

**AN EVALUATION OF ACCESS TO VOTING RIGHTS FOR PERSONS WITH  
MOBILITY-IMPAIRMENT IN NAIROBI COUNTY**

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**DECLARATION**

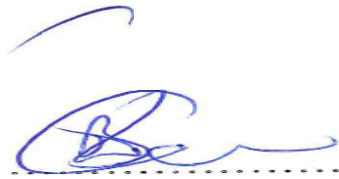
This Research Project is my original work and has not been presented for any other academic award at the University of Nairobi or any other institution.

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## **DEDICATION**

I dedicate this research work to my husband, Mr. Henry O. Ocharo, my two (2) daughters, Miss. Alice K. Ocharo and Miss Celine B Ocharo, and to my two assistants, Ms Judith Nyawate and Miss Beatrice Wanyonyi; for their inspiration and moral support

.

## ABSTRACT

The study examined access to voting rights for persons with mobility-impairment in four constituencies within Nairobi County in Kenya. Voting rights are protected in international, regional and national law. Article 29 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), underscores the equal right of PWDs to participate in political life. Article 2(5) and (6) of Kenya's Constitution has domesticated these provisions as part of Kenya's legal system. Consequently, Article 54 of Kenya's Constitution guarantees PWDs reasonable access to all places. These broad provisions have been implemented by Section 3 of the Elections Act, 2011 and Section 29 and 30 of the Disability Act, 2012. The state has a duty to protect voting rights for PWDs and those with mobility-impairment in particular. However, these are general provisions that have not guaranteed PWDs full participation in the voting process in a manner that is consistent with democratic principles.

The aim of the study was to establish how persons with mobility impairment exercised their voting rights during the 2017 general election. Respect for the right to vote for PWDs is only observed on paper since they experience insurmountable challenges in the process. These challenges not restricted to the actual voting period include: inadequate laws and policies, illiteracy and poverty, stigma and cultural attitudes, physical accessibility in registration and access to electoral centre's. The low voter turnout among persons with mobility-impairment in the 2017 elections in Kenya is simply a manifestation of the greater likelihood of experiencing voting difficulties.

The study was based on three hypotheses: first Kenya's laws are inadequate in as far as the protection of voting rights for persons with mobility impairment is concerned. Secondly, persons with mobility impairment face many barriers that impact their exercise of voting rights. Thirdly, structures and systems put in place to enable persons with mobility impairment exercise their voting rights have not been successful. The study used qualitative methods especially descriptive survey research design to assess the level of participation in voting for persons with mobility impairment in Kenya for the year 2017. The justification for the study was that persons with mobility impairment are not considered in schemes designed to facilitate free and fair elections. Two primary data collection instruments were employed to collect information from the respondents, the questionnaire and the interview guide.

The questionnaire was specifically distributed to persons with mobility impairment, while the interview guide was used to collect data from IEBC, the Association of Physically Disabled Kenya (APDK) and Kenya Institute of Special Education (KISE). In the 4 constituencies less than 30% of persons with mobility impairment were able to vote owing to architectural and other physical barriers, attitude barriers, lack of information and communication, ineffective legal, policy and regulatory environment, lack of transport to polling stations and fear of political violence. Some recommendations to improve access to voting rights for persons with mobility impairment would include addressing some of the challenges articulated above. In particular, the following would be key; introduction of electronic voting, special queues, early voting and mobile polling stations for persons with mobility impairment. Enhancement of awareness campaigns, amendment of electoral laws, construction of disability-friendly buildings with wide doors, low tables, increase the number of polling stations, recruitment of staff sensitive to persons with mobility impairment and enforcement of existing laws to address political violence.

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## **LIST OF ACRONYMS AND ABBREVIATION**

|               |  |
|---------------|--|
| <b>ACHPR</b>  | The African Charter on Human and Peoples' Rights                           |
| <b>APDK</b>   | Association of Physically Disabled Kenya                                   |
| <b>CDT</b>    | Critical disability theory   |
| <b>CEDAW</b>  | Convention on the Elimination of all forms of Discrimination against Women |
| <b>UNCRPD</b> | United Nation Convention on the Rights of Persons with Disabilities        |
| <b>CCBRT.</b> | Comprehensive Community Based Rehabilitation in Tanzania                   |
| <b>IEBC.</b>  | Independent Electoral and Boundaries Commission                            |
| <b>IFES</b>   | International Foundation for Electoral Systems                             |
| <b>ICCPR</b>  | International Convention on Civil and Political Rights                     |
| <b>ICERD</b>  | International Convention on the Elimination of Racial Discrimination       |
| <b>IHRL</b>   | International human rights law   |
| <b>ICSECR</b> | International Convention on Social, Economic and Cultural Rights           |
| <b>KPMG</b>   | Klynveld Peat Marwick Goerdeler  |
| <b>KNBS</b>   | Kenya National Bureau of Statistics  |
| <b>NASCOH</b> | National Association of Societies for the Care of the Handicapped          |
| <b>NCPWD</b>  | National Council for Persons with Disabilities                             |
| <b>PWD</b>    | Persons with Disabilities  |
| <b>UDHR</b>   | Universal Declaration of Human Rights                                      |
| <b>UN</b>     | United Nations   |
| <b>WHO</b>    | World Health Organization  |

## CHAPTER ONE

### GENERAL INTRODUCTION

#### 1.1 Background to the Study

The right to vote is critical to democracy as encapsulated in Article 29 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which underscores the equality of all persons to participate in political life. Voting is the right that all others depend upon as it provides people with the ability to voice their opinions about important issues in their community such as healthcare, transportation, education, and much more. Voting is also a fundamental aspect of the democratic process that enables individuals with the ability to influence decisions that affect their lives (Virendrakumar, 2017). However, persons with mobility impairment have often been discriminated against in this regard. This research explored the extent to which persons with mobility impairments exercise their voting rights within Nairobi City. It examines why even after the passage of friendly laws for PWDs, persons with mobility impairment are still not able to freely exercise their voting rights.

The number of people who live with disability is not very well known, for example, the World Health Organization (2011), estimates that 10% or 650 million people of the world population is affected with one form of disability or the other. It is estimated that globally, approximately over a billion people (15% of the global population) live with some disability (World Bank, 2011). Universally, PWDs are almost always marginalized and denied their basic rights (United Nations, 2007). Although the number of mobility-impaired persons is not very well known, the rapid rise in the number of old people in third world countries is set to make persons with mobility impairments become the fastest growing category of PWDs (WHO, 2011).

The IEBC does not have specific numbers of persons with mobility-impairment who registered as voters. However, estimates can be gleaned first from the last population census of 2009 and the IEBC register in 2017. In the 2017 general election, Kenya had 19,646,673 registered voters (KPMG, 2017). Out of this, 143,812 (0.73%) were PWDs. Nairobi County had a total of 2,258,479 registered voters or 11.5% of the total registered nationwide voters. Out of this, a total of 5545 (0.24%) are PWDs. According to the latest statistics, persons with mobility impairment form the largest percentage of PWDs at 35% (KNBS, 2009). This would put the total number of registered voters with mobility impairment in Nairobi County at 1941.

The reason why voting rights for persons with mobility impairment should be protected is that the preamble to the UDHR (1948) provides that all human rights are interrelated, inalienable and indivisible. Many states have failed to mainstream disability-sensitive legislation that would enable PWDs live in dignity. Voting rights for PWDs globally and Kenya in particular reflects this sad trend. Findings by the UN (2007), have shown that PWDs often live on the fringes of society as the largest group of marginalized persons. Considering that 650 million people globally live with disability, when their families are added it would translate into 2 billion people who are affected in one way or the other with disability (UN, 2007). Statistics on PWDs show that 20% of all PWDs live in extreme poverty, 98% of disabled children in developing countries do not attend school, and 30% of the world's street children live with disability. Literacy levels among adults living with disability are very low at 3% and worse for women with disabilities which stand at 1% (UN, 2007). Largely the protection of voting rights for persons with mobility impairments is that it allows them participate fully in the governance and decision making hence maximizing their

right to dignity.

## **1.2 Statement of the Problem**

Persons with mobility impairment in Kenya are yet to exercise their full range of voting rights because the laws (both at international, regional and domestic level) are still on paper and very little has been done to implement them in full. Thus persons with mobility impairment do not benefit from measures designed to facilitate other forms of disability.

Article 54 of Kenya's Constitution, entitles PWDs reasonable access to all public places such as public transport, information, educational institutions and facilities compatible with their respective disabilities (KNCHR, 2016: 12). Thus, the State is duty-bound to respect, fulfill, promote and protect voting rights for persons with mobility impairment. The enactment of the Persons with Disabilities Act of 2003 to operationalize the rights of PWDs was one important step coming out of this effort. Consequently, the right to vote for PWDs is supposed to be available to everyone with a disability without discrimination. For those with mobility impairment, measures should be taken that would ensure they participate in the voting exercise. However, this is yet to materialize.

Kenya's fundamental rights and freedoms are protected in Chapter 4 of the Constitution. This protection is provided under the national values and principles of governance. This is reinforced by Article 10 that binds all state organs, public officers and all persons that seek to apply or interpret the Constitution or in the process of implementing public policy decisions and the promotion of non-discrimination. Failure to fully implement these provisions that would facilitate participation in the voting exercise is a violation of fundamental rights and freedoms of persons with mobility impairment.

### **1.3 Broad Objective**

The broad objective is to determine the exercise of voting rights for persons with mobility-impairments in Kenya.

### **1.4 Specific Objectives**

1. To identify factors that hinder people with mobility impairment from participating effectively in elections
2. To determine steps taken to protect voting rights for persons with mobility impairment
3. To explore measures that facilitate persons with mobility impairment to participate in voting

### **1.5 Research Questions**

1. What are some of the barriers that affect the right to participate effectively in the voting process by persons with mobility impairment?
2. To what extent do laws and policies meant to protect voting rights for persons with mobility impairment effective?
3. How can persons with mobility impairment be facilitated to enjoy their voting rights?

### **1.6 Hypotheses**

1. Kenya's laws are inadequate in as far as the protection of voting rights for persons with mobility impairment is concerned.
2. Persons with mobility impairment face many barriers that impact their exercise of voting rights.

3. Structures and systems put in place to enable persons with mobility impairment exercise their voting rights have not been successful.

## **1.7 Operational Definitions of Terms**

### **Disability**

Disability includes any form of physical, sensory, mental or other impairment including any visual, hearing, learning or physical incapability which impacts adversely on social, economic or environmental participation (Persons with Disability Act, 2003).

### **Impairment**

Impairments are problems in body function or alterations in body structure such as paralysis or blindness (WHO, 2011). Individuals are impaired if they experience physiological or which are socially identified as problems

### **Mobility**

Mobility is an individuals' ability to move about effectively in his or her surroundings (WHO, 2011).

### **Mobility-impairment**

According to the WHO (1980), mobility impairment involves alteration/limitation in independent, purposeful physical movement of one or more parts of the body. The alteration in the person's mobility may be temporary or permanent. Most diseases of a rehabilitative nature involve some degree of immobility. It includes varying degrees of physical disabilities like upper or lower limb loss, manual dexterity and inability to co-ordinate various organs of the body. Mobility impairment can be congenital or acquired or maybe caused by disease. People with broken skeletal structure also fall into this category of disability (WHO, 1980).

### **Voting Rights**

Voting rights consist of a bundle of rights protected under international, regional and

domestic law (constitutional and statutory) that protects a citizen's right to vote without discrimination based on race, colour, gender, disability or any other grounds (Garner, 2009).

### **1.8 Justification of the Study**

This study is justified at three levels: first, persons with mobility impairments comprise a large segment of our population, but little research has been done to determine what specific challenges they encounter in the process of accessing voting rights. Secondly, due to the unavailability of disability studies conducted in Kenya, the study would contribute to available research. This is because whatever is referred to in this study is based on developed countries whose context is totally different from that of a developing country like Kenya. This study envisages filling this gap. Thirdly, and more importantly, the study would also inform all concerned state agencies of the level of implementation of international obligations that would enable persons with mobility-impairments access voting rights.

### **1.9. Scope and Limitation of the Study**

The scope of this study is access to voting rights for persons with mobility-impairment in Nairobi City County, Kenya. The study does not cover other forms of disability such as speech, hearing, visual, developmental, physical and hearing. This is important because although there is some degree of shared challenges, persons with mobility-impairments in Kenya and elsewhere largely face unique challenges in exercising their right to vote. Solutions to these challenges will equally be different for each category of disability. The study endeavours to demonstrate that whereas enactment of laws is important, it should at the very minimum address the specific needs of various categories of disability. It further shows that a focused analysis on one group not only brings out the specific and unique challenges but would also facilitate prescription of specific solutions.



The study has a number of limitations, for a start this group of disability does not form part and parcel of classifications of persons with disabilities recognized in official documents. With respect to data collection, families do not readily accept and declare that one of their members has any form of mobility-impairment which will challenge the collection of data. Secondly, the focus of the study is in the capital city: Nairobi City, which is one of the most urbanized regions of the Country. The findings of the study are unlikely to be replicated in other counties that can be described as urban or rural. Touching on data collection, the data collected does not factor in education or literacy levels, gender considerations, age and economic status of the respondents.

## CHAPTER TWO

### LITERATURE REVIEW

#### 2.1. Justification for Voting Rights for Persons with Mobility Impairment

Quin (2002), has observed that throughout history, PWDs in general and mobility impairment in particular were not granted rights due to the view that they were mere objects of pity. This perception led to PWDs being invisible in many spheres throughout history. It is only recently, that the human rights perspective on disability was recognized internationally. That being the case it is important to address essential values and rationale associated with disability if it has to become the primary concern of the international human rights law in an effort to bring positive change. The notion of human value recognized in international means that PWDs aspire to have: dignity, autonomy, equality and solidarity (Quin, 2002).

According to Quinn (2002), dignity presupposes that everyone is important. All human beings have inherent self-worth which is broader than the economic, physical or social standing. For that reason, PWDs have rights just like the rest of the human race that require to be honoured in the recognition that all human beings are ends in themselves not the means to the ends of others. Similarly, PWDs cannot be ranked in terms of their usefulness by screening out those with significant differences (Quinn, 2002).

Quinn (2002) argues that autonomy is useful in enabling PWDs the free and space for voluntary action pursuant to one's conscience. The assumption behind autonomy is that all human beings have the capacity to determine their behavior so long as they respect the rights of others. For PWDs, disability becomes an impediment to autonomy since it restricts the action and movement of those affected. The role of society in that case is to set up structures that enable persons with mobility-impairment make their choices unhindered by existing

impediments (Quinn, 2002).

The value of equality for all is encapsulated in many legal human rights instruments. That all persons have self-worth is not in question as a sign of dignity but are equal despite their differences (Quinn, 2002). According to this view, making distinctions between human beings based on any other consideration is not only unfounded but irrational as well. All people should be treated equally and therefore none should be discriminated against. Equality facilitates a genuine that promotes a positive approach to human differences without denying individual differences. The view advanced here is that disability and other differences in general is not sufficient ground to deny persons with mobility impairment the exercise of voting rights.

Human beings are social being, a value that is often reminded by solidarity (Quinn, 2002). Solidarity helps or solidifies existing mutual ties between people arising from shared membership of a given political community. Solidarity enhances peoples' level of participation in all societal endeavors; persons with mobility-impairment are entitled to it as well as part and parcel of society.

Dignity, equality, autonomy and solidarity are the pillars and foundational to a human-rights' approach to disability. Other than to justify why PWDs should be seen as subjects and holders of rights not as objects the right of who is to be determined by others. That is the goal behind the human-rights' perspective to disability, the main objective of which is maximizing the visibility of these persons with mobility impairment in all political, economic, social, cultural, legal and attitudinal land marks of society (Quinn, 2002).

## **2.2 Human-Rights' Approach and Foundation of the Right to Vote**

Voting rights form part and parcel of the larger political-rights entitlement in the election process that allows for participation in the decision-making process of a democratic state. According to Quinn (2002), access to voting therefore becomes a critical tool for PWDs to ensure accountability of elected representatives (General Comment no. 25, paragraph 5). The sovereignty of the Kenyan people is protected by Article 1, of the Constitution, a power they exercise through the election process. The right to vote for PWDs is protected in international, regional and domestic law. Kenya has ratified many of the international human rights instruments that protect voting rights for PWDs and pursuant to Article 2(5) and (6) of the Constitution, these instruments are part of Kenya's legal system. The pillars of these instruments are founded on the principles of equality and non-discrimination. Under the rule of *pactasuntservanda*(treaties are signed to be binding) (Preamble, Vienna Convention), Kenya has legal obligation to ensure all persons within its jurisdiction do not suffer discrimination and are equal in exercise of their human rights including the right to vote for PWD. The right to vote in Kenya for PWDs is protected in Article 38(3)(a)(b) and 83(3) of the Constitution, Section 3 of the Elections Act, 2011 and Section 29 and 30 of the Disability Act, 2012. However, these are general provisions that might not guarantee that PWDs will fully participate in the voting process in a manner that is consistent with democratic principles.

## **2.3. Context of the Right to Vote**

According to a study conducted by KPMG (2017), the democratic process respects the concept of one-man-one-vote and the participation of persons with mobility-impairment is fundamental to the fulfillment of this process. However, persons with mobility-impairment face many challenges in their effort to exercise the voting right such as attitudinal and

cultural barriers, information and communication, their social and economic status, legal, policy and regulatory environment, poor accessibility to polling stations, narrow doorways and stairs and lack of ramps. It becomes necessary that steps are taken to ensure they participate in the voting process (Lord and Stein, 2014).

Voting rights for PWDs has received a lot of support in international and regional human rights instruments. The Preamble of UDHR asserts the universality of human rights. It prohibits all forms of discrimination including those perpetrated under the pretence of disability (UDHR, Article 2). The right to vote is expressly provided in Article 21 of UDHR comprising, two elements: “The right to take part in the conduct of public affairs directly or through freely chosen representatives” (Article 21, UDHR). And “the right to vote and to be elected at genuine periodic elections which shall be made by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.”. The UDHR was instrumental in the formation of two binding international legal instruments in 1966 namely the ICCPR and ICSECR. The CRPD was the first instrument to recognize full and effective participation of PWDs in article 3(c) followed by the general obligation to “closely consult with and actively involve PWDs in all aspects of decision making provided for in article 4(3).

Mutua (2000), has observed that the last three decades have seen a remarkable improvement in the human rights movement in Africa through the adoption of various human rights standards. Article 13 ACHPR, began this journey by providing a generation of innovative rights involving not just peoples’ rights but individual responsibilities as well (Mutua, 2000). There have been recent demands for opening up of political space for the sake of the protection of civil and political rights (Viljoen, 2007). According to Viljoen (2007), Africa

remains the only region lacking a disability component unlike the Organization for American States (OAS) that has a disability-specific Convention which is named the “Convention on Elimination of All Forms of Discrimination against PWDs”. Regional instruments have no express provisions on the right to vote which is implied from existing human rights instruments namely: the ACHPR, Protocol additional to the ACHPR (The Women’s Protocol) and the African Charter on Democracy, Elections and Governance (The Democracy Charter).

At the domestic level, key legislative and policy measures have been taken to operational norms that would advance rights of PWDs. PWD Act of 2003, is so far the only statute that exclusively addresses PWDs. However, only minor parts of the Act have been implemented. The government has gazetted several sections, such as accessibility to public buildings and transport and income tax exemption for people with disabilities, but progress is slow.

#### **2.4. States’ Obligations**

States parties to the Convention have an obligation in article 4, to promote and ensure the full realization of all human rights and fundamental freedoms for all persons with disabilities, without discrimination (UN, 2007). Under this rubric state parties have three distinct obligations under the treaty: the obligation to respect, the obligation to protect and the obligation to fulfill. However, unlike socio-economic and cultural rights under the convention that should be realized progressively, civil and political rights of PWDs are required to be protected and promoted immediately.

#### **2.5. Barriers to Voting Rights for Persons with Mobility Impairment**

Persons with mobility-impairment experience a number of barriers in the voting process that

is not confined to one period of the voting stage. For that matter barriers to voting exercise depend on the particular stage of the election process (Electoral Institute for Sustainable Democracy in Africa, 2012). Before the elections focus is paid to the process of preparation that should be in an ideal case, support an accessible election. Specific challenges associated with persons with mobility-impairment during this period include: inadequate technical assessments that fails to accommodate issues of access to key election venues, election laws that are still discriminatory, an IEBC whose budgetary allocations are not sensitive to needs of PWDs. Additionally, at the polling stations there is a general lack of training for polling workers on how to administer the vote to people with mobility-impairment, there are also difficulties in getting national identity cards, voter registration carried out in locations that are inaccessible, inaccessible placement voter education and information materials, persons with mobility-impairment are excluded as observers in the elections. There is also a lack of persons with experience in advocacy in championing for voting rights for persons with mobility- impairment (EISDA, 2012).

Literacy levels and poverty have an effect on how people participate in the electoral process. According to Sackey (2014), studies done in Ghana have suggested that generally literate people participate in elections more than those who are not illiterate. The relationship between disability and education has been reported in many other studies (Voice of People with Disability Ghana, 2014). Therefore, it is not surprising that in this study, illiteracy among persons with mobility impairment was found to be an important barrier to their political engagement. Another study from Ghana indicates that the dropout rate for PWDs is higher and therefore many of them are functionally illiterate. This has a greater impact on their awareness of human rights and the unwillingness to participate in the election process (Sackey, 2014).

Stigma and cultural attitudes had a strong influence on the ability of persons with mobility impairment to participate in elections. Studies carried out in Ghana by Sackey (2014), show that over 95 per cent of persons with mobility-impairment are not just stigmatized but marginalized as well. The negative attitude towards mobility-impaired persons is attributed to traditional cultural and social norms that these type of impairments as some form of divine punishment.

Physical accessibility in registration and electoral points forms another barrier to voting ability for persons with mobility-impairment. If voters are not registered or their disability status is unknown, they may face accessibility challenges on the day of the election. In the alternative, they may not be able to vote at all due to lack of physical accessibility of registration points and polling stations across Africa (Sackey, 2014). As an illustration, in the Democratic Republic of Congo (DRC), election observer groups have reported challenges in accessing registration points due to the poor status of local roads. This necessitates voters to travel to the nearest centres, which in some cases were located in far flung areas sometimes as far as 20 kilometres away.

There are also mobility impairment-specific barriers since there is often an assumption that all PWDs are homogeneous and therefore are affected by same problems. This is far from the truth; some scholars have argued that the degree of exclusion from the electoral process was often determined by the type of impairment experienced by the voters (Sackey, 2014). For example, in Ghana, while wheelchair users had difficulty in accessing polling stations, deaf and blind people faced communication challenges at the centers, where political rallies were held.



## **2.6 Theoretical Framework**

The study used the critical disability theory (CDT) to explain why persons with mobility impairment are unable to access full voting rights in Kenya. In propounding CDT, Horkheimer, (1972), sought to provide a theoretical approach to the social forces of domination pervades PWDs.

CDT is an important tool to advance equality and promotion of integration into society by valuing the diversity they bring to society. Traditional theories consistently suppressed voices of disabled persons who tried to contest mainstream concepts of disability mainly perpetuated by able-bodied persons (Titchkosky, 2008). Only by listening to voices of PWDs is it possible to understand the true concept of disability unlike those perpetuated by those who are able-bodied. Similarly, language has a big influence on understanding the concept of disability and its status. For example, the images that are used to label the disabled should be positive. An assumption is held that language is neutral and transparent. This is far from the truth as language can be used as a political tool that can be used for non-transparent ideological underpinnings.

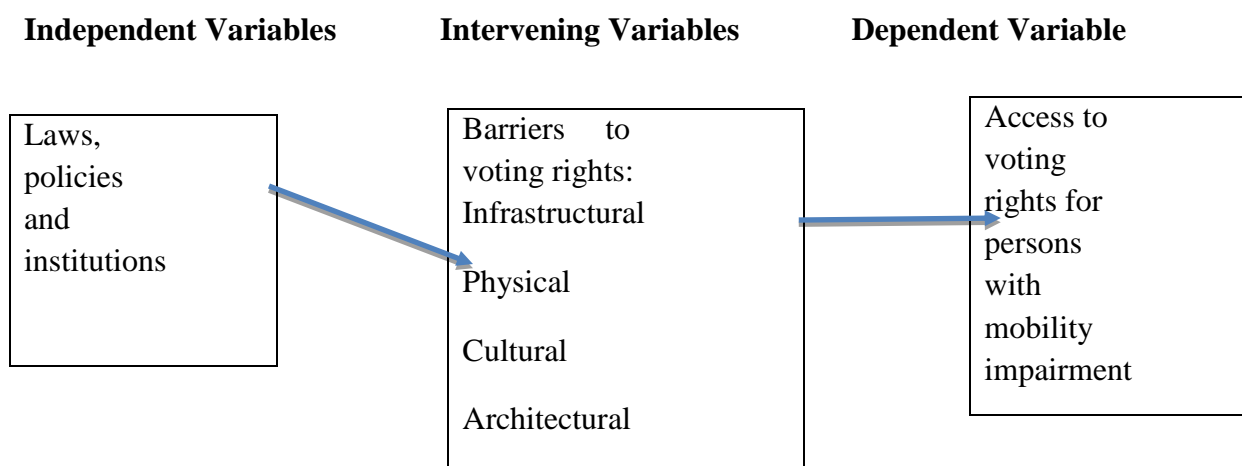
The gist of the CDT is not to reject the views of liberal rights but to expose how liberal-rights theories have failed to respond adequately to the needs and interests of PWDs either at the individual or collective level. This is demonstrated by the failure to include diversity of PWDs in the concept of equality. CDT values the transformation of society, economically, socially and politically. It is about power, who gets it and how it is valued (Devlin and Pothier, 2005). It thus provides a platform through which disability can be democratized by balancing the relationship between the law and disability that identifies sources of oppression and how to address them. It also seeks to identify the positive role of law, by using existing

legal institutions in the emancipation of PWDs. In the context of voting rights, it would seek to be more inclusive by allowing them more participatory role in all aspects of the voting process.

## 2.7 Conceptual Framework

The diagram below is a demonstration of the variables that impact on the exercise of voting rights for persons with mobility-impairment in Nairobi City County.

**Figure 1: Conceptual Framework**



This diagram shows the relationship between the independent and dependent variables. Independent variables include laws, policies, and barriers while dependent variable is access to voting rights for persons with mobility impairment.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1. Research Design**

The descriptive survey research design was used to investigate how persons with mobility impairment exercised their voting rights in the 2017 general elections. Using this method participant answered open and closed ended questions administered through interviews or questionnaires. After answering the questions, the researcher described the responses given. For purposes of reliability and validity the questions were constructed with utmost care. They were written down for ease of clarity and comprehension. According to Mugenda and Mugenda (2003), the value of open ended questions is to facilitate greater variety of responses from the participants. Both qualitative and quantitative data was collected.

#### **3.2 Study Site and Target Population**

The study took place in Nairobi City County because many persons with mobility impairment within the city are knowledgeable about their rights. The County is equally cosmopolitan comprising of 17 constituencies where all kinds of persons with mobility impairment can easily be found. Out of the total, 4 constituencies were chosen for this study due to their proximity to the researcher and were more accessible by transport from the city centre. The target population was 1941 persons with mobility impairment who registered as voters in Nairobi County. This means that for each 17 constituencies in Nairobi County, the target population would be 114 people per constituency. This number was arrived at after dividing the total number of persons with mobility impairment registered to vote with the number of constituencies.

### 3.3 Sampling Technique

The two types of sampling techniques used were: Snow ball sampling and random sampling to select participants for the study. Snow ball sampling technique was used to select persons with mobility impairment. This technique was used because it was not easy to find persons with mobility impairment since they were hidden away from the public due to cultural reasons. Community leaders facilitated the pre-selection of participants. Snowball sampling is a sampling method where participants help in the recruitment of other participants (Mugenda and Mugenda. 2003) especially where they are hard to find. Random sampling was used to select participants from the IEBC, APDK and another 10 from the KISE.

### 3.4 Sample Size

The respondents in this study were of two types: first were 160 persons (40 for each constituency) above 18 years old with mobility impairment, registered as voters in the 2017 elections within Nairobi County. For this group a questionnaire was administered. The second consisted of 20 officials from IEBC, 10 from APDK and another 10 from KISE. As such, the study selected a sample population of two hundred (200) respondents.

**Table 1: Table of Sample Size**

| <b>Category</b>   | <b>Number</b> |
|---|---------------|
| 40 respondents from each of the 4 constituencies with mobility impairment | 160           |
| 20 IEBC officials from Nairobi City County                                | 20            |
| 10 officials from the APDK and KISE                                       | 20            |
| <b>Total</b>  | <b>200</b>    |

This diagram shows the sample size of the respondents

### **3.5. Data Collection Methods**

Based on the research objectives, use of questionnaires and interviews as tools of collecting data were employed. Data was collected in four constituencies in 2018 between the months of October and December 2018. The questionnaires were administered to 40 persons with mobility impairment from each of the 4 constituencies in Nairobi County namely: Kibera, Starehe, Kamukunji and Makadara. The questionnaire consisted of both open-ended and closed-ended questions. On their part, the interviews were conducted on the IEBC officials and the officials from APDK and KISE. Both questionnaires and interviews were recorded on already prepared tools.

#### **3.5.1. Data collection instrument**

This study used two data collection instruments namely: interviews and questionnaires to collect primary and secondary data.

### **3.6 Data Analysis and Presentation**

After the data was collected it was analyzed using analytical techniques such as descriptive frequencies and cross tabulations. The findings were analyzed and interpreted to give meaning and express the views of the respondents. In this regard, responses from open-ended questions and interviews were analyzed thematically. In this accord, the responses were analyzed against the emergent themes and deductions made in response to the study objectives. The findings obtained were presented in Figures and Tables. Conclusions and inferences were made thereafter.

### **3.6.1 Ethical Issues**

While undertaking research the researcher was conscious of what was satisfactory and what was not. Many a time, undertaking social research presents an infringement on the lives of human beings from whom information is obtained. The respondents were guaranteed that the data collected would be used exclusively in compliance with confidentiality and for academic purposes only. The respondents were permitted to pull back from the procedure in the event that they felt uncomfortable.

## CHAPTER FOUR

### DATA PRESENTATION AND ANALYSIS

#### 4.1. Registration Patterns in Nairobi County

**Table 2: Registration Pattern**

| Constituency | Registered Voters | Those who responded | Percentage (%) | Those who did not respond | Percentage (%) |
|--------------|-------------------|---------------------|----------------|---------------------------|----------------|
| Makadara     | 40                | 32                  | 80             | 8                         | 20             |
| Kamukunji    | 40                | 35                  | 86             | 5                         | 14             |
| Starehe      | 40                | 30                  | 75             | 10                        | 25             |
| Kibera       | 40                | 23                  | 57.5           | 17                        | 42.5           |
| <b>Total</b> | <b>160</b>        | <b>120</b>          | <b>75</b>      | <b>40</b>                 | <b>25</b>      |

This diagram shows the number of persons with mobility impairment who registered to vote in each constituency in Nairobi County

The researcher distributed 160 questionnaires to respondents throughout the county (or 40 for every constituency) but only 120 or 75% responded, while 25% did not respond.

## 4.2 Voting Patterns for Persons with Mobility-Impairment

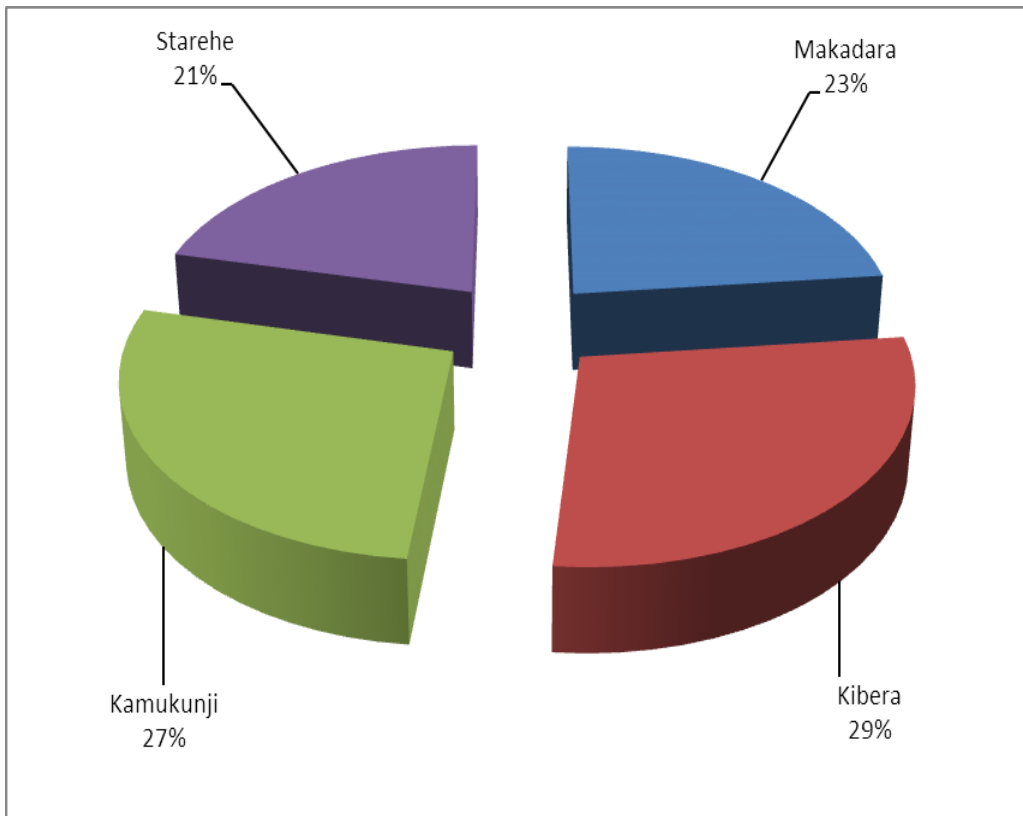
**Table 3: Voting Pattern**

| <b>Constituency</b> | <b>Reg. Voters</b> | <b>No. of those who voted</b> | <b>% of those who voted</b> | <b>Those who did not vote</b> | <b>% of those who did not vote</b> |
|---------------------|--------------------|-------------------------------|-----------------------------|-------------------------------|------------------------------------|
| Kibera              | 23                 | 16                            | 69.5                        | 7                             | 31.5                               |
| Starehe             | 30                 | 12                            | 40                          | 18                            | 60                                 |
| Kamukunji           | 35                 | 15                            | 42.1                        | 20                            | 57.9                               |
| Makadara            | 32                 | 13                            | 38.4                        | 19                            | 61.6                               |
| <b>Total</b>        | <b>120</b>         | <b>56</b>                     | <b>46.6</b>                 | <b>64</b>                     | <b>53.4</b>                        |

This diagram shows the voting pattern for persons with mobility impairment in selected constituencies of Nairobi County



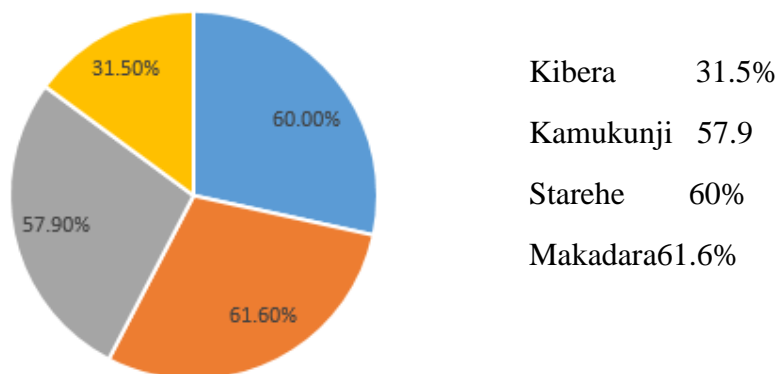
**Figure 2: Percentage of those who voted**



This pie chart shows the % of persons with mobility-impairment who voted in each of the four Constituencies in Nairobi County.

**Figure 3: Percentage of those who did not vote**

**% of those who did not vote**



This pie chart shows the percentage of persons with mobility impairment who did not vote in each of the four selected constituencies in Nairobi county.

On average only 46.6% of respondents in the four constituencies voted. The voting patterns for persons with mobility-impairment in the four constituencies are consistent with other studies done in Ghana, Malawi, Nigeria and Sierra Leone. According to Sackey (2014), on average PWDs in general and those with mobility impairment in particular are less likely to exercise their voting rights due to various barriers enumerated below.

#### **4.3 Barriers to Voting Rights for Persons with Mobility-Impairment**

Persons with mobility-impairment face a number of challenges in exercising their voting rights including: These barriers can be classified into: architectural and physical barriers, attitude barriers, information and communication, the legal framework and policy, regulatory environment and socio-economic status of persons living with disability, lack of transport to polling stations and fear of political violence on the part of the mobility-impairment.

**Table 4: Voting rights for persons with impairment**

| <b>Barrier</b>                                  | <b>Frequency</b> | <b>Percentage (%)</b> |
|---|------------------|-----------------------|
| Inadequate Laws and policies                    | 6                | 7.2                   |
| Accessibility to Polling Stations               | 24               | 28.8                  |
| Architectural and other Physical Barriers,      | 21               | 25.2                  |
| Socio-Economic and Cultural Barriers            | 11               | 13.2                  |
| Technical Barriers (awareness about candidates) | 13               | 15.6                  |
| Infrastructural Barriers                        | 12               | 14.4                  |
| Information and Communication                   | 9                | 10.8                  |
| Political violence                              | 18               | 22.6                  |
| Others  | 4                | 4.8                   |

This diagram shows the barriers to voting rights for persons with mobility impairment.

In total, out of the 120 people who responded, 56% or 56 respondents did not participate in the 2017 elections for various reasons: 6 or (7.2%) respondents thought it was due to inadequate laws and policies, 24 or (28.8%) respondents thought it was due to inaccessibility to polling stations, 21 or (25.2%) of the respondents were convinced that it was due to architectural and other physical barriers, 11 or (13.2%) respondents thought it was due to socio-economic and cultural barriers, 13 or (15.6%) respondents cited technical barriers, 12 or (14.4%) mentioned other infrastructural barriers, 9 or (10.8%) respondents viewed information and communication as a major barrier, 18 or (22.6%) feared political violence and lastly 4 or (4.8%) of the respondents did not have a good reason for not voting.

### **4.3.1 Inadequate Legal, Policy and Regulatory Environment**

The fact that 6 or (7.2%) of the respondents thought that inadequate laws and policies contributed largely to their inability to exercise voting rights is an indictment on the failure by the Kenya government to put in place laws that are facilitative for PWDs in exercising voting rights.

### **4.3.2. Accessibility to Voting Centres**

Access to information about the location and logistics of voting itself is important in enabling access to particular voting centers. However, 24 or 28% of the respondents were convinced that accessibility to polling stations was adequate. Persons with mobility impairment found it challenging to reach voting centers while using vehicles or wheelchairs to reach the polling venues.

#### **4.3.2.1 Narrow Doorways**

The width of the doorway can either enable or hamper movements of persons with mobility-impairment to exercise the voting right. For example, polling centers did not have doors that were wide enough for wheelchairs. Door knobs/door handles could not easily be used by a person who is standing or sitting. The presence of physical obstacles in these doorways was also an obstacle. Besides, the doors were not user-friendly to persons with mobility-impairment (CCBRT, 2010).

#### **4.3.2.2. Lack of Stairs**

Many of the building that were storied did not have alternative provision for lifts in their polling stations as an indication of user-friendly stations for mobility-impaired voters. The net effect is that most voters with mobility-disabilities were either not able to vote or had to

be assisted to do so. Many more would be discouraged from going to the polling stations for the same reason (CCBRT, 2010).

#### **4.3.2.3. Lack of Special Ramps**

The vast majority of polling stations did not have special paths/ramps that are normally constructed to enable people with disabilities, particularly those who have persons with mobility- impairment to facilitate access to buildings easily. There were no handrails that would facilitate easy movement. With regard to the width of the ramps, only four out of seven respondents described the ramps as being wide enough and that they did not have steep slopes the ramps were equally narrow and a bit steep (CCBRT, 2010).

#### **4.3.3 Access to Information and Communication Barriers**

Limited access to information was cited by 9 or 10.8% of the respondents, for example many polling stations lacked signposts inside the stations to direct voters, particularly those with disabilities or when they were available they were high. Voting supervisors referred people to the notice board, something that is very difficult for persons with mobility-impairment since the whole area has inaccessible paths, and the names are posted very high on the wall, making it hard to read for a person with disability. The voting table was also very high, which was difficult to reach for people with disabilities. When buildings are constructed without regard for persons with mobility-impairment, storied buildings are clearly a major obstacle to their mobility for instance many of them do not have elevators in those stations (CCBRT, 2010).

#### **4.3.4 Architectural and other Physical Barriers**

According to 21 or 25% of respondents, architectural and physical barriers were responsible

for the failure of many persons with mobility-impairment not to participate in the voting exercise. Architectural and physical barriers formed some of the most challenging barriers affecting the registration of voters and persons with mobility impairment in particular. Most registration centers in the country are located in public institutions such as schools, churches among others. These places are not always conducive to persons with mobility-impairment because they lack proper sanitation facilities for use by persons with mobility-impairment. Most buildings in the voting areas either have staircases or steps and not ramps, escalators or lifts thus making it difficult for persons with mobility-impairment to access polling stations.

#### **4.3.5. Socio-Economic and Cultural Barriers**

When asked whether socio-economic and cultural factors were a barrier in the exercise of voting rights, 11 (13.2%) of the respondents answered in the affirmative. Persons with mobility impairment experience internal and external attitudinal barriers to participation in the voting process. Internal barriers show that they generally suffer from low self-esteem due to deeply rooted social neglect. External attitudes arise from historical perception of persons with mobility-impairment by society as being incapable and unfit to participate in public life including voting. They are viewed as being weak, hopeless, and dependent and as a source of pity. The impression given is that persons with mobility-impairment have little to offer or say in public sphere, that providing them with voting opportunities would not change.

#### **4.3.6. Technical Barriers**

Technical barriers in this study refer to awareness about electoral candidates. 13 or 15.5% of respondents were convinced that technical barriers contributed towards poor show by persons with mobility-impairment in the voting exercise. For a majority of them it was borne of the fact that persons with mobility-impairment have a feeling and a justified one that the

government, political parties, the electoral management body (IEBC) and other bodies involved in the election process has neglected them. For example, they point to the absence of awareness raising campaigns that specifically target PWDs. Access to information for most of them was limited in terms of where the place of election would be.

#### **4.3.7 Infrastructural Barriers**

Persons with mobility-impairment do not just suffer from attitudinal and technical barriers but infrastructural barriers as well. For example, 12 (14.4%) of the respondents found it difficult to access polling stations because when decisions are being made on where to place polling stations, persons with mobility impairment are not consulted.

#### **4.3.8 Risks of Political Violence**

The study found out that the safety and security of voters with mobility-impairment was highly compromised in the likely event of political disturbances through violence. 18 or 22.8 % of respondents thought the risk of political violence was a barrier for persons with mobility impairment to participate in elections. This position was probably justified based on the history of political violence that the country witnessed especially in the 2007 elections and other elections in the past. Violence was rife in previous elections unlike the 2013 elections which had very few reports of violence or the threat of violence. The tense political and electoral environment in the past could have given rise to fears of violence. Other elections in the past were characterized by violence perpetrated by opposing political parties to an extent where people were maimed and others could have lost their lives.

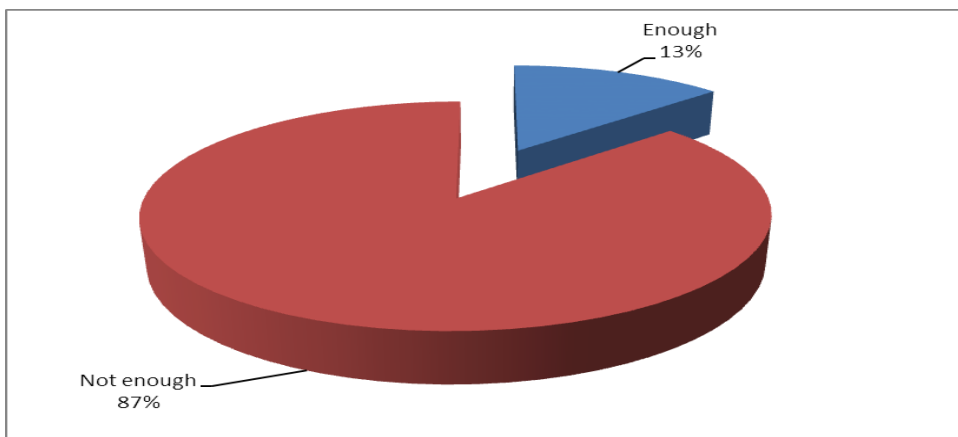
#### **4.3.9 Other Barriers**

Another group of respondents could not clearly point out factors that made them not vote.

Many of them had developed apathy over the country’s electoral system. 4 or (4.8%) of the respondents did not have a good reason for not voting other than the fact that they had not seen any major changes in the governance of the country since they began voting and were not optimistic. They reasoned that they had voted many times in the past hoping for change that had been elusive.

#### 4.4 Adequacy of Responses by IEBC

**Figure 4: Whether IEBC had done enough to facilitate voting by persons with mobility impairment**



This pie chart shows the level of facilitation by IEBC for voters with mobility impairment in Nairobi County.

While considerable concern has been raised over the ability of persons with mobility-impairment to freely vote, the electoral management board has done little to allay those barriers. Although during the voting process, 100 or 86.6% of the respondents believed that IEBC had not done enough to reach voters with mobility impairment for purposes of voter education. However, 20 or 14.4% of respondents believed otherwise. Without strengthening electoral laws by way of amendments in parliament which is the only effective way of dealing with electoral imbalances for those with mobility-impairment, IEBC could only do so

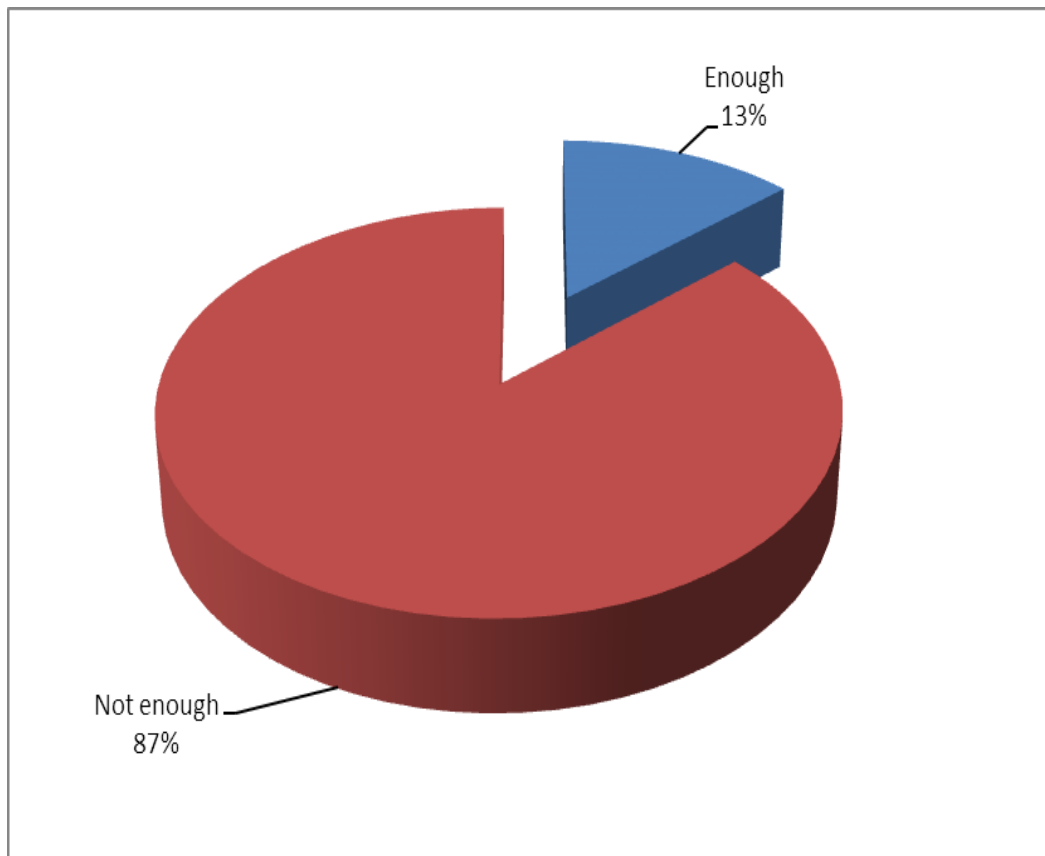


much. Participants who worked in the legal field articulated the role of comprehensive policies and legislation. The role of legislation was to provide realistic guarantees since voting matters were a rights issue rather than a charity issue. Another respondent argued that:

Most of our concerns about the inadequacies of the electoral process may not mean much if they are not backed up by comprehensive legislative provisions. The amendment that legalized being assisted to vote by an assistant of one's choice came as a result of advocacy work and lobbying of our organizations and was not an initiative of IEBC and that is what we need (Nganga from Kamukunji Constituency).

This situation was exacerbated by the fact that IEBC had never hired an individual with mobility-impairment as an electoral official since independence in 1964. When asked whether IEBC had ever employed a person knowledgeable about mobility impairment, 90 or 75% of respondents answered no. This meant that they were not aware that the IEBC had employed a person with mobility impairment or knowledgeable about this type of disability. However, 30 or 25% of the respondents answered yes to the question whether IEBC had employed persons knowledgeable about mobility impairment. The respondents made some suggestions on what IEBC could do to assist persons with mobility-impairment participate in general elections. Early voting, electronic voting, special queues, awareness campaigns, change in laws, disability- friendly buildings (wide doors, low tables), increased number of polling stations, recruitment of more sensitive staff, enforcement of the law and mobile polling stations.

**Figure 5: Employ persons with knowledge about mobility impairment**



The pie chart shows responses to question of employment by IEBC of persons knowledgeable about matters of mobility impairment.

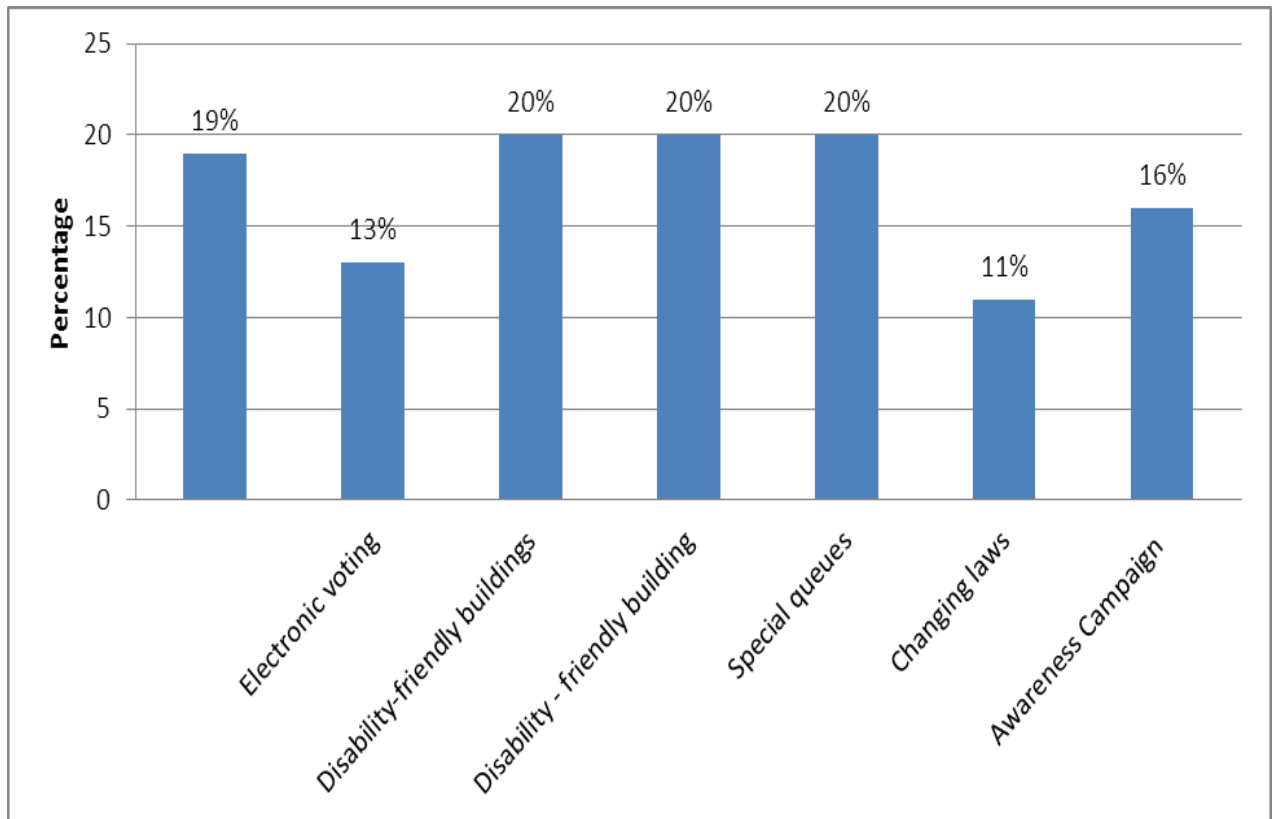
#### 4.5 Suggested Solutions

**Table 5: Suggestions that would help IEBC better assist mobility impaired people's access voting rights**

| <b>Suggested Solutions For IEBC</b>                       |                  |                        |
|---|------------------|------------------------|
| <b>Solution</b>   | <b>Frequency</b> | <b>Percentages (%)</b> |
| Electronic voting   | 10               | 8.6                    |
| Special queues  | 16               | 13.3                   |
| Awareness campaigns                                       | 13               | 10.8                   |
| Change in laws  | 9                | 7.5                    |
| Disability-friendly buildings<br>(wide doors, low tables) | 16               | 13.3                   |
| Increase number of polling<br>stations                    | 15               | 12.5                   |
| Recruitment of more<br>sensitive staff                    | 8                | 6.6                    |
| Enforcement of existing law                               | 6                | 5                      |
| Mobile polling stations                                   | 15               | 12.5                   |
| Early voting  | 15               | 12.5                   |
| <b>Total</b>  | <b>120</b>       | <b>100</b>             |

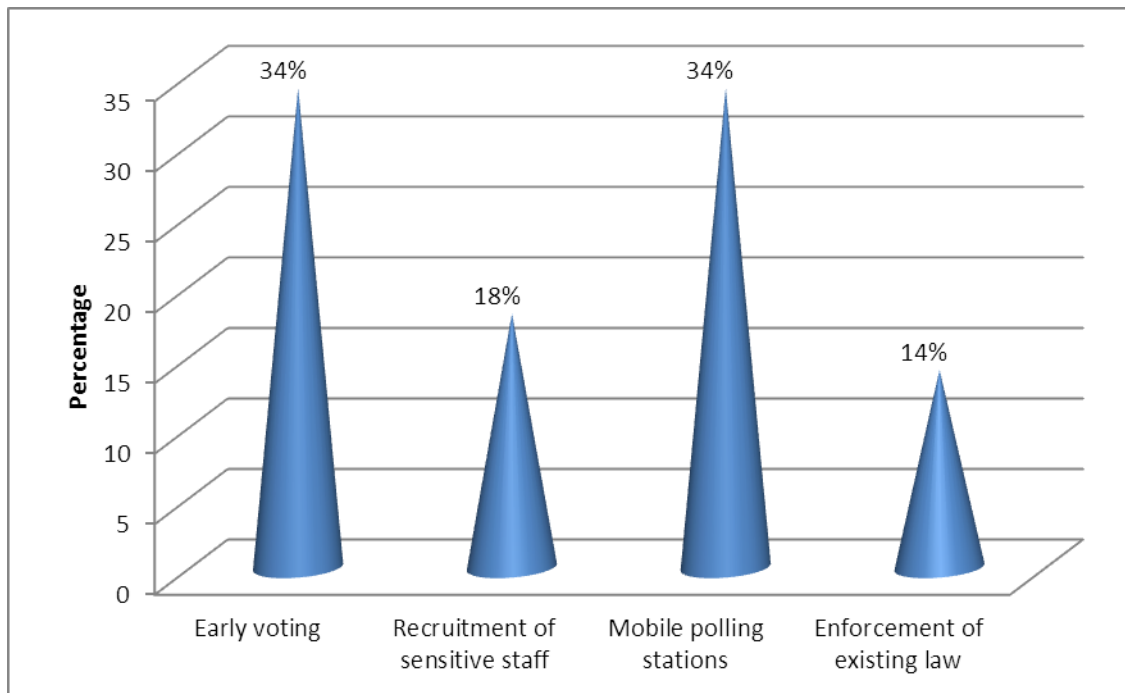
The diagram shows suggestions that would help IEBC better assist mobility impaired people's access voting rights

**Figure 6: Enhancement of voting for persons with mobility impairment**  
**Suggested solutions to enhance voting for persons with mobility impairment**



The Bar Graph shows the respondents' views on how access to voting for persons with mobility impairment could be enhanced.

**Figure 7: Respondents' views on other steps that would enhance voting for persons with mobility impairment**



The Bar graph shows respondents' views on other measures that would enhance voting for persons with mobility impairment.

The respondents made a number of suggestions that if followed would improve the voting patterns of persons with mobility impairment and thereby their democratic rights and freedoms. 10 respondents or (8.6%) suggested the introduction of electronic voting, 16 respondents or (13.3%) special queues, 13 respondents or 10.8% suggested awareness campaigns, 9 respondents or 7.5% thought laws should be changed, 16 respondents or 13.3% construction of disability-friendly buildings with wide doors, low tables, 15 respondents or 12.5% viewed increase in the number of polling stations, 8 respondents or 6.6% thought recruitment of sensitive staff would do it, 6 respondents or 5% suggested enforcement of existing law, 15 respondents or 12.5% thought it should be mobile polling stations while

15 respondents or 12.5%) had suggested introduction of early voting for persons with mobility impairment

#### **4.6 Challenges Faced by IEBC in the Election Process**

The researcher set out to determine which challenges were faced by the IEBC in addressing barriers to voting for persons with mobility-impairment. 50 members of the IEBC APDK were scheduled to be interviewed but only 30 responded; (60%) were available. Respondents from IEBC and APDK when asked which challenges they experienced during the electioneering period mentioned: little interaction with persons with mobility-impairment 3 (10%) respondents, lack of facilities was cited by 3 (10%) of the respondents, inadequate electoral laws was cited by 7 (23.1) of respondents, failure to enforce laws was cited by 5 (15%) respondents, lack of resources to lobby members was mentioned by 2 (6.6%) respondents, lack of facilitation for persons with mobility-impairment to access voting venues was mentioned by 4 (13.2%) of the respondents. Lastly, for 6 (20%) of the respondents it was due to lack of awareness for the needs of persons with mobility-impairment.

**Table 6: Interviewees view about the challenges faced by IEBC**

| <b>Challenges Of IEBC In Addressing Concerns Of Persons With Mobility Impairment</b> |                  |                       |
|--|------------------|-----------------------|
| <b>Challenge</b>   | <b>Frequency</b> | <b>Percentage (%)</b> |
| Little Interaction   | 3                | 10                    |
| Lack of Facilities   | 3                | 10                    |
| Inadequate Electoral Laws  | 7                | 23.1                  |
| Failure To Enforce Laws  | 5                | 15                    |
| Lack Of Resources  | 2                | 6.6                   |
| Lack Of Facilitation   | 4                | 13.2                  |
| Lack Of Awareness  | 6                | 20                    |
| <b>Total</b>   | <b>30</b>        | <b>100</b>            |

This diagram shows interviewees view about the challenges faced by IEBC in addressing concerns of persons with mobility impairment.

## **CHAPTER FIVE**

### **FINDINGS, CONCLUSION AND RECOMMENDATIONS**

#### **5.1 Summary of Findings**

This study set out with three objectives: first was to identify factors that hinder people with mobility impairment from participating effectively in elections. Second was to determine steps taken to protect voting rights for persons with mobility impairment. Third was to explore measures that facilitate persons with mobility impairment to participate in voting.

**5.1.1** On the first objective it was found that persons with mobility impairment face numerous barriers related to culture, communication, and physical and architectural that affects their ability to participate in voting.

**5.1.2** On the second objective, it was found that although laws had been passed to facilitate voting processes, many of them did not target persons with mobility impairment because they are not even recognized as a category of PWDs.

**5.1.3** With respect to the third objective, it was clear that a number of measures if implemented could facilitate persons with mobility impairment participate in the voting exercise. They include: the introduction of electronic voting, special queues, early voting and mobile polling stations specifically for persons with mobility impairment. It would also help to increase awareness campaigns, enforce existing laws, construct disability-friendly buildings (wide doors, low tables) and increase the number of polling stations and lastly recruitment of persons more sensitive to challenges facing persons with mobility impairment.



## **5.2 Conclusion**

The right to vote for persons with mobility impairment is protected not only in international and regional law but under national law as well. This is because the nature of international human rights legal instruments is to treat every person as having equal right and status just like everybody else and should not be discriminated against. Thus respecting the voting rights for persons with mobility impairment gives them dignity, autonomy, equality and solidarity with other members of the community as it provides a sense of belonging that arises from participation in decision making. Kenya has ratified most international legal instruments that speak to non-discrimination and equality. Therefore, the country has an obligation to respect, promote, fulfill and protect the realization of voting rights for persons with mobility impairment.

The state has not been able to live by its obligations by not implementing faithfully all laws that would enable persons with mobility impairment enjoy their voting rights to the fullest extent. As illustrated by the low voter turnout among people with mobility-impairment in the 2017 elections in Kenya was caused in part by their greater likelihood of experiencing voting difficulties. Persons with mobility impairment face numerous barriers before, during and even after the voting exercise mainly related to illiteracy and poverty, stigma and cultural attitudes, physical accessibility in registration and electoral centers. Accessibility was the biggest culprit showing that almost one-third of voters with mobility-impairment experienced some type of difficulty in voting. Other barriers include: stigma and cultural beliefs, lack of awareness and knowledge and lastly literacy and poverty. Therefore, any action or programs meant to increase the actual participation of persons with mobility impairment in exercising their voting rights should of necessity address the four barriers.

It is safe to say that although the legal framework to enable persons with mobility-impairment to participate in voting is in place, it does not go far enough in the recognition of the special measures they need. It is evident that they face numerous challenges related to public attitude, cultural and social barriers, infrastructural challenges, poor access to information, physical barriers and technical barriers. The net effect is that it is difficult for persons with mobility-impairment to register as voters but even when they register are not able to finally make it to the polling booths. For these challenges to be addressed, there must be total inclusion of persons with mobility-impairment into the entire voting processes.

### **5.3 Recommendations**

#### **5.3.1 Hire Staff Sensitive to Persons with Mobility-Impairment**

It is recommended that the IEBC needs to hire staff either with mobility impairment or those sensitive to mobility-impairment. People who are aware of the needs of mobility-impaired voters would make a difference compared to what is currently prevailing. Others have suggested the use of the quota system in IEBC's structures purposely to cater for the needs of persons with mobility-impairment.

#### **5.3.2 Introduction of New Voting Format**

It is recommended that new voting formats be introduced such as early voting and electronic voting patterns. Kenya has never used any other voting format for persons with mobility-impairment which places them at a disadvantage.

#### **5.3.3 Safety and Security of Mobility-Impaired Voters**

It is recommended that security at polling stations especially for persons with mobility impairment should be enhanced. The safety and security of voters with mobility impairment

was highly compromised in the likely event of political disturbances through violence. The tense political and electoral environment in the past consistently gives rise to fears of violence. Other elections in the past were characterized by violence perpetrated by opposing political parties to an extent where people were maimed while others lost their lives.

#### **5.3.4 Accessibility of Polling Stations**

Reasonable access to polling stations in the rural areas needed to be enhanced. This considering mobility and orientation challenges faced by mobility impaired persons, polling stations (voting centers) needed to be evenly distributed if they were to serve their purpose. A major concern in the urban areas was that while the physical or geographical accessibility may not be an issue, realistic accessibility in terms of availability of the required resources still left a lot to be desired.

#### **5.3.5 Prioritization of Persons with Mobility-Impairment**

During the election period, persons with mobility-impairment needed to be given priority in terms of infrastructure to enable them access voting booth. For example, one booth could be lowered to cater for their needs. Similarly, notice boards could be lowered to address their height challenges, polling venues for persons with mobility impairment should in addition be situated on ground floor or if on first or subsequent floors ramps, escalators or lifts should be available to facilitate easy access.

#### **5.3.6 Accessibility of Electoral Officials**

Electoral officials need to be more accessible to persons with mobility impairment. Accessibility of electoral officers at polling centers was found out to be heavily dependent on individual personalities. Some officials were very willing to assist while others were

unwilling to assist not because they did this deliberately, but they did not know how to assist a mobility-impaired voter. Those who were accessible did not have the specialized skills to help persons with mobility impairment and this compromised the extent to which they could help thus rendering them inaccessible.

## **5.4 For the National Assembly**

### **5.4.1 Electoral Reforms**

Strengthening of electoral laws by way of amendments in parliament would address most of the barriers faced by persons with mobility impairment. Participants who worked in the legal field articulated the role of comprehensive policies and legislation. The role of legislation was to provide realistic guarantees since voting matters were a rights'- issue rather than a charity-issue.

### **5.4.2 Public participation**

Persons with mobility-impairment need to be more involved in decision making on all matters pertaining to elections. Involving them would ensure their input is put into action through the planning stage, to implementation and evaluation of the strengths and limitations of what would have been done better.

## **5.5 For Persons with Mobility-Impairment**

### **5.5.1 Awareness of Electoral Laws**

Persons with mobility-impairment need to be made aware of their right to vote. The study revealed that amongst individuals with mobility-impairment, very few had limited or no knowledge about provisions of the laws regarding electoral issues. The few who had at least some knowledge about electoral laws had very limited knowledge about the provisions.

## **5.7 For Further Research**

There is need for concerted effort in carrying out research to determine the needs of mobility-impaired voters in accordance with the electoral process in Kenya. This could be a good starting point and then all other issues would follow. Based on research analysis and results a register of all voters with mobility-impairment could then be set up and their individual needs established. This information would assist the Electoral body in planning for future elections since they would have statistics of the people who needed a particular service. The issue of where these people could be concentrated would have been catered for. Only then can specific individual needs be ascertained and appropriate electoral services provided.

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International Convention on the Elimination of all forms of Racial Discrimination

(ICERD), *Adopted by General Assembly Resolution A/RES/2106 (XX) of 21*

*December 1965, Entered in to force: 4 January 1969* in accordance with article 19

Protocol additional to the African Charter on Human and Peoples' Rights

(The Women's Protocol), adopted in Maputo, Mozambique, on 11 July 2003.

## **Regional Legal Instruments**

The African Charter on Human and Peoples' (ACPHR) (Banjul Charter), Rights was adopted in 1981 by the 18th assembly of Heads of State and Government of OAU and came in to force in 1986.

The African Charter on Democracy, Elections and Governance (The Democracy

Charter) was adopted by the 8th ordinary session of the AU Assembly, held in Addis Ababa, 30 January 2007.

## APPENDIX 1

### LETTER SEEKING PERMISSION TO COLLECT DATA



**UNIVERSITY OF NAIROBI**  
OFFICE OF THE DEPUTY VICE-CHANCELLOR  
(ACADEMIC AFFAIRS)

Telegram: Varsity  
Telex: 28520 Varsity KE  
Fax: 2214325  
E-mail: dvca@uonbi.ac.ke  
Website: www.uonbi.ac.ke

Telephone: 0254-020-3318262  
P.O Box 30197-00100 G.P.O  
Nairobi  
Kenya

21<sup>st</sup> September 2018

**TO WHOM IT MAY CONCERN**

**RE: PERMISSION TO COLLECT DATA**

Ms Jane Kemunto Ocharo is a bona fide Master of Arts student at the University of Nairobi.

She is pursuing a Master of Arts degree in Human Rights. She seeks for permission to collect data from persons living with physical and mobility impairment in Nairobi County. The title of her study is "Access to Voting Rights for Persons with Physical and Mobility Impairment in Nairobi County".

Any assistance accorded to her will be highly appreciated.

**WEBUYE, H.O.D.**  
**For: ACADEMIC REGISTRAR**



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Web: www.nairobi.go.ke



City Hall  
P .o. box 30075-00100  
Nairobi  
Kenya

## DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

Ref: NCC HRD/HRM/10/227/MWM/2019

25<sup>TH</sup> FEBRUARY, 2019

**Jane Kemunto Ocharo**



## NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

Telephone:+254-20-2213471,  
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Website : www.nacosti.go.ke  
When replying please quote

NACOSTI, Upper Kabete  
Off Waiyaki Way  
P.O. Box 30623-00100  
NAIROBI-KENYA

Ref. No. **NACOSTI/P/19/66425/28089**

Date: **12<sup>th</sup> February, 2019**

Jane Kemunto Ocharo  
University of Nairobi  
P.O Box 30197-00100  
**NAIROBI.**

### **RE: RESEARCH AUTHORIZATION**

Following your application for authority to carry out research on “*Access to voting rights for persons with mobility impairment in Nairobi County*” I am pleased to inform you that you have been authorized to undertake research in **Nairobi County** for the period ending **12<sup>th</sup> February, 2020**.

You are advised to report to **the County Commissioner and the County Director of Education, Nairobi County** before embarking on the research project.

Kindly note that, as an applicant who has been licensed under the Science, Technology and Innovation Act, 2013 to conduct research in Kenya, you shall deposit **a copy** of the final research report to the Commission within **one year** of completion. The soft copy of the same should be submitted through the Online Research Information System.

Handwritten signature of Godfrey P. Kalerwa in blue ink.

**GODFREY P. KALERWA MSc., MBA, MKIM**  
**FOR: DIRECTOR-GENERAL/CEO**

Copy to:

The County Commissioner  
Nairobi County.

Handwritten signature of the County Commissioner in blue ink.  
**COUNTY COMMISSIONER**  
**NAIROBI COUNTY**  
P. O. Box 30124-00100, NBI  
TEL: 341666

The County Director of Education  
Nairobi County.



Republic of Kenya

**MINISTRY OF EDUCATION**

**STATE DEPARTMENT OF EARLY LEARNING AND BASIC EDUCATION**

Telegrams: "SCHOOLING", Nairobi  
Telephone; Nairobi 020 2453699  
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REGIONAL DIRECTOR OF EDUCATION  
NAIROBI REGION  
NYAYO HOUSE  
P.O. Box 74629 – 00200  
NAIROBI

When replying please quote

Ref: RCE/NRB/RESEARCH/1/64/VOL.I

Date: 25<sup>th</sup> February, 2019

Jane Kemunto Ocharo  
University of Nairobi  
P. O. Box 30197 - 00100  
NAIROBI

**RE: RESEARCH AUTHORIZATION**

We are in receipt of a letter from the National Commission for Science, Technology and Innovation regarding research authorization in Nairobi County on "*Access to voting rights for persons with mobility impairment in Nairobi County.*"

This office has no objection and authority is hereby granted for a period ending **12<sup>th</sup> February, 2020** as indicated in the request letter.

Kindly inform the Sub County Director of Education of the Sub County you intend to visit.

  
FOR: REGIONAL DIRECTOR OF EDUCATION  
NAIROBI

Copy to: Director General/CEO  
National Commission for Science, Technology and Innovation  
NAIROBI



Republic of Kenya

**MINISTRY OF EDUCATION**

**STATE DEPARTMENT OF EARLY LEARNING AND BASIC EDUCATION**

Telegrams: "SCHOOLING", Nairobi  
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REGIONAL DIRECTOR OF EDUCATION  
NAIROBI REGION  
NYAYO HOUSE  
P.O. Box 74629 – 00200  
NAIROBI

When replying please quote

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Kindly inform the Sub County Director of Education of the Sub County you intend to visit.

  
FOR: REGIONAL DIRECTOR OF EDUCATION  
NAIROBI

Copy to: Director General/CEO  
National Commission for Science, Technology and Innovation  
NAIROBI

**APPENDIX 2**  
**QUESTIONNAIRE**

**QUESTIONNAIRE TO TEST ACCESS TO VOTING FOR PERSONS WITH**  
**MOBILITY IMPAIRMENT**

**Introduction**

1. What is your name (optional).....
2. How old are you.....
3. What is your level of education.....
4. Which constituency do you belong to in Nairobi .....
5. Which constituency do you come from within County.....
6. Did you vote in the 2017 general election? YES... NO.....
7. If no what was/were your reasons?  
.....

**Before the Voting**

1. What hampers persons with mobility impairment from effectively in the voting process?
2. Has IEBC done enough to reach voters with mobility impairment for purposes of voter education? .....
3. Has IEBC ever had an individual with mobility impairment as an electoral official? Yes.....No.....If Yes what role did this person play?
7. How has IEBC addressed these barriers?  
.....



**Actual Voting Period**

1. Are steps taken to protect voting rights for persons with mobility impairment adequate? Yes..... No.....

2. How effective are Kenya’s electoral laws in guaranteeing the right to vote for persons with mobility impairment?  
.....

3. Which form of assistance was given by IEBC to voters with mobility impairment?  
.....

4. To what extent was the threat of political violence a deciding factor on whether persons with mobility impairment would vote or not?  
.....

**Accessibility to Polling Stations**

1. How can persons with mobility impairment be facilitated to exercise their voting rights?.....

2. How accessible were voting centers to persons with mobility impairment in the last election?  
.....

3. How accessible were electoral officials to persons with mobility impairment before and after voting?  
.....

4. What else would you wish to add?  
.....

Thank you

**APPENDIX 3**

**INTERVIEW GUIDE (FOR IEBC AND APDK)**

1. Which institution do you work for?.....
2. .How do you interact with persons with mobility impairment?  
.....
3. Which challenges do you face when registering persons with mobility impairment?  
.....
- 4.What laws do you use to lobby for your members?  
.....
5. Are persons with mobility impairment facilitated to access voting venues?  
.....
6. Are the laws protecting voting rights for persons with mobility impairment effective?.....
7. What would be your recommendations in light of the above?.....