

DISABILITY ADVOCACY TOOLKIT



DISABILITY EMPLOYMENT, INFORMATION AND
COMMUNICATION TECHNOLOGY (ICT)

AND

DISABILITY, DISABILITY-INCLUSIVE
DEVELOPMENT AND INCLUSIVE EDUCATION



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TABLE OF CONTENTS

ACKNOWLEDGMENT	iii
DISABILITY EMPLOYMENT TOOLKIT	1
Background	1
Performance Objectives	1
Legal Framework	2
Reaching Priorities	3
a) Promote Awareness on Diversity and Inclusion	3
b) Prepare an Inclusive Workspace	4
c) Provide Inclusive Job Opportunities	5
Approaches to Facilitating Employment for Persons with Disabilities	5
a) Mainstreaming Disability in National Development Policies	5
b) Supported Employment	5
c) Micro-Financing	6
d) Ensuring Accessibility	6
USEFUL RESOURCES	6
INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) AND DISABILITY TOOLKIT	7
Background	7
Legal Framework	7
Specific Provisions on ICT Accessibility	8
ICT Inclusivity	10
Assistive technologies	10
Making the National Information Infrastructure Inclusive of Persons with Disabilities	10
Emergency Response and Disaster Preparedness	11
Policy Tools to Promote Inclusive ICT for Persons with Disabilities	11
USEFUL RESOURCES	12





APPENDIX A:	13
DISABILITY-INCLUSIVE DEVELOPMENT TOOLKIT	14
Background	14
ELEMENTS OF DISABILITY-INCLUSION IN KEY DEVELOPMENT SECTORS	16
Planning for Disability-Inclusive Development	18
Approaches to Mainstreaming	18
INCLUSIVE EDUCATION TOOLKIT	20
Background	20
Legal Framework	21
KEY ELEMENTS OF INCLUSIVE EDUCATION	23
APPROACHES TO ACHIEVING INCLUSIVE EDUCATION	23
Legislative and Policy Frameworks	23
Institutional Structures to Support Inclusive Education	23
Collecting Data on Disability Inclusion in Education	23
USEFUL RESOURCES	24
KEY MESSAGES	25
KEY MESSAGES FOR INCLUSIVE EDUCATION	25
KEY MESSAGES FOR INCLUSIVE DEVELOPMENT	25
KEY MESSAGES FOR INCLUSIVE EMPLOYMENT	25
KEY MESSAGES FOR ICT AND DISABILITY	25

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Many individuals and partners provided assistance and inputs in the development of the Disability Advocacy Toolkit for DISABILITY EMPLOYMENT, INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) AND DISABILITY, DISABILITY-INCLUSIVE DEVELOPMENT and INCLUSIVE EDUCATION.

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This Disability Advocacy Toolkit is relevant to everyone who has an interest in disability or a responsibility for addressing issues of disability; including persons with or without disabilities in civil society, public and private service, human rights institutions and development agencies.



DISABILITY EMPLOYMENT TOOLKIT

This toolkit presents a range of measures that can be taken as an Employment Strategy for Persons with Disabilities. It provides a cohesive set of actions that will help public and private authorities realize good practices around attracting, recruiting, retaining and developing people with a disability. The three priority focused areas for both public and private employment sectors are:

1. To promote awareness on Diversity and Inclusion,
2. To prepare inclusive Workspace
3. To provide inclusive job opportunities

The priority areas need to be revised, so as to be comprehensive, let it be complete sentence, for example, promote awareness among employers on the benefits they can benefit by employing persons with disabilities etc do the same for the rest.

This is an important document when developing, reviewing and implementing workforce plans, diversity and employment strategies. The focused strategy's primary outcome is to increase the representation of people with disability in public and private employment over time.

Background

Employment is central to the ability of persons with disabilities to maintain a decent standard of living for themselves and for their families, and is an important factor influencing their opportunities to participate fully in society. Work is a defining feature of human existence and in many societies the ability to work is viewed as one of the most important ways in which people can make their individual contributions to their communities.

The CRPD articulates the right to work and employment for persons with disabilities. Despite this and relevant advances in

national level protections, persons with disabilities tend to remain disproportionately represented among the unemployed or underemployed population.

Performance Objectives

The performance objectives adopted under this toolkit are:

1. Meeting or exceeding the goal 5% of people with disability (PWDs) represented in public and private employment and active implementation of the Government directive of 15th January 2015 on Access to Government Procurement Opportunities (AGPO) through The National Treasury on Implementation of the 30% Public Procurement Reservation and Preference for Youth, Women and Persons with Disabilities demands that at least 2% be reserved for PWDs (as Minimum)
2. Increasing the representation of people with disability at all levels within public and public authorities, as per approved Kenya Disability Policy 2006 and validated on June 25, 2015. This policy seeks to address disparities in service provisions and also ensure that services that are available to other citizens are also available to PWDs in pursuance of article 19 (b).
3. Leading and championing the employment of people with disability through the Public Service Commission of Kenya Code of Practice on Mainstreaming Disability specific objectives:
 - a) To ensure that persons with disabilities have equal opportunities in the public service,
 - b) To improve employment prospects in the public service for persons with disabilities by facilitating recruitment, return to work, job retention and opportunities for advancement,
 - c) To promote a safe, accessible and healthy workplace





conducive to the needs of persons with disabilities,

- d) To maximize the contributions which the elected and nominated state officers with disabilities can make to the Government,
- e) To facilitate persons with disabilities including learners with special educational needs to access the workplace in the public service for the purpose of internship and attachment,
- f) To ensure that the needs of persons with disabilities are catered for in the discharge of human resource functions and management in the public service.

Legal Framework

The Convention on the Rights of Persons with Disabilities (CRPD) was the first Convention to introduce the social model of disability and change the direction of how individuals with disabilities are included into the workplace.

In terms of work and employment, Article 27 of the CRPD requires that State parties recognize the right of persons with disabilities to work on an equal basis with others, including their right to gain a living by choosing to work freely or being accepted in a labour market and work environment that is open, inclusive and accessible. Article 27 sets out measures through which State parties can safeguard and promote the realization of the right to work, including for those who acquire a disability in the course of employment. These include the following:

- Prohibiting discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuation of employment, career advancement and safe and healthy working conditions;
- Protecting the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work

- of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- Enabling persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services, vocational and continuing training;
- Promoting employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
- Promoting opportunities for self-employment, entrepreneurship, the development of cooperatives to fund business for persons with disabilities;
- Promoting the employment of persons with disabilities both in the public and private sectors through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- Ensuring that reasonable accommodation is provided to persons with disabilities in the workplace;
- Promoting vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

The Constitution of Kenya, 2010, also seeks to minimize barriers to equalization of opportunities for persons with disabilities in all aspects including socio-cultural, economic, and political life. Article 27 further guarantees the right to equality and freedom from discrimination and expressly prohibits discrimination on the ground of disability. Under Article 232 of the Constitution of Kenya, 2010, the values and principles of public service include affording adequate and equal opportunities for appointment, training and advancement, at all levels of public service of- persons with disabilities, among others.

In Kenya, the principles of equality and non-discrimination have received legislative recognition in other Statutes. This includes the Employment Act, 2007 that seeks to ensure that persons with

disabilities achieve equalization in employment. Sections 5(1) and (2) of the Act imposes a duty on the Minister, labour officers, and Industrial Court to promote and guarantee equality of opportunity in order to eliminate discrimination in employment and to promote equal opportunity. The National Disability Policy recognizes the fundamental rights of persons with disabilities with a view to abolish all forms of discrimination and provide equal opportunities to enable persons with disabilities realize their full potential. Further, it seeks to facilitate the development and implementation of legislation on equity in employment to protect job seekers and workers with disabilities against discrimination.

Reaching Priorities

a) **Promote Awareness on Diversity and Inclusion**

Promoting awareness of the positive contributions people with disability make in public employment, and to our society more broadly, helps to demystify misconceptions around people with disability.

Article 54 of the Constitution of Kenya 2010 provides that a person with any disability is entitled to, among other things, be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning, to access facilities that are integrated into society to the extent compatible with the interests of the person, to reasonable access to all places, public transport and information; to use sign language, Braille or other appropriate means of communication; and to access materials and devices to overcome constraints arising from the person's disability.

The Persons with Disabilities Act, (Chapter 133 of 2003) at Section 2, states that “disability” means a physical, sensory, mental or other impairments, including any visual, hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation. At Section 21 the Act provides that “persons with disabilities are entitled to a barrier free and disability

friendly environment to enable them to have access to buildings, roads and other social amenities and assistive devices and other equipment to promote their mobility”. Further, at Section 15 (5) it provides that an employer shall 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

Public authorities that proactively and openly promote inclusive workplace, and celebrate the achievements of people with disability, will be leading the way in contributing to better economic and social outcomes for this diversity group.

Not sure about this objective placement.

Objective: Recognize and promote the diversity and abilities of employees, and potential employers, through inclusive organizational cultures. This can be achieved by Access for Employers.

The Access for Employers is all about supporting employers with the employment of people with disability through the following recommendations:

- i) **Available Government Support** – this provides information to employers to access Kenyan Government financial support for employees with disability, tools and resources, developing strategies and plans, connecting with the disability employment sector, creating a flexible work environment and recruiting and retaining people with a disability.
- ii) **Employers Rights and Responsibilities** – this is a summary of the rights and responsibilities employers need to consider employees with disability. This include Discussing disability; i.e. Ensuring conversations are



appropriate; Supporting staff to disclose disability, Maintaining a safe workplace; i.e. Evacuation plans for employees with disability; [Responsibilities for work health and safety](#), and Understanding your obligations; i.e. Guidelines on workplace discrimination, Guidelines on 'reasonable adjustments', [protecting the privacy of people with disability](#) and Responsibilities for workers' compensation.

iii) **Best Practice Videos** – this is to showcase people with disability and their stories through talking about their employment arrangements, flexibility in the workplace, support they have received in the workplace and being comfortable about disclosing their disability.

iv) **Financial support for employers** - the Kenyan government should provide an application process on funding for employers that cover more than just physical changes to workplace. It includes disability awareness training, communications technology, interpreting and specialist support for people with mental health conditions or learning disorders.

b) **Prepare an Inclusive Workspace**

Preparing the organization to accept and accommodate employees with a disability is an important part of inclusion. Public and private authorities must ensure diversity and inclusion is strategically linked to business planning processes and organizational values, and demonstrates this commitment through its actions.

Objective: Develop values statements, policies, strategies and business plans that reflect the importance of diversity and inclusion, and contribute to improved employment outcomes for people with disability. This includes:

- i) **Removing barriers to employment** – by undertaking and willing to work on a national inquiry into employment discrimination against Kenyans with Disability and implement on found working strategies such as increased flexibility at work, leveraging procurement and reducing bias.
- ii) **Assessing organization's disability confidence** - this promotes advancing the equitable inclusion of people with disability in all aspects of business. It provides resources and tips to prepare an inclusive organization
- iii) **Building disability employment partnerships** – employers should partner to identify, plan for, and achieve their disability employment goals which includes advice on how to design and write clear position descriptions, and how to work with disability employment service providers e.g. Riziki Source www.rizikisource.org, National Council for Persons with Disability (NCPWD), Directorate of Disability Services, Action Network for the Disabled www.andy.or.ke, through every stage of the recruitment process.
- iv) **Developing a disability employment plan for action** - this provides linked information and examples of strategic plans for achieving disability employment objectives and integrate management's disability employment objectives into your workforce and diversity plans.
- v) **Monitor, evaluate and report internal workforce diversity data** - The Kenya Public Sector Commission's and National Gender and Equality Commission has a workforce trends page that provides a broad workforce demographic data, analysis and advice that assists public and private authorities to plan for future workforce and diversity outcomes.



vi) **Disclosure** - Disability Employment service providers has advice on collecting diversity data with tips on disclosure acceptance; including employer information on disclosing and accepting disability in the workplace, which describes several people's experience disclosing their disability at work.

c) **Provide Inclusive Job Opportunities**

Providing employment and development opportunities is crucial in creating meaningful work and future career pathways for people with disability.

Public and private authorities committed to providing development opportunities that best meet the needs of employees with disability assist with making employment a more attractive proposition to all people with disability.

Objective: Support the development of employees with disability in a way that leads to ongoing employment, enhanced performance, professional development and career progression. This can be achieved by:

- i. **Introducing good practice flexibilities to the workplace** – by modifying the workplace for a safe and flexible work environment. Through creating a flexible workplace, Job description and design and improving disclosure.
- ii. **Advertise your vacancy with a Disability Employment Service provider** - Advertise jobs at your organization via Disability Employment Service providers to suit your needs this include Riziki Source etc
- iii. **Manage performance development and career progression** - Engagements with Disability Employment Service Providers provide advice and tools for developing a disability employment support plan to address the individual needs of employees with disability, help them

perform in their roles, keep their jobs and progress in their careers.

- iv. **Provide training opportunities** – hiring organizations can recruit and appoint trainees with disabilities
- v. **Provide procurement opportunities** – this offer a vast range of high quality business services that are accredited against National Disability Standards and provided at competitive prices.

Approaches to Facilitating Employment for Persons with Disabilities

a) **Mainstreaming Disability in National Development Policies**

Mainstreaming disability inclusion strategies into existing development processes is a way of ensuring the rights of persons with disabilities in terms of work and employment. It allows disability-inclusive strategies to become a part of policies that already exist or may be developing within a country. The possibility for mainstreaming exists in several areas, including national employment and youth employment policies.

The inclusion of persons with disabilities in national employment policies is explicitly mentioned in the provisions of the International Labour Organization's Vocational and Rehabilitation and Employment (Disabled Persons) Convention (No. 159), 1983 and provides another avenue through which to advance disability inclusion.

b) **Supported Employment**

Supported Employment Services are a model for employment and recruitment to enable persons with disabilities to secure and maintain a job in the open labour market. This model provides a range of support to employers and persons with disabilities, through job coaches. The range of possible supports include:



- Individual Needs Assessment
- Vocational Profiling and Career Planning
- Individual Employment Plan
- Job Sourcing and Job Matching
- On-the-Job Support and coaching which supports persons with disabilities in their work-places, and gives advice to employers and co-workers on the inclusion of persons with disabilities
- Advice and support to employers including follow-up support and mentoring for both employers and employees.

c) **Micro-Financing**

Access to finance is a critical factor in developing self-employment opportunities for people with disabilities. Microfinance institutions (MFIs) provide access to financial services for low-income people. In line with Microfinance and poverty alleviation, the need to build an all-inclusive financial sector is paramount. Microfinance has been proved to be a beneficial tool in poverty reduction and, for this reason, all micro-financing institutions should mainstream the inclusion of persons with disabilities.

Micro-financing institutions, disabled persons organizations and donor institutions can work together to alleviate the barriers persons with disabilities face in order to access micro-financing

d) **Ensuring Accessibility**

Article 9 of the CRPD sets out the responsibility of State parties to take appropriate measures to ensure to persons with disabilities access the physical environment, transportation, information and communications including information and communications technologies and systems, and to other facilities and services open or provided to the public. The implementation of Article 9 is an important prerequisite for the realization of the right of persons with disabilities to work.

The concept of equal opportunities refers to the process through which the various systems of society and the environment – such

as services, activities, information and documentation – are made available to all, with an emphasis on participation, access and partnerships as principles. One cannot enjoy a right until one is able to access it without facing any barriers which may hinder such access. Awareness-Raising

Part of the required shift involves rethinking myths on persons with disabilities capabilities and addressing the negative myths and stereotypes about persons with disabilities held by some employers, service providers and even some persons with disabilities themselves. Employers, for example, may assume that they will receive lower productivity from an individual with a disability.

The approach to awareness-raising requires an understanding of the policy environment, identification of the most effective strategies for raising awareness and the provision of support and training to employers and society at large to enable them to recognize the potential of persons with disabilities.

USEFUL RESOURCES

- R. Hurst, “Disabled People’s Organisations and development: strategies for change,” In Disability and development: learning from action and research on disability in the majority world. (Stone, ed., Leeds: The Disability Press, 1999).
- International Labour Office. Moving towards disability inclusion. Geneva (2011) available at: http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_160776.pdf
- T. Lorenzo, J. Motau & P. Chappell, P. Community Rehabilitation Workers as Catalysts for Disability-Inclusive Youth Development.(University of Cape Town: Disability Innovations Africa, 2012).
- L. Ned-Matiwane, “A study to explore the capacity of family and service providers to facilitate participation of disabled youth in accessing opportunities in skills development and employment in Cofimvaba, Eastern Cape,” Unpublished Masters Thesis. (University of Cape Town, 2013).
- World Health Organization and World Bank, World Report on Disability (2011).

INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) AND DISABILITY TOOLKIT

The toolkit highlights the important opportunities offered by ICTs to foster the social inclusion of persons with disabilities in all aspects of society and development. It details the relevant provisions of the CRPD and Kenyan legislations which promote ICT usage for persons with disabilities, ICT accessibility and the adoption of assistive technologies.

The toolkit reviews the barriers that can prevent persons with disabilities from accessing and using ICTs, and offers guidance on how to design policies and measures to make ICTs inclusive for persons with disabilities, including concrete examples and tools for successful implementation.

Background

ICT (Information and Communications Technology - or Technologies) include any communication device or application such as radio, television, cellular phones, computers, satellite systems as well as network hardware and software and associated services.

The e-Accessibility Policy Toolkit for Persons with Disabilities defines 'accessibility' as: *A measure of the extent to which a product or service can be used by a person with a disability as effectively as it can be used by a person without that disability.*

Information and communication technologies (ICT), when accessible and available, can serve as critical enablers that allow persons with disabilities to realise full and effective opportunities to participate, on the basis of equality, in all aspects of society and development. ICTs can help persons with disabilities have a greater access to knowledge and independent living. However,

there are a few principles that should be taken into consideration while introducing ICTs.

There are general basic principles that should be applied in respect of ICT and disability to guide decisions about the type of technologies that should be used:

- ICTs need to be accessible to all persons including persons with disabilities. All persons ought to be able to access ICTs that help facilitate communication in different cultural, educational, and professional situations.
- Particular forms or approaches to ICT should reflect the goal of fostering greater participation and inclusion. Where possible, technologies ought to be designed to be as inclusive as possible of everybody, as opposed to further development of certain technologies that would only be used specifically by persons with disabilities.
- The level of independence and control persons with disabilities have in their use of ICTs. Indeed all people, including those with disabilities, have personal preferences for particular technologies and ought to be able to choose the ICT that best serves them.

Legal Framework

Accessibility is one of eight fundamental principles in the CRPD. It is defined as a precondition for persons with disabilities to enjoy all rights and fundamental freedoms, including the rights to life and liberty, education, employment, cultural materials, sports and entertainment, political participation and movement.

Article 9 of the Convention explicitly articulates the right of persons with disabilities to access information and communications





technologies on an equal basis and without discrimination. “Communication” is defined by the Convention as “including all possible means of communication that may eliminate barriers; the term includes languages, display of text, braille, tactile communication, large print, accessible multimedia as well as written, audio, plain- language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communications technologies”

According to Art. 2 of the CRPD, “Reasonable accommodation means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;” This calls on Member Countries of CRPD to encourage both the private and public sectors to deliver accessible products and services. It recommends provision of reasonable accommodation and states that denial of reasonable accommodation itself is a form of discrimination. For instance, the national policy for information and communication technology or e-governance should include a provision which identifies accessibility as one of the principles of the policy with specific strategies to address it; including formulating a separate policy which addresses in detail various aspects of ICT accessibility such as website or content accessibility, and clearly adopts standards and mandates to

adherence.

Article 54 (1) of the Constitution of Kenya 2010 entitles a person with disability:

- (d) To use Sign Language, Braille or other appropriate means of communication; and
- (e) To access materials and devices to overcome constraints arising from the person's disability.

The Persons with Disabilities Act, 2003, is a comprehensive law covering rights, rehabilitation and equal opportunities for people with disabilities. It creates the National Council of Persons with Disabilities as a statutory organ to oversee the welfare of persons with disabilities. The Act aims to ensure that Persons with Disabilities' issues and concerns are mainstreamed.

Section 39 of the Persons with Disabilities Act also provides that all television stations shall provide a sign language inset or sub-titles in all newscasts and educational programmes, and in all programmes covering events of national significance. Section 40 directs all persons providing public telephone services should as far as possible install and maintain telephone devices or units for persons with hearing disabilities and tactile marks on telephone sets to enable persons with visual disabilities to communicate through the telephone system.

Specific Provisions on ICT Accessibility.

The CRPD's specific provisions on ICT accessibility directed to State parties include the following:

PROVISION	EXAMPLES
Ensure that persons with disabilities have equal access to the physical environment, transportation, information and communications, including information and communications technologies and systems (Article 9)	Examples of implementation include amending building by-laws to include physical accessibility stipulations, adopting mandatory national standards for web accessibility and rolling out large-scale training programmes for developers of public websites on web accessibility

PROVISION	EXAMPLES
Promote research, development and availability of new technologies suitable for persons with disabilities at affordable cost that will facilitate living and inclusion within the community; this includes ICTs, mobility aids, devices and assistive technologies. (Article 4 (G))	An example of this would be for Member States to customize existing assistive technologies to local languages and make them available at no or affordable costs. For instance, a project to customize the open source text-to-speech synthesizer e-Speak into any African language is a project which should take about 8-10 months and would immediately render indigenous voices available free of cost for bundling with screen readers such as NVDA or with mobile phones. Not only would this open up communication for those who cannot afford commercial screen readers or do not know English, but would also benefit non-disabled rural and illiterate mobile users.
Provide all information and communication in accessible formats, including cultural materials and television (Article 30)	Member States can do this by amending their Copyright Acts to permit conversion of all books into accessible formats for the benefit of persons with disabilities without the necessity of seeking permission, ensuring that all curriculum and publications are available in accessible electronic text and Braille/large print, promoting captioning for television serials, etc.
Promote accessibility of education, which include modes of communications, assistive technology etc. (Article 24)	This can be done by ensuring that adequate policies and programmes are launched to provide children in primary and higher education centres with access to assistive technology, accessible content, trained teachers and resource centres
Ensure the right to work and employment on an equal basis with others, providing a just favourable and equitable work environment (Article 27)	Member States should actively promote equal opportunity work policies and the employment of persons with disabilities in both the public and private sectors and provide support to employers for workplace accommodation.
Make international cooperation accessible to persons with disabilities and promote the sharing of accessible and assistive technologies. (Article 32)	One example would be for countries to sign and ratify the Marrakesh Treaty to promote international exchange of books in accessible formats. The Marrakesh Treaty was adopted on June 27, 2013 in Marrakesh and it forms part of the body of international copyright treaties. It has a clear humanitarian and social development dimension and its main goal is to create a set of mandatory limitations and exceptions for the benefit of the blind, visually impaired, and otherwise print disabled (VIPs).



ICT Inclusivity

ICTs have become the leading medium for communicating, transacting, informing, educating and entertaining all over the world. Usage of technologies such as television, radio, fixed and especially mobile telephony, has become a basic and indispensable feature in the lives of people across the globe.

In partnership, Access Kenya, the Rockefeller Foundation and Atlanta-based nonprofit in ABLE launched a “Computer Labs for the Blind” initiative. Thus far, nearly 1,700 Kenyan students are benefitting from the program, which is intended to teach visually impaired learners basic information and communication technology (ICT) aptitude, allowing them to access educational content online and develop employable skills. The initiative trains visually impaired students and their instructors to use multiple computer and computational device types, including iPads. It also facilitates peer-to-peer training camps that allow advanced students to teach computer skills to the visually impaired.

Every country and region of the world is benefitting from ICT's opportunities for economic and social development. It is hence imperative to ensure that persons with disabilities are not excluded from the use and benefits of ICTs.

While ICTs and ICT applications and services can raise barriers if not designed in an accessible way, new ICT solutions can also bring unprecedented supportive solutions for persons with disabilities: text-to-speech helps millions access the digital version of otherwise inaccessible print documents, GPS technology, image recognition, near field communications and Internet connectivity are new generating technologies supporting multiple innovations for independent living. To design accessible ICTs it is essential to consider the user perspective in all aspects - from the way equipment is designed to its use and where it is located or placed.

A product is accessible if it can be used by everyone equally, including persons with all types of disability. While the task of ensuring that a

product or service is completely accessible may sound challenging, it need not necessarily be so. For instance, the International Telecommunication Union (ITU) standard of merely providing a raised dot on the number 5 on the numeric key pad of phones is a great accessibility aid for blind persons to navigate and use phones. Similarly providing textual descriptions for images on websites (to aid the visually impaired using screen readers or persons with cognitive or comprehension problems) or pictorial address books, and text or video messaging service for the illiterate or the hearing impaired respectively, are extremely critical they are easily accessibility features which can be incorporated without much difficulty.

Assistive technologies

Certain types of disability require that assistive technologies be used to facilitate the interaction of the user with the ICT device. This may include alternative input devices for persons with reduced mobility,, screen readers for visually impaired persons,, augmentative (used to supplement natural speech rather than replacing it); alternative (non-speech) communications solutions for speech - or writing-impaired persons,, icon-based interfaces for cognitively-impaired users, to name a few. Typically, the provision of assistive technologies requires a significant amount of service by qualified professionals including user assessment, selection of solutions, training, support and maintenance. Assistive technologies are primarily promoted through schools and universities, rehabilitation centers and as part of workplace accommodation services.

Making the National Information Infrastructure Inclusive of Persons with Disabilities

As the usage of ICTs become pervasive, policy makers can considerably improve the lives of persons with disabilities by ensuring that their national information infrastructure is made accessible. Such approach does not create additional cost to governments other than ensuring that the proper standards and methods are implemented by service providers, e-government agencies and by leading private sector content providers.

Emergency Response and Disaster Preparedness

Persons with disabilities are one of the most disadvantaged communities during times of emergency, since the communications divide, coupled with inaccessible response systems, facilities and services makes it impossible for them to be included in any emergency or disaster service. Apart from ensuring the physical accessibility of shelters, services and transportation, for which there exist guidelines and best practices, ICTs play a critical role in this domain.

A range of ICTs exist to carry out emergency communication, such as television and radio, fixed and mobile telephony, text messaging and SMS, and internet-based resources and services such as websites, video, instant messaging over the Internet, Voice over Internet Protocol services, web conferencing, social media which allow for instant communications, instant photo and video capture and sharing, and satellite communications. The biggest benefit to using ICTs for disaster preparedness and planning is hence the ability to create and deliver content in multiple formats through multiple media.

Policy Tools to Promote Inclusive ICT for Persons with Disabilities

ICT usage cuts across and commonly binds together implementation strategies for all spheres of activity - be it education, employment, health, social welfare, transportation or finance. To have a comprehensive solution to accessibility needs in a country, the government must consider both including it within the overarching national framework for information and technology, identifying it as a strategy in all relevant policies and legislation such as education, as well as creating the necessary exclusive policies to address accessibility issues in greater detail, such as having a national policy on electronic accessibility.

Some important measures to promote ICT accessibility include:

a) *Public Procurement*

Public procurement can be used as an important tool for implementing accessibility within the national ICT ecosystem. ICT vendors should

focus on accessibility as part of mainstream design requirements. There are many different types of public procurements, varying from a single item purchase such as a computer or landline phone to a service contract such as designing a website and different approaches (for instance accessibility statements/mandatory training including accessibility as part of contract terms etc.), which are suitable for different types of procurement.

b) *Licensing*

Including accessibility as a precondition of a license can be an effective way of ensuring accessibility of a product or service. For instance, in Kenya telecom service providers should be required to provide accessibility to emergency services for persons with disabilities under their service license.

Governments may include accessibility as necessary criteria, especially in the issue of wireless and broadcast licenses. Breach of license terms can result in termination of contract or imposition of penalty with a time frame to ensure compliance.

c) *Incentives*

These could be in the form of mandatory policies, negative measures such as imposing a penalty for non-adherence, or positive measures such as offering incentives such as tax breaks, preferred choice in tenders, instituting awards etc. Ways in which innovation and investments by organizations in ICT accessibility can be supported by the government include:

- Matching funds. Governments can offer to match funds to purchase certain assistive technologies (ATs) for persons with disabilities. Another example could be to match funds for academic institutions purchasing these technologies.
- Centralized budgets in governments or other organizations to pay for accommodation so that individual agencies or departments are not concerned about cost of ATs when hiring persons with disabilities (currently implemented at IBM and Microsoft internally).
- Tax breaks for investments in assistive technologies.
- Institute awards for employers of persons with disabilities or in



different domains of accessibility such as the most accessible website servicing persons with disabilities.

- Consolidating government needs so that software companies have an incentive to invest in localizing AT.

d) *Welfare and Health Insurance Programs*

In several countries, national and State-level programmes fund the medical and rehabilitation needs of persons with disabilities. In countries where such public health insurance programmes are limited, there is often little or negligible budget for providing social security or purchasing rehabilitative devices and especially ICT-based devices. There is a dire need and potential for government to play a role in ensuring that there is provision to support every person with a disability by equipping them with the necessary AT and training in its use.

e) *Education, Training and Awareness-Raising*

Government authorities must spend time, effort and money variously on raising awareness among their own employees and the public of the need to create an inclusive and barrier-free society through:

- Sensitizing their staff to respond to the needs of persons with disabilities;
- Including accessibility in the curriculum of training institutions to make way for long term integration; audit existing and new programmes for accessibility and regularly monitor its implementation;
- Supporting DPOs and NGOs in aiding persons with disabilities;

- Engaging in research and development of low-cost indigenous supportive solutions in local languages to cater to local needs; and build up the capacity of trainers and resource centers to train people in using these technologies.

USEFUL RESOURCES

United Nations Convention on the Rights of Persons with Disabilities, available at: <http://www.un.org/disabilities/default.asp?navid=12&pid=150>

Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled available at: <http://www.wipo.int/treaties/en/ip/marrakesh/>

Universal Service for Persons with Disabilities: A Global Survey of Policy Interventions and Good Practices, by G3ict-CIS, available at: http://g3ict.org/resource_center/publications_and_reports/p/productCategory_whitepapers/subCat_0/id_193

E-Accessibility Toolkit for policy makers, by ITU-G3ict, available at: www.e-accessibilitytoolkit.org

UNESCO global report: opening new avenues for empowerment: ICTs to access information and knowledge for persons with disabilities, available at: <http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/unesco-global-report-opening-new-avenues-for-empowerment-icts-to-access-information-and-knowledge-for-persons-with-disabilities/>

R-Cast: In-Class Use of Mobile Phones for Children with Disabilities in Japan: <http://edict2010.in/files/2010/09/mobile-phone-and-sped-2010-web-version.pdf>

APPENDIX A:

SPECIFIC APPLICATIONS AND SERVICES FOR VARIOUS TYPES OF DISABILITIES AND SITUATIONS

Vision

Accessibility features such as font and high contrast colour options and screen readers came with operating systems such as Windows, Linux and Apple iOS. There are also several third-party software options, both proprietary and open-source, such as screen readers like Jaws, NVDA or Windows Eyes for personal computers, Talks and mobile speak for mobile phones, Zoom text (magnifier), and the e-Speak text-to-speech synthesizer.

An example of an innovative App is the LookTel Money Reader which recognizes currency and speaks aloud the denomination enabling persons with visual impairment to check the value of bank notes and use money quickly.

Borrowing and reading digital books on computers, mobile phones and e-book readers such as Daisy readers and the Kindle are very popular with persons with vision impairment. There are digital libraries such as the Open Library or bookshare.org which have books in Daisy format for persons with print disabilities.

Physical and motor difficulties

There exist both hardware solutions such as mouth sticks, head wand and sip-and-puff switches, as well as software to adjust the way that the keyboard or mouse alternative responds to input.

Open source solutions such as Dasher and FXC software allow users to customize their operating system and use solutions such as touch screens, switches, voice recognition and on-screen keyboards, among others.

There are also several Apps which support the specific needs of persons with physical disabilities; for instance Wheel crowd is an application which helps in searching for wheelchair-accessible places such as restaurants and other facilities around a neighbourhood. Wheel mate is a free App which provides wheelchair users with an overview of the closest wheelchair-friendly toilets and parking places. While those have emerged in countries where smart phones were available, the fast expansion of the African mobile market and expected continued decrease of the cost of handsets suggests that similar services are likely to appear.

Hearing or speech impairment

There are several hardware and software technology options such as hearing aid couplers, text teletypewriter, voice recognition, sign language, captioning and relay service which are extremely helpful for users with hearing loss.

The mobile phone also provides the possibility of facilities such as text and multimedia and video sign language messaging, and Apps such as Trippo Voice Magix which translates keyed-in messages into 30 languages and displays the translated text or speaks out the translated sentence. This can also be directly emailed or posted online as required and is optimized for both the iPhone and Android. Mobile Sign is a British sign language lexicon that provides information on more than 4,000 signs and is available on both Google Play and Apple Store.





Reading and Communication

Devices are available for people with reading and communication difficulties for e.g. Voice Output Communication Aids (VOCA) (for speech difficulties), eBook readers (for reading difficulties) and spelling aids for people with reading difficulties such as dyslexia. Tools such as Rapid Set and Washer enable users to change the text styles to make reading easier.

Software packages such as VuBar, Read Please, and Book reader add extra tools to the system to support reading. In addition there are many commercial and proprietary technologies that enhance the computer with special features. Examples of such hardware

tools include Daisy readers and Kurzweil machines and examples of software tools are Dragon Naturally Speaking and Text help Read.

A Special Phone is an App which makes it easy for persons with disabilities to make emergency calls. The person just needs to key in the number on the magnified keypad in the App and shake the phone to make the call. For speed dialing, users can store up to six emergency numbers that can be called by shaking-once for contact one, twice for contact two and so on. The app can also recognize voice commands in different languages and dialects even in surroundings where there is a lot of background noise.

DISABILITY-INCLUSIVE DEVELOPMENT TOOLKIT

This toolkit explores the links between disability and development, as well as how the Convention on the Rights of Persons with Disabilities and the Kenyan legislations provide for disability-inclusive development. It also sets out approaches for ensuring that all aspects of national development efforts are inclusive of persons with disabilities. The toolkit vividly enlightens on the meaning of Disability - inclusive development: *All stages of development processes are inclusive of and accessible to persons with disabilities. It requires that all persons be afforded equal access to education, health care services, work and employment, social protection, etc.*

In September 2015 Member States of the United Nations adopted the Sustainable Development Goals (SDGs). Through the SDGs governments have agreed to achieve sustainable development by creating greater opportunities for all, reducing inequalities and fostering equitable social development and inclusion. National

responses to the SDGs, which should be prepared and implemented in a manner consistent with the CRPD, provide an important avenue through which countries and other stakeholders can work to achieve disability-inclusive development. Inclusion needs to reach all sectors of development, as all sectors of development are relevant for persons with disabilities. Disability Mainstreaming is NOT inserting persons with disabilities into one component of a national strategy or development plan; or adding the words “and persons with disabilities” in various parts of a policy document with no corresponding activities or budgetary allocation.

Background

Sustainable Development means disability-inclusive development. the 17 Sustainable Development Goals; 11 have a strong social inclusion component focused on ending poverty,

ending hunger, improving health, enhancing education, attaining gender equality, ensuring access to water, sanitation, energy and employment within inclusive settlements and societies, and reducing inequalities within and between states. This makes the SDGs *prima facie* strong on inclusiveness. Inclusive development is justified for moral, legal, economic, social, security and environmental reasons (Cook 2006; Rauniyar and Kanbur 2010; Sachs 2004; Shortall 2008; Prahalad and Hart 2002; Sunderlin et al. 2005; Hartmann and Schraad-Tischle 2012). Such criteria would help to ensure that we not only define our planetary wellbeing and Eco space, but also explore how that Eco space is to be shared across different economic groups.

The Convention, which is both a human rights and a development instrument, sets out principles in relation to disability-inclusive development and also provides sector-specific guidance on its realization. Governments and key stakeholders can advance disability inclusive development by mainstreaming disability into the design, implementation, monitoring and evaluation of all development policies and programmes, as well as by taking targeted measures to advance the rights and inclusion of persons with disabilities.

In both developed and developing countries, more than one billion

persons with disabilities are more likely to experience poverty and exclusion than persons without disabilities. Attitudinal and environmental barriers to participation have profound social, economic and cultural effects on persons with disabilities, resulting in exclusion and creating often numerous obstacles in relation to health services, education and employment. Such exclusion and discrimination in turn contributes to poverty and prevents persons with disabilities from participating in public discourse or in development decision-making.

The integration of disability issues in development is critical for the elimination of poverty, achievement of social inclusion and equitable, fair and sustainable development. It is impossible to genuinely achieve agreed development goals without the inclusion and integration of the rights, well-being and perspective of persons with disabilities in development efforts at national, regional and international levels.

Inclusive development facilitates empowerment, through which persons with disabilities move from being considered “vulnerable groups” to becoming resource groups in society and contributors to development. Consequently, disability-inclusive development benefits not only persons with disabilities and their families, but also societies as a whole.

ELEMENTS OF DISABILITY-INCLUSION IN KEY DEVELOPMENT SECTORS

Inclusive education

It requires that children with disabilities be included in general education, as well as in early childhood quality learning, and that accessibility of educational infrastructure and provision of reasonable accommodation be ensured. For instance the Kenyan government should analyze and fill in the gaps identified in the March 2018 launched Inclusive Education in Kenya during the Africa Conference on Inclusive Education at the United States International University-Africa.

Inclusive health services

This embraces on accessible buildings and equipment, appropriately trained health care providers and accessible information. In the case of children with disabilities, comprehensive early identification and intervention on disabilities should be provided with well-defined referral systems in place.

Access to decent work and employment

Persons with disabilities require access to vocational training, skills development and other employment-support programmes funded by governments. These work opportunities should be applicable both in the rural and informal economies, where persons with disabilities frequently seek their livelihoods. The government can support implementation of Disability Rights through public awareness, technical upgrading and expansion of labour inspection, promotion of social dialogue and linking technical co-operation projects with the respect of labour rights.

Inclusive social protection

In defining benefits of social protection persons with disabilities

should be on an equal basis with others, and its systems should take the specific requirements of persons with disabilities into account.

Budgetary Allocation on Accessibility Programmes

In 2007 Kenya ratified both the Convention on the Rights of Persons with Disabilities (UNCPRD) and its Optional Protocol.

The purpose of the convention is to promote, protect and ensure the full and equal enjoyment of all human rights by persons with disabilities. It covers a number of key areas on accessibility such as personal mobility, health, education, employment, habitation and rehabilitation, participation in political life, equality and non-discrimination. This requires the national treasury to have adequate budget planning mechanism that ensures an appropriate proportion of the budget is allocated to meet the commitment of accessibility for persons with disabilities.

Legal Framework

All provisions of the CRPD are relevant to disability-inclusive development and particularly the following:

Participation

The full and effective participation of persons with disabilities is both a general principle (Article 3) and a general obligation (Article 4) of the CRPD. The Convention's emphasis on participation of persons with disabilities both as agents and beneficiaries - in all phases of development efforts, including planning, formulation, implementation, monitoring and evaluation of development policies, strategies and programmes.



Non-Discrimination

Non-discrimination is a general principle of the CRPD, underlying the implementation of all its provisions, and is also addressed as a stand-alone article (Article 5). The CRPD requires the elimination of all forms of discrimination. This includes direct discrimination consisting of measures or approaches that treat persons with disabilities less favorably than other persons.

It also includes indirect discrimination, which occurs when laws, policies, programmes or practices that appear to be neutral in practice fail to take to account the situation of persons with disabilities and, as a result, cause or contribute to exclusion or limitation of the ability of persons with disabilities to fully enjoy their rights.

Accessibility

Accessibility, which is both a general principle and stand-alone article (article 9) of the CRPD, is for the realization of disability-inclusive development and the enjoyment of all rights. The CRPD requires State parties to take measures to identify and eliminate barriers to accessibility, including those relating to physical environments, transportation, and information and communications and human services for enabling societies and communities to achieve their human and productive potential.

Women with Disabilities

Equality between men and women is a fundamental principle of the CRPD (article 3(g)), which further specifies that State parties are to take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms (Article 6). Women with disabilities experience heightened levels of exclusion from

development, and are often among the most marginalized segments within societies, facing significant difficulties in attaining access to adequate housing, health services, education, vocational training and employment. It has been broadly recognized by the international community that the achievement of gender equality is critical to sustainable development.

Work and employment

The CRPD recognizes the right of persons with disabilities to work on an equal basis with others (article 27). This includes the right to gain a living from work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. State parties are to safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps.

Article 1 of the Constitution of Kenya 2010 emphasizes that all sovereign power belongs to the people while Article 10 sets out democracy and participation of the people and inclusiveness as some of the national values and principles of governance in Kenya.

Article 27 prohibits either the State or any person from discriminating against any person on any of these grounds including: race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. Article 59 thereof establishes the Kenya National Human Rights and Equality Commission whose functions include inter alia promoting gender equality and equity generally and to coordinate and facilitate gender mainstreaming in national development. Article 69(2) also obligates every person to cooperate with State organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources.



Thus Kenya as a state party to CRPD should abide to Article 4(1) c of the Convention on the Rights of Persons with Disabilities which obliges States Parties to 'take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes'. This is widely understood as the mainstreaming clause of the Convention, and should be read together with Article 19 (c) of the Convention which obliges States Parties to ensure that 'community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs'.

Planning for Disability-Inclusive Development

The United Nations promotes integration of disability-sensitive measures into the design, implementation, monitoring and evaluation of all development policies and programmes. This approach is known as “mainstreaming”

The concept of mainstreaming disability in development is broadly defined as the inclusion of persons with disabilities in all aspects of development efforts. It is a method of ensuring that persons with disabilities can participate on an equal basis in all services or activities intended for the general population, including education, health, employment and social services.

Examples of mainstreaming disability in development include the following:

- Consultations with and participation of persons with disabilities and their representative organizations in the formulation, implementation and monitoring and evaluation of a national development plan or strategy;
- Inclusion and implementation of accessibility measures in all built environments;
- Availability of accessible teaching materials to all teachers, students and schools.

Approaches to Mainstreaming

There are a number of approaches that can facilitate the successful mainstreaming of disability in national contexts. All mainstreaming efforts should be conducted in an accessible and participatory manner, involving genuine consultation with and involvement of persons with disabilities and their representative organizations at all stages.

Steps towards mainstreaming include the following:

- Budget for disability mainstreaming, which means that the annual budget process must take the concerns and problems of persons with disabilities into consideration. Resources allocated for public goods and services such as infrastructure, communications and buildings, among others, should be mobilized to advance inclusivity.
- Developing a national capacity, including that of government officials, civil society and other relevant actors for effective mainstreaming, including through the provision of information and training.
- Analyzing and understanding the socio-economic situation of persons with disabilities at national or local levels in relation to development and also in relation to specific sectors, making use of both quantitative and qualitative data.
- Evaluating the impact of all laws, policies and programmes, including national development plans and strategies, on persons with disabilities. This includes reviewing and where necessary revising existing laws, policies and programmes to ensure and reflect the participation and concerns of persons with disabilities.
- Developing effective mechanisms within government to support mainstreaming; for example, the establishment of a coordination mechanism as suggested by article 33 of the CRPD.



- Creating a framework for monitoring the impact of mainstreaming of disability in development efforts and in different sectors especially in government ministries and agencies, as well as independent bodies.

USEFUL RESOURCES

UNDESA, Disability and the Millennium Development Goals: A Review of the MDG Process and Strategies for Inclusion of Disability Issues in Millennium Development Goal Efforts (2011)

World Bank and World Health Organization, World Report on Disability (2011).

Christian Blind Mission, Make Development Inclusive: How to Include the Perspectives of Persons with Disabilities in the Project Cycle

Management Guidelines of the EC: Concepts and Guiding Principles a Practical Guide, available at: <http://www.make-development-inclusive.org/toolsen/pcm1.pdf>

DFID, How to Note: Working on disability in country programmes (2007), available at: <http://www.make-development-inclusive.org/docsen/howtonotedfid.pdf>

STAKES National Research and Development Centre for Welfare and Health, Label Us Able: A proactive evaluation of Finnish development co-operation from the disability perspective, 2003. Available at: <http://global.finland.fi/evaluations/labelable.pdf>

The Constitution of Kenya (2010). The constitution of Kenya. Retrieved from: http://www.kenya-informationguide.com/support-files/the_constitution_of_kenya.pdf

INCLUSIVE EDUCATION TOOLKIT

This toolkit focuses on inclusive education for children and other learners with disabilities and set forth the various contexts within which inclusion of persons with disabilities must be considered, in a manner consistent with international standards.

Improving on coordination of all disability-related ministries through ensuring that responsibility for coordination of inclusive education is vested within a single ministry. The ministry should fully allocate resources for inclusive education, directing funding towards inclusive education goals; improving physical accessibility of all schools; improving information accessibility within all schools; and improving public transportation accessibility as key actions in exploring inclusive education system

Background

Inclusion is a process of addressing and responding to the diversity of needs of all children, youth and adults through increasing participation in learning, cultures and communities, and reducing and eliminating exclusion within and from education .Promoting inclusion means stimulating discussion, encouraging positive attitudes and improving educational and social frameworks to cope with new demands in education structures and governance. It involves improving inputs, processes and environments to foster learning both at the level of the learner in his/her learning environment and at the system level to support the entire learning experience. (UNESCO, 2009)

Kenya, along with 91 other governments and 25 international organizations, signed the Salamanca Statement in 1994, and began creating inclusive opportunities for individuals with disabilities around the globe (UNESCO, 1994). These countries

agreed to adopt policies that promoted schools for all. This statement recognized the need for schools to become more inclusive around the world, and to create international policies that "celebrate differences, support learning, and respond to individual needs" (UNESCO 1994). The Salamanca Statement reiterates the right to education for all, calls for governments to make inclusive education the highest priority, and requires countries set up ongoing systems of monitoring and evaluation for such programs (UNESCO, 1994).

The Kenyan competency based curriculum has left no room for excuses for parents and guardians of learners with disabilities. It has three pathways of accessing education which will see the learners with disabilities end up either in a special needs school, special unit, regular school or a home based programme for those with profound disabilities which may have rendered them immobile or put them under 24 hour surveillance and care.

Inclusion in the context of education implies transition from separate, segregated learning environments for learners with disabilities reflected in the “special education” approach, to schooling in the general education system. Effective transitions from special education approaches to inclusive education requires careful planning and structural changes to ensure that learners with disabilities are not placed within the regular or mainstream school system without the appropriate accommodation and support that ensure an inclusive learning environment.

According to UNESCO's Policy Guidelines of 2009 on Inclusion in Education defines inclusive education as: A process of strengthening the capacity of the education system to reach out to all learners. As an overall principle, it should guide all education



policies and practices, starting from the fact that education is a basic human right and the foundation for a more just and equal society.

The forth Sustainable Development Goal (SDG) declares that, by 2030, the world ought to "ensure inclusive and quality education for all and promote lifelong learning." The previous notion of Education for All was conditioned by the focus of the Millennium Development Goal 2 on achieving universal primary education. However, SDG-4 entails commitments with students' diversity, quality learning and education along the life course. Since primary-school age children are not the only priority, completion and transition between school levels are taken into account in a more explicit way. In addition, it requires aligning school education with other policy areas such as early childhood care and education, schemes for students with special education needs, vocational education and training, adult education, career guidance and others.

Legal Framework

The right to an inclusive education for persons with disabilities is a fundamental human right. It emerged first in general guarantees set forth in the Universal Declaration on Human Rights and then in more detailed expression in the International Covenant on Economic and Cultural Rights (ICESCR).

In 1994 UNESCO's Salamanca Statement on Principles, Policies and Practice in Special Needs Education was adopted and asserts that education for all must encompass the inclusion of all types of learners in a single learning environment.

The Convention on the Rights of Persons with Disabilities is the first human rights treaty to explicitly call for inclusive quality education as enshrined in its Article 24:

- State parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, State parties shall ensure an inclusive education system at all levels and lifelong learning.
- State parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community.
- To help ensure the realization of this right, State parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and /or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.
- State parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, State parties shall ensure that reasonable accommodation is provided for persons with disabilities.

Article 11 of the African Charter on Human and Persons' Rights, provides that every child has the right to education and requires States to take all appropriate measures to achieve the full realization of that right. Free and compulsory basic education is required. The African Charter on the Rights and Welfare of the Child (ACRWC) protects children from discrimination and addresses the right of the child to education (Article 11), as well as the rights of children with disabilities (Article 13).

Kenya Constitution of 2010 prohibits discrimination in Article 27, Section 4, which states:



The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. (p. 24)
The Kenya – Persons with Disabilities Act 2003 stipulates in section 8:

- 1) No person or learning institution shall deny admission to a person with a disability to any course of study by reason only of such disability, if the person has the ability to acquire substantial learning in that course.
- 2) Learning institutions shall take into account the special needs of persons with disabilities with respect to the entry requirements, pass marks, curriculum, examinations, auxiliary services, use of school facilities, class schedules, physical education requirements and other similar considerations.

Kenya ratified the CRC in 1989. Among many other guarantees, Section 3 of Article 23 of the CRC provides that education "shall be provided free of charge," and that "the disabled child will have effective access to and [will receive] education," in order to help the child in "achieving the fullest possible social integration and individual development..." (United Nations, 1989). Though access to resources is limited, Section 4 of Article 23 requires the government also to provide "access to information concerning methods of rehabilitation, education and vocational services to widen their experience in these areas" (United Nations 1989).

In 1990, the Kenyan government adopted the World Declaration on Education for All (EFA) in Jomtien, Thailand. The aim of this declaration was to make primary education available to all children, and to significantly reduce adult illiteracy (UNESCO, 1990). Following the unmet goals of the World Conference on EFA in 1990, the Dakar Framework of 2000 called for the EFA 2000 assessment (UNESCO, 2000). This assessment required countries from six regions across the globe to assess the reasons behind the unmet goals set forth by EFA 1990.

The goals developed in Dakar as a framework for action in committing governments to achieving quality basic education for all by 2015 or earlier were adopted with the 2030 Agenda for Sustainable Development Goals (SDGs). SDG4, 'Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all' with seven outcome targets:

- i. Universal primary and secondary education
- ii. Early childhood development and universal pre-primary education
- iii. Equal access to technical/vocational and higher education
- iv. Relevant skills for decent work
- v. Gender equality and inclusion
- vi. Universal youth literacy
- vii. Education for sustainable development and global citizenship

Kenya has an international responsibility to work toward the aforementioned goals, even with the reality of limited resources.

KEY ELEMENTS OF INCLUSIVE EDUCATION

Inclusion

Learners with or without disabilities should have the opportunity to learn together, should have equal access to the general education system, and should receive individual necessary support where needed based on disability or other difference. Inclusion in the CRPD favours meaningful transition from separate, segregated learning environments for learners with disabilities to schooling within the general education system.

Accessibility

Educational institutions and programmes as reflected in Article 9 of the CRPD must be accessible to persons with disabilities, without discrimination. For instance to enhance on Inclusive Education ; Action Network for the Disabled (ANDY) through an Inclusive Sports project modified toilets, put up ramps and handrails; and accessible sinks in six mainstream schools in Nairobi and Kiambu counties in Kenya.

In the CRPD, 'reasonable accommodation' is defined as “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.” This ensures that education is accessible to all persons, including the learners with disabilities, without discrimination on the basis of disability in accessing their right to education at all levels

Accessibility implies that functioning educational institutions and programmes for learners with disabilities must be available in sufficient quantity within the jurisdiction of country's region. This also means curricula and teaching methods must be provided in

the most appropriate languages and modes and means of communication for the individual student. For instance, teaching in sign language for students who are hearing impaired or providing educational materials in Braille or audio formats for students who are visual impaired

Approaches to Achieving Inclusive Education

Consistent with the CRPD's guiding principles (Article 3) and general obligations (Article 4), all measures should be taken with the full and effective participation of persons with disabilities. In the development and implementation of legislation and policies relating to inclusive education and any other relevant decision-making processes, State parties must closely consult with and actively involve learners with disabilities, through their representative organizations. A number of actions can be taken by governments and other stakeholders towards achievement of inclusive education:

Legislative and Policy Frameworks

This requires governments to adopt all necessary measures, including legislative, administrative and budgetary measures, to ensure the full realization of human rights, including the right to inclusive education as per the specific obligations under CRPD to respect, protect and fulfill the right to inclusive education for persons with disabilities.

Institutional Structures to Support Inclusive Education

Disability has to be recognized as a cross-cutting human rights and development issue, and be mainstreamed across all relevant





ministries or government's departments. Inclusive education also requires action from other relevant Ministries or government's departments; such as transportation, planning and human resource development for ensuring a holistic and comprehensive approach (CRPD Article 33).

The education of persons with disabilities has to be budgeted for. It is fundamental to the fulfilment of their right to education and to ensuring their rights to participate in development and society

Collecting Data on Disability Inclusion in Education

General population surveys do not fully or consistently disaggregate data on the basis of disability for a distinct analysis of the demographic factor of disability in education to be possible. The CRPD requires States to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to inclusive education and other rights guaranteed in the treaty.

USEFUL RESOURCES

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World Declaration on Education for All, Jomtien, Thailand, 1990.

World Health Organization & World Bank, *World Report on Disability* (2011).

Austrian Foundation for Development Research (ÖFSE) 2016. The SDGs and inclusive education for all. From special education to addressing social inequalities. Available at: [https:// www.oefse.at/ fileadmin/ content/Downloads/ Publikationen/Briefingpaper/BP14SDGs.pdf](https://www.oefse.at/fileadmin/content/Downloads/Publikationen/Briefingpaper/BP14SDGs.pdf)

KEY MESSAGES

KEY MESSAGES FOR INCLUSIVE EDUCATION

1. Inclusive education benefits all: inclusive education aims to provide quality education for all learners. In order to achieve an inclusive school, support is needed from the entire community: from decision-makers to end-users (learners and their families). Collaboration is required at all levels and all stakeholders should be involved.
2. Highly qualified professionals: in order for teachers and other education professionals to be prepared for inclusion, changes are needed in all training aspects - training programmes, daily practices, recruitment, finances, etc. Moving forward, teachers and education professionals must be prepared to be teachers/trainers for all learners; they need to be trained not just in terms of competences but also of ethical values.
3. Support systems and funding mechanisms: the best indicators for financing are not to be found in finances, but in measuring efficiency and achievement. This involves having systems in place to measure efficiency in order to focus financial means towards successful approaches. Incentive structures should ensure that more financial support is available if learners are placed in inclusive settings, and that greater emphasis is placed on outcomes (not just academic ones).

KEY MESSAGES FOR INCLUSIVE DEVELOPMENT

1. Ensuring that all marginalized and excluded groups are involved in development processes.
2. Ensuring that disability mainstreaming is achieved in all phases of the development cycle and that they are meaningfully engaged in development processes and policies.
3. Focus on the 3 key principles of participation, non-discrimination and accessibility

4. Based on a twin-track approach which implies both
 - Actions to mainstream disability in all programs, and
 - Actions targeting specifically people with disabilities to enable them to participate and benefit from the program on an equal basis with others.

KEY MESSAGES FOR INCLUSIVE EMPLOYMENT

1. Assess organizational readiness for addressing reasonable accommodation requirements
 - a. Proactively assess what accommodation is reasonable for specific positions
 - b. Proactively assess critical versus (non critical) responsibilities and deliverables on job postings to encourage job applications from persons with disabilities
 - c. Educate recruiters and hiring managers to ensure compliance and support ability-based recruitment practices
 - d. Debunk myths associated with accommodation
 - i. Must be reasonable – absolutely
 - ii. Not all persons with disabilities required workplace accommodations or adaptive equipments.
 - iii. No general reporting of increases in incidental and short term disability absence rates on the job from persons with disabilities
 - iv. Research available to support impressive retention rates for employees with disabilities when appropriate reasonable accommodations in place.
2. Consider corporate or departmental funding for potential accommodation requests to support hiring personnel decisions to recruit persons with disabilities





3. Encourage existing employees to support successful integration of persons with disabilities
 - a. No acknowledgement of employee's disability status if no reasonable accommodation required
 - b. Awareness training for employees to highlight the benefits of a supportive work place for all employees
 - c. Establish support structure e.g peer or buddy.
 - d. Establish team goals as well as individual goals to encourage inclusion
 4. Learn from other organizations that have successfully practiced inclusive employment.
 5. Do not worry about getting everything right immediately – make a plan, begin and react to challenges as they present themselves.
3. Ensure all courses meet basic accessibility standards; this in the wider, longer term view can be considered to be more beneficial and important to the development of specialist courses for people with specific needs. All learners are different; whether they have disabilities or not and the ultimate goal for ICT solutions should be flexibility to meet all learners' needs.
 4. Developing accessible and adapted e-learning courses for students with disabilities in Higher Education; this creates an accessible and adapted courses addressed to students with different disabilities - cognitive, physical and sensory. The courses should be designed through an Instructional Learning Design.

KEY MESSAGES FOR ICT AND DISABILITY

1. Ensure all teachers have the necessary knowledge and skills in using ICT in the learning process
2. Involving different disability stakeholder groups in consultations on developing and improving software; people with disabilities are the best 'testers' of new soft and hardware.

Note Reliable data: This is an important and meaningful aspect in this toolkit. Quality data collection requires a systemic approach to ensure all the stakeholders are involved in Inclusive Education, Inclusive Development, Inclusive Employment and ICT and Disability. This is essential as it will ensure timely decision making based on evidence from the data, but it needs to be supplemented with clear outcomes and effects.



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