



**The State of Political Inclusion of Persons with
Disability (PWDs) within Political parties in
Kenya**

An Abridged Report

1.0. INTRODUCTION

Persons with disabilities remain a significant constituency of any population. The World Disability Report (2011) estimates that one billion people, or 15% of the world's population, experience some form of disability. According to the Kenya National Bureau of Statistics, about 2.2% of Kenya's population over the age of five have a form of disability.

The Convention on the Rights of Persons with Disabilities (CRPD)¹ defines PWDs to "include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others." This definition implies that a person with a disability may not be able to engage with full potential socially, economically and politically if the world continues to remain silent on their needs. Addressing their needs removes the disability hence enabling them to be independent. In the Kenyan political context, disability is viewed from a charity model of disability. This model focuses on the individual and tends to view people with disabilities as passive victims – objects of pity who need care, and whose impairment is their main identifier².

Kenya elections are due in August 2022 and this will be a focus for political parties and actors from 2021 onwards, yet persons with disabilities (PWDs) may not be adequately involved despite their numbers. This is because PWDs are facing systemic exclusion from mainstream governance and developmental processes, particularly in political representation in elective and appointive positions that go against their political rights as spelt out in article 29 of the Convention on the Rights of Persons with Disabilities (CRPD) and article 38 of the constitution of Kenya 2010.

PWDs are excluded mainly due to the following reasons:

- a) low level of understanding of disability amongst decision-makers at all levels;
- b) many policies and legislations fail to fully consider and make provision for PWDs;
- c) representation of PWDs still largely overlooked in political inclusion agenda; and
- d) a host of interacting reasons politics such as gaps are observed in the political parties including the environment for PWDs to engage in politics

In the effort to address these gaps, WFD with sponsorship from DemoFinland developed the Kenya Inclusive Political Parties (KIPP) Programme whose purpose is to address the critical knowledge gaps within political parties to create and promote more inclusive political discourse, political commitments and public policymaking. To inform the intervention, WFD conducted a baseline was commissioned, focusing on inclusive political participation of PWDs in Political Parties in Kenya.

¹ UN General Assembly 92006), Convention on the Rights of Persons with Disabilities

² Al Ju'beh, K. (2015). Disability inclusive development toolkit. Bensheim: CBM.

The research was guided by nine research questions that sought to determine:-

- 1) the key social, economic, and political drivers of Political Inclusion of Persons with Disability in Political Parties in Kenya;
- 2) the supportive structures existent within Political Parties to promote the participation of special interest groups specifically PWDs;
- 3) the most effective/ineffective practices/structures in political party inclusion;
- 4) the barriers existent within Political Parties that hinder the participation of special interest groups specifically PWDs;
- 5) whether political party ideology and manifesto impact on the participation of special interest groups specifically PWDs within Political Parties;
- 6) the legal, policy and programming options likely to promote/ or regulate the political inclusion of PWDs in Political Parties in Kenya;
- 7) the existing policy and legal framework in Kenya that support inclusion of PWDs in social, political, and economic processes including the extent of political parties compliance and/or utilisation of these policy provisions;
- 8) the existing policy and legal gaps that prohibit inclusion of PWDs in Social, Political and Economic processes; and
- 9) identification of good practices in PWDs inclusion on social, political, and economic processes from other jurisdictions that Kenya can learn from.

2.0. RESEARCH METHODOLOGY

The study was majorly qualitative and was conducted nationally and reached 32 out of 35 targeted (94% response rate). The participants included 10 political parties, 9 DPOs, 9 Members of County Assembly Disability Caucus (MCAs with disabilities), and other stakeholders including Office of the Registrar of Political Parties (ORPP), Independent Electoral and Boundaries Commission (IEBC), Kenya Disability Parliamentary Association (KEDIPA), National Democratic Institute (NDI) and an individual in disability mainstreaming.

3.0. FINDINGS

The findings are divided into (a) policy and legal gaps; party practices and structures; power relations within the political parties; party ideologies; and other barriers that limit PWDs from participating in the political parties.

A. Policy and legal gaps

- a) The Political Parties Act Section 7 (2) (c) and Article 91(1) (e) of the Constitution of Kenya 2010 requires PPs to ensure inclusion and diversity. However, there remain some weaknesses including the following:-
 - no legal guidance on the specific number of PWDs required to be members of a political party;
 - the Political Parties Act does not compel the political parties enough to include PWDs;

- the Political Parties Act has no specific penalties for non-compliance; and
 - No strict monitoring of compliance on the requirement on inclusion.
- b) There is superficial reporting on the use of the Political Parties Fund targeting the special interest groups.
 - c) The electoral systems do not provide adequate support mechanisms that promote the inclusion of PWDs in political activities. For example, no Sign Language interpreters are provided during elections and accessibility remains a challenge.
 - d) There is a high threshold for political parties to get allocated the political parties fund and as a result, only the two major political parties are receiving the Political Parties Fund.
 - e) PWDs face challenges in accessing complaints mechanism in the political parties and the national justice system.

B. Assessment of party practices and Structures

- a) Currently, there are 1.9% of PWDs in the Assemblies (national and county)
- b) 67 out of 71 (94%) political parties have PWDs in their National Executive Council (NEC) and the remaining 4 are being followed up by the ORPP
- c) 2 Parties have functional PWD Leagues, in terms of structure and plans
- d) Political parties have very low members, with the highest having 28 and the lowest having zero members with disabilities as registered by the ORPP.
- e) Around 50% of the political parties have complied to the requirement of doing online registration
- f) Most of the political parties discount nomination fee to 50% while others waive
- g) Majority of the political parties nominate 'visible disabilities' leaving others while leaving others out. For example, no single elected or nominated leader has a hearing impairment, while those with physical disabilities dominate the assemblies.

C. Power relations within the political parties

- a) A shift of loyalty from representing the PWDs to representing the party interests.
- b) Corruption and favouritism that prefers the people known to the top leaders.
- c) Regional based political parties define the people to be nominated
- d) Culture of violence and intimidation within the PPs
- e) High levels of uncertainty of participating in politics discourage PWDs to venture into politics
- f) Misconceived low contribution of PWDs to the political parties in terms of numbers and resources.
- g) Reserved versus competitive positions.

- h) Preference to nominate women and youth to PWDs

D. Party ideologies

- a) All parties have to some extent developed inclusive party constitution and manifestos.
- b) 50% of the parties, in their current constitution, do not clearly define the special interest groups.
- c) Low levels of reasonable accommodation e.g. accessible websites, support for sign language interpreters, aides and security.
- d) Insufficient funding for PWDs programmes & poor accountability.
- e) Political parties have challenges of mainstreaming disability ideologies.

E. Barriers to political participation

- a) Social stigma, stereotypes, discrimination and negative attitudes also affecting women with disabilities.
- b) The family influence. The family influences the participation or nonparticipation of family members with disabilities.
- c) Culture can limit the participation of PWDs in politics. PWDs are perceived not to be fit to represent others.
- d) Low levels of education among PWDs.
- e) High cost of participating in politics.
- f) Inadequate preparation of potential candidates with disabilities.
- g) PWDs lack awareness of political participation.

F. Best practices in social, political and economic processes

There are several best practices on the inclusion of PWDs in the political processes that can be learned from other jurisdictions. Kenya can learn from such best practices and make political parties more inclusive in terms of policy and practice. Some of the examples to learn from include:

- a) representation of PWDs through the National Electoral College (Uganda);
- b) inclusion of the persons with disabilities in the Democratic Party Platform/Manifesto (USA);
- c) development of party rules that are inclusive of PWDs (Australia); and
- d) adoption of criteria for non-discrimination that includes disability (New Zealand).

4.0. CONCLUSION

Inclusion of PWDs in the political parties in Kenya remains inadequate and presents a big gap in respect to the civil and political rights of PWDs as entrenched in the international legal instruments as well as in the Kenyan laws especially the Constitution of Kenya 2010.

Political parties are, albeit slowly, trying to include PWDs in their agenda in terms of policy and practice. On one hand, there are some varied practices and incentives by different political parties such as discounted nomination fees, the formation of party disability leagues and the development of inclusive intra-party policies. On the other hand, other political parties are grappling with the inclusion of PWDs partly because of unresponsive internal policies, limited capacity, and lack of awareness among the party leadership on inclusion among other barriers.

Opportunities, therefore, exist for structured engagement with political parties towards building inclusive culture and practice among its membership. This requires a paradigm shift to achieve intra-party pro-disability agenda and national legal reforms that address the challenges limiting the participation of PWDs in the political processes and more specifically in the political parties.

5.0. RECOMMENDATIONS

Recommendations are made as per the findings, to speak to the political parties, providing legal and policy options, programming options and innovative programming approaches.

A. Political parties

- a) Increase the participation of PWDs by creating party policies that are pro-disability and hasten the process of approval of the pro-inclusion policies that are under review and or development.
- b) The political parties' leadership should come up with innovative strategies for mobilization of members with disabilities by incentivizing them to join and retain their membership.
- c) The department of political parties that deals with registration should develop a database for members who have disabilities
- d) The executive of the political parties should integrate programmes that build the capacity of their members on disability inclusion.
- e) The parties should promote reasonable accommodation within their structures by designing activities that are responsive to the needs of all PWDs.
- f) The political parties budgeting should include, and where already in place, increase the funding for programmes targeting the PWDs. Such budgets should be adequately reported by the political parties to include indicators of inclusion and audited by a reputable firm.
- g) To ensure access to justice within the parties, the parties should develop simplified party complaints mechanism of solving member disputes and should be sensitive to the needs of PWDs.
- h) The party leadership needs to explore an option of semi-autonomy of the Disability Leagues to ensure the funds from partners are directly channelled to such structures. The league can form partnerships with other organizations.

B. Legal and policy options

- a) Review of the Electoral System that entrenches a proportional system of representation that gives an equal chance and opportunity for all players. The National Assembly should amend the electoral laws to embrace the system of proportional representation.
- b) Review Section 25 of the Political Parties Act on sharing of Political Parties' Fund and improve on accountability. This will introduce sharing of a certain proportion of the Political Parties Fund to all political parties equally that can be used to fund the programmes for SIGs.
- c) Review the Elections Act and its respective regulations to introduce legislative incentives that promote the participation of PWDs in the political processes such as lowering educational requirements, significantly lowering the nomination fees and monthly contributions by PWDs.

- d) Review the Elections Act (and its respective regulations), Election Campaign Financing Act and other relevant laws and policies to introduce legislative incentives that promote the participation of PWDs in the political processes. Examples would include affirmative actions on (a) lowering educational requirements; (b) significantly lowering the nomination fees and monthly contributions by PWDs; (c) introduce campaign financing for SIGs such as solidarity fund; and (d) allowing PWDs to be allowed to keep their jobs should they not make it through primary party nominations.
- e) Together with strict enforcement of the Elections Act 2011 (Electoral Code of Conduct section 5 and 6), the Party Primaries Bill under development should address the violence within the political parties to ensure that the culture of violence is addressed to regain the confidence of PWDs to participate in the political parties' activities.
- f) Clarity of guidelines for nominations and representation of PWDs in the assemblies by review the 2/3rd gender rule to have a clear clause of the number of women with disabilities; and clearly indicate the requirement for the representation of PWDs in the county assemblies, and providing clear guidance for specific accommodation for the various categories of disabilities.
- g) Improve the process of registration of PWDs as party members. ORPP should link with the NCPWD database to reduce the bureaucracy involved in confirming registration of PWDs and reduce instances of corruption where people who have no disability present fake identities.

C. Programming options

- a) Development partners should consider working with smaller parties, as they present more opportunities for the nomination of PWDs as opposed to bigger parties.
- b) Promote accessibility to electoral complaint mechanisms within the parties with follow up mechanisms through the engagement of enforcement agencies.
- c) Sensitization of political parties and players on the inclusion of PWDs in their programming.
- d) Strengthening the electoral systems to support PWDs.
- e) Build and strengthen structures for the stakeholders for improved inclusion, advocacy and accountability on PWDs in the political processes.

D. Innovative programming for disability inclusion

- a) ORPP and IEBC should develop results-based management mechanism for Political Party reporting disability inclusion.
- b) The political parties should be encouraged to use technology to mobilize, register and communicate with their members. The IEBC can leverage on such technology for voter education.

- c) The NCPWD should allocate funds for strengthening political participation among PWDs as part of empowerment.
- d) The Judiciary, as a critical player in the justice system, should be sensitized to follow up on enforcement of legislation on the representation of the PWDs in the political parties.
- e) To achieve a more sustained inclusion agenda, education sector actors should be engaged in lobbying for the integration of inclusive governance in the Kenyan Education curriculum at all levels.