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Role of the Disability Movement in post2015 Development framework

It is not possible today to discuss CBR without talking about the disability movement and its activities. CBR is about inclusion in Development and general society's life and this is what the movement is all about. Disability movement is the collective voice of persons with disabilities and as the movement has kept emphasizing, "Nothing about us without us". If as is the case disability is about including them in the mainstream life of the society, they have to be in the center stage of all discussion on it.

The history of DPO's is much shorter in comparison with the history of service providers. DPOs emerged as a result of a felt need to react to the type of services offered by service providers or organizations for persons with disabilities. A major concern was the absence of persons with disabilities in the running and management of the service organizations and therefore failure to be consulted about their own welfare. Introduction of formal education opened up a whole range of understanding through exposure and sharing of information across borders, which led to the beginning of questioning the type of services they were receiving and criticizing the way they were treated. This development gave rise to disability groups in which people shared their experiences and this has led to the modern disability movement of organizations of persons with disabilities.

DPO's at grassroots levels have taken the form of national associations and community based groups formed and managed by persons with disabilities to advocate and to pressure for services and participation in the society life. They consider themselves as the representatives of service consumers in the sector. They have continued to press for both services to and recognition of persons with disabilities and have been very important in raising awareness.

As it is well known, the international disability movement played a vital role towards the development and the promulgation of the Convention on the Rights of Persons with Disabilities. More than 70 organizations converged in an unprecedented unity of spirit as the International Disability Caucus to make their contribution all through the sessions of the negotiations of the CRPD at the UN Headquarters. This was the first ever UN treaty in which non-governmental stakeholders fully took part in the promulgation negotiations and therefore influenced its outcome. The convention is therefore a product of the movement at that level and this is a great step.

The most important area of need for engagement by the disability movement both at international and national levels since 2008 has been the ratification, domestication and implementation of the UN CRPD. This is understandable in that it is the first legally

binding UN treaty to clearly set out the obligations on states to avoid discrimination against disabled people in all its forms, and to create a society in which disabled people can fully participate.

As was the case with CRPD, the movement has played a major role in advocating for the inclusion of persons with disabilities through their organizations in the post 2015 development agenda discussion. It is for this reason that unlike in the MDG's and their targets, clear References to persons with disabilities are contained in the proposed sustainable Goals and all through the discussion so far, disability as a subject has not been controversial. Proposals on disability inclusion has been supported by a large number of Member States from all regions. The advocacy work of the disability movement has been one of the most successful one among all groups.

It should be understood that having references to disability in the proposed sustainable goals and their target is not enough. The movement will need to maintain the momentum in that inclusive participation is key to any meaningful and sustainable development effort. It has to continue addressing the invisibility of persons with disabilities by ensuring their active involvement. Overcoming barriers, particularly social ones, is only possible if there is a proactive effort to include persons with disabilities.

CRPD places an obligation to all development actors to “closely consult with and actively involve persons with disabilities,” (Article 4(3)). The participation requirement is also reflected in the provision on inclusive development, which refers to the partnership with civil society, particularly persons with disabilities and their representative organizations (Article 32 (1)).

The Disability movement should be capable of playing the role of a watchdog in the implementation of policies in all areas of life. It should generate and disseminate information, develop positions and suggestions, lobby and advocate:

- Empowering and mobilizing people with disabilities to actively participate in the debate on development and social assistance and actively contribute to the monitoring, implementation and evaluation of development and social assistance programmes;
- Developing practical suggestions and solutions based on members' experiences;
- Ensuring engagement with grass-roots members in consultation and documentation processes.

Other Areas of Needed Engagement

Other areas of engagement may include:

(a). The Constitution-making process:

A number of African countries are going through a period of constitutional reviews such as Tanzania and Malawi and national disability movements need to take the advantage of these processes to advocate and lobby for the inclusion of disability concerns in this supreme law. Kenya has recently gone through that process and has a new constitution which was adopted through a referendum in August 2010 ()

The disability movement put a lot of effort to make their contribution to this new law and had a measure of success in its endeavor. There is an entire section within the bill of rights that is specifically dedicated to disability rights and the spirit of affirmative action run throughout this new constitution. It addresses the rights of persons with disabilities to protection, participation and provision of services. Political participation is fairly well dealt with in the relevant sections. These gains must be protected by ensuring careful follow up and monitoring of the implementation legislations, policies and programmes that follow the adoption of the constitution.

The United Disabled Persons of Kenya has put into place a programme for this purpose and through this, they have been able to track more than thirty pieces of legislations that came into place within the first year of the new constitution to ensure that the disability gains are not lost. Past lessons have proved that much is gained in terms of disability rights where the issues are addressed in the constitution. This was the case in South Africa (www.info.gov.za/documents/constitution) and Uganda (www.uganda.at/Geschichte/verfassung_der_republik_Uganda_2008.pdf) in the last 15 or so years where the constitution makes specific provisions in respect to disability. Tanzania is reviewing its constitution currently and the disability movement there has been able to borrow ideas from what has just taken place in Kenya.

(b). National Legislation, policy and programme design:

Constitution making is generally a rare process and there will be those countries that will not enjoy the privilege of participating in that process. It is therefore necessary that the disability movement at national and grassroots level engage the government in initiating enabling legislations, policies and programmes. The movement in Kenya followed this path and this is how the Disability Act of 2003 that continues to have a tremendous impact on the lives of persons with disabilities, came about. Again, it has to be borne in mind that coming up with legislation is not enough.

Follow up and monitoring work will still be necessary and the disability movement will need to be in the forefront. For instance, although Kenya assented to the Persons with Disabilities Act in 2003 with the aim of promoting equality for persons with disabilities, not much was achieved six years down the road. Pertinent areas of the Act that was to see a dramatic change in the lives of persons with disabilities remained unimplemented. Part

III sections 22, 23 and 24, on access to buildings, transport and adjustment, and Part IV section 35(2) on exemption, 39 and 40 on access to information among others were not brought into effect until six years later and this was only after significant advocacy and lobbying work. The partial enactment of the law at its inception meant that persons with disabilities had to continue being marginalized in the development process despite the existence of this vital law. It is possible to have the law but also have the regulations that would provide the rules of implementation of the law trapped in bureaucracy over a long time. This is why there is need for enhanced and strong advocacy and monitoring processes even where there is a law.

c). National Disability Policies:

Another area of engagement is in participating in policy formulation, follow up and monitoring. Not much will be achieved if policies are prepared and not followed up. For instance, the National Disability Policy in Kenya has been in draft form since 2007. The policy was largely spearheaded by the Ministry of Gender and Sports, but with staff changes in the Ministry, the disability movement found itself lost in its' quest to lobby for it as it has not been clear who is supposed to have been responsible for pushing it to implementation.

Another document in Kenya which has gone through a similar process is the Special Needs Education Policy. The policy went through the process of drafting over a very long time. It was only after a real push by the disability movement and allied organizations that it was finally adopted by the Ministry of Education in April 2010 (www.education.go.ke/Documents.aspx?docID=527). The policy provides a roadmap for the education of children with disabilities. Advocacy for full implementation of this policy through the Ministry of Education is required to ensure enjoyment of the rights it provides.

(d) Social Protection Policies and Processes:

Social protection is the process of ensuring that governments take responsibility for caring for its weakest citizens who have fallen or are likely to fall into extreme poverty. It takes, among other actions, the form of cash payments, food subsidies, and work for food or pension schemes to those living under difficult situations like older people, orphans and vulnerable children as well as other marginalized sections of the society. Kenya has a social protection policy and the disability movement in general was part of the process of its development to ensure that the interest of persons with disabilities are adequately addressed.

Conclusion

It is common knowledge that generally, the disability movement, especially at national and local levels, is often in a weak position in terms of capacity to influence policy and to play the role it is meant to fulfill. We have noted for instance in Kenya, besides the structural, constitutional and administrative weakness coupled with weak financial base, the movement is often fragmented and in competition with itself to the extent that it is in a state of the proverbial divided house. The spirit of volunteer ship and upholding of each

other is absent and the consequence of the selfishness that has emerged is that nobody will listen to the disjointed voices acting without any coordination. Finances are important in strengthening the movement but first and foremost, what is required is unity of purpose and a common understanding and vision. Some of the most remarkable achievements of the movement in Kenya were those achieved when it had no funds but when people acted together and agreed on a set of common goals. An example of this is the Kenya Union of the Blind in the 1960s when their action and lobbying resulted in the later establishment of the Rehabilitation Division in the then Ministry of Social Services. We also have another example of the United Disabled persons of Kenya and the lobbying and advocacy processes during its most cohesive period that led to the enactment of the Kenya Disability legislation of 2003 which has had significant impact on the lives of persons with disabilities.

The disability movement will need to be aware that it needs the cooperation of everyone and especially allies in its advocacy role and that the most important of these are the development partners. Disability lobby organizations had, long before the convention, made some strides in influencing development partners towards integration and active participation of persons with disabilities in all aspects of the social life. The European Union, Australia Aid(AUSAID), The British Department for International Development (DFID) and the United States agency for Development (USAID) have, for instance, due to these efforts introduced clauses in their policies to the effects that their aid recipients should not discriminate against persons with disabilities. Certainly, this is not enough. In any case, many of the people with disabilities do not know about such clauses and are therefore not able to claim their rights. Even where they are aware of these provisions, the implementers of these policies give these clauses the interpretations, which fit their understanding and ease of work. In most cases, these clauses are ignored all together. A strong and dedicated disability movement can bring these concerns to bear through both advocacy and monitoring.

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