

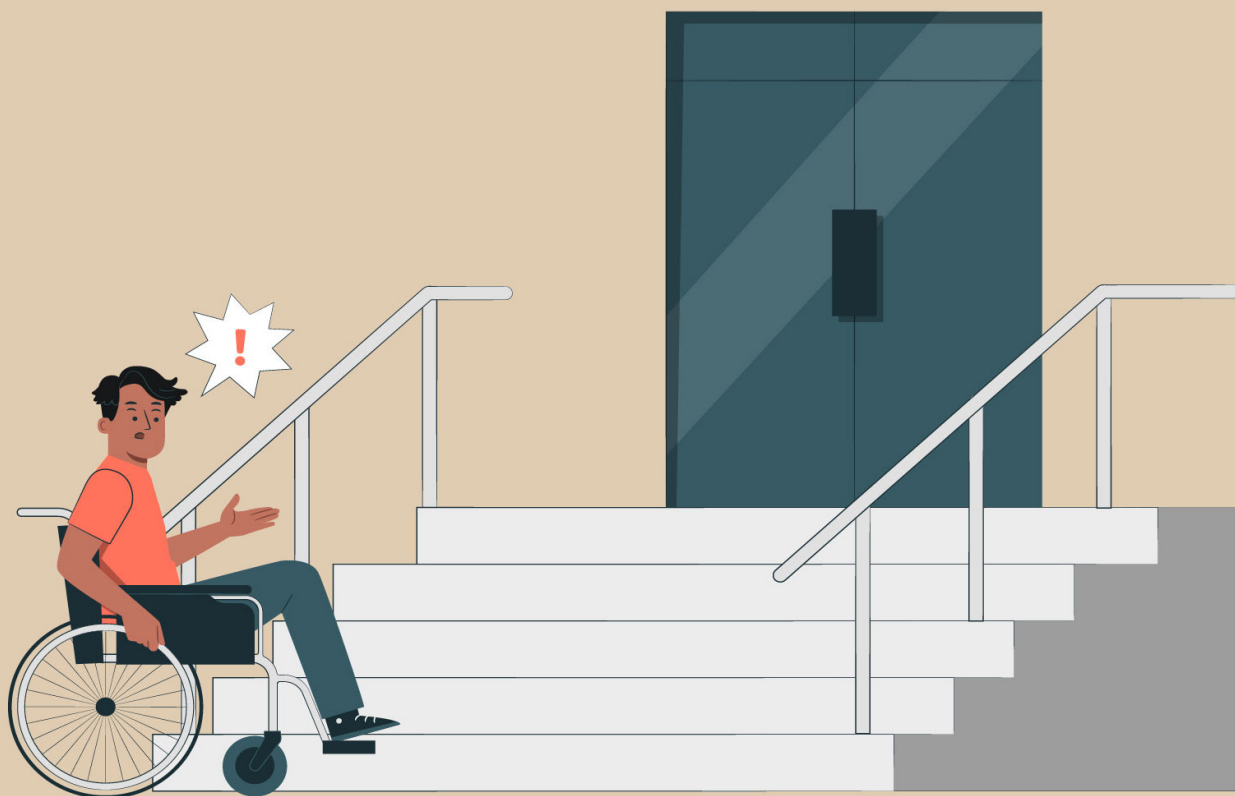


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# **PUBLIC SPACES AUDIT REPORT ON THE LEVEL OF COMPLIANCE OF PUBLIC SPACES WITH DISABILITY RIGHTS LAWS**

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July 2023







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# Executive Summary

The public audit survey was conducted between May and June 2023 to assess the compliance of public spaces with disability rights laws in four counties: Nairobi, Busia, Homa Bay, and Kericho. The inspiration behind the survey was the need to evaluate the responsiveness of public spaces to persons living with disabilities. The survey aimed to identify the level of compliance with disability rights laws, particularly the PWDs Act of 2003. The fact that a significant number of buildings were constructed or renovated after the enactment of the act prompted the investigation on the level of compliance and the areas that needed improvement.

The survey involved various stakeholders, including building managers, building owners, and other individuals with significant knowledge of the building's history. These participants were crucial in providing insights into the accessibility features and compliance of the surveyed public spaces. A total of 66 buildings were targeted in the survey, distributed across the four counties. These buildings included 32 government office blocks at both the national and county levels. Additionally, 34 private-owned buildings such as restaurants and hospitals were included in the survey.

The survey findings revealed a high level of non-compliance with disability rights laws in the surveyed public spaces. Despite a significant number of buildings being constructed or renovated after the PWDs Act of 2003, they failed to meet the accessibility requirements, posing challenges for persons with disabilities in accessing these spaces. The non-compliance could be attributed to various factors, including inadequate awareness of accessibility laws, lack of enforcement measures, and potential difficulties in retrofitting existing structures to meet the required standards.

The survey highlighted the urgent need for increased efforts to make public spaces more accessible and inclusive for people with disabilities. It emphasizes the importance of ensuring that laws protecting the rights of individuals with disabilities are not only in place but also effectively enforced and adhered to by relevant stakeholders. Policymakers, building owners, and managers should use these findings to implement necessary changes and improvements to enhance accessibility for all individuals, regardless of their abilities. Overcoming the challenges of non-compliance will require collaborative efforts from government bodies, building owners, and disability rights advocates to ensure greater accessibility and inclusivity in public spaces.

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# Chapter one: Introduction

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## Background information

The Government of Kenya recognizes disability inclusion as a crucial aspect of achieving the Sustainable Development Goals and their commitment to leaving no one behind. The government's continuous efforts to ensure that Persons with Disabilities (PWDs) are accounted for and can participate equally in all aspects of life are inspiring. The pursuit of equal opportunity, inclusion, justice, and economic growth for the country through disability rights initiatives motivated us to learn more about the challenges faced by disabled individuals in accessing public spaces

The stark reality of many disabled individuals finding themselves unemployed due to the barriers they encounter and the significant number of public spaces that are difficult to access further intensified my interest in the subject. It is disheartening to witness how physical, mental health, or 'invisible' disabilities can create obstacles that prevent individuals from carrying out their daily routines and engaging fully in society.

Learning about the experiences of differently abled citizens who feel excluded from their communities due to poor infrastructure and a lack of consideration from others raised awareness about the need for better accessibility in public spaces. Issues like inaccessible ramps and inadequate provision of accessible parking spaces underscore the urgency of making essential changes to create a more inclusive environment.

Furthermore, understanding the challenges faced by the deaf and visually impaired in crossing streets safely highlighted the importance of modernizing traffic light systems to cater to the needs of all citizens, including those with disabilities.

The main objective of the exercise was to establish the level of compliance of public spaces across four counties (Homa Bay, Nairobi City, Kericho and Busia) with disability rights laws, and to identify areas for improvement. Public spaces are audited to check compliance of disability rights laws to ensure that they are accessible to people with disabilities. The Persons with Disabilities Act (2003) is a law that protects people with disabilities from discrimination in many areas of public life. The law requires public spaces to be accessible to people with disabilities, including those who use wheelchairs or have other mobility impairments. It is also important to ensure that people with disabilities have physical access to buildings and other spaces that are used by the public, as well as changes to ensure their access to employment, services, education, the functions of government, and full civic participation. In addition, providing facilities for persons with disabilities is important in measuring the performance of public spaces.

# Chapter two: Literature review

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## **2.0** Disability Rights Law Compliance in Public Spaces in Kenya

According to a report by SIDA, most public buildings are inaccessible for wheelchair users and sign language interpretation services are scarce. Although some public institutions, such as hospitals and special schools had made efforts to improve physical access; washrooms remain inaccessible for many. Making spaces accessible to people with disabilities is a mandatory requirement for both the public and private sectors. According to the 2019 census, 2.2% of Kenyans (around 0.9 million people) live with some form of disability. The new draft code published in April 2022 in the Kenya Gazette notice for public input states that any public building (residential, office or restaurants) with over two floors must have lifts, ramps, special toilets and vehicle parking slots reserved for persons with disability (PWDs).

There is a significant gap between human rights talk and the actual situation in the country.. Significant gaps in access to infrastructure and political participation are stark realities that persons with disabilities continue to experience even though Kenya as a country has laws that govern mobility and accessibility of persons with disabilities. The 2010 Constitution of Kenya explicitly prohibits discrimination on the grounds of health status and disability (article 27) and obliges the state to fulfill citizens' social and economic rights (article 43). Actions are still guided by the 2003 Persons with Disabilities Act but so far only minor parts of this Act have been implemented. The government has "gazetted" several remaining sections, such as accessibility to public buildings for persons with disabilities, but progress is slow. In its endeavor to mainstream issues of disability there are regulations that provide for the persons with disabilities "access compliance" for all buildings which came into effect as of January 2010.

The Kenya Bureau of Standards (KEBS) has approved new standards addressing accessibility to spaces and provision of requirements for safe practices in any public space in order to promote and maintain the highest degree of physical, mental and social wellbeing of citizen. Approval of the new set of standards for accessibility have enabled people living with disabilities to go about their duties and activities without the help of aides.

In this holistic view of accessibility, challenges that a person with disability may face in relation to mobility may include inaccessible buildings. Following the recent approvals, Kenya joins many countries which have put in place access teams to help owners of public spaces to improve the accessibility of their buildings for persons with disabilities.

Currently the national government is prioritizing the following :

1. Finalize and adopt the National Disability Policy for Persons with Disabilities.
2. Enact Persons with Disabilities Bill 2021.
3. Implement all disability laws and policies that will safeguard inclusion of Persons with Disabilities to ensure that the gaps in development are addressed.
4. Undertake a National Disability Survey to ascertain the accuracy of data of Persons with Disabilities.

# Chapter three: Methodology

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## 3.0 Introduction

According to Mugenda and Mugenda (2003), simple random sampling involves allocating equal chance to the selected elements in the population. This was used during the selection of buildings within the scope of the research study. The questionnaire was administered through face-to-face interviews. The data was analyzed using both quantitative methods.

The following procedures were undertaken to achieve the activity objectives:

- i. Develop the questionnaire.
- ii. Programme the question into the kobo tool box
- iii. Collect the data
- iv. Analyze the data collected.
- v. Develop a draft report outlining the findings and recommendations
- vi. Finalize the report based on the feedback given.

## 3.1 Sample Size

A total of 66 respondents representing public spaces (Government buildings & Restaurants) , aged 18-45 years, were surveyed using a structured questionnaire. Government offices and public buildings including restaurants were randomly selected across the four counties (Nairobi, Busia, Homa Bay, and Kericho counties).

## 3.2 Data collection & Analysis

The data was collected using CAPI tools, which is KOBOToolbox, which significantly boosted the accuracy and efficiency of the data collection exercise. Leveraging on the data quality strength of the application greatly ensured a clean data set was attained, void of huge outliers. Coding and recording of the qualitative aspects of the themes brought forward by the data set was done utilizing coherent and verifiable metrics of the activity's objectives. Microsoft Excel played a key role in the data analysis of the quantitative portions of the data set.



# Chapter four: Analysis and discussion

## 4.0 Demographic Analysis

The survey was conducted in four counties (Nairobi, Homa Bay, Busia, and Kericho) across the country to assess the level of compliance with disability rights laws in relation to accessibility of public spaces. The buildings were identified through simple random sampling and were spread in a radius within the urban setup of each county.

The analysis of the data is based on when the buildings were constructed/renovated in relation to 2003 when Persons with Disabilities Act was formulated and ratified to amplify the inclusion agenda for PWDs.

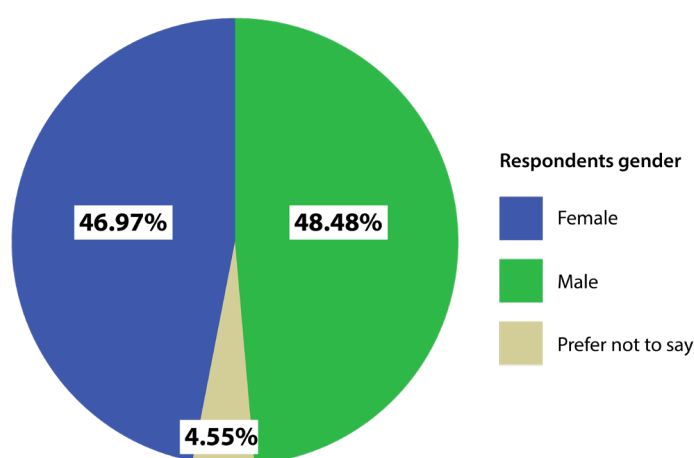


Figure 1: Respondents Gender

Majority of the respondents were male; 32(48%) of the total number of persons interviewed closely followed by female; 31(47%) of the total. A few respondents were not willing to identify their gender; 3(5%) of the total as shown in figure one

An analysis shows that the buildings sampled had few cases of not being PWD friendly. It was imperative to ask when the building was constructed/renovated to enable easier determination if the owners followed all the regulations of section 22 of the PWDs Act and the Kenya Constitution which binds all construction works to include ramps for physically challenged persons to easily access the facilities.

Table 1: Renovation/construction distribution

Item	Frequency	Percent
Buildings before the Act	25	37.9
Buildings After the Act	38	57.6
Data missing	3	4.5
<b>Total</b>	66	100.0

Source; survey data (2023)

A significant number of buildings (57.6%) were constructed/renovated after the PWDs Act came into law compared to 37.9% constructed prior the act being up as a law. However a significant number have not fully adhered to section 22 of the act which states that all proprietors of any public building shall comply with subsection 22(1) within five years after the section comes into operation.

## 4.1 Objective Analysis and Interpretation

### 4.1.1 Presence of curbs cuts at street intersections to allow

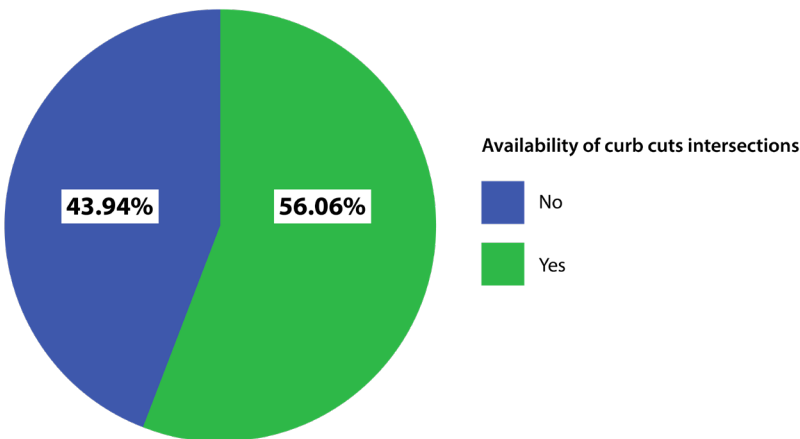


Figure 2: Accessibility of curb cuts at street intersections to allow wheelchair users to cross the street easily to the structure

56% of the buildings have compliant curb cuts, as mandated by the Persons with Disabilities Act of 2003 (sections 21 and 22), making them easily accessible from the other side of the street. However, there are still some buildings that lack accessibility due to being constructed prior to 2003 without adhering to the Act’s provisions. Retrofitting these buildings is necessary to guarantee barrier-free access for individuals with disabilities.

### 4.1.2 Presence of tactile warning strips on curb cuts

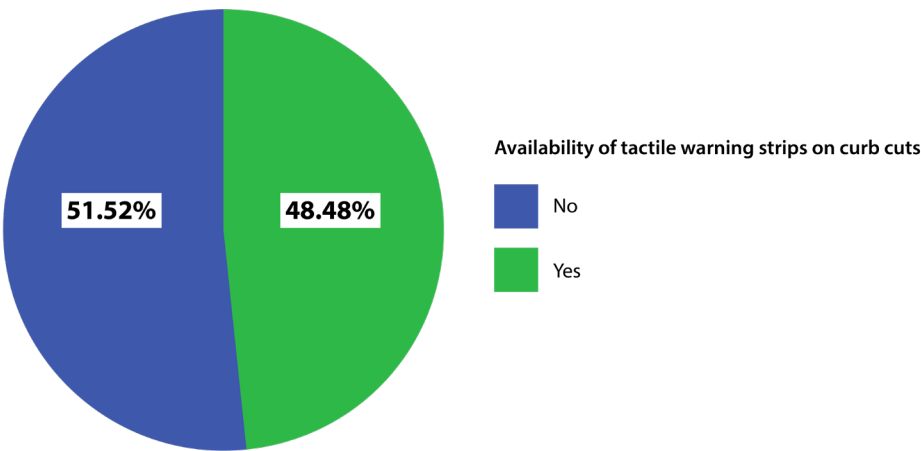
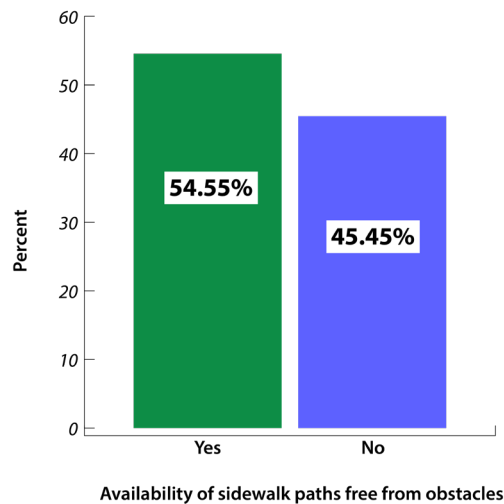


Figure 3: Percentage of tactile warning strips on curb cuts and edge of platforms for safety.

According to Figure 3, it is evident that 51.52% of the sampled data revealed the absence of warning strips along the curb cuts and platform edges at transit stops, which poses a safety

risk for individuals with visual impairments who rely on these indicators for navigation. Only 48.48% of the sampled data indicated the presence of such warning strips. These findings highlight a lack of adherence to the provisions outlined in the Persons with Disabilities Act and construction regulations, as these places did not prioritize the safety and accessibility needs of individuals with disabilities, specifically those with visual impairments.

### 4.1.3 Obstruction on sidewalks



A majority of the sidewalks near the buildings/structures (54.55%) were found to be obstacle-free, providing easy passage for individuals with disabilities. In contrast, 45.45% of the sidewalks had significant obstacles, posing challenges for those with disabilities. The presence of obstacle-free sidewalks can be attributed to the construction or renovation of new/modern structures, which prioritize user-friendliness and contribute to the overall inclusion agenda.

However, in a selected case of Kericho County, all the identified buildings were found to be in violation of regulations, as their sidewalks contained obstacles, thereby impeding the mobility of individuals with disabilities. It is noteworthy that a significant number of these buildings were government-owned, which raises concerns about the lack of disability-friendly infrastructure in public buildings.

### 4.1.4 Presence of accessible parking spaces for PWDs

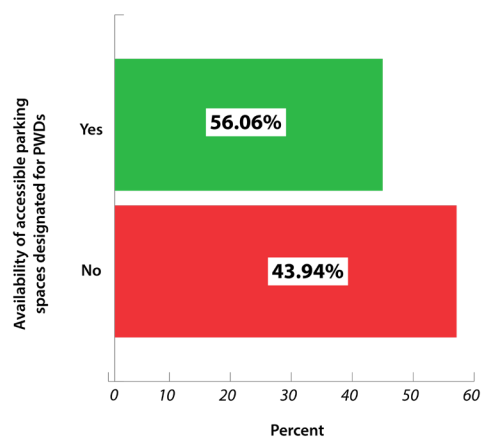


Figure 5: Accessibility of parking spaces designated for PWDs



The majority of buildings have designated parking spaces that are easily accessible for individuals with disabilities, which contributes to the promotion of inclusivity. Out of the sampled buildings, 56.06% demonstrated compliance with the provisions of laws that prioritize the inclusion of persons with disabilities. However, 43.94% of the sampled buildings have yet to adhere to the regulations outlined in the Persons with Disabilities Act and buildings regulations.

It is worth noting that certain buildings, such as Teleposta Towers in Nairobi City County, still lack accessible parking spaces designated specifically for persons with disabilities. This example highlights the slow progress or negligence on the part of building owners in complying with laws that promote inclusion. Failing to provide accessible parking spaces is a violation of the laws intended to ensure equal access and opportunities for individuals with disabilities.

### 4.1.5 Presence of ramps or other accessible entrances to the buildings and facilities

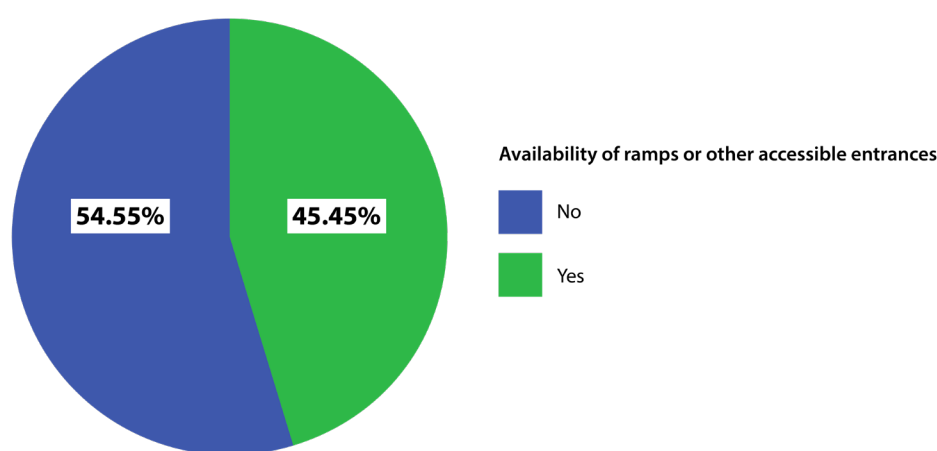


Figure 6: Number of buildings with ramps

54.55% of the sampled buildings lacked ramps, making it difficult for individuals with disabilities to move around freely. These buildings were constructed after the enactment of the Persons with Disabilities Act and the ratification of building and construction guidelines by the government. This situation suggests that, as a country, we still have a long way to go in terms of promoting an inclusive agenda and ensuring that buildings are user-friendly for all individuals.

Only 30(45.45%) of the sampled buildings had ramps that catered to the needs of persons with disabilities, which is a relatively small percentage. This indicates that there is a significant gap in terms of implementing accessibility measures and prioritizing the inclusion of individuals with disabilities in building design and construction.

To truly amplify the inclusion agenda, it is crucial for building owners, architects, engineers, and relevant authorities to recognize the importance of incorporating ramps and other accessibility features into building plans and constructions. This would enable individuals with disabilities to navigate buildings independently and participate fully in society.

Efforts should be made to raise awareness about the significance of accessibility and the requirements outlined in the relevant laws and guidelines. Additionally, there should be stronger

enforcement mechanisms to ensure compliance with accessibility standards, leading to a more inclusive built environment where everyone can enjoy equal access and opportunities.

**4.1.6 Accessible restrooms with grab bars, wider stalls, and sinks at a lower height**

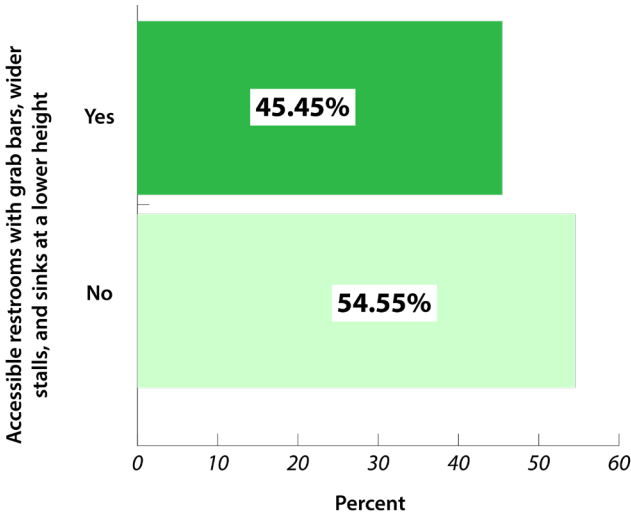


Figure 7: Number of buildings with accessible restrooms for persons with disability

According to the findings, 54.55% of the sampled public buildings were not designed to be friendly or accessible for individuals with disabilities. This lack of accessibility creates difficulties for persons with disabilities in easily accessing restroom facilities. 45.45% of the buildings depict the need for inclusive campaigns and efforts to promote the construction of buildings that are user-friendly for all individuals, regardless of their physical abilities.

**4.1.7 Presence of elevators or other accessible means of vertical**

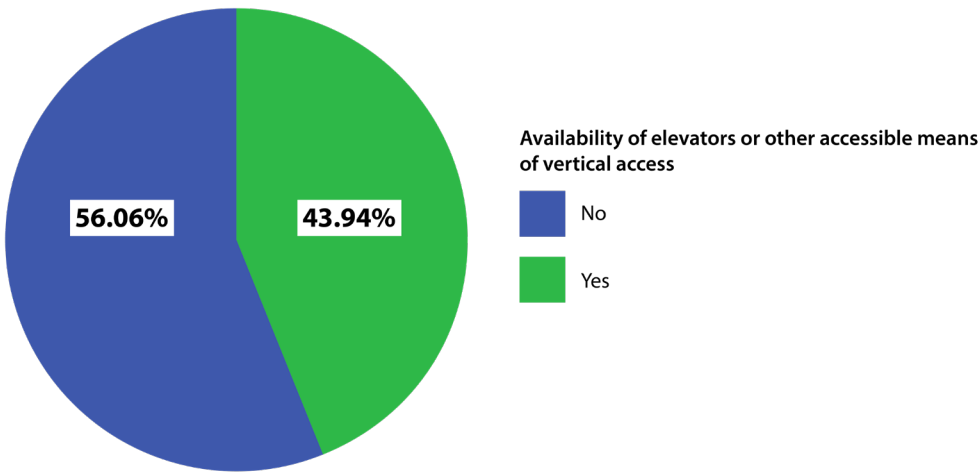


Figure 8: Availability of elevators in multi-story buildings and any other public facilities.

56.06% of the buildings surveyed did not have any vertical accessibility means for persons with disabilities, while 43.94% did. It is beneficial for multi-story buildings to have elevators to facilitate easier accessibility to upper floors for individuals with disabilities.

## 4.1.8 Presence of emergency evacuation plans and procedures

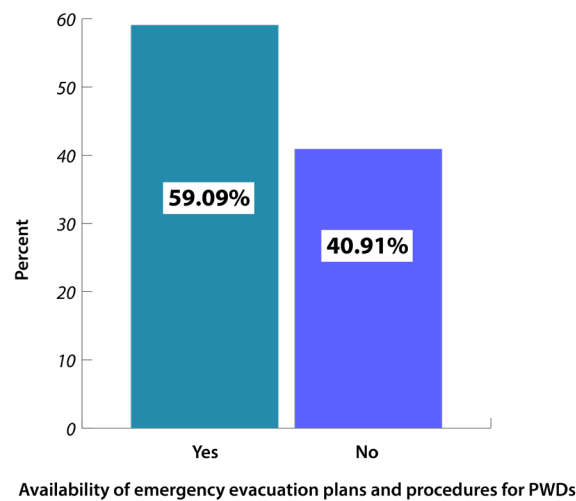


Figure 9: Number of buildings with emergency evacuation plans

59.09%, did not have evacuation plans in place for emergencies. This lack of preparedness poses a risk to the safety and lives of the individuals working, seeking services, or residing in those buildings. In contrast, 40.91% of the buildings did have evacuation plans to address emergencies.



# Chapter five: Conclusion and recommendations

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## 5.0 Conclusion

In conclusion, the data clearly indicates that Kenya still faces significant gaps in the implementation of disability rights laws, particularly in relation to the accessibility and mobility of public spaces for persons with disabilities. The absence of disability-friendly features in public buildings contradicts the fundamental goal of inclusivity and equal access for all citizens. This raises important questions about why proper accessibility measures are not being consistently implemented, especially in government-owned structures. Addressing these issues is crucial to promote inclusivity, empower individuals with disabilities, and ensure compliance with regulations aimed at providing equal opportunities for all members of society. It is imperative to launch inclusive campaigns and awareness initiatives to educate the public about the importance of accessibility in building design. By fostering greater awareness and advocating for the rights of individuals with disabilities, we can work towards creating a more inclusive society where buildings and facilities are accessible to all, regardless of physical appearance or ability. Efforts should be made to raise awareness, encourage adherence to regulations, and prioritize inclusivity in building design, thereby removing unnecessary barriers and facilitating full participation and access to public spaces and services. Only through collaborative efforts can we truly realize a society that values and caters to the needs of every individual, irrespective of their physical abilities.

## 5.1 Recommendations

Based on the findings, it is clear that there is a pressing need for action to address the gaps in the implementation of disability rights laws in Kenya, particularly in terms of accessibility and mobility in public spaces. To ensure a more inclusive society, the following recommendations are proposed:

1. **Enhanced Implementation:** Government agencies, building owners, and relevant stakeholders should prioritize the implementation of disability rights laws and regulations. This includes adhering to building codes and guidelines that promote accessibility and mobility for persons with disabilities.
2. **Awareness Campaigns:** Launch comprehensive awareness campaigns to educate the public about the importance of accessibility in building design. These campaigns should emphasize the rights of individuals with disabilities and the benefits of inclusive environments, promoting a shift in attitudes and behaviors.
3. **Compliance and Enforcement:** Strengthen the enforcement of regulations and building codes to ensure that accessibility features are incorporated into new constructions and renovations. This may involve conducting regular inspections and imposing penalties for non-compliance.
4. **Collaboration and Consultation:** Foster collaboration between government bodies, architects, engineers, disability organizations, and individuals with disabilities. Engage in dialogue and consultation to ensure that accessibility needs are properly understood and integrated into building designs from the early stages.
5. **Accessibility Audits:** Conduct comprehensive accessibility audits of existing public

buildings, identifying areas of improvement and developing action plans for retrofitting where necessary. This should include the installation of ramps, elevators, braille signage, and accessible toilet facilities.

6. **Inclusive Design Standards:** Develop and promote inclusive design standards that go beyond minimum requirements. Encourage building owners and architects to embrace universal design principles that consider the diverse needs of all individuals, including those with disabilities.

By implementing these recommendations, Kenya can work towards creating a more inclusive society where buildings and public spaces are accessible to all individuals, irrespective of their physical abilities. This will not only enhance the quality of life for persons with disabilities but also promote equal opportunities, independence, and full participation for all members of society.

# Appendices

## ANNEX 1: QUESTIONNAIRE

### SIASA PLACE / CENTRE FOR DISABILITY RIGHTS AND ADVOCACY (CEDRAD) DISABILITY PHYSICAL ACCESSIBILITY ASSESSMENT TOOL KIT. (PUBLIC SPACES- GOVERNMENT OFFICES AND RESTAURANTS)

#### Introduction

We would like to invite you to participate in a survey on the accessibility of structures to persons with disabilities. This survey is intended to gather information about the level of compliance of structures in our city with disability rights laws, and to identify areas for improvement. Your participation in this survey is voluntary, and you may choose to withdraw from the survey at any time without penalty. Your responses will be kept confidential and anonymous, and will only be used for research purposes.

#### Confidentiality

Any information given in the process of the interview will not be disclosed to any other person. And that the data collected will only be used for the purpose of the research and not any other thing.

#### Section A: Demographics

- I. Name of the Building: .....
- II. Estimate Year of construction/ renovation: .....
- III. Geo-reference of the building: .....
- IV. Respondents gender: .....
- V. Respondents title: .....

#### Section B: Accessibility questions

- 1. Are there curb cuts at street intersections to allow wheelchair users to cross the street easily to the structure?
  - ☐ Yes
  - ☐ No
- 2. Are there tactile warning strips on curb cuts and at the edge of platforms at transit stops to help people with visual impairments navigate safely?
  - ☐ Yes
  - ☐ No
- 3. Are sidewalks paths free from obstacles such as construction barriers, parked cars, or trash cans that can make it difficult for wheelchair users or people with visual impairments to pass through?
  - ☐ Yes
  - ☐ No
- 4. Are there accessible parking spaces designated for people with disabilities in buildings?
  - ☐ Yes
  - ☐ No



5. Are there ramps or other accessible entrances to the buildings and facilities, such as libraries, schools, and community centers?
  - o Yes
  - o No
6. Are there accessible restrooms with grab bars, wider stalls, and sinks at a lower height in public buildings and facilities?
  - o Yes
  - o No
7. Are there elevators or other accessible means of vertical access in multi-story buildings and facilities?
  - o Yes
  - o No
8. Are there emergency evacuation plans and procedures that take into account the needs of people with disabilities in public buildings and facilities?
  - o Yes
  - o No
9. Do you have any suggestions for improving the accessibility and usability of the structure for people with disabilities?

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