

**PARLIAMENT OF KENYA
THE SENATE**

SENATE BILLS DIGEST

Issue No...../2015

**THE PERSONS WITH DISABILITIES (AMENDMENT) BILL, 2015
SENATE BILLS NO. 13 OF 2015**

| | |
|-------------------------------|--|
| Sponsor: | Sen. Godliver Omondi |
| Date of Publication: | 27 th July, 2015 |
| Date of First Reading: | 8 th October, 2015 |
| Committee referred to: | Standing Committee on Labour and Social Welfare |
| Type of Bill: | Ordinary Bill |
| Download links: | For the full text of the Bill (click here) |

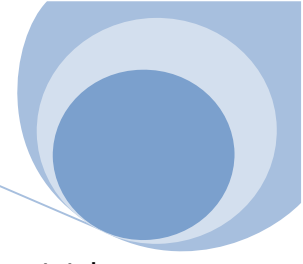
1. Purpose of the Bill

The principal object of this Bill is to amend the Persons with Disabilities Act No. 14 of 2013 with a view to provide for the obligations of national and county governments in ensuring the well-being of persons with disabilities.

2. Background

Article 54(1) of the Constitution provides for the rights of persons with disabilities including the right to access social amenities, to be treated with dignity and respect. The two levels of government have an obligation to ensure that persons with disabilities are protected and the requirements of Article 54(1) of the Constitution are met.

Currently matters relating to persons with disabilities are dealt with by the National Council for Persons with Disabilities established under section 4 of the Persons with Disabilities Act. There are however no structures at the county level to ensure the well-being of persons with disabilities. This Bill therefore seeks to amend the Act to provide a legal framework for dealing with matters affecting persons with disabilities at the county level and to revise the



composition of the Council to reflect the devolved system of government and parastatal reforms.

3. Overview of the Bill

The Bill provides for –

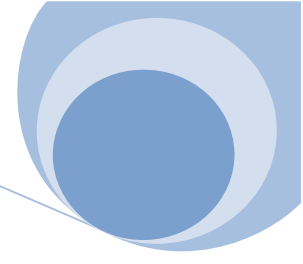
General obligations

The Bill imposes the following obligations on the national government. To-

- (a) develop policies on the protection and promotion of the welfare of persons with disabilities;
- (b) cause to be undertaken surveys, investigations and research concerning the causes of the occurrence of disabilities and development of new assistive devices;
- (c) promote various measures for prevention of disabilities;
- (d) provide facilities and infrastructure for the training of professionals in the rehabilitation of persons with disabilities;
- (e) promote the integration of persons with disabilities in schools and in employment within the public service; and
- (f) ensure access to free basic education and other social amenities to every child with a disability.

The Bill obligates the county government to-

- (a) implement national policies for the protection and promotion of the welfare of persons with disabilities;
- (b) coordinate government sponsored and non-government sponsored programmes targeting persons with disabilities within their respective counties;
- (c) align county legislation and regulations with national policy relating to persons with disabilities; and
- (d) promote the integration of persons with disabilities in the county public service.



Administrative structure

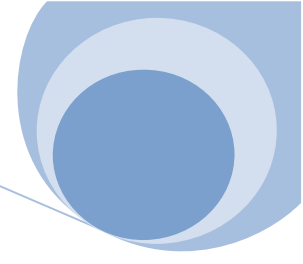
The Bill establishes a County Committee for Persons with Disabilities in each county consisting of-

- (a) one public officer appointed by the Governor who shall be the chairperson to the committee;
- (b) two persons, one man and one woman, representing faith based organizations which deal with issues affecting persons with disabilities in the county, appointed by notice in the *Gazette* by the Governor;
- (c) two persons, one a man and one a woman, who have knowledge and experience in running programmes related to persons with disabilities, appointed by notice in the *Gazette* by the Governor; and
- (e) one public officer working in the county appointed by the Governor who shall be an *ex officio* member and the secretary to the committee.

The Bill confers various functions on the Committees, key among them, to-

- (a) develop mechanisms for the identification of persons with disabilities residing in the respective county;
- (b) establish a database of persons with disabilities;
- (c) monitor and evaluate the progress by the county in ensuring that Article 54(1) of the Constitution is realized;
- (d) advise the Governor on the appropriate measures and interventions to be put in place for the protection of persons with disabilities in the county;
- (e) implement programmes to promote the socio-economic development of persons with disabilities in the county; and
- (f) coordinate the implementation of programmes relating to persons with disabilities in the county developed by the Council and the Social Assistance Authority.

The committee shall be a committee in the office of the county executive committee member responsible for matters relating to persons with disabilities. The members of the committee shall hold office for a term of three years and shall be eligible for reappointment for a further non-renewable term of two years. The members of the committee shall be entitled to allowances determined by the county executive committee member in consultation with the Salaries and remuneration Commission.



The Bill also proposes to review the membership of the Council in the following terms-

- (a) removing three members appointed from a panel of names submitted to the Minister by organizations for persons with disabilities;
- (b) reducing the number of representatives of the executive from eight to four persons representing the Ministries responsible for Labour and Social Welfare, Devolution, Education and Health;
- (c) removing the member representing the Attorney General;
- (d) by providing that the membership of the Council shall not exceed fifteen persons, out of whom at least ten members shall be persons with disabilities

The Bill proposes a further amendment to the Act whose effect shall be that the relevant state agency shall not approve the construction of a road, building or premise if the plans for the construction do not include access for persons with disabilities.

4. Consequences of the Bill

The Bill is expected to promote the well-being of persons with disabilities in the counties, to streamline the operations of the Council by reducing the number of its members and to ensure greater access by persons with disabilities to premises and other amenities.

5. Way Forward

Pursuant to standing order 130(1) of the Senate Standing Orders, the Standing Committee on Labour and Social Welfare shall facilitate public participation and shall take into account the views and recommendations of the public when the committee submits its report to the Senate.

Further, pursuant to standing order 134(1) of the Senate Standing Orders, the Committee is required to submit its report to the Senate within thirty (30) calendar days of the committal of the Bill to the Committee, therefore, **by 8th November, 2015.**

Any comments on the Bill may be submitted to the Office of the Clerk of the Senate, 1st Floor, Main Parliament Buildings, Nairobi, Kenya, through P.O. Box 41842-00100, Nairobi, Kenya or email: senatebills@parliament.go.ke.

Note:

1. This Digest reflects the Bill as published and does not cover any subsequent amendments to the Bill made after publication of the Bill.
2. The Digest does not have any official legal status.