



**ALTERNATIVE REPORT TO THE AFRICAN COMMISSION ON HUMAN AND
PEOPLES' RIGHTS AHEAD OF REVIEW OF KENYA'S 14TH PERIODIC REPORT ON
THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS AND 2ND
PERIODIC REPORT ON THE MAPUTO PROTOCOL**

**87TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND
PEOPLES' RIGHTS**

SUBMITTED BY

**KENYA NETWORK OF WOMEN AND GIRLS WITH DISABILITIES AND WOMEN
CHALLENGED TO CHALLENGE IN COLLABORATION WITH DISABLED WOMEN
IN AFRICA AND AFRICAN DISABILITY FORUM**

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Introduction

1. The Kenya Network of Women and Girls with Disabilities¹ (hereinafter “the Network”) brings together organizations and experts working on the rights of women and girls with disabilities in Kenya. The Network seeks to amplify the experiences of women and girls with disabilities from Kenya at the national, regional and international level to ensure that they are included and participate in all spaces and discussions on women’s rights and disability rights to ensure issues of concern to them are addressed.
2. Women Challenged to Challenge (hereinafter “WCC”) is a Community Based Organisation (CBO) registered in Kenya to build the capacities of women and girls with disabilities domiciled in the Republic of Kenya.
3. This alternative report is a response to Kenya’s 14th Periodic Report on the African Charter on Human and Peoples' Rights and 2nd Periodic Report on the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa.
4. The report has been put together by women with disabilities through the Network and WCC with coordination with the Disabled Women in Africa (hereinafter “DIWA”) and the African Disability Forum (hereinafter “the ADF”).
5. We wish to acknowledge the role played by the **ADF and DIWA** who facilitated the initial information sharing meeting and subsequent technical support in reviewing various drafts of this alternative report.
6. This report addresses Article 23 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (hereinafter “the Maputo Protocol) on rights of women with disabilities and specific rights including :equality and non-discrimination, access to justice, political participation and decision-making, access to inclusive education, economic empowerment and employment and access to health including sexual and reproductive health services and information.

Specific Articles of the Maputo Protocol, proposed questions and recommendations

¹ **Network Members:** Beyond Kakamega Women and Girls with Disabilities; Bintisphere Society; Championing for Inclusive Communities in Kenya; Federation of Deaf Women Empowerment Network Kenya; Kenya Association of the Intellectually Handicapped; Kenya National Deaf Women Peace Network; ; Kilo Disabled S.H.G; Migori Women with Disabilities League; Mona Disabled Women CBO; Northern Nomadic Disabled Persons' Organization; Positive Exposure; Rural Women Voices CBO; Disabled Node Association; Women Challenged to Challenge; You4She

a. Equality and non-discrimination (Article 2)

7. In paragraph 149-154 of the State report, the government of Kenya outlines measures it has taken to address discrimination against women. The government of Kenya reports that efforts have been made to eliminate gender-based discrimination including through the implementation of the National Gender and Development Policy 2019. However, the government of Kenya does not address intersectional and multiple discrimination based on other identities including disability-based discrimination.
8. Discrimination is prohibited under various laws in Kenya. Disability is recognized as a prohibited ground of discrimination under Article 27 of the Constitution, Persons with Disabilities Act (Act No. 4 of 2025),² the Children Act (2022),³ the Education Act (2013),⁴ and the Employment Act (2007)⁵. In 2025, Kenya enacted the Persons with Disabilities Act, 2025 which explicitly defines disability based discrimination as *“any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation”*⁶
9. Further, Section 9 of the Persons with Disabilities Act No.4 of 2025 recognizes women with disabilities’ right to enjoy all fundamental rights without discrimination and on an equal basis with others.
10. The comprehensive definition of disability-based discrimination is a positive step towards ensuring that gender and disability-based discrimination is addressed and women with disabilities can seek redress where their rights are violated on the basis of gender and disability.
11. However, it is important to note that in practice, women with disabilities continue to face intersectional and multiple discrimination based on disability and gender due to persistent

² Section 12 (1), Disability Act, 2003.

³ Section 9 (1), Children Act, 2022.

⁴ Section 34 (2), Education Act, 2013.

⁵ Section 5 (3), Employment Act.

⁶ Section 2, Persons with Disabilities Act No.4 of the 2025.

disability and gender stereotypes. Ableism and the perception of women with disabilities as “unable” contributes to women with disabilities being excluded in work, education and in health.⁷ The Committee on Economic, Social and Cultural Rights (hereinafter “the CESCR Committee”) recently expressed concerns on the “persistent direct, indirect, structural and multiple forms of discrimination including on basis of disability⁸ and recommended to the government of Kenya to take measures to ensure effective protection against discrimination on all prohibited grounds including disability.⁹

12. Further, despite the Persons with Disabilities Act No.4 of 2025 commencing in May 2025, the government of Kenya has not developed regulations to provide guidance for the implementation in practice of reasonable accommodation by public and private actors, a challenge that delays the full implementation of the Act.

Proposed questions

13. What measures has the government of Kenya taken to address multiple and intersectional discrimination faced by women with disabilities based on gender and disability?
14. What measures is the government of Kenya taking to ensure that women with disabilities who are discriminated against on the basis of gender and disability receive appropriate redress?
15. What measures has the government of Kenya taken to ensure that the Persons with Disabilities Act No.4 of 2025 is implemented including Section 2 on definition of disability-based discrimination and Section 9 on women with disabilities?

Recommendations

16. The Government of Kenya should create awareness to address the root causes of disability and gender-based discrimination including positive portrayal of women with disabilities by media.
17. The Government of Kenya should develop and enact regulations and provide guidance for the implementation in practice of reasonable accommodation by public and private actors.
18. The Government of Kenya should strengthen the capacity of judicial officers to improve their understanding of disability- and gender-based discrimination and ensure that women with disabilities receive appropriate redress.

b. Access to Justice (Article 8)

⁷ See United Disabled Persons of Kenya and Kenya Network of Women with Disabilities Submission to the Committee on the Rights of Persons with Disabilities (CRPD Committee) on the draft guidelines on addressing multiple and intersectional forms of discrimination against women and girls with disabilities, available at <<https://www.ohchr.org/en/calls-for-input/2025/call-written-submissions-draft-guidelines-addressing-multiple-and>>

⁸ Para 20, E/C.12/KEN/CO/6

⁹ Para 21 (b), E/C.12/KEN/CO/6.

19. In paragraph 163 of the State report, the government of Kenya reports that in the financial year 2023/24, women comprised a third of all individual court users in superior courts as plaintiffs or defendants. This data is further disaggregated by nature of cases filed before the courts. However, disaggregation of data by other identities including by disability is missing making it difficult to assess the extent to which women with disabilities participated in the justice system.
20. In September 2025, the United Disabled Persons of Kenya (hereinafter “the UDPK”) and the Network convened a forum of women with disabilities. The forum brought together twenty-five (25) women and girl with disabilities who shared their lived experiences of discrimination across different areas of their lives including access to justice.
21. Women with disabilities shared different experiences while seeking justice. While a few women managed to secure some form of accountability, the majority said that structural barriers, fear¹⁰, and the prohibitive costs of legal services prevented them from seeking justice.
22. One participant spoke of a case in Vihiga County where perpetrators of abuse were taken to court, and in Uasin Gishu County, where a case of injustice in the nomination process was won by a woman with disability, and representation for persons with disabilities was established at the county level. In another case, advocates worked with the Children’s Office and police to ensure that a girl with multiple disabilities who had been defiled received counselling, medical support, and follow-up as her case moved through the justice system.
23. On challenges, women with disabilities acknowledged that reporting discrimination or violence remains extremely difficult. Many survivors choose silence because they felt the underlying stereotypes and misconceptions would discredit them or will face retaliation. For instance, caregivers worry that reporting might lead to the expulsion of their child from school or the loss of their job.
24. Additional challenges included low or lack of awareness among women with disabilities which hinder their engagement with the justice system including where to report cases of rights violations. We acknowledge the establishment of court users committee and the

¹⁰ Not Yet Equal: Kenyan women with disabilities and the ongoing struggle for inclusion 30 years after Beijing, Parallel Report – February 2025 – Wawira F., Diffu J., Kandie C., Okech E., Nduta S., Kihungi J., Nduta J., p. 17

gender-based violence courts in different counties however once cases are taken there, they take prolonged periods which also tires the witness to a point of giving up.

25. Due to stereotypes and lack of recognition of women with disabilities as equal before the law, many women with disabilities have lack of trust in the justice system. In some instances, women with disabilities reported incidents where cases were dismissed by authorities including police officers, chiefs, or they were treated with suspicion or told to go home and “solve it within the family.”
26. Additional barriers included language barriers and inaccessible reporting especially for deaf women, those with intellectual disabilities who struggle to communicate their experiences due to lack of sign language interpreters, plain-language information, lack of procedural accommodations including support persons and intermediaries.

Proposed questions

27. What measures has government of Kenya taken to ensure the justice system is accessible to women with disabilities including elimination of communication barriers, and availability of legal aid?
28. Can the government of Kenya provide disaggregated data by disability on the number of cases reported by women with disabilities including those resolved and on-going?
29. What measures is the government of Kenya taking to address lack of awareness among women with disabilities of the justice system and the justice system officers to understand inclusive justice processes?

Recommendations

30. Disaggregate cases by gender and disability
31. Train justice system officers including police, chiefs on inclusive justice system including provision of procedural accommodations such as use of intermediaries.
32. Ensure communication accessibility by hiring sign language interpreters and court documents are in accessible formats.

c. Political participation and decision making (Article 9)

33. In paragraph 175 of the State report, the government of Kenya reports that in the financial year 2022/2023, an analysis of 390 Ministries, Departments and Agencies indicated that ninety two percent of the public sector had complied with the not more than two thirds gender principle. The government of Kenya further reports that within the same period 2.3% of public servants were persons with disabilities which is lower compared to the 5% quota in the Constitution. While this data shows progression over the years, the data is not disaggregated further by gender and disability. Of the 2.3% reported of public servants, the

number of women with disabilities is unknown making it difficult to assess equality between women without disabilities and women with disabilities.

34. According to the 2019 Census report, 2.2% which translates to 0.9 million people of Kenyans are persons with disabilities. Women with disabilities constitute 2.5% of the population compared to 1.9% of men with disabilities.¹¹ By ignoring women with disabilities and failure to disaggregate data by gender and disability, it makes it difficult to know the number of or the percentage of women with disabilities in decision making processes both elective and appointive. To date only the National Assembly and the Senate have maintained representation of women with disabilities since 2013. Currently, there is only one woman with disabilities who was elected as a woman representative in National Assembly, while only one woman with disabilities was nominated as Senator. The lack of disaggregation of data by gender and disability also impacts gender policies that drive gender parity in Kenya. For instance, a report released by the International Development Law Organization on gender parity in Judiciary while the report analysed challenges faced by women in different justice sectors including the police, academia, law societies, lawyers, judges and magistrates – and the barriers that block women’s equitable and meaningful participation in them, there was no emphasis on disability yet there are judges with disabilities in the Judiciary.¹²
35. With regards to appointive positions including Senior public positions such as cabinet secretaries, principal secretaries, judges, the representation is nearly impossible. Only in 2017, a woman with physical disability was appointed as a principal secretary. Since 2022, the composition of the Cabinet has failed to meet gender and disability inclusiveness threshold which requires that not more than two thirds of the same gender shall be appointed in public office and that 5% of appointive positions are earmarked for persons with disabilities. No person with disability including women with disabilities was appointed in the Cabinet. In July 2024, the President dismissed the Cabinet and later constituted a broad-based cabinet.¹³ Despite calls by the UDPK and the Network¹⁴, to

¹¹ Kenya National Bureau of Statistics, 2019 Kenya Population and Housing Census Analytical Report on Disability, Volume XV.

¹² International Development Law Organization (2020), WOMEN’S PROFESSIONAL PARTICIPATION IN KENYA’S JUSTICE SECTOR: BARRIERS AND PATHWAYS https://www.idlo.int/sites/default/files/pdfs/publications/idlo-kenya-womens-professional-participation-low-res_march2020.pdf

¹³ See more details here < <https://www.president.go.ke/president-ruto-dissolves-cabinet/>>

¹⁴ <https://advocacynetwork.blogspot.com/2024/08/kenyas-cabinet-must-ensure-inclusion-of.html>

ensure that persons with disabilities,¹⁵ specifically a woman with disabilities are included in the appointments, none of the Cabinet Secretaries is a woman with disability.¹⁶

36. Nomination of women with disabilities in elective or appointive position is marred by various challenges. In addition to stereotypes, stigma and discrimination, lack of clear framework on representation of special interest groups as provided in Article 100 of the Constitution presents a lot of confusion. The Independent Electoral and Boundaries Commission defines Special interest groups to include persons with disabilities’, ‘youth’, ‘ethnic minorities’, ‘minorities’, ‘marginalised communities’ and ‘special interests’
37. Women with disabilities report that the popularly known gender top up versus special interest groups creates confusion which leads to their exclusion. In most cases women with disabilities are pushed to the special interest groups and their representation in the gender top up list overlooked.¹⁷ In addition to this, an audit on participation of persons with disabilities in the 2022 elections revealed that nominations to Special interest groups are marred by a lot of irregularities. The report showed that the names gazetted by the IEBC under the Special interest groups skipped persons with disabilities ranked high to include lower-ranked persons from other subcategories and that certain subcategories took up most of the allocable list slots at the expense of persons with disabilities.¹⁸ The report further revealed that some names of gazetted persons were not on the official party nomination lists at the expense of nominees with disabilities, other party lists had mismatched genders which could affect the final composition of county assemblies.¹⁹ Finally, despite most political parties including nominees with disabilities on their party lists, many ranked them so low on the lists that they would never have a chance to be nominated.²⁰

Proposed questions

38. Can the government of Kenya provide the number of women with disabilities currently employed in public service?

¹⁵ See < https://www.standardmedia.co.ke/health/national/article/2001500804/pwds-push-for-disabled-woman-cs-in-ruto-cabinet#google_vignette>

¹⁶ See more details here < <https://www.president.go.ke/president-asks-new-cabinet-to-serve-kenya-diligently/>>

¹⁷ Kenya Network of Women with Disabilities, Submission to the CEDAW COMMITTEE on GC on participation in decision making processes

¹⁸United Disabled Persons of Kenya “FROM WORDS TO MORE WORDS? **AUDIT OF THE 9 AUGUST 2022 GENERAL ELECTION FROM A DISABILITY-INCLUSION PERSPECTIVE.** Available at <https://www.udpkenya.or.ke/wp-content/uploads/2023/05/Audit-Report-on-Participation-of-Persons-with-diabilities-in-2022-Elections.pdf>

¹⁹ Ibid.

²⁰ Ibid.

39. In absence of an Act of Parliament to operationalize Article 100 on special interest groups, what measures is the government of Kenya taking to ensure that women with disabilities are not disadvantaged?

Recommendations

- 40. Fast track the operationalization of Article 100 on Special Interest Groups clarifying the gender top up list and nomination of women with disabilities
- 41. Intensify campaigns on rights of women with disabilities including using media to demystify harmful stereotypes
- 42. Disaggregate gender parity data by gender and disability
- 43. Enact a law to operationalize the two thirds gender representation in decision making processes and ensure compliance with gender and disability.

d. Access to Inclusive Education (Article 12)

44. In paragraph 192-196 the government of Kenya reports various measures that have been taken to address gender specific barriers faced by girls in education settings. Under the African Charter, in paragraph 105, the government of Kenya reports that 2000 learners with disabilities have benefited from the Ustawi scholarship program. However, this data is not disaggregated by gender and disability making it difficult to assess the number of girls with disabilities who have benefitted from the program.
45. The government of Kenya however does not report on specific measures taken to ensure girls with disabilities are included in mainstream education settings including provision of reasonable accommodation, adapting curriculum or training of teachers.
46. Women and girls with disabilities face significant barriers in learning institutions that impede access to inclusive education. A recent report shows that young girls with disabilities face various barriers while transitioning from different levels of education which significantly affects ability to gain employable skills.²¹ This includes among others, stigma and discrimination, gender stereotypes and affordability of higher education. About 8.5% girls with disabilities aged 18-24 years attended primary school level compared to 17.7% of boys with disabilities of same age.²²

Curriculum development and its implementation

²¹ London School of Hygiene & Tropical Medicine (2023), 'Disability-Inclusive & Employment: Understanding the Experiences of Young Men and Women with Disabilities', available at < <https://mastercardfdn.org/wp-content/uploads/2023/11/Phase-2-Kenya-Experiences-Report.pdf>>

²² Ministry of Labour (2024), 'Support needs assessment report for persons with disabilities and their caregivers', page 73, available at < <https://ncpwd.go.ke/download/circular-on-personal-guide-in-the-public-service/?wpdmcl=19090&refresh=6751ae53afaca1733406291>>

47. In 2017, the government introduced the Competency-Based Curriculum, in which holistic learning including the active involvement of parents in the learning of the children is required.²³ The CBC framework provides for two pathways. The Age-Based Pathway for learners without disabilities and learners with disabilities who use the regular curriculum with adaptations. The second pathway is the Stage Based Pathway for learners with intellectual and developmental disabilities, autism, deafblindness, and multiple disabilities.”²⁴ The Stage Based Pathway is further divided into Foundation, Intermediate, Pre-vocational, and Vocational Levels. This approach continues to promote segregated education for learners with disabilities especially those with high support needs who are considered ‘unfit’ for the regular curriculum. The framework also creates inequalities in gaining employable skills with critics arguing that such segregation would lead to introduction of sheltered workshops in Kenya.
48. It is also crucial to note that one of the key elements of the CBC system is active engagement of parents and guardians in achieving learning objectives. This approach is commendable. However, for majority of learners with disabilities who are institutionalized in ‘special’ boarding schools and away from their communities, this approach is almost impossible, and it is not clear how the limited support staff in the schools will adequately offer support to all learners. This affects the learning outcomes and quality of education for learners with disabilities. An additional component of the CBC curriculum is the first two years of learning which focuses on early childhood development (ECD). Unfortunately, for many children with disabilities, this stage of learning is very exclusionary. Though the Early Childhood Education Act, 2021 provides for ECD for children with disabilities, majority of the ECD centers are inaccessible and teachers are not trained on inclusive education. Education assessment centers focus on the impairment levels as opposed to support levels and as such children with disabilities do not receive appropriate support and early interventions. While positive efforts have been made to make ECD centers inclusive, these efforts are driven by non-state actors. For instance, through its programmes in Homa

²³ See Kenya Institute of Curriculum Development, Popular Slides on CBC available at < <https://kicd.ac.ke/cbc-materials/popular-slides-on-cbc/>>

²⁴<https://www.knec.ac.ke/wp-content/uploads/2021/06/CBA-Stage-Based-SNE-Training-Manual.pdf>

Bay, Inclusive Futures established models of inclusive ECD enabling children with disabilities to access education.²⁵

Financing inclusive education

49. About 12.5% of persons with disabilities do not attend schools due to financial constraints.²⁶ Indeed, during Kenya's review by the CESCRC Committee, specific concerns were raised about children with disabilities who continue to face significant barriers due to gaps between inclusive education policies and their implementation, particularly affecting those from low-income households.²⁷

Segregated versus inclusive education

50. An additional concern is the continued investments in 'special schools' as opposed to transition to inclusive education. The 2013 Education Act was enacted to facilitate implementation of basic education in Kenya. However, in the recent past, debates have emerged as whether it is essential to have a specific law regulating access to education by learners with disabilities. In its replies to list of issues, the government acknowledges that learners with disabilities Bill is under discussion. Though the Learners with Disabilities Bill, 2023 aims at ensuring access to education for all learners with disabilities and eliminate exclusion and discrimination,²⁸ the Bill still entrenches 'special' education by encouraging registration and regulation of 'special' needs educational institutions.²⁹

COVID-19 impact on access to education

51. In paragraph 195 of the State report, the government of Kenya acknowledges the adverse impact of Covid-19 but does not provide measures taken to address the challenges. Though the government rolled out the Basic Education Covid-19 Emergency Response Plan, and various measures taken to ensure that learners could access learning remotely from their

²⁵ See Inclusive Futures Compendium of ECD Practices in Kenya <<https://inclusivefutures.org/inclusive-early-childhood-development-and-education-in-kenya/>>

²⁶ Ministry of Labour (2024), 'Support needs assessment report for persons with disabilities and their caregivers', page 73, available at <<https://ncpwd.go.ke/download/circular-on-personal-guide-in-the-public-service/?wpdmdl=19090&refresh=6751ae53afaca1733406291>>

²⁷ Para 60, E/C.12/KEN/CO/6.

²⁸ Section 3, Learners with Disabilities Bill, 2023 <<http://www.parliament.go.ke/sites/default/files/2023-02/The%20Learners%20with%20Disabilities%20Bill%2C%202023.pdf>>

²⁹ Section 9, Learners with Disabilities Bill 2023 <<http://www.parliament.go.ke/sites/default/files/2023-02/The%20Learners%20with%20Disabilities%20Bill%2C%202023.pdf>>

homes using computers, radios, televisions, and mobile phones, majority of learners with disabilities were left out. According to the Kenya Institute of Special Education,³⁰ most girls with disabilities were not able to access resources and tutorials that were being offered in the various mediums, and the STEM initiative lacked any adaptation to cater for their needs. 75% of teachers interviewed reported that there were no specific programs aimed at enhancing participation in the remote learning for learners with disabilities.³¹ 76.1% of parents interviewed noted that their children did not participate in the digital learning because majority of the parents did not have digital devices and internet access, lacked power connectivity, the programs broadcasted were not adapted for all learners while others reported that they lacked the skilled ICT personnel to support them.³²

Proposed questions

52. What measures has the government of Kenya taken to ensure that girls with disabilities benefit from the Competency Based Curriculum (CBC)?
53. Can the government of Kenya provide disaggregated data by disability and gender of 2000 beneficiaries of Ustawi scholarship program?
54. What measures is the government of Kenya taking to move towards inclusive education including allocation of budget for inclusive education?

Recommendations

55. Increase budget allocation for inclusive education including earmarking budget for reasonable accommodation and support; as well as re-orienting the curriculum to be disability inclusive.
56. Harmonise on-going legal reform efforts by amending the Basic Education Act, 2013 to have a comprehensive inclusive education framework and invest in inclusive education and progressively phase out the special schools and invest in consistent training of teachers on inclusive education.

e. Economic and Welfare rights including right to employment (Article 13)

57. In paragraph 244, 245, 248, and 249 of the State report, the government of Kenya reports of various measures taken to empower women with disabilities including tax exemption, support to access jobs and financing of self-help groups. On self-help groups, the government reports that the National Council for Persons with disabilities has registered

³⁰ KISE (2020), page 8-9: Status of Children with Disabilities and Special Needs in Education in the COVID - 19 Era, Kenya <https://kise.ac.ke/system/files/2020-12/Status%20of%20children%20with%20disabilities%20and%20SN%20in%20E%20during%20COVID-19%20Era%20in%20Kenya.pdf>

³¹ Ibid.

³² Ibid.

and offered grants. However, information on amount allocated to the groups is lacking. The report further reports that 2000 persons with disabilities have been registered on the employment portal. This data is not disaggregated by gender and disability to assess the number of women with disabilities who have registered in this portal. Further despite reporting that 400 employers have been registered on the portal, no data on successful referrals disaggregated by gender and disability are reported.

58. During the financial year 2022/2023, only 4% of public institutions met the mandated 5% reservation of employment for persons with disabilities.³³ Furthermore, only 35% of institutions had employed persons with disabilities by July 2022, resulting in a mere 1.32% of the total workforce being persons with disabilities.³⁴ A similar report presented to the National Assembly on compliance with Article 54 (2) of the Constitution shows that only 2.1% of the public institutions had employed persons with disabilities.³⁵ Unfortunately, this data is not disaggregated by disability, age and gender. As a result, it is difficult to establish the total number of women with disabilities employed in public sector.

59. The Public Procurement and Disposal Act provide for 30% Access to Government Procurement Opportunities (AGPO) for women, youth, and persons with disabilities. There are three schemes under AGPO: women, youth and persons with disabilities. An entity can only register under one scheme at a time. As of March 2023, women received 50% of the Contracts Awarded (13078) – with its total value being Ksh. 13.81 Billion. The youth received 44% of the Contracts Awarded (10411) – with its total value being KES 10.65 billion. Persons with disabilities received 6% of the Contracts Awarded (1789)– with its total value being Ksh. 2 billion.³⁶ The low numbers of persons with disabilities including women with disabilities is a demonstration of challenges that women with disabilities face when applying for tenders. According to the Institute of Social Accountability, inaccessible media advertisements, high costs of statutory requirements and complexity of tender

³³ National Council for Persons with Disabilities (2024), 'Status Report on Disability Inclusion: Assessing Progress in Disability Inclusion', page 8 < <https://ncpwd.go.ke/download/status-report-on-disability/?wpdmdl=17626&refresh=662a25786e6091714038136>>

³⁴ Ibid.

³⁵ 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 Institution (February 2024), available at < <http://www.parliament.go.ke/sites/default/files/2024-03/Report%20on%20compliance%20to%20article%2054%282%29%20of%20the%20Constitution%20on%20employment%20of%20persons%20with%20disabilities%20in%20public%20institutions-1.pdf>>

³⁶ According to the AGPO Report launched by The Institute of Social Accountability (TISA) on the 30th of March 2023

documents and low financing are key challenges women-led including women with disabilities led entities face when applying for AGPO.³⁷ These results to very few women with disabilities led or owned entities applying for the opportunities.

60. With regards to provision of support at the workplace, the government of Kenya offers a flat amount of about 180 USD to cater for support needs of Deaf persons, those who are blind and those with physical disabilities and employed within public service.³⁸ However, other form of support is not offered including to employees with psychosocial and or with intellectual and neurodevelopmental disabilities. This misconception and narrow interpretation of support may be anchored on the discriminatory laws that provides ‘mental incapacity’ as a ground to be removed from public office. Indeed in [2023] KESC73(KLR), a judge with psychosocial disabilities was dismissed from work ‘due to inability to deliver due to her mental illness’.
61. The narrow approach of interpretation of support at workplace also affects women with disabilities who are caregivers thus many of them are forced to resign from gainful employment and opt for self-employment which is often not sustainable. About 9 out of 10 caregivers are not employed especially women. The report further shows that caregivers including women with disabilities identified flexible working hours as one way of offering support. ³⁹ However, this form of support is not provided in many working environments forcing women with disabilities who are caregivers to resign.

Proposed questions

62. Can the government of Kenya provide disaggregated data by gender and disability on tax exemption, registration on the employment portal by National Council for Persons with Disabilities and AGPO?
63. What measures is the government taking to ensure that women with disabilities in formal employment receive reasonable accommodation including women with psychosocial disabilities?
64. What measures is the government of Kenya taking to ensure compliance with the 5% employment quota?
65. What measures is the government of Kenya taking to repeal discriminatory laws including Article 150 (1) and Article 158 (1) (a) of the Constitution of Kenya

Recommendations

³⁷ Available at < <https://tisa.co.ke/tisa-resources/>>

³⁸ See Circular for personal guide < <https://ncpwd.go.ke/download/circular-on-personal-guide-in-the-public-service/?wpdmdl=19090&refresh=6751ae53afaca1733406291>>

³⁹ Ibid.

66. Establish an enforcement mechanism to ensure compliance with the 5% quota for employment of persons with disabilities ensuring parity among men and women with disabilities and equitable benefit for the diverse groups of persons with disabilities.
67. Disaggregate employment and economic survey data by disability and gender
68. Repeal discriminatory laws including laws permitting ‘mental and physical incapacity’ as a ground to remove public officials in office including Article 150 (1) and Article 158 (1) (a) of the Constitution of Kenya
69. Implement the Persons with Disabilities Act, 2025 and ensure access to reasonable accommodation by persons with disabilities in all their diversities including flexible working hours.

f. Health including sexual and reproductive health services and information (Article 14)

70. In paragraph 225-234 of the State report, the government of Kenya reports policy, legal and financial measures taken to increase access to reproductive health services by women. The government of Kenya reports that Universal Health Coverage has improved services for rural women and Linda Mama programme has improved access to maternal health services.
71. While over the years Kenya has progressively enacted health relevant laws, the implementation of the same is lacking. The presence of progressive health management information system is also acknowledged however the system does not disaggregate data by disability at that high level. In 2023, Kenya enacted the Primary Health Care Act, 2023, which is an Act of Parliament that provides a framework for the delivery of, access to and management of primary health care in Kenya. The Act provides for two levels of services at the community level and at the facility level. Services to be offered at community level include health education and promotion; disease prevention and control to reduce morbidity, disability and mortality; family health services in the community; psychosocial support, rehabilitation, and palliative care in the community among others.
 40 All these services are very crucial to women with disabilities. However, women with disabilities continue to be excluded in health education and promotion and for those with psychosocial disabilities, psychosocial support is not adequately provided. Kenya’s maternal mortality has stagnated over the years at 355 deaths per 100,000 live births which translates to about 5000 women and girls dying annually due to pregnancy and

⁴⁰ Section 5 (2), Primary Health Care Act, 2023.

childbirth complications.⁴¹ 80% of maternal deaths are attributed to poor quality of care.

⁴² Though disaggregated data on women and girls with disabilities is lacking, case studies show that women with disabilities are also affected by poor quality of care.^{43,44}

For instance, DM, a woman with physical disability died while giving birth.⁴⁵ Despite having high blood pressure, DM was booked for a caesarean section before stabilizing her blood pressure and as a result lost her life.

72. There is continued exclusion of women with disabilities in sexual and reproductive health campaigns due to perceived misconceptions and stereotypes about women with disabilities as asexual or hypersexual especially for those with intellectual disabilities. ZX a young woman of short stature narrated her experiences seeking antenatal services and the barriers she faced including inaccessible examination beds which forced her to be lifted by the doctors, the poor attitudinal barriers from health professionals who kept asking why a man would choose to impregnate her; to long period of labour [over 72 hours] due to lack of services at a community health facility that led to a referral and forced her to queue for Caesarian section for over 72 hours.⁴⁶

Health financing and affordability of health services

73. Regarding financing of health care, in October 2024, the government of Kenya transitioned from the National Health Insurance Fund to the Social Health Authority (SHA).⁴⁷ SHA has faced several challenges which has impacted access to health services. According to an assessment report of 10 health facilities by department committee on health, among other challenges, the lack of comprehensive coverage including vulnerable population who include women with disabilities affected access to health services.⁴⁸ Women with

⁴¹ See details on <<https://kenya.unfpa.org/en/topics/maternal-health-and-hiv>>

⁴² Id.

⁴³ <https://www.standardmedia.co.ke/health-opinion/article/2001485348/improve-maternal-healthcare-for-women-with-disabilities>

⁴⁴ Mkutumula, R., Nthenge, M., Pecourt, S., Rossignol, A.-C., & Vulimu, P. (2024). Powerful yet overlooked: African women with disabilities and the ongoing struggle for inclusion, 30 years after Beijing (p. 42). Lyon: Humanity & Inclusion.

⁴⁵ See details on < <https://www.tuko.co.ke/people/447599-tragedy-machakos-county-assembly-loses-public-communications-assistant/>> ; see also < https://www.businessdailyafrica.com/bd/data-hub/disabled-women-stigma-maternity-wards-sexual-health-clinics--3490610#google_vignette>

⁴⁶ Ibid.

⁴⁷ See Ministry of Health Notice < <https://www.health.go.ke/node/1337>>

⁴⁸ See report here < <https://www.parliament.go.ke/sites/default/files/2025-12/Report%20of%20DC%20Health%20on%20the%20assessment%20of%20Social%20Health%20Authority%20%28SHA%29%20utilization%20of%20funds%20disbursed%20since%20inception%20and%20challenges%20faced%20by%20facilities.pdf>>

disabilities have also reported that SHA fails to address disability specific needs such as access to assistive devices and rehabilitation which is a key health service for women with disabilities.

Proposed questions

74. What measures is the government taking to ensure that SHA provides comprehensive coverage of health benefits for women with disabilities?
75. Can the government of Kenya provide disaggregated data by gender and disability on reproductive health services access including access to family planning services, contraception?
76. What measures is the government taking to address systemic stigma and discrimination of women with disabilities in health care facilities?

Recommendations

77. Intensify campaigns and awareness raising including trainings targeting medical and non-medical staff on rights of women with disabilities specifically sexual and reproductive health
78. Harmonise the health insurance fund with other social protection programmes and ensure that women with disabilities are targeted in the enrolment of the social health authority
79. Disaggregate data by gender and disability on health care service uptake including family planning services.
80. Adopt a comprehensive strategy to enhance the accessibility, availability and quality of sexual and reproductive health services by women with disabilities ensuring access to affordable maternal health services, contraceptives and family planning services.