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Type of the Paper: Research Paper.

Type of Review: Peer Reviewed.

Indexed in: Google Scholar

Google Scholar Citation: [IJRESS](#)

How to Cite this Paper:

Lukalo, B. V. and Savala, A. (2021): **Challenges Associated with Disability in Kakamega County.** *International Journal of Research in Education and Social Sciences (IJRESS)* 4 (1), 1-10.

International Journal of Research in Education and Social Sciences (IJRESS)

A Refereed International Journal of OIRC JOURNALS

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ARTICLE INFO

Received 20th, December, 2020

Received in Revised Form 16th January, 2021

Accepted 24th January, 2021

Published online 31st December, 2021

Keywords: *Persons Living with Disabilities, stigmatization, Discrimination*

Abstract

There have been cases of discrimination evidenced in access to meaningful participation in many activities in societies where people with disabilities live. Although, the Kenyan constitution enshrined the rights of persons with disabilities, socio-cultural beliefs and negative perceptions have continued to be a barrier to the freedom of persons with disabilities. Persons with disabilities have continued to experience challenges including being locked up and denied access into the public domain. In Kakamega, names such as lifokhoyo, lindonde, musiru and

shiyingwa are used to refer to people with disabilities. The Church as the voice of the state is to advice or assist the government on the way forward on how the rights of people with disabilities can be protected. It's from this background that, this study sought to examine the ability of the Church to mitigate on the rights of persons living with disabilities against the social cultural beliefs and perceptions on disability. The study was carried out in Kakamega County to investigate challenges associated with disability. The study employed the social discrimination theory whose proponent is T. Billet 2009. The research adopted a descriptive research design. The research was carried out from 6 sub counties who were purposively sampled to represent Kakamega County. The research had a target population of 264 respondents who were purposively sampled from the 6 sub counties in Kakamega County. The research employed qualitative and quantitative methods of data collection. Oral interviews, Focused group discussion, questionnaires and observation methods were utilized to collect primary data and secondary data derived from text books, manuals, journals, articles, government records and newsletters which formed the literature review for the study. Research findings revealed that misinterpretation of biblical texts together with the socio-cultural beliefs and perception on disability have continued to be a barrier to a achieve disability rights in Kakamega County. This study therefore recommended that a team of religious professionals including theologians with a wide experience should come up with strategies on how to correct these biblical texts and provide knowledge and a clear understanding on disability.

1.1 Background of the Study

People with disabilities worldwide are being let down by underfunding whether they live in poor or wealthy nations. Many countries have been slow to

implement the 2006 convention on the rights of persons living with disabilities. According to Lambe (2018) despite many countries making inroads to reduce poverty, the situation for people living with

disability has not improved. Vladimir (2018) argues that, in order to realize the promise of the sustainable development goals, to leave no one behind and to further the principles reflected in the convention on the rights of persons living with disabilities, there is need for nations to work together, to share expertise, coordinate actions and raise the profile of disability across a broader range of organizations contributing to international development efforts. Vladimir noted that, there is discrepancy in the commitment that followed the 'big three' global conventions which are: the rights of the child, the rights of women and the rights of people living with disabilities. According to Vladimir, the discrepancy is not because of financial support, but the relative slow implementation of rights for people living with disabilities. This is why Ponny (2018) noted that, many people living with disabilities in the world's poorest countries have not been able to fulfil their potential due to stigma or lack of practical support.

In an effort to address the needs of individuals with disabilities around the world, the Convention on the Rights of Persons with Disabilities (CRPD) has been ratified by 160 countries and has spurred the adoption of national policies designed to assure that individuals with disabilities have the ability to participate in a broad range of educational and community settings. Despite this commitment, there is widespread consensus that progress has been too slow Goodley (2011). According to Filmer, an estimated 90 per cent of school-age children with disabilities in developing countries are excluded from the education system (Filmer, 2008; World Health Organization, 2011; UNESCO, 2015). Disability remains a better predictor of out-of-school status and lack of participation in community activities than gender, socio economic status or reality (UNESCO, 2015; Filmier, 2008). The problem is particularly acute in low and middle -income countries where an estimated 80 per cent of the one billion individuals with disabilities live (Barron, & Ncube, 2010; United Nations Development Program, 2013). The need is critical, the challenges are complex, and, if not addressed, the goal of universal education, equal rights of opportunities cannot be realized. To achieve the aims of CRPD as well as the newly articulated Sustainable Development Goals (SDG), it is critical to better understand the complicated and intersecting

array of barriers that prevent children and adults with disabilities from full educational participation, Church activities and activities on both National and Community levels.

1.2 Literature Review

Challenges on the Rights of Persons Living with Disability in Kenya

The United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD) reflects understanding of disability to result from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others. Halfon (2012). The CRPD, for example sets out an international -frameworks that are increasingly employed to articulate the moral claims and service needs of people with disabilities in order to reflect impairment complexity. Similarly, the CRPD, for example, sets out an international framework for citizens' rights and state obligations on health-care provision, rehabilitation, accessibility and research with and for disabled people. The UK is signatory to this framework, which is further supported at a national level by the Human Rights Act (1998), Harpur (2011) and the Equality Act (2010). Emerson (2014) says that, the Human Rights Acts makes discrimination on the basis of disability illegal, while also requiring an equality duty and health- care provision.

This information was relevant to this study as it generally explained some of the measures UK has put in place to solve the challenges people living with disability experience however, there was no mention of a country in Africa. This study examined the ability of the Church to mitigate on social-cultural beliefs on disability in Kenya specifically in Kakamega County that are a barrier to the freedom of persons living with disability.

In Kenya, an act of parliament to provide for the rights and rehabilitation of persons with disability was enacted (2003). According to this act, Disability means a physical, sensory, mental or other impairment including any visual hearing. Learning or physical incapability which impact adversely on social, economic and environmental participation. Despite the policies, regulations and constitutions provisions protecting persons living with disabilities, they still remain among the marginalized persons in

Kenya. Persons with disabilities in Kenya hardly access any specialized services in urban and rural areas. In Kenya disabled people do not enjoy the right to access the purple spaces as most of the facilities are yet to comply with the legislation. The physically disabled are confined on to wheel chairs because they find it difficult to use the available transport in the rural and urban areas in Kenya (Odhiambo, 2016). This study will investigate the challenges persons living with disabilities experience in Kenya.

1.3 Research Methodology

The study utilized both qualitative and quantitative research design which was descriptive basing on the unfolding events in the phenomenon under study. Qualitative design was used to get information from literature review. Similarly, quantitative design was utilized to get data from a sample size using questionnaire, interviews and observation method. This enabled the researcher to determine whether the findings were real as per the research objectives. A descriptive research design is a fact -finding operation with adequate interpretation generally used to describe a phenomenon. It entails collecting data in attempt to describe as accurately as possible a subject's behavior, attitude or values (Walingo and Ngaira, 2008). The area of study was Kakamega County which is located in the former Western Province of Kenya. Population study for this study was collected from the following Sub- Counties: Ikolomani, Butere, Navokholo, Malava, Mumias East and Lurambi Sub Counties which made a good representation for the remaining sub counties. The data collected from the six Sub Counties provided adequate information which represented the entire Kakamega County. The study employed purposive sampling technique. The data collected was translated from the local languages among them were, 'Abatsotso' "Abamarama", "Abawanga" "Abesukha", "Abakabrasa" and "Abedakho" into English. This was done by examining the notes that were taken during oral interviews and observation in order to identify the major issues. The information was put together basing on research objectives.

1.4 Findings of the Study

Poverty and Stigma Challenges

People with disability are over represented among the poorest people across the world. They have been largely overlooked in the developmental agenda up to the community level. They lack income and cannot attain basic necessities like food, shelter, clothing and it is not easy for them to access good health facilities. They are struggling with barriers in their societies that are not easily overcome (Eide and Loeb, 2006). Disabled people are a minority groups that are discriminated, starved and mostly ignored by society. They live in isolation, stigmatized and in poverty (Elwan, 1999). Extended to this study, research in the field confirmed that, majority of persons living with disabilities have continued to languish on poverty. Similarly, majority of them come from poor families. Hence, it becomes a challenge for them to access good health, good food, clothing and a good living environment including the houses they live in. According to the respondents, the kind of life majority of them live in becomes a source of stigmatization in the community.

During field research in Butere, respondents stated that, majority of the persons living with disabilities survive by borrowing or by doing small projects to put food on table. Hence, they can hardly engage in any thing that is productive to improve their lives. One of the respondents in his 50s' a man coded as (xxxxii) who had physical disability and was on a wheel chair narrated how he struggles to put food on table for his 3 children despite his disability. Similarly, his wife was also living with a disability as she was deaf and dumb. According to him, he only survives on the little income he gets as a shoe maker. The most important thing he struggles was to make sure that there is something for the family to eat. When asked whether he receives some help from any organization, he noted that apart from the wheelchair he received 10 years ago from a non-organization in Kakamega, he had not received any other assistance. The wheel chair was worn out and he was struggling to balance on it. At this point he said in Marama: *abandu shibalolanga ifwewe khuli abandu tawe*. This meant that, persons living with disabilities are not viewed like other people without disability. He further noted that, sometimes when he fails to get a customer, the family goes without food.

He only gets peanuts from what he is doing to sustain the family. According to the respondents, majority of persons living with disabilities survive through thick and thin. They are not able to access good health facilities due to poverty. One of the respondents in her late 60s coded as (xxxxiv) stated how a disabled man in the village lost his wife because he had no money to take her for special treatment. The wife developed goiter and was advised to go for an operation. He was unable to raise the money that was needed and by the time arrangements were being made to raise some money, she passed on. The complication she was suffering from needed attention immediately but it was not possible. This scenario basically confirmed the challenges persons living with disabilities experience due to the poverty majority of them live in. According to the respondents, languishing in poverty has contributed to stigmatization of persons living with disability. Similarly, one of the respondents coded as (xxxxv) narrated how people in the community stigmatize him because of his 2 brothers who are mentally challenged. Although the family lived in poverty, the father struggled to take him to school by selling firewood. However, some people in the community were fond of stigmatizing him because of his brothers. One day as he was going to school, he met his uncle with a friend. He greeted the uncle but to his surprise, the uncle turned to his friend and stated in Marama, *uno bana bavwe bagwa malalu*. Meaning, this one his brothers are mentally challenged. Therefore, stigmatization was not only to person living with disabilities but it extends up to the people they live with. It can therefore be argued that, majority of the people in Kakamega County are yet to understand disability well and that disability is with us and any one can acquire disability at any time.

In Ikolomani Sub-County, field research revealed that, socio-cultural beliefs and understanding of disability had contributed immensely to the stigmatization persons living with disabilities. However, the respondents observed that, despite the poverty among persons living with disabilities, some of them are struggling to take good care of their children. Field research revealed that, people without disability are the main stumbling block to lives of persons living with disabilities. Whenever they notice a person living with disabilities trying his or her end

meets to better their lives, they make them more disabled through stigmatization. One of the respondents in her mid-50s with code (xxxvi) talked with a lot of emotions as she complained of the discrimination and the stigmatization, she experiences in the community because of her daughter who is mentally challenged. According to her people believe that she engages in witchcraft activities that have caused the disability the daughter has. She further stated how people perceive her family as cursed, bad omen and out cast in the community. According to the respondents, the family had been discriminated and stigmatized in the community because of how disability is viewed negatively in the community. It was revealed that, one of his daughters who did not have disability met a neighbour on her way from school. After she greeted him, he laughed sarcastically at her as he said in his mother tongue among the Abedakho: *unyiakhanilashi nusoma mukhana, naulalukhe khuli mukhana wenywu*. Meaning, why are you wasting your time going to School yet you will become mentally challenged like your sister. According to the respondents, there some people in the community who utter such negative statements basically meant to stigmatize people because of disability. In most cases, such comments discouraged girls or boys from poor families and especially those from homes with disability cases feel stigmatized making them to avoid public places and even drop out of Schools. Similarly, they shy off from attending Church services and just decide to stay at home. It was revealed that, negative attitude on disability discouraged people especially those with disability cases from working hard. Therefore, stigmatization had contributed to the recycle of poverty among people living with disabilities together with their families. Respondents noted that, disability is believed to be a bad omen and as long as one person in the family has a disability, the rest of the family members or at least one or two family members will definitely acquire the disability. The respondents further observed that, when there is a person living with a disability in a family, all members in the family get affected by being mocked, laughed at and even stigmatized. Hence, poverty had become a common factor among persons living with disabilities together with their family members in the community

in Kakamega County. This contributes to majority of them to give up in life causing the recycling of poverty.

Research findings revealed that, people take advantage of persons living with disabilities by hiring them to do some tasks but are not paid or are paid money that is not equivalent to the work they do. Majority of them only work for food. One of the respondents a person living with disabilities as deaf and dumb in his 40s' coded as (xxxxvi) communicated in sign language. His younger brother interpreted what he was saying that, he is so hard working but some people take advantage of his disability to pay him very little or he is given no money but only food. His brother further stated that, majority of the people he works for see him as *Musilo* (deaf and dumb) therefore he doesn't know the value of money. This was the reason why they pay him very little money as compared to the work he does. Sometimes he is promised to be paid but it never come to pass. According to his younger brother in his early 30s and coded as (xxxvii) noted that, majority of the people in the community look for him to work for them because of the cheap labour he offers. Most of the times he leaves home very early and comes back very tired, exhausted but with nothing to show. Although people in the community are aware that he comes from a poor family that is struggling to put food on table, to them that was not really their business. This is why one of the respondents an elderly man in his early 70s coded (xxxvv) emotionally commented in Idakho, *shibuli bulahi tawe, khurumishila omwana oweshe vubi nibanyole shilamo shibi*. Meaning, it is not good to misuse someone else's child wrongly, people who do so will get a very bad curse. According to the respondents, majority of the people who carry heavy luggage in the markets in Kakamega County are persons living with disabilities. Persons living with disabilities are preferred because they offer cheap labour and do not engage in bargaining like those without disabilities. In this case Majority of them are persons who are mentally challenged because their main aim is to get the little money to buy food.

From the foregoing communication, it can be argued that persons living with disability are taken for granted in the communities they live. It has come out clearly that, in Kakamega County some people look

for cheap labor by engaging persons living with disabilities and these are especially persons living with disabilities. This is tantamount to misusing the rights of persons living with disabilities by denying to pay them money that is equivalent to the work they have done. Similarly, it was revealed that, some are only given food but not paid. Thus, people who take advantage of persons living with disabilities are very much aware that what they are doing is wrong. However, they resort to taking advantage of their condition because they have no voice to protect them. It can therefore be argued that, majority of the people in Kakamega County lack proper knowledge and understanding of the Constitution Policy with regards to the rights of persons living with disabilities. The foregoing claim therefore, was one of the issues this study examined to ascertain the possibility of the Church to mitigate on the rights of persons living with disabilities in Kakamega County. was a clear indication that, majority of the people in Kakamega County still have negative perception on persons living with disability.

A similar case was noted in Malava Sub County when the respondents stated that, majority of persons living with disabilities live in poverty. Although some of them engage in odd jobs for survival, they are given very little payment. According to the respondents, some of the money they are given is not even enough to put food on table. Respondents observed that, there are some people living with disabilities in their community who were really struggling hard to survive. Therefore, some of them were even doing better than people without disabilities. One of the respondents who was an elderly woman in her 70s' coded as (xxv xv) stated in Kabras, *valema valiyaha vahirana, vakhola vulahi mwitala muno. Vali ne lituka likola vulahi*. Meaning, there are person living with disabilities here who are married and are doing so well in this village. They have a shop that is doing so well. Respondents, stated that, the couple in question runs a business which is serving nearly everyone in the community. They further stated that, in most cases, when persons living with disabilities marry one another, they live so happily because they understand one another so well. It was revealed that, marriage between persons living with disabilities never fails because they understand one another so well. In relation to the couple that was

being talked about, the man had paralyzed legs and uses a wheel chair. Similarly, the wife had one bad leg and uses crutches for support. Despite their disabilities, they had two children who were very healthy and were well taken care of. However, the only challenge was that, they needed some assistance to expand their business. On the same note, some of the people who assist them to do some chores that are a challenge to them. Majority of them take advantage of them and in the long run, they exploit them by demanding more money which is not equivalent to what they have done. To make it worse, they even go ahead to steal from them. This was among the unfortunate findings of this study in relation to disability.

According to the respondents, marriage of women living with disabilities was still a challenge in Kakamega County. Respondents noted that, it was possible for women without disability to get married to a man who is living with disability as long as he is in position to provide for the family. However, majority of the men who get involved with women who are living with disability hardly ends up into a marriage. According to the respondents, majority of the men who get into a relationship with women who are living do it for their own hidden reasons including lust. It was revealed that, in most cases, such men avoid being seen with these women in public especially during day light. They avoid being stigmatized for having a relationship with a woman who is living with a disability. Therefore, marriage between two people where one is living with disabilities becomes a challenge. This is especially when the one with a disability is a woman. One of the respondents an elderly man in her mid-60s coded as (xvxxv) stated that, a person who was well known to him married a woman who had a disability. The woman had a job with good pay that made the man to get attracted to her. They got married but after one year, the wife lost her job and that marked the end of the marriage. Similarly, a respondent who was an elder among the Abakabras stated that, in most cases, men especially the able-bodied men, get involved with women living with disabilities just because of lust and possibly if the woman is financially stable. Hence, their interest is specifically on what she has in material form are economically stable. He further stated that, he witnessed a scenario where a man

started a relationship with beautiful woman living with disabilities in the community. This woman had a kiosk that was doing so well in the entire community. The man was not aware that the woman was *likhara* meaning a person who is crippled among the Kabras. He got attracted from her looks and her booming business. Most of the time, the woman sold goods through a window while sitting on a high chair. Therefore, it was not easy for someone to know that she was having a disability. One day, the man entered the kiosk and hugged the woman, unfortunately, she slipped from the chair and fell off. When the man realized that she was crippled, he took off and never came back again. Respondents noted that, most men who have relationship with women living with disabilities avoid being seen with them in public for fear of being stigmatized. They fear being laughed at with friends for dating a woman who is living with disabilities. This was the reason why the said man took off for fear of being stigmatized.

It can therefore be argued that, disability is a barrier of marriage especially for women living with disabilities. However, it was revealed that, the only way forward is for persons living with disabilities to marry one another because they understand themselves better. From the discussions with the respondents, it came out clearly that, majority of persons living with disabilities have continued to experience challenges from the community they live in.

Discrimination and Stigmatization Challenges

Stigma is a term that refers to a personal attribute which marks a person as different from normal people that is abnormal with all its negative annotations namely, exclusion from normal society Stafford (1986). According to Lusli (2015), persons living with disability face forms of stigma that have impacted on their lives negatively. In most cases they are discriminated in their communities and hardly participate actively in the community events. The foregoing information agrees with the socio discrimination theory that was employed in this study by T. Billet (2009). This theory focused on the discrimination of various groups and for this study, it was the discrimination and the exclusion of persons living with disabilities in Kakamega County. Hence, they are denied the opportunity and the privileges to enjoy their rights fully.

During the field research in Butere Sub-County, one of the respondents in her early 50s coded as (xxvxx) who had a daughter with albinism stated that, her daughter lives in fear and hardly goes out of the compound. This was attributed to stigmatization that she experiences whenever she is seen outside. According to the respondent, when she would send her for something, young children of her age would shout at her calling her 'mzungu' a swahili word meaning, a white person. Similarly, she would hear mature people whispering in Marama, *lolola lintode litsanga* in Marama meaning, see the albino is coming. She further noted that, some children refuse to greet her because they believed that, they will be affected by her skin color change into albinism like her. According to the respondents, the fear of people with albinism being kidnapped for ritual practices also makes persons living with albinism to avoid going to public places.

According to majority of the respondent, it is a real challenge to bring up a child or have a person living with albinism in the family. The fear of the person being abducted for ritual sacrifices becomes the worst challenge. The whole family gets concern to know the way about of the person living with albinism. Respondents further stated that, in the community, people still view albinism as an outcast, similarly, parents are believed to have bad blood for giving birth to a child with albinism. These are the reasons people base on to believe that, persons living with albinism are not fit to engage in some activities in the community. A respondent who was an elder in the community noted that, people believe that persons living with albinism are so delicate and if engaged in some activities they can collapse and die. Therefore, they cannot perform any given activity as expected by the community.

Research findings revealed that, people living with albinism are also at risk because people believe that their body parts bring good luck. Therefore, they are really targeted for sacrificial purposes. Majority of the respondents observed that, although kidnapping of people living with albinism had gone down after the intervention of the government, they are still discriminated and stigmatized in the community. One of the respondents living with albinism expressed how it is a challenge to bring up a child with albinism. She noted that, she has to accompany

her child wherever she goes whether in school, shop or Church. It is a concern for all family members to know his way about hence, instilling fear in the family. This is why most people with albinism confine themselves at home because of fear, stigma, discrimination and stigmatization. A similar case of albinism was in Malava. During an interview with him, he noted that, people view them as extra ordinary people who are very delicate and unfit to perform some roles in the community. He further stated that, he is hardly involved in most of the activities in the community and he lives in fear of being abducted for sacrificial purposes. According to him, he is wondering why he is discriminated in the community yet he can do any work that is done by other people. Respondents noted that, persons living with albinism disability are discriminated as they are believed to have not been fully developed before they were born. In Navakholo Sub –County, respondents stated that, persons living with albinism are discriminated because they are believed to be outcasts in the community. A respondent by name the Masoso noted that, people believe that, persons living with albinism usually vanish and that, it was rear to hear that a person living with albinism has passed on. Finally, he stated in Lutsotso that, "*khulela matonde no vubutinywo*" Meaning, it is a challenge to bring up a child with albinism. Respondents noted that, it was not easy for persons living with albinism to get married because people fear giving birth to children with albinism. Furthermore, persons living with albinism are seen to be so weak, vulnerable and unfit for marriage.

Charlotte (2020) concurs with the foregoing information when she stated that, there's a belief that people with albinism are not as capable as others. That they are cursed or they have albinism because of a fault committed by their mother therefore, albinism is believed to be contagious. Hence, the consequences of these ideas finally become profound for disabled people. It can therefore be argued that, because of the beliefs and the perception people have on albinism as an outcast and the belief that body parts of albinism have power for one to become wealthy, it creates a lot of fear among family. This therefore becomes a challenge to live with a person who has albinism. This is accompanied with the

discrimination and stigmatization both the persons living with albinism experience.

During field research in Mumias, a respondent who was a woman who is a dwarf in her mid- 40's noted that, living with dwarfism in a community is really frustrating. You end up becoming a center of interest wherever you go. People still view them as a child. On that note, she commented in Wanga, *khunjira bulimundu yanenganenganga* meaning, on the road everyone keeps on looking at me. According to the respondents, persons living with dwarfism are stigmatized because of their height. This makes them to avoid gatherings for fear of being intimidated. It was revealed that, majority of the people in the community refer to them as the short woman or man, child or *fupi* a nick name in "Kiswahili" for short people. She further stated that, the looks of people and the way they stare at her makes her feel out of place and stigmatized. It was revealed that majority of people who are dwarfs hardly get married or marry. People believe that, they carry a very bad gene of dwarfism therefore no one would wish to get children who are dwarfs. This was echoed by the respondent who had dwarfism as it came out that, even in her 40s' no man had approached her for marriage. On the same note, Young (2013) observes that, short-statured people have been objectified and mocked because of their disability.

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Conclusion

It was established that, majority of persons living with disabilities live in poverty. Majority of them live on well-wishers or by begging in town. They are discriminated and stigmatized because of their disability.

Recommendation

Churches need to provide education to their members concerning disability. Acquiring knowledge on disability will help to mitigate on socio-cultural beliefs and understanding against persons living with disability.

International Journal of Research in Education and Social Sciences (IJRESS) ISSN: ISSN: 2617-4804 4 (1) 1-10, Jan-April, 2021. www.oircjournals.org

Index Copernicus Value (2018): 63.87

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