**Narok South Disability Network Indigenous Peoples**

**QUESTIONNAIRE**

**CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES**

**ARTICLE 5 –EQUALITY AND NON-DISCRIMINATION**

1. **Has your country adopted legislation establishing disability as a prohibited ground of discrimination, including denial or reasonable accommodation as discrimination? Please provide details on any related legal reforms.**

Yes, in Kenya constitution Article 54, specifically focuses on the rights of persons with disability providing right to be treated with dignity and respect.

Specific right of access to education institution and to public place, transport and information.

1. **Does your country apply an objective test to determine if an accommodation requested by a person with disability is undue or disproportionate? If so, please describe the tests and their different elements. (500 word)**

**Yes, about PWDS Act 2013, In Kenya, provides for:-**

* The equalization of opportunities and the right to health education, employment and accessibility to buildings habitation and rehabilitation, information and services.
* Provides for rebates of up to fifty percent of the direct cost of the improvements modification or special services. Public service are also required to adopt to meet the need of persons with disability.
* Kenyan Constitution – Improved Bill of rights and a real change in the protection of the right to equality and non-discrimination. A commitment to the principles of equality and nondiscrimination is expressed throughout the constitution with equality being listed as one of six essentials undue upon which governance should be based on through Article 10 which includes equity social justice equality, non-discrimination and protection of the marginalized discrimination on disability prohibited.
* The state shall ensure the progressive implementation of the principal that at least five percent of members of the public in elective, appointive bodies of persons with disabilities.
* Have opportunities to associate the represented and participate in political, social economic and other spheres of life.
* Educate themselves about the challenges facing PWDs in the community and analyses the courses, gather the information needed to advocate for PWDs in the community.
* Find out laws and policies in Kenya that affect PWDs and understand what government ministries and agencies are related to the right with persons with disabilities and use the right base approach to advocacy and also teach others about the human rights of PWDs.
* Also are protected from harmful cultural practices and exploitation in a different element.
* Challenges facing PWDs varies from community to community PWDs face none employment ,poverty face discrimination, poor rehabilitation services inaccessibility to affordable health care, social rejection and exclusion from education and vocational training priority given to people without disability by government planners and policies makers identification of disability as medical or charity issue lack of belief in their own work and capacities and lack of or government laws policies and practice that recognize disabilities as human rights.
* Disability considered health problem and focus on the sickness of disabilities. Emphasis fixing disability than fixing society by removing barriers and changing attitudes to give medical profession, responsibilities for PWDs rather the whole society for them to be integrated fully, leads to isolation of PWDs.
* Persons with disabilities often live on the margins society deprived of some of life fundamental experiences. They have hope of going to school, getting a job and having their own home, having a family and raising their children, socializing with the most disadvantaged minority.
* The states recognize the right of person with disability to take part in equal basis with others in cultural life and shall take all appropriate measures to ensure that persons with disabilities.
* Enjoy access to television programs from theaters and other cultural activities in accessible.

1. **Does your country apply affirmative action for combating structural discrimination against persons with disability? If so please describe how these measures are applied and enforced (500 words)**

Not applicable –Not yet

1. **Does your country have laws, policies and strategies for combating discrimination against women and children with disabilities? Please describe how these policies are reflected in legislation and policy frameworks (500 words).**

**Yes in Kenyan Constitution Provides:-**

* Equality include the full and equal enjoyment of all rights.
* Women and men have the right to equal treatment, including the right to equal opportunities in political under 100. Promotion of representation of marginalized group e.g women parliament.
* Shall enact legislation to promote the representation in parliament.
* Act 27 (Clause 4) The state shall not discriminate directly or indirectly against any person or any ground, including sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.
* Children with disability – The State shall enact the policies that guide the children with disability in Act 2003. National council for persons with disabilities Act. 2003.
* Act 53. Of Kenya constitution every child has right to a name and nationally from birth.

To free and compulsory basic education

To basic nutrition, shelter and health care

To be protected from abuse neglect harmful cultural practices all forms of violence in human treatment and punishment and hazardous or exploitative labour.

To parental care and protection which include equal responsibility of mother and father to provide for a child whether they are married each other or not.

Art 54 of the Kenyan constitution person with disability include children with disability

1. **Is your country monitoring and collecting disaggregated data on discrimination against person with disability -** **No, not yet**