



**POLICY
BRIEF**

THE NEED FOR INCLUSIVE TRANSPORT IN KENYA





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Photo 1: Photo Courtesy of Nairobi Business Monthly

Introduction



1.1. Public Transport Service as a Human Right

Accessibility to road transport is a human right that has not been given prominence particularly to persons with disabilities. Article 9 of the Convention on the Rights of Persons with Disabilities (CRPD) requires the State Parties to take appropriate measures to ensure that persons with disabilities access transportation equally with others. The CRPD requires State Parties to identify and eliminate obstacles and barriers to accessibility of buildings, roads, transportation and other indoor and outdoor facilities. The Constitution of Kenya 2010 expressly and explicitly provides accommodation and non-discrimination in providing the rights to Kenyan citizens. Chapter four, on the bill of rights, requires the State not to discriminate against anyone directly or indirectly on any grounds, such as their age and disability. Further, Article 54 (1) (c) provides that a person with any disability is entitled to reasonable access to all places, public transport and information. The Persons with Disabilities Act of 2003 recognizes that persons with disabilities are entitled to a barrier-free and disability-friendly environment to enable them access to buildings, roads and other social amenities, and assistive devices and other equipment to promote their mobility.

1.2. Public Transport Service in Kenya

The transport system in Kenya and specifically Nairobi is dominated by informal paratransit vehicles. The informal paratransit vehicles are commonly known as matatus, the 14-seater and low-capacity buses that ply within the Nairobi Metropolitan route. To meet the diverse transportation needs of the growing urban population, the Government of Kenya has attempted to expand the service by allowing private transport providers to operate in the sector. Recent reforms in the matatu sector promote the introduction of higher capacity buses in city transport and plans are underway to introduce a Bus Rapid Transport system that will further improve the gains made so far. The legal notice 219 of 2013 by the Kenyan government also allowed for better regulation of the public transport sector and reduced rife criminal elements, especially on vulnerable

populations like the old and persons with disabilities. However, it is unclear whether these efforts have improved the needs of senior citizens and persons with disabilities.

1.3. Persons with Disabilities: A Significant Population

According to WHO (2011), people with disabilities are the world's largest minority accounting for 15% of the world population. They have lower education achievements, less economic participation, and higher poverty rates than people without disabilities. This can be partly attributed to existing barriers in accessing services such as transport as well as information. The World Report on Disability by WHO (2011) indicates that it is estimated that about one billion people have a form of disability globally. According to the 2019 census, in Kenya, 2.2% (0.9 million people) have some form of disability. Estimation by Development Initiatives based on Kenya Household and Population Census conducted by KNBS in 2019, in the four counties in the Nairobi Metropolitan Region (Nairobi City, Machakos, Kiambu and Kajiado), persons with disabilities account for about 0.4% of the population. Out of this, persons with physical challenges represented the highest proportion, 0.7%, followed by those with visual impairments (0.65%). The majority of these people at one time seek services from Nairobi City and use public transport services. This presents a need to plan for accessible public transport services.

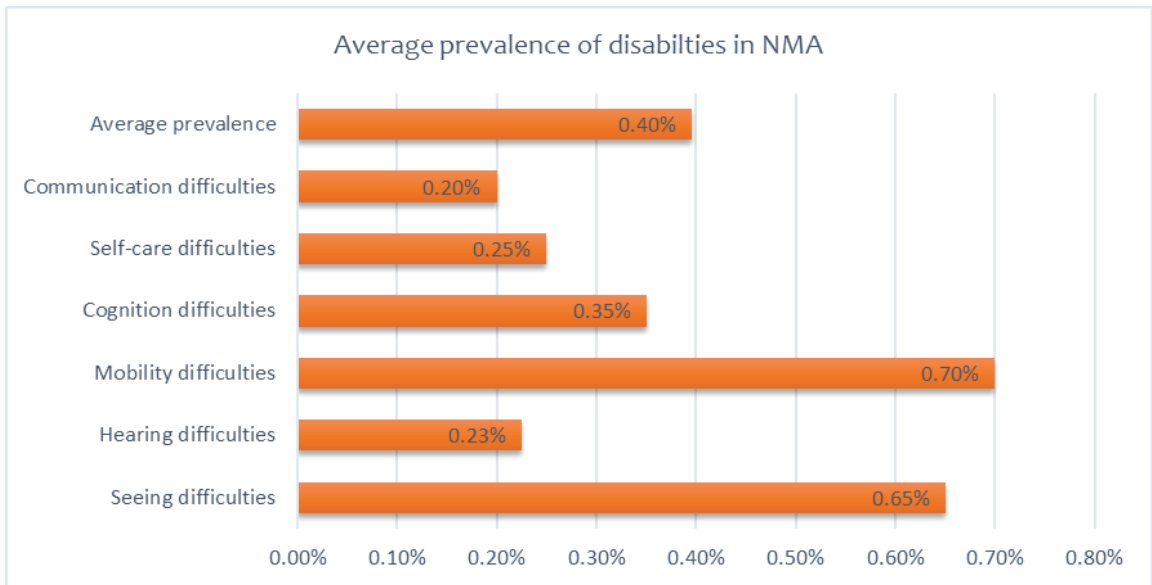


Figure 1: Average prevalence of disabilities in Nairobi Metropolitan Counties (Source Development Initiatives based on KNBS data)

Challenges of Accessing Public Transport Vehicles by Persons with Disabilities

Despite, the legal and policy provisions, accessibility of public transport service remains a mirage to users with disabilities due to the policy, technical and social challenges that are intertwined. A study conducted by Fhone Initiative in 2021 indicated that 77% of persons with disabilities use public transport vehicles (figure 2), commonly referred to as matatus

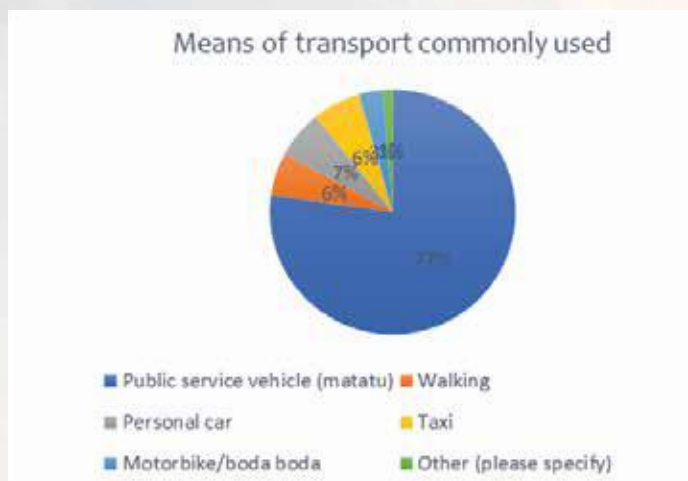


Figure 2: Commonly transport means used by PWDs



According to figure 3, the issues that worry these users are mainly to do with boarding (47%), reaching the matatu (43%), cost of transport (43%), switching from one matatu to the other (40%), condition of sidewalks and alighting from a matatu (38%). Some of these challenges or concerns are discussed in the subsequent part of the report.

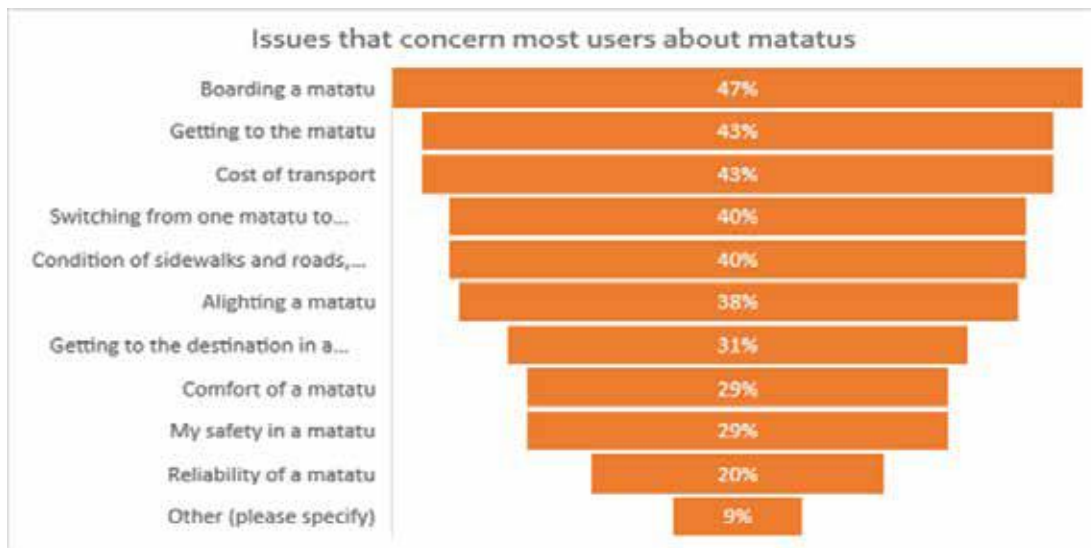


Figure 3: Top issues that concern most users about matatus

a) Policy and Technical Challenges

Several policies challenges have limited the implementation of accessible transport. Firstly, there is a lack of adequate financing that impedes the implementation of an ideal accessible mass transport that is already planned. Secondly, there is weak coordination of transport initiatives leading to disruptions in the provision of public transport services. Thirdly, there is a weak linkage between the practitioners and policymakers and low engagement of persons with disabilities. Lack of participation of persons with disabilities means their needs are not adequately considered in policy making and subsequent implementation.

Additionally, despite the existence of laws and policies, they remain largely unimplemented thus occasioning the inaccessibility of public service vehicles. For example, 94% of persons with disabilities reported that matatus are not adapted to fit their needs. (figure 4).

Lack of adaptation of PSVs can be attributed to the non-implementation of the DKS 372 Standards on Passenger Vehicle Body Construction, which requires matatu to be built while considering accessibility. Related to the non-implementation of policies is poor accessibility of infrastructure and amenities. The current transport infrastructure is not friendly to non-motorized users. In addition, many users are concerned with the lack of terminal linkages where they have to take much time, albeit with difficulties connecting one terminus to another. About 81% of the users felt that the bus stages are not accessible.

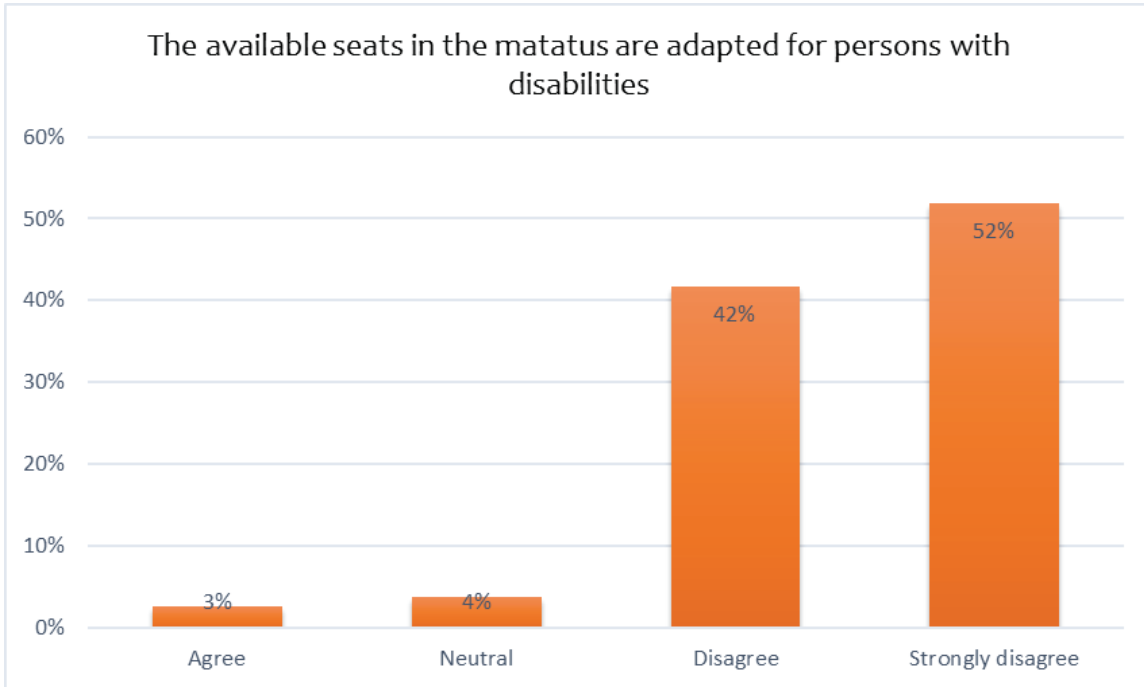
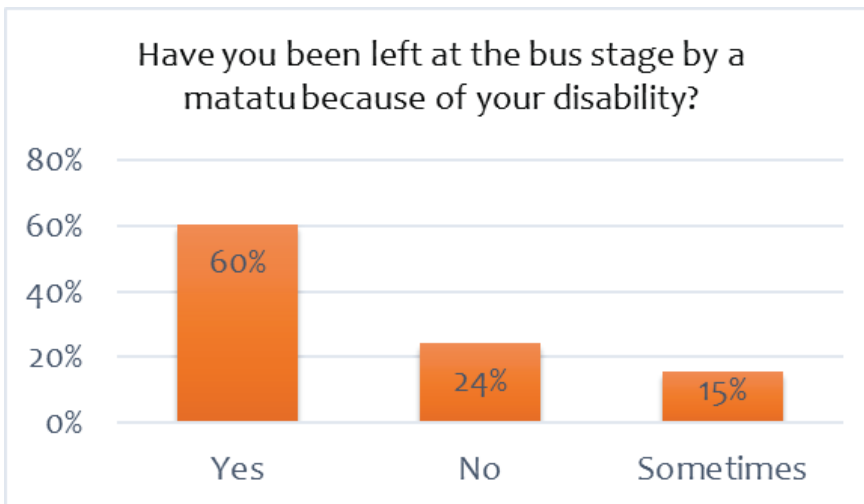


Figure 4: Adaptation of seats for persons with disabilities

b) Challenges Related to Matatus



In addition to the policy challenges, other challenges are related to the matatu operators, owners and staff. Firstly, the staff are discriminative of the passengers, especially those with mobility challenges. About 60% of passengers with disabilities have at one time been left by a matatu because of their disability

(figure 5).

Secondly, the bus fare remains unregulated thus burdening the passengers who already have an economic burden because of their disability. According to figure 6, 35% of passengers with disabilities spend bus fare of over KES. 200 per day while 30% use between KES. 150-200. Users with physical challenges have the biggest burden of fare compared to other groups because they have to pay almost triple including fare for their aides and cost of transporting their wheelchairs.

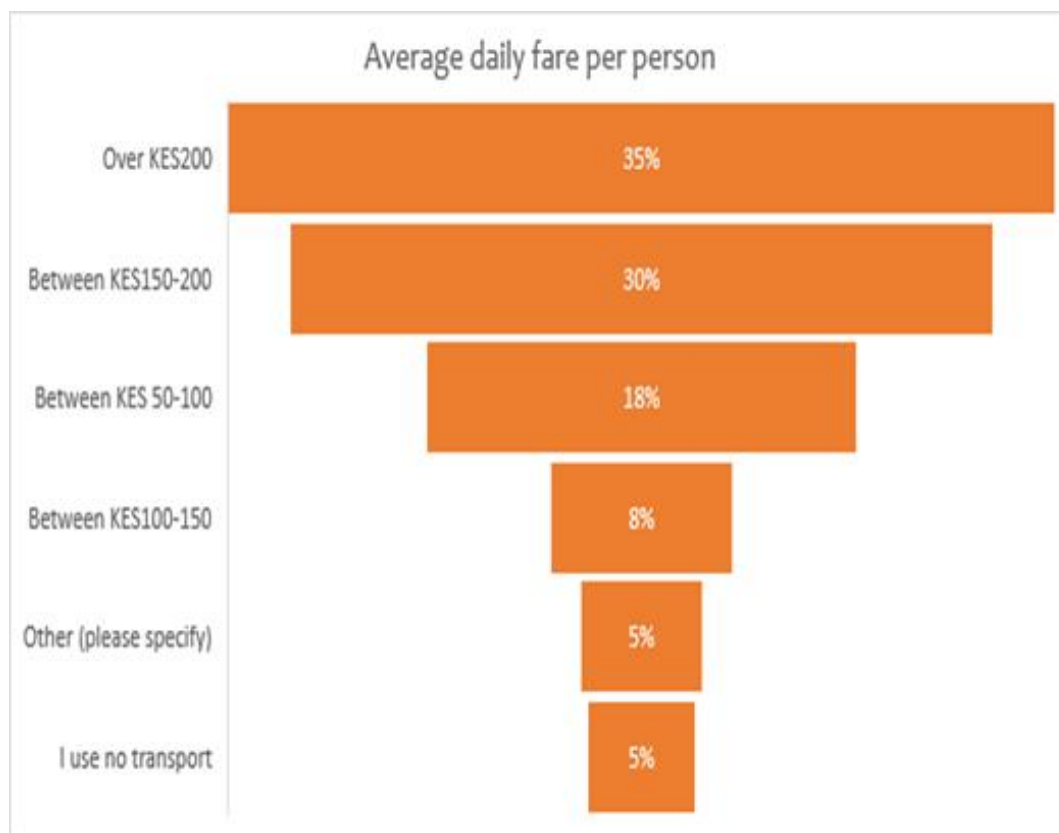


Figure 6: Average daily fare per person

The third challenge is related to the general undignified handling of passengers with disabilities, stigma from operators and passengers, condescending attitude, unresponsiveness, and use of unfriendly language. It was found out that 52% of the matatu staff are unfriendly and not courteous with some using derogatory terms to refer to users with disabilities.

Fourthly, the complaints mechanisms are mostly ineffective and inaccessible making it difficult for the aggrieved parties to complain to the matatu SACCOs. This means issues reported by passengers with disabilities remain unresolved and that they continue being denied their rights to accessing public transport services.

In addition, often matatus do not always adhere to the designated terminus, they drop them off arbitrarily to the point of risking their lives and may lead to incurring an additional cost of transport from the unintended drop-off point to their destination. Other challenges include low safety from vehicular traffic by 70% of the users, inaccessible information such as signage, insecurity in matatus and health effects resulting from overcrowding and loud music in matatus.

Proposed Policy Interventions

Based on the foregoing facts, Flone Initiative provides some policy recommendations which are believed to contribute to solving the recurrent challenges of unreliable, ineffective and inaccessible public transport services for paratransit vehicles.

- A. The Nairobi City County Government needs to enforce the Nairobi County Transport Act (2020) to ensure matatu owners and operators: (a) Provide designated seats for persons with disabilities; (b) adhere to the use of designated termini by matatu operators, and provision of designated seats to persons with mobility challenges; and (c) regulate music in PSVs.

- B. The Nairobi City County needs to provide adequate spaces for picking and dropping passengers in town to avoid the cases of obstruction reported by the county askaris and the traffic officers. The current spaces are not enough and the available ones are irregularly allocated to SACCOs. This makes it hard for other matatu operators to onboard or alight persons with disabilities since the available spaces are squeezed.





- C. The Ministry of Transport should operationalize and implement the DKS 372:2018, Draft Kenya Standard, Road Vehicles - Passenger vehicle Body Construction – Specification. The implementation of this Standard will lead to the realization of accessibility and safety on newly built public service vehicles adapted to fit the needs of persons with disabilities and the elderly. This can be coupled with policy initiatives that promote the local assembly of vehicles tailored to the local needs.
- D. The Ministry of Transport ought to review the road design manual of 1987 to incorporate accessibility aspects. The review should incorporate the realities informed by challenges faced by persons with disabilities and the emerging practices on accessibility on roads while promoting liveable cities.
- E. The Ministry of Transport: Fast-track the development and operationalization of the National Road Safety Action Plan as envisaged in the MTP III. This will address the safety of users, including the elderly and those with disabilities and safety provisions for non-motorized users.
- F. The Ministry of Transport needs to improve stakeholder engagement. Currently, only a limited number of stakeholders with disabilities are engaged in the policymaking for transport services. The government transport stakeholders need to build their internal capacity of engaging persons with disabilities in the planning, design, implementation and monitoring of transport service programmes. The public transport stakeholders should work closely with NCPWD, a state agency mandated to issue adjustment orders under sections 23 and 24 and implement the Persons with Disabilities Act of 2003. The government should promote more and better public participation of persons with disabilities and the elderly through improving communication, venues, platforms and medium of engagement during the public participation forums. For instance, communication can be done through the organizations of persons with disabilities and alternative and accessible means of communication are used. The coordination structures such as Programme Delivery Unit (PDU) should have a constitutional representation of persons with disabilities.
- G. The Ministry of Transport should ensure that provision of adequate infrastructure, amenities and facilities to accommodate the needs of persons with disabilities using the universal design model. Those that require priority are termini shades, toilets, walkways, pavements, among others. In addition, such facilities should have ramps, guard rails and adequate lighting, etc.
- H. The Ministry of Transport should develop policy guidelines to subsidize, standardize and regulate the fares charged by public service operators. This will avoid overburdening users who incur extra costs while traveling. For example, those using wheelchairs and an aide should be charged reasonable costs. The government can provide a cushion by paying the operators such additional costs through social protection programmes. Additionally, the government can provide tax incentives to the operators who are accommodative of persons with disabilities.



- I. The Ministry of Transport should review the training curriculum in colleges and universities targeting students of road construction technology. The curriculum should incorporate a unit that sensitizes them on sensitivity and responsiveness to the needs of marginalized populations.

- J. The National Treasury should provide adequate financing for the implementation of the integrated mass rapid transit (MRT) project- Bus Rapid Transport (BRT). There is a need for the government to allocate adequate funds to fast-track the implementation of the BRT. This will be an ideal means of transport for all and solves recurrent challenges faced by persons with disabilities and the elderly. This can be done by exploring the PPP financing options in the provision of some services.

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