



Sample Summary of the National Act and Local Laws Regarding Disabilities

INTRODUCTION

Persons with disabilities have the same rights as every other Kenyan Citizen.

But persons with disabilities are often denied their rights.

The Government has passed some laws to protect persons with disabilities including *Kenya's Persons Disability Act of 2003* and...

This document summarizes these laws.

BASIC RIGHTS

Persons with disabilities have the right to live. It is against the law to kill a person with a disability.

No one is allowed to discriminate (treat differently) persons with disabilities because of their disability.



Persons with disabilities have the right to be called using names that are respectful.

CHILDREN WITH DISABILITIES

Children with disabilities have the right to be given nice names (that do not focus on their disability).

They have the right to be registered directly after birth.

They have the right to be fed.

They have the right to stay in the home with the family.

They have the right to enter into places of worship (churches, mosques).

They have the right to play with their friends.

They have the right to take part in the decisions about their lives.



Rights in Court



Children with disabilities have the right to justice.

When necessary, children with disabilities have the right to a free lawyer.

People who are deaf or hearing impaired have the right to a translator.

Children with disabilities must not be questioned by the police without their parents or caregivers present.

Children with disabilities should not be detained by the police. When a child needs to be detained, it should be for the shortest time possible and he or she should be separated from adults.

Political Rights



Persons with disabilities have a right to vote in all elections.

Persons with disabilities have a right to become members of political parties.

Persons with disabilities also have a right to become politicians.

Financial Assistance



Persons with disabilities who are registered with the National Council for Persons with Disabilities can receive assistance from the National Development Fund.

The National Development Fund can provide basic care funds to persons with disabilities and their families.

The National Development Fund can sponsor education for persons with disabilities.

The National Development Fund can assist persons with disabilities to establish a small business.

NGOs can also assist persons with disabilities.



Accessibility and Mobility



Buildings should be constructed in a way that persons with disabilities can enter.



Persons with disabilities must not be denied access to any matatu or transportation vehicle.



Some children need wheelchairs, crutches or other assistive devices to move around. They have a right to receive this equipment from the government.

NGOs can also help children access mobility equipment.

Healthcare



Children with disabilities have a right to emergency medical treatment. No doctor should refuse to treat a child if the parent is unable to pay.



Some children with disabilities need special treatment (surgery, therapy, medication).



The Government needs to take care of these health needs.

All children with disabilities under the age of 5 have a right to free treatment and medication.

Doctors must not deny persons with disabilities health services because of their disability.

Work



Employers must not deny persons with disabilities a job because of their disability.

Employers must not treat persons with disabilities differently.



Persons with disabilities are not required to pay income tax.

Parental responsibility

Parents/Guardians have rights in respect to their Children with disabilities.

Parents/Guardians also owe duties to their Children with disabilities.



Mother and Father are both responsible for the Child, also when not married.

Parental duties



Parents must give the Child enough food, a home, clothes, medication, immunization and education.



The court may make Parents pay for the upkeep of the Child.

Protecting the Child from harm



Parents must protect the Child from harm (neglect, discrimination, abuse).



The court may make Parents who do not protect their Child pay a fine (Ksh.200,000/= or 5 years in prison or both).

Children with disabilities sometimes need more care, protection and love.

Hiding a Child with disabilities

Children with disabilities sometimes need more care, protection and love.

Hiding a Child is not protecting the Child.



The court may make Parents who hide their Child pay a fine (Ksh.20,000/=).

Education



Children with disabilities have a right to go to school.

It is an offence not to send Children with disabilities to school.

Primary and secondary schools are free of charge for Students with disabilities.



Children with disabilities must not be denied access to any learning institution.