

# Improving opportunities for marginalised groups

## Deepening Democracy Programme (DDP) Kenya

The 2010 Constitution of Kenya stipulates the inclusion of all members of society in the country's social, economic and political development. Particular attention is paid to enhancing the opportunities available to marginalised groups including women, youth, and Persons with Disabilities (PWDs). For example, it is required that 30% of public procurement should be reserved for women, youth and PWDs. Separately, the Disability Act 2003 includes a requirement that at least 5% of employment opportunities in government are set aside for PWDs.

The Deepening Democracy Programme (DDP), funded by UKaid, has focused on strengthening participation of marginalised groups in county government processes and improving their opportunities. The four stories of change below illustrate specific examples of the way the programme has benefited some of the most disadvantaged in Kenyan society.

### Enhancing the engagement of Persons with Disabilities in Bungoma County

In carrying out its UKaid-funded, sustained civic education programme in Bungoma County, Rural Empowerment Development Organization Kenya (REDO), in partnership with Uraia, has empowered PWDs through the use of social accountability tools to better engage duty bearers to meet their needs. In mid-2018, REDO trained 150 PWDs from the Disability Empowerment Network (DEN) and the Bungoma County Disability Association in a range of areas including: rights under the Constitution; advocacy skills; drafting of petitions and memoranda; influencing county planning and budgeting processes; and public litigation. The group was taken through the Bill of Rights under chapter four of the Constitution, the County Government Act, and the Disability Act.

The training provided a basis for DEN to develop a petition highlighting areas in which Bungoma County was not meeting its legislative obligations to PWDs (and other marginalised groups). In particular, the petition focused on fair representation in public appointments and in county government procurement awards. Over 100 PWDs signed the petition submitted to the Bungoma Constitutional and Human Rights Division of the High Court. The High Court judged in favour of the petition, but this decision was initially ignored by the county government. Further legal

proceedings by DEN, however, forced the county government to make an out-of-court settlement which included important commitments on public appointments and procurements going forward.

In the immediate aftermath of the out of court settlement in August 2018, one PWD was appointed by the county as the Director of Adult Education. Another PWD was appointed as a member of the County Budget and Economic Forum Committee to champion gender responsive budgeting and disability mainstreaming. In turn, the central government responded to the petition by appointing a PWD as a member of the National Government Development Fund in the county's Kanduyi constituency. Separately, progress has also been made in enhancing PWDs access to public procurement in line with constitutional requirements. In 2018/19, five companies were awarded tenders from bids targeted at enterprises owned by PWDs. The contracts included: the Tongaren water project (KES 6.5 million); the gravelling of a county road in Mt. Elgon (KES 4 million); the supply of computers to county offices (KES 1.8 million); and the supply of official uniforms to the county government (KES 1.2 million).



*PWDs group in a sensitisation meeting. Kisiwai, Bungoma County ©REDO 2019*

These changes represent important progress – but there are still many commitments made by the county government that require implementation. Although the proportion of PWDs employed in the county’s administration has grown from 0% in 2017 to 4% in 2019, this still falls short of the 5% requirement. DEN and the Bungoma County Disability Association are continuing to lobby to ensure the county fully meets its commitments and obligations, using the enhanced advocacy skills they learned in the civic education programme.

Kenneth Kiasia, a beneficiary of the contract to gravel a county road in Mt. Elgon, told DDP,

“ I used to depend on my one-acre farm to produce crops that I would later sell to pay school fees for my three children, which was difficult, leaving me with huge fee balances of over KES 20,000 per year. Sometimes we would go without food but am now able to save over KES 100,000 per year following the award. I have bought a plot which I want to develop. I thank REDO and the county government of Bungoma for giving us this opportunity.

## Improving the participation of youth with disabilities in governance in Siaya County

Young persons with disabilities (YPWDs)<sup>1</sup> are an especially marginalised group for whom exclusion, isolation, abuse as well as lack of educational and economic opportunities is daily experience. Between mid-2018 and September 2019, with UKaid funding, Action Network for the Disabled (ANDY) implemented a project in Siaya County to improve the participation of YPWDs in governance and to enhance their economic

opportunities. This included training 456 YPWDs on social accountability, participation in public forums, entrepreneurship and disability rights. The programme also trained Members of the County Assembly and county staff on inclusion and disability rights and on their responsibilities in implementing policies for PWDs. In addition, ANDY provided support to help YPWDs lobby for action on key issues.

<sup>1</sup> In this story, the term ‘young persons with disabilities’ refers to persons with disabilities that are defined as youth in the Kenyan Constitution. Youth, according to Article 260 of Kenya’s Constitution, means “the collectivity of all individuals in the Republic who have attained the age of eighteen years; but have not attained the age of thirty-five years.”