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Testing youth transitions in Kenya: Are young people with disabilities falling through the cracks?

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Abstract

The number of young people living in Africa is expected to be at its peak over the next few decades. This may either climax into a dramatic social transformation or explode into a disaster; depending on how well (or badly) the society prepares itself and its young people. This paper focuses on the situation of young people with disabilities and examines the transitional opportunities available to them in Kenyan society, considering three principal areas: education, employment and social participation. The paper utilises the findings of a systematic analysis of relevant government reports and documents. Some of the issues raised are contextualised using data collected from one secondary school for the blind in Nairobi. Our analysis indicates that, although their numbers are significant, young people with disabilities face difficult obstacles in progressing to higher levels of education. They are faced with limited employment opportunities and are at a greater risk of being exploited in the social sphere. Some policy options to tackle this situation are indicated.

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Key Words: Youth Transitions, Disability, Kenya

Background

Global estimates indicate that more than half of the world's population is below the age of 25 years and nearly one third is between the ages of 10 and 24 years (UNFPA, 2003). In Kenya, young persons aged 30 years and below constitute 71 percent of the country's population (KNBS, 2010) forming the largest pool of human resource. The youth (ages 15-30 years) in Kenya, who number 11.99 million, account for about 31 percent of the population (KNBS, 2010). This situation indicates that young persons are potentially holding immense responsibility, more than ever before in history. This fact notwithstanding, sources indicate that young persons in Kenya remain on the periphery of the country's affairs and their status has not been accorded due recognition (GoK, 2007a). For instance, while the youth in Kenya constitute 60 percent of the total labour force, about 67 percent of those who have no gainful employment are youth, more than 92 percent of whom have no vocational or professional skills/training (GoK, 2007a).

Besides unemployment, transitions to adulthood are increasingly complicated by health crises. Statistics indicate that more than 75 percent of people infected with AIDS are between 20 and 45 years and of these 33 percent are between the ages 15-30 years (GoK, 2007a). Additionally, estimates indicate that about 23 percent of girls aged 15-19 years are either pregnant with their first born or are already mothers (GoK, 2007a). Recent analysis has indicated that 53 percent of all crime cases in Kenya involve persons aged 16-25 years (Mugo, 2010). These vulnerabilities of the Kenyan youth are a matter of pressing concern.

Along with the recognition of youth vulnerabilities is the concern for 'youth at risk', a term which has grown popular over the last decade. This category includes youth from extremely poor families, school drop-outs, those living on streets, infected with HIV, and those with disabilities. While many research studies have belaboured the plight of youth living on the streets in Kenya, as well as those infected with and affected by HIV and AIDS, little attention has been accorded to youth with disabilities.

According to the census statistics of 2009, the population of people with disabilities in Kenya is about 1.3 million, accounting for 3.5 percent of the total population (KNBS, 2010). However, it should be noted that the census data gave this as a conservative figure, owing to the fact that only the traditional areas of disability were considered (physical, mental, hearing, visual and speech), and only 'conventional households' were asked this question. Of those with disabilities, 51 percent were female, while 49 percent were male. The largest proportion was physical and self care disabilities (31percent), followed by visual disabilities (25percent) and hearing disabilities (14percent). However, it is important to mention that other estimates do vary considerably across documents. International Labour Organisation (ILO, 2004:9) has noted the lack of reliable data on the situation of persons with disabilities in Kenya. Another government document (GOK, 2005) suggests that 25 percent of children with disabilities are of school-going age (between 6-18 years). According to the National Survey on Persons with Disabilities in Kenya (GoK, 2008a), 3.6 percent of youth between ages 15 to 24 years had disabilities out of which visual and physical impairments had the highest prevalence at 1.1 percent each. Amongst persons aged between 25- 34 years the prevalence of disability was 4 percent. In this group physical disabilities had the highest prevalence of 1.3 percent followed by visual disabilities at 1.1 percent.

It is also important to note that young persons with disability do not constitute a single homogeneous category. Rather, this category is shaped by other dimensions of difference, such as gender, ethnicity, socio-economic status and HIV/AIDS. These *intersectionalities* (Singal, 2007) need to be understood and examined rather than assuming a commonality of experiences across those with disabilities. For instance, a woman with disabilities is likely to have a range of different social experiences in comparison to a man with disabilities, because of the gendered expectations in a society. Furthermore, a woman with disability living in a poor urban slum is likely to face different life experiences and opportunities than a woman from a financially well to do household living in the same city. Recognition of these differences - though seemingly obvious, gets overlooked - is crucial when responding to the needs of this group.

In this paper we critically examine the nature and range of transitions that young people with disabilities undertake in the Kenyan context. We draw on secondary data, such as government statistics, policies and other official documents and examine findings of the few research studies that are available in the area. In order to further illustrate some of the issues raised we use data collected from one secondary school for the blind in Nairobi.

Between children and youth: Perplexity of fluid definitions

The 2007 National Youth Policy defines youth as ‘anyone aged between 15 and 30 years’. It argues that this age range takes into consideration important physical, psychological, cultural, social, biological and political markers (GoK, 2007). While the concept of ‘youthhood’ is widely associated with transitions between childhood and adulthood, some definitions consider the onset of economic and socio-political productivity as the minimum marker. In this paper, 15 years of age is regarded as an important lower bound, given that it is in line with ILO minimum age for paid labour (Convention 138 of 1973). However, it remains unclear how the Kenyan National Policy arrived at its upper limit of 30 years. This is even more confusing if one takes into account the fact that the Constitution stipulates the minimum age of voting as 18 years (and for national registration), while the minimum age for parliamentary candidacy is 21 years, and the minimum age for presidential candidacy is 35 years. In parallel, the average age of University completion ranges between 23 and 25 years. Therefore the reasons for extending a youth category till 30 years remains unclear and the kind of physical, psychological, cultural, social, biological and political markers being drawn upon are confusing.

Nonetheless, the concept of youthhood is highly utilized for political instrumentation, and the ‘youth capital’ is now of interest to every politician. Likewise though, politicians as old as 45 years have referred to themselves as ‘youth’, and closely adopted the youth identity, appealing to the electorate to vote for a new generation of ‘youth’ leaders.

On the other hand, the Children Act of 2001 (GoK, 2002), and indeed many international conventions (including the UN Convention on the Rights of the Child), define a child as any individual under the age of 18 years. This implies that persons aged 15-17 years (sort of a 3 year island) could be either children or youth, depending on one’s interpretation. On several occasions, this has posed significant challenges to planning. While ‘youth’ are now catered for under the Ministry of Youth Affairs and Sports, ‘children’ are accommodated under the Ministry of Gender, Children and Social Development. While planning, it is not very clear, where the separation between child and youth falls, and indeed whether individuals aged 15-17 years (who constitute a significant proportion) are considered as children, youth, or both.

Youth with disabilities and the policy environment

During the colonial era, there seemed to be a limited policy focus on youth and youth development. The available literature is rather narrow and is confined to the colonial policy environments in administration of juvenile justice (Mugo, Musembi & Kange’the, 2006; Assiango, Stavron, Ravestijn & Jackson 2001) and vocational training. It is only in post-independence Kenyan documents (since 1963) that a focus on youth as a distinct demographic category is evident. In 1966, the ‘Education, Employment and Rural Development’ conference sponsored by the ILO and University of Nairobi, discussed the challenges facing Kenyan youth and proposed ways of seeking their active involvement in national development. It has been argued, though, that it was not until after publication of the report by the National Council of Churches of Kenya (NCCCK): *After School – What?* (1967) that the Government took keen interest on youth issues (as reported in GoK, 2007a). This NCCCK report is thought to have stirred debate on youth transitions, and ushered the issues of youth education, training and employment into public debate.

The publication of the third National Development Plan of 1974-78 (GoK, 1973) underlined the youth challenge, identifying youth unemployment as the most important challenge for the future. The population growth rates that were witnessed in this planning period (1974-1979), hitting almost 5 percent per year, were to create a surge on the country's demographic structure in the early 1990s. Sure enough, the pressure of a 'young population' was strongly felt from 1990 onwards. The government reacted through various efforts. In 1992, the Sessional Paper No. 2 was published (GoK 1992), on Small Scale and Jua Kali Enterprises (informal sector), focusing on youth as entrepreneurs and building links to address the already overwhelming demand for employment. This pressure continued to loom in the mid 1990s, also marked with overwhelmingly high levels of unemployment. The 1997-2001 Development Plan (GoK, 1997) and the National Poverty Eradication Plan 1999-2015 (GoK, 1999) focused on youth, more than any other time in Kenyan history. The youth agenda was further strengthened in the Economic Recovery Strategy for Wealth and Employment Creation (2003-2007) (GoK 2003). However, though fiscal allocation to youth was slowly appreciating, this focus did not seem to bear any solution to the escalating youth crisis.

In 2005, the government consolidated the youth services into one ministry, the Ministry of Youth Affairs (MoYA), in a bid to strengthen the youth agenda in the government. Inter alia, the core functions of this ministry include formulating, implementing, coordinating, reviewing and monitoring youth development policies. It also facilitates youth participation in the development processes, coordinating, monitoring, advocating and promoting youth led initiatives, developing youth resource centres and facilitating leadership, entrepreneurship and life skills training (GoK, 2007b).

In 2007, the MoYA finalized the National Youth Policy, which focuses on the key areas of employment creation, health, education and training, sports and recreation, environment, arts and culture, media, as well as youth empowerment and participation. To realize this, a strategic plan (2007-2012) was developed. Though the policy admits to diversity issues in its understanding of youth category, and cites various vulnerabilities among youth, this is not reflected in its planning. For instance, despite the fact that the policy identifies youth with disabilities as the top priority group (section 9.1), this category is neither mentioned in any of the ten objectives, nor is there any strategy geared at realizing the objectives for this category.

To specifically address the plight of persons with disabilities in Kenya, the Persons with Disabilities Act was enacted in 2003 (GoK, 2004). While this Act seems to strongly focus on areas where youth face challenges, such as education, training, employment and social participation, the Act does not recognize "youth with disabilities" as a category. Their interests are seemingly subsumed under the all encompassing category of 'disability', and the fluid nature of disability highlighted in a life course approach is not acknowledged. Thus the Act lacks acknowledgement of the characteristics and unique needs of young people with disabilities. Groce (2004) notes that such an oversight of young people with disabilities as a distinct group is reflected in policy making and research across many Asian and Pacific contexts. Additionally, the Act is underpinned primarily by a charity based approach rather than being shaped by a notion of rights. For instance, instead of addressing education as an issue of human rights (as attempted in the Children Act), the Persons with Disabilities Act (GoK, 2003:290) takes a charity approach by stating that the government should: 'make provisions for assistance to students with disabilities in the form of scholarships, loan programs, fee subsidies and other similar forms of support in both public and private institutions (Section 7: 1). Though the right to admission in learning institutions is strongly stated in section 18 (1), the Act is silent on circumstances where such a person cannot afford the costs of education.

Thus while there is a growing recognition of youth in general, the recognition of youth with disabilities as a category has been approached with a lukewarm attitude. The National Youth Policy seems to totally ignore the needs of this sub-category and the Children Act adopts a cautious approach. Most unfortunate though is the absence of this category in the Persons with Disabilities Act which also lacks a strong

implementation and evaluation framework. Thus, the need to recognize the category of youth with disabilities as politically significant remains a challenge for the nation.

Additionally, there is lack of clarity with regard to the category of ‘disability’ itself. While Part 1 of the Persons with Disabilities Act (GoK, 2003:284) defines disability as:

physical, sensory, mental or other impairment, including any visual, hearing or learning or physical incapability, which impacts adversely on social, economic or environmental participation.

The National Youth Policy (2007) only considers the physically and mentally disabled, leaving out those with various sensory impairments and those with various exceptional needs. Nonetheless, both these definitions are shaped by the medical model. Moreover, in Kenya, traditional and spiritual beliefs play an important role in framing understandings of disability. It has been argued that many communities attribute disability to witchcraft, curses resulting from parental violation of traditional norms, or a condition that originates from vengeful spirits. Hence, there is usually a feeling of fear and pity, which may result in the isolation of those with disabilities (Oloo, 2006; Monk & Wee, 2008). On the other hand, there are some positive examples, for instance, the Suba of western Kenya treat individuals who are mentally challenged with awe. They believe that such children are the reincarnation of a deity, and hence should be treated with kindness, gentleness and patience. Such association of disability with the supernatural has been reported among various other communities in Kenya (Oloo, 2006). The nature of societal attitudes play an important role in determining the rights, roles and responsibilities accorded to people with disabilities.

Youth transitions: A conceptual framework

The necessity to focus on young people is highlighted by the World Bank (2006) which states:

Getting it right today can have huge pay offs, as the next generation of household heads and parents, will have profound impacts on their children (p. 5)

This raises important issues about making sure that young people have the opportunities available for participation and development of capabilities which will enable them to fulfil future expectations. Focusing on these transitions is particularly important because they are not merely biological and/or administrative in nature, rather they are accompanied by ‘changes in status, both in how we see ourselves as well as how others see us’ (Dee, 2006: 8). More commonly, transitions into adulthood have been associated with the qualities of gaining access to employment, maintaining a home, becoming appropriately involved in the community and experiencing satisfactory personal and social relationships. While these may vary across cultures, many of these markers are also commonly shared amongst various communities.

In developing our framework we adopt the three-dimensional model proposed by Singal (2008) in the analysis of transition for youth with disabilities in India. Here transitions are conceptualised to include areas of education, employment, and social participation. It is argued that these three dimensions allow for a critical examination of issues and also holds true to the belief that transition goals for young people with disabilities should be the same as those for others in their age group. Thus, examining the status of young people with disabilities in Kenya across these three dimensions will enable us to reflect on their lived realities, the opportunities available for participation and the development of their potential to assume adult roles.

Education and young people with disabilities

Recent decades have witnessed enormous growth across all sectors of education in Kenya. For instance, while enrolment in primary school (6-13 years) totalled to 7.2 million in 2003, the secondary school enrolment totalled to only 847,287 (GoK, 2007a). Thus, every child completing primary school had less than a 50 percent chance of transiting to secondary school. During the same period (2002-2003), enrolment in public universities stood at an estimated 63,941. Considering that both the secondary school and university

courses last an average of four years, it implies that only 7.5 percent of the students in secondary schools could secure a place in the public university. Though it could be argued that the country has several private universities, with a total enrolment of about 10,310 students (GoK, 2007a), these universities remain inaccessible for the majority of Kenyans. The gross transition from secondary to university (both public and private) reached only 12 percent in 2004 (GoK, 2005). At this time, the country had six public universities, as opposed to 4,247 secondary schools, and 20,229 primary schools (MoE, 2006) thus raising concerns for the continued educational progress of all children.

Available literature points to an even more deplorable picture in the special education sub-sector. According to a commission of inquiry into education in 1999 (GoK, 2001) of the three million people with disabilities, 25 percent (750,000) were children of school-going age, of which only about 90,000 (12 percent) had been identified and assessed. Worse still, only 14,614 were enrolled in educational programs that catered to their needs, less than 2 percent of the estimated total, and about 16 percent of the assessed total. The report estimated that more than 90 percent remained excluded from the education system.

However, available statistics point to the remarkable development of this sub-sector, where numbers appreciated more than 11-fold between 1999 and 2003, and as shown in Table 1:

Table 1: Enrolment in Special Needs Education Institutions by Category, 1999, 2003, 2008

Category	1999			2003			2008		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
Special Primary	3,716	2,796	6,512	13,353	10,106	23,459	20,654	16,548	37,302
Special Secondary	492	388	880	6,490	536	7,026	5,654	5,015	10,669
Special Tech/Voc	305	246	551	1,286	1,114	2,400	1,524	1,521	30,35
Primary Units/Integrated	3,323	2,417	5,740	53,112	75,828	128,940	77,734	93,345	171,079
Total	7,836	5,847	13,683	74,241	87,584	161,825	105,566	116,429	221,995

Source: Special Education Section and Statistics Section, MoE, 2007

From these statistics, it is notable that the highest growth was realized in the regular primary schools (integrated units), where the enrolment grew from 5,740 in 1999, to 128,940 in 2003 (growth of over 2,000%). However, this growth rate slowed down to only 33 percent between 2003 and 2008. The earlier increase (1999-2003) could be attributed to the introduction of free primary education in January 2003. However, a study by UNESCO in 2005 established that 5 percent of the re-enrolled children had dropped out by 2004, which may explain reasons for the slackened growth between 2003 and 2008. Notable too, is the disproportionate growth between girls and boys in special secondary schools. While the enrolment for boys in these schools grew by more than 1200, that of girls lagged behind with only a paltry 38 percent. In contrast, growth in enrolment was highest for girls in the integrated primary school units, with girls representing 59 percent of all children in these schools. Not surprisingly, gendered differences make access to one type of school more desirable than the other. Regular schools, which were mostly day and community based tend to be preferred for girls, compared to special schools which tend to be mostly boarding and far off from home.

Examining school transitions in this set-up, it is notable that the total enrolment for children with disabilities (in 2003) was 152,399 in primary schools, and 7,026 in secondary schools. With eight years in primary and four years in secondary school, it indicates that only less than 10 percent of students

completing primary school could transit to secondary school during the year. The picture is worse when one considers the transition rates from secondary school to university. Though there are no records as to how many students with disabilities have been joining universities in Kenya (highlighting the need for tracking systems), we attempted at identifying the probability of students making this progress at the Thika High School for the Blind (THB) in Thika. This was done as an attempt to fill a gap in existing data, since no such analysis is available. Using school records, the performance of students in the University entrance exam, the Kenya Certificate of Secondary Education (KCSE) over the period 2005- 2007 was analyzed (see table 2).

Table 2: Performance of students at THB (2005-2007)

Grade	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	E	Total
2005	0	0	0	2	3	9	14	14	9	2	0	0	53
2006	0	0	1	3	4	12	8	15	7	4	0	0	54
2007	0	0	0	1	3	4	12	10	8	4	0	0	42
Total	0	0	1	6	10	25	34	39	24	10	0	0	149

Source: Analysis of data from Thika High School for the Blind, 2008

Keeping in mind that the competitive university entry has averaged at B+ over recent years, the data suggest that of a total of 149, only one student could have automatically joined university in the three years, representing a transition rate of only 0.7 percent. This compares dismally with the national average secondary school to university transition rates of 12 percent. Notably, there are no records on how many students from this school could have joined the universities as private (self-paying) students, from the possible 42 (minimum university entry grade is C+, while the competitive entry grade for government sponsorship has averaged at B+).

More worryingly, anecdotal information from this school indicates that there is a sharp disparity in performance between the low-vision students, and those who are totally blind. For instance, hardly any blind student passes Mathematics, which is a key consideration for University entry. The performance in mathematics in this school has averaged at grade E (the worst possible) over the last six years, thus becoming a serious deterrent to university education. Considering that education for those with physical and visual impairment constitute the most developed sub-sectors in Kenya, it would be expected that the transition rates for those with hearing impairments averages at near zero. Thus, even though there is lack of systematic data we would argue that the opportunities available to young people with disabilities to access university level education are highly limited. This is not only because of their greater inability to pay for private universities but also due to inherent structural discrimination in the existing system- where they are excluded from certain subject areas which are seen as important for progression.

Participating in the job market

Like education, employment and economic independence has, over recent times, come to the fore as a basic entitlement for persons with disabilities. The Persons with Disabilities Act (GoK, 2004) advocates for employment of persons with disabilities without discrimination, it stipulates that:

no employer shall discriminate against a person with a disability in relation to the advertisement of employment...the determination or allocation of wages, salaries, pension, accommodation, leave or other such benefits; the choice of persons for posts, training, advancement, apprenticeships, transfer, promotion or retrenchment; the provision of facilities related to or connected with employment, or any other matter related to employment (Article 15).

Available national statistics indicate that youth form 60 percent of the total labour force, though many of them have not been absorbed in the job market owing to the country's high unemployment rates (GoK, 2007a). While the population growth rate has averaged at about 2.5 percent per annum, the labour market growth has been erratic, at times declining over years. For example, the number of new jobs created by the formal domestic economy declined from 485,500 (2007) to 467,300 in 2008. Worse still, jobs created in the formal private sector plummeted from 74,000 in 2007 to 23,800 in 2008 (KNBS, 2009). The economic growth rate has not been sufficient to create enough opportunities to absorb the increasing labour force of about 500,000 annually. Most of these are the youth, only about 25 percent of whom are absorbed, leaving 75 percent to bear the burden of unemployment (GoK, 2007a).

A recent survey established that only 22 percent of youth with disabilities aged 25- 34 years worked for pay, while a majority 31 percent worked in family ventures. 23.3 percent of these youth were not working at all, while 13.4 percent were homemakers (GoK, 2008a). Given the overall rates of unemployment, 22 percent may seem relatively reasonable; however it is not clear the kind of sectors they are working in. It is expected though that given their low levels of education and professional skills they are least likely to be in the public sector and other professional jobs. Hence representation of young men and women may vary sharply across the employment sectors, as well as across the different disability categories. These are issues which merit deeper investigation.

Linked with the situation of lack of access to job markets are a myriad of challenges. Foremost, it has been noted that the 8-4-4 education system (eight years in primary, four in secondary, four in University) and other tertiary training institutions continue to produce thousands of graduates, who are either poorly equipped for entry into the labour market, or substantially lack the necessary life skills (GoK, 2007a). This poor tooling, and lack of basic competencies, especially amongst those with disabilities, has been a huge limitation. Options available to youth include the choice for 'unskilled labour markets', which are either extremely exploitative, or which demand certain physical capabilities. Such work may include jobs on construction sites, the security sector and others, which are least likely to be perceived as being suitable for youth with disabilities. These reflections are supported by the findings of a study undertaken by Muuya (2002), who argued that school head teachers maintained 'traditional aims of special education in terms of control, containment and care still outweigh those of a broad and balanced educational provision'. There was 'relatively little emphasis on the importance of preparation for employment' (p. 229). Additionally, it could be argued that dominant societal beliefs which view people with disabilities as incapable of having a role in wider society and most likely to spend their lives at home (Kisanji, 1993) may also result in the lack of preparation for employment.

Besides lacking competencies, other constraints to youth transitions to labour market have been established as health problems, increasing school and college drop-out rates, crime and deviant behaviour, limited sports and recreation facilities, abuse and exploitation, and limited access to information (GoK, 2007a). A recent tracer study on transition to the job market for persons with orthopaedic disabilities (Nyamoki, 2008) identified lack of sensitivity by employers, and constricted contacts and networks to facilitate employability as key hindrances to getting a job. Another related study, which traced young persons (former street children) who had undergone vocational training at the National Youth Service (Khaemba, 2008), underlined insufficient personal and social skills as barriers to both getting and retaining a job.

Similarly, Ndinda (2005) noted that the choice of trades to pursue was extremely limited for students with disabilities. Students with disabilities seeking vocational qualification had primarily three choices: tailoring, leatherwork and dress making. Not only were the courses limited in choice, but these were also perceived as not being competitive enough, further disadvantaging these students in the job market. This was further compounded by shortage of teachers and limited resources for acquisition of tools.

These issues are further magnified in the existing job market scenario in Kenya which is marked by high rates of unemployment. In such a setting where young people with disabilities have to compete for the same jobs with those regarded as able bodied in an already saturated job market, they are likely to lose out. The majority of jobs are likely to be manual, requiring physical strength and high sensory capacity.

Several policy attempts have been made to mitigate against these factors. To address youth unemployment, the MoYA committed itself to achieving four key objectives by 2012: develop resource centres to assist youth on employment issues; reduce the level of unemployment among youth; review existing youth employment programs; and avail financial services to young entrepreneurs through the Youth Enterprise Development Fund (GoK, 2008). This policy is however silent on youth with disabilities and is unclear on how these targets will be achieved for this group.

The Persons with Disabilities Act (GoK, 2004) in addition to stipulating enhanced access of persons with disabilities to job markets provides a range of incentives to employers for employing people with disabilities. The Act notes:

A private employer who engages a person with disabilities with required skills or qualifications will be entitled to apply for a deduction from his taxable income equivalent to 25 per cent of the total amount paid as salary and wages to such an employee (Article,16[1]).

Closely linked to this is the promise to employers who modify their environments to accommodate PWD in the workplace:

...employer who improves or modifies physical facilities for the benefit of employees with disabilities will be entitled to an additional deduction from his net taxable income. This deduction will be equivalent to 50 per cent of the direct costs of improvements, modifications or special services (article 16[2]).

The Act also ensures that both public and private sectors reserve 5 percent of jobs (casual, emergency and contractual) for persons with disabilities. However, as decried earlier, this Act lacks an implementation and monitoring framework, and has made minimal impact over the years.

In its Bill of Rights, the new Constitution has strongly focused on equity issues, targeting discrimination faced by various marginalized groups, including persons with disabilities (GoK, 2010). The constitution prohibits all forms of discrimination on the grounds of disability. For example, an employer may not discriminate against persons in the terms and conditions of employment on which the employment is offered. The constitution also prohibits employers from paying employees differently for work of equal value.

Besides these provisions in the Act of Parliament, it has been observed that Labour Law reforms that have been undertaken in Kenya have not had much to do with employment of persons with disabilities. An analysis of the labour law reforms by the ILO (2004) concluded that reforms of the Employment Act, The Wages and Regulations of Employment Act and the Trade Disputes Act had openly neglected persons with disabilities.

Youth with disabilities and social transitions

The UN declaration on the Rights of Disabled Persons (1975) notes:

Disabled persons have the inherent right to respect for their human dignity. Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have

the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible (Paragraph 3).

This commitment has been reaffirmed under article 23 of the UN convention (UN, 2006) declaration. The right to enjoy a decent life, has often, been interpreted to include the right of youth to eventually assume adult responsibilities. The construction of adult responsibilities may vary from one culture to another. However, common among cultures is the individual's right (and indeed in many cases, the expectation) to marry and have children or establish their own families- affirmed as the right to reproductive health.

Reproductive rights are among the rights stipulated in the Vienna Declaration and include the right to equality and non-discrimination, the right to marry and found a family, the right to comprehensive reproductive health care including family planning and maternal health services, the right to give informed consent to all medical procedures including sterilisation and abortion, and the right to be free from sexual abuse and exploitation (United Nations, 1993).

This right to a safe and healthy family life still eludes many Kenyan young people with disabilities, especially women. For instance, a study of adolescents with visual impairments in Kenya (Kyalo, 2010) revealed that 20 percent of the adolescents (15-19 years) had peers with whom they were having sex, and this proportion was much higher for girls (36 percent) than boys (4 percent). According to the study, first sexual encounters among the adolescents accrued from either persuasion or violence from mostly older men, rather than the teenage desire to explore the sexual pleasure, and concluded that vulnerability to HIV and AIDS infection among adolescent girls with visual impairments rated at about 72 percent. This study agrees with other authors, who have argued that women with disabilities are at a far greater risk of being subject to serious violations of sexual nature (Arasa, Mugo, Mweru, Wasanga and Wawire 2009; DfID, 2004).

Young people with disabilities: are they falling through the cracks?

We accredit the notion of 'falling through the cracks' to Groce (2004: 3), who lucidly observes that 'despite growing numbers and striking needs, adolescents with disability have historically fallen through the cracks'. Currently, this observation holds true for young people with disabilities in Kenya.

Foremost are *policy cracks*. From our analysis, 'youth' seems to be an amorphous demographic category in policy. Between the Children Act (2001) and the Persons with Disabilities Act (2003), youth seem to have fallen through cracks. While the former policy addresses issues of child protection and development, the latter does not acknowledge youth as a distinct category. Recent efforts from MoYA have attempted to cover the 'youth crack'. However, youth with disabilities still get overlooked in the National Youth Policy and Strategic Plan (2007-2012).

Second is the *education system crack*. From the analysis, a certain hidden discrimination seems evident in the Kenyan education system. For instance, the Ministry of Education (MoE) statistics indicated that the number of institutions offering education services to children with special needs increased from 926 in 2002, to 1,574 in 2008 (MoE, 2009). The enrolment of children with special needs peaked at 143,409 in 2008. However, 78 percent of these (111,995) were in Nairobi, and the other 22 percent spread among the other 7 provinces. Inequitable access to education for children with special needs was also noted by the NASMLA study in 2009 (KNEC, 2010), decrying especially low access rates in the North Eastern Province. This indicates that while progress may have been made at the national level, this applies more to urban settings, while many young persons in the rural and far-off areas may be falling through the cracks.

Second, evidence seems to indicate that special needs education is taking care of only the 'traditional' areas of disability (mental, physical, hearing, and visual). Analysis of MoE statistics (MoE, 2009)

indicates that of all the special needs institutions in Kenya in 2008, 41 percent were for hearing, 40 percent for mental, 11 percent for physical and 7 percent for visual disabilities. This confirms that learners with high-incidence disabilities like learning disabilities and behavioural difficulties continue to be excluded, without any specialized institutions set for them. These are too falling through the cracks.

Third is the *employability crack*. It is evident that youth with disabilities lack the competitive edge to access job markets. There is evidence of concerted efforts to provide vocational and industrial training to persons with disabilities (Nyamoki, 2008). Data from the Ministry of Education (MoE, 2009) confirms that there were five (5) national vocational and technical training institutes set aside for persons with disabilities, with a total of more than 2,400 (MoE, 2007). This was complemented by several other integrated institutions. Despite these efforts, the job market is still closed to them (Nyamoki, 2008). Considerable numbers of youth with disabilities who have either completed school, college or acquired some skills through training continue to be unemployed and remain dependent on others.

Finally, though not backed by adequate evidence, young women with disabilities may be falling through the *gender crack*. Our analysis hints at sharp disparities between the experiences of young women and men, especially in regard to poorer transition to secondary school (MoE, 2009) and sexual vulnerabilities (Arasa et al, 2009; DfID, 2004; Kyalo, 2010). Still, while the enrolment of girls is higher in the integrated schools (which are poorly-resourced), boys' enrolment is higher in the special schools. This points to a possible gendered 'pull-down', through which women may be suffering higher levels of stigma and discrimination than men. As one study has shown (Kyalo, 2010), [though a case study based on only one institution], it is likely that women with disabilities are at much higher risk of contracting HIV than men with disabilities.

Moving forward: Critical Considerations

Recent years have witnessed increased interest in special needs education, especially with the rapid growth in enrolment rates, more specifically in the regular schools. Despite such landmark achievements, it is critical to consider certain changes if young people are to be adequately supported. Such considerations need to be systemic in nature focusing at the levels of government policy, pedagogy and classroom practices, advocacy and affirmative action and greater professionalization of the special education needs sector.

Level of Policy

The Ministry of Youth Affairs and Sports has made attempt to stipulate policy for youth development, but analysis has shown that this policy falls short of clear differentiation in favour of youth with disabilities, in both aspects of planning and implementation.

In general, access to education in Kenya is determined by identifying those who are most likely to produce positive economic outcomes for the family and the nation (Oloo, 2006). Overall, there are limited gestures in the policy frameworks towards focus on persons with disabilities, especially youth. The Children Act and the Persons with Disabilities do not address the position of youth, and this is a worrying position. Therefore there is need for greater clarity at the policy level, which may not necessarily be achieved through formulating new ones, but reviewing existing ones and developing clear implementation frameworks.

Strengthening affirmative action

The analysis has indicated the clear disadvantage faced by youth with disabilities in accessing university education (table 2), based on the case of Thika High School for the Blind. A major imbalance is apparent,

where youth with disabilities, facing numerous obstacles through the education system, fail to acquire the competitive grade B+ to qualify for automatic (government-sponsored) entry.

This realization has ignited discussion at the policy level, and talks are at advanced stages towards affirmative action for students with disabilities to be granted automatic entry with the minimum university entry (grade C+), and hence shielding them from the marginalizing competition. If implemented this would create a huge gain for youth with disabilities. This is illustrated by the case of Thika High School for the Blind, where some 28 percent of leavers would have qualified for university entrance over the 2005-7 period, instead of the less than one percent of the group who in fact so qualified (table 2). Improving transitions to higher education is likely to bring with it improvement in both employment and social transitions.

Curricular adaptations

From anecdotal evidence obtained from Thika High School for the Blind, it seems that sharp disparities may be existing between students with low vision and students who are blind. While students with low vision manage to navigate most of the subjects, hardly any blind student passes. For instance, the legend of dismal performance in mathematics, evidenced through the mean score of E persistently obtained over the last years, has been attributed to the poor performance of blind students. Even as we would celebrate a 28 per cent transition rate to the University (assuming a C+ grade under affirmative action), this would still have closed the blind students out. This situation calls for urgent adjustments in curricula and pedagogy.

Though the Kenya Institute of Education has strengthened efforts to adapt curricula in the last three years, and formed several panels to adapt curricula for learners with various disabilities, these efforts would only bear fruit, if these curricula are effectively implemented. One example is the replacement of Kiswahili with Kenya Sign Language (as examinable subject) at both primary and secondary level. Along with this, more recommendations made by past studies need to be considered. Such recommendations include that the curriculum provisions of special education programs in Kenya be restructured to cater for a direct transition of youth with disability from one school level to the next and from school to the job market. Still, there must be serious efforts to maintain quality and standards in special education programs. Key among the priorities, as Oloo (2006) has argued, must be ensuring academic and professional competence of special educators in Kenya, creating a critical mass of the drivers of change.

Creation of knowledge economies in the special education sector

The analysis has pointed to a number of areas in need of further investigation. Still, the limited levels of published materials decried by Mugo and Wambugu (2008) imply the need to link research to policy and practice. Initiatives are called for, to develop greater linkages between research findings with a view to strengthen knowledge about special education. On the other hand, policy makers and practitioners must demonstrate their commitment to knowledge utilization. It is critical that if the special needs education sector is to attain optimal effectiveness, policies and programmes developed to support its progress must be knowledge-based. This would be essential, alongside an effective monitoring and evaluation system, whereby new knowledge is quickly absorbed to better inform policy and practice.

References

- Arasa, J.N., Mugo, J.K., Mweru, M., Wasanga, C. & Wawire, V. (2009). Sexual and Reproductive Health and Rights of Adolescents with Disabilities in Kenya: An Analysis of Policy, Programmes and Needs. Working Paper. Dakar: CODESRIA.
- Assiango J., Stavron A., Ravestijn & Jackson A. (2001). *Youth and Crime in Nairobi*. Un-Habitat. Safer Cities Programme.
- Dee, L. (2006). *Improving transition planning for young people with special educational needs*. Maidenhead : Open University Press
- Department for International Development (DfID) (2004). Sexual and Reproductive Health and Rights. A Position Paper. United Kingdom: DfID.
- Government of Kenya (GoK) (2010). Constitution of the Republic of Kenya, Published August 2010. Nairobi: Government Printer.
- Government of Kenya (GoK) (2008). Ministry of Youth Affairs, Plan of Action for youth and information technology 2008- 2012 . Nairobi: Government Printer.
- Government of Kenya (GoK) (2008a). Kenya National Survey on Persons with Disabilities 2008. Nairobi: Government Printer.
- Government of Kenya (GoK) (2007 b). Ministry of Youth Affairs, strategic plan 2007-2012. Nairobi: Government Printer.
- Government of Kenya (GoK) (2007a). Ministry of Youth Affairs, Kenya National Youth Policy 2007. Nairobi: Government Printer.
- Government of Kenya (GoK) (2004), Kenya Gazette Supplement, the Persons with Disabilities Act 2003. Nairobi: Government Printer.
- Government of Kenya (GoK) (2003). Economic Recovery Strategy for Wealth and Employment Creation (2003-2007). Nairobi: Government Printer.
- Government of Kenya (GoK) (2002). The Children Act, 2001. Nairobi: Government Printer.
- Government of Kenya (GoK) (2001). Totally Integrated Quality Education and Training. A Report of the commission of inquiry into the education system in Kenya, 1999. Nairobi: Government Printer.
- Government of Kenya (GoK) (1999). National Poverty Eradication Plan 1999-2015. Nairobi: Government Printers
- Government of Kenya (GoK) (1997). National Development Plan (1997-2001). Nairobi: Government Printers.
- Government of Kenya (GoK) (1992). Sessional Paper No. 2 - Small Scale and Jua Kali Enterprises. Nairobi: Government Printers.
- Government of Kenya (GoK) (1973). National Development Plan, 1974-1978

- Groce, N. E., (2004), Adolescents and youth with disability: Issues and challenges. *Asia Pacific Disability Rehabilitation Journal*, Vol 15, no. 2.
- ILO (2004). Employment of People with Disabilities: The Impact of Legislation (East Africa). Geneva: ILO.
- Kenya National Bureau of Statistics (KNBS) (2010). Kenya Population and Housing Census 2009. Nairobi: Government Printer.
- Kenya National Bureau of Statistics (KNBS) (2009). Economic Survey 2009. Nairobi: Government Printer.
- Kenya National Examinations Council (KNEC) (2010). Monitoring of Learner Achievement for Class 3 in literacy and numeracy in Kenya. Nairobi: Kalzmat.
- Khaemba, J.N. (2008). Vocational Rehabilitation and transition to employment of former street youth in Nairobi, Kenya. Unpublished thesis, Kenyatta University.
- Kisanji, J. (1993). Special education in Africa, In P. Mittler., R. Brouillette and D. Harries (Eds). *World yearbook of education 1993: Special educational needs*. London: Kogan Page.
- Kyalo, L.M. (2010). HIV and AIDS awareness among adolescents with visual impairments at Thika High School for the Blind, Kenya. Masters of Education Thesis (unpublished), Kenyatta University.
- Lazzaro, J.J. (1993). Adaptive technologies for learning and work environments. Chicago: American Library Association, 1993.
- Ministry of Education (MoE) (2009). Education Facts and Figures, 2002-2008. EMIS-Kenya
- Ministry of Education (MoE) (2007). School Census Data Returns, 2006.
- Monk, J. and Wee, J. (2008). Factors shaping attitudes towards physical disability and availability of rehabilitation support systems for disabled people in rural Kenya. *Asia Pacific Disability Rehabilitation Journal*, 19 (1), 93-113.
- Mugo, J.K. (2010). Youth and Crime in Kenya. A draft working paper for the Institute of Economic Affairs Compendium on Futures Youth Programme (unpublished).
- Mugo, J.K. & Wambugu, B.N. (2008). Special Needs Research Interests in Kenya: An analysis of studies undertaken by graduate students in special education at Kenyatta University (unpublished paper).
- Mugo, J.K., Musembi, D. & Kamau-Kang'ethe, R. (2006). Juvenile Justice and Management of Child Offenders in Kenya. An annotated bibliography of research 1958-2005. Nairobi: Office of the Vice President and Ministry of Home Affairs.
- Muuya, J. (2002). The aims of special education schools and units in Kenya: a survey of headteachers. *European Journal of Special Needs Education*, 17 (3), 229-239.

- National Institute of Health (1999). Facts you can use: Basics of exit from high school special education for students with disabilities, ages 17-21. Washington, D.C: American Council on Education, HEATH resource centre, 1999.
- Ndinda, M. H. (2005). *Integrating the physically disabled children into regular schools in Kenya. An analysis of marginalisation, the life situation of the disabled children and proposals for enhancing their inclusion and welfare. A case study of Machakos district.* A research paper presented at the University of Osnabruck, Germany.
- Nyamoki, R. (2008). Relevance of vocational training for persons with orthopaedic disabilities at the Nairobi Industrial Rehabilitation Centre, Kenya. Unpublished Thesis, Kenyatta University.
- Oloo, J.A. (2006): Issues in Special Education in Canada and Kenya. OSSREA BULLETIN, Simon Fraser University.
- Singal, N. (2007). Conceptualizing disability and education in the South: Challenges for research. *RECOUP Working Paper 10*
- Singal, N. with Jeffery, R. (2008). Forgotten Youth: Disability and development in India. *RECOUP Working Paper 14.*
- United Nations (2006). Convention on the Rights of Persons with Disabilities.
- United Nations (1993). Vienna Declaration and Programme of Action. Adopted by World Conference of Human Rights, June 1993. From [www.unhchr.ch/huridocda/huridoca.nsf/\(symbol\)/a.conf.157.23.en](http://www.unhchr.ch/huridocda/huridoca.nsf/(symbol)/a.conf.157.23.en), April 30, 2010.
- United Nations (1975). Declaration on the Rights of Disabled Persons. Proclaimed by General Assembly resolution 3447 (XXX) of 9 December 1975
- UNESCO (2005). Challenges of implementing free primary education in Kenya. Nairobi: UNESCO.
- UNFPA (2003). State of the World Population 2003: Investing in Adolescents' Health and Rights. New York: UNFPA.
- World Bank (2006). *Development and the Next Generation. World Development Report 2007.* Washington, D. C.: The World Bank.