

Policy Monitor

Supporting Sustainable Development through Research and Capacity Building

ISSUE 11 No. 2 October - December 2019



**INCLUSION OF PERSONS
WITH DISABILITIES IN
NATIONAL DEVELOPMENT
FOR SHARED PROSPERITY**

POLICY *Monitor*

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To provide quality public policy advice to the Government of Kenya by conducting objective research and analysis and through capacity building in order to contribute to the achievement of national development goals

Contents



4

Recent Economic Developments

13

Inclusion of Persons with Disabilities (PWDs) in Education, Health, Social Protection and Labour Participation: Gains, Emerging Issues and Proposed Interventions

21

Are the Needs of Persons with Disabilities Addressed Appropriately During Disasters?

25

A Critical Analysis of the Disability Policy and Disability Legislations in Kenya



29

Enhancing Representation of PWDs in the Public Service for Inclusive Growth

35

Legislative Developments and Policy News

44

KIPPRA Projects

45

KIPPRA Events

Editorial

To our dear readers, welcome yet again to the KIPPRA Policy Monitor covering the period October-December 2019. This edition focuses on the important and sensitive topic of “inclusion of persons living with disability in national development for shared prosperity.”

We explore and delve into topics covering: Inclusion of Persons with Disabilities (PWDs) in education, health, social protection and labour participation with perspective on the gains and the emerging issues; we also explore the policies, provisions and experience of PWDs during disasters including the preparation, response and recovery systems? The third article provides a critical analysis of the disability policies and legislations in Kenya. We conclude with a discussion on how we can enhance the representation of PWDs in the Public Service.

In this edition, KIPPRA provides a spotlight of the recent economic developments in the country. The economy recorded a fairly stable growth of an average of 5.6% in the first half of 2019. This growth was mainly attributed to growth in the mining and quarrying activities, and service sector industries such as financial and insurance activities, public administration, education and health. Analysis by sectors shows that the mining and quarrying activities, construction, financial and insurance activities, public administration, education and health activities, registered increased growth rates in the first half of 2019 in comparison to the same half in 2018. Analysis of the economic performance in the third quarter of 2019 was relatively slower than the second quarter of 2019. The economy expanded by 5.1% compared to 6.0% growth recorded in the second quarter of 2019. The deceleration in growth was mainly on account of reduced growth in most sectors of the economy.

Further, this edition highlights key legislative developments that took place during the

second quarter of the financial year covering Acts of Parliament that were assented to or came into force and Bills of the Senate and National Assembly. The edition also provides a highlight of key policy news at the national, regional and global level, including the approval to raise Kenya’s national debt ceiling to Ksh 9 trillion, the launch of the Building Bridges Taskforce report, Kenya’s hosting of the International Conference on Population and Development (ICPD) summit and the African Caribbean and Pacific group of nations summit.

We also present a summary of key activities that KIPPRA engaged in during the quarter. These include hosting of the inaugural symposium of the Kenya think tanks in collaboration with Kenya think tanks on 27th November, 2019. The theme of the symposium was “Policy makers and think tanks engagement in strengthening evidence informed policy making”. Last but not least, on 16th October, 2019, KIPPRA organized a roundtable meeting on “Enhancing inclusivity by empowering persons with disabilities in Kenya”. KIPPRA also launched a braille version of the booklet on National Values and Principles Governance to further enhance the inclusion of PWDs and their access to information of national importance.

Finally, the edition features legislative developments at both the National Assembly and the Senate, and a wide assortment of policy news at domestic, regional and global spheres. It further highlights the Kereita Challenge and Standard Chartered Marathon, which are part of KIPPRA’s salient CSR activities.

On behalf of the KIPPRA fraternity, we hope you will enjoy reading this edition of the KIPPRA Policy Monitor. We also take this opportunity to wish you a productive and prosperous new year 2020!

Recent Economic Developments

By Hellen Chemnyongoi, Benson Kiriga, Daniel Omanyo and Peris Wachira



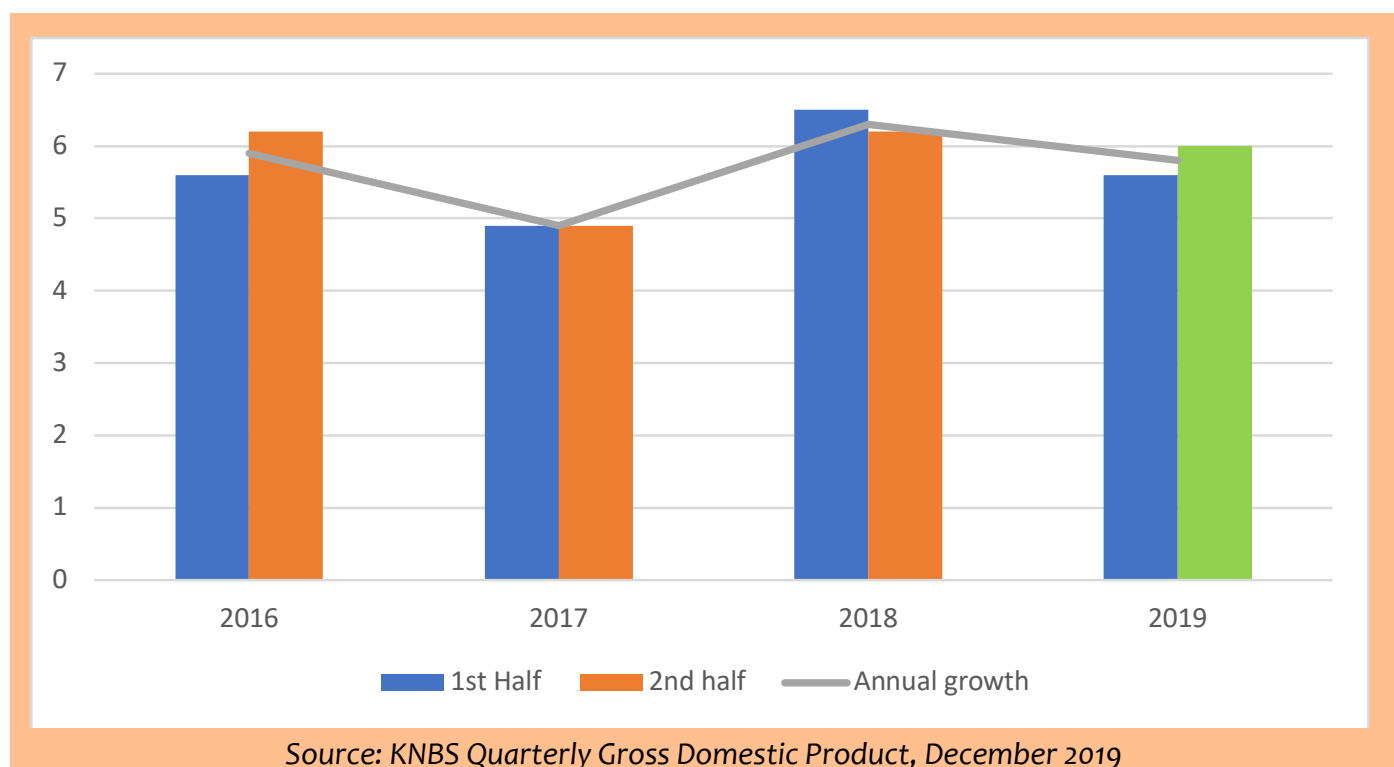
The economy remained resilient and recorded a fairly stable growth of an average of 5.6% in the first half of 2019. The economic growth was mainly attributed to growth in the mining and quarrying activities, and services sector industries such as financial and insurance activities, public administration, education and health. Despite its resilience, the growth was relatively subdued compared to the first half of 2018 when the economy grew at an average of 6.5%. The subdued growth in the first half of 2019 was characterized by slowdown in the agricultural sector due to delay in the onset of long rains. As a result, the country experienced reduced production of major food crops and livestock products such as maize, potatoes, coffee, cabbages and milk. The agricultural sector grew by an average of 4.7% in the first half of 2019, down from an average growth of 7.0% over the same period in 2018 (Table 1).

Sectorial analysis indicates that the mining and quarrying activities, construction, financial and insurance activities, public administration,

education and health activities, registered increased growth rates in the first half of 2019 compared to the same half in 2018 (Table 1). Specifically, the mining and quarrying sector expanded by 1.3% from 2.7% in 2018 to 4.0% in the first quarter of 2019. This was on account of the ongoing mining of crude oil in Turkana county and exportation of the first barrels of crude oil under the early oil programme. Similarly, the construction sector grew to 6.4% in the first half of 2019 compared to 6.0% in 2018, supported by the second phase of the Standard Gauge Railway (SGR) and other public infrastructural developments, especially road construction. The sectors that experienced significant declining growth during the period under review include agriculture, electricity and water supply, accommodation and restaurant services and professional, administration and support services (Table 1). The delayed onset of the rains contributed to declining growth in the agriculture sector, and the electricity and water supply sector.



Figure 1: Economic growth rates during first halves of the year, 2016-2019



As the country envisages to attain a growth of 5.8% in 2019, the economy has to grow at an average of 6.0% in the second half of 2019 as illustrated by the green bar in Figure 1. To attain this growth, there is need to maintain the growth momentum experienced during the first half of 2019 in the mining and quarrying sector, finance and insurance activities, construction and public administration. Specifically, the government's move to repeal the interest rate cap is timely as it is envisioned to boost credit flow to businesses, which is expected to spur economic growth. Further, it is important to invest in the sectors that had higher growth rates in 2018 as they hold the potential to expand and restore the significant growth experienced in the country. These sectors include agriculture, manufacturing, and activities in the services sector such as accommodation and restaurant, transport and storage, real estate, professional, administration and support services, and information and technology.

In addition, the focus on the manufacturing and agriculture sectors to attain two of the "Big Four" agenda by the government is expected to spur growth in the last half of 2019. Under the "Big Four" agenda, the government aims to increase the manufacturing sector's contribution to GDP to 15% by 2022. To realize this objective, special

measures have been put in place. Some of these measures include: the revival of Rivatex; allocation of Ksh 1.1 billion for the development of textile and leather industrial parks; Naivasha Industrial Park and Cotton Development subsidy; development of a framework for deduction of 30% of the total electricity cost used by manufacturers as rebate; and exclusive preference by MDAs in procurement of motor vehicle and motor cycles from companies that have assembly plants in Kenya, a move meant to promote the Buy Kenya Build Kenya initiative, among others. The success of these measures is key to attaining the projected growth in 2019. Further, the agriculture sector touches on the three pillars of the "Big Four" agenda: food security, manufacturing and universal health care. However, the sector has experienced declining growth due to frequent weather shocks. Reliance on rain-fed agriculture has had negative effects on the sector. Therefore, embracing irrigation in the last half of 2019 and growing short seasoned (3 months) crops will boost the sectors productivity, hence increasing the inputs for the manufacturing sector. The ultimate output will be increased economic growth derived from increased production, and healthy and productive workers.

Analysis shows that economic performance in the third quarter of 2019 was relatively slower than the

Table 1: First half sectorial growth rates (2016-2019)

Sectorial Activities	2016	2017	2018	2019
Agriculture	5.6	2.4	7.0	4.7
Mining and quarrying	7.6	5.1	2.7	4.0
Manufacturing	3.2	0.9	4.4	3.7
Electricity and water supply	10.9	8.3	7.5	5.9
Construction	8.3	8.5	6.0	6.4
Wholesale and retail trade	2.4	4.2	6.1	5.6
Accommodation and restaurant	11.2	18.3	14.3	10.4
Transport and storage	7.1	6.9	8.5	7.0
Information and communication	9.8	12.5	11.8	11.1
Financial and insurance	7.7	3.6	4.9	5.9
Public administration	6.6	4.3	6.1	6.3
Professional, administration and support services	4.5	4.8	9.9	6.2
Real estate	9.3	6.4	5.0	4.8
Education	5.4	5.1	5.4	5.7
Health	5.0	4.2	4.3	4.6
Other services	4.3	5.4	4.7	2.8

Source: KNBS Quarterly Gross Domestic Product, December 2019

second quarter of 2019. The economy expanded by 5.1% compared to 6.0% growth recorded in the second quarter of 2019. The deceleration in growth was mainly on account of reduced growth in most sectors of the economy. During the quarter, the overall performance was occasioned by slower growths in activities of agriculture (3.2%), manufacturing (3.1%), accommodation and restaurant (9.0%), information and accommodation (8.4%) and financial and insurance (5.6%) relative to strong performance recorded in the second quarter of 2019.

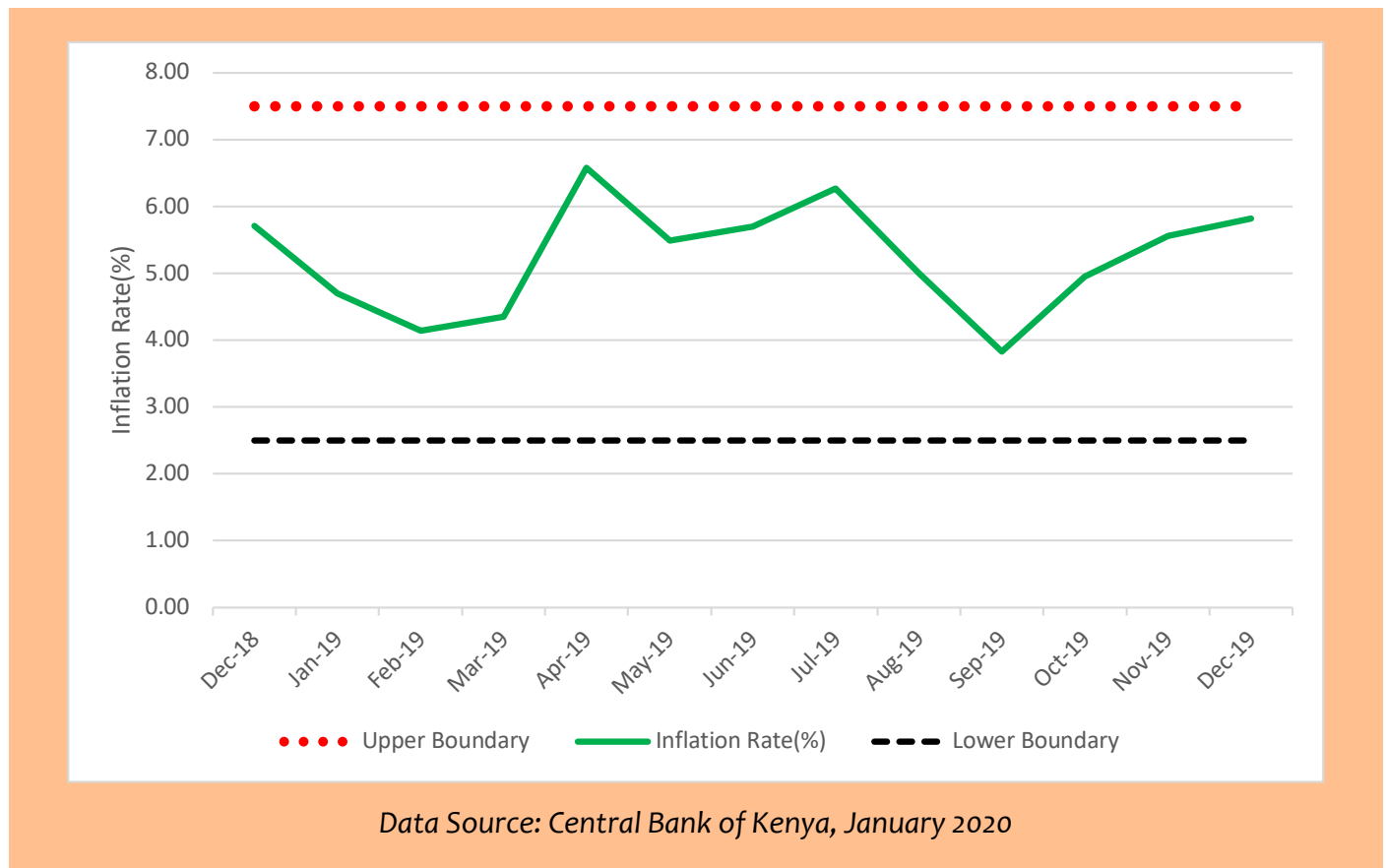
Inflation and Monetary Developments

Overall inflation for the last 12 months has been within the government target range of $5 \pm 2.5\%$. The inflation rate in December 2019 increased to 5.82% from 5.52% and 4.95% recorded in November and October 2019, respectively (Figure 2). The Consumer Price Index (CPI) increased from 202.94 in November to 204.77 in December 2019. This is attributed to: increase in the food and non-alcoholic index by 1.46% from 254.31 registered in November; increase in clothing and footwear index by 0.18; increase in transport index by 2.10; and increase in the housing, water,

electricity, gas and other fuel index by 0.01 since November 2019. The specific commodities that had the highest price change (December 2019/ November 2019) include spinach, tomatoes and onions whose average prices changed by 9.10%, 7.78% and 5.11%, respectively. However, over the

“...the agriculture sector touches on the three pillars of the “Big Four” agenda: food security, manufacturing and universal health care.”

Figure 2: Inflation rate for the period of December 2018 to December 2019



last 12 months, sifted maize flour and tomatoes had the highest price change. Their average prices changed by 52.26% and 36.29%, respectively. The increase in the housing, water, electricity, gas and other fuel index was due to an increase in average prices of charcoal by 0.88%. An increase in the transport index and clothing and footwear index was due to an increase in transport prices, clothes and footwear prices witnessed during Christmas festive season. The food and non-alcoholic index has the highest weight in the basket of goods and services used to measure inflation at 36.04%. However, inflation rates are expected to remain within the target range due to favourable weather conditions and low electricity prices.

On 7th November 2019, the President, His Excellency Uhuru Kenyatta signed into law the Finance Act 2019, where among other provisions Section 33b of Cap 488 repealed the interest rate cap. The repeal is expected to provide the Central Bank of Kenya with full control over the monetary policy, therefore enhancing the effectiveness of monetary policy, attract private investments by freeing up capital for high-risk entrepreneurs especially the MSMEs, and stimulate economic growth.

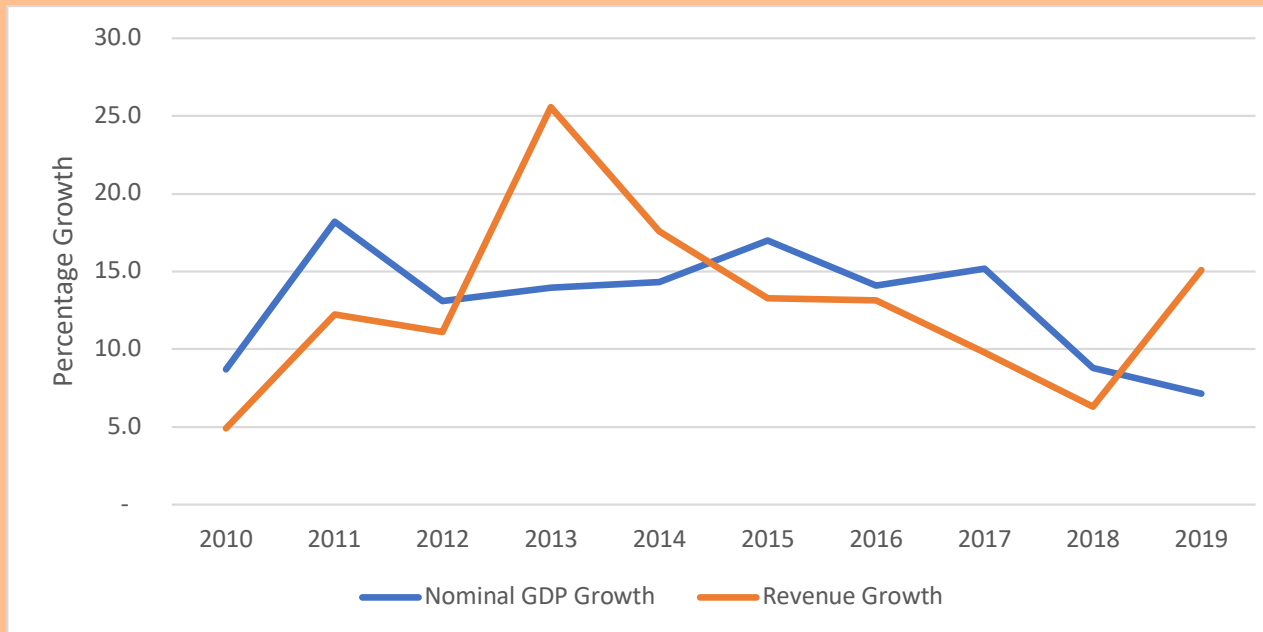
Following the repeal of the interest rate cap on commercial bank loans which provided the CBK with full control over the monetary policy and ongoing tightening of fiscal policy, the MPC on 25th November 2019 lowered the Central Bank Rate from 9.0% to 8.5%. This was meant to provide support to the country’s economic activities and spur economic growth by crowding in private investment.

Fiscal Developments

As the first quarter of the implementation of the 2019/2020 budget ended in September 2019, one emerging issue is that the country has a revenue growth problem. An economy driven mainly by agricultural production, informal sector dominated jobs, fewer taxpayers and sluggish wage growth makes future predictions of revenue even more precarious.

A look at recent developments in revenue on the backdrop of an economy that has on average been growing at 5.4% (in real terms) and 12.9% (in nominal terms) over the last decade reveals that expansion of the economy has relatively weak effect in stimulating revenue growth. Figure 3

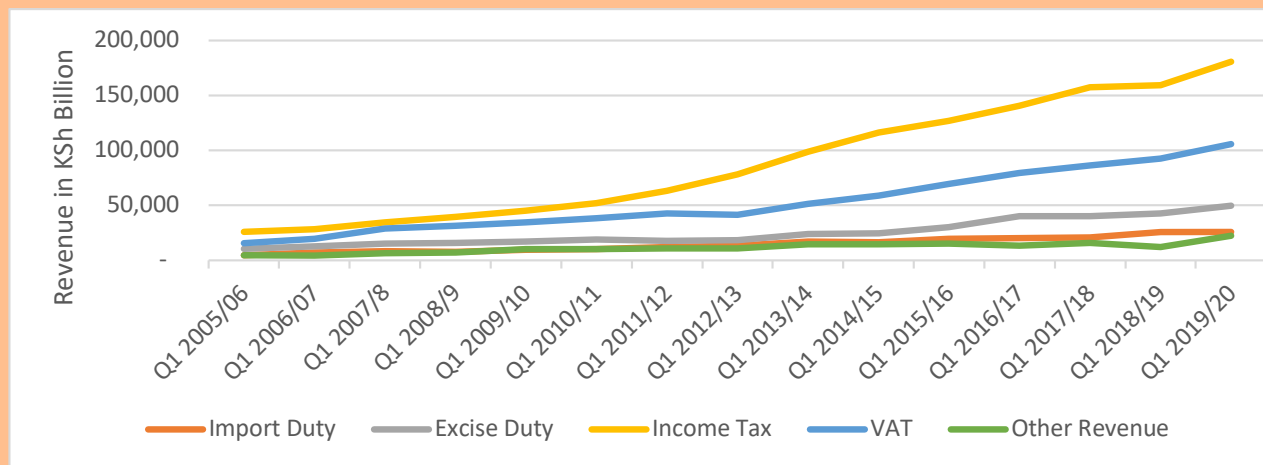
Figure 3: Revenue and GDP growth rates for the period July-September 2010-2019



Note: GDP figures (reported for the period July, August and September) collected as per calendar-year while revenue figures are collected as per fiscal-year.

Source: KNBS and National Treasury

Figure 4: Trends in various components of ordinary revenue



Source: National Treasury

compares revenue and GDP growth rates (both in nominal terms) between July and September period over the last decade. It is evident that while GDP and revenue tend to move together, growth in GDP remains well above growth in revenue.

Kenya's fiscal revenue for the first quarter (July-September period) of 2019/2020 amounted to Ksh 421.2 billion, representing a 15.1% increment compared to similar quarter in 2018/19 where total revenue including Appropriation-in-Aid (A-I-A) was

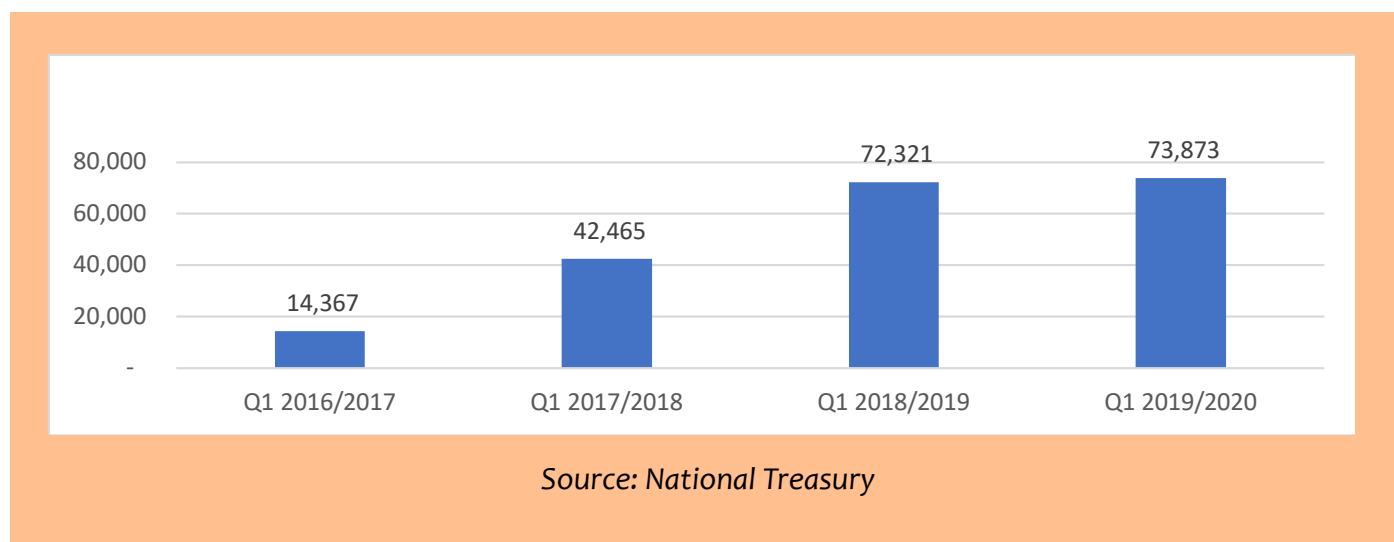
Ksh 365,995 million. Against the set target for the first quarter of 2019/2020, revenue fell short by Ksh 73.9 billion, attributed to underperformance of all major tax heads including ministerial A-I-A. Total ordinary revenue collected during the quarter amounted to Ksh 384.4 billion, underperforming by Ksh 60.2 billion against the set target. Similarly, A-I-A registered Ksh 13.7 billion shortfall against its target to stand at Ksh 50.5 billion by end of the quarter.

Looking at the magnitude of revenue shortfalls vis-à-vis revenue targets in the past four 1st quarters, it is evident that despite the growing government budget, revenue shortfalls have taken an upward trend, moving from Ksh 14.4 billion in

the first quarter of 2016/2017 to Ksh 73.9 billion in the first quarter of 2019/2020. Figure 5 indicates that over and over, revenue shortfalls have been growing exponentially against the backdrop of an expanding economy. This begs the question: are Kenya's revenue targets pragmatic or is it a question of increased revenue leakages?

On the flipside, total expenditure and net lending for quarter one of 2019/2020 amounted to Ksh 544.6 billion against a target of Ksh 565.6 billion, representing a shortfall of Ksh 21 billion which is attributable to lower absorption of development expenditure by the national government. Recurrent expenditure exceeded its target of Ksh 374.4 billion to stand at Ksh 381.3 billion by end of the

Figure 5: Trends in first quarter revenue shortfalls, 2016-2019



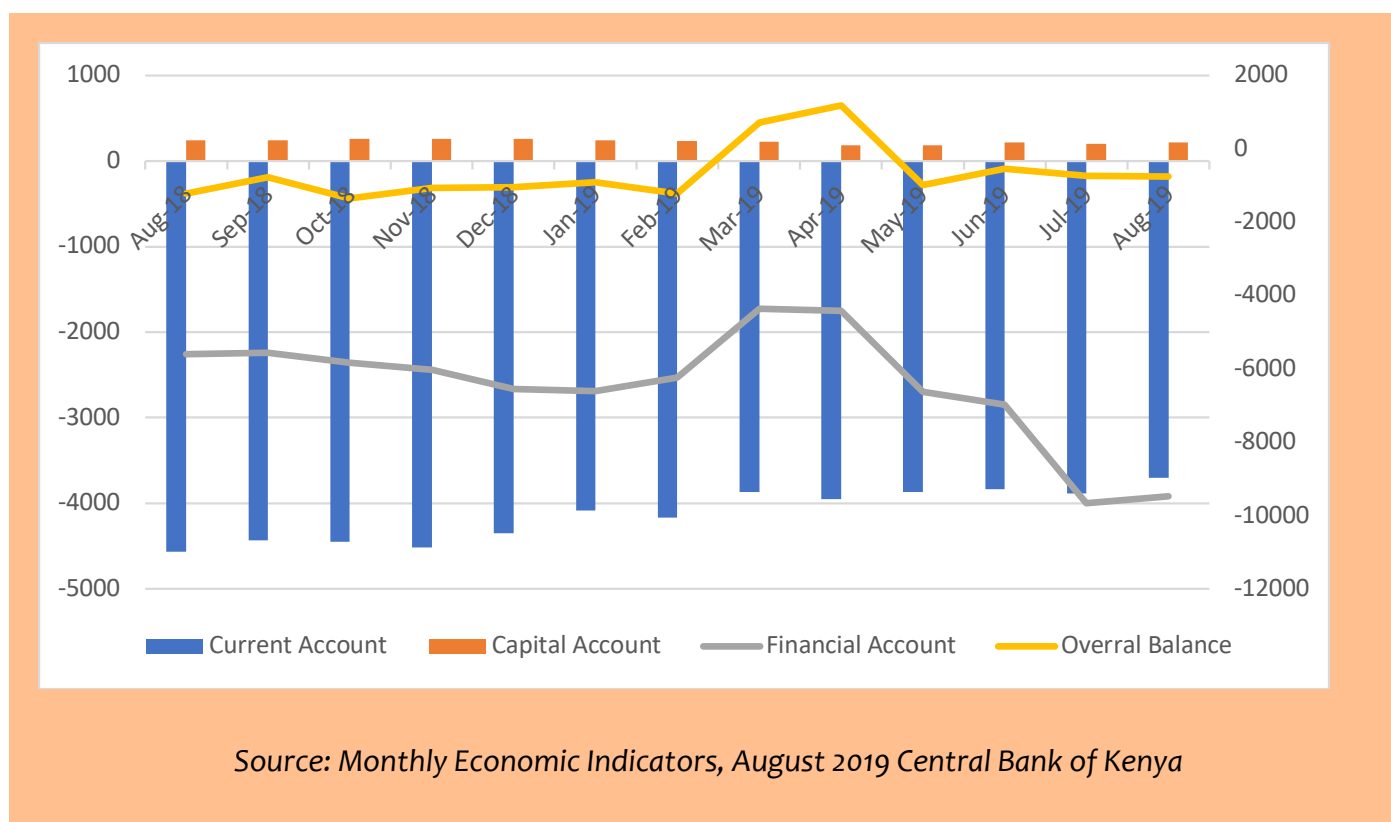
quarter, driven by higher than expected domestic and foreign interest payments, and expenditure operations and maintenance. Development expenditure showed reduced absorption, reaching Ksh 95.9 billion against a target of Ksh 124.6 billion. This was mainly driven by lower than expected absorption by development projects and A-I-A. Overall, government fiscal operations in the first quarter of 2019/2020 resulted into a fiscal deficit of Ksh 120.7 billion against a target of Ksh 62.8 billion.

External Sector

On the external sector, the overall balance of payments (BoP) position recorded a deficit of US\$ 751.3 million in the year to August 2019, a slight increase compared to a deficit of US\$ 544.7 million registered as at June 2019 (Figure 3). The increase in deficit was on account of deterioration

in the financial account that more than offset the improvements in the current and capital account. The flows in the financial account declined to US\$ 9,479.3 million in August 2019 from US\$ 6,978.7 million in June 2019. This was mainly as a result of decrease in portfolio assets from US\$ 1,003.7 million to US\$ 964 million and increase in other investment liabilities from US\$ 4, 736.3 million to US\$ 7,234.9 million. The current account deficit narrowed slightly by 3.5% to a deficit of US\$ 3,703.6 million in August 2019 compared to US\$ 3,837.9 million in June 2019. This reflects resilient performance of exports, particularly horticulture products, strong diaspora remittances, higher receipts from tourism and lower imports of food. Further, the deficit in the merchandise account improved by US\$ 150 million to US\$ 9,960.5 million in the year to August 2019 from a deficit of US\$

Figure 6: Balance of payment for the period August 2018 to August 2019



10,110.5 million. The improvement was mainly as a result of decline in merchandise imports from US\$ 16,059.8 million to US\$ 15,847.1 million during the period under review. To reduce the BoP deficit, it is important that the country sustains the declining deficit in the merchandise account. Specifically, there is need to lower further the imports of basic food stuffs that can be sourced from Kenyan farmers. As the festive season approaches, it is expected that the country will receive increased receipts from both local and international tourism. The increased receipts are likely to improve the country's BoP position.

The CBK's usable foreign exchange reserves during the months of October to December remained resilient, at an average of US\$ 8,883 million. During the months, the reserves increased slightly over the weeks, before declining during the third week of November. However, the month of December registered significant improvements as the reserves increased (Figure 6). During the quarter under review, the reserves remained adequate as the months of import cover averaged 5.5 months for the period under review. This satisfies the CBK's statutory requirement to maintain at least 4 months of import cover, and the EAC region's convergence criteria of 4.5 months of import cover.

The Kenya shilling strengthened against major international and regional currencies in the last month of the quarter (December) compared to the first month (October). The shilling traded at Ksh 100.68 per US Dollar on the week ending 24th December compared to Ksh 103.86 per US Dollar on 3rd October. This was attributed to significant inflows amid slowing demand for foreign currency during the festive season. On the other hand, remittances decreased to US\$ 218.8 million in November 2019 from US\$ 224.3 million in October of 2019. However, it is expected that the remittances increased in December 2019 as Kenyans in diaspora sent money to families and friends during the festive season.

Medium-Term Prospects for Kenya

The current stable macroeconomic environment prevailing in the country plays a key role in the macroeconomic projections for Kenya and is supported by the political good will generated from several government initiatives. The general price levels have been stable in the medium term, which included stable crude oil prices that are only increasing at a slow pace. The current heavy rains are expected to yield better outcomes for the agricultural sector and outweigh the few negative

Figure 7: Official foreign reserves and months of import cover (October to December)

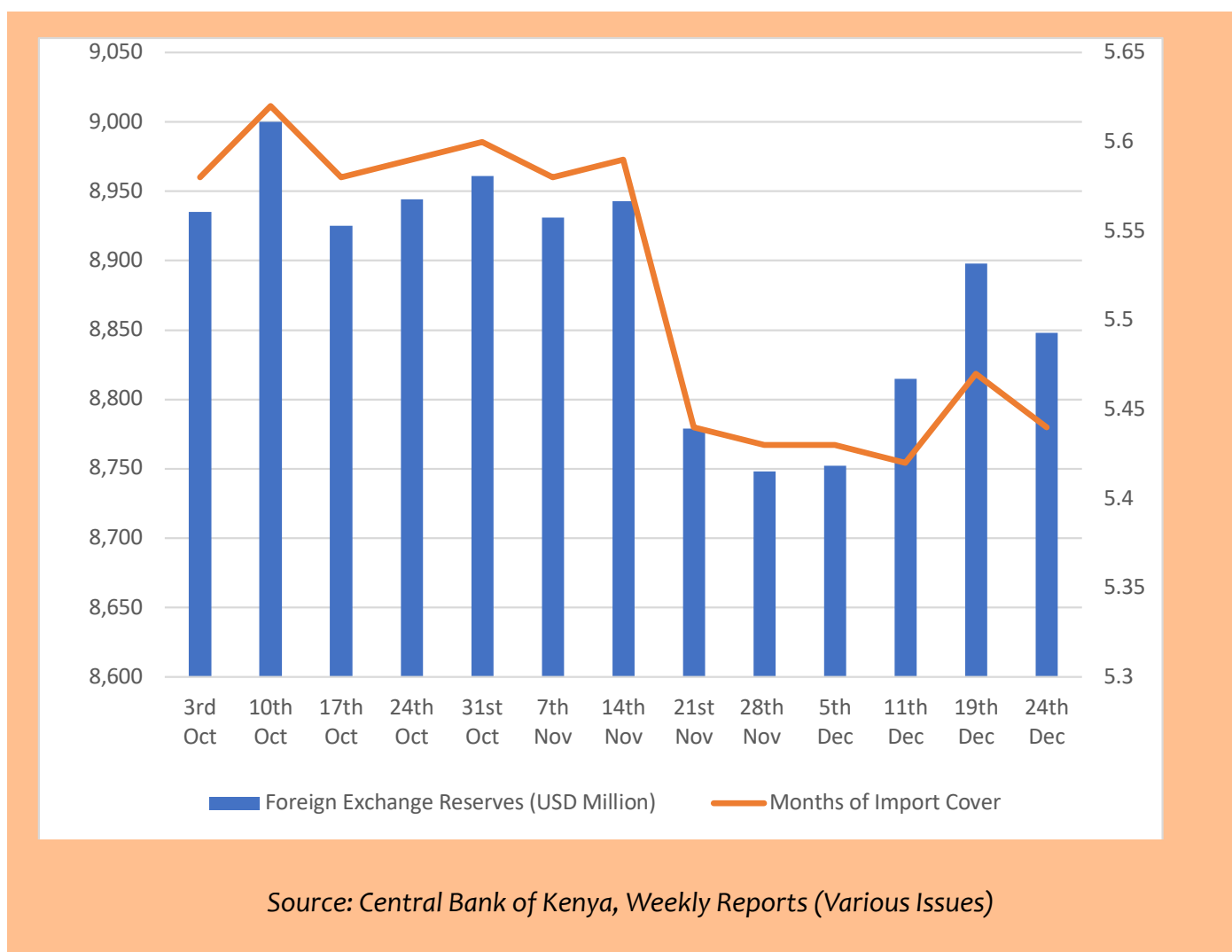


Table 2: Economic projections for 2019-2022

	2016	2017	2018	2019	2020	2021	2022
Rates (%)							
GDP growth	5.9	4.9	6.3	5.8	6.0	6.1	6.3
Inflation	6.3	8.0	4.7	5.2	5.0	5.0	5.0
Interest rate	8.5	8.4	7.8	7.1	8.5	9.2	9.2
Volumes (%)							
Private consumption	6.8	8.1	6.1	6.7	6.9	7.0	7.3
Government consumption	8.5	2.3	1.0	2.9	3.7	4.4	5.0
Private investments	-8.1	6.5	4.7	5.2	5.6	6.1	6.0
Government investments	5.6	-1.2	-1.7	3.7	4.7	5.5	5.9
Export goods and services	-2.6	-6.4	4.0	4.4	4.6	5.1	5.5
Import goods and services	-6.3	12.0	2.6	4.1	4.3	4.5	5.2
%GDP							
Current account balance	-5.2	-6.4	-5.0	-4.9	-4.5	-4.4	-4.3

Fiscal deficit	-5.4	-6.1	-6.3	-6.3	-6.0	-5.8	-5.0
Expenditures	25.1	26.8	26.2	25.9	26.4	26.5	27.8
Index							
Ksh per Dollar	101.5	103.4	101.3	101.3	100.9	100.5	100.5

Source: KIPPRA Treasury Macroeconomic Model (KTMM)

effects caused by floods. The fiscal consolidation that includes prioritization of expenditures into more productive economic activities is expected to boost the economy further. The ongoing international trade negotiations that includes CFTA are expected to improve trade within the African continent in general and boost trade for Kenya specifically.

Table 2 on economic projections gives the forecast scenario with no major changes in the current policy scenario. It takes into account the current issues of fiscal consolidation with a balanced budget, interest rate liberalization that is expected to boost access to credit by the private sector, management of high public debt to be within the

target of Ksh 9.0 trillion and the benchmark of 70%, review of investment programmes for budgeting purposes, and promotion of youth and other groups employment and empowerment activities.

From Table 2, the current economic recovery will continue and be maintained in the medium term at fair levels of 6.1% and 6.3% in 2021 and 2022, respectively. Inflation is expected to remain within the policy scenario of 5.0% with minimal oscillations within the stipulated policy range. Given the stable general prices, household consumption is expected to thrive and grow at the level of 6.9% for 2020 and a slight acceleration to 7.0% in 2021 and 7.3% in 2022 mainly due to the scheduled general elections in 2022.



Inclusion of Persons with Disabilities in Education, Health, Social Protection and Labour Participation: Gains, Emerging Issues and Proposed Interventions

By Dr Eldah Onsomu and Samantha Luseno

A view of Nairobi city, based in Nairobi county| Photo courtesy

Introduction

Kenya has put in place various initiatives to improve the lives and livelihoods of persons with disabilities (PWDs). These include interventions in social sectors such as health, education, social protection and empowerment for effective participation in the labour market. However, more needs to be done to build and strengthen social systems to ensure PWDs access and effectively participate in economic activities. Besides, disabilities are multi-dimensional in nature and require multi-sectoral approaches. According to the Constitution of Kenya, disabilities entail physical, sensory, mental, psychological or other impairment or condition or illness that has, or are perceived by significant sectors of the community to have, a substantial or long-term effect on an individual's ability to carry out ordinary day-to-day activities.

According to the Kenya National Housing and Population Census 2009, 1.6 million people

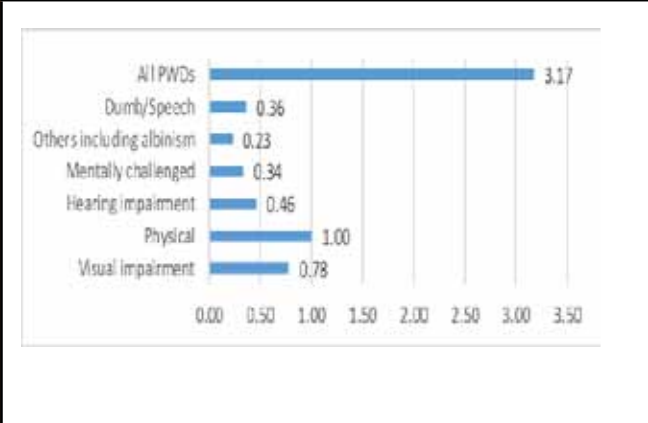
(3.2% of the population) were PWDs (Figure 1a) with 50.4% of them being female and 34.0% being children. Disability disproportionately affects different regions and population groups. The types of disability with the highest frequency of occurrence were physical and visual disability while the least common type of disability was speech impairment (Figure 1b).

Disability is higher in rural areas where it affects approximately 3.8% of the population. Homa Bay County had the highest number of PWDs at 7.1% followed by Siaya County at 6.9% (Figure 2). The lowest proportion was recorded by Bomet County with 1.7% of the population with least form of disability.

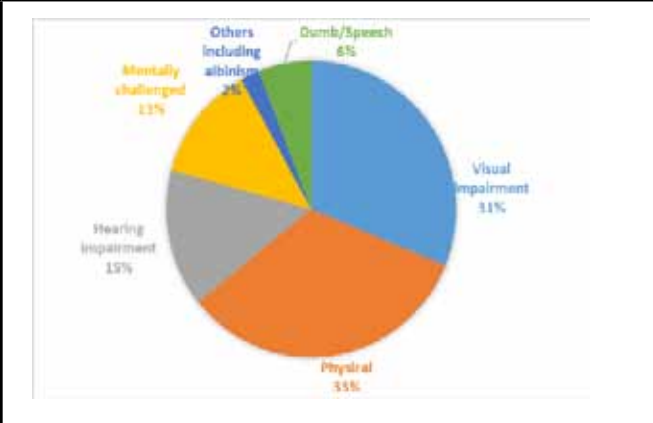
Despite speech impairment being one of the least common type of disability, it is among the most prevalent among children, accounting for above 19%, second to physical disability which accounts for 20.8%. The most common type of disability among women and



Figure 1a: Share of PWDs in total population by type



b) Incidence of disability by type (%)



Source: County Integrated Development Plans (2018-2022) based on Kenya National Housing and Population Census 2009

Figure 2: Economic projections for 2019-2022



Source: County Integrated Development Plans (2018-2022) based on Kenya National Housing and Population Census 2009

girls is visual disability while for men and boys' physical disability is most prevalent.

According to the KIHBS 2015/16, lower proportion of PWDs (68.2%) reported to have ever attended school compared to 77.8% of persons without disabilities; 45.4% of PWDs could read or write in any language compared to 64.3% of persons without disabilities. The main reasons for not attending school given by PWDs were school costs (22%) and parents refusal to take the children with disabilities to school (14%). On health, 42.6% of PWDs reported to have been sick or injured in the last four (4) weeks to the survey period compared to 19.8% of persons without disabilities. A lower proportion of PWDs (11.9%) had received any free medical care in the last 12 months to the survey compared to persons without disabilities (12.9%); and a lower

proportion of PWDs (11.9%) were covered by health insurance compared to 15.5% of persons without disability. About 91.6% of the PWDs with health cover were insured by National Health Insurance Fund (NHIF); 4.2% by private insurers and the remaining through non-contributory health insurance. Regarding labour force participation, a lower share of working PWDs were in wage employment (11.5%) compared to 16.1% of persons without disabilities. About 9.8% of persons without disabilities were engaged in own businesses compared to 7.3% of PWDs.

Measures, Achievements, Emerging Issues and Recommendations

Policy and legislative frameworks

To address issues affecting PWDs, Kenya

signed and ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2007 and 2008, respectively. The Convention dictates that member states adopt laws that best enable persons with disabilities to have equal rights to education, employment, and cultural life; to the right to own and inherit property; to not be discriminated against in marriage, amongst others.

To ensure the same, Kenya made provisions for PWDs in the Constitution of Kenya, 2010 under Article 54, which outlines PWDs' key entitlements. The Constitution is complemented by the Persons with Disabilities Act, 2003 which is the basic law governing disability mainstreaming in Kenya. The Act was enacted to provide for the rights and rehabilitation of persons with disabilities and to achieve equalization of opportunities for persons with disabilities. The PWDs Act is currently being reviewed in light of increasing opportunities, commitments, targets and rights enshrined in UNCRPD, Commitments made during the Global Disability Summit (2019), United Nations (UN) Agenda 2030 and the Constitution of Kenya 2010. Some of the amendments proposed under the Persons with Disability Bill 2019 include: the inclusion of the roles of national and county government under section 1 and commitments towards the realization of the rights of PWDs under Section 11; integration of health needs of PWDs into policies and programmes; and inclusion of entitlements relating to accessibility and mobility under section 21, 22 and 23, among others. The rights of PWDs have also been mainstreamed into activities of various ministries, departments and agencies through performance contracting, which requires inclusion of entitlements in policy documents and Acts. However, there are gaps in various sectors that deal with PWDs that result in PWDs experiencing the worst economic and social outcomes.

It will therefore be important for the national government, county governments and private sector to work in an integrated and coordinated manner across all sectors to

promote and protect the rights of PWDs. Strengthening the functions of National Council of Persons with Disability (NCPWD), at national and county level, would ensure that all sectors are delivering quality services to PWDs and hold all ministries, departments and agencies accountable for their responsibilities in mainstreaming issues of PWDs in institutional policies, programming, planning, budgeting and programme implementation.

Education

Kenya has put in place various interventions to enhance special needs education, key among them the development of the education and training sector policy that includes education needs for learners and trainees with disabilities (2019). The sector policy for learners and trainees with disabilities clearly points to the fact that attainment of quality education for learners and trainees with disabilities is largely dependent on the provision of specialized human, institutional and community capacity development for personnel such as teachers, trainers, caregivers, parents, educational managers, learning support assistants and technical disability-related personnel such as sign language interpreters, sighted guides, braille transcribers, readers, physiotherapists, occupational therapists, counsellors, orientation and mobility trainers and information communication technology (ICT) experts at all levels of education and training for learners, trainees and trainers with disabilities.

The government has also put in place various measures to improve inclusivity in education provision. Some of these measures include: the review and reform of the curriculum to make provisions for various categories of disability; provision of capitation grants with adjustments for children with special needs; provision for home-based and hospital intervention programmes to cater for children with serious disabilities who find it difficult to attend school; establishment of 73 Educational Assessment and Resource Centres (EARCs) to determine placement and suitable intervention measures for learners; establishment of the Kenya Institute



of Special Education (KISE) to ensure inclusion of PWDs in all levels of education; development of the Special Needs Education Policy, 2009 and inclusion of special needs education in Education and Training Policy, 2019; training of special needs education teachers; and environmental modification for learners with special needs through construction of disability-friendly buildings in learning institutions. In addition to the above initiatives, the government also established the Directorate of Special Needs Education tasked with ensuring effective and efficient service delivery to learners with special needs. These interventions have resulted into expansion of special needs education in the country.

Despite the interventions, educational outcomes for children and adults with disabilities remain low. In 2016, the number of special needs learners at primary school level was 251,542, with 97% of the learners enrolled in public primary schools and 3% in private schools. At secondary school level, there were 14,098 learners with special needs enrolled, 90% of whom were enrolled in public schools. Enrolment at both levels indicates that majority of the special needs learners in primary schools reported low completion rates and transition rates. Further, services for early assessment of learners with special needs were weak, and there were inequalities in education access and attainment among children with special needs.

Inadequacy of staff with requisite skills to support education and training for learners and trainees with disabilities is a major challenge. At the same time, deployment of staff has not always matched the individual skills and competences. For instance, the most recent national survey by the Kenya Institute of Special Education in 2018 established that 13% of the head teachers of special primary schools and 77% of the head teachers of integrated primary schools did not have specialized training in special needs education. These proportions are even lower for secondary schools.

Further, the survey established that there were some teachers in special schools for hearing impairment who lacked competency in Kenya Sign Language, while others in specialized schools for visual impairments lacked competency in braille. Despite the long history of teacher training at the various levels, there is evidence to suggest that most of the Technical Vocational Education and Training (TVET) trainers may be lacking knowledge on training in disability. The above scenario if not addressed is expected to worsen during implementation of the competency-based curriculum, which requires sufficient specialized personnel. Inadequate awareness about issues surrounding learners and trainees with disabilities by service providers, policy makers and the community at large is a common problem. There is low level of advocacy and lobbying for the rights of persons with disabilities by parents, communities and disability organizations. Issues relating to disability are not prominent in public meetings and the media. In some cases, local communities are not aware of education programmes for learners, trainees and trainers with disabilities and related services within their localities. Officers of the Ministry of Education, Teachers Service Commission and other public servants are not sufficiently sensitized on matters of persons with disability. There is also lack of awareness creation and sensitization among the public.

Lack of accurate data related to learners, trainees and trainers with disability hampers proper planning and provision of effective services to persons with disabilities at national and county levels. Public and private sector agencies and institutions have made effort to create awareness, sensitize communities, lobby and advocate for policy development and review. However, they face challenges in terms of coordinating their services. Thus, most learners and trainees with disabilities have limited access to education and training, their general learning outcomes remain low and transitions from education and training to work extremely constrained. Further, the participation of learners and trainees with disabilities is constrained mainly by social, language and physical barriers. The negative



attitudes towards disability, especially the commonly held view that persons with disabilities have low cognitive skills, is arguably the leading barrier to participation, even within learning institutions. Again, though the constitution entrenches Kenya Sign Language and Braille as among the key languages, we still have very few users of these languages, creating serious barriers to participation and effective communication for affected PWDs. The situation is worse for female learners, trainees and trainers with disabilities, who face a double disadvantage – gender and disability. The boy child with a disability is often exposed to child labour and other cultural practices that infringe on their right to education.

Areas of intervention would therefore include strengthening early assessment services and reducing inequalities in access to special needs education across all education levels and regions. In addressing challenges facing PWDs in the education sector, there is need to: develop and enforce standards in all institutions offering training on support services for learners and trainees with disabilities at pre-service and in-service levels; build the capacity of educators, educational managers and learning support assistants; review the norms of teacher to pupil ratio and trainee and lecturer ratio to inform staffing; and support the recruitment and re-deployment of the human resource in schools and Technical Vocational Education and Training (TVET) institutions to ensure that skills, qualifications, competencies and attitudes are well aligned to support learners and trainees with disabilities.

A more comprehensive approach is also needed to meaningfully address the various barriers and challenges faced by persons with disabilities in education and training. The national and county governments need to provide broader support alongside social support to comprehensively ensure inclusion of PWDs in society and labour market. Improving access to education, training and appropriate skills development would enable PWDs engage in productive labour market activities. Improving access to health services

and social care would enable affected individuals access necessary treatment right from an early age and rehabilitation in addition to mitigating instances of specific impairments worsening. Better case management will also require a strengthened early assessment and case management system and community support care and social work that can assess needs and refer the affected individuals to relevant services.

Health

In the health sector, disability has been mainstreamed into the Health Act No. 21, 2017. The act stipulates that it is a function of the state to ensure the realization of health-related rights of PWDs. In light of this, the Ministry of Health has put in place frameworks to promote the disability sensitive budgeting by health departments in counties. Interventions towards enhancing access to health services are classified in three categories: service availability which focuses on presence of health facilities, drug supply and providers, among others; acceptability which focuses on attitudes of providers and perceived quality of care; and accommodation which focuses on physical access to health facilities and medical equipment. With the drive towards Universal Health Coverage, all public health facilities including dispensaries were accredited by NHIF to cover needs of PWDs and other vulnerable groups. In addition, Community Health Volunteers have been commissioned in most counties to offer basic health services. The quality of service at health facilities are regularly assessed using the Kenya Quality Model for Health tool developed by the Ministry of Health. The government has also put in place regulations to ensure proprietors of health facilities adapt them to suit persons with disabilities.

However, PWDs continue to face numerous physical, knowledge, attitudinal and systemic barriers that hinder their access to health services. Individuals in rural areas generally experience health access issues, and these issues are even worse for those with physical disabilities. Further, disability is not mainstreamed into the Kenya Quality

Model for Health (KQMH) tool, and access to health facilities still remains a major challenge for those with physical disabilities, while community health workers do not have the expertise to offer more than basic health services.

Going forward, assessment of attitudes of health providers and experiences of PWD patients should be incorporated into the KQMH tool under customer orientation. This will increase awareness and knowledge about health care experiences and needs of PWDs, particularly invisible disabilities. This is essential to improve health care delivery for PWDs and related health care providers. It will also be important to come up with a framework for home based-care for PWDs across all counties. The government in collaboration with private sector health care providers need to invest in a more robust disability assessment mechanism to ensure that all persons with disability are properly assessed in terms of type and or level of severity. Regular assessment procedure would allow PWDs attend assessments when need arises, without instances of any discrimination and stigmatization. Collective registration should also occur at birth and at community level. Further, persons with albinism should be provided with free access to eye and skin treatment. Provision of assistive devices for physical disability should be universally provided to those who need them while giving cognizance to type of disability.

Social protection

Kenya has invested in the development of an early stage lifecycle system by putting in place social protection schemes that provide income support for citizens when they become vulnerable at an early age, old age or as a result of disability. This is consistent with the Universal Declaration of Human Rights under Article 22 and the Constitution of Kenya under Article 43 that stipulate that “every member of society has the right to social security and is entitled to realization, through national effort and international co-operation

and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality”. Persons with Disabilities are amongst the recipients of social protection due to their vulnerability to chronic poverty and social exclusion. In Kenya, the National Social Security Policy, 2011 categorizes social protection initiatives for PWDs under Social Assistance, Social Protection for Health and Social Security.

Social Assistance in Kenya takes the form of Cash Transfers to Persons with Severe Disability (PWSD-CT). Benefits for the programme are in the form of regular and reliable cash transfers. The programme plays an increasingly important role in the fight against extreme poverty by supplementing incomes in poor households, enabling them to increase their consumption of food and other basic items. It also promotes other benefits, including increased use of education and health services, and increased economic resilience of households. Eligibility criteria for the PWSD-CT programme include: (i) an extremely poor household with a severely disabled person for PWSD-CT; (ii) a household not enrolled in any other CT programme; (iii) a household with no member receiving a pension; (iv) a household that has resided in a particular location for more than a year; and (v) the beneficiary is a Kenyan citizen. The main objective of the programme is to enhance the capacities of the caregivers through cash transfers, thereby improving the livelihoods of persons with severe disabilities and mitigating the effect of the disability to the household. The programme targets persons with severe disability, defined as those who need permanent care including feeding, toiletry, and protection from danger from themselves, other persons or from the environment.

They also need intensive support on a daily basis, which keeps their parents, guardians or caregivers at home or close to them throughout. The programme was launched in the 2010/11 financial year in all the 210



constituencies with 2,100 beneficiaries. It was scaled up to cover 14,700 beneficiaries in the 2011/12 financial year. During the 2013/14 financial year, the programme enrolled an additional 12,500 new beneficiaries bringing the total number in the programme to 27,200 households. In 2015/16, the programme enrolled an additional 20,000 beneficiaries. The total allocation for the programme in 2017/18 was Ksh 1.2 billion, which was expected to grow by 9.3% in 2018/19. The programme covered 47,000 beneficiaries in 2019/20. Direct cash disbursements to PWDs are expected to grow by 26% in 2019/20. Overall, a total of Ksh 7.1 billion was advanced to households with PWDs between 2010 and 2019. Beneficiaries of the governments Cash Transfer Programme for PWSD are also entitled to Social Protection for Health. The service is offered by the National Hospital Insurance Fund (NHIF) and beneficiaries are eligible to access the National Health Scheme benefits package dubbed NHIF SUPACOVER.

However, the main challenge relates to the fact that the social assistance programmes for PWDs are still targeted, leading to lower coverage as opposed to universal and leaving the vast majority of PWDs in need of support. Other key challenges affecting implementation of the cash transfer programmes for PWDs include: challenges in delivery of payments to beneficiaries in the far-flung areas; inability of beneficiaries with defaced finger prints to access payments since the ministry in charge of social protection only uses a two-factor authentication process which involves the use of national identification (ID) card and biometrics (fingerprints); inadequate awareness amongst beneficiaries and the public on the operations of the cash transfer programmes; and inadequate funding levels to adequately cover all deserving poor and vulnerable cases and to manage the programme.

To address the challenge, there is need to come up with a resource mobilization strategy to upscale coverage of cash transfer and health insurance to all PWDs. Tax financing can provide support for the population in need of

social protection, including PWDs, while social insurance for both employed and unemployed PWDs could allow for consumption smoothing. The PWDs cash transfer programme should also be expanded into a universal disability benefit for all persons with severe disabilities who are not in receipt of the Inua Jamii senior citizens scheme. Further, the National Social Security Fund should be reformed to provide predictable and regular disability and old age pension payments to its members.

The lessons learnt and best practices include migration to new payment choice model, which involves migration of beneficiaries from card-based to account-based model of payments through contracted payment service providers. This system is more secure, affording PWDs banking services by choice, payments in proximity to their locations, ability to save and withdraw from several outlets, among others. Development of a harmonized targeting methodology (HTM) and tool for the cash transfer programmes is critical. The methodology is aimed at providing a common framework to be used in the identification of potential beneficiaries to be enrolled in cash transfer programmes. This is in line with the overall consolidation of the programmes. The targeting tool could be electronic, which will increase efficiency, accuracy and reduce costs involved in registration and targeting of beneficiaries.

Provision of social security benefits for PWDs' care givers is also critical. Social insurance legislation should address the vulnerability of periodically unemployed family care givers, and the scheme should be flexible enough to accommodate the irregular engagement of caregivers in economic activities. Pension reforms could include special provisions to cater for the needs of care givers who, relative to other members, may not accumulate enough contributions or years of service to benefit from decent pension.

Labour participation

Access to employment is a fundamental aspect of economic well-being. However,

PWDs tend to either suffer unemployment or earn low incomes as a result of employer perceptions and discrimination. The extent of exclusion varies based on type and severity of disability (with people with mental health difficulties or intellectual impairments being the most excluded). A relationship between disability and job mobility has also not been adequately mainstreamed in most sectors of the economy. Statistics from the 2015/16 Kenya Integrated Household Survey (KIBHS) indicate that at the national level, 54.7% of persons with disability reported to have had difficulties in engaging in economic activity with a higher proportion reported in rural areas compared to urban areas. Vihiga County had the highest proportion of persons with disability that reported difficulty in engaging in economic activity, followed by Migori, Nyamira and Isiolo counties. Further, the government has made provisions to protect PWDs from discrimination in employment and termination under the Employment Act, 2007 and Access to Government Procurement Opportunities (AGPO). Disability mainstreaming also forms part of the indicators for Performance Contracting for Ministries, Departments and Agencies (MDAs). In particular, MDAs are expected to ensure there is no discrimination in advertising, interviewing, recruitment, volunteerism, internships, training and promotions. In addition, MDAs are expected to ensure progressive realization of attaining the 5% quota on elective, appointive, and contractual recruitment of personnel. However, MDAs are still not able to meet targets for employment affirmative actions for PWDs.

To address the labour participation challenge among PWDs, there should be continuous empowerment and capability enhancement on public procurement to enable a larger number of PWDs get and have access to jobs and other available economic opportunities.

Improve data availability

On data and information management, PWDs data is mainly obtained through surveys and census conducted by the Kenya National

Bureau of Statistics (KNBS). However, these surveys are expensive and are conducted after an average of 10 years. This hampers informed policy formulation for PWDs. It is therefore necessary to supplement this micro level data with administrative records data from different institutions such as annual statistics from National Transport and Safety Authority, counties and ministries in charge of health, education, labour and social protection, among others. There is also need to set up a national and county level data collection centre for PWDs. This would help seal any data and information gaps on PWDs.

For the first time, in the 2019 Census, Kenya used the Washington Group (WG) short set of questions to identify the number of PWDs in the country and to tackle the stigma that is associated with some people not wanting to identify themselves as PWDs. The questions were designed to identify whether an individual had difficulty in performing simple universal activities including seeing, hearing, walking, remembering, self-care and communication. The questions replaced such questions as “do you have a disability” and other terminologies that were used to describe PWDs such as “mute”, “dumb”, “mentally retarded” which have been identified to be stigmatizing. Concerted efforts were also put in place through PWDs umbrella bodies such as United Disabled Persons of Kenya to ensure that no one was left uncounted. The 2019 Census data, once analyzed, will therefore play a critical role towards effective policy formulation and implementation for the benefit of PWDs.





Are the Needs of Persons with Disabilities Addressed Appropriately During Disasters?

By Joshua Laichena

Disability is defined by both the Constitution, 2010 and the Disability Act, 2003, as... “any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long-term effect on an individual’s ability to carry out ordinary day-to-day activities”. This definition has similar meaning as that which it has been assigned under the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD). The UNCRPD, articles 11 and 32, requires that persons with disabilities

benefit from and participate in disaster relief, emergency response and Disaster Risk Reduction (DRR) strategies. Further, the guiding principle of the Sendai Framework for Disaster Risk Reduction recognizes the importance of paying attention to persons with disabilities in DRR, who represent about 15% of the world’s population and are particularly vulnerable in situations of natural and man-made disasters. It recognizes that Persons with Disabilities (PWDs) are also more vulnerable to consequences of climate change and environmental degradation compared to



the general population. The framework further stresses that disability inclusion in DRR is critical for the creation of resilient, inclusive and equitable societies. The participation of persons with disabilities in all stages of disaster risk reduction, especially preparedness, is essential to increasing their resilience and survival. The Sendai Framework therefore presents a unique opportunity to ensure disability-inclusive disaster risk reduction by all countries.

At the national level, the protection of human rights and fundamental freedoms, including economic and social rights are safeguarded under Chapter Four of the Constitution of Kenya, which sets out a progressive Bill of Rights enjoyable by all individuals in Kenya. The Constitution promotes equality and non-discrimination and further provides special safeguard on the protection of individuals or groups who may be discriminated. The national values and principles of governance bind all State organs to ensure non-discrimination when applying or interpreting the Constitution or when implementing public policy decisions. On this basis, disaster risk reduction policies must take into account the needs and requirements of PWDs.

It is important to note that disaster risk reduction is constructed around the abilities and the needs of people without impairments in mobility, hearing, sight, speech, stamina and cognition,

mental or emotional stability. In many cases, DRR policies presume the dependence of the person with disabilities upon a caregiver and disregard situations in which there may not be anyone to assist the person in question. However, natural and human-made disasters affect both the able-bodied and the PWDs in the same way. From a disability perspective, disasters not only create disabilities but also inflict injuries to PWDs, thus adding more problems to the already disadvantaged individuals. This is compounded by the fact that the needs of PWDs are often not considered during disaster planning. The PWDs may require specific forms of evacuation and shelter after disruption of their social contacts and support networks. For example, information on what to do in different types of disaster situations ought to be directly available to persons with various types of impairments, who may well have to 'cope' on their own. Further, advice could be provided about how a person with a disability could go about developing his or her own support system.

In order to ensure the needs of the PWDs are adequately addressed during disasters, all institutions working with PWDs should focus on ensuring questions such as what types of facilities are in place for PWDs regarding preparedness for and response to hazards; what types of access do PWDs have to disaster risk management information; and to what extent efforts are made to include PWDs in disaster risk management planning are well addressed.

Kenya has taken legal and policy steps to recognize the rights of PWDs by being a signatory to the UN Convention, developing policy and enacting legislation on PWDs. However, this has not led to widespread improvement in the situation of PWDs, particularly in the area of DRM. Though not treating DRM in detail, the provisions in the policy and legislation, if implemented, would ensure that impairments do not in fact become disabling in emergencies and disasters. An examination of policy and legislative frameworks in Kenya suggests that the existence of policy and legal frameworks has not resulted in adequate inclusion of PWDs in DRM activities. As such, barriers remain as to the types of facilities in place for the PWDs regarding preparedness for and response to disaster hazards, the types of access persons with disabilities have to disaster risk management information, and the extent to which efforts are made to include them in disaster risk management

“According to the Kenya Housing and Population census 2009, the proportion of PWDs in Kenya is about 3.4% of the population (1.33 million people), with female constituting 51% (682,623 people) and male 49% (682,623 people).”



and planning. An example of these barriers is that evacuation plans during disaster are majorly geared towards persons who could walk, drive, see or hear.

Further, communication of warnings and precautionary information does not reach some persons with hearing impairments because of lack of sign language. In addition, persons who are visually impaired cannot understand the significance of some visual displays because there are no audio descriptions. Disaster plans do not currently cater for persons with medical needs especially in the temporary camps set up during disasters. Such needs would be covered under hospital plans. However, some medical needs may not require hospital care in that equipping emergency shelters with appropriate levels of equipment and trained staff could meet medical needs such as routine injections, intra-venous care, vital signs monitoring, and administering medication for the disabled and those injured during disasters.

According to the Kenya Housing and Population census 2009, the proportion of PWDs in Kenya is about 3.4% of the population (1.33 million people), with female constituting 51% (682,623 people) and male 49% (682,623 people). Further, 66% of the disabled population lives in rural areas (878,000 people). The types of disability identified by the survey are mobility 12%, visual 25%, auditory 14%, speech 12%, cognitive 10% and others 1% of the disabled. While the PWD population is spread across the country, there are specific areas that are prone to disasters such as flooding, drought and landslides. The DRR strategies should be designed to cater for the unique needs of each type of disability.

The prevailing physical and social isolation of many PWDs limits their access to networks and information, and excludes them from community activities, including those related to DRR. This leaves many of the PWDs without knowledge on how to prepare for disasters, and unaware of the important roles they could play in DRR. The vulnerability of PWDs is magnified when a disaster strikes. For example, in cases of landslides, collapsed building, flooding, etc, the temporary shelters may not be accessible to the wheelchair users, the blind and the hearing-impaired. The efforts are focused on saving the able bodied and the needs of PWDs are looked at last! This situation disadvantages them in all ways and

are likely to lose their lives more easily than the able bodied. Furthermore, sexual abuse against women and girls with disabilities may increase during disasters and other crisis situations. It would be expected that, for example, during times of droughts, the distribution of food to be taken to the PWDs. However, the distribution is done in a centralized place where all persons are expected to pick their rations. The PWDs may not be able to access the distribution points and may not have anyone to assist them collect their rations. Such situations reinforce the argument that persons with disabilities are more likely to die when a disaster strikes, than those without disabilities because their needs are ignored and/or neglected by the official planning process in most situations. They are often totally reliant on the kindness of family, friends and neighbours for their survival and safety. Further, they may not know where and how to get emergency services or have no knowledge of established meeting points in the event of a catastrophe.

To ensure that PWDs are included in DRR in line with international, regional and national instruments, DRR strategies, climate resilience programmes and conflict prevention/mitigation policies should make disability a core, cross-cutting theme, which must be included in any country's development framework. These frameworks should draw from four priority areas of the Sendai framework considering the goals, targets and indicators on disaster risk reduction and resilience that are inclusive of marginalized groups such as persons with disabilities. Secondly, disability must be systematically taken-up across all aspects of the disaster management cycle. Part of the prerequisite could include provision of barrier-free access and information to all disaster prevention programmes, and awareness creation on the inclusion of persons with disabilities should be carried out involving local disability organizations and NGOs supporting the disabled to complement the governments' effort.

Thirdly, disaster risk reduction should consider the need for rehabilitation and follow-up services for persons with disabilities and those injured during evacuation. All the disabled persons affected by disasters and emergencies must be given barrier-free access to relief aid and reconstruction programmes. The national disaster management frameworks must also consider the knowledge and suggestions of persons with disabilities living



in disaster-prone areas/counties to make sure that goals, indicators and development policies are fully inclusive of the rights of persons with disabilities.

Fourth, the PWDs have the same fundamental rights as any other person as enshrined in the national and international instruments. This must include the right to alerts and warnings, precautionary information, information on available facilities, and assistance in a format which can be easily accessed and understood by them. In this regard, the PWDs must be assured of full and active participation and inclusion in the society through participation in DRM programmes, planning and policy development. In addition, government entities should include reporting on progress on disability inclusion as part of their regular reporting schedule for the Kenya Vision 2030 through

Medium-Term Plans (MTPs). To ensure messages reach persons with disability during disaster, the Kenya Meteorological Department with support from service providers such as Safaricom and Airtel can develop applications for mobile devices which will deliver simplified colour-coded alerting information for weather systems and disaster warning messages to PWDs.

Finally, there is still an opportunity for the government at national and county levels to fast-track the implementation of its policies and to set an example by complying with its own laws designed to ensure full participation of PWDs in society, including equal access to information and facilities and inclusion in DRM programming and planning.



A Critical Analysis of the Disability Policy and Disability Legislations in Kenya

By Paul Lutta



According to the World Disability Report published by the World Health Organization (WHO) of 2018, 15 people out of every 100 people in the world live with disability, while 2 and 4 people out of every 100 have severe disabilities. According to the 2009 census in Kenya, 25.5% of PWDs had physical disabilities, 24.9% visual, 14.1% hearing, 14.0 speech and 10.0% mental disabilities. Disabilities were more prevalent among women, the elderly, poor, unemployed, and minority groups.

In 1980, the Kenyan government declared the National Year for People with Disabilities to create awareness on disability. Since then, the government has continued with more efforts which include introduction of Educational Assessments and Resource Services in 1984 by the Ministry of Education to improve educational service for

special education students. In 1989, Kenya's oldest Disabled Person's Organization (DPO) merged with the Kenya Union of the Blind, Kenya National Association of the Deaf, Kenya Society of the Physically Handicapped, and other organizations to form United Disabled Persons of Kenya (UDPK). In 1993 The Attorney General appointed a task force to review laws related to persons with disabilities and to collect views from the public. In 2003, the Persons with Disabilities Act was enacted, and the National Council for Persons with Disabilities established to promote, protect and implement rights, privileges of persons with disabilities. The Kenya government signed the UN Convention on the Rights of Persons with Disabilities (CRPD) in 2007 and ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2008.

In 2010, the Government of Kenya passed the



Constitution of Kenya 2010, which recognizes disability. Article 27 of the Constitution entitles every person to equality before the law and prohibits direct or indirect discrimination on any ground, including disability. Article 28 guarantees the right to human dignity and the right to have that dignity respected and protected. Article 54 gives entitlements for PWDs, including the right to be treated with respect and to be referred to in a manner that is not demeaning, the right to access educational institutions, reasonable access to public transport, information, the use of sign language and access to materials and devices to overcome constraints arising from person's with disability.

Policies on Disability

Polices on disability are spread out in several government sectoral policies that capture an element of disability. Here are some of the policies where disability is incorporated.

Disability Policy (Draft)

There is an existing Draft Disability Policy that seeks to guide the Public Service in disability mainstreaming to ensure a diverse workforce as provided for in the Constitution of Kenya and Persons with Disabilities Act of 2003. The policy objectives are to provide an equal opportunity for employment of Persons with Disabilities in the public service and create an accessible and facilitate work environment for employees, interns and attaches. Though the policy has provisions of assistive devices and technology that supports Persons With Disability to maintain and improve to function independently. Implementation of this provision is still weak, most public organizations websites are inaccessible for visually impaired persons. Similarly, the policy requires ministries and government agencies to post job adverts to job portal websites of the National Council for Persons with Disabilities (NCPWD) for easy access to PWDs something that is not adhered to.

For disabled persons who have their personal assistive and supportive devices such as service animals, the policy does not provide how the service animals (guide dog, therapy dog, emotional support dog) will be handled at work place, for example in provision of holding area for the animal. Kenya does not have service animal laws that guide persons with disabilities using service animals. Service animals provide motivational

experiences that may have a positive impact on health, there are no allowances to service animals for PWDs. Uptake on use of service animals is among the PWDs in Kenya is low, although there is no data on the type and number of service animals used in Kenya. The policy does not provide for data collection and registration of service animals among PWDs. Future revisions could factor in use of service animals among PWDs.

The policy does not provide for timelines within which disability should be registered with the National Council for Persons With Disability (NCPWD), and thus accurate data on PWDs in Kenya is not available for national planning. Furthermore, the policy does not provide guidelines on transition from disability to non-disability, and this hinders correct capturing of data on disabilities.

Under institutional frameworks, the policy does not provide guidelines to support and facilitate persons with disability to effectively engage in sporting activities. Lack of such support is a violation of their rights.

ICT has the potential to improve the lives of PWDs through development of innovative solutions and building capacities for information, media, education and ICT professionals on design and application of inclusive technologies, accessible content and services to PWDs. There is need to include the Ministry of Information Communication and Technology in implementation of the disability policy. Similarly, education and research institutions are essential in supporting disability mainstreaming through research and dissemination of information.

The policy does not provide for consultation with stakeholders under the public participation as provided under Article 10 of the Constitution of Kenya, which identifies public participation on the development of any national policy for collective ownership by the Kenyan people.

National Special Needs Education Policy framework 2009

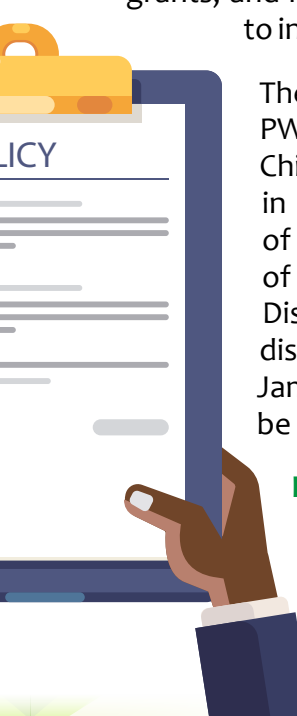
The Special Needs Education Policy (SNE) recognizes the importance of inclusive education that would see children with special needs fulfil their potential and increase their participation



in national development. It seeks to enhance early identification, assessment, intervention, placement, habilitation and rehabilitation of learners with special needs and disabilities; promote awareness on the educational needs and capabilities of persons with special learning needs and disabilities; promote and facilitate inclusion of children with special needs in formal and non-formal education and training; put in place measures to promote barrier free environment for learners with special needs in all learning institutions; promote quality, relevant and holistic education in all learning institutions for learners with special needs and disabilities; and develop capacity of SNE professionals, specialists and essential service providers to deliver quality services to learners with special needs and disabilities. Successful implementation of the policy is likely to improve the quality and access to education among children with special needs.

National Social Protection Policy 2011

The National Social Protection Policy (NSPP) was developed in 2011 by the then Ministry of Gender, Children and Social Development to cushion people financially after their active years of working so that they live a decent life with access to better social services after retirement. The social protection initiatives for PWDs include disability grants, disability benefit, disability insurance and disability coverage. The Persons with Severe Disabilities Cash Transfer (PwSD-CT) is distributed through the NCPWD under the National Disability Fund. NCPWD also offers support to PWDs in form of assistive devices, educational support through grants, and improvement of access infrastructure to institutions that offer services to PWDs.



The proposals for social protection for PWDs to be implemented by 2030 include Child Disability Benefit to be introduced in 2020/21, which will include a transfer of Ksh 2,210 per month to a caregiver of each child with severe disability, and Disability Benefit for adults with severe disabilities not in receipt of the Inua Jamii Senior Citizens' scheme. This will be introduced in 2020/21.

Kenya Vision 2030

The Kenya Vision 2030 recognizes PWDs as vulnerable groups who live in poverty due to stigmatization,

limited education opportunities, limited economic opportunities and lack access to labour markets. The government is committed to improving the lives of PWDs in special education through enforcement of legal provisions that safeguard the rights of those with special needs; implementation of the Special Needs Education Policy; further research on special needs; development of a flexible curriculum and evaluation system for learners with special needs; utilization of the most appropriate language of communication for learners with special needs; rehabilitation of existing institutional infrastructure to make them disability-friendly; and creation of awareness and advocacy campaigns on the rights, needs and potential of learners with special needs. Other areas of interest include implementation of the Disability Fund to provide finances to PWDs for socio-economic empowerment.

National Policy on Ageing and Older Persons, 2007

The objective of the policy is to facilitate the provision of reasonable care and assistance to older persons by family and the state; promote the participation of older persons in development processes; and enhance and facilitate older persons to pursue their personal development. The policy recognizes that older people experience impairment and illness as a result of old age, and this may lead to disability, and thus the need for social protection for older persons with disability. Older persons are an important segment of the national population whose rights must be recognized, respected, protected and promoted.

Government Affirmative Action Plans for Persons With Disability (PWDs)

Other bits of guidelines for intervention for persons with disability are spread out in various government policies. For example, Article 54(2) of the Constitution of Kenya requires progressive implementation of 5 per cent of the members of the public in elective and appointive bodies as PWDs, although uptake of PWDs in appointive and elective bodies is still low.

During the 2017 general elections, the Independent Electoral and Boundaries Commission (IEBC) developed ways to increase PWDs participation in the electoral process by waiving nomination fees. Also, a youth coordination committee on elections was established by IEBC to support the youth with meaningful advice on how they and

PWDs could actively engage in elections. IEBC in conjunction with the Office of Registrar of Political Parties provided guidelines to political parties in preparation for and conduct of party primaries, nomination of candidates to party lists and participation in elections where political parties were to prioritize PWDs for elective and nomination positions.

On economic inclusion of PWDs, the Access to Government Procurement Opportunities (AGPO) seeks to allocate 30 per cent of government procurement opportunities to women, youth and PWDs, with 2 per cent going to PWDs under restricted tender process. The government has also put in place mechanisms to enrol PWDs into the National Youth Service to train for special types of skills.

East African Community Policy on Persons with Disability

Under the treaty of East African Community, partner states are to cooperate in social welfare of their people with respect to development and adoption of a common approach towards disadvantaged and marginalized groups, including children, the youth, the elderly and persons with disabilities through rehabilitation and provision of, among others, foster homes, healthcare, education and training.

The objectives of the EAC policy on PWDs is to provide a framework for legislation, coordination and programming for PWDs; to establish a regional coordination forum; to mainstream issues of PWDs in programmes, policies, plans and monitoring and evaluation systems; to establish mechanisms for promoting community-based support systems; to provide opportunities for strengthening capacities of PWDs and their families, care givers to harness their maximum potential; to establish a sustainable funding mechanism for PWDs at the EAC level; and to influence the ratification of the United Nations Conventions on Rights of Persons With Disability

(UNCRPD) by all partner states and the EAC as a block.

The member states are to achieve this by having the rights of PWDs enshrined in the EAC treaty; member states to harmonize legislations to ensure they are disability focused; sensitization and awareness on disability; mainstreaming of PWD issues at national, regional policies and affirmative actions; and capacity building and social support to ensure PWDs participate in socio-economic development.

The member states are to prioritize training and education (capacity building) through promotion of special needs education; economic empowerment through establishment of regional disability development fund; promotion of affirmative action for PWDs; accessibility to physical locations; establishment of disability user friendly facilities e.g. schools, market centres, hospitals, courts and sports grounds; promotion of use of sign language, braille, tactile at EAC and in EAC conferences; provision of tax on assistive devices; and social protection participation of PWDs.

Disability policies in other developing countries

South Africa Disability Policy adopts a social model in provision of services to persons with disability. The approach utilized is more of a people and development-centred approach than a welfare approach. These services include social security, rehabilitation, capacity building and empowerment programmes, social integration, provision of residential facilities, family support services, development programmes for women, services to children and youth with disabilities. Parenting skills are provided to parents of children with disabilities, in addition to development of support groups for parents of children with disabilities. Early childhood development programmes are available for children with disability.



Enhancing Representation of PWDs in the Public Service

By Beverly Muthoki Musili

The Constitution of Kenya, Persons with Disabilities Act of 2003, and the Convention on the Rights of Persons with Disabilities recognize the inability of Persons with Disabilities (PWDs) to competitively participate in socio-economic activities, leading to their socio-economic marginalization. The right to work is a fundamental right recognized in Article 27 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which Kenya has ratified. Article 27 of the UNCRPD recognizes the right of persons with disabilities to work on an equal basis with others, which includes the right to gain a living by working freely in a chosen or accepted labour market and work-environment that is open, inclusive and accessible to PWDs. This signifies the right of PWDs to earn a livelihood in a profession individually chosen, and to work with equal rights with others to improve the financial situation and support personal empowerment of PWDs. Further, the UNCRPD mandates State Parties to promote employment opportunities and career advancement for PWDs in the labour market, and assistance in finding, obtaining, maintaining and returning to employment.

This requirement is critical particularly because PWDs experience higher rates of unemployment and underemployment

compared to persons without disabilities, and therefore merit special consideration. Employment precedes and is a prerequisite for realization of the right to human dignity as it enables individuals to fully participate in the economy and society. Employment provides the impetus for achieving the right to human dignity and socio-economic development.

The 2015/16 Kenya Integrated Household Budget survey by the Kenya National Bureau of Statistics (KNBS) found that nationally, the proportion of persons with disability was 2.8%, with rural areas having a higher proportion of 3.3% compared to 2.0% for urban areas (KNBS, 2015). Meru County had the highest proportion of 8.5% of persons with disability. Other counties with significant proportions of persons with disability were Vihiga (6.3%), Kirinyaga (5.8%) and Siaya (5.3%).

Visual disability was prevalent in Meru (4.9%), Kirinyaga (3.0%), and Vihiga (2.9%) counties, whereas the proportion of population with hearing disability was highest in Meru County (2.4%). At the national level, slightly over half (54.7%) of persons with disability have difficulties in engaging in economic activity, with a higher proportion in rural areas compared to urban areas. For persons with disabilities, obstacles to their full

participation are represented not only by the physical environment, transportation, ICT, but also by access to facilities, information and services due to lack of adequate or appropriate support. Further, lack of accessibility often discourages PWDs from accessing employment. Infrastructure, including public accommodation, transport systems and information are often inaccessible or customized for PWDs, which may discourage them from seeking work.

To ensure protection and inclusion of PWDs, Kenya has put in place various laws and institutions to cater to their well-being. The Constitution of Kenya 2010 in Article 27 entitles every person to equality before the law and prohibits direct or indirect discrimination on any ground, including disability. Furthermore, Article 27 of the Constitution provides that the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantages suffered by individuals or groups because of past discrimination. Article 54 stipulates specific entitlements for PWDs, including the right to be treated with respect and to be referred to in a manner that is not demeaning, the right to access educational institutions, reasonable access to public transport, information, the use of sign language, braille or other appropriate means of communication and access to materials and devices to overcome constraints arising from disability. The State is also obligated to ensure progressive implementation of the principle that at least 5% of members of the public in elective and appointive bodies are persons with disability. Article 55 of the Constitution requires the State to take measures, including affirmative action programmes, to ensure that PWDs have access to relevant education and training, opportunities to associate, be represented and participate in political, social, economic and other spheres of life; and access employment. Article 56 of the Constitution requires the State to put in place affirmative action programmes to ensure that minorities

and marginalized groups are provided with special opportunities for access to employment. The Constitution elaborates on the rights of PWDs to ensure their inclusion and participation in the legislature. Article 81 requires that the electoral system shall ensure fair representation of persons with disability. The composition of the National Assembly, County Assembly and Senate at both levels of government must ensure that it maintains a number of special seat members to ensure that persons with disability have representation, as prescribed by the Constitution. Article 232(1) of the Constitution stipulates that one of the principles and values of public service is to provide for fair competition and merit as the basis of appointment and promotions while ensuring that persons with disability are afforded adequate and equal opportunities for appointment, training and advancement at all levels of the public service.

In addition, Section 10 of the Public Service (Values and Principles) Act, 2015 which gives effect to Article 232 of the Constitution, allows public institutions, for purposes of ensuring representation of PWDs and other marginalized groups, not to unduly rely on fair competition and merit as the sole basis for appointments or promotions, which may often disadvantage PWDs. The Act provides for circumstances under which affirmative action measures may be applied in the appointments and promotions of public officers in the public service and allows use of affirmative action in instances where PWDs are underrepresented.

The Public Service Commission Act, 2017 defines affirmative action as the measures designed to overcome or ameliorate an inequity or the systematic denial of opportunities. Section 48 of the Public Service Commission Act requires the Public Service Commission to make regulations to give effect to the requirements of the Constitution regarding inclusivity in terms of, inter alia, persons with disability. The Public Officers' Ethics Act, 2003 requires public officers to treat fellow public officers, including PWDs,



with respect while discharging their mandate. The Employment Act 2007 recognizes disability and prohibits discrimination on grounds of disability in employment both in public and private sectors. Moreover, the Public Procurement and Disposal Act 2015 and Regulations 2006, reserves 30% of public procurement for women, youth and PWDs as a means of empowering them and granting them access to opportunities. The PSC has also developed the Diversity Policy for the Public Service (2016), which is a guideline for mainstreaming diversity issues in the public service.

The Persons with Disabilities Act, No. 14 of 2003 has been the legal instrument ensuring respect for persons with disability prior to promulgation of the Constitution. The Act establishes the National Council for Persons with Disability (NCPWD) and sets out the rights and privileges of PWDs. The Act sets out general conditions to be complied with to facilitate the employment and inclusion of PWDs. Section 12 postulates that PWDs should not be denied access to opportunities for suitable employment. A qualified employee with a disability is also subject to the same terms and conditions of employment and the same compensation, privileges, benefits,

fringe benefits, incentives or allowances as qualified able-bodied employees. Section 15 (5) of the Persons with Disabilities Act requires an employer to provide such facilities and effect such modifications, whether physical, administrative or otherwise, in the workplace as may reasonably be required to accommodate persons with disabilities. Section 16 (2) provides incentives to a private employer who improves or modifies the physical facilities or avails special services to provide reasonable accommodation for employees with disabilities. Section 21 of the Act entitles PWDs to a barrier free and disability friendly environment to enable them access to buildings, roads, social amenities, assistive devices, and other equipment to promote their mobility and accessibility. Nonetheless, the Act requires review to include and operationalize the rights and entitlements envisaged in the Constitution.

Other requirements and obligations for facilitation of PWDs are imposed on various government institutions to enhance access to public services. The Persons with Disabilities Act requires the Chief Justice to publish rules providing for the provision, to persons with disabilities who attend court, of free sign language interpretation, braille services and physical guide assistance. In this regard, the Constitution of Kenya (Protection of Rights and Fundamental Freedoms) Practice and Procedure Rules, 2013 under Rule 7 requires the Court to pursue access to justice for all persons including persons with disabilities. Nonetheless, there is still need for more targeted and comprehensive rules comprising specific mechanisms and structures that the Judiciary shall establish to ensure access to justice and public services by PWDs.

Participation in the electoral process by various groups, including PWDs, is a key factor in enabling their subsequent representation. During elections, the Persons with Disabilities Act stipulates that all persons with disabilities are entitled to assistance by persons of their choice in voting in presidential,

“ Meru County had the highest proportion of 8.5% of persons with disability. Other counties with significant proportions of persons with disability were Vihiga (6.3%), Kirinyaga (5.8%) and Siaya (5.3%). ”

parliamentary and civic elections. Moreover, the Act requires polling stations to be made accessible to persons with disabilities, and that such persons should be provided with the necessary devices and assistive devices and services to facilitate the exercise of this right. Further, Article 82 of the Constitution stipulates that that voting at every election should consider special needs of PWDs. In spite of this, PWDs still face challenges that impede their effective participation in electoral processes.

As noted above, the Constitution requires that at least 5% of appointments in the public sector should comprise persons with disabilities. However, compliance within the public service has been low. In 2018/19, the Public Service Commission of Kenya reported in its Values and Principles Report that out of the 216,958 officers in the public service, only 2,567 (1.2%) were PWDs.

Further, of the 2,155 PWDs in the service, a majority, 1,577 (73.1%) of PWDs serve at technical level Job Group E-M while only 73 (3.4%) PWDs out of the 2,155 serve at senior management and policy level job group R-U

(Table 2). This may be attributed to lack of specific legislation regulating appointment of PWDs at higher levels.

For instance, the State Corporations Act Cap 446 which regulates state corporations fails to provide a number of reserved positions for appointment of PWDs in boards. While the Mwongozo Code generally requires that all board appointments be made in line with Article 27 of the Constitution and a state corporation may specify such appointments in its establishing statute or articles of association, the State Corporations Act ought to expressly specify the minimum number of positions to be maintained for PWDs in boards of state corporations. This would enable increased inclusion of PWDs at higher levels of management. While the law has made various attempts to secure accessibility to public services by PWDs, there are no targeted guidelines across various sectors and professions to ensure adequate inclusion of PWDs while considering the specific disability.

Therefore, unemployment of PWDs is pervasive within the public sector. Although

Table 1: Representation of PWDs in the public service, 2018-2019

Category	Total Number of Institutions	Compliant Institutions	Non-Compliant Institutions	Number of Officers	Ideal Number of Officers	Total Number of PWDs	% Representation
Constitutional Commissions and Independent Offices	11	0	11	5,304	265	54	1.02%
Ministries and State Departments	47	1	46	89,778	4,489	880	0.98%
Public Universities	32	0	32	27,162	1,358	320	1.18%
State Corporation and SAGAs	184	5	179	93,154	4,658	1,297	1.39%
Statutory Commission and Authorities	7	0	7	1,560	78	16	1.03%
Total	281	6	275	216,958	10,848	2,567	1.2%

Source: Public Service Commission Report on National Values and Principles 2018/19



Table 2: Status of representations of PWDs by levels, 2018-2019

Job Level	Number of Officers	% Representation
A-D	207	9.6
E-H	77	35.7
J-M	807	37.5
N-Q	298	13.8
R-T	70	3.2
U and above	3	0.2
Total	2,155	100

Source: Public Service Commission Report on National Values and Principles 2018/19

Kenya has laws on accessibility, compliance in public buildings is often very low. In addition, the communication needs of people with disabilities are often unmet. Information is frequently unavailable in accessible formats, and some people with disabilities are unable to access information and communication technologies such as telephones and television. Moreover, lack of rigorous and comparable data on disability in the private sector and evidence on programmes that work often impedes understanding and action.

It is useful to review the measures other jurisdictions have established to enhance employment opportunities for PWDs. The UK has established the National Disability Authority which has developed guidelines for employers in the public sector to ensure proper integration of PWDs in the public service. The guidelines recommend the need to ensure colleagues have received disability awareness training; ensure procedures, information and communication at work are accessible to staff with disabilities; increase contact with people with disabilities helps to build more inclusive attitudes towards disability, work placements, work-shadowing and mentoring schemes; employ disability training for all staff, including senior management; plan for an accessible work environment and build-in the requirement to have at least 5% of staff with disabilities into the institution’s long-term recruitment strategy, and into each recruitment process

being undertaken by the institution. Additionally, the National Disability Authority underscores the importance of maintaining accurate and disaggregated data in relation to the effectiveness of specific models of good practice in the employment of people with disabilities and learning from good practice in the public sector, through liaison with similar institutions that have achieved success, and through the relevant public service networks.

In addition, issuance of awards by NCPWD to employers and businesses which have provided PWDs with the opportunities in education, training and to use their professional skills may also incentivize employers, as is done in the European Association of Service Providers for Persons with Disabilities annual Employment for All Award.

Persistent underemployment of persons with disabilities needs to be addressed with immediate action to end exclusion from employment opportunities. Positive support measures are key to unlocking job potential and shift the focus from disability on to skills and competences. There is need for targeted programmes and measures specific to the individual disability and sector. All public institutions should establish customized facilities and services for use by PWDs, including personal aides, access ramps, reserved parking spaces, sign language interpreters, braille materials, customized



sanitary and customized lifts as required by the law. The Public Service Commission should finalize and cascade the draft Disability Policy and Guidelines for the Public Service (2018) to ensure that the strategies for disability mainstreaming in the public service are used to integrate PWDs in the public service at all levels and cadres of the service.

Data on PWDs in all sectors should be kept in a consistent and prescribed format. There is need to ensure that all PWDs register with the National Council for Persons with Disabilities for maintenance of their data, disaggregated by age and gender. This would ensure monitoring of the status of PWDs. Further, the NCPWD in collaboration with public sector institutions, the National Gender and Equality Commission and Public Service Commission should maintain a database to document case studies of strategies and programmes that are working. Moreover, annual reports

ought to provide a summary of actions public bodies are taking to meet their statutory and constitutional obligations and document any progress public bodies are making in increasing employment opportunities for persons with disabilities. Through data-driven accountability, concerted, targeted and sustained strategies can be implemented to ensure better employment prospects for PWDs. The enactment of the Kenyan Sign Language Bill 2019, which seeks to promote the use of Kenyan sign language, is paramount to enhancing inclusion of deaf persons in public processes. A review of the Persons with Disability Act, alongside other complimentary laws, is key in ensuring realization of the rights envisaged in the Constitution to ensure PWDs achieve meaningful employment in their career of choice.





Acts of Parliament

1. **The Copyright (Amendment) Act, No. 20 of 2019** came into force on 2nd October 2019. The principal objective of this Act is to amend the Copyright Act, 2001 to align it with the technological developments that affect the exploitation and protection of copyright works. The amendments will ensure that authors of copyright works get value for their property in the digital environment.

2. **The Finance Act, No. 18 of 2019** was assented to by the President on 7th November 2019:

(i) The Act provides that income accruing through a digital marketplace is subject to income tax and captures goods and services supplied in the digital marketplace as part of the taxable supplies for VAT purposes. A digital marketplace has been defined as '*a platform that enables the direct interaction between buyers and sellers of goods and services*'.

through electronic means'. While the Act indicates that the CS Treasury shall make regulations to provide for the mechanisms of implementing this provision.

(ii) *The Banking Act* is amended through a repeal of Section 33B that previously capped the interest rate chargeable on credit facilities at a maximum of 4% of the base rate set and published by the Central Bank of Kenya. This amendment removes the caps on interest charged on loans. However, any agreement or arrangement to borrow or lend which had been made or entered into based on the provisions of Section 33B (now repealed) shall continue to be in force on such terms including interest rates and for the duration specified therein. The amendment is aimed at encouraging banks to provide credit to small and medium Enterprises (SMEs). The interest rate caps saw a significant reduction in lending to the private sector and in particular SMEs.

(iii) A KRA PIN certificate is now required for registering and renewing membership with a professional body and other licensing agencies, and registering mobile cellular pay bill and till numbers with telecommunication operators.

(iv) *The Accountants Act* is amended by removing the requirement for students to register with the Institute of Certified Public Accountants of Kenya (ICPAK) before qualifying as accountants.

(v) *The Employment Act* is amended by introducing the definition of 'basic salary' to guide employers on the base amount for computing the levy payable to the NHDF. The amendment also deletes the definition of 'employee's earnings', which is not used in the Employment Act.

(vi) *The Retirements Benefits Act* is amended by providing that the benefits and other accrued income of members of retirement benefits schemes who cannot be traced and that were rendered redundant with the enactment of the Unclaimed Financial Assets Act, 2011 have been activated. The amendment also provides a one-year time limit in which approved issuers shall transfer scheme funds in guaranteed funds to protect the interests of members by reducing the exposure to low returns over an extended transfer period.

(vii) *The Privileges and Immunities Act is amended by providing that goods and services imported or locally purchased by privileged organizations for their official use are exempt from taxes.*

(viii) *The Capital Markets Act is amended by the Finance Act by stipulating that financial penalties imposed by the Capital Markets Authority (CMA) are now considered as civil debts, with the CMA mandated to recover them in line with provisions for the recovery of decretal sums. The amendment is intended to enhance the enforcement and recovery of financial penalties imposed by the CMA.*

3. The Data Protection Act, No. 24 of 2019 came into force on 25th November 2019. Below is a summary of the key provisions:

Objectives: The objectives of the Act are to give effect to Article 31(c) and (d) of the Constitution which provides that every person has the right to privacy, which includes the right not to have information relating to their family or private affairs unnecessarily required or revealed; or the privacy of their communications infringed. The Act makes provision for regulation of the processing of personal data and provides for the rights of data subjects and obligations of data controllers and processors. The objectives include to regulate the processing of personal data; ensure that the processing of personal data of a data subject is guided by the principles set out in the Act; protect the privacy of individuals; establish the legal and institutional mechanism to protect personal data; and provide data subjects with rights and remedies to protect their personal data from processing that is not in accordance with this Act

Institutional framework: The Act establishes the Office of Data Protection Commissioner, which is established as a body corporate with perpetual succession. The Office is designated as a State Office in accordance with Article 260 (q) of the Constitution. The Data Commissioner will be appointed through the Public Service Commission, which is required to initiate the recruitment process. The Data Commissioner is appointed for a single term of six years and is not be eligible for reappointment.

Obligations: Every data controller or data processor is required to ensure that personal data is: processed in accordance with the right to privacy of the data subject; processed lawfully, fairly and in a transparent manner in relation to any data subject; collected for explicit, specified and legitimate purposes and not further processed in a manner incompatible with those purposes; adequate, relevant, limited to what is necessary in relation to the purposes for which it is processed; collected only where a valid explanation is provided whenever information relating to family or private affairs is required; accurate and, where necessary, kept up to date, with every reasonable step being taken to ensure that any inaccurate personal data is erased or rectified without delay; kept in a form which identifies the data subjects for no longer than is necessary for the purposes which it was collected; not transferred outside Kenya, unless there is proof of adequate data protection safeguards or consent from the data subject; and inform data subjects.

Rights: Every data subject has rights: to be informed of the use to which their personal data is to be put; to access their personal data in custody of data controller or data processor; to object to the processing of all or part of their personal data; to correction of false or misleading data; and to deletion of false or misleading data about them.

Prohibitions and restrictions

1. A data controller or data processor should not process personal data, unless the data subject consents to the processing for one or more specified purposes.
2. Every data controller or data processor should not process personal data relating to a child unless consent is given by the child's parent or guardian; and the processing is in such a manner that protects and advances the rights and best interests of the child.
3. Every data subject has a right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning or significantly affects the data subject.

Offences and penalties

1. A data controller should not, without lawful excuse, disclose personal data in any manner that is incompatible with the purpose for which such data has been collected. A data processor who, without lawful excuse, discloses personal data processed by the data processor without the prior authority of the data controller commits an offence.
2. A person who obstructs or impedes the Data Commissioner in the exercise of their powers; fails to provide assistance or information requested by the Data Commissioner; refuses to allow the Data Commissioner to enter any premises or to take any person with them in the exercise of their functions; gives to the Data Commissioner any information which is false or misleading in any material aspect, commits an offence and is liable on conviction to a fine not exceeding five million shillings or to imprisonment for a term not exceeding two years, or to both.
3. Any person who commits an offence under the Act for which no specific penalty is provided or who otherwise contravenes the Act is liable to a fine not exceeding three million shillings or to an imprisonment term not exceeding ten years, or to both.
4. In addition to any penalty referred to above, the Court may order the forfeiture of any equipment or any article used or connected in any way with the commission of an offence; or order or prohibit the doing of any act to stop a continuing contravention.

4. The Kenya Roads Board (Amendment) Bill 2019 was assented to by the President on 6th December 2019. The signed Bill restructures the mandate and operations of the Kenya Roads Board and other agencies in the roads sector by, among other changes, outlining how funds including exchequer resources will be utilized in the construction and maintenance of the county's roads. One of the reforms outlined in the Amendment Act is setting the limit of the money allocated to rural roads at 10% of the funds appropriated by Parliament annually. It also caps administrative expenditure on rural roads in areas such as research, standardization, capacity building, monitoring and evaluation to 18% of the total allocation. The Act also empowers the Kenya Roads Board to borrow and to set aside funds for repayment of loans and other facilities taken for purposes of road maintenance, development and rehabilitation.



National Assembly Bills

1. The Sugar Bill, 2019 was gazetted for introduction into the National Assembly on 2nd October 2019. The principal object of the Bill is to reinstate the Sugar Act, which was repealed through the enactment of the Crops Act, 2013 (No. 16 of 2013). Enactment of the Bill shall restore the roles of the Kenya Sugar Board currently granted to the Sugar Directorate of the Agriculture and Food Authority established under the Agriculture and Food Authority Act, 2013 (No. 13 of 2013).

2. The Alcoholic Drinks Control (Amendment) Bill, 2019 was gazetted for introduction into the National Assembly on 4th October 2019. The principal object of this Bill is to amend the Alcoholic Drinks Control Act, 2010

(No. 4 of 2010) to empower the Cabinet Secretary to prescribe the hours within which electronic advertisement of alcoholic drinks shall be done.

3. The Public Participation (No. 2) Bill, 2019 was gazetted for introduction into the National Assembly on 11th October 2019. The principal purpose of this Bill is to give effect to Articles 10(2)(a), 69(1)(d), 118, 174(c), 184(1)(c), 196(1)(b), 201(a) and 232(1)(d) of the Constitution of Kenya, 2010 regarding public participation. The Bill sets out the principles governing public participation, obligations of state organs and public offices in conducting public participation, the role of the National Assembly and the Senate in conducting public participation, the rights of a member of public in public participation and designates public participation officers. The Bill also seeks to enhance public participation by creating a framework for informed, effective and efficient engagement of the public in decision making processes.

4. The Anti-Corruption and Economic Crimes (Amendment) Bill, 2019 was gazetted for introduction into the National Assembly on 14th October 2019. The principal object of this Bill is to amend the Anti-Corruption and Economic Crimes Act (No. 3 of 2003) to hold managers, Chief Executive Officers, Directors of public institutions personally liable for running down institutions. Further, it seeks to completely bar anyone convicted of an offence under the Act from holding office as a public or state officer.



Senate Bills

1. **The Fisheries Management and Development (Amendment) Bill, 2019** was gazetted for introduction into the Senate on 11th October 2019. The principal object of this Bill is to amend the Fisheries Management and Development Act, 2016 (No. 35 of 2016) on the appointment of the Chairperson and Chief Executive Officer of the Fish Marketing Authority to align their appointment with best practice on appointment of Chairpersons and Chief Executives of Corporations as enunciated in the *Mwongozo* Code for State Corporations.

2. **The Waqf Bill, 2019** was gazetted for introduction into the Senate on 18th October 2019. The principal object of the Bill is to provide for the establishment of the *Waqf* Commission, the administration of *waqf* property, to repeal the Wakf Commissioners Act of 1951 (Cap. 109 of the laws of Kenya). The Bill defines *Waqf* as religious, charitable or benevolent endowment or dedication of any property in accordance with Islamic law and a "*awqaf*" means more than one *waqf*. Under Islamic Law, *Waqf* is regarded as a final gift to charity that a donor (*wakif*) can no longer claim. It is irrevocable and must be perpetual. The Bill provides that the ultimate benefit of the *waqf* is intended to be reserved for the poor or for any other purpose recognized under Islamic law as a purpose of a permanent character. The Bill establishes the *Waqf* Commission as a body corporate and provides that its functions shall be to register all *awqaf*; administer and manage *waqf* properties registered under this Act; and supervise the efficient and effective management of all *waqf* properties registered under the Act. The Bill also proposes that unclaimed property of a deceased Muslim which is held by the administrator of the estate, the Public Trustee or the Unclaimed Financial Assets Authority, should be transferred to the *Waqf* Commission.



National Debt

The National Assembly and the Senate voted on 6th November 2019 to increase Kenya's debt ceiling to Ksh 9 trillion. This will lead to abandoning of the use of the PFM Act requirement of pegging public debt to 50% of GDP. The motivation for raising the debt ceiling was the need to settle maturing commercial loans and the need to restructure the country's debt structure, and create space for accessing concessional loans (multilateral and bilateral loans).



Car prices hike after signing of Finance Bill 2019

Upon signing the Finance Bill 2019 into law by the President, Excise duty increased to 35% effective 14th November 2019. Vehicles attract an import duty of 25%, excise duty now ranging from 25% to 35% and value added tax of 16%, payable cumulatively and in that order. Vehicles running on petrol and with engine capacities of more than 1.5 litres now attract excise tax of 25% compared to the previous 20%. All this is geared towards increasing revenue collection for purposes of financing development initiatives and recurrent expenditure.

Building Bridges Initiative (BBI) Report

The BBI report was launched on 26th November 2019 following the formation of the Taskforce on Building Bridges to Unity Advisory by the President. The taskforce was mandated to consult citizens, leaders, institutions, civil society, the private sector, the religious sector, and other stakeholders to recommend to solutions to the issues that were identified as threats to national unity following the 2017 elections. The nine (9) issues presented by BBI captured in the Constitution of Kenya 2010 are: lack of national ethos; responsibilities and rights of citizenship; ethnic antagonism and competition; divisive elections; inclusivity; shared prosperity; corruption;

devolution; and safety and security. The report contains far-reaching recommendations mostly on the governance architecture on expanding the executive and implementation of structural legislative and economic reforms.





Developments in the energy sector

The improved short rains in Kenya have resulted in increased uptake of cheaper hydro energy, resulting in reduced cost of power. Data from Energy and Petroleum Regulatory Commission indicate that power supply from diesel generators fell to a 10-month low and reduced by 7% in October compared to 11% in October 2018. The reduced intake of diesel by thermal powered generators led to a drop of fuel surcharge levy from Ksh 3.3 to Ksh 3 per unit. The fuel cost charge is passed to power consumers, thus causing higher price in electricity. Data from the energy sector also indicates that there was a 63.7% increase in Kenya's electricity imports

in the first eight months of 2019 compared with the same period in 2018. The electricity imports were mainly from Uganda to the Western Kenya regions that are not connected to the geothermal power from Olkaria. The power imported from Uganda at Ksh 14 per unit caters for the power deficit in the western region. This situation is expected to change with the completion of the 300 kilometer power line from Olkaria -Lessos-Kisumu to evacuate power from Olkaria and ensure long-term sustainability.

In related news, the Energy and Petroleum Regulatory Authority is set to announce price regulations for gas cylinders, which would lower the cost of LPG in the Kenyan market. According to the Cost of Services in the Supply of Petroleum Products (COSSOP) report, cooking gas is becoming an essential commodity for Kenyan households, necessitating the need for LPG price controls. The report notes that profits account for up to half of the retail price charged for cooking. Lack of reliable data on LPG prices and absence of a common liquefied petroleum gas pool and an open tendering system for LPG have been cited as hurdles that constrain price capping for LPG in Kenya. Enhancing the use of LPG is important in shifting household consumption of wood fuel for cooking. The traditional three-stone cook stove remains the most commonly used cooking technology in Kenya with 58.1% of the population using it, according to the Kenya Cooking Sector Report. Wood fuel (charcoal and firewood) is the most commonly used primary cooking fuel, with 75% of Kenyan households using it. This exposes users to harmful pollutants that are one of the largest health risk factors for mortality in Kenya, resulting in approximately 21,560 deaths annually.

Pipeline tariffs for oil transport reduced by 50 percent



The Energy and Petroleum Regulation Authority slashed pipeline costs and tariffs by 50%. The tariff set to be gazetted set the rate at US\$ 30 (Ksh 3,089) per 1,000 litres from the initial US\$ 60 for 1,000 litres. The tariff is set to be revised after three years. In 2022, the tariff is meant to decline further to US\$ 29.07. The reason is to win back importers from landlocked countries to its network after it lost the market to neighbouring Tanzania. The rates are not expected to hurt Kenya Pipeline Company expenses, according to the company director.



East Africa Countries High Debt Ratios Distress

Burundi has joined a group of nine African countries (Eritrea, Gambia, Mozambique, Congo Republic, Sao Tome and Principe, South Sudan, Zimbabwe, Ethiopia, Ghana and Cameroon) at a high risk of debt distress while Kenya's risk of default has increased to moderate from low, according to IMF report. This has seen the International Monetary Fund (IMF) raise a red flag over the rate at which East African countries are accumulating debt. The region's economies have fallen into a financial fix as they attempt to fund persistent budget deficits and implement mega infrastructure projects against a backdrop of declining revenue collection. As a result, the

economies have resorted to massive borrowing, both from domestic and international markets to quench their loan appetite, with fears that the increasing uptake of commercial loans could push most of them into debt distress. "An over-reliance on commercial public debt exposes sovereign balance sheets to greater rollover and exchange rate risks. Also, an increase in debt from domestic creditors could crowd out financing for private sector projects," said the IMF. So far, Kenya, Uganda and Tanzania are among the top 50 countries in the world that are highly indebted to China, according to US-based research firm Brookings Institution.



African Caribbean and Pacific group of nations summit

Kenya hosted the 9th African Caribbean and Pacific (ACP) group of nations summit on 9th December 2019. The Summit, themed “A Transformed ACP: Committed to Multilateralism”, was preceded by Ministerial Sessions from 6th to 8th December. The objectives of the summit included: endorsing the outcome of the negotiations for a new 20-year ACP-EU Partnership Agreement; reviewing the results and impacts of the work of the Group since 2016 and taking stock of the implementation of the commitments made at the 8th Summit; considering and adopting the revisions to the ACP’s Constitutive Act, the Georgetown Agreement and providing political guidance on the way in which the Group redefines its vision and role to advance multilateralism. The President of Kenya, His Excellency Uhuru Kenyatta, in his speech, alluded that the ACP group of nations will strongly defend multilateral trading systems to protect themselves from unfair trade practices. He committed to champion the group’s solidarity and unity; advocate for an enhanced intra-ACP and Triangular Cooperation; champion a reform agenda for the ACP group; push for the integration of the group states into the global economy, and the conclusion and implementation of the New Partnership Agreement. Further, he urged the ACP countries to embrace innovation and technology to boost their economies. On the Economic Partnership Agreements (EPAs) between ACP and the European Union, the President noted that Kenya’s wish is for further agreements with the EU that will enhance integration of ACP countries into the global economy.

International Conference on Population and Development (ICPD) summit

The International Conference on Population and Development (ICPD) summit was held in Kenya from 12th to 14th November 2019. The summit, themed ‘Accelerating the promise’, aimed at presenting the nations ambitious commitments with concrete and innovative actions that will accelerate the implementation of the ICPD programme of Action. During the summit, the following five themes were addressed: universal access to sexual and reproductive health and rights as a part of universal health coverage; financing required to complete the ICPD programme of Action, and to sustain the gains made; drawing on demographic diversity to drive economic growth and achieve sustainable development; ending gender-based violence and harmful practices as well

as upholding the right to sexual and reproductive health care even in humanitarian and fragile contexts. As way forward, all the stakeholders made concrete commitments to ensure the full, effective and accelerated implementation of the ICPD Programme of Action and the 2030 Agenda for Sustainable Development and were strongly encouraged to report periodically on progress towards fulfilling the commitments through transparent means and/or in appropriate public fora.



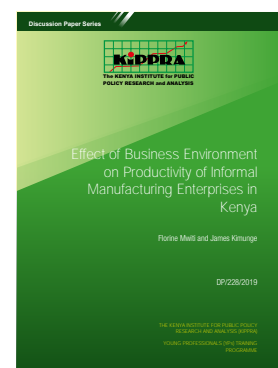
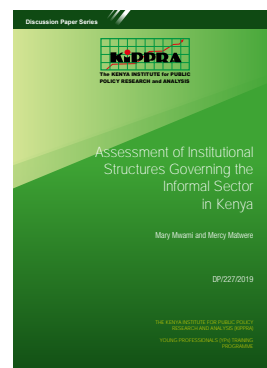
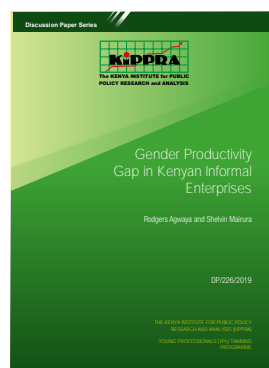
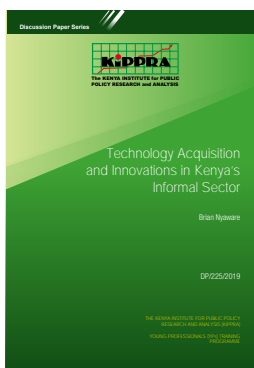
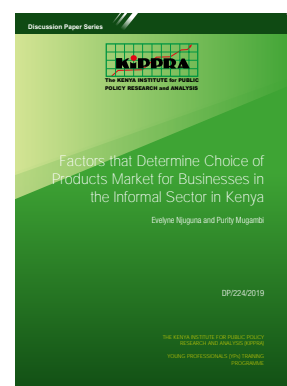
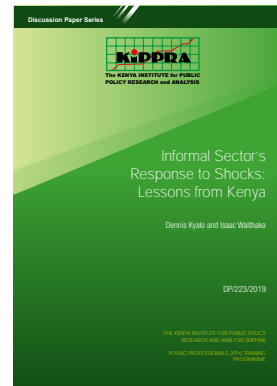
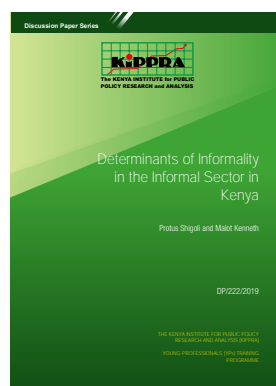
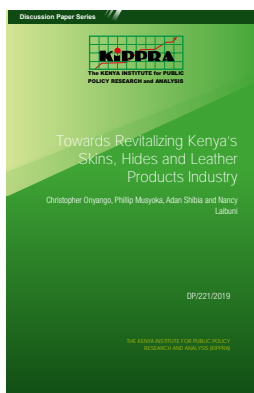
KIPPRA NEW PROJECTS



Kenya Association of Manufacturers study on power outages in industries

The Kenya Association of Manufacturers (KAM) commissioned KIPPRA to undertake a study on power outages in industries. The study will ascertain impacts of power outages on production costs and track production cost trends against cost of goods at ex-factory price for the last five years. The study will also determine improvements towards reliable power.

RECENT KIPPRA PUBLICATIONS



KIPPRA participates at the Global Think Tank Summit 2019

Between 11th and 13th December 2019, Dr Linda Musumba the KIPPRA Board Chairperson participated in the Global Think Tank Summit 2019, themed “Managing Global Turbulence and Transitions: The Role of Think Tanks”. The summit, which took place in Rio de Janeiro, Brazil, was co-organized and co-hosted by the University of Pennsylvania and Fundação Getúlio Vargas (FGV) Brazil. The summit provided a platform for think tank leaders and experts to convene and share their expertise and best practices in today’s global and digital age. Dr Musumba was a panellist at the summit where she made a presentation on: “How think tanks are helping policy makers and the public to understand and constructively respond to the transitions and turbulence that is taking place around the world.” The presentation show cased how KIPPRA, as a Think Tank, has responded to the transitions and turbulence taking place around the world such as: climate change; increasing inequalities; youth bulge; regional and international integration; rapid technological advances; terrorism; and understanding long-term development perspectives.

KIPPRA hosts a stakeholder consultative meeting on the motor vehicle



Dr Linda Musumba, the KIPPRA Board Chairperson (second left) at the Global Think Tank Summit 2019

industry in Kenya

On 11th December 2019, KIPPRA hosted a stakeholder consultative meeting on the motor vehicle industry in Kenya. The objectives of the stakeholder workshop were to: deliberate on the current state, policy gaps and constraints in the industry; shed light on the industry experiences and strengths, weaknesses, opportunities and threats; deliberate on policy reforms in the industry; and identify key areas for public policy research in the industry.

Among the manufacturing subsectors, motor vehicle assembly (MVA) was identified as a key sub-sector to propel national development. The automotive industry in Kenya is rapidly developing owing to a growing middle-class population in the country. The sector is characterized by high labour intensity, which creates an array of potential employment opportunities along the value chain. Recent policy, legal and regulatory reforms had positive impacts on the industry, with entry of several new international car manufacturers and re-entry of companies that had exited the market. Participants proposed the establishment of an

Automotive Innovation Fund to foster technical training and curb industry skill deficiency. Going forward, KIPPRA will continue spearheading conversation on issues around the sector with the aim of proposing sustainable policy measures to support the industry.

KIPPRA hosts a training workshop on field experiments, Fintech, and financial inclusion

Between 5th and 6th December 2019, KIPPRA hosted a training workshop on field experiments, Fintech and financial inclusion. The objective of the workshop was to discuss the major developments regarding research on financial inclusion, including financial technologies (Fintech) and field experiments applied to microfinance. It provided insight on how financial inclusion can induce sustainable growth in low-income economies, with explicit attention to African countries. The workshop involved three interactive lectures delivered by high-profile speakers from the University of Groningen (Netherlands), Université Laval (Canada) and SOAS University of London. It also involved group discussions. Key areas of discussion were: Randomised controlled trials (RCT), field experiments and impact evaluation; Risk Management - Monte Carlo Simulation Methods; and Measurement and tracking the dynamics of FinTech, financial inclusion and sustainable growth. The knowledge gained from the workshop will be further utilized in sharpening KIPPRA's research and analysis activities.

KIPRA participates in the launch of the baseline survey report on women's and youth's access to agricultural finance

On 6th December 2019, KIPPRA participated in the launch of the baseline survey report on women's and youth's access to agricultural finance hosted by the Agricultural Finance Corporation (AFC). AFC aims to enhance access to agricultural finance by women and youth across the agricultural value chains. It has designed the Women Affirmative Access Window (WAAW) programme to drive financial inclusion in agricultural finance. In support of this, a survey was commissioned in 2019 to establish the status of access to agricultural finance by women in Kenya. The findings of the survey will guide in developing an effective and coherent strategy in programming of the WAAW initiative; set a reference point for later comparison and measurement of achievements of set interventions; and provide information that can be used to assess broader agricultural financial access issues, among others. The baseline study was undertaken by KIPPRA and the Kenya National Bureau of Statistics (KNBS), with support from the UN-Women, Food and Agricultural Organization of the United Nations (FAO) and the European Union (EU). Going forward KIPPRA will provide technical support in implementation and monitoring and evaluation of the report. The reports have been published and can be accessed from KIPPRA.

KIPPRA hosts the inaugural symposium of Kenya think tanks

On 27th November 2019, KIPPRA hosted the inaugural symposium of the Kenya think tanks in collaboration with the Kenya Think Tanks Forum. The theme of the symposium was "Policy Makers and Think Tanks Engagement in Strengthening Evidence Informed Policy Making". The objectives of the symposium were: to promote conversation between think tanks and policy makers, including state and non-state agencies; to enhance think tank-to-think tank and policy maker-to-think tank collaboration, networking and synergies in generating and sharing evidence; and to identify the channels through which ideas and knowledge held by think tanks and policy makers can be used in the public policy process. Participants included representation from the legislative and executive arms of national and county governments, development partners, think tanks in Kenya and the academia. The symposium resolved that, among others: think tanks will be pro-active in providing timely evidence to parliamentarians and other policy





Kenya Think Tank Forum Symposium

makers to support enactment of evidence informed laws and amendment of existing laws; endeavour to enhance their visibility at county level to promote uptake of evidence-based policy making process; and endeavour to promote access and equity in the county's development agenda in research design to ensure policy interventions promote inclusive societies. KIPPRA committed to ensure that the issues raised are communicated with the relevant agencies for action, dissemination and usage.

KIPPRA participates at the national wage bill conference

Between 26th and 28th November 2019, KIPPRA participated in the National Wage Bill Conference hosted by Salaries and Remuneration Commission (SRC). The conference whose theme was "Transforming Kenya's economy through a fiscally sustainable public wage bill", provided a platform for national



Peris Wachira and Terry Chacha from KIPPRA at the Wage Bill Conference. Photo source (KIPPRA)

discourse on the wage bill issue in Kenya. KIPPRA was one of the key actors and partners to conference planning and was involved in preparation of the conference papers on mainstreaming productivity in the public service; wage bill and economic growth and teacher's productivity; and conference resolutions. It was acknowledged that a high wage bill crowds out spending on development, and negatively impacts on the government's ability to render services under the "Big Four" agenda and other development goals. A total of 15 resolutions were agreed upon during the conference, key among them being to: develop a

comprehensive national performance management policy to streamline and standardize public sector performance management at national and county government levels; develop a National Productivity Policy to measure productivity of the public sector within the performance management implementation framework; and develop a Public Sector Productivity Index to be piloted in the Health, Teachers Service Commission and in selected state corporations and thereafter roll out to other sectors. Going forward, KIPPRA will participate in an inter-governmental multi-agency team constituted to implement the agreed resolutions. The team will develop a monitoring and evaluation framework.

KIPPRA Mentorship Programme for Universities rolled out at the Technical University of Mombasa

KIPPRA rolled out the KIPPRA Mentorship Programme for Universities (KMPUs) at Technical University of Mombasa (TUM) on 28th November 2019. The overall objective of the KMPUs programme is to develop capacity of the youth in understanding the public policy making process and tools necessary for their career development. During the event, participants engaged in speeches, presentations, discussions, debates, question and answer sessions related to the theme on “Public Policy Making Process and the Big Four Agenda.” The mentorship programme was launched at Strathmore University in August 2018 and has been rolled out in six (6) other universities, which include: Maasai Mara University, Karatina University, Garissa University, Masinde Muliro University of Science and Technology and more recently Technical University of Mombasa. Participants included students and lecturers from TUM, Moi University-Mombasa Campus, Kenyatta University- Mombasa Campus and Pwani University. The students were challenged to come up with innovative ideas and research-based policy recommendations and solutions to help in actualization of the “Big Four” agenda and the national development goals. Going forward, KIPPRA and TUM will engage in essay writing competitions, career fairs, conferences and capacity building on grant proposal writing and evidence-based research to inform public policy.

KIPPRA hosts a stakeholder workshop on Universal Health Coverage (UHC)

On 22nd November 2019, KIPPRA hosted a workshop themed “Towards Universal Health Coverage”. The objective of the workshop was to share the preliminary findings from the studies on financing of UHC, role of community health, non-communicable diseases (NCDs) and risk factor; status of the UHC pilot phase and deliberate on the emerging issues and implications for policy. During the workshop, options



UHC Workshop Poster

for sustainable financing of UHC were discussed and the role of community health in the country, the challenges, gaps and areas of intervention in UHC and interventions for managing NCDs. The workshop also discussed lessons to inform the UHC programme roll out in January 2020. Based on the input from the workshop, the Social Sector Department at KIPPRA will revise and publish papers from the studies.

KIPPRA participates at the launch of the cost of hunger in Africa Kenya study report

On, 21st November 2019, KIPPRA participated at the launch of the Cost of Hunger in Africa (COHA) Kenya study report. The study generated evidence to inform key decision-makers and the general public about the cost that Kenya is already paying for not addressing the problem of child undernutrition. It was estimated that Kenya lost an equivalent of about Ksh 373.9 billion in 2014, which represented 6.9% of GDP in 2014. The study estimated the social and economic effects of child undernutrition in the health, education and labour sectors; estimated the cost of undernutrition to the economy; and recommended actions to inform and support human capital gains that will help catalyse implementation of Kenya's "Big Four" agenda, the Kenya Vision 2030, and related sectoral policies. It was recommended, inter alia, that there was need to increase budgetary allocation for multi-sectoral nutrition programming both at national and county government. The COHA study in Kenya was led by the National Treasury and Planning, with support from KIPPRA, among others.

Launch of County Public Expenditure and Financial Accountability (PEFA) Reports

On the 15th of November, KIPPRA hosted a national dissemination workshop for the launch of the county PEFA reports. The event presented a platform for dialogue and future engagements between the national and county governments and private sector and development partners. The PEFA assessment was conducted in collaboration with the World Bank (Kenya Office) in selected counties, namely Makueni, Kajiado, Nakuru, Baringo, Kakamega, and West Pokot. The broad objective of the assessment was to facilitate entry points for reforms in public service management systems of county governments to strengthen fiscal discipline, strategic allocation of resources and efficiency and effectiveness of service delivery. PEFA is an internationally-recognized standard and counties could use the findings to seek partnerships and donor funding. The reports of the assessment, which focused on the fiscal years of 2013/14, 2014/15 and 2015/16, were shared with various stakeholders from the national and county governments, and private sector and development partners.

KIPPRA undertakes capacity development of counties on children, youth and women sensitive planning and budgeting in Kenya

Between August and December 2019, KIPPRA undertook capacity development training of counties on children, youth and women sensitive planning and budgeting in Kenya. The trainings were conducted in the counties of Kisumu, Nakuru, Isiolo, Kirinyaga, Machakos and Mombasa. A total of 265 staff were trained comprising of 225 county staff and 40 trainers from national government MDAs. The broad objective of the capacity building workshops was to enhance capacity of national and county governments in planning and budgeting for the needs of children, youth, women and persons with disabilities (PWDs); and deepen participants' understanding of the role of budgets as an important tool for resource bidding and allocation towards meeting the needs of special interest groups. The trainers were drawn from KIPPRA and key Ministries, Departments and Agencies (MDAs). The trainings were



organized in collaboration with UNICEF, UN-Women, UNDP, National Treasury and Council of Governors.

The following modules were offered and delivered through presentations, group exercises and panel discussions: The rationale for investing in children, women and youth; Situation of children, youth, women and PWDs in Kenya; Kenya's commitments to Children, Youth, Women and PWDs; Social budgeting, child-focused budgeting and social accountability; Devolution and what it means for Children, Youth, Women and PWDs; Budget cycle and budget process; Budgetary Challenges; Linking policy to the budget- Programme Based Budgeting (PBB); Policy on Social Sector Plans and Budgets; Linking budgets to performance: Best Practice indicators and monitoring and evaluation; Mainstreaming Nutrition in Budgets; Diagnostic Tools and Data Mining; Value for money; and Equity.

Going forward, information and data collected on social sectors (including health, education, social protection services, water and sanitation and nutrition) performance, budgets and expenditure and county best practices will be utilized in generating 47 county briefs on.

KIPPRA hosts a consultative roundtable meeting on enhancing inclusivity by empowering persons with disabilities

On 16th October 2019, KIPPRA organized a roundtable meeting on “Enhancing Inclusivity by Empowering Persons with Disabilities (PWDs) in Kenya”. KIPPRA is currently undertaking a survey on this issue in the financial year 2019/2020. The objectives of the KIPPRA survey are, inter alia: to define and conceptualize disability from a socio-economic perspective; and to assess the institutional, legal and regulatory framework that addresses PWDs. The roundtable meeting provided a platform for stakeholders to exchange views on effective policies on empowerment of PWDs for inclusive development. The importance of empowering PWDs to enable them to make strategic choices in life was highlighted during the meeting. KIPPRA will host an annual regional conference in the first half of 2020 based on inclusivity PWDs.

Launch of the Braille version of the Booklet on National Values and Principles of Governance

On 20th December 2019, KIPPRA launched the braille version of the booklet on National Values and Principles of Governance. This underscored KIPPRA's efforts in advancing the inclusion of PWDs in national development. KIPPRA is planning to distribute the booklets to institutions with visually impaired students. The braille booklet ensures that people with visual impairments will have access to information on Kenya's national values.

KIPPRA Young Professionals cohort for 2018/19 graduates

The KIPPRA Young Professionals cohort for 2018/19 graduated at a ceremony held on 20th December 2019. A total of 12 Young Professionals successfully completed the 12 months flagship training and capacity building programme. They constituted professionals from both the public and private sector.

KIPPRA hosts public participation meetings for its internal policies

To enhance public participation in policy making and to make policies responsive to the needs of the public, KIPPRA hosted two stakeholder roundtable workshops for its internal policies, namely: the KIPPRA Research Strategy; and the KIPPRA Research Data Management Policy. The workshops were held on



KIPPRA NEWS AND EVENTS

3rd October 2019 and 19th November 2019, respectively. They provided a platform for stakeholders to provide their inputs, comments and suggestions. KIPPRA, as a government policy think-tank, operates in a complex, data-oriented research ecosystem that requires those who are responsible for conducting research and collecting, managing and disseminating data to do so in a systematic, planned and pragmatic way. The research strategy provides a framework upon which KIPPRA research will be aligned to supporting national development pragmatically and rationalize execution of its mandate effectively. The data policy outlines the data management framework that covers the roles of those responsible and accountable for data collection, storage, security, maintenance, dissemination and data quality.

KIPPRA participates at the Standard Chartered Marathon and Kereita forest challenge

KIPPRA had the privilege to participate in this year's Standard Chartered Nairobi Marathon 2019 which took place on 27th October at the Nyayo Stadium, Nairobi. Over 18,000 participants graced this year's event, which had six race categories – 42km, 21km, 10km and 21km wheelchair race for both men and women, respectively. The others were 5km Family Fun Run race and the CEOs race. KIPPRA enrolled 50 participants (24 ladies and 26 gentlemen) with, remarkably, one person competing in the full marathon(42km) and setting the official KIPPRA course record. The rest of the KIPPRA “elite athletes” took part in the shorter distances, with a majority of the them participating in the 10km and under races, with the Executive Director leading the ‘troops.’ In truth, every step of the KIPPRA participants was inspired by the great Eliud Kipchoge’s fit of sub 2hours, confirming that –“no human is limited.”

The Nairobi Marathon is an annual event held in October in Nairobi, Kenya. This year's edition had a new campaign dubbed ‘futuremakers’, a new community initiative aimed at opening opportunities for the next generation. Standard Chartered Bank seeks to help young people access jobs and economic opportunities. They are raising US\$ 50 million by 2023 to tackle inequality and increase economic inclusion for young people.

In the Kereita forest challenge, KIPPRA was ably represented by a robust team comprising 40 members of staff and five board members who participated in the grueling competition. The challenge included obstacles such as spider web crawl, tyre spin, dark tunnel, river crossing, skipping mud pits, wheelbarrow rave, among others. The KIPPRA team braved the mud, water, cold weather and obstacles to record a remarkable performance, emerging 11th out of 28 corporate teams. The ranking was based on the time taken to successfully complete all the challenges. This year's forest challenge was held on 30th November 2019. The event gives participants an excellent and unique opportunity to interact with nature by taking part in competitive yet fun activities in Kereita-Aberdares forest. The key objective of the Forest Challenge (FC) is to raise funds for rehabilitation and restoration of key water catchment forests in Kenya. The KIPPRA staff and board members engaged in a tree planting activity where they planted over 1,500 trees.



MOMENTS ON CAMERA



Delegates at the Kenya ThinkTank Forum 2019



Kereita forest challenge participants



KIPRA participates at the launch of the Cost of Hunger in Africa Kenya study report



KIPRA Staff Sensitization during World HIV AIDS Day



KIPRA Young Professionals 2018/19 graduates cake



KIPRA Young Professionals cohort for 2018/19 graduates

MOMENTS ON CAMERA



KIPPRAs Dr Eldah Onsomu presents during the stakeholder workshop on Universal Health Coverage



KIPPRAs Dr Moses Njenga makes a presentation during a Roundtable Meeting on Motor Vehicle Industry in Kenya



Launch of the Braille version of the Booklet on National Values and Principles of Governance



PEFA Launch at InterContinental Hotel

MOMENTS ON CAMERA



Planning and Budgeting in Kisumu



Roundtable meeting on enhancing inclusivity by empowering persons with disabilities



Stanchart Marathon Participants



Students awarded with certificates at KMPUs TUM



The Board Chair during WAAW report launch

MOMENTS ON CAMERA



The ED and Board at KMPUs TUM



WAAW Report Launch BOG



ABOUT KIPPRA

The Kenya Institute for Public Policy Research and Analysis (KIPPRA) is an autonomous institute whose primary mission is to conduct public policy research leading to policy advice. KIPPRA's mission is to produce consistently high-quality analysis of key issues of public policy and to contribute to the achievement of national long-term development objectives by positively influencing the decision making process. These goals are met through effective dissemination of recommendations resulting from analysis and by training policy analysts in the public and private sectors. KIPPRA therefore produces a body of well-researched and documented information on public policy, and in the process assists in formulating long-term strategic perspectives. KIPPRA serves as a centralized source from which the Government and the private sector may obtain information and advice on public policy issues.

KIPPRA acknowledges generous support from the Government of Kenya and the Think Tank Initiative (TTI) of IDRC. The TTI is a collaborative initiative of Hewlett Foundation, International Development Research Centre (IDRC) and other partners. Other organizations are welcome to contribute to KIPPRA research either as core support, or support to specific projects, by contacting the Executive Director, KIPPRA.

Send to us your comments on the articles published in this newsletter and any other aspects that may help to make the *KIPPRA Policy Monitor* useful to you. This may include policy issues you would like KIPPRA to prioritize.



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