

A humble submission for
the Nairobi City County ADP 2021/2020

by:-



To the Clerk,
Nairobi City County Assembly,
City Hall Buildings
P.O. Box 45844-00100,
NAIROBI.

**MEMORANDUM FOR THE NAIROBI CITY COUNTY
ANNUAL DEVELOPMENT PLAN FOR FY 2021/2022**

(Pursuant to Article 196 (1)(b) of the Constitution of Kenya 2010.)

Submission by the Kenya Paraplegic Organization (KPO) and the National Taxpayers Association (NTA) on Disability Mainstreaming in Nairobi City County for consideration in the FY 2021/2022 Annual Development Plan.

Subject: County Disability Mainstreaming.

WHEREAS the Kenyan Paraplegic Organization (KPO) and the National Taxpayers Association (NTA) have been made aware of a request for Memorandum by the Nairobi City County Assembly vide a notice in the Daily Nation dated 23rd October 2020, pursuant to Article 196 (1)(b) of the Constitution of Kenya 2010 on *Public Participation*; Section 126 of the Public Finance Management Act, 2012 on *preparation of a County Development plan*, and in light with Standing Order No. 121 (3) of the Nairobi City County Assembly Standing Orders;

WHEREAS acknowledging that Nairobi City County Assembly passed a Bill, now the Nairobi City County Persons with Disabilities Act, 2015, was passed by the County Assembly of Nairobi five years down the line, little interventions have been made to operationalize the same Act for the interest of the Persons with Disabilities in the County. A close examination of the previous County Annual Development Plans confirms the same. That notwithstanding, we will to recognize and appreciate the attempts made so far to introduce the intervention in the ADP 2021/2022. Subsequently, Kenyan Paraplegic Organization (KPO) and the National Taxpayers Association (NTA) wish to highlight as follows on areas that require further interventions. These includes, but not limited to the underlisted;-



ISSUE 1. Empowerment and facilitation of the PWD Caregivers;

Care givers spend most of their quality time taking care of the PWDs hence no time is left for them to earn an income for sustainability. There is need for them to be empowered either in groups or as individuals through an established fund. Special consideration should be given to those taking care of persons with mental disability as their PWDs can never support themselves hence the need for an allowance

ISSUE 2. Equipping of County Health Facility with essential drugs for epilepsy and anti-convulsion

Apart from equipping public health facilities with essential drugs for epilepsy and anti-convulsion with subsidized/affordable or free cost. The County should consider the plight of all PWDs for subsidized/affordable or free cost.

ISSUE 3. Dormant if not a non-existing PWD Board for Nairobi City County

Acknowledging that Section 4 of the Nairobi City County Persons with Disabilities Act, 2015 establishes the PWD board with its membership and functions contained in Section 5 and Section 8 respectively, little is known of the existence of the same Board. Hence, there is a great need for the County Government to ensure Projects, Programs and plans to operationalization of the PWD Act is largely considered in the County's ADP 2021/2022.

ISSUE 4. Economic empowerment of the PWDs through allocation of market stalls

In the previous County plans, little considerate was made for PWDs in allocation of market stalls or any further facilitation to enable them secure a conducive trading environment for livelihood and self reliance. In particular, County Government should be encouraged to always ensure at least 10% of the stall, preferably the **ground floor stores are allocated to PWDs for ease in access.**

ISSUE 5. Equipping all Public amenities with PWD aiding equipment's

During planning and approval of building plans, County Government is encouraged to ensure that developers, particularly, on public amenities – malls, offices, recreational facilities, to ensure that structures conforms with the **International Accessibility Standards - ISO 21542:2011(en) on Building construction (Accessibility and usability of the built environment).** In addition to accessibility, essential equipment's should included in the plan/or procured for used by any person with such challenge as the case may be.



ISSUE 6. Access to health services and sensitization amongst Persons with Disability
County Government should be encouraged to develop a framework or establish a program that would facilitate PWDs to health services and essentials at a subsidized cost if not free. Public Health faculties should also be facilitated to offers specialized treatments such as physiotherapy to enable specialized access to quality health service by the PWDs.

ISSUE 7. Lack of County framework on Sexual and Gender Based Violence
The County Government should be courage to develop policies that would materialize into legislation for mitigating Sexual and Gender based Violence. Its however wroth acknowledging efforts made so far by the Assembly to introduce the Bill, measures should however be taken to include such interventions in the ADP 2021/2022 particularly on the establishment of a Public Rescue Centre in a number of Sub-County with its corresponding psychosocial support programs therein.

ISSUE 8. Disproportionate effects of COVID-19 on PWDs
County Government should be encouraged to develop programs that would enable the already vulnerable PWDs access COVID-19 mitigating and preventive essentials. This can be achieved by the County introducing a program and by involving the existing Community Health Volunteers (CHVs) within the Community. In addition, the County government should also considerer extending incentives for PWDs doing business in the County by issuing wavers and reducing license fees.

WHEREAS besides the aforementioned issues affecting the Persons with Disabilities (amongst others) it was noted as follows in the case of Nairobi City County and its efforts towards Disability mainstreaming and empowerment, THAT; -

- i) **The Nairobi City County is yet to operationalized the Nairobi City County Persons with Disability Act, 2015** which was passed and assented into law on 12th January 2016;
- ii) **Section 4 of the Nairobi City County PWD Act, 2015 provides for the establishment of the PWD Board for Nairobi City County** with its functions provided in **Section 8 of the same Act**, which includes *inter-alia*; - *to formulate and develop measures and policies for PWDs*. Such provision is yet to be actualized.
- iii) **Section 6 of the Nairobi City County PWD Act, 2015 provides for the tenure of office for the Chairperson, Vice-Chairperson and Members of the PWD Board**, that the said persons shall hold the office for a period not exceeding **3 years** and eligible for re-appointment not more than two times. Equally, Section 7 (4)



provides for the term limit for the CEC to the Board. Hence the question of whether the offices are occupied and if not, their replacements thereof remains valid.

- iv) **Section 8 of the Nairobi City County PWD Act, 2015 provides for the rights and rehabilitation of persons with disabilities to achieve equalization of opportunities.** In an examination of previous ADPs and its subsequent County Budgets no consideration had been made in the past to mainstream disabilities in the County.
- v) Section 10(3) of the Act provides that the Board shall endeavor to secure the reservation of **5% of all casual, emergency and contractual position in employment in the public and private sectors in the County for PWDs.** Equally, **County government should develop and implement guidelines/policy for recruitment and remuneration for the PWD caregivers in the County;**
- vi) Section 8 (1)(h) of the PWD Act, 2015 requires the **Board to make assistance to Students with disabilities in the form of scholarship, loan programmes, fee subsidies** and other similar form of assistance in both public and private institutions;
- vii) **The is great need for the County Government through the PWD Board to come up with sensitization programs for the general public to aid in fighting stigma against PWDs**

WHEREAS from an examination of the implementation progress and operationalization of the aforementioned provisions of your Acts, there is **NO** tangible output nor allocation of funds for the same in the previous budget. **Submission of Memorandum for the Nairobi City County Annual Development Plan for FY 2021/2022 for such and further consideration** appears to be the best remedy at the moment.

NOW THEREFORE the **KENYAN PARAPLEGIC ORGANIZATION (KPO)** and the **NATIONAL TAXPAYERS ASSOCIATION (NTA)** **HEREBY** forwards its **MEMORANDUM FOR THE ADP 2021/2022** to the **NAIROBI CITY COUNTY ASSEMBLY'S BUDGET AND APPROPRIATIONS COMMITTEE** Pursuant to Section 126 of the Public Finance Management Act, 2012 and Standing Order No.121(3) which is as follows; -

Memorandum (MEMR) Submissions, THAT; -

- MEMR1.** Funds for Recurrent and Development for the operationalization of the **Persons with Disability Board** alongside funds for any recruitment that may be required be considered in the **ADP 2021/2022.** Through such intervention, the Nairobi City County Persons with Disability Act, 2015 shall be operationalized;

"True Measure of any society can be found in how it treats its most vulnerable members"-Mahatma G.



- MEMR2.** Stakeholder engagement program for development of a Nairobi City County PWD Strategic plan be considered in the ADP 2021/2022. This will enable the PWD Board to consult, collaborate and partner with other institution and persons in developing a Strategic pan what will mitigate issues ailing PWDs in the County.
- MEMR3.** Under the National Government and Nairobi County Government Housing programs, plans and strategies be included in the ADP 2021/2022 to enable qualified PWDs in the County to access ground-floor houses, with PWD friendly payment/mortgage terms. This is in line with Section 8 (1)(h) of the Nairobi City County Disability Act, 2015.
- MEMR4.** Plan for recruitment of not less than 5% in the FY 2021/2022 be reserved for Persons with Disabilities and allocation of funds for recruitment of caregivers be considered to. This be considered in the ADP 2021/2022. This is in line with Section 10 (4) of the Nairobi City County PWD Act, 2015.
- MEMR5.** A PWD sensitization program that would provide for stakeholders engagement and mobilization with an aim of creating Disability awareness among the public be included in the Community Services Sector in the ADP 2021/2022. This will enable continuous engagement between the County Government and organizations and PWDs in future decision making, planning purpose, reduction of stigma and discrimination. This is in line with Section 8 (1)(j) of the Nairobi City County Disability Act, 2015.
- MEMR6.** Specification of essential equipment's and corresponding Health services for epilepsy and anti-convulsion be equipped in all County Health facilities for free or subsidized cost for access by the PWD in need. Such to be considered in the ADP 2021/2022. This is in line with Section 16 (e) & (f) of the Nairobi City County Disability Act, 2015.
- MEMR7.** A PWD empowerment program that would see allocation of ground-floor storey buildings, markets or trading facility allocated to PWD be considered in the ADP 2021/2022. This will encourage mobility and self reliance by the PWDs.
- MEMR8.** A programs for the Nairobi City County Disability Forum be included in the ADP 2021/2022 that would see the County Government engage periodically with PWD for views, feedback and in key decision making.



MEMR9. Under the Public Works and Urban Planning Sector, a universal Design program for Nairobi for PWD mobility be included under the Planning Sector , a development project be introduced in the ADP 2021/2022 that will ensure all public buildings are modified structurally to ensure barrier-free and disability friendly environment to enable Persons with disability to access buildings,roads and other social amenities with ease. **This is in line with Section 17 of the Nairobi City County Disability Act, 2015.**

MEMR10: Procurement Monitoring and Evaluation and Oversight program to be considered in the ADP 2021/2022 that would encourage, promote tender uptake by the PWDs and ensuing that the County government embraces AGPO in the procurement process by PWDs securing at least 30% of all County Tenders;

MEMR11: A PWD COVID-19 support program by the Community Health Volunteers under the Health Sector be included in the ADP 2021/2022 that will PWDs in the County aces COVID-19 preventive essentials and such any other assistance as the case may be. **This is in line with Section 16 (f) of the Nairobi City County Disability Act, 2015.**

Conclusion;

It is our hope and trust that moving forward Projects, Programs and interventions for Disability mainstreaming in Nairobi County will be put into consideration in the ADP 2021/2022 for its implementation.

We thank you for the demonstration of good governance through the request for submission.

Organizations involved;

STAKEHOLDER1. Kenyan Paraplegic Organization.
STAKEHOLDER2. National Taxpayers Association.

Ms. Elsie M. Mulindi.

Chief Executive Officer

KENYAN PARAPLEGIC ORGANIZATION.

(Group Liaison Person)

30th Day of October 2020.




ANNEX 1: Notice requesting for Submission of Memorandum.

Source: Daily Nation for 23rd October 2020.

DAILY NATION FRIDAY, OCTOBER 23, 2020

NAIROBI CITY COUNTY ASSEMBLY



Telegraphic Address
Telephone 020 2216151

Email: clerk@nrbcountyassembly.go.ke
Web: www.nrbcountyassembly.go.ke

In the Matter of consideration by the Nairobi City County Assembly, of the Annual Development Plan for the FY 2020/2021

Article 196(1) (b) of the Constitution provides that "a County Assembly shall facilitate public participation and involvement in the legislative and other business of the Assembly and its Committees." Standing order 121(3) states that "the Sectoral Committee to which a Bill is Committed shall facilitate public participation and shall take into account views and recommendations of the public when the Committee makes its report to the Assembly."

SUBMISSION OF MEMORANDA/PUBLIC PARTICIPATION

The County Annual Development Plan for the FY 2020/21 was tabled in the County Assembly on **8th September, 2020** and duly committed to the Budget and Appropriations Committee and the sectoral committees for consideration and thereafter submission of a report to the Assembly.

Pursuant to Article 196(1) (b) and Standing Order 121(3), the Finance, Budget and Appropriations Committee invites interested members of the public to submit any representations they may have on the Annual Development Plan for the FY 2020/21. The representations may be hand delivered to the **Clerk of the Nairobi City County Assembly, PO BOX 45844 - 00100, City Hall Building, 2nd Floor, Room 279, Nairobi** or by email clerk@nairobiassembly.go.ke to be received on between Friday **23rd October, to Friday 30th October, 2020.**

Copies of the Annual Development Plan 2020/21 can be accessed from www.nairobiassembly.go.ke

PAULINE AKUKU
Ag. CLERK TO NAIROBI CITY COUNTY ASSEMBLY