



## New Library World

Persons with Disabilities Bill 2002: implications concerning visual disabilities for academic library and information services in Kenya

Raymond Euppa Ochoggia,

### Article information:

To cite this document:

Raymond Euppa Ochoggia, (2003) "Persons with Disabilities Bill 2002: implications concerning visual disabilities for academic library and information services in Kenya", New Library World, Vol. 104 Issue: 7/8, pp.307-312, <https://doi.org/10.1108/03074800310488086>

Permanent link to this document:

<https://doi.org/10.1108/03074800310488086>

Downloaded on: 29 January 2018, At: 01:21 (PT)

References: this document contains references to 10 other documents.

To copy this document: [permissions@emeraldinsight.com](mailto:permissions@emeraldinsight.com)

The fulltext of this document has been downloaded 979 times since 2006\*

### Users who downloaded this article also downloaded:

(2008), "Library services for people with disabilities in Greece", Library Review, Vol. 57 Iss 2 pp. 138-148 <a href="https://doi.org/10.1108/00242530810854017">https://doi.org/10.1108/00242530810854017</a>

(2005), "Library services for people with disabilities in Argentina", New Library World, Vol. 106 Iss 5/6 pp. 253-268 <a href="https://doi.org/10.1108/03074800510595869">https://doi.org/10.1108/03074800510595869</a>

Access to this document was granted through an Emerald subscription provided by emerald-srm:474496 []

### For Authors

If you would like to write for this, or any other Emerald publication, then please use our Emerald for Authors service information about how to choose which publication to write for and submission guidelines are available for all. Please visit [www.emeraldinsight.com/authors](http://www.emeraldinsight.com/authors) for more information.

### About Emerald [www.emeraldinsight.com](http://www.emeraldinsight.com)

Emerald is a global publisher linking research and practice to the benefit of society. The company manages a portfolio of more than 290 journals and over 2,350 books and book series volumes, as well as providing an extensive range of online products and additional customer resources and services.

Emerald is both COUNTER 4 and TRANSFER compliant. The organization is a partner of the Committee on Publication Ethics (COPE) and also works with Portico and the LOCKSS initiative for digital archive preservation.

\*Related content and download information correct at time of download.

---

# Persons with Disabilities Bill 2002: implications concerning visual disabilities for academic library and information services in Kenya

---

*Raymond Euppa Ochoggia*

---

## The author

Raymond Euppa Ochoggia is an Assistant Librarian at Maseno University, Maseno, Kenya.

---

## Keywords

Libraries, Academic libraries, Disabled people, Information services, Legislation, Kenya

---

## Abstract

The paper defines the term disability and how it fits among persons with visual disabilities. Specific provisions in the Persons with Disabilities Bill 2002 that may affect library and information services to visually handicapped students in learning institutions in Kenya are identified and listed. Establishment of the National Council for Persons with Disabilities to oversee all matters affecting the disabled is highlighted. The National Development Fund for Persons with Disabilities to provide financial assistance is equally cited. The author provides a detailed interpretation of the Bill with a bias towards provision of library and information services for visually handicapped people. The paper concludes that the Bill is likely to open up educational opportunities for the visually handicapped students in Kenya by widening the range of information sources.

---

## Electronic access

The Emerald Research Register for this journal is available at

<http://www.emeraldinsight.com/researchregister>

The current issue and full text archive of this journal is available at

<http://www.emeraldinsight.com/0307-4803.htm>

## Introduction

It is not easy to find a standard definition of disability because of the varied nature of disabilities. Attempts have, however, been made to define disability and these abound in the literature. For example, Velleman (1990) defines disability as limitation of function that results directly from an impairment at the level of specific organ or body system, while Burrington (2001) defines a disability as physical, sensory or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out day-to-day activities. The UN General Assembly (1994), at its 48th session in December 1993, adopted the term disability to mean functional limitation (physical, mental or sensory) occurring in any population in any country of the world. According to the *Kenya Gazette Supplement* (2002), the Persons with Disabilities Bill 2002 adopts the British Disability Discrimination Act 1995 definition. It defines disability as physical, sensory, mental or any other impairment including visual, hearing or physical disability, with a substantial long-term adverse effect on a person's ability to carry out usual day-to-day activities. The "day-to-day activities" are daily activities that an able-bodied person would reasonably be expected to carry out.

Visual disability is, therefore, the loss or limitation of opportunities to take part in life on an equal level with sighted members of the community.

Although the terms visually handicapped and blind may semantically carry different meanings, they have been used extensively to denote visual disability. For the purpose of this paper they are used interchangeably to convey visual disability.

Throughout the world, disabled people in general can face numerous problems as they seek to assert their position in a modern, complex and competitive world dominated by able-bodied people. Disabled people can be excluded from social activities and not treated as equals by able-bodied people. The fact that, in one way or another, their physical or mental state(s) makes them live a life that is perceived to be different can threaten the accepted personification of able-bodied persons (Velleman, 1990). Velleman (1990) states that "how one looks often influences how one is treated".



## The Persons with Disabilities Bill 2002

In recognition of the plight of the disabled citizens, the Kenyan Government seeks to enact the Persons with Disabilities Bill to provide for the rights and rehabilitation of persons with disabilities; to achieve equal opportunities for persons with disabilities and establish a body (National Council for Persons with Disabilities) to correct some of the inequalities concerning disabled people, which tended to be overlooked by previous governments. The Bill is the first of its kind in Kenya that seeks to provide a level playing-field for disabled people and enable them realize their full potential as Kenyans.

While disabled persons eagerly await the Bill to be enacted, the Government recognizes the fact that the Bill might not benefit those in this condition who are already old or past school-going age. The Persons with Disabilities Bill 2002 sets out to rehabilitate this group of persons with disabilities from the culture of dependency by teaching them skills that can enable them to fend for themselves. Consequently, rehabilitation centres will be established where disabled people, including visually handicapped people, will be taught basic skills in various income-generating activities such as shoemaking, knitting, etc.

The Bill further seeks to establish the National Council for Persons with Disabilities, which will be an administrative statutory body that will oversee all matters regarding persons with disabilities in Kenya. For example, the Bill states that:

... the Council shall be a body corporate with succession and a common seal and shall in its corporate name be capable of suing and being sued, and acquiring, holding and disposing of movable and immovable property.

The Persons with Disabilities Bill 2002 is divided into eight parts, briefly highlighted, as follows:

- (1) Part I deals with preliminary provisions and defines the term disability as used in the context of the Bill.
- (2) Part II describes the provision of establishing the National Council for Persons with Disabilities and its functions.
- (3) Part III outlines the rights and privileges of persons with disabilities.
- (4) Part IV details certain civic rights of persons with disabilities.

- (5) Part V proposes the establishment of a National Development Fund for Persons with Disabilities.
- (6) Part VI contains tax-related relief and incentives for persons with disabilities and people who render services to them.
- (7) Part VII contains miscellaneous regulations controlling the conduct of persons with disabilities in the context of a legal framework.
- (8) Part VIII contains a list of offences and penalties that can befall an individual or organization that fails to adhere to the provisions of the Bill.

### Visual disability

Visually handicapped persons in Kenya have not been able to exploit educational opportunities being offered in the country.

For visually handicapped students, "day-to-day activities" would include, among others, the desire to read standard print, select books from library shelves, follow graphic illustrations in the course lectures, access information via the Internet and so forth.

Some of the provisions of the Bill which may have a direct bearing on the provision of library and information services for the visually handicapped are:

- (1) Formulation and development of measures and policies designed to achieve equal opportunities for persons with disabilities by ensuring that they obtain education and employment, which in turn allows them to participate fully in all day-to-day human activities.
- (2) Design measures that can be adopted to prevent any form of discrimination against persons with disabilities.
- (3) Maintain a register of all persons with disabilities and all organizations for and of persons with disabilities throughout the country.
- (4) Provide subsidized medical cover for persons with disabilities.
- (5) Provide assistive devices, appliances and other equipment to persons with disabilities.
- (6) Provide access to available information and technical assistance to all institutions, associations and organizations concerned with the welfare and rehabilitation of persons with disabilities – including those controlled and managed by the Government.

- (7) Offer financial assistance to students with disabilities in the form of scholarships, loan programmes, fees subsidies and other forms of assistance in both public and private institutions.
- (8) Accord tax exemption on all income accruing from employment.
- (9) Remove all restriction in the admission to learning institutions. The Bill also makes it compulsory for learning institutions to take into account the special needs of students with disabilities. It also makes it mandatory for such institutions to provide auxiliary services to facilitate the learning process.
- (10) The Bill provides for the establishment of Braille and recorded libraries throughout the country for persons with visual disabilities.
- (11) Exemption from paying import duty or demurrage charges, value added tax or port charges on all donations, materials, articles, books, and equipment meant for persons with disabilities.
- (12) Exemption from postal charges on printed and recorded literature, articles or any other devices meant to be used by persons with disabilities.
- (13) Communication equipment such as telephones will be required to provide tactile marks on telephone sets to enable visually disabled persons to communicate easily without any impediments.
- (14) Establishment of the National Development Fund for persons with disabilities whose functions will be to:
  - Contribute towards the cost of acquiring assistive devices and service.
  - Assist institutions that train persons in the care of persons with disabilities.
  - Pay allowances for persons with disabilities who are not in any gainful employment or who are not employable due to the nature of their disabilities.

## Implications

Through the Kamunge Report (Kamunge, 1988), the Kenyan Government has continued to recognize the existence of persons with disabilities among its citizenry.

This is given more attention in the Koech Report (Koech, 1999) by highlighting special educational needs of each category of disabled persons and how each group can be assisted to enable them to participate fully in day-to-day human activities without having to depend on others. This implies that the disabled person's special needs are identified with a view to designing services that take into account the physical or mental disposition of each disabled person.

The Bill clearly states that the National Council for Persons with Disabilities will be a statutory body charged with the responsibilities of formulating and developing measures and policies designed to achieve equal opportunities for persons with disabilities by ensuring that they obtain education and employment, which in turn will allow them to participate fully in all usual day-to-day human activities. The objective of the Bill is thus geared towards giving the proposed Act some form of teeth to implement its programmes.

For persons with visual disabilities, especially students, the range of reading materials provided for them has always been limited. This is attributed to the fact that whatever information material is available with regard to library and information services is generally in standard print format or is simply in a format that is not suitable. This situation is likely to change with the enactment of the Bill because the National Council for Persons with Disabilities will henceforth work with relevant stakeholders to come up with policies that specifically pay attention to lack of availability of sufficient reading materials and some modern information communication technologies in the provision of library and information services to persons with visual disabilities which are not user-friendly. Unlike in the past, when the Bill finally becomes law, it will be possible to apportion blame to a specific arm of the Government or private sector and demand solutions to inadequacies.

However, discrimination against persons with disabilities in terms of deliberate omission or under-representation of services abounds all around in Kenya and this is discernible even after 30 years of independence. Unlike in other parts of the world, the Kenyan Government has not established a National Library for the Blind. The present Braille and Large Print Section,

established in 2000, at the Kenya National Library Services is confined to the head office and the same services are not available at branches. There is no newspaper in Kenya published for visually handicapped people. The Bill seeks to remove such forms of discrimination by empowering the National Council for Persons with Disabilities to design measures to prevent any form of discrimination against persons with disabilities and, in particular, visually handicapped people. Part III (19) of the Bill states that:

... the Council shall work in consultation with the relevant agencies of government to make provisions in all districts for an integrated system of special and non-formal education for persons with all forms of disabilities and the establishment where possible of Braille and recorded libraries for persons with visual disabilities.

There is even provision for the prosecution of anybody who deliberately discriminates against disabled persons.

The importance of an accurate register for planning and allocation of resources cannot be overemphasized. The National Council for Persons with Disabilities will consequently be charged with the responsibility of maintaining an up-to-date register of all disabled persons and all organizations for and of persons with disabilities throughout the country. This will be useful, as it will ensure that an accurate register of visually handicapped people in the entire country is maintained.

The Kenya Institute for the Blind, the Kenya Institute of Special Education and the Special Education Unit in the Ministry of Education are some of the organizations set up to assist disabled people. Many of them operate independently without any form of co-operation in rendering services to disabled persons. Not only does this encourage duplication of effort but it also promotes resource wastage and gives little room for cooperation in the provision of services.

The book production services at the Kenya Institute for the Blind, Audio-visual Unit at Kenyatta University and Kenya Institute of Special Education each operate along independent lines. With impending promulgation of the Bill, an accurate record of all organizations engaged in the business of assisting disabled people will be maintained and this will form the basis for cooperative activities and improvement of library and

information services for the visually handicapped students.

Visually handicapped persons usually suffer from eye-related medical conditions that require regular medical attention. Given that a large proportion of visually handicapped people throughout the world happen to be among the poorest in society, as noted by Newell (1974), medical services are a strain on their meagre financial resources. The Bill seeks to alleviate this problem by providing subsidized medical cover to all persons with disabilities. For visually handicapped persons, the implication here is that they will be relieved of the financial burden hitherto expended on eye-related ailments and in turn re-channel the resources to life-improving activities, such as sourcing for appropriate reading materials, hence bringing about increased enrolment in learning institutions. This expected increase in enrolment caused by an increased number of healthy visually handicapped students will in turn put pressure on the Government to establish library and information infrastructures that are well equipped to provide relevant and appropriate services for blind people.

#### **Equipment and financial considerations**

Provision of all kinds of library and information services to visually handicapped persons requires heavy financial input and a high calibre of expertise. Material investment in terms of assistive devices, appliances and other equipment is also required. Blind people in Kenya cannot acquire devices, appliances and equipment, such as magnifying glasses, Braille reading material, large print reading material, appropriate computers, because they are beyond their financial means.

Part II section (d) clause (i) of the Bill states that assistive devices, appliances and other equipment will be provided to all persons with disabilities. Section (f) states that provision will be made to assist students with disabilities in the form of scholarships, loan programmes, fees subsidies and other similar forms of assistance in both public and private institutions. This will no doubt include assistance to visually handicapped persons, especially those enrolled in learning institutions. With devices such as adaptive computers and associated peripherals, the range of information available to people with visual disabilities will definitely increase. This

will naturally bring about a wider choice of information and reading materials, which can in turn improve the quality of their academic output. The quality of information gained through technologies, such as e-mail and Internet access, will no doubt be of great value to blind students. Provision of modern communication technologies will also mean that blind students could be relieved of the culture of dependency because these technologies can bring about a sense of independence necessary in the search for quality information and realization of academic goals.

The Bill is emphatic on access to available information and technical assistance to all institutions, associations and organizations concerned with the welfare and rehabilitation of persons with disabilities – including those controlled and managed by the Government. Learning institutions admitting visually handicapped students may, for the first time, be able to purchase sophisticated equipment and devices, which they could not purchase previously.

Providing financial assistance to students with disabilities in the form of scholarships, loan programmes, fees subsidies and other forms of assistance in both public and private institutions is likely to cause an increase in student enrolment in learning institutions, similar to national free primary education introduced in Kenya that, according to Okwach (2003), caused over-enrolment in primary schools. This calls for the expansion of library and information services for visually handicapped students in respective institutions in order to accommodate this increase. The prospect of being exempted from paying taxes on all income accruing from employment is likely to provide impetus to the visually handicapped students to succeed academically. The Bill's proposal for establishment of Braille and recorded libraries in all districts throughout the country for persons with visual disabilities would be justified by a sufficient number of readers.

An adequate number of visually handicapped readers to sustain a Braille or talking book industry could influence some publishers to publish books and related materials in alternative formats. In this scenario, libraries would be able to purchase reading materials for visually handicapped people locally and at a subsidized cost.

The Bill seeks to provide tax exemption of import duty or demurrage charges, value added tax or port charges on all donations, materials, articles, books, and equipment meant for persons with disabilities. Payment of postal charges on printed and recorded literature, articles or any other devices used by persons with disabilities will also be removed. Visually handicapped students are likely to find themselves with increased reading materials because institutions serving disabled people will be also be given rebate on taxable services accruing from their business. Funds will be made available to those institutions and organizations providing any form of services to disabled persons. This will include academic institutions, both public and private.

Libraries and documentation centres will become the main beneficiaries of the Bill. According to Muya (1990), the current state of library and information services for visually handicapped people in Kenya is:

... a sad story to tell due to lack of adequate funding.

According to Ochoggia (2003), library and information services for visually handicapped students in Kenyatta University, a public university with the largest number of visually handicapped students in Kenya, relies on inadequate Braille material and a handful of recorded books. Staff lack the necessary specialized training to serve visually handicapped students adequately. The Bill proposes to waive all import duty and all kinds of taxes on imported materials meant for disabled persons. This is likely to bring about improved library and information services for the visually handicapped students in learning institutions in Kenya.

Library and information centres managers in Kenya can anticipate forthcoming changes and can be prepared to accommodate the impending demand for reading material for those with visual handicap and relevant accessories to enable them to access information.

Although the Bill is silent on whether the National Development Fund for Persons with Disabilities will coordinate international donations, it is the most appropriate office to manage all the financial matters regarding any form of assistance to people with disabilities in general. It could be modelled on the Higher Education Loans Board, currently serving

students in institutions of higher learning in Kenya, which disburses loans to needy students.

The Bill states that manufacturers of communications equipment, such as telephone receivers, will be required to incorporate tactile marks on keyboards or dial sets in order to enable visually handicapped persons to receive and send information through existing modern communications systems. This will ensure that visually handicapped students are able to communicate with those around them and access information in electronic form without having to rely on sighted colleagues or assistants. At present, visually handicapped students in Kenya have to rely on assistance from sighted persons to send and receive electronic mail, thus depriving them of the confidentiality of communication.

## Conclusion

If the provisions of the Persons with Disabilities Bill 2002 are effectively implemented, visually handicapped students will find themselves with facilities that for the first time will expose them to a wide range of information hitherto unknown to them. How visually handicapped students will react to such a new information environment cannot be effectively predicted, but exposure to many choices of accessing information offers improvement in the quality of academic life. The provisions of the Bill are likely to bring

about new avenues through which to access information on a wider scale than before.

## References

- Burrington, G. (2001), "The Disability Discrimination Act 1995, and its implication for the provision of library services", *Library Service for the Blind: A Manual*, available at: [www.nlbuk.org/bpm/chapter3.htm](http://www.nlbuk.org/bpm/chapter3.htm)
- Kamunge, J.K. (1988), *A Report on the Presidential Working Party on Education and Manpower Development in Kenya*, Government Printer, Nairobi.
- Kenya Gazette Supplement (2002), No. 48 Bills No. 16, *Persons with Disabilities Bills 2002*, Government Printer, Nairobi.
- Koech, D.K. (1999), *Total Integrated Education and Training (TIQUET)*, Government Printer, Nairobi.
- Muya, E.W. (1990), "Development of library services for the visually handicapped: a basic strategy", *Proceedings of Kenya Library Association Annual Seminar, 27 February-2 March* (unpublished)
- Newell, F.W. (1974), *Ophthalmology: Principles and Concepts*, 3rd ed., Mosby Yearbook Inc., St Louis, MO.
- Ochoggia, R.E. (2003), "Provision of library and information services to visually handicapped students in Kenyan public universities: a case study of Kenyatta University", MPhil thesis, Moi University, Eldoret.
- Okwach, A. (2003), "Tackling demands of free schooling", *Daily Nation*, p. 11.
- UN General Assembly (1994), *A/RES/48/96 Standard Rules on the Equalization of Opportunities for Persons with Disabilities*, available at: [www.un.org/documentation/ga/res/48/a48r096.htm](http://www.un.org/documentation/ga/res/48/a48r096.htm)
- Velleman, R.A (1990), *Meeting the needs of People with Disabilities: A Guide for Librarians, Educators, and Service Professionals*, Oryx Press, Phoenix, AZ.