deaf were drawn from various counties. Data was collected in the month of May 2021 through a structured questionnaire that was self-administered to the respondents.

A total of 22 Key Informant Interviews (KII) were administered online through an online application 'Google Forms' (Annex 1). The respondents were from six regions which Coast, Northern Kenya, South Rift, North Rift, Central Kenya and Westyern Kenya regions.

Of concern is majority, 86 percent of the respondents were male with women accounting to 14 per cent. This is an indication of gender parity among the PWD HRDs. Almost all the respondents were persons living with disability with an exemption of one who had disability but was an aide to a respondent with the disability. The common disabilities included physical and visual impairment with those that were physically disabled accounting for 60 per cent of the sample. 19 percent of the respondents were visually impaired.

Other types of disabilities among the respondents were short Stature, albinism and deaf. The study further investigate whether the respondents required an assistant while performing their duties. 67 per cent reported that they required one while 33 per cent said they did not require any. The most common required type of assistance was a walking guide and a potter to help with movement from one point to another. Additionally, some also mentioned that they would require assistance from an interpreter to assist in communication.

2.2 Site Selection and Sampling

Site selection was made based on the Defenders Coalition's geographic segmentation. The Coalition relied on the existing geographical segments led by focal points from the counties that led to identification of HRD PWD networks who formed part of the team that was critical for the survey. Purposive sampling-snowballing was employed. In each of the six regions, 10 PWDs (60) were selected to participate in the survey. The selection process took place before the data collection teams travelled to the regions, and the Defenders Coalition team ensured that all necessary permissions for data collection were sought from the respective county officials in liaison with the community focal persons where the PWDs HRDs were sampled. The data collection teams explained the purpose of the survey and the approach before being granted permission to conduct the FGDs.

2.3 Data Collection

Research Assistants who participated in the data collection exercise were trained in qualitative research methodologies. The training focused on the design, objectives, and purpose of the survey, the ethics of the survey (obtaining community entry permissions and getting informed consent), understanding the interview guide questions, and interviewing techniques. The team was also guided through the standard operating procedures of transcription and how to deal with the intricacies of direct and back translation from local languages to English and vice versa. Data collection tools were piloted, and revisions were incorporated into the final versions of the tools prior to the start of data collection.

Data collection was undertaken in the month of May 2021. Participants were reminded of the voluntary nature of the survey, after which they provided informed consent for the interviews and discussions. All interviews were conducted in the language most appropriate to the participants and at venues that were mutually convenient to both the participant and the interviewer. An interpreter was used in the Coastal On average, the FGDs lasted for one day(1 day). Photographs of the interview process were taken and archived. Consent was sought to take and use photographs for the sole purpose of the survey.

2.4 Transcription and Data Coding

Qualitative data from KIIs and FGDs were transcribed using Microsoft Word. The data entry team reviewed the interview guide used to develop a framework against which the coding framework was eventually developed. Data exploration entailed open coding and progressive categorization of issues based on inductive approaches (in which analytical categories were derived gradually from the data) and deductive approaches (in which ideas from the interview guide shape the coding scheme). These categories and themes were further refined as findings emerged from the data.

2.5 Data Analysis

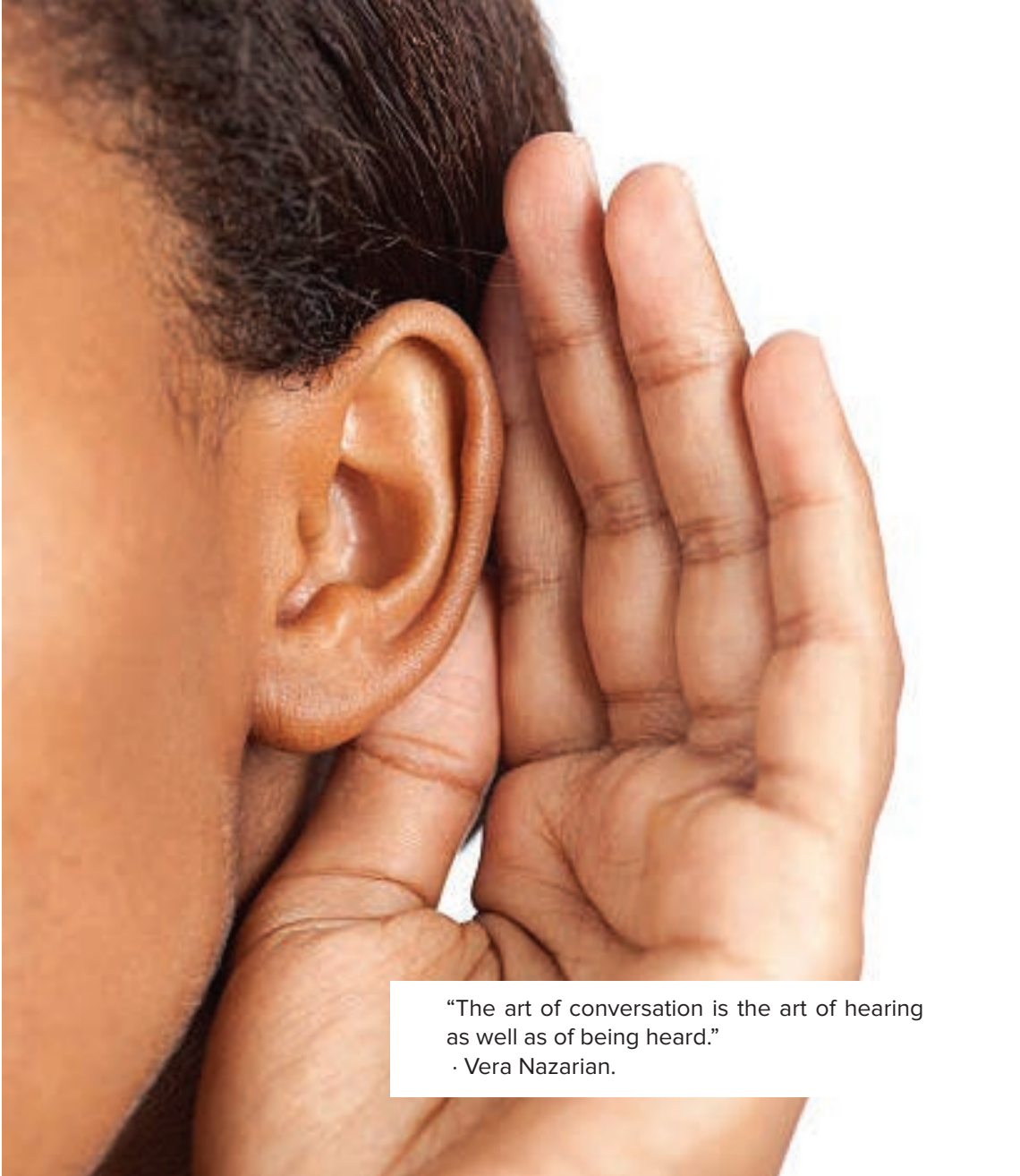
The analysis entailed open coding and progressive categorization of issues based on inductive approaches that involved generation of analytical data. These codes were further reorganized into four thematic areas. Themes derived from the data were analyzed through descriptive analysis which included the use of tabulations and frequencies. The following themes were derived: Human rights issues PWD HRDs work on, challenges faced by PWD HRDs, existing partners and participation of respondents in national platform of PWD HRDs.

2.6 Limitations

The survey collected data from HRD PWDs who are experienced in representing and fighting for the rights of PWDs from various networks and were critical for the study. However, the survey also experienced some limitations. The lack of appropriate central data on the existing HRDs with disability, inhibited the accessibility of participants and hence the study employed a purposive sampling technique that could have introduced some biases. Additionally, the self-administered questionnaire had minimal probing of the answers or opinions of the respondents, which deprived the interview of an opportunity to provide context and background to the perspectives given by the respondents. Nonetheless, the data provide useful insights into the understanding of the PWDs HRDs working environments, challenges faced and identified critical areas that would be addressed if a national solidarity network of human rights defenders with disabilities was in existence.

2.7 Participants Characteristics

In total, 22 adult respondents drawn from across the country participated in the online evaluation. The respondents were broadly characterized based on the Defenders Coalition target group representing PWD HRDs in the six regions.



“The art of conversation is the art of hearing as well as of being heard.”
· Vera Nazarian.

FINDINGS

This section presents the findings following the four thematic areas that emerged from the coding framework.

3.1 Human Rights Issues/Interventions

The survey further sought to find out the areas of human rights issues the PWD HRDs work on. A summary of the identified thematic areas as presented in figure 1.

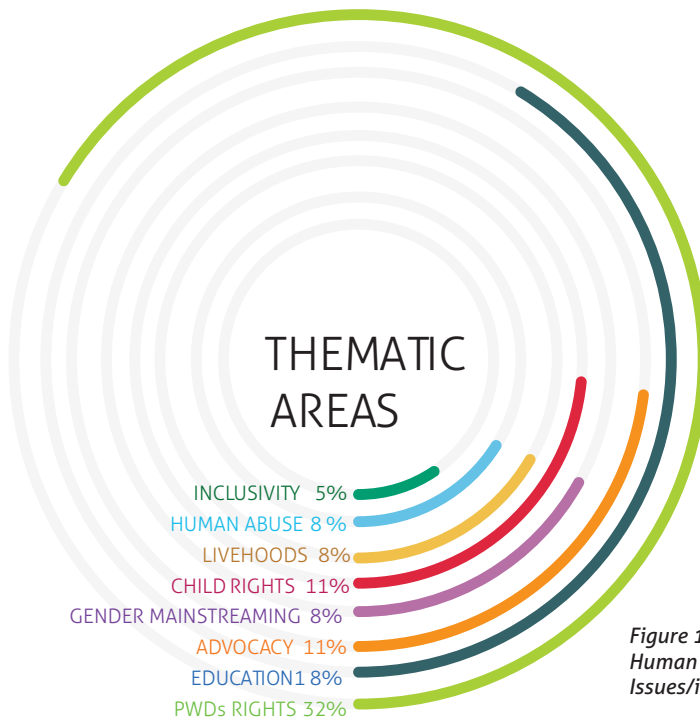


Figure 1.
Human Rights
Issues/interventions

Interviews with the KIIs administered through an online survey revealed that HRDs living with disability in six regions worked on a wide range of human rights issues ranging from education, advocacy on PWD policy environment, PWD rights, child rights, livelihoods, human abuse, and inclusivity. From the findings, it can be deduced that the focal thematic area for PWD HRDs is championing of the PWDs rights of which 32 per cent responses indicated so.

3.2 The Working Environment of PWD HRDs

Having a good working environment promotes employee safety, growth and goal attainment which encourages those working within that environment to perform to their highest ability. The survey sort to understand more about the operating environment PWDs HRDs and the kind of challenges they face in the course of their work.

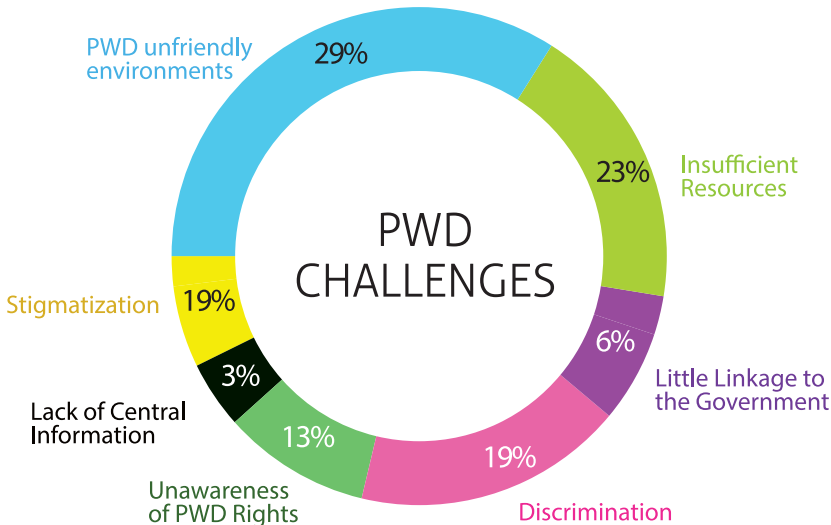


Figure 2: Challenges faced by PWD HRDs

Source: Survey Data

29 percent PWD HRDs indicated that movement was the biggest challenge in their working environment. Majority of the respondents indicated that the bad terrains as well as the means of transportation act as a hindrance to their movement especially for those who are physically challenged and have to move with the support of a wheelchair. Accessibility to the transport infrastructure is critical for social and economic inclusion of Persons with Disabilities (PWDs). Therefore, lack of universal accessibility of transport infrastructure both in urban and rural environments limits the participation of PWDs in the society. Transport infrastructure depending on their design can enable or hamper access and participation of PWDs HRDs in various social and economic activities.

Additionally, 23 percent of the PWD HRDs stated that they lack sufficient resources such as enough finances to cater for their day-to-day activities as they have to rely on the movement of other people to realize livelihoods.

Discrimination and Stigmatization were also highlighted among the key challenges faced by PWDs HRDs. The community views them as objects of charity as opposed to champions of rights of the marginalized in the community.

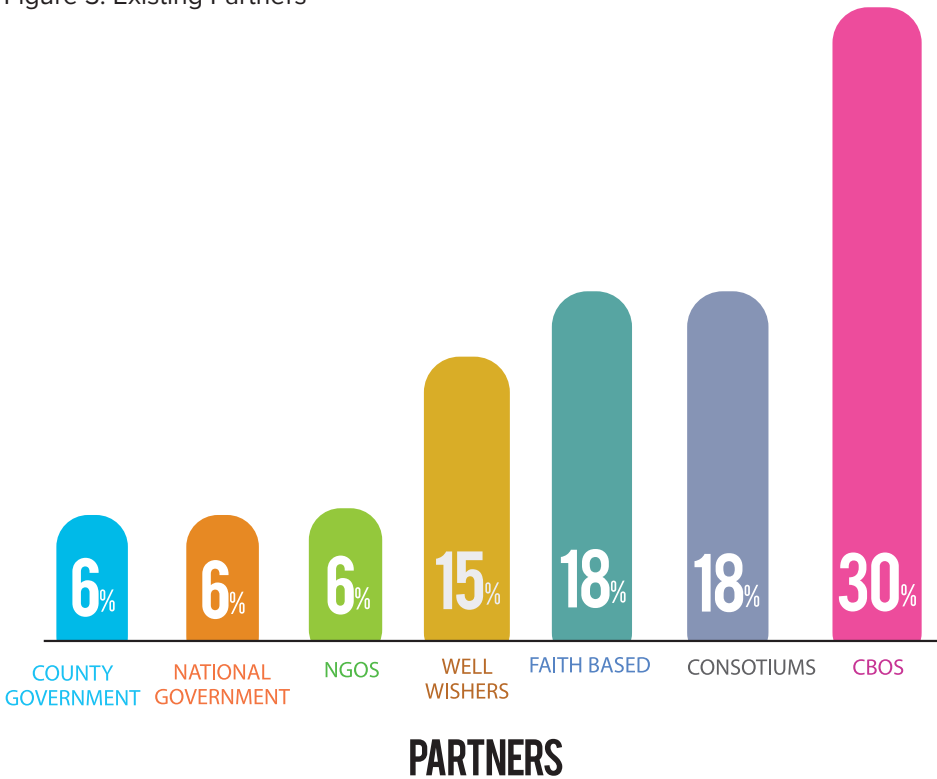
Further, 13 per cent of the responses indicated that there was unawareness of the PWDs rights within the community that to some extent led to mistrust between the PWDs HRDs and members of the community. Unavailability of information and data on PWDs and limited linkage between the government organizations or institutions that represents and support the PWDS and the PWD HRDs was also highlighted as one of the challenges that limit the attainment of the PWD HRDs objectives.

The survey further investigated how the respondents dealt with the challenges that they had highlighted. As indicated earlier, insufficient resources such as aides to assist them interact with the community and funds to enable them to meet their day-to-day needs were the main challenges. As a result, the majority of the PWD HRDs stated that they solicit financial support mainly from the well-wishers, local NGOs and to some extent have to settle for out-of-pocket expenses. Those who require physical assistance depend on their family members, colleagues or community members who are willing to assist them as guides and porters. Additionally, some of the PWD HRD also indicated that they have to be resilient and also seek for psychosocial support from the Faith Based Organizations (FBO) or solace from their spiritual counselors to deal with stigma and the discrimination they face on their line of duty.

Further, PWDs HRDs also highlighted that partnership activities like sensitization forums for PWDs and the community at large to create more awareness on the PWDs rights and the importance of embracing the PWDs rather than discriminating and stigmatizing them have instrumental in advocating for the rights of the PWDs. Key among the partners and networks the PWD HRDs work with include Non-Governmental Organizations (NGO), Community Based Organizations (CBOs), Well-wishers, both the national and the county government, consortiums, and Faith Based Organizations (FBOs).

3.3 Existing Partners

Figure 3. Existing Partners



Source: Survey Data

The specific partners listed include United Disabled Persons of Kenya (UDPK), Association for the Physically Disabled of Kenya (APDK), National Council for Persons With Disabilities (NCPWD), Kenya Community Support Centre (KECOSCE), Mombasa County Disability Leaders Forum (MCDLF), Garissa County Disabilities, Kilifi CSO's network, Muslims for Human Rights (MUHURI), Kilifi Citizen Forum, International Disability Alliance, among others. The stated partners have been instrumental through provision of different forms of support to different HRDs such as financial support, having joint training and workshops for information dissemination in the field of advocacy, branded materials among other forms of support that have impacted their work greatly.

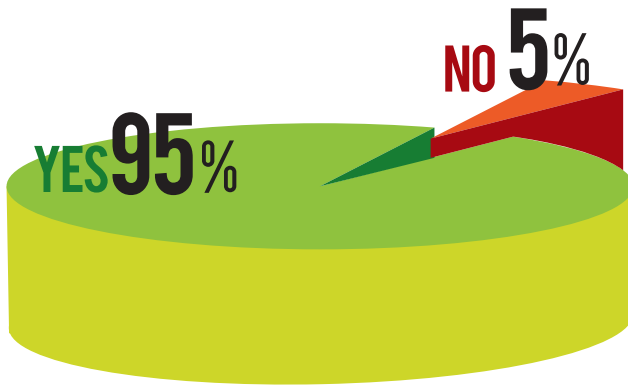
To support HRDs with disability, mainstreaming their plight in the ever-changing human rights environment and promotion of the visibility of their work is key. Support initiatives from all sorts of partners be it from the government, the private sector or humanitarian bodies would be critical in enhancing their work.

Specifically, the respondents felt that Defenders Coalition initiatives would play a great role of building their capacity through training on monitoring, documentation and reporting, security management training, advocacy training, creating linkages with support/response mechanisms, sensitization forums and workshops that would not only enhance their advocacy skills but also improve their knowledge on the rights of the PWDs and how it fits into the border human rights landscape.

Additionally, through the help of the Defenders Coalition, initiatives that would help in creating the linkage between the HRDs with disability at community level, with the other partners such as the government at both national and county levels' institutions dealing with PWD, international volunteer organization and human rights organization for financial support and other forms of support such as psychosocial as an independent support service to enhance the sustainability of their work.

3.4 Participation in National Platform of PWD HRDs

Figure 4. Participation in national platform of PWD HRDs



Following the rising need to create a conducive environment and support the HRDs with disabilities in Kenya, the Defenders Coalition aims to orchestrate the establishment of a national solidarity network. When the PWDs HRDs were asked on their willingness to be part of a national platform of PWD HRDs, majority (95 per cent) were willing to be members.

Of the 95 per cent who expressed interest in participating in the national platform, majority (29 percent) felt that the national platform would form caucus structures that will help to reach to the people at the grass roots and they preferred operating in that manner. Further, 21 percent of the respondents hoped that the platform would have a leadership system that provides oversight and steer the implementation of PWDs rights with one national goal. Having joint advocacy forums, and other networking programs as well as being involved in the national forums and media platforms organized a central national platform for the PWDs HRDs would help in bringing together PWDs and enhance the voicing of the PWDs rights and inclusion in the government development agenda. The platform may also be helpful in the provision of resources required as well as development of sustainability mechanisms for all the programs and works run by HRDs.

In conclusion, continued support from both the private and the public sector is vital in creating a conducive working environment for the PWDs. The government should ensure PWDS rights are upheld at all levels of government, both the national and the county government. This includes ensuring that PWDs have access to all basic needs and services such as education, health, issuance of identity cards, Inclusion of the PWDs in the Development Agenda and upholding policies that safeguard the welfare of the PWD HRDs. Additionally, the private sector should show its support by ensuring that they create a conducive working environment for PWDs, ensure they advocate for their rights as well as support the PWDs Initiatives through funding, provision of assistive devices and continued creation of awareness for the importance of embracing and supporting the PWDs in the community.

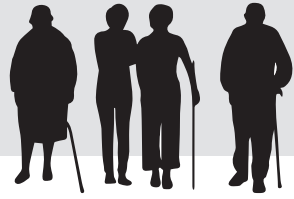


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The community views persons with disability human rights defenders as objects of charity as opposed to champions of rights of the marginalized in the community.

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"Your present circumstances don't determine where you can go; they merely determine where you start." - Nido Qubein

DISCUSSION

The Rights of people with disabilities in Kenya are recognized under the national People with Disabilities Act of 2003 (PDA), and in the very progressive 2010 National Kenyan Constitution. Key agencies involved with promoting disability Rights include the Kenya National Human Rights Commission, which has the authority to investigate, report and enforce the Convention on the Rights of Persons with Disabilities (CRPD), and the National Council for Persons with Disabilities which is charged with ensuring implementation of the CRPD and other disability Rights instruments. In 2014, the Kenyan Parliament began the process of amending the PDA to align with the CRPD, which was ratified by Kenya in 2008.

There are several organizations for activists living with disability in Kenya, for instance: the Federal Organization for Disabled Persons Organization, the UDPK which has over 200 Disabled Persons Organization Membership. These Groups forming parts of grassroots networks, draw their membership from Persons with Disabilities. UDPK works to capacity build them and strengthen their capacity to perform self-advocacy for their Rights and ensure they are actively involved in advocacy for disability issues at county and national level. The UDPK, academic sources and data from research for this report has identified several challenges facing human rights activists living with disabilities:

1. Lack of political goodwill. Politicians and lawmakers have long ignored the voices of disabled Human Rights Defenders with some actively fighting these activists and their courses, sacrificing their Rights for the sake of their own political interests. Little representation in leadership and political positions in key sectors of policy making have also muffled the plight of these Human Rights Defenders.
2. Obstacles in judicial reforms and poor to zero legal representation for Human Rights Defenders living with disabilities has further clamped down the campaign for Rights and freedoms by disabled activists.
3. Financial constraints have slowed down operations of many a Human Rights Defenders living with disabilities. Most of these activists depend on Nongovernmental Organizations (NGOs) for funding. As many of these NGOs are ready to fund these Human Rights Defenders, government policy on NGO funding (limiting it to 15%) for civil society places disabled activists at a tough position on the financial side of their activism.
4. Stigma from society towards persons living with disability further demoralizes Human Rights Defenders living with disabilities in their fight for equality, dignity, fairness, Rights, and freedoms.



"Aerodynamically the bumblebee shouldn't be able to fly. But the bumblebee doesn't know that so it goes on flying anyway." - Mary Kay Ash

CONCLUSION

Persons with disabilities face enough social barriers as aforementioned in the introduction of this report. With these barriers already in their day-to-day life, the challenges that come with being a Human Rights Defender are double fold for these individuals. Stigmatization of people living with disabilities contributed majorly to the formation of biases and prejudices which put them into the disadvantageous position compared to people, who are not with disability. Such biases and prejudices have contributed to the discrimination of people with disabilities which various initiatives by both the government, non-governmental organizations and HRDs have consistently tried to eliminate consistently. Nonetheless, the problem of people with disabilities and their discrimination persists because many biases and prejudices are resilient.

In addition, modern life has created several technologies like modern cities where stairs, trains, cars, doors, and elevators are designed to simplify movement. However, despite the existence of these technologies, it has not made life any easier for the PWDs. Many of them find that they cannot climb stairs, drive cars or even access trains without help from someone else. Therefore, while the rest of the world is enjoying the benefits of technology, a disabled person, including those that are trying to fight for their rights would still have to overcome these challenges in order to move from place to place. Hence, difficulties in mobility among the disabled also testify to their hardship. Additionally, following limited resources due to lack of engagement of PWDs in economic activities, some of the best assistive technologies for the disabled are quite expensive, and average citizens cannot afford them.

Finally, the challenge confronting policy and law formulation to promote, protect and safeguard the rights of persons with disabilities needs to be viewed in a broader context beyond a single piece of legislation. The same emphasis during policy formulation on PWD issues should be adhered to at the implementation level. Without thorough implementation of the stipulations of the policies in regards to promoting equity and equality towards this marginalized group, then PWDs and PWD HRDs will continue to live and work in a hostile environment. According to WHO report on disability which stipulates that; lack of equitability access to resources such as education, employment, health care and the social and legal support system resulting in person with disabilities having disproportionately high rates of poverty (WHO Disability Report 2012). Sustainable equitable progress in the agreed global development agenda cannot be achieved without the inclusion of persons with Disabilities. If they are



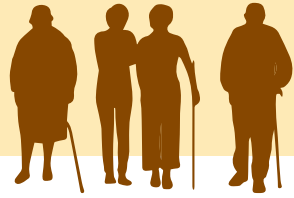
"I don't need easy. I just need possible."
- Bethany Hamilton

RECOMMENDATIONS

1. On paper, lives of PWDs HRDs seems to be all good following the enactment of several laws and policies that speak to their rights. However, the reality is, their lives are not smooth sailing since majority of the policies haven't been translated into much impact due to lack of implementation. Despite section 21, 22 and 23 of the Persons with Disabilities Act 2003 stating that PWDs are entitled to a barrier-free and disability-friendly environment for them to have access to social amenities, and assistive devices and other equipment to promote their mobility, findings from the survey indicate that inaccessibility and good working environments for the PWDs and especially the PWD HRDs is a persistence challenge. Therefore, to break these barriers, it is important to provide an enabling environment that creates public awareness through campaigns to sensitize PWDs and ensure strict enforcement of regulations in adhering to universal designs in built environments which can only be achieved through working in solidarity between PWD HRDs partnership with other humanitarian organizations that are willing to advance for the realization of rights of the PWDs.
2. Additionally, stereotyping and stigmatization of PWDs portrayed as a problem and stigmatization has seen PWDs excluded from socio-economic activities, including education and employment opportunities. This was also indicated as one of the factors deterring the work of the HRDs for persons living with disability. Therefore, creating a networked movement of PWD HRD with long-term collective strategies aimed at challenging negative perceptions and hostility from community members will go a long way in ensuring solidarity and narrative shaping about their work.
3. There is a need to intensify awareness creation among members of members of the public in both rural and urban set-ups about the work of human rights defenders with disabilities. Further, carrying out mass-media awareness-raising campaigns and linkages workshops to foster a positive narrative of persons with disabilities and their contributions to society would also help to promote unity between different communities and the PWD HRDs.

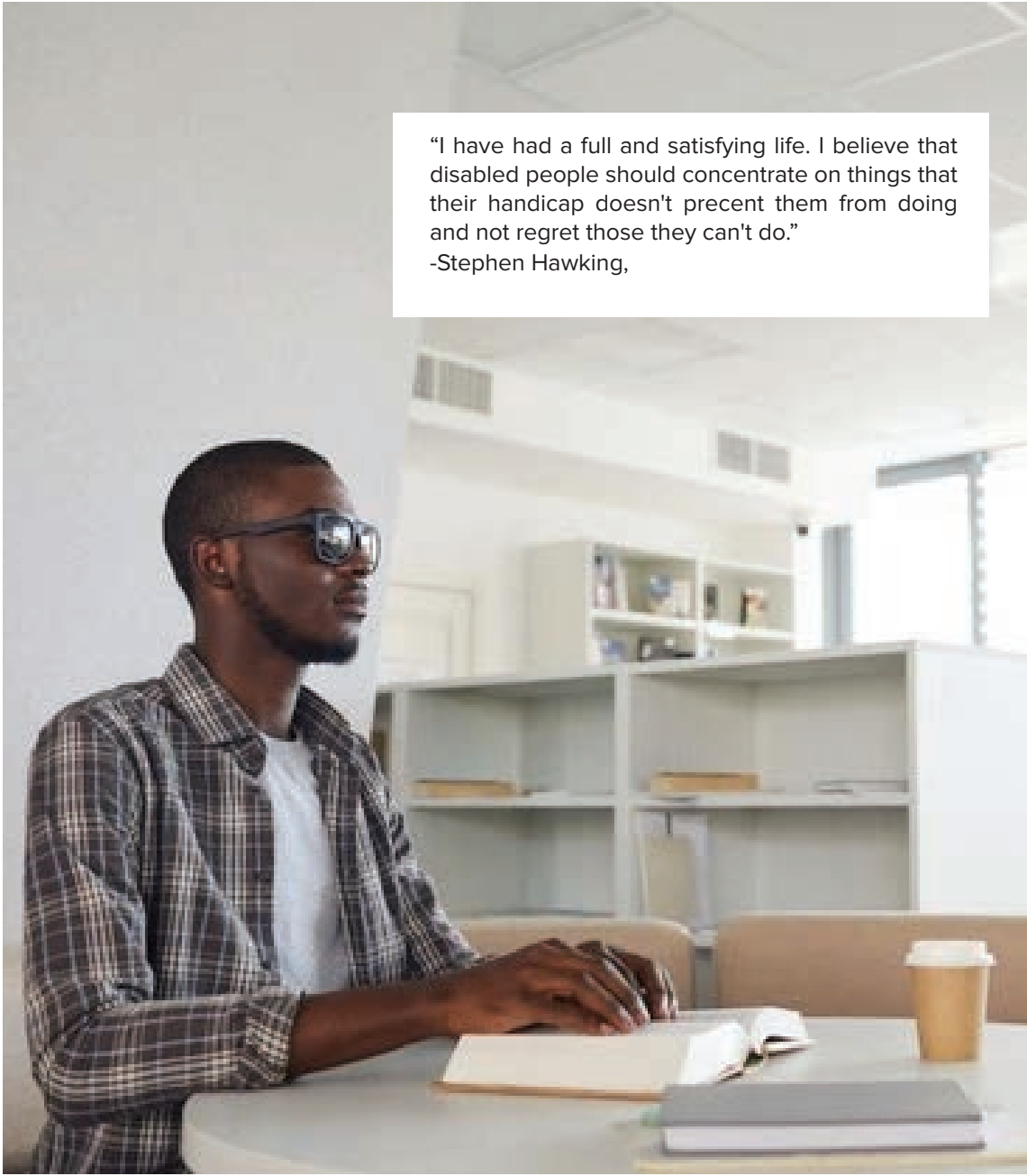
4. For continuity and sustainability of the work of PWD HRDs, more resources are required. Therefore, creating a network of HRDs will enhance their power of resource mobilization to fund their human rights work. Further, the network would also act as the linkage between the individual defenders, the government as well as the other stakeholders whose aim is to champion for the rights of the PWDs. The network would also be useful in pushing for the implementation and enforcement of various PWD regulations.
5. PWD HRDs have lagged in opportunities that holistically enhance the capacities including those on security management, Media engagement for advocacy, financial literacy, psychosocial wellbeing, monitoring, documentation, and reporting. There is need to strengthen their capacities on these critical elements that constitute the safety and security of PWD HRDs while doing their work ; at both organizational and personal level.
6. Therefore, lack of universal accessibility of transport infrastructure both in urban and rural environments limits the participation of PWDs in the society. Transport infrastructure depending on their design can enable or hamper access and participation of Persons with Disabilities (PWDs) in various social and economic activities and there for his should be a matter of concern to both the government and the defenders of human rights.
7. PWDs HRDs also highlighted that collaborative activities like sensitization forums for PWDs and the community at large to create more awareness on the PWDs rights and the importance of embracing the PWDs rather than discriminating and stigmatizing them have instrumental in advocating for the rights of the PWDs.
8. to support HRDs with disability, mainstreaming of their plight in the ever-changing human rights environment and promotion of the visibility of their work is key.
9. Additionally, through the help of the Defenders Coalition, initiatives that would help in creating the linkage between the HRDs with disability at community level, with the other partners such as the government at both national and county levels' institutions dealing with PWD, international volunteer organization and human rights organization for financial support and other forms of support such as psychosocial as an independent support service to enhance the sustainability of their work.
10. Of the 95 per cent who expressed interest in participating in the national platform, majority (29 percent) felt that the national platform would form caucus structures that will help to reach to the people at the grass roots and they preferred operating in that manner. Further, 21 percent of the respondents hoped that the platform would have a leadership system that provides oversight and steer the implementation of PWDs rights with one national goal.

NATIONAL PWD HRDs ACTION PLAN 2021				
Strategy	Objective	Proposed Intervention	Specific Activities	Time Frame
Joint Advocacy on the Operating Environment of PWD HRDs	<p>To strengthen the legislative framework for the protection of PWD HRDs from intimidation, Threats, attacks, and abuses.</p> <p>To provide support to PWD HRDs and involve them in decision making</p>	<p>Development of a model Inclusion and Diversity Strategy that can be domesticated by Government and Private Institutions. (PWD Handbook)</p>	<p>Be involved in the drafting and validation of the PWD HRD handbook.</p> <p>Engage with Disability Amendment Bill 2020</p> <p>Participate in CRPD</p>	Continuous (National Level)
Economic Well-Being of HRDs and Sustainability of HRDs Work	To improve socio-economic wellbeing of HRDs for increased civic engagement, passionate and accountable protection of human rights.	<p>Expose HRDs to economic activities to be carried out</p> <p>Enhance the capacities of HRDs on financial literacy</p>	<p>Financial management training</p> <p>Financial literacy training</p> <p>Sensitization on available safety nets</p>	<p>Start in 2022</p> <p>Western, Northern Kenya</p> <p>Nairobi, Lower Eastern Coastal , Mid rift, Central, North Rift, South Rift</p>
Safety and Security of HRDs	<p>To facilitate timely and appropriate protection response to and safe working environment for diverse HRDs at risk.</p> <p>To enhance the knowledge of state and non-state actors on the work of PWD HRDs</p>	<p>Strengthen protection mechanisms for PWD HRDs</p> <p>Enhance the Visibility of HRDs work of PWD HRDs</p>	<p>Countering negative perceptions about HRDs</p> <p>Security management training</p> <p>Psychosocial support</p> <p>Facilitate acquisition of safe houses</p> <p>Offer rapid response protection services to PWD HRDs</p>	<p>2021/2022</p> <p>County Level</p>
Social Well-Being of HRDs	To ensure availability and accessibility of psycho social support for PWD HRDs	<p>Publicity of the work of PWD HRDs</p> <p>Establishment of Communication platforms.</p> <p>Linkages between HRDs with Disability, their communities, duty bearers and other human rights defenders' networks</p>	<p>Positive profiling the work of PWD HRD via (HRD Award, Mashujaa Festival, Website, Climb For Justice, 16 Days of Activism, IWHRD)</p> <p>Establish a common communication platform</p> <p>Linking the network to Working Groups other human rights networks</p> <p>Peer-to-peer exchange conversation circles</p> <p>Remodel internal resources to suit PWD HRDs needs e.g. website</p>	Continuous



“I have had a full and satisfying life. I believe that disabled people should concentrate on things that their handicap doesn't prevent them from doing and not regret those they can't do.”

-Stephen Hawking,



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PWDs HRDs Questionnaire

The Defenders Coalition is the national coalition of human rights defenders in Kenya, a national membership organisation established in 2007 and registered under Kenyan law as a Trust. The Defenders Coalition works primarily for safety, security and wellbeing of human rights defenders (HRDs).

Human Rights Defenders living with disabilities in Kenya continue to suffer from marginalisation and stigmatisation at work, institutional and service delivery level. Despite vibrant legal, policy and institutional frameworks that seek to empower and include People with Disabilities in governance structures and processes, little has been achieved because of working in solitary, a matter that weakens their efforts or exposes them to security risks. This is also necessitated by lack of goodwill amongst state and non state actors to support their work.

Defenders Coalition seeks to support HRDs living with disabilities (PWD HRDs) in Kenya by orchestrating the establishment of a national solidarity network. The Coalition intends to do a scenario mapping survey to map-out their areas of operation and contextualise their situation. This is meant to facilitate a better understanding of their operating environment and the unique challenges they face in the course of their work so as to put in place requisite measures to respond to their needs and contribute towards creating an enabling environment for HRDs in Kenya.

The survey will also inform supporting HRDs with disability, promoting the visibility of their work as well as mainstreaming their plight in an ever-changing human rights environment.

* Required

1. Email *

2. Your Name *

3. County *

APPENDIX 1: TOOLS

26/07/2021

PWDs HRDs Questionnaire

4. Type of Disability *

5. Do you require an assistant while performing your duties? If yes, please describe. *

6. What thematic areas of human rights issues do you work on? *

7. What challenges do you face as a PWD HRD in your line of work? *

8. How do you overcome the challenges described above? *

9. Which partners do you work with and networks do you work with? Please indicate their support/contribution to your work. *

10. What interventions do you think Defenders Coalition can offer to help you in advancing your work? *

11. Would you like to be part of a national platform of PWD HRDs? If yes, how would you like it to operate? *

12. What recommendations do you have to various partners to private institutions? This includes CSOs and donors

- 13. What recommendations do you have to various partners to government institutions? This includes both levels of government and state institutions/departments.

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DEFENDERS
COALITION

SAFETY, SECURITY, WELLBEING OF HRDS

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