

**Children's Rights to Education: A Case of Children with
Disabilities in Nairobi County**

By

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DECLARATION

This research Project is my original work and has not been submitted for examination in any other institutions, college and University

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Date

This research project has been submitted for examination with our approval as the University supervisors

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DEDICATION

This work is dedicated to my late beloved mother, Teresa Adhiambo Sati, for her struggle to bring me up in a small village of Katara, Ramogi. Mum rest in peace.

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ABBREVIATIONS AND ACRONYMS

CRC	The Convention on the Rights of the Child
EFA	Education For All
ICF	International Classification of Functioning
EARC	Education Assessment Resource Centre
KISE	Kenya Institute of Special Education
KNCHR	Kenya National Commission on Human Rights
KNSPWD	Kenya National Survey for Persons with Disabilities
MDGs	Millennium Development Goals
PDA	Persons with Disabilities Act
PWD	Persons with Disabilities
SNE	Special Need Education
UN	United Nations
UNCRPD	United Nation Convention on the Rights of Persons with Disabilities
UNDP	United Nations Development Programmes
UNESCO	United Nations Educational, Scientific, cultural Organization
UNICEF	United Nations International Children’s Emergency Fund
UNDK	United Disabled Persons of Kenya
WHO	World Health Organization

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ABSTRACT

Children with disabilities have an equal right to an inclusive, quality and free primary education and lower secondary education. These rights are set out in the national, regional and international human rights instruments. Yet, thousands of children with disabilities in Nairobi County are out of school for a number of reasons. This study was designed to describe and analyze the extent to which children with disabilities enjoy their fundamental human rights in terms of accessing to quality education in Nairobi County. The specific objectives of the study were; to analyze the trends of rights to education among children with disabilities, describe the extent to which children with disabilities enjoy their rights to education and analyzed whether education service providers and parents of children with disabilities are aware of the rights to education for children with disabilities. The study employed qualitative research method of data collection and analysis. Data was collected in three constituencies of Nairobi County; Dagoretti, Kibera and Embakasi. The findings of the study confirmed that children with disabilities do not enjoy their inherent right to education. A significant number of respondents (61%) indicated that school facilities such as toilets, classrooms and playgrounds are not accessible to their day to day learning needs. In addition, the findings of the study revealed that the vast majority of teachers (87%) reported that the current curriculum and examination procedures are not designed to meet the learning needs of learners with disabilities. Finally, the majority of respondents, both parents and teachers (95%) are not aware of any existing human rights laws that protect and promote access to education for children with disabilities in the study locations. The study therefore, recommended the need for a comprehensive human rights education and interventions for parents, teachers of children with disabilities and care givers as well as relevant education officials. The study also, recommended the need to institute an effective mechanism for preventing and reporting human rights violations in mainstream schools.

CHAPTER ONE

INTRODUCTION

1.1 Background of the study

This chapter provides an overview of the study that was undertaken. It gives information on the study background, research problem, research objectives, and justification of the study, scope and limitations of the study.

The world is inexorably becoming urban and It is projected that by 2030 all developing regions including Asia and Africa will have more people living in urban than rural areas (State of the World's Cities (2010/2011). In Nairobi, according to 2009 population and housing census, there are 3, 138, 369 people. The World Health Organization and World Bank Disability report of 2011 revealed that 15% of country's population is living with a disability. It is evident that out of a total population of 4 million Nairobi residents, there are 470,755 Nairobi residents who are living with some form of disability in this County. In most urban areas, people with disabilities live in informal settings characterized by poor living conditions, poverty and illiteracy (The Kenya Nairobi Survey for persons with Disabilities 2008 report). Poverty and disability are inextricably linked, because they limit access to education, employment, and lead to economic and social, cultural and political exclusion.

The Government of Kenya is committed to the provision of equal access to quality and relevant education and training opportunities to all Kenyans, But, very little has been done to ensure that children with disabilities enjoy their rights to education (Ministry of Education, (2009), The National Special Needs Education Policy Framework). The Government has ratified and domesticated various global policy frameworks in education. This includes article 26 of the UN Declaration of Human Rights (1948), which recognizes and commits itself to

the rights of every child to access education. The article emphasizes the intrinsic human value of education, underpinned by strong moral and legal foundations.

Despite the above legislations in place, Children with disabilities suffer an even more severe impact of discrimination and attitudinal challenges, despite the existence of legislations, policy frameworks and government of Kenya's commitment to protect their human rights including to education. They are powerless, defenseless and reflect on their limited access to economic resources, exclusion from social participation. These children look upon their cultural image of childhood as being a state of weakness, dependency and incompetence (Educating children with disabilities in Africa (2004): Towards a policy of inclusion). In most societies, children with disabilities are likely to be more vulnerable than those without disability. Disability, according to UNESCO, is one of the least visible but most potent factors in educational marginalization. Although educational access and subsequent success in education is the gateway to change in many other areas of life for individuals with disabilities, this remains a dream for them. It has been reported that, disabled children do not receive the practical assessments or support which could enable them to participate in mainstream schools.

In Kenya, there are a wide range of policies and laws that protect and promote the rights of children. These include; the UN Convention on the Rights of the Child, (1989) and the UN Convention on the Rights of Persons with Disabilities, The Africa Charter on the Rights and Welfare of the Child 1990, Salamanca Statement 1994, the framework for Action on Special Need Education 1999, the Millennium Development Goals, Education for ALL (EFA) by 2015, the Children Act 2001, the Persons with disabilities Act of 2003(amended 2012), It is however noted that there is a significant gap between policy and practice. The education officials even lack the capacity (and, in some cases, the will) to promote the rights of disabled

boys and girls to education, and to implement policies at the local and district levels. The above policies have specific provisions along which children with disabilities can enjoy their rights to education.

Education as a powerful instrument of social change, often initiates upward movement in the social structure, is a fundamental human right for everyone and yet considerable numbers of children with disabilities are still out of school due to social exclusion, ignorance, prejudice discrimination and poverty.

1.2 Statement of the problem

The Constitution of Kenya (2010), the Persons with Disabilities Act (2003) and other regional and international human rights instruments guarantee people with disabilities (PWD) their inalienable social, economic, cultural, civil and political rights. The right to education is one such basic fundamental human right which is emphasized in these human rights instruments because it is one of the most effective tools for enhancing people's achievements, freedoms and capabilities. The above-mentioned legal frameworks emphasize the need for quality, affordable, accessible, compulsory and child-centered education for children with disabilities.

The Kenyan national education system is unfortunately characterized by inadequate systems and facilities that respond to the myriad challenges faced by learners with special needs. The UNDP report (Kenya National Human Development Report, 2009), states that only 26,000 or 1.7 % of the estimated 1.5 million children with disabilities in Kenya, have actual access to some form of education. This means that the majority of Kenya's children with disabilities are not receiving any educational support. The Kenya National Survey for Persons with Disabilities (2008) revealed that about 67% of PWD had a primary education as compared to 85% of those without disability. Children with Disabilities in rural areas had a higher

proportion of those with primary education (52%) compared with urban counterparts (38%) (Kenya National Survey for Persons with Disabilities Report 2008).

The Kenya National Commission on Human Rights' report of 2007 on the Rights to education for children with disabilities, assessed the extent to which children with disabilities were accessing the right to education in both rural and urban area. This study however, does not analyze the extent to which children with disabilities enjoy their rights to education in urban slums. The exact situation of children with disabilities in terms of their right to education in urban slums has not been systematically researched. This lack of information, accurate data and discussion has violated their inherent right to education and threatens the educational goals set by Vision 2030. This makes it difficult to attain the goals and targets set by the Millennium Development Goals. Thus, additional research is needed to describe the situation of children with disabilities in the urban slums setting.

1.3 Objective of the study

This study was designed and developed to analyze the situation of children with disabilities in terms of enjoyment of their rights to education in the urban setting.

1.3.1 Broad objective

The primary aim of the study was to analyze the situation of children with disabilities' rights to education in Nairobi County.

1.3.2 Specific objectives

The study;

- a) analyzed the trends of rights to education among children with disabilities,
- b) described the extent to which children with disabilities enjoy their rights to education,
- c) analyzed whether education service providers and parents of children with disabilities are aware of the rights to education for children with disabilities.

1.4 Research questions

This study examined the extent to which children with disabilities enjoy their human right to education. In particular, it answered the following questions;

- a) Are the rights of Children with Disabilities to education under threat in Nairobi County?
- b) Are children with disabilities enjoying their rights to education as per the national and regional human rights instruments?
- c) Are education service providers and parents of children with disabilities aware of the rights to education for children with disabilities?

1.5 Significance and justification of the study

Children with disabilities are disproportionately denied their rights to education which undermine their ability to enjoy the full rights of citizenship, find gainful employment and take up valued roles in society (UNICEF, 2013, State of the World's Children ; Children with disabilities) The Constitution of Kenya 2010 makes primary education free to all, yet no study that has been undertaken to describe the situation of children with disabilities in terms of their rights to education, let alone the assumption that they are enjoying the same rights as their counterparts in Nairobi County. Many children with disabilities do not have the opportunity to participate in sharing the country's resources because they are among the last

in line for resources and services, especially where these are scarce. They are the objects of pity discrimination and abuse (UNICEF, 2013). This study has systematically analyzed the extent to which children with disabilities enjoy their rights to education in Nairobi County.

The study was designed to provide a comprehensive understanding of the situation of children with disabilities in Nairobi County. It examined the extent to which children with disabilities enjoyed their fundamental rights to education in line with existing legislations and policy frameworks. The outcomes of this study could be used to recommend policy change in providing education for children with special needs.

1. 6 Scope and Limitations

This study was carried out in Nairobi County and in particular Kibera, Embakasi East and Dagoretti constituencies. Since most schools for children with disabilities in Nairobi are privately owned, these institutions did not allow respondents to participate in the study. This implied that children with intellectual disability posed challenges to the study in terms of their participation. This study focused on the right to education because it is the most powerful weapon for social mobility that many people with disabilities lack. The study examined four main disabilities; physical disability, deafness, visual impairments and mental disability because the subject of disability is very wide and could not be fully covered. The sample size of this study was far too small hence the need for similar studies so as to obtain A more representative study population.

1.7 Operational Definitions

The terms used in this study are defined as follows;

Community Based Rehabilitation; This is a strategy of bringing educational services closer to children with disabilities in their own communities. In regard to the right to education for children with disabilities, the approach should take into consideration the need for education interventions that meet the needs of all children with disabilities.

'Disability'- is any physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation. This study focused on four main disabilities deaf, blind, physical disability and mental disability.

'Equality'- is creating societal conditions that respect difference, address disadvantages and ensure that all women, men, girls and boys participate fully on equal terms.

'Handicap'- the loss or limitation of opportunities to take part in the life of the community on an equal level with others. It describes the encounter between persons with a disability and the environment. Emphasis is laid on the shortcoming in the environment and in many organized activities in society.

' Human Rights'- These are inherent rights that belong to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status

'Impairment'-Any loss or abnormality of psychological or anatomical structure of function

'Inclusive Education'- it entails providing meaningful learning opportunities to all students within the regular school system. It allows children with and without disabilities to attend the same age-appropriate classes at the local school, with additional, individually tailored support

as needed. It requires physical accommodation – ramps instead of stairs and doorways wide enough for wheelchair users, for example well as a new, child-centred curriculum that includes representations of the full spectrum of people found in society (not just persons with disabilities) and reflects to the needs of all children.

'Non-discrimination'-All rights guaranteed to everyone without distinction, exclusion or restriction of disability, race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, age, or any other status.

'Respect for difference'-accepting others in a context of mutual understanding. It incorporates the acceptance of disability as part of human diversity and humanity. Despite some visible or apparent differences, all people have the same rights and dignity. Under the respect for difference, there is also an implicit understanding of the diversity of impairments.

'Reasonable accommodation'-the means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

'Right based approach to education'-the need to identify the root causes of exclusion of children with disabilities to access to quality education, and empower rights-holders to claim their rights and enabling duty-bearers to meet their obligations.

'Universal Design'-it comprises products, environments programmes and services to be usable by all people to the greatest extent possible, without the need for adaptation or specialized design. Universal design shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

CHAPTER TWO

LITERATURE REVIEW

2.1 Background characteristics of the study population

The socio-economic situation of persons with disabilities in Kenya, the widespread economic hardship being experienced in the country does not augur well for persons with disabilities. Most persons with disabilities depend on their families for social, financial, material and psychological support. Therefore, under the current situation children with disabilities are more likely to have less access to education and other resources than other members of the family.

2.2 Age group of children with disabilities

The Kenya National Survey on Persons with Disabilities 2009 revealed that the highest proportion of people with disabilities who participated in their study was those between 0-14, follows by those who were 15-24. This study engaged children with disabilities who were aged 5-10 years old to determine the extent to which they understand their rights to education and whether they are aware that their parents, education service providers and government officials are obligated to protect and promote their rights to education.

2.3 Marital status of parents of children with disabilities

KNSPWD 2009, reported that 52.6% of the parents of children with disabilities were single while those who were married comprised 48.6%, divorced/separated 32%, widowed 11.8%. This study was designed to examine whether parents who were single are more likely to violate the rights of children with disabilities due to their socio-economic status and other factors. They study also sought to establish whether it was their children with disabilities that contributed to their current marital status.

2.4 The highest level of education attended by parents

KNSPWD 2009 indicated that 66% of their respondents had attained primary education, while those who had attained secondary education were only 20% , it was not surprising that only 4% had studied up to college(middle level) whereas those who had reached university level were only 1% of the respondents. There are a number of factors that are responsible for the lowest level of education among parents of children with disabilities. Poverty is the biggest obstruction to parents with children with disabilities. This study analyzed and argued whether there is likelihood of human rights violation as a result of low level of education among parents and education service providers. Although this is a very difficult question to answer, the study confirmed the link between lack of education and violation of human rights. This was done by testing the understanding of human rights instruments by parents and education service providers.

2.5 Human rights for people with disabilities

Human beings are equally entitled to their human rights without discrimination. These rights are interrelated, interdependent and indivisible. Human rights are also viewed as a precondition for leading a dignified human existence and serves as a guide and touchstone for legislation. Disability is part of the human condition and any form of discrimination, ignorance, inequality and exclusion related to disabilities including children with disabilities occur in all sectors of society and across all economic, political, religious and cultural settings. The Vienna Declaration and Programme of Action 1993, further stresses that: “special attention needs to be paid to ensure non discrimination and equal enjoyment of all human rights and fundamental freedoms by disabled persons”. These special measures entail conscious and deliberate efforts and programmes aimed at identifying and removing those barriers that would otherwise impede effective realization and enjoyment of human rights by

persons with disabilities. The study literature defined disability and analyzed human rights instruments of children with disabilities at international, regional and national level.

2.6 Understanding disability

Disability is complex, dynamic, multidimensional and contested (WHO and World Bank Report 2011). This is why, any attempt at defining it is controversial and emotional. Disability according to the UN Convention on the Rights of Persons with Disabilities, focuses on all people who have long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. This definition stresses the fact that a society places some barriers that impede effective and full participation of people with disabilities in their community. These barriers could be environmental, attitudinal and any form of communication that people with disabilities face in their day to day lives.

The World Health Organization (WHO) has classified impairments, disabilities and handicaps and has accordingly defined the functional ability as using impairment, disability and handicap as central concepts (WHO 1980 and revision 1996). Impairment refers to organ level functions or structures, Disability refers to person level limitations in physical and psycho-cognitive activities while Handicap refers to social abilities or the relationship between the individual and society. International Classification of Impairments, Disabilities and Handicap (ICIDH) classification of impairments, disabilities and handicaps and ICDH of WHO, Geneva, Division of Mental Health and Prevention of Substance Abuse, 1977; defines these terms and their relations in the following way: Impairment is an abnormality of psychological or physical functions or of appearance whereas Disability is an interference with the performance of an activity by an individual in relation to the immediate

environment. Handicap is a societal disadvantage for a given individual that limits or prevents the performance of a social role or participation.

The study employed the definition of disability based on the Persons with Disabilities Act, 2003 (amended 2011) which defines Disability as physical, sensory, mental or other impairment, including any visual, hearing, learning, or physical incapability, which impacts adversely on social, economic or environmental participation.

2.2.1 Causes of disabilities

Disability as a complex phenomenon occurs during the interrelated interactions between people and a combination of factors in a given society. The causative factors of disability which are more complicated could be both direct and indirect leading to disability or impairment. This makes the estimation of the causes for disability a difficult task to comprehend. Some factors are still unknown despite the advancements in medical sciences.

Kenya National Survey for Persons with Disabilities (KNSPWD) (2008), reported that the leading causes of disabilities were congenital 34% and disease (26%), domestic violence (1%) and domestic burns (1%). Road accidents contributed to slightly over 10% of disabilities among those aged 25-34 years and those aged over 54 years, while lack of immunization mainly affected those aged 35-54 years. Road accidents and other environmental factors were responsible for physical disabilities, while diseases contributed to deafness and blindness. The most prevalent forms of disability are visual 30%, physical 30% followed by hearing 12% and mental 11% (KNSPWD (2008). Environmental barriers to participation are a major cause of disability, hence the International Classification of Functioning (ICF) classification which not only looks at body structure and function but also focuses on activities and participation from both individuals and societal perspective (WHO 2001).

The choice of the four forms of disability undertaken for this study population has been influenced by the above statistics. The study examined factors that cause disabilities in children because the KNSPWD indicated that lack of immunization was responsible for disabilities of those aged between 35 and 54. The study discussed biological, physical environmental, Economic, religious and cultural, medical and political factors.

2.3 Education for children with disabilities in Kenya

Educational opportunities for children (learners) with special needs and disabilities are a major challenge to the education sector. The national education system has been characterized by inadequate systems and facilities that respond to the challenges faced by learners with special needs and disabilities. Children with disabilities face many problems as a result of their special needs. They live in hostile, bleak environments, where their safety and security is compromised and their future jeopardized. In Kenya, the earliest efforts for organized care and provision of special education dates back to the late 1940. Religious institutions, such as the Salvation Army Church and much later the Anglican, Catholic, the Methodist and the Presbyterian churches played a key role in establishing special schools and institutions for children with visual, hearing, physical and mental disabilities in various parts of the country where they ministered. Since then, the management of most of these institutions has been taken over by the Ministry of Education. These schools were established in rural areas and surprisingly, there are no special primary and secondary schools for children with disabilities run by the Government in Nairobi let alone small units and integrated schools that do not adequately meet the educational needs of children with disabilities.

It was not until 1986 that the government established the Kenya Institute of Special Education (KISE) whose principal mandate is to build the capacity of Special Need

Education (SNE) service providers through teacher training/teacher in servicing and research. This meant that 33 years after independence the needs of special education was not appropriately addressed.

The Free Primary Education in Kenya was introduced in 2003, and the Ministry of Education has undertaken several measures to enable children with special needs access education. Some of the key milestones undertaken include, efforts to set up a task force led by Dr. Kochung in 2003 with the objectives of appraising the status of special education in the Country. This report failed to assess the challenges of children with disabilities in urban areas and only recommended the need to strengthen Education Assessment and Resource Centers (EARCs through increased budgetary allocation and equipping.

2.3.1 Special Education/ Schools

Special Education evolved as a separate system of education for disabled children outside the mainstream schools, based on the assumption that disabled children had needs which could not be addressed within mainstream schools. Special education offered all over in Kenya is in terms of day, boarding, facilities, and small units. The Special Schools Curricula is usually offered based on impairment categories such as; schools for the blind, or deaf children, those with learning difficulties, behavior problems, physical and multiple impairments.

Although special schools concentrate on specific impairments and can be developed as a centre of excellence, one of their weaknesses is that they have resulted in separate cultures and identities of people with disabilities, and isolation from their homes and communities. It also denies children with disabilities' the rights to participate in their communal life.

2.3.2 Inclusive Education in Kenya

The Ominde Report (Kenya Education Commission, 1964) recommended that children with mild handicaps should be integrated to learn in regular schools. This effort however has been undermined over the years by social and cultural stigma that prevents children with mild disabilities to learn in their communities. Integrated Education has been implemented in Kenya with little success till the introduction of inclusive education which requires a flexible approach to school organizations, curriculum development and pupil assessment. Such flexibility allows for the development of a more inclusive pedagogy, shifting the focus from teacher-centred to child-centered education and to embrace diverse learning Style (UNICEF 2013). The weakness of Inclusive education is that it does not provide a system for addressing all educational needs for children with disabilities. If a deaf child is enrolled in a mainstream school without a sign language interpreter, he or she will not be able to learn effectively just like his or her colleague. This research examined whether all children with disabilities in inclusive setting enjoy their rights to learn and play.

2.3.3 Small Units

Small Units for special education are sometimes attached to mainstream schools and staffed with a special teacher or unskilled teacher, who instructs children of mixed ages, in a separate classroom. The children may spend all their time in the unit, or be integrated into mainstream classes at particular times. In these small units, they do not provide quality education to children with disabilities as children are left to learn outside normal national curriculum. And in many cases students in standard six are using the same curriculum for standard three. There is no system policy to ensure that children with disabilities access quality education in this setting.

2.4 Education of learners with disabilities as a right

Since 1940, the education of learners with disabilities and special needs has been viewed as a preserve of churches and charitable organizations. This explains why churches were pioneers in special schools worldwide. However, there are negative effects of placing children with disabilities to special schools because it promotes exclusion and marginalization. In line with international human rights norms, all human beings have the right to education (UDHR Art 26; ICESCR Art 13; CRC Art 28, 23; CRPD Art 24;). In order to achieve the right to education for persons with disabilities, the state has an obligation to ensure that all the measures and steps are appropriate in meeting the education needs of children with disabilities. The Constitution of Kenya 2010, article 21(1) further states that, it is a fundamental duty for the state and each of its organ to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the bill of rights. This includes the right to Education For All (EFA). The same emphasis has been placed by the UN Convention on the Rights of Persons with Disabilities which is now part Kenyans laws and protects the rights to education for children with disabilities.

2.5 Theoretical Framework

Different models are used to conceptualize disability issues and how they provide understanding of children with disabilities issues in terms of accessing to education. Three models are discussed here. This study adopted the human rights model which is also referred to as social model of disability.

2.5.1 Charity Model

This model considers children with disabilities from a charity perspective (Albrecht, G and Bury M 2001). It acknowledges the act of exclusion of children with disabilities from social arrangements and services in the education setting. As a result children with disabilities enjoy

their basic rights which include; food, clothing, and housing. This model was applied in Kenya during early 1950s because it contributed to the establishment of special schools and institutions so as to provide educational services to children with disabilities (Coleridge, Peter (1993). Several international organizations undertook the need to help children with disabilities by opening rehabilitation centers as well as schools for children with disabilities to meet their educational needs. The weakness of this model is that, it treats children with disabilities as being helpless victims who need care and protection. It also relies largely on the goodwill of benevolent humanitarian for custodial care of the children with disabilities rather than justice and equality. This model assumes that entitlement rights is substituted by relief measures creating an army of powerless individuals, without any control or bargaining power who depend either on the state allocated fund or benevolent individuals'. The study determines whether this model is still in practice in the study locations and establishes how it contributes to violation of human rights of children with disabilities to education.

2.5.2 Medical Model

This model focuses largely on ones' physical, sensory or intellectual impairment as a problem to persons with disabilities. The Medical model emerged after World War II as a result of significant progress and advancement in the health science, technology, and pharmaceutical industry. It defines disability by their illness or medical condition without considering environmental and attitudinal barriers where children with disabilities experience in their daily lives. The strength of this model is that it has contributed to effective and full participation of children with disabilities in community activities by making them "normal". It has also helped to eliminate some mobility challenges that children with disabilities face in their day to day lives by providing assistive devices. While this model recognized that children with disabilities have the right to receive rehabilitation and medical services, but it

was the professionals who had the responsibility to decide what was best for the sick (CAILC 1992, Gadacz 1994). This model allows professionals in general and medicine in particular to control the lives of children with disabilities (Barnes and Mercer 2003). The model however does not address other needs of children with disabilities such as access to education and other social and economic rights. In addition, this model creates a passive and isolationist relationship between the patient and the professional within in a philosophy of a helping system.

In this study, the researcher examined whether educational service providers offered education to children with disabilities from a philosophy of a helping system or from a human rights perspective.

2.5.3 Human Rights Model

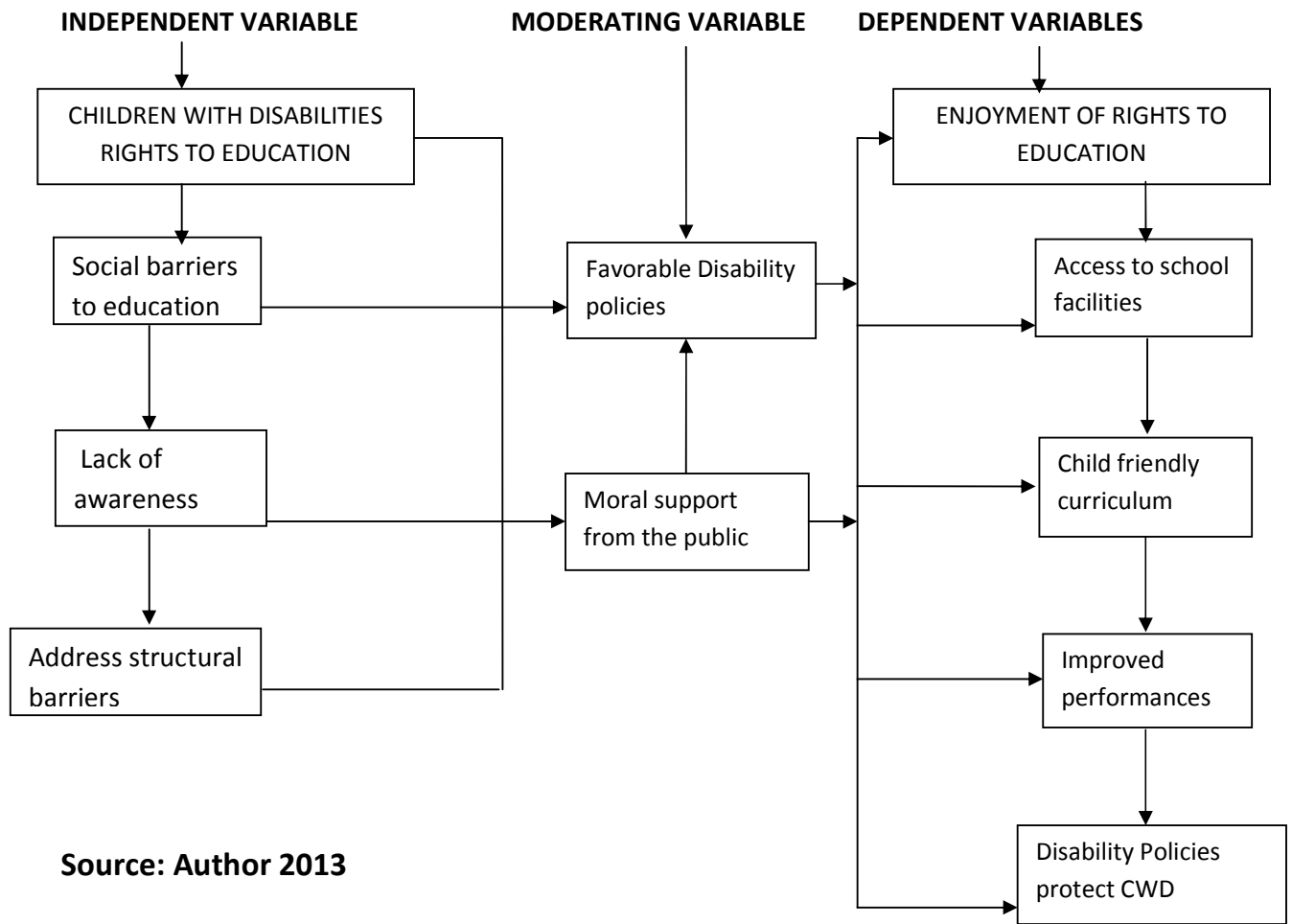
This model which is also known as the social model of disability marked the (1970s and 1980) The human rights models positions disability as an important dimension of human culture, and affirms that all human beings irrespective of their disabilities have certain rights which are inalienable (Oliver. 1983, 1990) and Edmonds (2005). This model builds upon the spirit of the Universal Declaration of Human Rights, (UDHR) 1948, which emphasizes that all human beings are born free and equal in rights and dignity. The principle of diversity provides the foundation to accept disability as part of human variation. In practice, the treatment of difference has been rather poor, especially in the context of disability. The doctrine of differentiation is important to children with disabilities some of whom may require specialized services or support in order to be materially equal to others.

This model has been adopted for the study because it argues that it is the society that puts barriers to the lives of children with disabilities rather than their impairments. The model stresses the need to address these barriers in order to achieve an inclusive society for all. This

model, furthermore lays emphasis on the legal framework and legislations as the only way to improve the conditions of people with disabilities and yet the experience or evidence which is suggested that legislations alone cannot bring about change. This calls for the need of moral support.

2.6 Conceptual framework of the study

The major aim of a theory as argued by Hinsonten (1994) should be either to relate data to a theory or generate a theory from data. In order to hold existing and new knowledge a theory should provide a conceptual framework so that knowledge can be interpreted for empirical application in a comprehensive manner. The conceptualization of this study was based on two variables; children with disabilities' rights to education are the independent variable and the extent to which they enjoy their human rights to education as the dependent variable.



Source: Author 2013

Figure 1: Conceptual Framework

2.7. Legislative and Policy Framework on the Right to Education for Persons with Disabilities in Kenya

The government of Kenya has formulated a number of legislations and policies that promote and protect the rights of people with disabilities including children with disabilities. There is however a serious gap between these policies and practice. The study discussed the legislations and policies as follow;

2.7.1 The Convention on the Rights of the Child

In 1989, the world's leaders officially recognized the human rights of all children and young people under 18 by signing this convention. Article 23 of the Convention on the Right of the Child requires that States Parties recognize that a child with intellectual or physical disability should enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. Article 28 states that, States Parties should encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need. The weakness in this international law on children is that it limited disability to intellectual and physical disability. The study has provided definition of disability as per the disability Act 2003.

2.7.2 The United Nations Convention on the Rights of Persons with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) entered into force on 3rd May 2005. Kenya signed it on 30th March 2007 and subsequently ratified it on 19th May 2008. Article 7 of the CRPD provides that States Parties shall take all necessary measures to ensure full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children. In all actions concerning children with disabilities, the best interest of the child shall be the centre of focus. However, despite this legislation, there is a significant gap between legislation and practice. The study examined gaps in promoting article 7 of the Convention.

2.7.3 Africa Charter on the Rights and Welfare of the Child

This is a regional human Right instrument that was put into force on 14 November 1999. Article 13 provides that every child who is mentally or physically disabled shall have the rights to special measures of protection in keeping with his physical and moral needs and under conditions which ensure his & her dignity, promote self-reliance and active participation in the community. Despite this legislation, there is a significant gap between legislation and practice that the study has established.

2.7.4 Constitution of Kenya

The Constitution comprehensively provides for the right to education. First, as a generic economic and social right, and second, for specified groups such as children, youth, persons with disabilities, the minorities and the marginalized. Disability is a cross cutting issue, and therefore all the group-specific Articles that provide for the right to education are relevant. It does not make any specific provision for children with disabilities. The state's obligation is to ensure that children with disabilities are able to access quality and affordable basic education. Article 54 of the constitution furthermore provides specific rights of persons with disabilities including education which is a key area that needs to be studied.

2.7.5 The Children Act of Kenya

The Children Act, 2001, which domesticates the Convention on the Rights of the Child, reiterates the right to education for all children. This act recognizes the rights of children with disabilities by stating that a disabled child shall have the rights to be treated with dignity, accorded appropriate education and free training or at a reduced cost whenever possible. The Act however failed to provide measures and steps on which the rights of children with disabilities in urban setting and emergency situation can enjoy their rights.

2.7.6 The Persons with Disabilities Act 2003

The Persons with Disabilities Act (PDA) 2003 came into force on the 16th June, 2004 through Legal Notice No. 64 of 2004. Section 18 of the Act is on education. The Act forbids discrimination of children with disabilities in access to education by virtue of their disability. It requires learning institutions to take into consideration the special needs of persons with disabilities with respect to entry requirements, pass marks, curricula, examinations school facilities and class scheduling, among others. The study established gaps in the Act in preventing rejection of admission on the basis of disability because many non-disability institutions argued that there are specific learning institutions that have capacity and skills to meet the needs of learners with disabilities.

2.7.7 Sessional Paper No. 1 of 2005

The Sessional Paper on Education (2005) launched by the Ministry of Education outlines Government policy on education and training. One of its objectives is the realization of universal access to basic education and training that ensures equitable access for all children including vulnerable and disadvantaged groups. It affirms education as a human right and also restates the Government's commitment to provide every Kenyan with basic quality education and training. The paper also recognizes the low enrollment in special education programmes, and hence the need to ensure programmes and strategies to facilitate their education. The Sessional Paper further recommends for inclusive and accessible education, including the removal of barriers to education for children with disabilities and awareness creation to eradicate negative beliefs associated with disability. In addition, it recommends the development of a special needs policy to cater for the learning requirements of children with special needs. The sessional paper furthermore fails to highlight mechanisms and steps for educating children with disabilities.

The Sessional Paper observes that financing special education still remains a major challenge for the Government because only 0.2% of the total education budget is spent on special education. In recognition of this shortcoming, the paper reiterates that given the Government's commitment to Education For All (EFA) by 2015, a framework incorporating financing requirements of special education will be established.

2.8 Hypotheses

The study argues that

- a) Most children with disabilities in Nairobi County are living under difficult circumstances and their fundamental human right to education is violated.
- b) The rights of children with disabilities to education is under threat in Nairobi County,
- c) Children with disabilities are enjoying their rights to education as per the national and regional human rights instruments and
- d) Education service providers and parents of children with disabilities are aware of the rights to education for children with disabilities.

2.9 Conclusion

The literature reviewed revealed a variety of barriers to accessing of education by children with disabilities in Kenya. These include; school facilities such as toilets, classrooms and text books that are not adaptable to children with disabilities; inadequacy of teachers trained on inclusive education; a community members who are not very supportive of children with disabilities, a hostile school environment in which children with disability are exposed to dangers such as ridicule, bullying from peers, lack of friends and lack of socialization at the school level.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter focuses on the research design that has been used in the study. It entails the approach used in the research study and explains the plan, structure and strategy of investigation conceived so as to obtain answers to the research question and to control variables. It includes the study design, study population, sampling techniques, units of observation analysis, data collection, instrument, data collection procedure, data analysis.

3.2 Study Site

This study employed descriptive survey to analyze the extent to which children with disabilities enjoy their fundamental human rights in terms of access to quality education in the urban area. In view of this, data was mainly collected using an interview schedule consisting of structured open and closed ended questions which were administered to the respondents. The study site was based in Kibera, Embakasi East and Dagoretti constituencies in Nairobi County. The study locations were selected because of the high prevalence of people with disabilities and high proportion of poverty in line with the Kenya National Survey for Persons with Disabilities 2009 report. It was also noted that children with disabilities and their parents cannot be found in one particular location as they lived in scattered environments.



Map 1: Nairobi County

3.3 Study Design

This was a qualitative research design which was descriptive in nature. The process of data collection was participatory and inclusive. This study also employed a survey method whereby different stakeholders were involved to determine the extent to which children with disabilities enjoyed their human rights and fundamental freedom.

3.4 Study population

According to the Kenya National Population Census, 2009, the overall disability rate in Kenya is 3.5% which translates to 1,330,312 million persons with Disabilities. Of this, the largest proportion is physical impairment (413,698) followed by visual impairment (331,594). Others are shown below:

Population by Main Type of Disability and Sex, 2009

Disability	Male	Female	Total	%
Visual	153,783	177,811	331,594	53.6
Hearing	89,840	97,978	187,818	52.2
Speech	86,783	75,020	161,803	46.4
Physical	198,071	215,627	413,698	52.1
Mental	75,139	60,954	136,093	44.8
Others	44,073	55,233	99,306	55.6
Total	647,689	682,623	1,330,312	51.3
% With Disability	3.4	3.5	3.5	-

In Nairobi County, there are 3,043,491 residents thus with 3.5% of the total population, therefore, there are about 106,522 people with disabilities in Nairobi County. The National Census provided that there are 5,992 PWDs in Kibera, while in Dagoretti there are 5,319 PWDs and in Embakasi there are 5,735 people with disabilities. The study targeted Twenty (20) parents of children with disabilities, 15 children with disabilities, 10 education service providers and 5 officials. The data gathered was analyzed to determine the extent to which children with disabilities enjoyed their rights to education.

3.5 Sample Size

The sample size for this study comprised 50 participants. Twenty (20) parents of children with disabilities, 15 children with disabilities, 10 education service providers and 5 officials from the Ministry of Education, Kenya National Commission on Human Rights (KNCHR) and United Disabled Persons of Kenya (UDPK) were all engaged in the data collection process.

3.6 Sampling procedure

The study used both non-probability and probability sampling techniques. These included purposive and snow-ball sampling and Simple random sampling. Purposive sampling was used where the researcher made decision in the selection of the study unit based on his knowledge of the study population. The choice was made because children with disabilities and their parents are scattered in residence. Most of the respondents were able to assist the researcher in identifying potential respondents in the study location which explains the reason why snow-ball sampling was employed in the study.

3.7 Data Collection and Study Instruments

Data collection requires the engagement of fundamental and appropriate instruments of data collection. In this study, both field and library research were essential as both formed the basis of data collection. The choice of these instruments was further guided by the research objectives. These collection instruments included questionnaires, interviews, censuses, observations and review of documents and discussions with the key informants.

3.8 Data Analysis

This study employed both qualitative and quantitative analysis methods. Qualitative data was analyzed using Statistical Package for Social Science (SPSS) and Excel applications. Descriptive data was used and qualitative data was arranged into themes and coded.

CHAPTER FOUR

RESEARCH FINDINGS

4.0 Introduction

This chapter presents the results of the study conducted in three locations Kibera, Dagoretti and Embakasi constituencies in Nairobi. The results reflect the perceptions of parents of children with disabilities, children with disabilities themselves and education services providers' on the extent to which children with disabilities enjoy their rights to education. This study also included findings from key informants on the situation of children with disabilities with regard to right to education in Nairobi.

The process of obtaining quantifiable information from a sample population using descriptive research survey design (Mugenda and Mugenda (2003)) involved a detailed description of document. In view of this, data was collected using an interview schedule consisting of structured open and closed ended questions which were administered to the respondents. The collected data was further analyzed using Statistical Package for Social Science (SPSS) and Excel applications. Simple statistics which included percentages, tables, charts, frequencies, pie charts and bar graphs were applied to draw conclusions of the findings.

A total of 50 respondents comprising 19 parents of children with disabilities, 11 education service providers, 20 children with disabilities and three key informants from Kenya National Commission on Human Rights, The Ministry of Education and United Disabled Persons of Kenya were interviewed in the study. The chart below represents the study population from three sites.

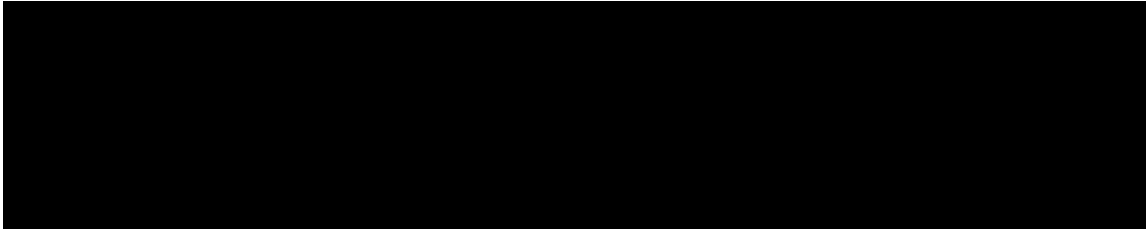


Figure 2: Study Population

Objective one: To analyze the trends of rights to education among children with disabilities

The aim of this objective was to analyze the situation of children with disabilities in the study locations. The responses from the parents of children with disabilities to serve the objective one of the study as presented follows;

4.1.0 Responses from Parents of children with Disabilities

Parents of children with disabilities were important respondents for this study so as to establish whether they agreed that the rights of children with disabilities are protected and promoted. The following results were obtained;

4.1.1 Participation of Fathers in Education of Children with Disabilities

A total of 19 parents of children with disabilities were interviewed through questionnaires in Kibera, Embakasi East and Dagoretti. The figure below shows the gender of parents with children that had with disabilities and participated in the survey.

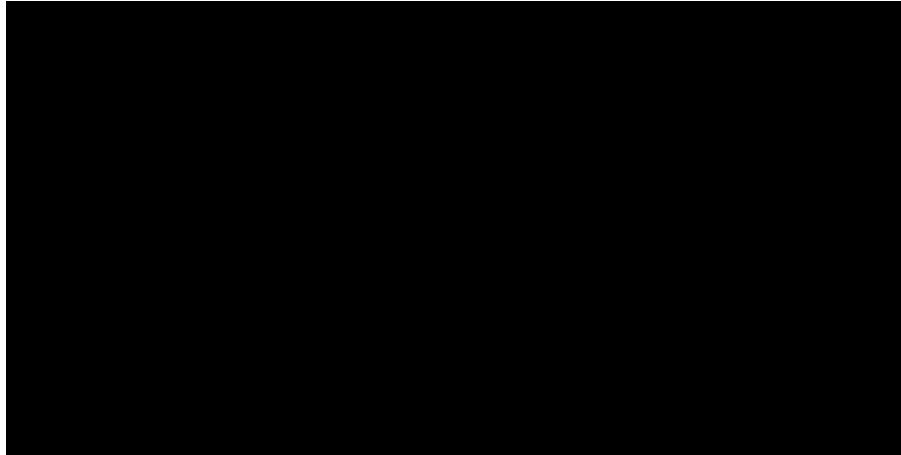


Figure 3: Gender Representation of the Study

The above figure confirms the poor participation of fathers of children with disabilities in their education and support of children with disabilities. Out of 19, only 2 or 12 % of fathers of children with disabilities participated in this research. While conducting the study one of the female parents in Dagoretti stated;

“We had a wonderful time as a family till my son who has physical disability was born. My husband opted to leave us. I have been struggling to raise all my children alone” A mother in Kibera.

“When we realized that our son was having a mental disability, the father disappeared and never returned.”

4.1.2 Characteristics of parents of children with disabilities

The below finding provided information on characteristics of parents of children with disabilities who participated in the study.

4.1.2.1 Age of parents with disabilities

Location	18-20	21-30	31-40	41 above
Kibera	0	1	4	1
Dagoreti	0	2	2	0
Embakasi	0	4	4	0

Table 1: Age of parents with disabilities

Findings indicate that majority of the parents of children with disabilities who participated in the study (53%), were aged 31-40

4.1.2.2 Education level of parents of children with disabilities

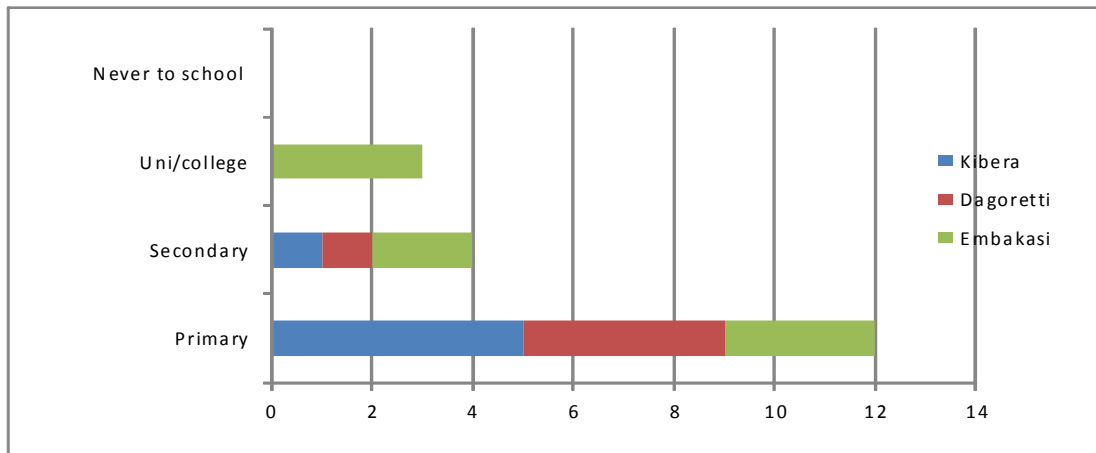


Figure 4: Education level of parents of children with disabilities

Only 15% or 3 out of 19 of parents of children with disabilities surveyed had completed college or university education. Sixty eight (68%) of parents (respondents) had attended

primary education while 21% had reached secondary level education. Education played an important role in addressing the underlying causes of human rights violations, preventing human rights abuses, combating discrimination, promoting equality, and enhancing people's participation in democratic decision-making processes. Since only 15% of parents of children with disabilities had attained college or university level of education, most parents were more likely to be acquainted with their children's rights to education.

4.1.3 Types of children with disabilities and cause of disabilities

Thirty seven (37%) of respondents were physically disabled followed by 31% with mental disability. Deaf and blind were 15 per cent each. With regard to the cause disability of their children, over half (57%) of the parents stated that their children were born disabled or had congenital complication whereas about 36% of children's disabilities were as a result of diseases such as Meningitis, anaemia and pneumonia. This was further confirmed when children with disabilities were asked at what age they became disabled. It was established that 0-5 years account for 95% while 6-10 years are presented at only 5%.

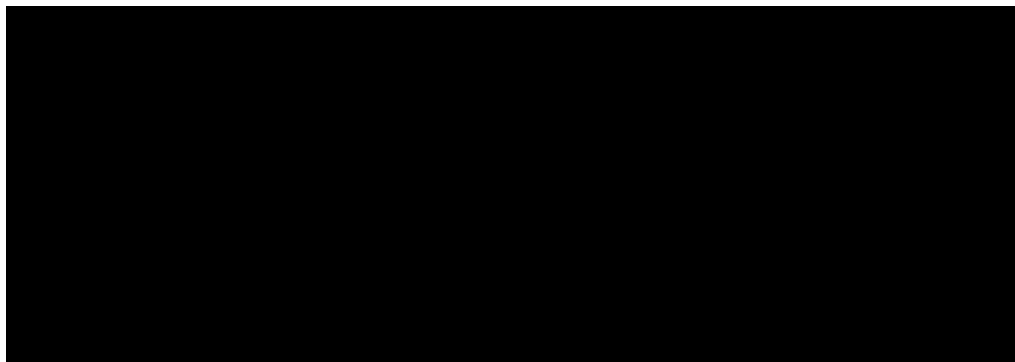


Figure 5: Types of children with disabilities and cause of disabilities

	Hearing	Speech	Visual	Mental	Physical	Self-care	Other
Male	50.9%	54.7%	44.7%	54.3%	49.7%	55.2%	45.2%
Female	49.1%	45.3%	55.3%	45.7%	50.3%	44.8%	54.5%
Total	100%	100%	100%	100%	100%	100%	100%

Table 2: Incidence of disability type by gender

Source: Kenya National Survey of People with Disability (2008)

4.1.4 Source of income of household

Findings from the study confirmed that, disability and poverty are fundamentally linked. Figure 6 below shows the proportion of respondents surveyed who are employed, self-employed or not employed at all.

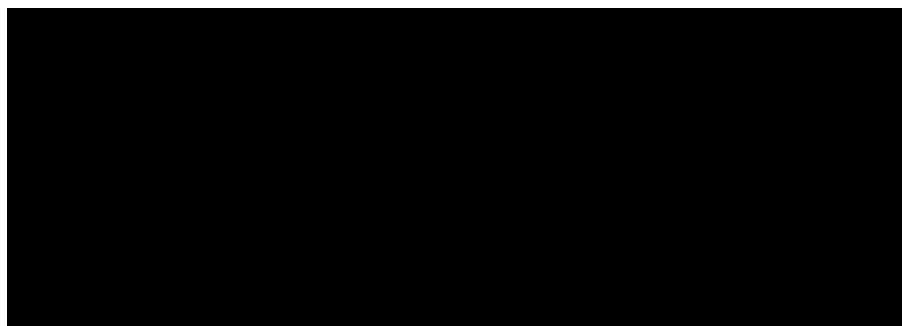


Figure 6: Source of income of household

The figure 6 above none (0%) of the respondents (parents of children with disabilities) were employed by government or private sector. 52% of the parents are self-employed in small scale businesses while half of the respondents (50 %) were not employed at all. They depended on the government’s social protection interventions, relatives and friends for financial support. In terms of average monthly income received from self employed activities, relatives and disability allowance, a large proportion (89%) of parents interviewed acknowledged that they received a monthly income of between Ksh. 2,500 to 5000. This

indicated that over 90% of parents of children with disabilities were living below the poverty line of Ksh 80 a day. Only 10% of parents received an income of between Ksh 5,000 to 10,000 every month.

Article 43 of the constitution of Kenya 2010, provides that every person has the right to the highest attainable standard of health, education, social security, clean and safe water in adequate quantities, to be free from hunger, and to have adequate food of acceptable quality, and to have access to and adequate housing, and reasonable standards of sanitation. Poverty is therefore a human right violation, the rights of children with disabilities in the project locations are likely to be infringed. One of the parents interviewed at Kibera told the researcher;

“I am not employed and cannot find time to start a business because my son is physically disabled and needs my special attention daily. I must take him for physiotherapy sessions almost daily”

4.1.5 Experiences of parents in bringing up children with disabilities

Respondents were interviewed to describe their parental experiences by asking them how challenging it was to bring up a child with a disability.

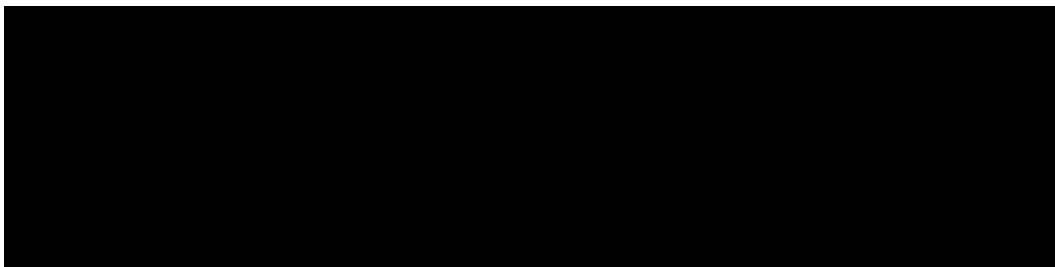


Figure 7: Experiences of parents in bringing up children with disabilities

A significant majority of respondents (89%) cited that it was very challenging to bring up a child with a disability. This indicated that in most cases; the rights of children with disabilities were likely to be violated given the difficulties at parents face in taking care of their children with disabilities. Almost all (97%) of the parents of children with disabilities stated that they encountered financial burdens in bringing up their disabled children. Only 3 percent were able to access disability allowance offered by the National Council for Persons with Disabilities. One parent said that;

“The reason why I must always be at home is to protect my son from burning, home accidents, sewage contamination and other harmful objects” – A Parent in Embakasi.

“I am a single parent, I have to stay at home most of my time to take care and watch my child with mental disability”

Respondents were asked as parents of disabled children what kind of problems each one faced with a child with disability. Over half (51%) reported that they had experienced denial and stigma from neighbors and community members.

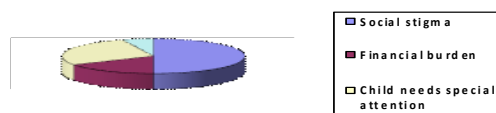


Figure 8: Problems faced by parents of children with disabilities

Objective two: To describe the extent to which children with disabilities enjoy their rights to education

This objective established whether children with disabilities enjoyed their rights to education as per national, regional and international human rights instruments. The questionnaires probed parents' perception of the right to education for children with disabilities.

4.1.6 Rights of children with disabilities

Parents of children with disabilities were interviewed to explain how well informed the community members were on the rights and freedoms of children with disabilities including disabled adults.

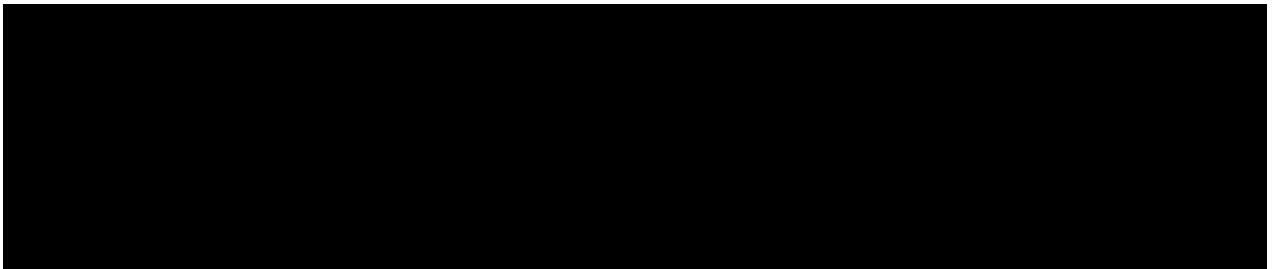


Figure 9: Rights of children with disabilities

A big proportion (82%) of parents of children with disabilities reported that community members were not aware of the rights of children with disabilities. This indicated that rights of children with disabilities were disregarded in the communities because most family members were unlikely to take their children with disabilities to school.

4.1.7 Access to school for children with disabilities

Respondents were interviewed to establish how easy it was to transport or access school for their children with disabilities. Figure 11 shows results of the survey undertaken.

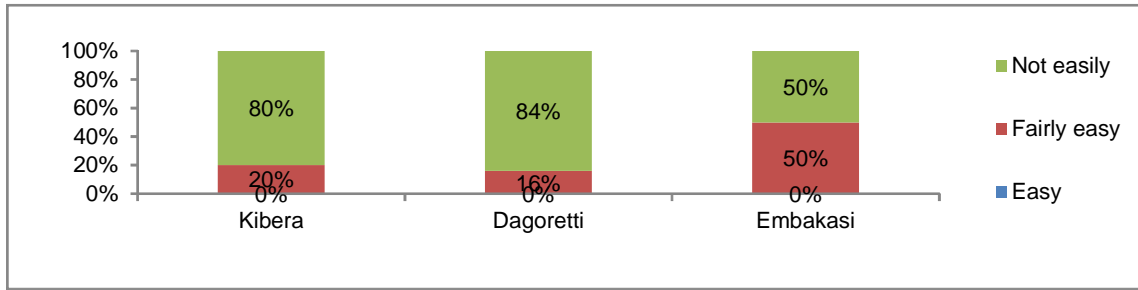


Figure 10: Access to School for Children with Disabilities

The vast majority of the respondents (12 out of 19 surveyed) indicated that it was not easy for children with disabilities to access primary schools. The challenges faced include; the fact that the parent must carry his or her child to school daily, most special need schools are not within their reach and in many cases are very expensive. In addition, most public schools do not have facilities such as physiotherapy and speech therapy equipments. In some cases, school administrators denied admission to children with disabilities due to lack of facilities or simply because they could not handle children with disabilities. The attitude of school community towards disability is culturally negative. These barriers prevented children with disabilities from enjoying their rights to education. When asked what the most common forms of discrimination that children with disabilities experienced in education, the following results were obtained.

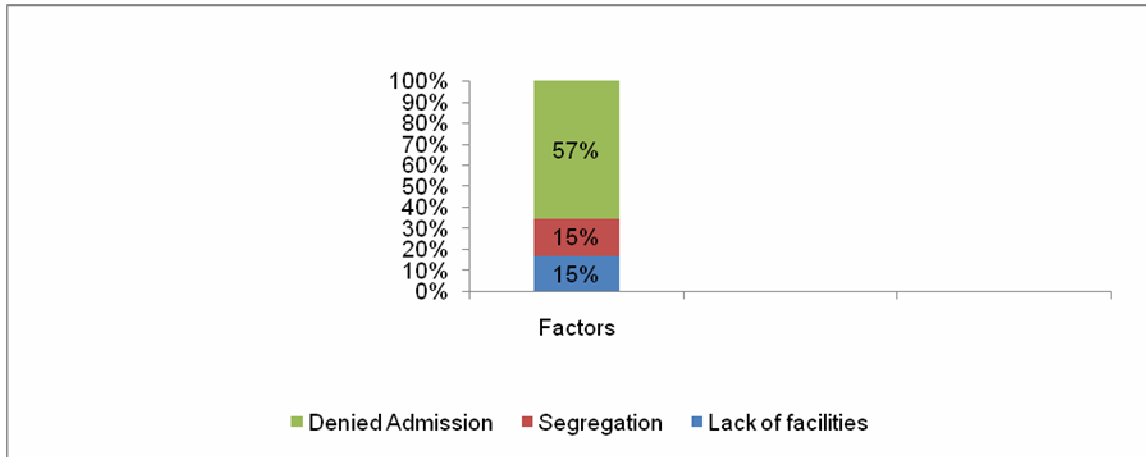


Figure 11: Types of discrimination in schools

One of the respondents shared her experiences about taking her child with a disability to a regular school as follows;

“When taking my son to the nearest primary school, the headmaster told me that they cannot admit him because there are specific schools that handle children with physical disabilities”

4.1.8 Accessibility of school environment, structure and systems

Parents of children with disabilities were interviewed to determine whether they considered the school environment, structure and systems were accessible to his or her child. All respondents indicated that, school facilities where their disabled children were enrolled are not friendly to children with disabilities.



Figure 12: Accessibility of school environment, structure and systems

Objective three: To analyze whether education service providers and parents of children with disabilities are aware of the rights to education for children with disabilities.

In response to objective three, parents of children with disabilities were engaged to determine their knowledge of rights to education for children with disabilities.

4.1.9 Rights to education for children with disabilities

Parents of children with disabilities were asked whether they knew that their children had the right to education

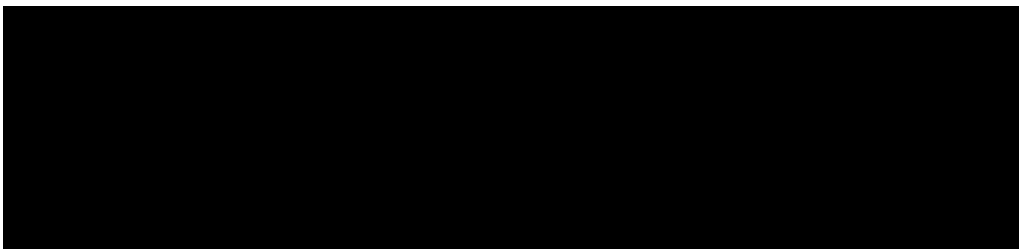


Figure 13: Rights to education for children with disabilities

Although a significant majority of respondents (78%) were aware that their children with disabilities had the right to education, there were many factors that prevented them from

taking their children to school. These included; inaccessible physical environment/facilities in public schools and the fear that their children with disabilities would experience stigma, violence and discrimination. They also cited lack of supportive staff to give their children special attention like pushing wheelchairs among others. Below are quotes from a parents as to why she would not take their child to school.

“I would like to take my daughter to a public school, but who would be there to take care of her?” Parent in Embakasi.

“I don’t have any problem sending my child to school but my biggest worry is the school environment and how she will be treated” –A mother in Kibera.

In terms of knowledge of any human rights instruments/laws that promoted and protected the rights of children with disabilities, below result represents responses from the parents.

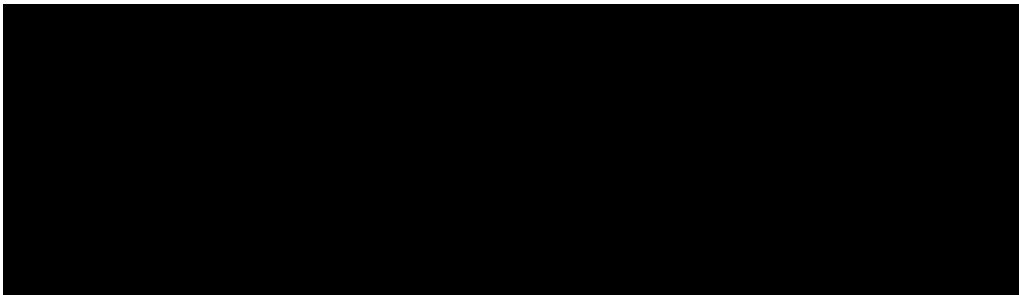


Figure 14: Knowledge of human rights instruments

The majority of respondents (95%) were not aware of any existing human rights laws that protected and promoted access to education for children with disabilities in the study locations. This therefore confirmed that in most cases, parents cannot understand whether the rights of their disabled children were infringed in school.

4.2.0 Findings from teachers of children with disabilities on the rights of children with disabilities

The following were responses from teachers of children with disabilities that the researcher interviewed as per research objective and question.

Objective one: To analyze the trends of rights to education among children with disabilities

The questionnaire was designed to examine the teachers' perception of the trends of rights to education for children with disabilities in the study location. The responses are tabulated as follows;

4.2.1 Duration teachers have taught

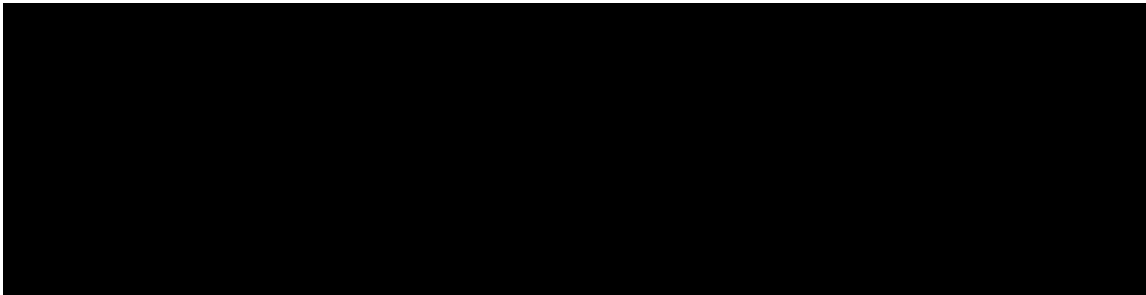


Figure 15: Duration teachers have taught

The vast majority of teachers (75%) of children with disabilities had taught for more than 8 years and 23% had taught for 4-7 years.

4.2.2 Skills of teachers of learners with disabilities

Learners with disabilities were entitled to qualified and skilled teachers for them to enjoy their right to education and complete the full cycle of basic education. Eight (8) out of ten (10) respondents interviewed stated that they had undertaken special needs training. It was however, shocking to note that when asked how they handled the educational needs of

different children with disabilities in their school, only 3 out of 10 or 33% of respondents were able to explain the need to identify learning needs of different children with disabilities rather than just place them in a unit as many respondents had described. This indicated that in many cases the rights of children with disabilities were abused in the institutions surveyed.

Objective two: To describe the extent to which children with disabilities enjoy their rights to education:

In order to generate more information regarding the extent to which children with disabilities enjoyed their rights to education, the teachers were engaged to answer the following questions.

4.2.3 The most affected disability in human rights violation

Respondents were interviewed to establish whether there was specific disability that was most affected by human rights violation. Figure 16 demonstrates the likelihood of human rights violation against people with different types of disability.

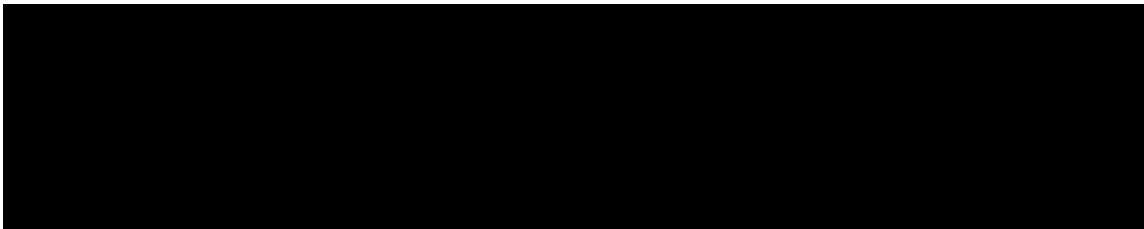


Figure 16: The most affected disability in human rights violation

The survey established that, people with disabilities who are most vulnerable to human rights violations were those with mental disability due to the nature of their disability. Those with mental disabilities were defenseless, not able to express themselves in a clear manner and they are left “hiding” in homes.

4.2.4 Accessibility of curriculum and examinations to children with disabilities

The study established from teachers whether the existing curriculum and examinations were accessible, inclusive and friendly to learners with disabilities. The unique characteristics, interest and attitudes of children and diversity in learning styles demand differential teaching methods to be used by a teacher in the classroom to facilitate learning. In order to meet the diversity, there was need to develop an inclusive curriculum aimed at providing quality education that could enable all children to learn effectively and participate equally in class. It should also provide children the dignity and confidence to learn.

The findings of the study showed that the vast majority of teachers (87%) reported that the current curriculum and examination were not designed to meet the needs of learners with disabilities. A significant majority of respondents explained that curriculum and examination were basically theoretical and therefore does not suit most special needed children who need to be equipped with practical skills for life. In the broadest sense, the rights to education of children with disabilities were denied by not having an inclusive curriculum. One senior teacher stated that;

“The current curriculum and process of examination lays a lot of emphasis on writing skills. Some children with disabilities can excel in other models of answering questions, like oral, sign language and other forms of communication.”

“Due to diversity of learners with disabilities, the curriculum is not friendly; it should be adapted to cater for specific needs of individual learners”.

4.2.5 Reasonable accommodation for children with disabilities

It is the responsibility of teachers to ensure that reasonable accommodation for the learners was provided in school. This calls for the provision of reasonable accommodation which

refers to necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden, where needed in a particular case, to ensure children with disabilities enjoy or exercise on an equal basis with others, all human rights and fundamental freedoms.

Respondents were asked to determine whether they understood the term reasonable accommodation and how they applied it in learning. It was not surprising that only 30% of the respondents were able to describe what reasonable accommodation entailed and how it was practiced in schools. This explained the fact that in many cases, rights of children with disabilities were infringed by teachers unconsciously or consciously.

4.2.6 Significance of Inclusive Education

The study respondents were asked whether an inclusive education promoted access to education for children with disabilities. Figure 17 below represents the responses from teachers in each study location.

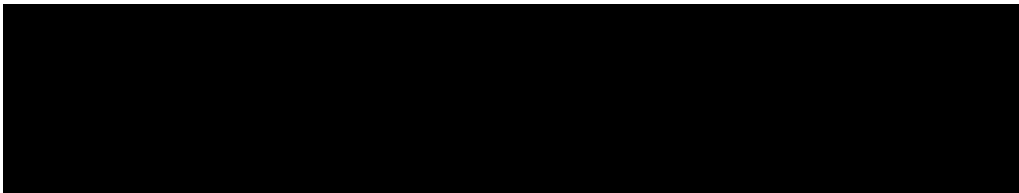


Figure 17: Significance of Inclusive Education

Over half (60%) of respondents agreed that inclusive education as an approach was critical in promoting access to education for children with disabilities. Inclusive education enabled children to learn together in the same classroom, using materials appropriate to their various needs, and participating in the same lessons and recreation. In an inclusive school, children with disabilities did not study in separate classes; instead, teaching methods, textbooks, materials, and the school environment were designed to fit girls and boys with a range of

abilities and disabilities. Nearly half (42%) of parents surveyed indicated that segregation was one form of disability discrimination that children experienced in schools.

4.2.7 Accessibility of school environment such as toilets, classroom and playing ground

The respondents were probed whether their school was accessible to children with disabilities in terms of toilets, playing ground and classroom.

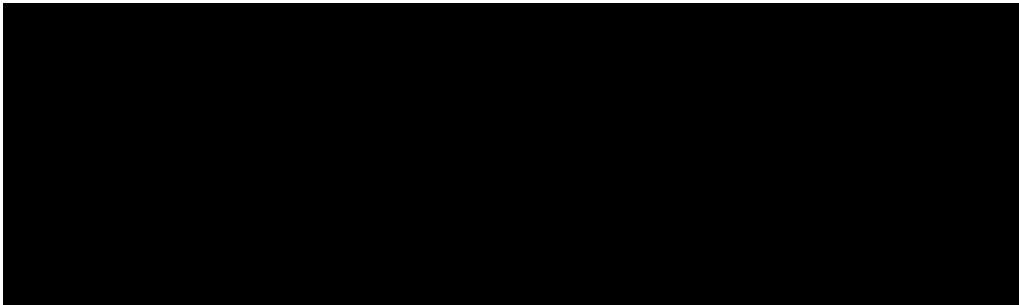


Figure 18: Accessibility of school environment such as toilets, classroom and playing ground

Despite the findings in figure 18, most of the schools are not accessible. There were no modified toilets for children with disabilities, no ramps for children with physical disabilities and there were some objects on the schools playing ground that could significantly prevent participations of children with disabilities.

4.2.8 Commitment of County and Central Government to education of children with disabilities

Teachers were questioned whether they agreed with the view that the county and national governments were doing enough to support the education of children with disabilities in terms of budgetary allocation and general support. Figure 19 presents the perception of teachers of children with disabilities towards government's commitment.

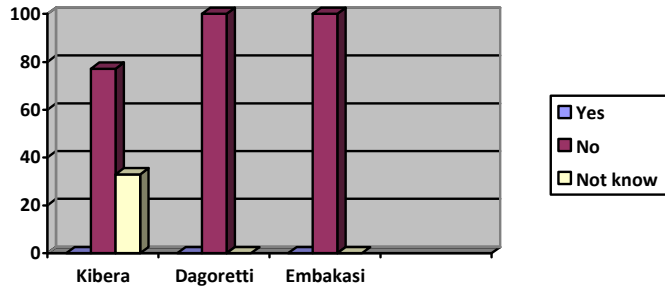


Figure 19: Commitment of County and Central Government to education of children with disabilities

A large majority of respondents (92%) did not think that the county and national governments were doing enough to protect and promote the right to education for children with disabilities. One teacher reported the following statement which supported the above finding.

“The leaders are not conversant with what to do with the money”- A teacher from Kilimani Primary school

Objective three: To analyze whether education service providers were aware of the right to education for children with disabilities

In response to objective three, teachers of children with disabilities were engaged to determine their knowledge of rights to education for children with disabilities.

4.2.9 Knowledge of rights to education for children with disabilities by teachers

Teachers of children with disabilities were interviewed to establish whether they were aware of the rights to education for a child with disability.



Figure 20: Knowledge of rights to education for children with disabilities by teachers

Although all respondents surveyed indicated that they were aware of existing legislations and policies protecting the rights of children with disabilities, it was surprising that only 4 out of 10 teachers were able to answer the question correctly regarding existing human rights laws that protect and promote the rights to education for children with disabilities. The respondents stated that they were aware of the Persons with Disabilities Act 2003, the United Nations Convention on the Rights of Children with Disabilities and the Children Act. But, none of the respondents was able to mention the Constitution of Kenya 2010 which clearly provides that every child has the right to free and compulsory basic education.

With regard to who was responsible for protecting and promoting rights of children with disabilities in the school, all respondents (100%) indicated that everyone at school was responsible for ensuring that the rights of children with disabilities were respected and protected. Only 40% of respondents were able to cite mechanisms in place, and what actions should be taken in the event that the rights of a disabled child were violated.

Objective one: To analyze the trends of rights to education among children with disabilities:

It was essential to establish if children with disabilities provided inputs on the trends of the rights to education. Questions were designed specifically to engage with children with disabilities in order to reach conclusion on their rights to education.

4.3.0 Responses from children with disabilities

The study involved children with disabilities as respondents. The following are results from children with disabilities interviewed.

4.3.1 Characteristics of children with disabilities

The figure below shows the different types learners with disabilities who participated in the study

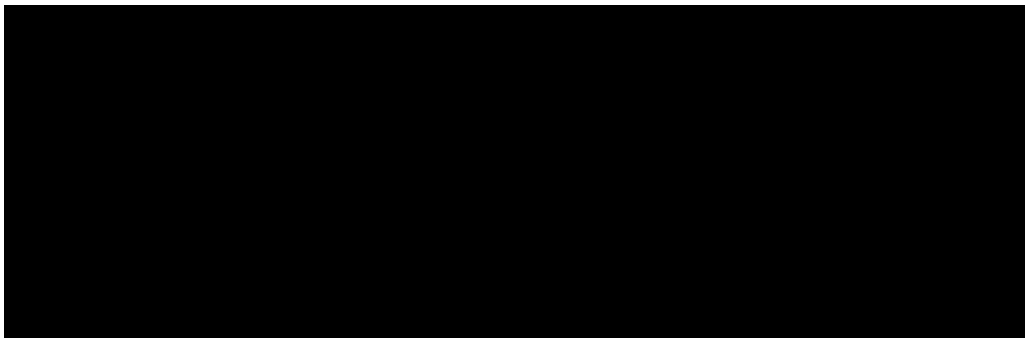


Figure 21: Characteristics of children with disabilities

The information provided below explains that most of children with disabilities become disabled at birth or during the age of 0-5 years old.

At what age did you become disabled?

Age	Frequency	Percent
0-5 years	19	95%
6-10 years	1	5%
11-20 years	0	0%
21 years and above	0	0%

Table 3: The age at which you became disabled

Objective two: To describe the extent to which children with disabilities enjoy their rights to education

Learners with disabilities were interviewed using a questionnaire for them to provide information on how well they enjoyed their rights to education in school and at home.

4.3.2 Rights of children with disabilities

The study probed the extent to which learners with disabilities liked their school as a way of establishing whether they enjoyed their rights at their respective schools. The chart below represents their response to the question.



Figure 22: Rights of children with disabilities

More than half (51%) of the children with disabilities interviewed said that they did not like their schools. Reasons as to why they did not like their schools varied from bullying to abuse as well as facilities which were inaccessible to them.

4.3.3 Accessibility of school facilities to children with disabilities

A significant number of respondents (61%) indicated that school facilities such as toilets, classrooms and playgrounds were not accessible to their day to day needs. Nearly half (48%) said that the classroom was not friendly to them, while 62% indicated that they struggled to use school toilets and a big proportion of the respondents stated that the playground was

inaccessible. Due to their disability, children with disabilities should be provided with facilities that facilitate effective learning.

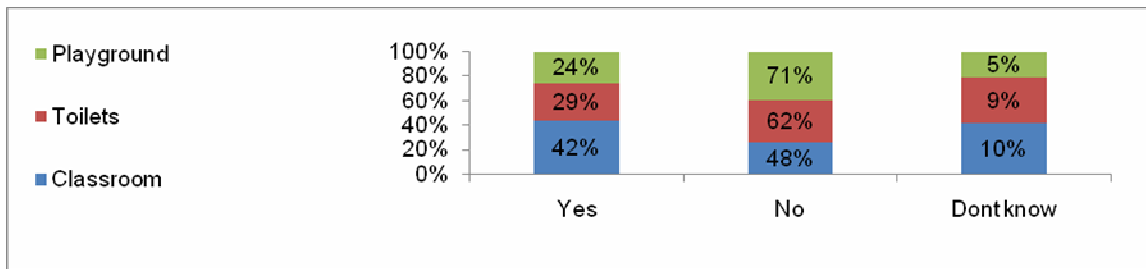


Figure 23: Accessibility of school facilities to children with disabilities

4.3.4 Know your rights at school by children with disabilities

The respondents were examined to determine whether they knew their rights at school. The study results showed that 85% of the respondents did not understand their rights at school. It was therefore likely that should their rights be violated by their non-disabled counterparts they will not report it.

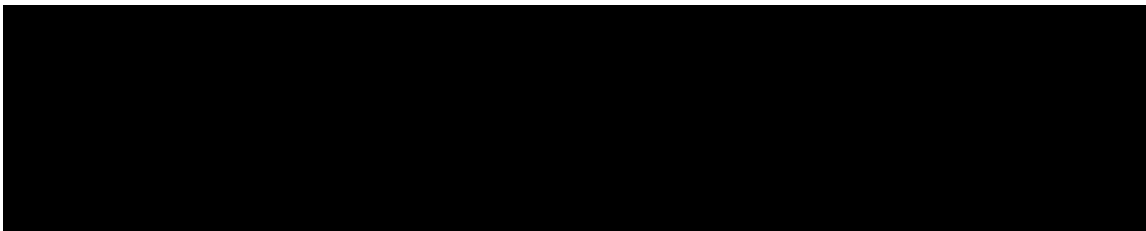


Figure 24: Know your rights at school by children with disabilities

Children with disabilities were requested to state whether the following were their rights at school.

Rights	YES	NO	DON'T KNOW
Right to Play	62%	48%	0%
Right to Privacy	27%	73%	0%
Right to be given equal opportunities	56	44	0%
Freedom to engage in clubs	34%	76%	0%
Freedom to participate in classroom activities	49%	51%	0%

Table 4: Know your rights at school by children with disabilities

4.3.5 Isolation of children with disabilities in school

Children with disabilities were asked whether they had felt lonely in school so as to probe the degree to stigma and discrimination in school environments. The chart below represents their feedback on the question.

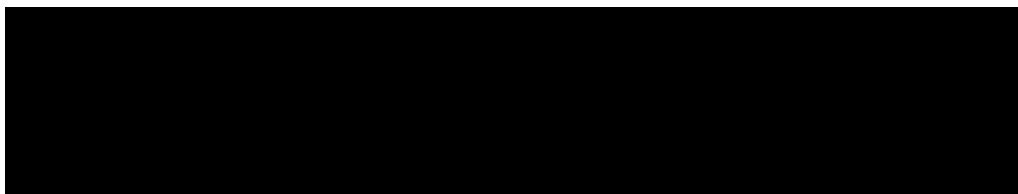


Figure 25: Isolation of children with disabilities in school

A large majority of respondents (85%) said they felt lonely in school. It was likely that stigma and discrimination still existed in most of schools in Nairobi. The consequence of discrimination and stigma led to low confidence and self-esteem among children with disabilities.

In order to confirm whether there was abuse or discrimination in schools, children with disabilities were asked whether non-disabled children or teachers had abused and laughed at them because of their disability. It was not surprising that a big proportion (75%) of the

children with disabilities reported that non-disabled children had laughed or abused them in school. Only 25% of respondents said that they had never been abused by non-disabled children and teachers.

The respondents were furthermore interviewed to determine whether action was taken when they reported any form of abuse to those in charge. Eight five 85% reported that no action was taken, which confirmed that school administrators did not give special attention to learners with disabilities. Among the factors that explained why no action was taken are the social myths attached to disability, lack of interest in disability matters and negative attitudes; therefore the learning institutions did not value concerns of children with disabilities.

4.3.6 Involvement of parents of children with disabilities in their education

Children with disabilities were asked on who took them to school, whether they had all they needed to support their educational needs and whether their parents were supporting them in carrying out assignments. This was aimed at determining the involvement of parents in education of children with disabilities. The chart below presents findings from the responses.

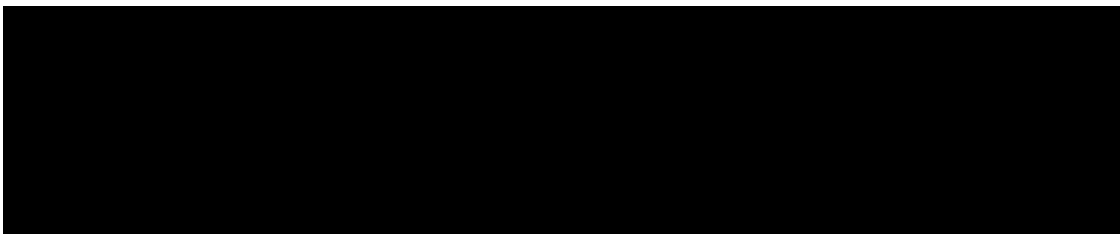


Figure 26: Involvement of parents of children with disabilities in their education

To determine how supportive school teachers and non-teaching staff are to learners with disabilities, respondents were asked to establish whether their teachers were helpful in and outside classrooms. Figure 26 presents the perception of children with disabilities towards their teachers on the supportive dimension. Half of the respondents (50%) said that their teachers and other staff in their schools were not supportive in and outside the classroom.

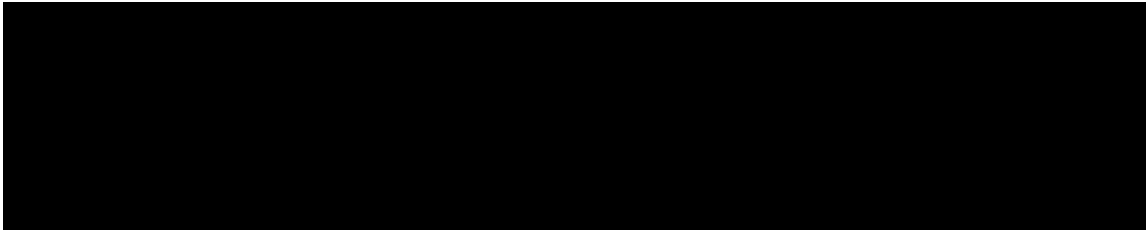


Figure 27: Supportive of teachers to children with disabilities

4.4 Responses from Key informants

The following feedback was obtained from the focus group discussion with officials from the Ministry of Education, Kenya National Commission on Human Rights and United Disabled persons of Kenya.

4.4.1 Equal Opportunity to Access Primary Education for Disabled Children

Children with disabilities did not access education equally with others because they lacked facilities, stigmatization and stereotyping where parents preferred sending their able bodied children to schools over the disabled. In addition, societal attitudes are such that children with disabilities were deemed to be objects of pity. Poverty made access to education for many children with disabilities unaffordable due to the high cost of education in the available private schools. One senior official from the Ministry of Education said;

“I do not believe they do. They have less chance, less support and less choice compared to their able bodied peers”.

4.4.2 The School environment for disabled children

Some schools are accessible while others were not. Accessibility is a wide term that varies from access to information, to physical access to transport among others. Deaf children, for instance, who wanted to access education in regular schools cannot because there were no sign language interpreters and therefore they had to go to special schools which were sometimes 300km or more away. For example, some deaf children in Nairobi County travel to Kuja Special Secondary school for the deaf in Mumias. The visually impaired children face similar problems in respect of information dissemination which was lacking in most regular schools. In addition, most schools, both special and regular, lacked physical access which made it hard for children with disability to access different facilities including classrooms, laboratory, extra curricula play fields and the washrooms, among others. As a result, most children with disabilities were not able to enjoy the school environment as their able-bodied counterparts. One official at the Ministry of Education told the researcher that;

“Not all school environments are accessible, especially in the regular schools” A MOE official

4.4.3 The main challenges experienced by do children with disabilities in accessing primary education

There are many challenges that children with disabilities encountered in education. These include; lack of physical access, negative attitude, inadequate staffing, lack of adequate learning facilities and aides, and unaffordable private schools despite government launching free primary education in 2003. Others included lack of adaptive curriculum especially for children with intellectual disability and unfavorable policies.

Negative attitude towards children with disabilities by teachers was a major obstacle to the education of children with disabilities. Some teachers had been sensitized and trained on rights of children with disabilities and were therefore able to treat children with disabilities equally with the able-bodied. There were however, those teachers and non teaching staff who had not been sensitized and trained on rights of children with disabilities and therefore still consider children with disabilities as poor in class performance and other school related activities. The regular schools had been accused of maltreatment of children with disabilities and this explained why parents still preferred special schools despite government commitments both through national and international laws on inclusive education.

4.4.4 Some of the Possible Solutions to the Challenges

The Government should increase the allocation of funds to the Ministry of Education and clearly state the procedures that need to be used to improve education for children with disabilities (CWDs). The government institute appropriate mechanisms to implement the Special Needs Framework 2008 which still remain a reference material since its formulation, and ensure recruitment of adequate teachers trained in education for learners with disabilities. Universal designs should be used to ensure that all buildings in schools were disability friendly. Government should also design adaptive curriculum to take into account the needs of children with disabilities. In addition, sensitization and awareness programmes should be expanded out in the country and be incorporated in the curriculum for all teachers training. There should be more consultation with all stakeholders in this sector.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

The aim of the study was to analyze the situation of children with disabilities' rights to education in Nairobi County. This was to be achieved through three strategic objectives;

- a) Analyzing the trends of rights to education among children with disabilities;
- b) Describing the extent to which children with disabilities enjoy their rights to education.
- c) Analyzing whether education service providers and parents of children with disabilities were aware of the rights to education for children with disabilities.

The survey research design was employed in this study. Three sets of questionnaires were utilized one for children with disabilities another for teachers and the last one for parents of children with disabilities. The study also engaged key informants and gathered their views with regard to rights to education for children with disabilities. The data was collected in three locations to reflect representation of Nairobi County.

5.1 Summary of the Study

This study established that the rights to education for children with disabilities were not systematically protected, fulfilled and promoted by duty bearers, teachers and parents of children with disabilities in Nairobi County. The study described barriers that prevented children with disabilities from enjoying their inalienable rights and fundamental freedoms to education. Both county and national governments had an obligation to ensure that the rights of children with disabilities were respected and protected as spelled out in the constitution of Kenya 2010 and other national human rights laws.

The first objective of the study sought to analyze the trends of rights to education among children with disabilities. The study focused on four main disabilities; physical disability, blind, deaf and mental disability. The results of the study revealed that 37% of respondents represented physical disability followed by mental disability at 31 while deaf and blind share 15 per cent each. In terms of the cause of disability, over half (57%) of the parents stated that their children were disabled at birth or congenital whereas 36% of children became disabled as a result of diseases such as meningitis, anaemia and pneumonia. The survey results established that people with disabilities who were most vulnerable to human rights violations are those with mental disability due to the nature of their disability. Those with mental disabilities are defenseless and not able to express themselves in a clear manner and were left exposed by “hiding” them at home.

The study established that, poverty and disability were fundamentally linked. A large proportion (89%) of parents interviewed said that they received a monthly income of between Ksh. 2,500 to 5000. This indicated that over 90% of parents of children with disabilities lived below the poverty line of Ksh 80 a day. A significant majority of respondents (89%) cited that it was very challenging to bring up a child with a disability. This indicated that in many cases the rights of children with disabilities were likely to be violated given the difficulties the parents are facing in taking care of their children with disabilities. A big proportion (82%) of parents of children with disabilities reported that community members were not aware of the rights of children with disabilities. This was a clear indication that rights of children with disabilities were disregarded in the communities and most family members are unlikely to take their children with disabilities to school. Although a significant majority of respondents (78%) were aware that their children with disabilities have rights to education, there were many factors that prevented them from taking their children to school.

These included; inaccessible physical environments/facilities in public schools, they fear that their children with disabilities would experience stigma, violence and discrimination; lack of supportive staff to give their children special attention like pushing wheelchairs among others.

In continuation of objective one, the vast majority of the respondents (12 out of 19) surveyed indicated that it was not easy for their children with disabilities to access the nearest primary schools. Most of the challenges that they experienced were due to poverty. Parents must carry their children to school daily and most special need schools were not within their reach and in many cases were very expensive. Most public schools did not have facilities to cater for physical and speech therapies. The findings of this study showed that the vast majority of teachers (87%) reported that the current curriculum and examinations were not meant to meet the learning needs of learners with disabilities. A significant majority of respondents explained that curriculum and examination were basically theoretical and therefore did not suit most special needs children who need practical training and equipment with skills for life.

The second objective of the study sought to describe the extent to which children with disabilities enjoyed their rights to education. It was established from the finding that more than half (51%) of the children with disabilities interviewed, said they did not like their schools. The reasons as to why they did not like their schools varied from bullying to abuses as well as inaccessible facilities in their schools. The results indicated that only 33% of teachers were able to explain the need to identify learning requirements as a right to quality learning for children with different disabilities rather than just placing them in a unit. This is a clear indicator that in many cases, the rights of children with disabilities were abused in the institutions surveyed. It was not surprising that only 30% of the respondents were able to

describe reasonable accommodation and how it was practiced in schools. This showed that in many cases the rights of children with disabilities were infringed by teachers either unconsciously or consciously. The findings furthermore indicated that most of the school facilities were not accessible for disabled children. There were no modified toilets for children with disabilities, no ramps for children with physical disabilities and there were some objects in the school playing grounds that prevented participation of children with disabilities. The study results also showed that 85% of children with disabilities did not understand their rights at school. It was therefore likely that their rights were more likely to be violated by their non-disabled counterparts without them reporting. A large majority of respondents (92%) did not think that the county government was doing enough to protect and promote the rights to education for children with disabilities.

The third objective of the study sought to analyze whether education service providers and parents of children with disabilities were aware of the rights to education for children with disabilities. The findings of the study revealed that the majority of parents of children with disabilities (95%) were not aware of any existing human rights laws that protected and promoted access to education for children with disabilities. This therefore confirmed that in many cases, parents cannot understand whether or not the rights of their disabled children were infringed in schools. With regard to the teachers who participated in the study, almost all of them indicated that they were knowledgeable of existing legislations and policies protecting the rights of children with disabilities. It was however, surprising that only 4 out of 10 teachers were able to answer the question correctly regarding existing human rights laws that protected and promoted the right to education for children with disabilities. A large majority of teachers(92%) did not think that the county and national government were doing enough to protect and promote the right to education for children with disabilities.

5.2 Conclusion of the Study

Based on the findings of the study, it was observed that;

- a) Children with disabilities were denied their inherent human rights and fundamental freedom including the right to education in spite of the existing laws that protected them.
- b) Parents and some teachers of children with disabilities were not knowledgeable of the right to education for children with disabilities. Human rights education targeting parents and teachers was urgent.
- c) The study confirmed that poverty and disability were fundamentally linked. It was therefore true that poverty is a human rights violation of children with disabilities.
- d) Parents lacked adequate support information regarding education and services for children with disabilities.
- e) Inaccessible school environments, negative attitudes of teachers and community members towards children with disabilities and lack of an inclusive curriculum were main factors preventing children with disabilities from enjoying their right to education.

5.3 Recommendations for the Study

The following recommendations and suggestions were made to ensure that children with disabilities enjoyed their rights to education.

- a) Laws and policies on child rights concerning children with disabilities should be enforced and fully implemented at all levels in the county. It is important that

children with disabilities be taught about their rights and how to avoid getting abused.

- b) There is an urgent need for human rights education for parents and teachers of children with disabilities as a strategy for minimizing human rights violations. Special emphasis should be enacted on how they can report any form of human rights violations.
- c) The county government should establish three Comprehensive Community Based Rehabilitation centres in Nairobi County that will be a one stop shop for children with disabilities and their parents. The centres will provide a wide range of services such as; early identification, assessment and placement services, day care, physical therapy, counseling, life skills training for youth, speech therapy and information sharing.
- d) The county government should establish a special education fund to support its learning institutions in the county to adjust their school environments, provision of assistive devices, training community resource workers, education bursary, head of institutions, and teachers' in-house training on inclusive education. In addition, each constituency should have at least one primary school which is well equipped to meet learning needs of children with disabilities.
- e) The government should formulate a mechanism to implement the Special Needs Framework 2008 which still remains a reference material since its formulation and ensure recruitment of enough teachers trained in education for learners with disability. Universal designs should be used to ensure that all buildings in schools are disability friendly.

- f) There is need for awareness building of the rights to education for children with disabilities in Nairobi County to ensure that rights of children are protected and respected. This will also address the issues of prejudice, stigmatization and discrimination of children with disabilities as the study confirmed that most Nairobi residents are not aware of the rights of children with disabilities.
- g) Mainstream the learning needs of children with disabilities in all education initiatives in the county including the award of bursaries fund, ward development fund and governor education sponsorship.
- h) The county government should engage with the ministry of education to ensure that an adaptive syllabus and inclusive curriculum are in place. The county government should design adaptive curriculum which takes into account the needs of children with disabilities and implement this in schools under its authority.
- i) There should be a mechanism for reporting human rights violations in primary schools for children with disabilities other than the child hot line.
- j) The county government should enact county level education act for learners with disabilities to address gaps in rights to education.
- k) County level education officials should be trained on disability rights including the Kenyan Sign Language.

5.4 Suggestions for Further Research

The study was conducted in three constituencies in Nairobi, hence there is need to conduct similar research in other constituencies to elicit a more accurate perception of the rights to education for children with disabilities. The sample size of this study was too small and therefore similar study is recommended to obtain a more representative study population.

There is need for more effective methods to carry out this study in order to reach a more comprehensive conclusion.

REFERENCES

- Bickenbach JE, Chatterji S, Badley EM & Ustun TB (1999). Models of disablement, universalism and the international classification of impairments, disabilities and handicaps. *Social Science & Medicine* 48:1173–87.
- Clapton J. & Fitzgerald, J. (2004) The History of Disability. A History of "otherness. *New Renaissance Magazine*, 7 (1). Retrieved May 10, 2004.
- Collin Robson & Peter Evans (2007), educating children with disabilities in developing countries the role of data sets, 2007; The World Bank Publishing, NewYork.
- Deon Filmer (2005) Disability, Poverty and schooling in Developing Countries: Results from 11 Household Survey, *Special protection*, The World Bank publishing.
- DFID,(2007), Education for Children with disabilities improving access and quality, A DFID practice note, Nairobi, Kenya.
- Disability Caucus on Implementation of the Constitution (2011) Recommendation on education for learners with disabilities to the TaskForce on Realignment of the Education Sector to the Constitution, *unpublished report*.
- Gary L. Albrecht, Seelman, Bury M. (2001), Disability Studies, *Sage publication*
- Hannu Savolainen, Heikki Kokkala and Hannah Alasuutari (2004) *Meeting special and Diverse Educational Needs-making Inclusive Education a Reality*.
- Joseph K Kona (2004), identifying children with disabilities in Kilifi Kenya: The use of participatory rural appraisal, unpublished study.
- Kenya National Commission on Human Rights, (2007), occasional report.

Kenya National Commission on Human Rights, (2007), Objects of Pity or individuals with disabilities-The rights to education for children with disabilities, unpublished report, internal report.

Lora Jean Edmonds (2005): Disabled people, and development, *2005 Asian development Bank printed in the Philippines.*

Ministry of Gender, Sports, Culture and Social Services (2004): *Kenya National Plan of Action: African Decade of Persons with Disabilities (1999-2009)*, Government Printer, Nairobi, Nairobi.

Ministry of Education (2009), The National Special Needs Education Policy Framework; Government printer, Nairobi.

Mira, Sophie; Posarac, Aleksandra; Vick, Brandon.(2011). Disability and poverty in developing countries: *a snapshot from the World Health Survey.*

Mugenda, M.O and Mugenda G.A(2003) Research Methods: *Quantitative and quantitative Approached*: ACT, Press, Nairobi.

Oliver, M (1990) , The politics of Disablement; Understanding Disability. from a theory to practice. *2006, New York Basingstoke.*

Protection discussions paper; no SP 1109. Washington D.C-World Bank Save the Children (2002), Schools for All, including disabled children in education, The World Bank Publishing Washington.

Terres Des, Special Needs, Equal Rights (2007); Education for Children with Disabilities in East Africa; Terres Des Special publishing, Nairobi.

The Constitution of Kenya 2010, article 21, Government printer, Nairobi.

The Kenya National Bureau of Statistics (KNBS) (2008) quotes Daniel Mont (World Bank, 2007)), *Government Pprinter, Nairobi, Nairobi.*

The Persons with Disabilities Act 2003, Government Printer, *Nairobi*.

The UN Convention on the Rights of Person with Disabilities (2008) *UN publishing, New York*.

The Universal Declaration for Human Rights (1948).

The Vienna Declaration and Programme of Action (1993).

UNICEF (2003) Promoting the rights of children with disabilities Innocenti Digest No13

UN Special Envoy for Education. www.educationenvoy.org : *UN publishing, 2003*

UNESCO (2002). Education for All: Is the world on track? EFA Global monitoring Report 2002. Paris: 2002, *UNESCO Publishing*.

UNICEF (2009), *Situation analysis of children, young people and women in Kenya. Securing Kenya's future in the hands of children and young people*.

UNICEF (2013), The state of the World's children; Children with Disabilities.

World Health Organization 2001. International Classification of Functioning, Disability and Health. Geneva: WHO.

World Health Organization and World Bank, 2011. World Report on Disability: Geneva: WHO

APPENDIX I

LETTER OF TRANSMITTAL

Introduction

Hello, my name is Washington Opiyo Sati. I am an M.A student at the University of Nairobi. I am carrying out a research study on “The extent to which children with disabilities enjoy their rights to education”. Your participation in this study will help to make policy recommendations in order to improve the education for children with disabilities.

Explanation of Procedures

It will take you about 15-20 minutes to complete the questions in this questionnaire. The questions asked are simple and require direct answers. You may choose not to answer a question for any reason. Answering all the questions will however bring no harm to you.

Confidentiality

Your answers will not be shared with anyone outside this research project do not indicate your name anywhere in the survey.

Consent

With the above information and understanding, do you agree to participate in this research?

YES NO If you say “Yes”, it means that you have agreed to be part of the study.

Washington Opiyo Sati

Appendix II

Questionnaire for Parents of Children with Disabilities

General information

1. Name:..... Optional
2. Gender Male Female
3. Indicate your area Tick (√) as appropriate
 - (1)Kibera
 - (2)Embakasi East
 - (3)Dagoretti
4. What is your marital Status Tick (√) as appropriate
 - (1)Single
 - (2)Married
 - (3)Separate
 - (4)Divorced
5. How old are you? Tick (√) as appropriate
 - (1)18-20
 - (2)21-30
 - (3)31-40
 - (4)41above
6. What is your educational level?
 - (1)Primary
 - (2)Secondary
 - (3)University
7. Do you/ your child- have any disability? tick (√) as appropriate
 - (1)Deaf
 - (2)Blind
 - (3)Physical disability
 - (4)Mental disability

- (5)Others
8. At what age did you or your child become disabled?
- (1)0-5
- (2)5-10
- (3)11-20
- (4)21 above
9. What is the cause of your child's disability?
- (1)Birth/ Congenital
- (2)Accident & Burns
- (3)Diseases
- (4)Any other
10. What is your educational level?
- (1)Primary
- (2)Secondary
- (3)University
- (4)Never been to school
11. What is your occupation?
- (1)Employed
- (2)Self employed
- (3)Not employed at all
12. Your average monthly income in Kenya shillings
- (1)2,500-5,000
- (2)5,001-10,000
- (3)10,001-20,000
- (4)20,001-50,000
- (5)50,001 and above
13. How many children are in your household?.....
14. How many children have disabilities?.....

15. What kinds of problem have you faced with a child with a disability?

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.....

16. As a parent, how challenging is it to bring up a child with a disability . Tick (√) as appropriate.

- (1)Very challenging
- (2)Challenging
- (3)Fairly challenging
- (4)Not challenging at all

16. How would you rate the following as challenges. Tick (√) as appropriate?

a. Financial burden?

- (1)Very challenging
- (2)Challenging
- (3)Fairly challenging
- (4)Not challenging at all

b. Social and cultural stigma

- (1)Very challenging
- (2)Challenging
- (3)Fairly challenging
- (4)Not challenging at all

17. Have you experienced any of the following because of your child who had disability? Tick (√) where appropriate.

- (1)Denial
- (2)Loneliness
- (3) Separation

17. How well informed are the community members on the rights and freedoms of children with disabilities including people with disabilities?

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.....
.....

18. Do you know that a child with a disability has the right to education?

YES NO Don't Know

Explain your response

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.....
.....

19. Are you aware of any human rights instruments/laws that promote and protect the rights of a child with disability? YES NO Don't Know

Explain your response

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.....

20. Did your child undertake assessment before being posted to a pre-school or primary school?

YES NO Don't Know

Explain your response

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.....

21. How easy is it to transport your child to the nearest school?

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.....
.....

22. In your opinion, what do you understand by the terms "accessibility needs" for children with disabilities?

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.....
.....

23. What is the most common form of discrimination that your child experiences in school?

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.....
.....

24. Do you consider the school environment, structure and system of your child is accessible to her/him?

YES NO Don't Know

Explain your response

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.....

25. In your opinion, what should the government do to improve the education system for children with disabilities in Nairobi County?

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26. Any other comments you would like to make with regard to education for children with disabilities?

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Appendix III
Questionnaire for Children with Disabilities

General information

1. Name:..... Optional
2. Gender: Male Female
3. Indicate your area tick (√) as appropriate
 - (1)Kibera
 - (2)Embakasi East
 - (3)Dagoreti
4. How old are you?
 - (1)5-10
 - (2)11-15
 - (3)16-20
 - (4)21 above
5. Do you have any disability? Tick (√) as appropriate
 - (1)Deaf
 - (2)Blind
 - (3)Physical disability
 - (4)Mental disability
 - (5)Any Others
6. At what age did you become disabled?
 - (1)0-5
 - (2)6-10
 - (3)11-20
 - (4)21 above
7. Where do you learn?.....
8. Do you like your school?
YES NO
Explain your response

.....
.....
.....

9. What class are you in?.....

10. Are the following facilities accessible to you in your school?

a. Classroom? YES NO Don't Know

b. Toilets? YES NO Don't Know

c. Playground? YES NO Don't Know

11. Do you know your rights at school? YES NO Don't Know

12. The following are some of the rights at school?

(1) Right to play

(2) Right to privacy

(3) Right to be given equal opportunities in school

(4) Freedom to engage in clubs

(5) Freedom to participate in classroom activities

13. Do you enjoy these rights in school?

YES NO Don't Know

14. Do you feel lonely in school? YES NO Don't Know

15. Do you agree that current school curriculum and systems friendly to you?

YES NO Don't Know

Please explain your response

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.....
.....

16. Have any other children abused/laughed at you because of your disability?

YES NO Don't Know If yes, to question 21,

(1)Did you report this incident? YES NO

(2) If yes was any action taken?

.....
.....
.....

17. Are your teachers and other non-teaching members of staff supportive to you

whenever you need help? YES NO Don't Know

Please explain your response

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.....
.....

18. How would you rate your parent's involvement in your education?

(1)Very involved

(2)Involved

(3)not very involved

(4) Not involved at all

Please comment on your right to education?

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Appendix IV

Questionnaire for Education Providers of Children with Disabilities General information

1. Name:..... Optional
2. Gender Male Female
3. Indicate your area by a Tick (✓) as appropriate
 - (1)Kibera
 - (2)Embakasi East
 - (3)Dagoreti
4. What is your marital Status? Tick (✓) as appropriate
 - (1)Single
 - (2)Married
 - (3)Separate
 - (4)Divorced
5. How old are you? Tick (✓) as appropriate
 - (1)18-20
 - (2)21-30
 - (3)31-40
 - (4) 41above
6. What is your educational level?
 - (1)Primary
 - (2)Secondary
 - (3)University/College
7. How long have you taught children with disabilities?
8. Are you aware of a child with disability's right to education?

YES NO

Explain your response

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9. What are some of the local and international human rights instruments/laws that protect and promote rights of children with disabilities?

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10. Who is in charge of protecting and promoting rights of children with disabilities in this school and why?

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11. When do you think the rights of children with disabilities are less protected and promoted in this school?

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12. Is there a particular disability that is most affected in this school?

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13. Can the abuse of human rights of children with disabilities be prevented?

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14. What mechanisms are in place to prevent and ensure reporting of abuse by CWD?

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15. What do you understand by "reasonable accommodation"?

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.....

16. In your opinion, what do you understand by the term universal design?

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17. Is this school accessible to children with disabilities in terms of toilets, playing ground and classroom?

YES NO Don't Know

Explain your response

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18. Have you undertaken any of special education training?

YES NO Don't Know

Explain your response

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19. Do you agree that the current curriculum including process of examination is accessible to children with disabilities?

YES NO Don't Know

Explain your response

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20. How do you handle the educational needs of different children with disabilities in this school?

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21. In your opinion, what is Inclusive Education?

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22. Does Inclusive Education promote access to education for children with disabilities?

YES NO Don't Know

Explain your response

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23. Do you agree with the view that the county and central government are doing enough to support the education of children with disabilities in terms of budgetary allocation and general support?

YES NO Don't Know

Explain your response

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24. What should be done to improve access to education for children with disabilities in Nairobi county?

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25. Give any other comments you would like to make on rights to education for children with disabilities?

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Appendix V

Key Informant Interview Guide

The following are questions to be discussed in the Focus group discussion with Key informants.

1. Do children with disabilities have equal opportunity to access primary education?
2. Is the school environment accessible to disabled children?
3. What main challenges do children with disabilities face in accessing primary education?
4. What are some of the possible solutions to the challenges described above?