



# Kenya National Commission on Human Rights

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## PRESS STATEMENT

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TO ALL MEDIA HOUSES

### **KNCHR STATEMENT ON DEMONSTRATION BY PERSONS WITH MENTAL DISABILITIES**

The Kenya National Commission on Human Rights (KNCHR) is concerned about a demonstration on Wednesday, March 30, 2011, by parents of children with mental disabilities at the Ministry of Gender in Nairobi. The Kenya Society of the Mentally Handicapped, which organized the demonstration, said the Ministry of Finance was withholding Sh700 million meant for persons with disabilities, and threatened to mobilize parents for another demonstration.

The Commission would like to state the following:

1. Persons with disabilities, including children, were allocated Sh200 million in the 2009/2010 budget, and NOT Sh700 million as claimed by the Kenya Society for the Mentally Handicapped.
2. The protest on Wednesday was most unfortunate. The Children Act No. 8 of 2001 provides that all actions taken by private or public institutions concerning children shall be informed by the best interests of the child. The deplorable manner in which children with mental disability (many brought to the city by parents from distant places) were exposed to the harshness of a protest march must be condemned by all responsible wananchi: these children spent long hours in the sun and they were turned into a public spectacle. While KNCHR supports freedom of speech, assembly and association, we condemn the manner in which the children were used to make a point that could have been done still without exposing the children to harm and danger. The parents and the organisers of the protest did not act in the best interests of the children for whose cause they were fighting.
3. We would also like to commend the media who reported the demonstration for not focusing on the children and for keeping in line with the Children Act and media ethics.
4. KNCHR would like to commend the Ministry of Finance for making an allocation for persons with severe disabilities and older persons in Kenya. We want to urge the Government to

review the resources which it is putting into the National Development Fund for Persons with Disabilities as well as in mainstream ministries to ensure that persons with disabilities can live in dignity.

5. KNCHR expresses solidarity with parents, guardians and institutions serving persons with mental and other disabilities. Many of these individuals are single parents who contend with harsh life in marginalised areas, not to mention the stigma associated with disability. The Constitution of Kenya 2010 as well as the Convention on the Rights of Persons with Disabilities to which Kenya is a party should guide all actors (both government and non-government) as the country proceeds to ensure real benefits for persons with disabilities from Kenya's new dispensation. The Commission will continue to play an active facilitative role towards this end.
6. The Ministry of Gender, Children and Social Development should take necessary decisions in resourcing the needs of persons with disabilities on the basis of broad consultations. Organisations of persons with disabilities should recognise that consultation involves compromise and that no one organisation will get its way in every regard when national resources are so limited.
7. The budget process is based on taxpayer's money for the public good. It is a process by Kenyans for Kenyans. The protest on Wednesday should awaken wananchi to the rights provided for in the Constitution to participate in the budget process. Kenyans must participate in the budgeting process all through: from giving people-friendly budget proposals, to monitoring the use of funds, and to reporting misuse of public funds whether by public officials or private organisations.

**Signed,**

**Florence Simbiri-Jaoko**

**KNCHR CHAIRPERSON**