

Strengthening Legal and Policy Frameworks for AI Accessibility for Persons with Disability in Kenya: **Focus Group Discussions (FGD) Findings and Recommendations**



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TABLE OF CONTENTS

TABLE OF CONTENTS	02
ACRONYMS AND ABBREVIATIONS	03
EXECUTIVE SUMMARY	04
1.0 Introduction to the Focus Group Findings and Recommendations	05
1.1 Focus Group Discussion Methodology	05
2.0 Focus Group Discussions: Analysis and Findings	07
2.1 Thematic Findings	07
2.1.1 Barriers to AI Accessibility	07
2.1.2 Access to underlying technology	07
2.1.3 Exclusion from design and development processes	07
2.1.4 Absence of accountability mechanisms	08
2.1.5 Perpetuation of pre-existing barriers	08
2.1.6 Sector-specific barriers	08
2.2 Data Governance and Inclusive AI Development	09
2.2.1 Data gaps and representativeness	09
2.2.2 Data protection and trust	10
2.2.3 From data subjects to data governors	10
2.3 Legal, Policy and Institutional Gaps	11
2.3.1 Fragmented regulatory landscape	11
2.3.2 The gap between legislation and implementation	11
2.3.3 Instrument-specific observations	11
2.4 Priority recommendations	12
3.0 Legal and Policy Recommendations	13
3.1 Enforceable Accessibility Requirements	13
3.2 Data Governance and Equitable Data Practices	14
3.3 Accountability and Redress Mechanisms	14
4.0 Study Conclusion	16
GLOSSARY	17
BIBLIOGRAPHY	19

ACRONYMS AND ABBREVIATIONS

ACHPR	African Charter on Human and Peoples' Rights
AI	Artificial Intelligence
CIPIT	Centre for Intellectual Property and Information Technology Law (CIPIT)
CRPD	United Nations Convention on the rights of Persons with Disabilities
FGD	Focus Group Discussion
KEBS	Kenya Bureau of Standards
KICD	Kenya Institute of Curriculum Development
KSL	Kenyan Sign Language
NACOSTI	National Commission for Science, Technology and Innovation
NCPWD	National Council for Persons with Disabilities
ODPC	Office of the Data Protection Commissioner
OPD	Organisation of Persons with Disabilities
PWD	Person with a Disability
SU-ISERC	Strathmore University Institutional Scientific and Ethics Review Committee

EXECUTIVE SUMMARY

This report presents the Focus Group Discussion (FGD) findings and recommendations arising from a study examining Kenya's legal, policy and governance environment for AI accessibility for persons with disabilities. It is the follow-up report to ***Strengthening Legal and Policy Frameworks for AI Accessibility for Persons with Disability in Kenya: Doctrinal Analysis***, which found that while accessibility for persons with disabilities is widely recognised across Kenya's constitutional, legislative and policy framework, this recognition has not translated into enforceable, technically specific obligations capable of guiding the design, development and deployment of AI systems.

To contextualise and enrich these findings, researchers conducted an FGD with Organisations of Persons with Disabilities (OPDs), accessibility advocates, assistive technology developers and policymakers directly engaged with AI accessibility in Kenya. The FGD confirmed that the doctrinal gaps identified in the doctrinal analysis report are experienced directly by those they affect, and surfaced dimensions a doctrinal analysis alone could not capture. Participants identified key issues, including infrastructure and device access as a clear precondition to any accessibility right, exclusion of persons with disabilities from AI design processes and an existing trust deficit in how disability data is collected and used. Participants illustrated these gaps contextually, including through a ride-hailing application that relies on telephone calls to connect drivers and passengers, excluding deaf users without a clear avenue for redress.

Participants were consistent in identifying Kenya's central challenge as one of implementation and enforcement rather than an absence of legal commitment. Drawing on both the doctrinal analysis and these FGD findings, this report sets out recommendations for enforceable accessibility requirements, equitable data governance practices, and accountability and redress mechanisms, including mandatory pre-deployment accessibility assessments, transparency and reporting obligations, an operationalised complaints and enforcement mechanism, and genuinely representative OPD-led nomination processes in AI governance structures.

The ongoing development of the AI and Emerging Technologies Policy, the draft Data Governance Policy and potential AI legislation presents a window of opportunity to embed these recommendations into Kenya's AI governance architecture before these frameworks are finalised.

1.0

Introduction to the Focus Group Findings and Recommendations

This report presents the findings of a Focus Group Discussion (FGD) conducted to contextualise the legal and policy analysis set out in the doctrinal analysis report, *Strengthening Legal and Policy Frameworks for AI Accessibility for Persons with Disability in Kenya: Doctrinal Analysis*. The doctrinal analysis report examined Kenya's constitutional, legislative, policy and regulatory framework for AI accessibility, finding that while accessibility for persons with disabilities is widely recognised as a legal and policy objective, this recognition rarely translates into enforceable, technically specific obligations capable of guiding the design, development and deployment of AI systems. This pattern held across the international, regional and domestic instruments examined, from the CRPD and the AU Continental AI Strategy to Kenya's own National AI Strategy, the Persons with Disabilities Act 2025, the ICT Policy and the KEBS ICT Accessibility Standard.

To test and enrich these doctrinal findings, researchers conducted an FGD bringing together Organisations of Persons with Disabilities (OPDs), accessibility advocates, assistive technology developers and policymakers directly engaged with AI accessibility in Kenya. The purpose of the FGD was to ground the doctrinal analysis report's legal and policy findings in the lived experience of stakeholders interacting with the gaps it identifies, and to surface practical and institutional dimensions that a doctrinal analysis alone could not capture. This report sets out those findings, together with the recommendations they inform.

1.1 Focus Group Discussion Methodology

The FGD was conducted online via Zoom to ensure geographic accessibility and convenience for participants across Kenya. The session lasted approximately two hours, including the plenary presentation and breakout group discussions, and was structured in two parts. First, the investigator delivered a brief presentation orienting participants to the project, its objectives and a main guiding question to anchor the discussion. Following this, participants were divided into breakout groups, each moderated by a trained research team member, allowing for more tailored and comprehensive discussion across the different stakeholder groups, being persons with disabilities, assistive technology developers, policymakers and advocacy organisations.

To ensure accessibility, a qualified sign language interpreter was present and live captioning was enabled throughout. A semi-structured discussion guide ensured consistency across breakout groups while allowing flexibility, and designated rapporteurs captured key themes. Given confidentiality risks inherent in a small and interconnected advocacy ecosystem, the session was not recorded, and participants were reminded to treat contributions as confidential.

This study was conducted in accordance with established ethical principles of confidentiality, anonymisation, voluntary participation and the right to withdraw consent, and received ethical approval from both the Strathmore University Institutional Scientific and Ethics Review Committee (SU-ISERC) and the National Commission for Science, Technology and Innovation (NACOSTI) prior to data collection.

Participants were selected using purposive sampling, targeting individuals and organisations with direct relevance to AI accessibility and disability inclusion research, advocacy or policymaking in Kenya, spanning four broad categories, OPDs, accessibility advocates, assistive technology developers and policymakers. Invitations were extended to approximately 40 participants, with eligibility requiring demonstrated knowledge of or direct experience with digital and AI accessibility, assistive technology, disability advocacy, or relevant policy in the Kenyan context. Approximately 30 participants attended across the four stakeholder categories. The participant profile was designed to reflect diversity of perspective across stakeholder groups directly engaged with AI accessibility in Kenya, rather than a statistically representative sample of persons with disabilities, enabling the FGD to draw out both lived experience perspectives on accessibility barriers and expert views on the legal and policy conditions needed to address them.

As outlined in the methodology, the FGD was designed to contextualise and offer experiential grounding to the legal and policy analysis conducted in secondary research. Where participant contributions are quoted, these are constructed from rapporteur notes, and are attributed by the stakeholder category to preserve anonymity in line with the study's ethical commitments. The findings are organised across three key thematic areas, that is, barriers to AI accessibility, data governance and inclusive AI development, and legal and policy gaps, and are analysed with reference to the legal and policy landscape examined in earlier sections.

2.0

Focus Group Discussions: Analysis and Findings

2.1 Thematic Findings

2.1.1 Barriers to AI Accessibility

“Kenya’s laws and policies say persons with disabilities have a right to accessible technology. But where does that right actually break down in practice, and what would it take to close that gap?”

This anchoring question framed the first breakout discussion and drew out a consistent finding, where participants stated that the right to accessible technology, while recognised in law, breaks down at multiple points in practice. Participants identified five interconnected barriers, spanning access to underlying infrastructure, exclusion from design processes, the absence of accountability mechanisms, the perpetuation of pre-existing barriers, and sector-specific accessibility failures.

2.1.2 Access to underlying technology

A foundational barrier identified by participants was access to the devices and connectivity necessary to use AI tools in the first place. Participants noted that many PWDs, particularly those living in informal settlements and rural areas, lack smartphones and reliable internet access. This infrastructure gap means that legal rights to accessible AI are effectively out of reach for a significant portion of the population those rights are intended to serve.

2.1.3 Exclusion from design and development processes

A recurring concern was the development of AI tools and accessibility policies without meaningful involvement of persons with disabilities. Participants noted that tools intended to assist PWDs are frequently created without their input, resulting in products that fail to address the specific needs of the people they are designed for. Participants suggested that dedicated funding for OPD participation in the design and development process would address this, so that accessibility considerations are embedded from the outset rather than added after deployment.

This concern reflects a point raised elsewhere in the discussion, where a participant that supports visually impaired children in accessing educational technology observed that developers rarely account for the full diversity of disability experience, stating that “Visually impaired people are either born blind or get blind later, and each of these conditions has different

considerations which need to be taken into account by developers. Many people have different experiences with disability, it cannot be seen as one blanket condition.”

Participants further noted that AI tools are frequently deployed without disability considerations embedded in their design, leaving developers to incorporate accessibility modifications after the fact, at a cost that may disincentivise developers from making them. One participant attributed this partly to developers’ lack of awareness of applicable accessibility standards. In this regard, participants suggested that mandatory pre-deployment accessibility impact assessments would address these concerns by requiring developers to demonstrate accessibility compliance before a system is released.

2.1.4 Absence of accountability mechanisms

The absence of accountability mechanisms was a key concern throughout the discussion. Participants observed that there is no clear remedy available for persons with disabilities who encounter inaccessible AI tools. A ride-hailing application was cited as an illustrative example, where the platform relies on telephone calls to connect drivers and passengers, a direct barrier for hearing-impaired users who cannot use the call function. Participants considered that there is no straight pathway to ensure accountability where a tool is exclusionary, identifying this as a gap in the law. Participants suggested potential remedies, such as civilian-led accountability through consultations, memoranda or legal action against developers of exclusionary systems, and a dedicated complaints mechanism through the National Council for Persons with Disabilities to provide a formal avenue for grievance resolution.

2.1.5 Perpetuation of pre-existing barriers

A participant observed that AI frequently exacerbates gaps that predate it rather than introducing new ones. Even before AI, persons with visual impairments faced barriers that required specific adaptations such as Braille training. Although the necessary solutions remain similar, with the need for focused expansion of access and usability for people with disabilities, it remains necessary to push for increased access to and use of AI tools by persons with disabilities to ensure that development and deployment can enhance their accessibility going forward.

2.1.6 Sector-specific barriers

Participants identified accessibility barriers in specific sectors. Social media platforms were raised as a site of particular exclusion for hearing-impaired and visually impaired users, with transcription services and image descriptions noted as often insufficiently accurate or descriptive to enable engagement on equal terms. A language accessibility barrier specific to the health sector was also identified, where the technical complexity of medical information creates a communication gap for PWDs that AI could

potentially address but currently does not.

2.2 Data Governance and Inclusive AI Development

“What data gaps are holding back accessible AI in Kenya, and what would it take for persons with disabilities to move from being data subjects to data governors who actually shape how their data is collected, accessed and used?”

This question framed the second breakout, where participants examined data gaps hindering accessible AI development, the conditions for ethical data collection, and what genuine community control over disability data would require.

2.2.1 Data gaps and representativeness

Participants identified the absence of representative, locally relevant datasets as the primary barrier to developing accessible AI tools in Kenya. A sign language recognition system developer described falling into the trap of building without adequate PWD input in early iterations, noting that many products fail to actually represent their intended users and that his own previous iterations failed because he did not fully consider PWDs in their different levels and contexts, or the different ways they express themselves depending on region. A participant further noted that KSL datasets are not openly accessible, making it difficult to collect sufficient data, leaving developers to build open datasets to bridge this gap.

Another developer elaborated on the specific technical dimensions of this gap in the context of Kenyan Sign Language, stating, “In the way we communicate in English or Swahili, KSL is also a language. However, developers usually miss out on this point and do not know the nitty-gritty on how this communication is done.” They identified other integrated gaps, such as the absence of a standardised KSL dictionary, noting that while Kenya Institute of Curriculum Development (KICD) exists as a regulatory body, no such dictionary has been produced which leads to significant regional variation in collected data. They also highlighted gaps in the need for datasets to capture both manual features such as handshapes and movements, and non-manual features such as facial expressions and head tilts, the importance of representativeness across regions, ages and genders, the need for proper annotation and segmentation to enable grammatically accurate translation, and the absence of a clear benchmark for what constitutes an inclusive and representative dataset.

A further participant noted that the data gap begins earlier than the development stage, at the level of census and national data collection, stating that, “disability disaggregated data is collected inaccurately. Many developers are collecting data in an ad hoc manner, and their data is not representative of the community.” Particular challenges in collecting data from rural areas were noted, alongside the importance of data accuracy.

2.2.2 Data protection and trust

When asked whether participants trusted how disability data would be stored, used or protected, responses revealed a trust deficit. One participant noted that signing a consent form creates a belief that data will be protected but provides no actual assurance of protection. Another emphasised that developers must begin with a clear articulation of purpose before determining how to collect data, and stressed the importance of anonymisation, informed engagement with data subjects, and ensuring that data is used only for its stated purpose of AI training.

A third participant raised the concern that balancing privacy and utility presents a difficult trade-off in data anonymisation, as stripping out too much information robs the data of the rich context needed to train truly accessible AI models. Conversely, failing to anonymise enough creates severe privacy risks, particularly for individuals from small, easily identifiable communities. This conflict became clear in the participant's own work building a text-to-speech and image-to-speech AI product. When the training data was over-anonymised, the resulting AI outputs were distorted and unrepresentative, proving that protecting privacy and maintaining data utility are often at direct odds.

A further participant raised the commercial exploitation of disability data as a concern, stating that “good text to image models use PWDs to train datasets, but a barrier is created due to their products demanding a fee to be paid before use, so developers use their data but it cannot actually go back and help them.” This observation points to a structural inequity in current data practices, where PWDs contribute data that makes AI systems more capable but derive no benefit from those systems when they are paywalled.

2.2.3 From data subjects to data governors

The discussion on shifting PWDs from data subjects to data governors produced the key governance perspectives. One participant noted the importance of data licensing as a governance tool, observing that the terms on which data is licensed determine how it can be used and by whom, and that PWD communities need institutional and organisational backing to exercise meaningful control over their data. They also noted that consent cannot be a one-time engagement, it must be continuously reaffirmed as data use evolves.

Another participant emphasised the importance of community data governance structures that ensure communities benefit from the data they share, creating incentives for participation. A third raised a key point on accessibility of data governance itself, stating, “you cannot govern data if you cannot access the dashboards, audit reports, or consent management systems. True data governance requires that the platforms used to track, view and manage data rights comply strictly with digital accessibility standards. If a privacy settings dashboard is not screen-reader friendly or navigable via switch control, data autonomy is effectively stripped away.”

This observation highlights that data governance itself must be accessible to be meaningful for PWDs, a consideration absent from Kenya's current data governance instruments.

A participant also noted that no framework currently governs how disability datasets are collected in the first place, a gap that leaves data collection practices entirely to individual developer discretion. Finally, a participant called for structural representation of PWDs in technology governance, to ensure that decisions about data classification, bias mitigation and algorithmic training are not just made by tech companies behind closed doors, but must engage persons with disabilities with permanent, compensated seats on tech governance boards and regulatory bodies.

2.3 Legal, Policy and Institutional Gaps

“How adequate are Kenya’s current frameworks; the National AI Strategy, the Persons with Disabilities Act 2025, the Data Protection Act and the KEBS standards, and what one or two changes would participants push hardest to embed in law or policy?”

This question framed the third breakout, which examined Kenya's existing legal and policy instruments and considered recommendations for strengthening them. The discussion reflected the complexity of the legal landscape, and the perspectives gathered are analysed as contextualising insights that inform the recommendations in Chapter 4.

2.3.1 Fragmented regulatory landscape

The central finding from this discussion was that Kenya's digital accessibility ecosystem remains fragmented because existing regulatory mandates are siloed. Participants pointed out that no single agency holds the technical expertise and enforcement authority needed to regulate AI accessibility, leaving compliance unaddressed. Because responsibilities are divided among various laws and institutions, a significant gap remains regarding who is actually responsible for verifying the accessibility of new AI tools.

2.3.2 The gap between legislation and implementation

A recurring theme was that Kenya's challenge is less the absence of law and more the absence of implementation. As one participant observed, “the challenge comes at the point of implementation, there are adequate laws. We need a new structure of implementation of mechanisms and restructuring of preexisting laws before drafting new ones.” Generally, participants suggested that new legal instruments should be accompanied by concrete implementation mechanisms, accountability structures and financial support, rather than adding to a growing body of aspirational commitments.

2.3.3 Instrument-specific observations

On the National AI Strategy, a participant noted that the strategy is not front-facing, its mandates and objectives are intended to be incorporated

into existing laws, which are themselves inadequate, meaning the strategy's commitments risk remaining unimplemented.

On the KEBS standards, a participant confirmed that the standards are not enforceable and currently depend on voluntary compliance, highlighting an enforcement gap that often accompanies voluntary regulatory mechanisms.

On the AI Bill 2026, participants offered a detailed discussion, noting that the Bill currently requires only that persons with disabilities be included in its Advisory Committee, without specifying how that representation should be determined or what accessibility obligations should apply to AI systems themselves. A participant from a disability advocacy organisation who had reviewed the Bill noted that “the Bill stipulates that the Cabinet Secretary and the Commissioner ensures inclusion of persons with disabilities in the Advisory Committee on AI. But even the way it is brought out, it comes as an afterthought.” The participant argued that the Bill should specify that persons with disabilities appointed to the Advisory Committee be nominated through a consultative process by OPDs, to ensure genuine representation rather than tokenistic inclusion.

2.4 Priority recommendations

When asked what priority changes they would push hardest to embed in law or policy, participants identified the following. First, a transparency and reporting requirement for both government and private sector AI systems, which would strengthen accountability and enable better monitoring of accessibility compliance. Second, financial support and alternative implementation mechanisms alongside legal obligations, recognising that current laws and policies are more reactive than proactive. Third, more specific treatment of PWDs in continental instruments, a participant noted that AU policies tend to subsume PWDs under broad categories such as “the disadvantaged” or “the marginalised,” which obscures their specific needs and risks leaving them unaddressed.

The FGD confirmed that the legal gaps identified in the doctrinal analysis are experienced directly by those they affect. Participants identified infrastructure and device access as a key precondition to any accessibility right, a barrier that sits upstream of law and policy but must inform how accessibility obligations are designed. The data governance discussion revealed a significant trust deficit in how disability data is collected and used, driven not only by inadequate legal safeguards but by the commercial exploitation of disability data without benefit flowing back to contributing communities. On the AI Bill 2026, participants argued that the provision requires only that persons with disabilities be included on the Advisory Committee, without specifying how that person is to be selected, and argued that without a requirement for OPD-led nomination, this risks producing tokenistic rather than genuine representation. These findings inform the recommendations in Chapter 3.

3.0

Legal and Policy Recommendations

3.1 Enforceable Accessibility Requirements

Researchers have recommended that public service AI requires unique, high-standard design principles that prioritise inclusivity and human welfare over commercial metrics.¹ In Kenya, such efforts to embed accessibility for both private and public services must be supported by enforceable accessibility requirements in law. While the PWDs Act, Kenya's AI Strategy and its accompanying policy framework signal accessibility requirements, these obligations are not accompanied by clear delineations of what constitutes minimum standards of accessibility that would signal compliance. As such, the national government bears an existing obligation under section 4(g) of the PWDs Act to enable reasonable access for persons with disabilities, by issuing minimum standards and guidelines for transportation, infrastructure, and communications companies.²

Although AI developers and deployers are not named among these categories, the same rationale applies, that entities mediating communications and access to essential services should be subject to minimum accessibility standards. This establishes a normative basis for extending comparable minimum standards to AI, either through the Council's and Cabinet Secretary's existing regulation-making powers or by amending the law. The Cabinet Secretary and the Council should exercise this authority to prescribe AI-specific minimum standards, including requirements for accessible interface design in AI-driven public services and recognition of non-standard speech in speech-enabled AI systems.

The AI Bill misses the opportunity to explicitly require accessible interface design and universal design principles as conditions of compliance for high-risk AI systems.³ Further, clause 36 grants the Cabinet Secretary powers to make regulations, which they should exercise to prescribe AI accessibility standards, providing the technically specific requirements needed to give accessibility obligations practical effect as AI systems and their applications evolve. FGD findings support this need for specificity, highlighting the

¹ Stefan Schmager, Ilias Pappas and Polyxeni Vassilakopoulou, 'Human-Centered AI Design Principles for the Public Service Domain: An Action Design Research Study' in Proceedings of the 58th Hawaii International Conference on System Sciences (2025) 5509 <<https://hdl.handle.net/10125/109509>>

² Persons with Disabilities Act, section 4(g)

³ Artificial Intelligence Bill 2026 (Kenya), cl 26

importance of embedding mandatory pre-deployment accessibility assessments and reporting within regulations. Participants were clear that accessibility is most effectively achieved when built into AI systems from the design stage rather than incorporated after deployment. The regulations should therefore require developers to demonstrate accessibility compliance before deploying AI systems, particularly those used in public services, giving the rights in section 26 of the PWDs Act practical effect.

3.2 Data Governance and Equitable Data Practices

The ODPC should issue guidance addressing the rights of data subjects with disabilities, embedding informed consent requirements and modified obligations for data handlers when collecting and processing disability data. Secondly, the Data Governance Policy should be strengthened through implementation guidelines to extend its existing community consent and benefit-sharing model explicitly to disability-related language datasets, and to embed disability-specific accessibility standards within its safeguards for data-driven and automated decision-making. FGD participants crucially noted that consent must be continuously exercised as data use evolves, particularly where disability data collected for one purpose may subsequently be used to train new AI models. The ODPC guidance should therefore specify ongoing consent requirements, reflecting that disability data collected for one purpose may subsequently be repurposed for AI training.

3.3 Accountability and Redress Mechanisms

Kenya's existing legal and policy instruments provide a legal mechanism for redress that could, on interpretation, apply to inaccessible AI systems and digital platforms. Section 31 of the PWDs Act 2025 empowers the Council to issue binding Adjustment Orders against providers of inaccessible services, a mandate that should be operationalised to cover AI and digital service providers. The absence of such operationalisation was identified across stakeholder groups in the FGD as a significant barrier to accountability. Participants cited examples of inaccessible AI-powered services with no practical avenue for complaint or enforcement, illustrating that rights without remedies are effectively unenforceable. The regional experience in ***Blind SA v President of the Republic of South Africa and Others [2025] ZACC 9*** is instructive in this regard. In that case, the South African Constitutional Court stepped in where the legislative process had stalled due to the President's failure to sign corrective copyright legislation into law, interpreting clause 19D of the Copyright Amendment Bill as a just and equitable remedy to restore accessible format rights for persons with disabilities.⁴ While significant, the Court's intervention required urgent litigation as a remedy for a rights gap that proactive legislative action could have prevented. As such, failing to operationalise complaints pathways set out by Kenyan laws risks leaving persons with disabilities with no recourse short of costly and uncertain litigation procedures.

⁴ *Blind SA v President of the Republic of South Africa and Others [2025] ZACC 9*

Thus, the study recommends operationalising the Council's existing enforcement mandate under Section 80 of the PWD Act 2025 by deploying specialised ICT and AI accessibility inspectors with a clear brief to investigate digital platforms.⁵ This inspectorate should actively monitor compliance with the digital accessibility requirements of Sections 26 and 27, utilising the Council's statutory power under Section 31 to issue binding Adjustment Orders against non-compliant AI and digital service providers.⁶ Such enforcement should also be coordinated closely between the NCPWD and potential oversight bodies established under AI legislation, with a clear mandate to receive, investigate and resolve complaints about inaccessible AI systems.

⁵ Persons with Disabilities Act, section 80

⁶ Persons with Disabilities Act, sections 26-31

4.0

Study Conclusion

This study set out to examine whether Kenya’s legal and policy landscape adequately provides for AI accessibility for persons with disabilities, combining a doctrinal analysis of the applicable legal and policy framework with a Focus Group Discussion (FGD) contextualising those findings against lived experience. Together, the two components of this study point to the same conclusion, that accessibility for persons with disabilities is widely recognised in Kenya’s laws and policies as a matter of principle, but this recognition has not yet been translated into enforceable, technically specific obligations in the context of AI, in order to shape how AI systems are designed, developed and deployed.

The analysis presented in the doctrinal analysis report, found this pattern across every level examined, from the CRPD, the ACHPR, African Disability Protocol, and the AU Continental AI Strategy at the international and regional level, to Kenya’s own Constitution, National AI Strategy, Persons with Disabilities Act 2025, ICT Policy and KEBS ICT Accessibility Standard domestically. While Article 54 of the Constitution creates an enforceable accessibility obligation, and Kenya’s courts have shown a willingness to enforce it, no subsequent legislation or regulation has satisfactorily given that guarantee AI-specific technical enforceability.

The FGD confirmed that this gap is not merely theoretical. Participants described a right to accessibility in digital platforms that exists in law but breaks down in practice, in basic access to devices and infrastructure, in exclusion from AI design processes, in a lack of trust in how disability data is collected and used, and in the absence of any clear avenue for complaint when an AI system proves inaccessible. Participants were consistent in identifying Kenya’s central challenge as one of implementation and enforcement rather than an absence of legal commitment, and it is this gap between principle and practice that the recommendations in this report seek to close, through mandatory pre-deployment accessibility assessments, transparency and reporting obligations, an operationalised complaints and enforcement mechanism, and genuinely representative OPD-led nomination processes in AI governance structures.

Read together, the doctrinal and FGD findings carry implications for a range of actors who must move beyond aspirational language towards enforceable, technically specific standards. This includes the Parliament as it considers potential AI legislation, the Council and Cabinet Secretary for Labour and Social Protection in exercising existing regulation-making powers under the PWDs Act 2025, the ODPC in issuing guidance on disability data rights, and KEBS in updating the ICT Accessibility Standard to address AI-

specific requirements. The ongoing development of the AI and Emerging Technologies Policy and the Data Governance Policy, together with potential AI legislation, represent a window of opportunity to embed accessibility into Kenya's AI governance architecture before these frameworks are finalised, or in implementing any future AI legislation.

This study is subject to limitations that should be borne in mind when interpreting its findings. The FGD is limited to a single discussion which, while designed to include a range of relevant stakeholder voices, is not statistically representative of all persons with disabilities in Kenya. Given the rapidly evolving regulatory landscape, developments around AI legislation, the AI and Emerging Technologies Policy, and the Data Governance Policy may occur after the completion of this study, which could affect the relevance of some recommendations. Ongoing monitoring of the implementation of the PWDs Act 2025 and these legislative and policy processes will be essential to assess whether the reforms proposed here are being translated into practice.



GLOSSARY

Accessibility - The removal of environmental, structural and technological barriers so that persons with disabilities can physically, communicatively and informationally reach services, spaces and systems, as articulated under Article 9 of the UN CRPD.

Adjustment Order - An order issued by the National Council for Persons with Disabilities under section 31 of the Persons with Disabilities Act 2025, requiring the proprietor of premises or the provider of a service or amenity found to be inaccessible to persons with disabilities to undertake specified corrective action within a defined period.

Assistive technology - Any product, device, software or system that supports or improves the functional capabilities of persons with disabilities, including screen readers, sign language recognition tools, hearing aids, and predictive text systems.

Data subject / Data governor - Terms describing two distinct roles a person with disability may hold in relation to their own data. A data subject is an individual whose personal or biometric data is collected, stored or used by another party, typically with limited control over how that data is subsequently used. A data governor, on the other hand, exercises meaningful control over the terms on which their data is collected, accessed, licensed and used, including through community-based governance structures, consent mechanisms and benefit-sharing arrangements.

Digital accessibility - The design and development of digital tools, platforms and services in a way that enables all people, including those with disabilities, to access, navigate and interact with them effectively and independently.

Pre-deployment accessibility assessment - An evaluation conducted before an AI system or digital service is released, intended to verify that the system meets defined accessibility standards and does not exclude or disadvantage persons with disabilities, as distinct from accessibility modifications made after deployment.

Reasonable accommodation - Necessary and appropriate modifications and adjustments, not imposing a disproportionate or undue burden, made to ensure that persons with disabilities can enjoy or exercise their rights on an equal basis with others, as defined under section 2 of the Persons with Disabilities Act 2025.

Universal design - The design of products, environments, programmes and services in a way that makes them usable by all people, to the greatest extent possible, without the need for adaptation or specialised design, as defined under the UN CRPD.

BIBLIOGRAPHY

Table of Cases

Blind SA v President of the Republic of South Africa and Others [2025]
ZACC 9

Kenyan Legislation and Bills

Artificial Intelligence Bill 2026

Constitution of Kenya 2010

Ministry of Information, Communications and the Digital Economy, Draft
Final National Data Governance Policy (May 2026)

Persons with Disabilities Act 2025

Books and Journal Articles

Schmager S, Pappas I and Vassilakopoulou P, 'Human-Centered AI Design
Principles for the Public Service Domain: An Action Design Research Study'
in Proceedings of the 58th Hawaii International Conference on System
Sciences (2025) 5509 <https://hdl.handle.net/10125/109509>



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