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SNA
20/2/24*

**REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY**

**THIRTEENTH PARLIAMENT
THIRD SESSION**

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

**REPORT ON COMPLIANCE TO ARTICLE 54 (2) OF THE CONSTITUTION ON
EMPLOYMENT OF PERSONS WITH DISABILITIES IN PUBLIC INSTITUTIONS**

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 21 FEB 2024	DAY: WEDNESDAY
TABLED BY:	CHAIRPERSON, NATIONAL COHESION COMMITTEE
CLERK-AT-THE-TABLE:	

**DIRECTORATE OF AUDIT, APPROPRIATIONS AND
GENERAL PURPOSE COMMITTEES
CLERKS CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI**

FEBRUARY, 2024

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LIST OF ABBREVIATIONS AND ACRONYMS

ACA	Anti-Counterfeit Authority
AGPO	Access to Government Procurement Opportunities
CAK	Communications Authority of Kenya
CDA	Coast Development Authority
CDF	Constituency Development Fund
CEO	Chief Executive Officer
CRPD	Convention on the Rights of Persons with Disabilities
CWSCB	Coast Water Services Board
CWWDA	Coast Water Works Development Agency
DG	Director General
EMCA	Environmental Management and Coordination Act
ICDC	Industrial and Commercial Development Corporation
IEBC	Independent Electoral and Boundaries Commission
IEC	Information, Education and Communication
KAA	Kenya Airports Authority
KEBS	Kenya Bureau of Standards
KEMRI	Kenya Medical Research Institute
KENGEN	Kenya Generating Electricity Company
KENHA	Kenya National Highway Authority
KENTRADE	Kenya Trade Network Agency
KEPROBA	Kenya Export Promotion and Branding Agency
KIBU	Kibabii University
KIPI	Kenya Industrial Property Institute
KIPPRA	Kenya Institute for Public Policy Research and Analysis
KMA	Kenya Maritime Authority
KMFRI	Kenya Marine and Fisheries Research Institute
KNSL	Kenya National Shipping Line
KPA	Kenya Ports Authority
KPC	Kenya Power Company
KRC	Kenya Railways Corporation
KSC	Kenya Seed Company

LAPFUND	Local Authorities Provident Fund
LVSWWDA	Lake Victoria South Water Works Development Agency
MMUST	Masinde Muliro University of Science and Technology
MTRH	Moi Teaching and Referral Hospital
NCPWD	National Council for Persons with Disabilities
NEMA	National Environment Management Authority
NIA	National Irrigation Authority
NITA	National Industrial Training Authority
NPSC	National Police Service Commission
NTSA	National Transport and Safety Authority
NSSF	National Social Security Fund
NWWDA	Northern Water Works Development Agency
ODPC	Office of the Data Protection Commissioner
PWD	Persons with Disabilities
REREC	Rural Electrification and Renewable Energy Corporation
SMCA	Standards Metrology and Conformity Assessment
TF	Tourism Fund
TSC	Teachers Service Commission
TVET	Technical and Vocational Education and Training
WCAG	Web Content Accessibility Guidelines
WECO	Western College of Applied Sciences

CHAIRPERSON'S FOREWORD

In its meeting held on **Thursday, 23rd November 2022**, the Committee on National Cohesion and Equal Opportunity resolved to carry out an *Inquiry into Employment Diversity in Public Institutions*, specifically on the status of compliance on the composition of Persons with Disabilities in public institutions pursuant to Article 54 (2) of the Constitution. To achieve its objectives, the Committee resolved to sample thirty-nine (39) public institutions for its report on the compliance status of employment of Persons with Disabilities. Subsequently, the Committee invited the selected institutions to make submissions on various dates regarding their institution's compliance with the representation of Persons with Disabilities, as illustrated in this report.

The main objective of the inquiry is to assess the ethnic and diversity representation within the public institutions in Kenya. Specifically, the Committee requested the institutions to provide information regarding the following:

- (i) status of compliance with Article 54(2) of the Constitution on the composition of Persons with Disabilities in the institution;
- (ii) assess the distribution of Persons with Disabilities across different cadres in the institution;
- (iii) measures put in place to make the workplace suitable and friendly for Persons with Disabilities; and
- (iv) experiences, challenges and opportunities faced by Persons with Disabilities in the workplace.

In its audit, the Committee observed the need for the public service to ensure equitable opportunities for the appointment, training and advancement of Persons with Disabilities. However, the Committee notes that since the promulgation of the Constitution of Kenya, 2010, public institutions have not complied with the required threshold for appointment of Persons with Disabilities and the **average percentage of PWD representation** in each of the institutions sampled stands at **2.1%**. Additionally, most institutions that appeared before the Committee submitted that they do not receive applications from Persons with Disabilities, hence their low representation. Despite the provisions of Article 54 (2) of the Constitution of Kenya, 2010, which requires that Persons with Disabilities should make up at least five per cent (5%) of the workforce, **only one** of the institutions interviewed has complied.

Arising from the presentations and observations, the Committee made the following recommendations:

- i. Public institutions should review Human Resource Policies **within three (3) months of the adoption of this report** to create a minimum of the required 5% threshold of job opportunities for PWDs;
- ii. **Within six (6) months of the adoption of this report**, NCPWD should initiate the amendment of the Persons with Disability Act to align with Article 54 (2) of the Constitution;
- iii. **Within six (6) months of the adoption of this report**, public institutions should formulate and put into effect comprehensive disability mainstreaming policies encompassing all facets of the workplace;
- iv. **Within three (3) months of the adoption of this report**, NCPWD should take proactive measures to facilitate the comprehensive registration of all PWDs within its database;
- v. Institutions should implement affirmative actions focused on recruitment, outreach efforts and awareness campaigns to increase the representation of PWDs;
- vi. Public institutions should align their Human Resource Policies with the required retirement age for PWDs in the Persons with Disability Act and inform PWDs of their rights; and
- vii. Institutions should submit regular reports to NCPWD, encourage PWDs participation in decision-making processes and challenge cultural norms through campaigns and education programs.

The Committee wishes to thank the offices of the Speaker and the Clerk of the National Assembly for the support accorded to the members. On behalf of the Committee, and pursuant to Standing Order, 199 (6) it is my pleasant duty to table in the House the First Report on PWD Diversity Audit of Public Institutions in Kenya

HON. YUSSUF ADAN HAJI, M.P

CHAIRPERSON,

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

1.0 PREFACE

1. The Committee on National Cohesion and Equal Opportunity was established under Standing Order 212C of the National Assembly.

1.1 Mandate of the Committee

2. The mandate of the Committee includes *inter alia*:

- i. monitor and promote measures relating to policy and program initiatives in pursuit of peace and national cohesion;
- ii. investigate, inquire into and report on all matters relating to inter community cohesion;
- iii. monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all persons, including persons who are marginalized on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground;
- iv. investigate, inquire into and report on all matters relating to discrimination and or marginalization of persons referred to under sub-paragraph(c);
- v. make proposals to Parliament including legislative proposals for the protection, equalization of opportunities and promotion of the welfare of the groups referred to under sub-paragraph (c); and
- vi. examine the activities and administration of all state departments and statutory bodies in so far as they relate to the rights and welfare of the persons referred to under sub-paragraph

1.2 Committee Membership

	Name	Constituency	Party
1.	Hon. Yussuf Adan Haji, DSM, MP. (Chairperson)	Mandera West	United Democratic Movement (UDM)
2.	Hon. Liza Chelule Chepkorir, MP. (Vice-Chairperson)	Nakuru (CWR)	United Democratic Alliance (UDA)
3.	Hon. Yusuf Hassan Abdi, MP.	Kamukunji	Jubilee Party (JP)
4.	Hon. Harrison Garama Kombe, MP.	Magarini	Orange Democratic Movement (ODM)
5.	Hon. Charles Kamuren, MP.	Baringo South	United Democratic Alliance (UDA)
6.	Hon. Charles Ong'ondo Were, MP.	Kasipul	Orange Democratic Movement (ODM)
7.	Hon. Edward Oku Kaunya, MP.	Teso North	Orange Democratic Movement (ODM)
8.	Hon. Joseph Samal Lomwa, MP.	Isiolo North	Jubilee Party (JP)
9.	Hon. Martin Peters Owino, MPH, MP.	Ndhiwa	Orange Democratic Movement (ODM)
10.	Hon. Eng. Paul Nzengu, MP.	Mwingi North	Wiper Democratic Movement Kenya (WDM-K)
11.	Hon. Agnes Mantaine Pareyio, MP.	Narok North	Jubilee Party (JP)
12.	Hon. Duncan Maina Mathenge, MP.	Nyeri Town	United Democratic Alliance (UDA)
13.	Hon. Fredrick Lusuli Ikana, MP.	Shinyalu	ANC Party
14.	Hon. Irene Nyakerario Mayaka, MP.	Nominated	Orange Democratic Movement (ODM)
15.	Hon. Jane Wangechi Kagiri, MP.	Laikipia (CWR)	United Democratic Alliance (UDA)
16.	Hon. Joseph Hamisi Denar, MP.	Nominated	ANC Party
17.	Hon. Joseph Iraya Wainaina, MP.	Nominated	United Democratic Alliance (UDA)
18.	Hon. Mary Maingi, MP.	Mwea	United Democratic Alliance (UDA)
19.	Hon. Monicah Muthoni Marubu, MP.	Lamu (CWR)	Independent
20.	Hon. Onesmus Ngogoyo Nguro, MP.	Kajiado North	United Democratic Alliance (UDA)
21.	Hon. Teresia Wanjiru Mwangi, MP.	Nominated	United Democratic Alliance (UDA)

1.3 Committee Secretariat

Ms. Naserian Lotuai
Clerk Assistant II/ Lead Clerk

Ms. Kathleen Nanzala
Clerk Assistant III

Ms. Isabella Mwembi
Clerk Assistant III

Ms. Audrey Andala
Legal Counsel II

Ms. Joanne Naneu
Research Officer III

Mr. John Ng'anga
Audio Officer

Ms. Sharon Cheruto
Hansard Reporter

Ms. Rinha Saineye
Media Relations Officer

Ms. Margaret Wanjiku Wainaina
Public Communications Officer

Ms. Peris Mokeira Kaburi
Sergeant-at-Arms

2.0 INTRODUCTION

1. The Committee in a bid to enhance equality and inclusion, resolved to carry out an Inquiry into Diversity in Public Institutions specifically to Article 54 (2) of the Constitution. To achieve its objectives the Committee undertook to sample thirty-nine (39) public institutions for its disability compliance report. The Committee held meetings and received submissions from the following public institutions:

- i. Coast Water Works Development Agency
- ii. National Environment Management Authority (NEMA)
- iii. National Irrigation Authority (NIA)
- iv. Local Authorities Provident Fund (LAPFUND)
- v. Office of the Data Protection Commissioner (ODPC)
- vi. National Transport and Safety Authority (NTSA)
- vii. Independent Electoral and Boundaries Commission (IEBC)
- viii. Kenya Ports Authority (KPA)
- ix. Kenya Institute for Public Policy Research and Analysis (KIPPRA)
- x. Kenya Airports Authority (KAA)
- xi. Kenya Railways Corporation (KRC)
- xii. Rural Electrification and Renewable Energy Corporation (REREC)
- xiii. National Police Service Commission (NPSC)
- xiv. Rivatex East Africa Limited (RIVATEX)
- xv. Kenya Seed Company (KSC)
- xvi. Teachers Service Commission (TSC)
- xvii. Anti-Counterfeit Authority (ACA)
- xviii. National Social Security Fund (NSSF)
- xix. Kenya Bureau of Standards (KEBS)
- xx. Kenya National Shipping Line (KNSL)
- xxi. Pwani University

- xxii. Kenya Maritime Authority (KMA)
- xxiii. Coast Development Authority (CDA)
- xxiv. Kenya Marine and Fisheries Research Institute (KMFRI)
- xxv. Communications Authority of Kenya (CAK)
- xxvi. Kenya Trade Network Agency (KenTrade)
- xxvii. Kenya Medical Research Institute (KEMRI)
- xxviii. Kenya Generating Electricity Company (KENGEN)
- xxix. Kenya National Highway Authority (KENHA)
- xxx. Tourism Fund (TF)
- xxxi. Kenya Export Promotion and Branding Agency (KEPROBA)
- xxxii. Kenya Industrial Property Institute (KIPI)
- xxxiii. Northern Water Works Development Agency (NWWDA)
- xxxiv. Moi Teaching and Referral Hospital
- xxxv. Masinde Muliro University of Science and Technology (MMUST)
- xxxvi. Maseno University
- xxxvii. Kibabii University (KIBU)
- xxxviii. Kisii University
- xxxix. Lake Victoria South Water Works Development Agency (LVSWWDA)

2. The main objective of the inquiry is to assess the PWD representation within the public institutions in Kenya. Specifically, the inquiry would sought for the following:

- (i) status of compliance with Article 54(2) of the Constitution on the composition of Persons with Disabilities in the institution; and
 - (ii) assess the distribution of Persons with Disabilities across different cadres in the institution
 - (iii) measures put in place to make the workplace suitable and friendly for Persons with Disabilities;
-

- (iv) experiences, challenges and opportunities faced by Persons with Disabilities in the workplace.

2.1 Diversity of Persons with Disabilities (PWDs) in Public Institutions in Kenya

3. Persons with Disabilities (PWDs) in Kenya, as in many other parts of the world, constitute a diverse and significant segment of the population. The representation of PWDs in Kenya, both in the Government and society, is an essential aspect of promoting their rights and inclusion. Their experiences, challenges and contributions are integral to the fabric of the Kenyan society.
4. According to the Kenya National Bureau of Statistics report of the 2019 census, 2.2% or 0.9 million of Kenyans live with some form of disability.¹ The 2019 census indicates that 1.9% of men have a disability compared with 2.5% of women. The analysis of prevalence rates by residence shows that 2.6% or 0.7 million of people in rural areas and 1.4% or 0.2 million people in urban areas have a disability.²
5. The Institutional framework for PWDs is a multi-faceted system involving Government bodies, advocacy organizations and supportive policies aimed at advancing the rights, welfare and participation of PWDs in all aspects of society.
6. The National Council for Persons with Disabilities (NCPWD) is a significant Government agency established to oversee and coordinate matters related to disability rights and inclusion in the country. NCPWD was established by the Disabilities Act No. 14 of 2003 and set up in November 2004. The Council representation is drawn from key Government Ministries and organizations for PWDs.³
7. Achieving diversity and inclusion of PWDs in public institutions involves recognizing and addressing the varied characteristics, needs and challenges faced by individuals with disabilities. It requires a holistic approach that encompasses education, employment, accessibility, representation and the cultural context in order to create a more inclusive society for all Kenyan citizens.

3.0 Legislative Frameworks on PWD Diversity in Employment

3.1 The Constitution of Kenya, 2010

8. The Constitution of Kenya, 2010 recognizes the rights of Persons with Disabilities (PWDs). The following are specific Articles in the Constitution on matters relating to PWDs;

¹ <https://ncpwd.go.ke/download/disability-mainstreaming-status-report-for-fy-2021-2022/>

² <https://devinit.org/resources/status-disability-kenya-statistics-2019-census/>

³ <https://ncpwd.go.ke/about-us/>

- i. Article 7 (3) (b) provides that the State shall promote the development and use of indigenous languages, **Kenyan Sign Language, Braille** and other communication formats and technologies **accessible to Persons with Disabilities**.⁴
- ii. Article 21 (3) provides that all State organs and all public officers have the duty to **address the needs** of vulnerable groups within society, including women, older members of society, **Persons with Disabilities**, children, youth, members of minority or marginalised communities, and members of particular ethnic, religious or cultural communities.⁵
- iii. Article 27 (4) & (5) provide that the State shall not discriminate directly or indirectly against any person or ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, **disability**, religion, conscience, belief, culture, dress, language or birth.⁶
- iv. Article 54 (2) provides that the State shall ensure the progressive implementation of the principle that **at least 5% of the members** of the public in elective and appointive bodies are persons with disabilities.⁷
- v. Article 232 (1) (i) provides for the values and principles of public service that include affording adequate and equal opportunities for appointment, training, advancement at all levels of the public service, of men and women; the members of all ethnic groups and **Persons with Disabilities**.⁸

3.2 The National Cohesion and Integration Act (No. 12 of 2008)

9. Section 7 (1) of this Act states that all public establishments shall seek to represent the diversity of the people of Kenya in staff employment.⁹

3.3 The Employment Act (No. 11 of 2007)

10. This Act in Sections 5(2), & (3) provides as follows¹⁰;
 - i. Section 5(2) states that an employer shall promote **equal employment opportunities** and strive to eliminate discrimination in any employment policy or practice.

⁴ http://www.kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=Const2010#sec_7

⁵ http://www.kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=Const2010#sec_21

⁶ http://www.kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=Const2010#sec_27

⁷ http://www.kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=Const2010#sec_54

⁸ http://www.kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=Const2010#sec_232

⁹ http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2012%20of%202008#sec_7

¹⁰ http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2011%20of%202007#sec_5

- ii. Section 5(3) states that no employer shall **discriminate/harass** directly or indirectly, against an employee or prospective employee;

 - a) on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, **disability**, pregnancy, mental status or HIV status; and
 - b) in respect of recruitment, training, promotion, terms & conditions of employment, termination of employment or other matters arising from the employment.

3.4 The Labour Relations Act (No. 14 of 2007)

11. This Act in Section 5 (1) states that no person shall discriminate against an employee or **any person** seeking employment for exercising any right conferred in this Act.¹¹

3.5 Persons with Disabilities Act (No. 14 of 2003)

12. This Act in Section 12 provides as follows¹²;
- i. No person shall deny a **person with a disability** access to opportunities for suitable employment.
 - ii. A qualified employee with a **disability** shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as able-bodied employees; and
 - iii. An employee with a **disability** shall be entitled to **exemption from tax** on all income accruing from his employment.

3.6 The Public Officer Ethics Act (No. 4 of 2003)

13. This Act seeks to create an environment that **nurtures respect for diversity**. It requires a public officer to discharge his or her duties in a professional manner and to treat the public and fellow public officers with courtesy and respect.¹³

¹¹ http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2014%20of%202007#sec_5

¹² http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2014%20of%202003#part_III

¹³ <http://kenyalaw.org:8181/exist/rest/db/kenyalex/Kenya/Legislation/English/Amendment%20Acts/No.%204%20of%202003.pdf>

3.7 Public Service (Values & Principles) Act (No. 1A of 2015)

14. This Act gives effect to Article 232 of the Constitution. According to section 10 (1) of the Act, the public service, a public institution or an authorized officer shall ensure that public officers are appointed and promoted on basis of fair competition and merit.¹⁴

3.8 The National Gender and Equality Act (No. 15 of 2011)

15. The National Gender and Equality Commission is established under this Act with a mandate under Section 8 (d) to coordinate and facilitate mainstreaming of issues gender, **Persons with Disabilities** and other marginalized groups in national development and to advise the Government on all aspects thereof.¹⁵

16. Section 8 (m) of this Act, the NGEC also has the mandate to conduct audits on the status of special interest groups including minorities, marginalized groups, **Persons with Disabilities**, women, youth and children.

3.9 Convention on the Rights of Persons with Disabilities (CRPD)

17. Article 2 (6) of the Constitution of Kenya, any treaty or convention ratified by Kenya shall form part of the law of Kenya under the Constitution. A Convention ratified by Kenya forms part of the laws of Kenya.

18. The Convention on the Rights of Persons with Disabilities is an international human rights treaty adopted by the United Nations General Assembly on 13th December 2006. It opened to signatures on 30th March 2007 and came into force on 3rd May 2008 following ratification by the 20th State Party.

19. Kenya was among the countries that signed the CRPD when it first opened for signature and a subsequent ratification of the CRPD as a State Party to the Convention was done on May 19, 2008.

20. The United Nations Convention on the Rights of Persons with Disabilities (CRPD) is a legally binding international agreement by countries to help ensure children and adults with disabilities enjoy the same rights as others and are treated fairly and with dignity.

21. The purpose of the Convention under Article 1 is to promote, protect and ensure the full and equal enjoyment of all **human rights and fundamental freedoms by all Persons with Disabilities**, and to promote respect for their **inherent dignity**.

¹⁴<http://kenyalaw.org:8181/exist/rest/db/kenyalex/Kenya/Legislation/English/Amendment%20Acts/No.%201a%20of%202015.pdf>

¹⁵ http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2015%20of%202011#sec_8

22. Persons with disabilities 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.
23. Article 5 of the Convention, States Parties shall prohibit all **discrimination on the basis of disability** and **guarantee to Persons with Disabilities equal and effective legal protection** against discrimination on all grounds.
24. The rights of Persons with Disabilities have been emphasized in international instruments. In support of the rights of Persons with Disabilities, Kim Peek stated, "*Recognizing and respecting differences in others, and treating everyone like you want them to treat you, will help make our world a better place for everyone. Care... be your best. You don't have to be handicapped to be different. Everyone is different!*"

3.10 Comparative Analysis

Switzerland

- 25 Switzerland tops the chart as the world's best employer of disabled people, with 69% of people with disabilities in employment. Out of the fifty-eight (58) countries where data is available, Switzerland's employment rate for disabled people is the highest at 69%.
- 26 Persons with Disabilities in Switzerland are better represented in the workforce than in other countries. About three-quarters of disabled people in working age are employed within the labour market. Around 1.8 million people with disabilities live in Switzerland.
- 27 Switzerland enacted the Disability Equality Act on December 13, 2002, on the elimination of discrimination of Persons with Disabilities. The purpose of the law is to prevent, reduce or eliminate discrimination suffered by Persons with Disabilities.
- 28 The Disability Equality Act has provided a forum for equal opportunities to employment by Persons with Disabilities as it sets framework conditions that make it easier for people with disabilities to participate in social life and, in particular, to independently cultivate social contacts, to gain further education, and to gain gainful employment.
- 29 The Federal Council created by the Disability Equality Act, may provide investment contributions for the creation or creation of disabled workplaces.

Rwanda

- 30 According to the National Census report of Rwanda, there are almost four hundred and fifty thousand Persons with Disabilities, among those aged over five (5) years. This corresponds to approximately 5% of the total population above the age of five (5).
- 31 Around 52% of Persons with Disabilities aged over 16 years are in employment compared to 71% of the National population.
- 32 Rwanda has a range of social protection schemes offering regular cash transfers that can be accessed by PWDs, including programmes funded through general taxation, donor-funded and contributory schemes.
- 33 Article 18 of Law 01/2007 of Rwanda states that, '*no discrimination of any form shall be subjected upon a disabled person in matters related to employment. However, a disabled person shall be given greater access to employment opportunities than any other citizen in case of equal capacities or in case of equal marks in competition.*'
- 34 Rwanda has made efforts in employing PWDs and according them a disability benefit however, many PWDs are unable to participate in the labour market on an equal basis with others.

4.0 PUBLIC INSTITUTIONS SUBMISSIONS

4.1 COAST WATER WORKS DEVELOPMENT AGENCY

35. The Coast Water Works Development Agency (CWWDA) is a parastatal created under the Water Act, 2016 (a successor of the Coast Water Services Board (CWSCB) and established through a Gazette Notice No. 28 of 26th April, 2019.

36. The Acting Chief Executive Officer (CEO) Eng. Martin Tsuma, appeared before the Committee on Friday, 15th April, 2023 and made the following submissions on Persons with Disability (PWD) representation:

I. Status of Compliance with Article 54 (2) of the Constitution on Composition of Persons with Disabilities in the Institution.

37. CWWDA has employed only one Person with Disability (PWD) out of one hundred and seventy-two (172) employees in the Agency which translates to 0.58% as shown in table 1 below.

Table 1: PWDs Representation

Description	No.	Percentage %
PWDs	1	0.58
Not PWDs	170	99.42
Total	171	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

38. The Agency has the one (1) employed PWD in the Middle Management Level.

III. Measures put in place to promote Persons Living with Disabilities Friendly Working Environment.

39. The Agency has implemented the following measures;

- i. Construction of ramps to aid mobility of PWDs within the establishments when they come to seek services;
- ii. Construction of PWDs-enabled toilets fully fitted with grab rails;
- iii. Training of some employees on sign language;
- iv. Implementing PWDs policy on retirement age to 65 years and arranging for their PAYE tax exemptions;

- v. CWWDA has a disability-friendly website which can easily be used by visually impaired persons; and
- vi. CWWDA has a reserved parking lot for physically disabled persons.

4.2 NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

40. The National Environment Management Authority (NEMA), is established under the Environmental Management and Coordination Act No. 8 of 1999 (EMCA) as the principal instrument of Government for the implementation of all policies relating to the environment.

41. The Director General Mr. Mamo Boru, EBS, appeared before the Committee on Tuesday, 20th June 2023 and made the following submissions on PWD representation:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

42. NEMA has a total of seven employees who are Persons with Disabilities as shown in table 2 below out of four hundred and thirteen employees (413) in the Authority which translates to 1.7%.

Table 2: PWDs Representation

Description	No.	Percentage %
PWDs	7	1.7
Not PWDs	406	98.3
Total	413	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

43. Out of the seven (7) employed PWDs in the Authority, two (2) are in the Middle Management Level and five (5) are in the Lower cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

44. The Authority has put in place the following measures:

- i. Constructed ramps at entry points.

- ii. Provided washrooms with PWD amenities.
- iii. Purchased assistive devices and user-friendly technology (laptop, phone, white cane)
- iv. Translated customer service charter into braille.
- v. Have an in-house trained Sign Language Interpreter.
- vi. Payment of allowances for PWD assistants.
- vii. Designated parking slots for PWDs.
- viii. Provision of Access to AGPO for PWDs.
- ix. Provision of opportunities to network (participation in meetings, conferences/workshops and events for PWDs).
- x. Sensitization of staff members on issues and challenges of PWDs.

4.3 NATIONAL IRRIGATION AUTHORITY

45. National Irrigation Authority (NIA) is a State Corporation in the Ministry of Water, Sanitation and Irrigation with a mandate to develop and improve irrigation infrastructure for national or public schemes.

46. The Acting Chief Executive Officer, Eng. Charles Muasya, appeared before the National Cohesion and Equal Opportunity Committee on Thursday, 29th June 2023 and made the following submissions on PWD representation:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

47. NIA has employed seven (7) out of two hundred and seventy-eight (278) staff with disability which represents 2.52% of the employees as illustrated in table 3 below.

Table 3: PWDs Representation

Description	No.	Percentage %
PWDs	7	2.52
Not PWDs	271	97.48
Total	278	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

48. Out of the seven (7) PWDs employed in NIA, one (1) is in the Middle Management Level and three (3) are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

49. The measures put in place at NIA are as follows:

- i. Products and services to promote access of PWDs have been provided for across the head office and all field stations. These products are accessible website, ramps, Braille in both English & Swahili, washrooms and parking spaces.
- ii. Continuous training and sensitization for both Disability Mainstreaming Committees and staff in NIA stations.
- iii. Training of Customer Service staff on basic sign language.
- iv. Accessibility and usability audits carried out in all NIA stations to ensure compliance.

4.4 LOCAL AUTHORITIES PROVIDENT FUND

50. Local Authorities Provident Fund (LAPFUND) is a defined contribution scheme registered and regulated by the Retirement Benefits Act of 1997 and subsequent regulations. It is a State Corporation established in 1960 by an Act of Parliament Cap. 272, Laws of Kenya.

51. The Acting Chief executive Officer, Mr. Benard Mbogoh, appeared before the Committee on Tuesday, 25th July 2023 and made the following submissions on PWD representation:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

52. The Fund has two (2) Persons with Disabilities out of one hundred and forty-two (142) employees which represents 1.4% as illustrated in table 4 below.

Table 4: PWDs Representation

Description	No.	Percentage %
PWDs	2	1.4
Not PWDs	140	98.6
Total	142	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

53. The two (2) employed PWDs in LAPFUND are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

54. The measures put in place in LapFund are as follows;

- i. The development of a workplace Disability mainstreaming Policy;
- ii. Appointment of a staff committee to spearhead Disability Mainstreaming;
- iii. Staff sensitizations and trainings on Disability Mainstreaming;
- iv. Availability of separate and customized washroom area for PWDs;
- v. Training of key staff on sign language;
- vi. Translation of documents such as customer charter to braille;
- vii. Accessibility widgets and audio available in LapFund website; and
- viii. Submitting quarterly reports to the NCPWD for compliance checks.

4.5 OFFICE OF THE DATA PROTECTION COMMISSIONER

55. The Office of the Data Protection Commissioner (ODPC) was established under the Data Protection Act, 2019, which was assented on 8th November 2019.

56. The Data Commissioner, Ms. Immaculate Kassait, MBS, appeared before the Committee on Tuesday, 1st August 2023 and made the following submissions on PWD representation:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

57. Out of the forty-five (45) employees in ODPC, **no employees** are Persons with Disabilities (PWDs), as shown in Table 5 below.

Table 5: PWDs Representation

Description	No.	Percentage %
PWDs	0	0
Not PWDs	45	100
Total	45	100

II. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

58. The ODPC has put in place the following measures;

- i. A committee on Disability Mainstreaming was formed in September 2022.
- ii. All office spaces are on a flat surface and linked using a lift for ease of access.
- iii. Availability of toilets for PWDS within ODPC offices.
- iv. The Office is in process of converting its Citizen Service Charter into braille to facilitate PWDS.
- v. ODPC website can be easily accessed by PWDS for ease of service delivery.

4.6 NATIONAL TRANSPORT AND SAFETY AUTHORITY

59. The National Transport and Safety Authority (NTSA) was established through an Act of Parliament, Act No. 33 on 26th October 2012, with the objective of harmonizing the operations of key transport departments and help in effectively managing the road transport sub-sector and minimizing loss of lives through road crashes.

60. The Director General Mr. George Njao, appeared before the Committee on Tuesday, 15th August 2023 and made the following submissions on PWD representation:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

61. The Authority has eight (8) Persons with Disabilities out of six hundred and forty-two (642) employees which translates to 1.24% as illustrated in table 6 below.

Table 6: PWD Representation

Description	No.	Percentage %
PWDs	8	1.24
Not PWDs	634	98.76
Total	642	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

62. The eight (8) PWDs employed in NTSA are in the lower cadre.

4.7 INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

63. The Independent Electoral and Boundaries Commission (IEBC) is an independent regulatory agency that was founded in 2011 through the Constitution of Kenya with the responsibility of conducting or supervising referenda and elections to any elective body or office established by the Constitution.

64. The Chief Executive Officer (CEO), Mr. Marjan Hussein, MBS appeared before the Committee on Tuesday, 15th August 2023 and made the following submissions on PWD representation:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

64. The Commission has nine (9) Persons with Disabilities out of eight hundred and eighty-three (883) employees which translates to 1.02% as shown in table 7 below.

Table 7: PWDs Representation

Description	No.	Percentage %
PWDs	9	1.02
Not PWDs	874	98.98
Total	883	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

65. Out of the nine (9) PWDs employed in IEBC, five (5) are in the Middle Management Level and four (4) are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

66. The Commission has put in place the following measures:

- i. Provision of facilitative equipment for PWDs including facilitative allowance/guide/aid/porter/sign language interpreter in accordance with the HRA Manual Section 5.2.22.
- ii. All Commission owned buildings provide for facilities that are user friendly to the PWDs including ramps.

4.8 KENYA PORTS AUTHORITY

67. Kenya Ports Authority is a State Corporation established through an Act of parliament in January 1978. KPA is mandated to manage and operate all scheduled seaports and inland waterways along Kenya' coastline.

68. The Chief Executive Officer, Capt. William Ruto, appeared before the Committee on Saturday, 19th August 2023 and made the following submissions on PWD representation:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

69. KPA has ninety-seven (97) employees with disabilities out of six thousand, five hundred and twenty-two (6,522) employees which translates to 1.5% as shown in table 8 below. Total staff

Table 8: PWD Representation

Description	No.	Percentage %
PWDs	97	1.5
Not PWDs	6425	98.50
Total	6522	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

70. Out of the ninety-seven (97) PWD employees in KPA, four (4) are in the Middle Management Level, twenty-eight (28) are in the Lower Cadre, fifty-six (56) are in the Union Supervisory and nine (9) are in the Union Operatives.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

71. The Authority has put in place the following measures:

- i. Review of its draft Disability Mainstreaming Policy which is ongoing.
- ii. Sensitizing members of staff, interns, attaches, service providers and other stakeholders on Disability Mainstreaming matters.
- iii. Increasing equal and easy access of services/programmes to PWDs through provision of reserved parking slots and construction of ramps within its buildings.
- iv. KPA submits quarterly reports to NCPWD.

v.

4.9 KENYA INSTITUTE FOR PUBLIC POLICY RESEARCH AND ANALYSIS

72. Kenya Institute for Public Policy Research & analysis (KIPPRA) is a public institution that was established in May 1997 through a Legal Notice and commenced operations in June 1999.

73. The Chief Executive Officer (CEO), Dr. Rose Ngugi appeared before the Committee on Saturday 19th August, 2023 and made the following submissions on PWD representation:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

74. The Institute has two PWDs out of seventy-one (71) employees which translates to 2.8% as shown in table 9 below.

Table 9: PWDs Representation

Description	No.	Percentage %
PWDs	2	2.8
Not PWDs	69	97.20
Total	71	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

75. The two (2) PWD employees in KIPPRA are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

76. The Institute has put in place the following measures:

- i. Advertisement through the NCPWD Fuzu portal.
- ii. Access to information on the website and computers for PWDs.
- iii. Acquisition of office furniture that is available for PWDs.
- iv. Availability of lifts to access offices.
- v. Special washrooms in KIPPRA for PWDs.
- vi. Training of staff on the Kenyan Sign Language.
- vii. Accessibility and usability audit and implementation of the report recommendations.
- viii. Gender and Disability Committee in place.

- ix. Annual work plan on Disability Mainstreaming with implementation matrix.
- x. Quarterly reports to NCPWD.

4.10 KENYA AIRPORTS AUTHORITY

77. Kenya Airports Authority (KAA) was established in 1992 by the KAA Act, Cap 395, which provides for the powers and functions of the Authority.

78. The Chief Executive Officer, Mr. Alex Gitari appeared before the Committee on Wednesday 10th May, 2023 and made the following submissions on PWD representation:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

79. The Authority has twenty-two (22) PWDs out of one thousand, eight hundred and sixty (1,860) employees which translates to 1.18% as shown in table 10 below.

Table 10: PWDs Representation

Description	No.	Percentage %
PWDs	22	1.18
Not PWDs	1838	98.82
Total	1860	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

80. Out of the twenty-two (22) PWD employees in KAA, one (1) is in the Senior Management Level and twenty-one (21) are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

81. The Authority has put in measures as follows;

- i. Ensured physical facilities and premises are accessible by internal and external clients with disability by providing facilities such as reserved parking space and washrooms for PWDs.

- ii. Developed and provided organizational information in alternative means, thus Service Delivery Charter has been translated into braille both in English and Kiswahili languages, large print, audio cassette and training of front-line staff in signing (sign language).

4.11 KENYA RAILWAYS CORPORATION

82. Kenya Railways (KR) is a State Corporation in Ministry of Transport, Infrastructure, housing and Urban Development. The Corporation was established in 1978 under the Kenya Railways Corporation Act (Cap 397) of the laws of Kenya to take over the railways section in Kenya after the collapse of East Africa Community in 1977 which managed the East African Railways and Harbors Corporation.

83. The Chief Executive Officer (CEO) appeared before the Committee on Friday 18th August, 2023 and made the following submissions on PWD representation:

I. Status of Compliance with article 54 (2) of the Constitution on Composition of Persons with Disabilities in the Institution

84. The Corporation has ten (10) PWDs out of two thousand, nine hundred and twenty-three (2,923) employees which translates to 0.36% as shown in table 11 below.

Table 11: PWD Representation

Description	No.	Percentage %
PWDs	10	0.36
Not PWDs	2913	99.64
Total	2923	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

85. The ten (10) PWDs employed in the Corporation are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

86. The Corporation has put in place the following measures;

- i. Approved Disability Mainstreaming Policy which guides in regard to issues to do with disability.

- ii. Trained four (4) sign language interpreters to assist persons with hearing impairment.
- iii. In October 2022, KRC purchased thirty-four (34) wheelchairs for use in all SGR stations and four (4) wheelchairs for Nairobi Commuter Stations.
- iv. All SGR stations have a lowered counter which is accessible by persons using wheelchairs and persons who are of short stature.
- v. KRC has improved its website and it's now accessible to PWDs.
- vi. Constructed ramps to ease access to PWDs.
- vii. Toilets for PWDs in all SGR stations.
- viii. Reserved parking for PWDs in all parking spaces.
- ix. Provision of lifts at headquarters and Nairobi and Mombasa Terminus.

4.12 RURAL ELECTRIFICATION AND RENEWABLE ENERGY CORPORATION

87. Rural Electrification and Renewable Energy Corporation (REREC) (formerly the Rural Electrification Authority) is a State Corporation established under the Energy Act, 2019, is mandated to enhance provision of electricity in the rural areas of the country as well as develop, manage and promote the use of renewable energy in Kenya.

88. The Chief Executive Officer, CPA Peter K. Mbugua appeared before the Committee on Tuesday 9th May, 2023 and made the following submissions on PWD representation:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

89. The Corporation has eight (8) PWDs out of six hundred and twenty-three (623) employees which translates to 1.28% as shown in table 12 below.

Table 12: PWDs Representation

Description	No.	Percentage %
PWDs	8	1.28
Not PWDs	615	98.72
Total	623	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

90. Out of the eight (8) PWDs employed in REREC, two (2) are in the Middle Management Level and six (6) are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

91. REREC has put in place the following measures:

- i. Upgraded website to conform to Web Content Accessibility Guidelines (WCAG) in accessibility for PWDs as guided by the NCPWD.
- ii. Provided appropriate Adaptive Technology for staff, that is, large screen monitors to staff to avoid damage to the eyes.
- iii. Aailed Information, Education and Communication (IEC) materials in alternative accessible formats: Audio, large print, video with captioning and sign language interpretation on our website.
- iv. Participation of PWDs in public forums like meetings, workshops, seminars, trainings and sensitizations.
- v. Facilitates sensitization and training on disability mainstreaming in the organization.
- vi. Conducted accessibility and usability audit for the Corporation.
- vii. Ensure progressive 5% of the total staff recruited comprise of PWDs.
- viii. Appointed a Disability Mainstreaming champion in the Corporation.

4.13 NATIONAL POLICE SERVICE COMMISSION

92. National Police Service Commission (NPSC) is established by Article 246 (1) of the Constitution of Kenya 2010 and Article 248 (2) (j) as one of the Chapter 15 Commissions and Independent Offices.

93. The Chief Executive Officer (CEO) Mr. Peter Leley, appeared before the Committee on Saturday 19th August, 2023 and made the following submissions on PWD representation:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

94. The Commission has nine (9) PWDs out of two hundred and seventy-one (271) employees which translates to 3.3% as shown in table 13 below.

Table 13: PWDs Representation

Category	Total	Percentage %
PWDs	9	3.3
Not PWDs	262	96.7
Grand Total	271	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

95. Out of the nine (9) PWDs employed in NPSC, two (2) are in the Senior Management Level and seven (7) are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

96. NPSC has put in place the following measures;

- i. Disability friendly website access especially for the visually impaired.
- ii. Availability of lifts and ramps in the building.
- iii. Spacious corridors.
- iv. Accessible washrooms.
- v. Flexible working hours especially for the one on wheelchair.
- vi. Availability of two Kenya sign language signers trained by the Commission.

4.14 RIVATEX EAST AFRICA LIMITED

97. Rivatex East Africa Limited was established in 1976 as a joint venture between the Kenyan Government represented by the Industrial and Commercial Development Corporation (ICDC) and a consortium of foreign investors.

98. The Chief Executive Officer (CEO) Prof. Thomas Kipkurgat, EBS, appeared before the Committee on Wednesday, 30th August 2023 and made the following submissions on PWD representation:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

99. Rivatex has fifteen (15) PWDs out of seven hundred and forty-nine (749) employees which translates to 2% as shown in table 14 below.

Table 14: PWDs

Category	Total	Percentage %
PWDs	15	2
Not PWDs	734	98
Grand Total	749	100

II. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

100. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. Providing access ramps in all operational areas.
- ii. Training volunteer employees as sign language interpreters to facilitate communications.
- iii. Ensuring people with mobility impairments are placed in work stations that are easily accessible.
- iv. Providing accessible parking spots.
- v. Having accessible washrooms.
- vi. Establishing a Disability Committee.

4.15 KENYA SEED COMPANY LIMITED

101. Kenya Seed Company is a State Corporation that was incorporated in 1956 with its main goal to research, develop, market, distribute and avail certified top quality, high yielding agricultural seeds of various varieties within Kenya, Africa and beyond.

102. The Acting Chief Executive Officer (CEO) Mr. Chepsiror Kiplagat Sammy, appeared before the Committee on Thursday, 31st August 2023 and made the following submissions on PWD representation:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

103. KSC has six (6) PWDs out of three hundred and twenty-three (323) employees which translates to 1.86% as shown in table 15 below.

Table 15: PWDs Representation

Category	Total	Percentage %
PWDs	6	1.86
Not PWDs	317	98.14
Grand Total	323	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

104. Out of the six (6) PWDs employed in KSC, four (4) are in the Middle Management Level and two (2) are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

105. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. KSC has employed a sign language interpreter who does interpretation whenever the company is holding meetings with stakeholders, attending to visitors at the reception desk and Company functions.
- ii. The Company has a reserved parking within its premises areas with parking signs indicated for PWDs.
- iii. KSC has put in place in its premises toilets that accessible for PWDs.
- iv. The Company through an ongoing procurement is in the process of availing Information Education and Communication (IEC) materials in alternative accessible formats.
- v. KSC has provided ramps for ease of movement for PWDs in most of it Company's premises.

- vi. The Company has adopted in its HR Policy the retirement age for PWDs as per the Disability Act.
- vii. All registered PWDs are exempted from payment of tax in compliance with the Disability Act.
- viii.

4.16 TEACHERS SERVICE COMMISSION

106. The Teachers Service Commission is established under Article 237 (1) of The Constitution with the overall mandate of managing teacher's affairs. Pursuant to its mandate, Commission's employees are categorized as:

- i. **The Teaching Staff:** The Commission has a work force of three hundred and forty-six thousand, seven hundred and sixty (346,760) teachers who are registered and undertaking teaching service in various public schools across the country. This includes both primary schools and post primary institutions; and
- ii. **The Secretariat Staff:** Section 18 of the TSC Act empowers the Commission to establish a secretariat staff deployed at various administrative levels including the headquarters, county, and sub-county offices. The main function of the secretariat staff is to execute the implementation of the teacher management policies and the functions provided under the Constitution and the TSC Act.

107. The Chief Executive Officer (CEO) Dr. Nancy Macharia, appeared before the Committee on Friday, 3rd March 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

108. TSC has four thousand, nine hundred and seven (4,907) teaching staff who are PWDs out of three hundred and forty-six thousand, seven hundred and sixty (346,760) teachers which translates to 1.41% and a total of one hundred and twenty (120) secretariat staff who are PWDs out of the two thousand, eight hundred and forty-two (2842) secretariats which translates to 4.22% as shown in table 16 & 17 below.

Table 16: PWDs Teaching Staff Representation

Category	Total	Percentage %
PWDs	4907	1.41
Not PWDs	341,853	98.59
Grand Total	346,760	100

Table 17: PWDs Secretariat Staff Representation

Category	Total	Percentage %
PWDs	120	4.22
Not PWDs	2722	95.78
Grand Total	2842	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

109. In the Teaching Staff, a total of one thousand two hundred and sixty-eight (1,268) PWDs are in the Senior Management Level, one thousand three hundred and nineteen (1,319) PWDs are in the Middle Management Level and two thousand three hundred and twenty (2,320) PWDs are in the Lower Cadre.

110. In the Secretariat Staff, twenty-one (21) PWDs are in the Senior Management Level, fifty-three (53) PWDs are in the Middle Management Level and one hundred and twenty (120) PWDs are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

111. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. The Commission has negotiated 2012-2025 CBA with teacher unions where among others, the CBA provides for payment of disability guide allowance to teachers who are blind, deaf and those confined to wheelchairs;
- ii. The Commission has incorporated sliding doors with sensors, lifts and ramps in its buildings to ease movement for staff who are physically disable;
- iii. The Commission premises have washrooms suitable for PWD in every floor and wash-hand sink at the entrance of the building; and

- iv. The Commission has trained its staff on sign language to facilitate service delivery to speech impaired teachers.

4.16 ANTI-COUNTERFEIT AUTHORITY

112. Anti-Counterfeit Authority (ACA) was established under the Anti-Counterfeit Act 2008 as a State Corporation with the mandates to enlighten and inform the public on matters relating to counterfeiting, combat counterfeiting, trade and other dealings in counterfeit goods, devise and promote training programs to combat counterfeiting and coordinate with national, regional or international organizations involved in combat counterfeiting. ACA is a state corporation under the Ministry of Investment, Trade and Industry.
113. The Chief Executive Officer (CEO) Dr. Robi Mbugua Njoroge, appeared before the Committee on Saturday, 4th March 2023 and provided evidence as per the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

114. ACA has employed only one (1) PWD out of one hundred and five (105) employees which translates to 0.95% as shown in table 18 below.

Table 18: PWDs Representation

Category	Total	Percentage %
PWDs	1	0.95
Not PWDs	104	99.05
Grand Total	105	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

115. The one (1) PWD employed in the Authority is in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

116. The following measures have been put in place to ensure a friendly work environment for PWDs:
- i. Establishment and operationalization of Disability Mainstreaming Committee.

- ii. Formulation of Disability Mainstreaming Action Plan to ensure that staffs are informed on disability related aspects and to empower persons with disabilities.
- iii. Sensitization and training of staff on service provision to persons with disabilities.
- iv. Establishment of structures and systems that ensure persons with disabilities access information and services, e.g.; Train staff on sign language, avail materials in Braille, ramps, signage, guides, accessible toilets, lifts with visual, audio and ductile features, non-slippery floor surface, disability friendly vehicles & walkways, accessible parking.
- v. Ensuring progressive realization of attaining the 5% on all recruited personnel in appointments, employment/promotion for persons with disabilities.
- vi. Ensuring that there is no discrimination in advertising, interviewing, recruitment, volunteerism, internships, training & promotions of PWDs.

4.17 NATIONAL SOCIAL SECURITY FUND

117. National Social Security Fund (NSSF) is a service organization which exists for the public good. It offers social protection to all Kenyan workers in the formal and informal sectors. NSSF registers members, receives their contributions, manages funds of the scheme, processes and ultimately pays out the benefits to eligible members or dependents.

118. The Acting Chief Executive Officer (CEO) Mr. David Ndolo Mwangangi, appeared before the Committee on Tuesday, 7th March 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

119. NSSF has employed only fifty (50) PWDs out of one thousand and ninety (1090) employees which translates to 4.5% as shown in table 19 below.

Table 19: PWDs Representation

Category	Total	Percentage %
PWDs	50	4.5
Not PWDs	1040	95.50
Grand Total	1090	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

120. Out of the fifty (50) PWDs employed in NSSF, twenty-one (21) are in the Middle Management Level and twenty-eight (28) are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

121. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. Training of four (4) staff members in Kenya Sign Language at the University of Nairobi. The course commenced from 2nd May, 2022 and is still ongoing.
- ii. A budget of Kshs. 1,000,000 has been set aside for 9 PWDs for a monthly assistant allowance of Kshs. 10,000.
- iii. Wheelchairs have been bought for customers who are PWDs and have been strategically placed at Hill Branch for ease of movement.
- iv. The procurement department ensures that tenders are allocated to PWDs as evidenced in the AGPO report.
- v. Ramps were erected at the entrance of Block c that is next to Prisons perimeter wall by 30th October, 2022.
- vi. Conversion of documents in braille and the service charter is in large prints for ease of reference.

4.18 KENYA BUREAU OF STANDARDS

122. Kenya Bureau of Standards (KEBS) is the Government agency for the provision of Standards, Metrology and Conformity Assessment (SMCA) services since its inception in 1974. Over that period its main activities have grown from the development of standards and quality control for a limited number of locally made products in the 1970's to the provision of more comprehensive Standards development, Metrology and Conformity Assessment, Training and Certification services.

123. The Chief Executive Officer, Lt. Col (Rtd) Bernard N. Njiraini, appeared before the National Cohesion and Equal Opportunity Committee on Thursday, 16th March 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

124. KEBS has employed only fourteen (14) PWDs out of one thousand and thirty-four (1034) employees which translates to 1.35% as shown in table 20 below.

Table 20: PWDs Representation

Category	Total	Percentage %
PWDs	14	1.35
Not PWDs	1020	98.65
Grand Total	1034	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

125. Out of the fourteen (14) PWDs employed in KEBS, one (1) is in the Senior Management Level, four (4) are in the Middle Management Level and nine (9) are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

126. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. Main entrance: the signages are clear for the visual impaired and connectivity to offices is good.
- ii. Pathways: the pathways are wide with accommodative service for persons with disabilities. The connectivity to the main roads is well done thus accessible.
- iii. Drop off areas: There is a drop off area that is visible from the main entrance.
- iv. Ramps: ramps are accessible because they are in the right gradient. This promotes independence for persons using assistive devices like wheelchairs, crutches etc. for mobility.
- v. Corridors: the corridors are wide enough for those using wheelchairs, crutches and guides for mobility. This enables them to maneuver around with ease. When there is an emergency, wide corridors accommodate people including those with assistive devices.
- vi. Stairs: They are well done, intermediate handrails installed. Persons with visual impairment can use the stairs themselves without being guided which is a plus for their mobility.
- vii. Reception area: it is accessible as the reception desk and sitting area can be accessed with ease.
- viii. Washrooms: accessible washroom for PWD is in place.
- ix. Library: it is composed of standard materials; the books are bought according to request and the standards are sold through the website.

- x. Job advertisement: job adverts were done and encouraged PWDs to apply.

4.19 KENYA NATIONAL SHIPPING LINE

127. Kenya National Shipping Line (KNSL) was established in the late 1988 by the Kenyan Government and operates from its head office in Mombasa.

128. The Acting Managing Director Mr. Joseph Juma, appeared before the Committee on Friday, 14th April 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

129. KNSL has employed **no** PWDs out of the nineteen (19) employees as shown in table 21 below.

Table 21: PWDs Representation

Category	Total	Percentage %
PWDs	0	0
Not PWDs	19	100
Grand Total	19	100

II. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

130. The Managing Director submitted that KNSL has been working closely with National Council of Persons with Disabilities (NCPWD), Mombasa, on sensitization of staff on ways to provide service to Persons with Disabilities (PWDs). KNSL has trained customer care staff on sign language interpretation, translated the service charter into Braille and registered in the National Council of Persons with Disabilities NCPWD's career portal for ease of access on any job opportunities. The Company leased premises have a ramp and elevators for ease of access of the company services.

4.20 PWANI UNIVERSITY

131. Pwani University is a public university in the Kilifi County in Kenya which was established on 23rd August 2007. Prior to the award of a charter, the university was a constituent college of Kenyatta University.

132. The Vice Chancellor Prof. Mohammed S Rajab, appeared before the on Friday, 14th April 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

133. Pwani University has employed four (4) PWDs out of the four hundred and thirty (430) employees which translates to 0.93% as shown in table 22 below.

Table 22: PWDs Representation

Category	Total	Percentage %
PWDs	4	0.93
Not PWDs	426	99.07
Grand Total	430	100

II. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

134. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. Accessible website.
- ii. Accessibility of buildings.
- iii. Kenya sign language.
- iv. Accessible parking.
- v. Accommodation for staff or students living with disabilities.
- vi. Advertisement and recruitment.

4.21 KENYA MARITIME AUTHORITY

135. Kenya Maritime Authority (KMA) was set up in June 2004 as the semi-autonomous agency in charge of regulatory oversight over the Kenyan maritime industry.

136. The Acting Director General Mr. John Omingo, appeared before the Committee on Saturday, 15th April 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

137. KMA has employed four (4) PWDs out of the one hundred and nineteen (119) employees which translates to 3.36% as shown in table 23 below.

Table 23: PWDs Representation

Category	Total	Percentage %
PWDs	4	3.36
Not PWDs	115	96.64
Grand Total	119	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

138. Out of the four (4) PWDs employed in the Authority, one (1) is in the Senior Management Level, One (1) in the Middle Management Level and two (2) are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

139. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. Provision of ramps on walk ways.
- ii. Disability friendly washrooms.
- iii. Reserved parking for PWDs.
- iv. Lifts in the newly constructed KMA towers.

4.22 COAST DEVELOPMENT AUTHORITY

140. Coast Development Authority (CDA) is a state corporation established by an Act of Parliament No. 20 of 1990 (Cap 449), revised in 1992 with the mandate to provide integrated development planning, coordination and implementation of projects and programmes within the whole of Coast region.

141. The Managing Director, Mr. Mohamed Keinan Hassan Ph.D., OGW appeared before the Committee on Saturday, 15th April 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

- viii. As a matter of priority, the Institute management has also installed a service bell at the MOSC building gate at a reasonable height for PWDs.
- ix. The Institute management has also purchased the following items and are readily available at the MOSC building gate room for use by PWD visitors when required that is, wheel chair, walking frame and crouches.
- x. All PWD employees in KMFRI earn tax free salaries in accordance with the government of Kenya requirements.
- xi. KMFRI has also invested in sign language interpretation by training one of her employees Ms. Rael Obara in sign language interpretation thereby reducing costs of hiring a sign language interpreter whenever required.
- xii. The Institute management has also translated its service charter in to braille to accommodate customers with vision challenges. The service charter has also been translated into sign language to accommodate customers with hearing challenges.
- xiii. Customized and user-friendly washrooms are also in place for use by PWD employees and customers.

4.24 COMMUNICATIONS AUTHORITY OF KENYA

150. Communications Authority of Kenya was established in 1999 by the Kenya Information and Communications Act (KICA), 1998 with the mandate to regulate the telecoms, postal/courier services and manage frequency spectrum.

150. The Director General, Mr. Ezra Chiloba appeared before the Committee on Tuesday 25th April, 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

151. CAK has employed four (4) PWDs out of the two hundred and forty-seven (247) employees which translates to 2% as shown in table 26 below.

Table 26: PWDs Representation

Category	Total	Percentage %
PWDs	4	2
Not PWDs	243	98
Grand Total	247	100

II. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

152. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. Provided a ramp facility at the access point of it's headquarter building.
- ii. Set aside designated car parking space for Persons with Disabilities (PWDs).
- iii. Provided accessible lavatory for Persons with Disabilities (PWDs).
- iv. Supported employees living with different forms of disabilities by providing a motorized wheel chair, hearing aids, an artificial arm and special orthopedic chairs.

4.25 KENYA TRADE NETWORK AGENCY

153. Kenya Trade Network Agency (KenTrade) is a State corporation under the National Treasury that was established in January 2011 under Legal notice No. 6 of 2011 to establish, implement and manage the National Electronic Single Window System (Kenya TradeNet System).

154. The Acting Chief Executive Officer, Mr. David Ngarama appeared before the Committee on Thursday 27th April, 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

155. KenTrade has employed two (2) PWDs out of the ninety (90) employees which translates to 2.2% as shown in table 27 below.

Table 27: PWDs Representation

Category	Total	Percentage %
PWDs	2	2.2
Not PWDs	88	97.8
Grand Total	90	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

156. The two (2) PWDs employed in KenTrade are in Lower Cadre.

4.26. KENYA MEDICAL RESEARCH INSTITUTE

157. Kenya Medical Research Institute (KEMRI) is a State Corporation established in Kenya in 1979 through the Science and Technology (Repealed) Act, Cap 250 of the Laws of Kenya operated under

the Science Technology and Innovation Act, 2013 as the national body responsible for carrying out research in human health in Kenya. Currently, KEMRI operates under Legal Notice No. 35 of March 2021.

158. The Acting Director General, Prof. Elijah Songok appeared before the Committee on Friday 5th May, 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

159. KEMRI has employed sixteen (16) PWDs out of the eight hundred and seventy-five (875) employees which translates to 1.83% as shown in table 28 below.

Table 28: PWDs Representation

Category	Total	Percentage %
PWDs	16	1.83
Not PWDs	859	98.17
Grand Total	875	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

160. Out of the sixteen (16) PWDs employed in the Institute, three (3) are in the Middle Management Level and nine (9) are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

161. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. The Institute has created ramps, which allow a wheel chair to move with ease.
- ii. There are allotted parking spaces for Persons living with disability.
- iii. The washrooms which are friendly to Persons living with disability have been set up.

4.27. KENYA ELECTRICITY GENERATING COMPANY

162. Kenya Electricity Generating Company (KenGen) is the leading electric power generating company in East Africa. KenGen was incorporated in 1954 under the Kenyan Companies Act as Kenya Power Company (KPC) with the mandate to generate electricity through the development, management and operation of power plants.

163. The Acting Chief Executive Officer, Mr. Abraham Serem appeared before the Committee on Wednesday 10th May, 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

164. KenGen has employed forty-four (44) PWDs out of the two thousand six hundred and two (2,602) employees which translates to 1.69% as shown in table 29 below.

Table 29: PWDs Representation

Category	Total	Percentage %
PWDs	44	1.69
Not PWDs	2558	98.31
Grand Total	2602	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

165. Out of the forty-four (44) PWDs employed in KenGen, three (3) are in the Senior Management Level, twenty-four (24) are in the Middle Management Level and seventeen (17) are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

166. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. Ramps for ease of access into the buildings as well as the lavatories.
- ii. We have accessible website and software's for PWDs.
- iii. A policy on Gender mainstreaming was embossed to enable the blind to read.
- iv. Accessibility audits in several of our operational areas were carried out to establish areas of improvement within the organisation.
- v. We have increasingly trained employees in sign language hence communication with the deaf employees has tremendously improved.
- vi. Disability assistance allowance paid to employees who are deaf, blind and on wheelchairs.

4.28.KENYA NATIONAL HIGHWAYS AUTHORITY

167. Kenya National Highways Authority (KENHA) is a statutory body established under the Kenya Roads Act of 2007 and inaugurated in September 2008. KENHA is responsible for the development, rehabilitation, management and maintenance of all National Trunk Roads comprising of Class S, A and B roads.

168. The Director General, Eng., Kungu Ndungu appeared before the Committee on Wednesday 10th May, 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

169. KENHA has employed eleven (11) PWDs out of the five hundred and nineteen (519) employees which translates to 2.1% as shown in table 30 below.

Table 30: PWDs Representation

Category	Total	Percentage %
PWDs	11	2.1
Not PWDs	508	97.90
Grand Total	519	100

II. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

170. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. KENHA has improved accessibility to the workplace.
- ii. The Authority trained officers stationed at the Corporate Communications customer care desk on sign language to assist in communicating with all stakeholders.
- iii. KENHA's service charter has been on a friendly braille for ease of access of information by Persons with Disabilities.

4.29.TOURISM FUND

171. Tourism Fund (TF) is a State Corporation established under the Tourism Act, 2011 which came into operation on 1st September, 2012 vide special issue Kenya Gazette Supplement No. 93 of 24th August, 2012 whose mandate is to mobilize resources to finance the development of tourism industry in Kenya.

172. The Chief Executive Officer Mr. David Mwangi, appeared before the Committee on Thursday 8th June, 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

173. Tourism Fund has employed nine (9) PWDs out of the two hundred and sixty-five (265) employees which translates to 3.4% as shown in table 31 below.

Table 31: PWDs Representation

Category	Total	Percentage %
PWDs	9	3.4
Not PWDs	256	96.60
Grand Total	265	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

174. The PWD representation in the Fund is at 4.4% in the Lower Cadre and 0% in both the Senior and Middle Management Levels.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

175. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. The Fund has ensured support is given to individual officers according to their needs and facilities customized to suit their use.
- ii. The facilities available are PWD toilets, access ramps. Lifts and chairs.
- iii. The Fund has provided an aide to the paraplegic officer.
- iv. Medical cover is available for all the officers.
- v. All PWDs are tax exempted.

4.30. KENYA EXPORT PROMOTION AND BRANDING AGENCY

176. Kenya Export Promotion and Branding Agency (KEPROBA) is a State Corporation born out of the merger between the then Brand Kenya Board and Export Promotion Council vide legal notice number 110 of 2019. The Agency has a mandate of implementing Export promotion and Nation branding initiatives and policies to promote Kenya's export of goods and services.

177. The Acting Chief Executive Officer Ms. Floice Mukabana, appeared before the Committee on Tuesday 8th August, 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

178. KEPROBA has employed two (2) PWDs out of the one hundred and four (104) employees which translates to 2.13% as shown in table 32 below.

Table 32: PWDs Representation

Category	Total	Percentage %
PWDs	2	1.92
Not PWDs	102	98.08
Grand Total	104	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

179. The two (2) PWDs employed in the Agency are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

180. The Agency through the Gender Mainstreaming Committee has committed to work with NCPWD to bring on board attaches and interns, in a bid to identify and prepare the graduates for the job market and to further identify PWDs who have skills and knowledge that can be considered in future to fill vacant positions.

4.31. KENYA INDUSTRIAL PROPERTY INSTITUTE

181. Kenya Industrial Property Institute (KIPI) is a parastatal under the Ministry of Investments, Trade and Industry whose core mandates are to administer industrial property rights, provision of technological information to the public, promoting inventiveness in Kenya and provision of training on industrial property.

182. The Acting Managing Director Mr. John Onyango, appeared before the Committee on Thursday 10th August, 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

183. KIPi has employed three (3) PWDs out of the seventy-two (72) employees which translates to 4.2% as shown in table 33 below.

Table 33: PWDs Representation

Category	Total	Percentage %
PWDs	3	4.17
Not PWDs	69	95.83
Grand Total	72	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

184. Out of the three (3) PWDs employed in the Institute, one (1) is in the Middle Management Level and two (2) are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

185. The Institute has in place signages, well-labelled parking slots, special chairs, ramps and a brailled service charter.

4.32. NORTHERN WATER WORKS DEVELOPMENT AGENCY

186. The Northern Water Works Development Agency (NWWDA) was earlier established as Northern Water Services Board through a Kenya Gazette Notice No. 1716 dated 12th March 2004 as a State Corporation under the State Corporations Act and Water Act 2002. It is responsible for the development, maintenance and management of water and sewerage infrastructure in six (6) counties namely, Garissa, Wajir, Mandera, Isiolo, Samburu and Marsabit.

186. The Chief Executive Officer (CEO) CPA Andrew Rage, appeared before the Committee on Tuesday 27th June, 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

187. NWWDA has employed one (1) PWD out of the thirty-two (32) employees which translates to 3.1% as shown in table 34 below.

Table 34: PWDs Representation

Category	Total	Percentage %
PWDs	1	3.1
Not PWDs	31	96.90
Grand Total	32	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

188. The one (1) PWD in the Agency is in the Senior Management Level.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

189. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. Employed casual workers.
- ii. Designated parking space for PWDs.
- iii. Ramps provided at the exit door.
- iv. Trained one staff member who mans the reception desk on sign Language interpreter.

4.33.MOI TEACHING AND REFERRAL HOSPITAL

190. Moi Teaching and Referral Hospital (MTRRH) is a multi-specialty international teaching and referral hospital serving Kenya, parts of Eastern Uganda, Northern Tanzania, south Sudan and the Democratic Republic of Congo with a population of over 24 million.

190. The Chief Executive Officer (CEO) Dr. Wilson Aruasa, appeared before the Committee on Thursday 31st August, 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

191. MTRH has employed one hundred and fourteen (114) PWDs out of the three thousand, six hundred and sixty-five (3,665) employees which translates to 3.11% as shown in table 35 below.

Table 35: PWDs Representation

Category	Total	Percentage %
PWDs	114	3.11
Not PWDs	3551	96.89

Category	Total	Percentage %
Grand Total	3665	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

192. Out of the one hundred and fourteen (114) PWDs employed in MTRH, four (4) are in the Senior Management Level, forty-five (45) are in the Middle Management Level and sixty-four (64) are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

193. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. Appointed a Disability Mainstreaming Committee in place.
- ii. Appointed a Disability Assessment Committee in place.
- iii. The hospital has procured a total of six (6) motorized wheelchairs to PWDs to ease movement within and outside workplace.
- iv. Procured guided walking stick for one member of staff (blind).
- v. Procured hearing aids for seven (7) members with hearing impairment.
- vi. Reserved parking space for PWDs.
- vii. Provide signages for PWDs on use of ramps.
- viii. The hospital has a total of thirty (30) members of staff trained on sign language to assist both staff and patients under PWDs.
- ix. Corporate Service Delivery Charter in braille.
- x. Accelerated promotion for a member of staff under PWD.
- xi. Implementation of personal guide for public officers living with disabilities.
- xii. User friendly toilets for PWDs.
- xiii. Facilitation of per diem allowance and transport for members of staff going for assessment, renewal of their certificates and tax exemption certificates.
- xiv. Retention of one member of PWD staff at Income Generating Unit while other do yearly rotation.
- xv. Training opportunities at NITA.
- xvi. Support PWDs in medication after exhaustion of medical cover.

4.34. MASINDE MULIRO UNIVERSITY OF SCIENCE AND TECHNOLOGY

194. Masinde Muliro University of Science and Technology (MMUST) was established in 2002 as a Constituent College of Moi University (then named Western University College of Science and Technology). This was an initiative by the Government of Kenya to upgrade the Western College of Applied Sciences (WECO) that had been training students in TVET programmes since 1972.

195. The Vice Chancellor Prof. Solomon Shibairo, appeared before the Committee on Tuesday, 29th August 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

196. MMUST has employed sixteen (16) PWDs out of the nine hundred and forty-eight (948) employees which translates to 1.7% as shown in table 36 below.

Table 36: PWDs Representation

Category	Total	Percentage %
PWDs	16	1.7
Not PWDs	932	98.3
Grand Total	948	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

197. Out of the sixteen (16) PWDs employed in MMUST, two (2) are in the Senior Management Level, ten (10) are in the Middle Management Level and four (4) are in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

198. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. Appointment of Committee on gender and disability with the mandates of assessing and enforcing compliance with the relevant Act of Parliament;
- ii. Staff are assisted to get and use orthopedic chairs;
- iii. Staff are deployed to departments that are suitable for them to function optimally;
- iv. Staff on contract are given priority for employment on permanent terms whenever vacancies occur;
- v. Staff are linked to NCPWD services like registration and tax exemption;

- vi. The University has implemented accessibility and usability measures in its buildings to ensure friendly work and learning environment for PWDS; and
- vii. PWDS benefit from promotion whenever positions are declared vacant.

4.35.MASENO UNIVERSITY

199. Maseno University is a public University based in the Maseno District of the Kisumu County, along the Equator, which was fully fledged as a University in 2001 after being a constituent college of Moi University for a decade. It is an accredited University, enacted by an Act of Parliament in 1981.

200. The Vice Chancellor Prof. Julius Nyabundi PhD, OGW, appeared before the Committee on Tuesday, 29th August 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

201. Maseno has employed twenty-six (26) PWDS out of the one thousand and ninety-nine (1,099) employees which translates to 1.7% as shown in table 37 below.

Table 37: PWDS Representation

Category	Total	Percentage %
PWDS	26	2.4
Not PWDS	1073	97.6
Grand Total	1099	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

202. Out of the twenty-six (26) PWDS in Maseno, one (1) is in the Senior Management Level.

III. Measures put in place, if any, to promote a Friendly Work Environment for Persons Living with Disabilities.

203. The following measures have been put in place to ensure a friendly work environment for PWDS:

- i. Modified physical workspaces to cater for Persons with Disabilities.
- ii. The University has a Workplace Disability Policy in place.
- iii. Maseno has a substantive PWDS Committee in place which is responsible for continuous assessment of the situation.

- iv. The University has a Disability Action Plan which ensures all locations and facilities are wheelchair accessible and provides other social amenities such as disability friendly convenient rooms, display of signage, parking slots, ramps and lifts in the University.

4.36.KIBABII UNIVERSITY

204. Kibabii University College was established as a constituent college of Masinde Muliro University of Science and Technology (MMUST) by Legal Notice No. 115 of 2011. Later, Kibabii University (KIBU) became a fully-fledged public University afterward of Kibabii University Charter in 2015.

205 The Vice Chancellor Prof. Isaac Odeo, appeared before the Committee on Wednesday, 30th August 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

206. KIBU has employed four (4) PWDs out of the four hundred and ten (410) employees which translates to 0.98% as shown in table 38 below.

Table 38: PWDs Representation

Category	Total	Percentage %
PWDs	4	0.98
Not PWDs	406	99.02
Grand Total	410	100

II. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

207. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. Construction of ramps for accessibility.
- ii. Special parking area for PWDs.
- iii. Special washrooms/ablutions.
- iv. Exemption from strenuous duties.
- v. Adhering to the Circular on benefits and tax exemptions for PWDs.
- vi. Appointment of Disability Management Committee.
- vii. Approved Disability Mainstreaming Policy.

4.37. KISII UNIVERSITY

208. Kisii University College was founded in 1965 as a Primary Teachers Training College on a 61-acre land that was donated by the County Council of Gusii. On 23rd August 2007, Kisii University College was established through a Government Legal Notice No. 163 of 2007 as a constituent College of Egerton University. On 6th February 2013 through Legal Notice No. 225, granted Kisii University Charter in accordance to the Universities Act 2012.

209. The Vice Chancellor, Prof. Nathan Ogechi, appeared before the National Cohesion and Equal Opportunity Committee on Wednesday, 30th August 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

210. Kisii University has employed sixteen (16) PWDs out of the one thousand and thirty-four (1,034) employees which translates to 1.4% as shown in table 39 below.

Table 39: PWDs Representation

Category	Total	Percentage %
PWDs	16	1.5
Not PWDs	1018	98.5
Grand Total	1034	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

211. Out of the sixteen (16) PWDs, two (2) are Support Staff, two (2) are Operative Staff, Eight (8) are Technical Staff and four (4) are in the Middle Management Level.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

212. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. Main entrance: the signage's are clear for the visual impaired and connectivity to offices is good.
- ii. Pathways: the pathways are wide with accommodative service for persons with disabilities. The connectivity to the main roads is well done thus accessible.
- iii. Drop off areas: There is a drop off area that is visible from the main entrance.

- iv. Ramps: ramps are accessible because they are in the right gradient. This promotes independence for persons using assistive devices like wheelchairs, crutches etc. for mobility.
- v. Corridors: the corridors are wide enough for those using wheelchairs, crutches and guides for mobility. This enables them to maneuver around with ease. When there is an emergency, wide corridors accommodate people including those with assistive devices.
- vi. Stairs: They are well done, intermediate handrails installed. Persons with visual impairment can use the stairs themselves without being guided which is a plus for their mobility.
- vii. Reception area: it is accessible as the reception desk and sitting area can be accessed with ease.
- viii. Washrooms: accessible washroom for PWD is in place.
- ix. Library: it is composed of standard materials; the books are bought according to request and the standards are sold through the website.
- x. Job advertisement: job adverts were done and encouraged PWD to apply.

4.38.LAKE VICTORIA SOUTH WATER WORKS DEVELOPMENT AGENCY

213.Lake Victoria South Water Works Development Agency is one of the nine (9) Water Works Development Agencies established under the Ministry of Water, Sanitation and Irrigation through the Water Act 2016. It was established on 3rd May, 2019 vide Legal Notice No. 28 as a State Corporation and covers eight (8) counties namely, Bomet, Homa Bay, Kericho, Kisii, Kisumu, Migori, Nyamira and Siaya.

214.The Acting Chief Executive Officer (CEO) Mr. Chrispine O. Juma, appeared before the National Cohesion and Equal Opportunity Committee on Tuesday, 29th August 2023 and made the following submissions:

I. Status of Compliance with Article 54(2) of the Constitution on Composition of Persons with Disabilities in the Institution.

215.The Agency has employed four (4) PWDs out of the sixty-nine (69) employees which translates to 5.8% as shown in table 40 below.

Table 40: PWDs Representation

Category	Total	Percentage %
PWDs	4	5.8
Not PWDs	65	94.2
Grand Total	69	100

II. Assess the Distribution of Persons with Disabilities Across Different Cadres in the Institution.

216. Out of the four (4) PWDs employed in the Agency, two (2) are in the Senior Management Level, one (1) in the Middle Management Level and one (1) in the Lower Cadre.

III. Measures put in place to promote a Friendly Work Environment for Persons Living with Disabilities.

217. The following measures have been put in place to ensure a friendly work environment for PWDs:

- i. The Agency has constructed permanent ramps within the institution to ease movements for PWDs to access services.
- ii. LVSWWDA has procured wheelchairs and crutches to support movement of PWDs.
- iii. The Agency has Service Charter in braille both in English and Kiswahili.
- iv. Washrooms for PWDs are available for their use.
- v. Reserved parking space for PWDs is in place.
- vi. Swing doors have been installed in washroom facilities for easier access by PWDs.
- vii. Handrails have been installed in washroom facilities.
- viii. Signages have been put in place to direct PWDs to access ramps.
- ix. The Agency has facilitated training of two (2) staff on Kenya Sign Language.
- x. Staff have been sensitized on disability mainstreaming.
- xi. The Agency's website has been upgraded to conform to Web Content Accessibility Guidelines (WCAG) on accessibility for PWDs.
- xii. When placing advertisement on daily newspapers, the Agency includes a rider that Women, Minority Groups and PWDs are encouraged to apply.

5.0 ANALYSIS ON PERSONS LIVING WITH DISABILITIES

218. This section provides a summary of the institutions assessed during the inquiry in terms of

Persons Living with Disabilities representation

5.1. Compliance with Article 54 (2) of the Constitution of Kenya, 2010.

219. Out of the forty (40) institutions sampled, the **average percentage of PWD representation** in each of these institutions stands at **2.1%**. Notably, only Lake Victoria South Water Works Development Agency (LVSWWDA) has met the 5% minimum threshold in the representation of Persons with Disabilities as stipulated in the Constitution. In contrast, the Office of the Data Protection Commissioner (ODPC) and the Kenya National Shipping Line (KNSL) both reported **zero representation** as indicated in table 41 below:

Table 41: PWD Percentages per Agency

	Institution	PWDs Percentage %
1.	Coast Water Works Development Agency (CWWDA)	0.60
2.	National Environment Management Authority (NEMA)	1.70
3.	National Irrigation Authority (NIA)	2.52
4.	Local Authorities Provident Fund (LAPFUND)	1.4
5.	Office of the Data Protection Commissioner (ODPC)	0.00
6.	National Transport and Safety Authority (NTSA)	1.24
7.	Independent Electoral and Boundaries Commission (IEBC)	1.02
8.	Kenya Ports Authority (KPA)	1.50
9.	Kenya Institute for Public Policy Research and Analysis (KIPPRA)	2.80
10.	Kenya Airports Authority (KAA)	1.18
11.	Kenya Railways Corporation (KRC)	0.36

	Institution	PWDs Percentage %
12.	Rural Electrification and Renewable Energy Corporation (REREC)	1.28
13.	National Police Service Commission (NPSC)	3.30
14.	Rivatex East Africa Limited	2.00
15.	Kenya Seed Company (KSC)	1.86
16.	Teachers Service Commission	Teaching Staff - 1.41 Secretariat Staff – 4.22
17.	Anti-Counterfeit Authority (ACA)	0.95
18.	National Social Security Fund (NSSF)	4.5
19.	Kenya Bureau of Standards (KEBS)	1.35
20.	Kenya National Shipping Line (KNSL)	0
21.	Pwani University	0.93
22.	Kenya Maritime Authority (KMA)	3.36
23.	Coast Development Authority (CDA)	1.50
24.	Kenya Marine and Fisheries Research Institute (KMFRI)	3
25.	Communications Authority of Kenya (CAK)	2
26.	Kenya Trade Network Agency (KenTrade)	2.2
27.	Kenya Medical Research Institute (KEMRI)	1.83
28.	Kenya Generating Electricity Company (KENGEN)	1.69

	Institution	PWDs Percentage %
29.	Kenya National Highways Authority (KENHA)	2.1
30.	Tourism Fund (TF)	3.4
31.	Kenya Export Promotion and Branding Agency (KEPROBA)	1.92
32.	Kenya Industrial Property Institute (KIPI)	4.17
33.	Northern Water Works Development Agency (NWWDA)	3.1
34.	Moi Teaching and Referral Hospital	3.11
35.	Masinde Muliro University of Science and Technology (MMUST)	1.7
36.	Maseno University	2.4
37.	Kibabii University (KIBU)	0.98
38.	Kisii University	1.4
39.	Lake Victoria South Water Works Development Agency (LVSWWDA)	5.8

5.2.Common Measures put in place by Public Institutions to Promote PWD Friendly Working Environment

220.Public institutions submitted the following common measures put in place:

- i. All institutions have constructed ramps to aid the mobility of PWDs within their premises, ensuring easy access to their facilities.
- ii. Each Institution has provided PWD-enabled toilets that are fully fitted with grab rails, ensuring accessibility and convenience for PWDs.
- iii. Some institutions have trained their employees in sign language to facilitate effective communication with hearing-impaired individuals.

- iv. Institutions have designated parking slots specifically for PWDs making it easier for them to access the facilities.
- v. Some institutions have translated their service charters and other relevant documents into Braille, allowing visually impaired individuals to access information easily.
- vi. Several institutions have conducted accessibility and usability audits to identify areas for improvement in making their premises more PWD friendly.
- vii. Some institutions have provided assistive devices such as wheelchairs, crutches and hearing aids to support PWDs.
- viii. Some institutions have carried out sensitization and training programs for their staff to raise awareness about disability issues and challenges faced by PWDs.
- ix. Institutions have established committees to oversee disability mainstreaming efforts and ensure compliance with relevant policies and regulations.

5.3.Common Challenges faced by Public Institutions in the bid to Enhance Diversity of PWD

Employees in the Workplace

221.Public institutions submitted the following common challenges:

- i. Majority of Persons with Disabilities (PWDs) are not registered with the National Council for Persons with Disabilities.
- ii. Some of the institutions in regional areas have harsh terrains, risk of banditry, remote and long distances hinder staff who have disabilities to work effectively.
- iii. The nature of work of some institutions which requires people who are physically fit, poses challenges in the employment of PWDs.
- iv. Lack of response from Persons with Disabilities (PWDs) to advertised positions despite the institution's endeavors to encourage them to apply.

6.0.GENERAL OBSERVATIONS

222. Arising from the presentations the Committee made the following observations:

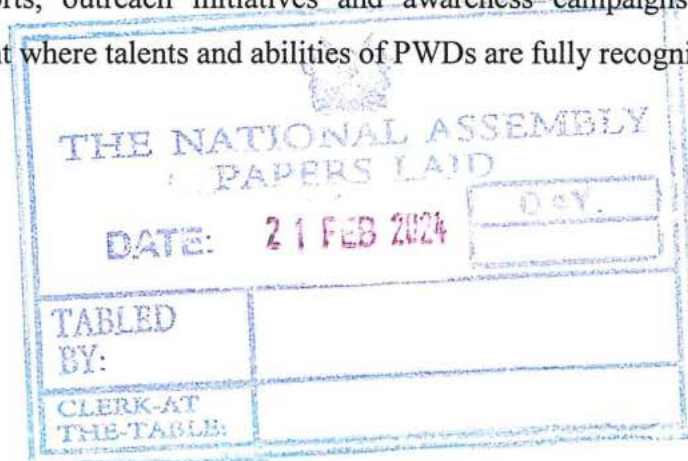
- i. The average percentage representation of PWDs employees in each of the institutions sampled stands at 2.1% underscoring the importance of further efforts to enhance the inclusion and participation of PWDs across a broader spectrum of institutions and sectors;
- ii. Among the thirty-nine (39) institutions examined, a concerning trend emerges, with twenty-four (24) institutions falling below the average PWD representation of 2.1%. This highlights a critical imperative for the implementation of more robust inclusivity initiatives;
- iii. Some institutions were found to be lacking comprehensive disability mainstreaming policies, revealing a need for further emphasis on staff training and awareness campaigns focused on issues related to disabilities;
- iv. Institutions vary in providing training on sign language and disability issues, potentially causing uneven awareness and support for PWDs. This inconsistency leads to skill gaps and hinders the career growth of most PWD employees;
- v. All institutions reported challenges in attracting PWD candidates during recruitments, due to limited outreach efforts and lack of targeted strategies to appeal to individuals living with disabilities;
- vi. Although Kenya has made efforts to enact policies and legislations to promote PWD rights and representation, there are still gaps in implementation, enforcement and creation of specific mechanisms to ensure PWD representation in public institutions;
- vii. Public institutions do not disseminate information in accessible formats therefore making PWDs face challenges in accessing information about job opportunities or any other form of civic engagement;
- viii. Some public institutions lack the goodwill to promote PWD representation through the reluctance to allocate resources and enact policies that support the inclusion of PWDs;
- ix. A prevailing challenge evident in public institutions is the difficulty encountered in identifying and engaging PWDs who are formally registered with the NCPWD hence limiting better representation and participation of PWDs in the workforce;

- x. PWDs frequently encounter discrimination and stigmatization, leading to reluctance to engage in public activities and pursue roles in public institutions. The pervasive negative stereotypes and attitudes surrounding PWDs serve as substantial obstacles to their fair and adequate representation; and
- xi. Most institutions fail to engage PWDs in the creation and execution of disability-inclusive policies and practices, often leaving them marginalized and excluded from shaping policies that directly affect their well-being and workplace experiences.

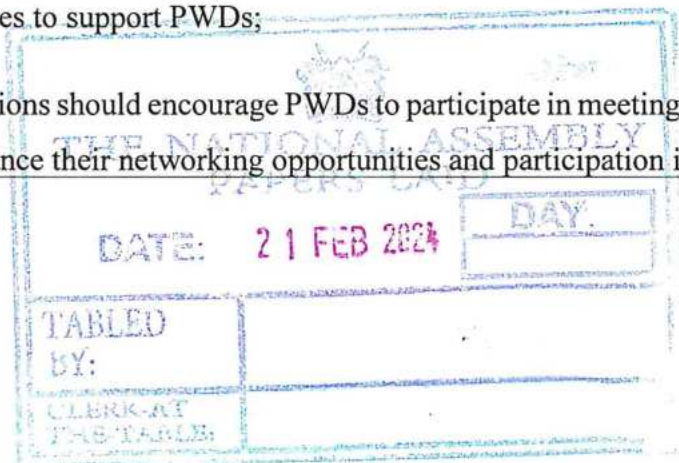
7.0.GENERAL RECOMMENDATIONS

223. From its observations the Committee made the following recommendations:

- i. **Within three (3) months of the adoption of this report**, all public institutions should review their Human Resource Policies to enhance representation of PWDs by ring-fencing jobs for priority employment and promotion, to meet the requirements of Article 54 (2) of the Constitution;
- ii. **Within six (6) months of the adoption of this report**, the NCPWD in consultation with other stakeholders should come up with proposals aimed at reviewing the Persons with Disability Act to align it with Article 54 (2) of the Constitution. Such legislative proposals should include monitoring mechanisms to ensure rigorous adherence, whereby institutions that do not meet these standards should be held accountable;
- iii. **Within six (6) months of the adoption of this report**, all public institutions should develop and implement comprehensive disability mainstreaming policies that cover all aspects of the workplace. Public institutions should also regularly review and update their disability mainstreaming policies and practices to ensure they remain effective and inclusive in line with Article 54 (2) of the Constitution;
- iv. **Within three (3) months of the adoption of this report**, NCPWD should take proactive measures to facilitate the comprehensive registration of all PWDs within its database, by identifying and engaging PWDs who have not been formally registered and ensuring that their information is accurately recorded in the system;
- v. Public institutions should establish robust collaborations with health insurance providers including the Social Health Insurance Fund to expand their coverage to include a comprehensive range of mobility aids such as wheelchairs, crutches, prosthetic limbs and mobility scooters among others. This will significantly enhance the well-being, independence and quality of life for PWDs by ensuring their access to essential mobility devices;
- vi. Public institutions should proactively strive to boost the employment of PWDs in their workforce through focused recruitment efforts, outreach initiatives and awareness campaigns. These measures will foster an environment where talents and abilities of PWDs are fully recognized and utilized;



- vii. Public institutions should develop and implement comprehensive disability mainstreaming policies that cover all aspects of the workplace, including recruitment, training, promotions and reasonable accommodations;
- viii. Special training centers and institutions should be established and strategically located all over across the country to cater for the needs of PWDs and offer a wide range of training programs including vocational, academic and life skills;
- ix. To harness the potential of technology and digital systems for effective employment of PWDs in public institutions, the development and implementation of a comprehensive app or digital platform should be prioritized which should be to provide access to data on all PWDs, including their location, age, qualifications, genders and other essential information crucial for their employment;
- x. To alleviate the administrative burden on PWDs on disability certification, if a PWDs condition is determined to be permanent based on medical assessments, they should be placed in the Permanent disability category which eliminates the need for annual or frequent disability certificate renewals and reviews for individuals with stable, permanent conditions;
- xi. Institutions should broaden their training and awareness initiatives for all staff members with a focus of enhancing understanding of disability-related matters. This should encompass not only workshops, conferences and training sessions that accommodate PWDs but also sensitize all employees about the unique challenges and perspectives of PWDs in various work-related events and settings;
- xii. All institutions should ensure that retirement policies for PWDs are in line with the Disability Act, and make sure that PWDs are aware of their rights regarding tax exemptions;
- xiii. Public institutions should submit regular reports to the National Council for Persons with Disabilities (NCPWD) for compliance checks, and actively monitor progress in implementing measures to support PWDs;
- xiv. Institutions should encourage PWDs to participate in meetings, conferences, workshops and events to enhance their networking opportunities and participation in decision-making processes;

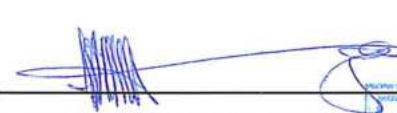


- xv. Institutions should actively involve PWDs in decision-making processes by revising their policies and practices regarding the assigning of PWDs to lower-ranking positions. This will reduce discrimination and promote a more inclusive diverse workforce benefiting both PWDs and the institution;
- xvi. Institutions should develop clear and comprehensive monitoring and evaluation frameworks to track progress in achieving disability inclusion goals. They should also regularly assess the impact of disability friendly measures and make data-driven improvements;
- xvii. Public institutions should implement consistent and ongoing training programs on disability awareness and inclusion for all employees, including management and ensuring that training is accessible and tailored to different learning styles;
- xviii. Public institutions should collaborate with disability organizations and advocacy groups to exchange best practices and receive guidance on promoting disability inclusion;
- xix. Public institutions should collaborate with vernacular radio stations that have a strong presence in the rural communities. These stations have a broader reach and influence, making them an ideal platform for job advertisements targeting PWDs in the rural areas;
- xx. Public institutions should collaborate with Government bodies and local structures, including Constituency Development Funds (CDFs) and ward authorities, to expand outreach to a broader PWD demographic; and
- xxi. All institutions should promote campaigns and initiatives that challenge cultural and social norms that marginalize PWDs by encouraging community dialogues and education programmes to change attitudes towards disability.

HON. YUSSUF ADAN HAJI, DSM, M.P

CHAIRPERSON,


SIGNATURE



DATE

20/02/2024

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