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**THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025**

**DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION**

**REPORT OF THE DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION ON ITS
CONSIDERATION OF:**

- I. THE KENYA SIGN LANGUAGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2024)
- II. THE KENYAN SIGN LANGUAGE BILL (SENATE BILL NO. 9 OF 2023)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 29 MAY 2025 DAY.	
TABLED BY:	<i>Hon. Alica Nyong'o</i>
CLERK-AT THE-TABLE:	<i>Halima Ahmed</i>

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LIST OF ABBREVIATIONS AND ACRONYMS

KANU	-	Kenya African National Union
KSL	-	Kenyan Sign Language
KEDIPA	-	Kenya National Disability Association
KNAD	-	Kenya National Association of the Deaf
NCPWD	-	National Council for Persons with Disabilities
NDC	-	Nairobi Disability Council
NFDK	-	National Fund for the Disabled of Kenya
NGEC	-	National Gender and Equality Commission
NYS	-	National Youth Service
ODM	-	Orange Democratic Movement
TSP	-	The Service Party
UDA	-	United Democratic Alliance
UDM	-	United Democratic Movement
UNCRPD	-	United Nations Convention on the Rights of Persons with Disabilities
WFD	-	World Federation for the Deaf
WDM-K	-	Wiper Democratic Movement-Kenya

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1. Report Adoption Schedule
2. Committee Minutes
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CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Social Protection on its consideration of the Kenya Sign Language Bill (*National Assembly Bill No. 1 of 2024*) and the Kenyan Sign Language Bill (*Senate Bill No. 9 of 2023*). The Kenya Sign Language Bill (*National Assembly Bill No. 1 of 2024*) underwent First Reading on 4th March 2024, while the Kenyan Sign Language Bill (*Senate Bill No. of 2023*) underwent First Reading on 13th March 2024. The two Bills were thereafter individually committed to the Departmental Committee on Social Protection for consideration and reporting to the House pursuant to the provision of Standing Order 127(1).

The Kenya Sign Language Bill (*National Assembly Bill No. 1 of 2024*) is divided into eight parts; forty-nine (49) clauses and two schedules. The Bill seeks to give effect to Articles 7(3)(b), 44, 50(2)(m), 54(l)(d) and 120 of the Constitution; to establish the Kenyan Sign Language Council for the regulation of sign language interpretation in Kenya, to provide for the recognition, promotion and use of Kenyan Sign Language and for connected purposes.

On its part, the Kenyan Sign Language Bill (*Senate Bill No. 9 of 2023*) originated from the Senate, and is composed of nineteen (19) clauses. The Bill seeks to give effect to Article 7(3)(b) and Article 54(1)(d) of the Constitution on the promotion and development of the use of Kenyan Sign language; inclusion of sign language in the education curriculum; use of sign language in legal proceedings; and for connected purposes.

Following the First Reading of the Bills, placement of advertisements in the print media was undertaken on 8th March 2024 and 22nd March 2024 for the Kenyan Sign language Bill (*Senate Bill No. 9 of 2023*) and the Kenya Sign Language Bill (*National Assembly Bill No. 1 of 2024*) respectively. This was done with the objective of seeking public and stakeholder views on the Bills pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3).

The Committee also invited stakeholders vide letters REF: NA/DDC/SP/CORR/2024/091, NA/DDC/SP/CORR/2024/092, NA/DDC/SP/CORR/2025/093 dated 11th June 2024 and NA/DDC/SP/CORR/2025/010 dated 18th March 2025, to give their submissions on the Bill.

The Departmental Committee on Social Protection received memoranda from the following;

- i. The State Department for Social Protection and Senior Citizen Affairs under the Ministry of Labour and Social Protection
- ii. Kenya Disability Parliamentary Association (KEDIPA)
- iii. National Council for Persons with Disability (NCPWD)
- iv. Kenya National Association of the Deaf (KNAD)
- v. National Disability Forum
- vi. Mr. Mohameddeck Ibrahim, a Nairobi Resident
- vii. Mr. Abdul Ghadafi, a Garissa County resident
- viii. Sheikh Musa Abdiweli, a Kenyan citizen

- ix. Ms. Leila Haret of Garissa County
- x. Mr. Abdullahi Abdi of Garissa County
- xi. Federation of Deaf Women Empowerment Network
- xii. Free a Girl's World Network
- xiii. Hon. Umulkher Harun Mohamed, MP -Sponsor of the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024)
- xiv. Sen. Crystal Asige, MP Sponsor of the Kenyan Sign Language Bill (Senate Bill No. 9 Of 2023)
- xv. World Federation for the Deaf

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank all stakeholders who made their respective submissions on the Bills.

Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who made valuable input during consideration of the Bills and the eventual production of this report.

On behalf of the Departmental Committee on Social Protection and pursuant to provisions of Standing Order 199(6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Kenya Sign Language Bill (*National Assembly Bill No. 1 of 2024*) and the Kenyan Sign Language Bill (*Senate Bill No. 9 of 2023*).

Through a Communication to this Honourable House on 21st March 2024, the Honourable Speaker directed the Departmental Committee on Social Protection to consider both Bills thoroughly and advise the House on the most appropriate proposal to proceed with.

I thus wish to table this Report on the Kenya Sign Language Bill (*National Assembly Bill No. 1 of 2024*) and the Kenyan Sign Language Bill (*Senate Bill No. 9 of 2023*) in this Honourable House, with the recommendation that both Bills do not proceed for Second Reading and be rejected in their entirety primarily on account of the recent enactment and assent into law of the Persons With Disabilities Bill (*Senate Bill No. 7 of 2023*) that substantively caters for the proposals contained in the two Bills.



The Hon. Alice Wambui Ng'ang'a, CBS, M.P.
Chairperson, Departmental Committee on Social Protection

PART ONE

I PREFACE

I.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Social Protection is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:
 - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
 - iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - iv. **To study and review all the legislation referred to it;**
 - v. *To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - vi. *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on appointments);*
 - viii. *To examine treaties, agreements and conventions;*
 - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - xi. *To examine any questions raised by Members on a matter within its mandate.*

I.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider, social welfare and security, pension matters, gender affairs, equality and affirmative action, affairs of children, youth, persons with disability and senior citizens.
3. In executing its mandate, the Committee oversees the following State departments and Commission;
 - i. The State Department for Social Protection and Senior Citizen Affairs
 - ii. The State Department for Children Welfare Services
 - iii. The State Department for Gender and Affirmative Action
 - iv. The State Department for Youth Affairs and Creative Economy
 - v. The State Department for Public Service (NYS)
 - vi. The National Gender and Equality Commission (NGEC)
 - vii. The National Fund for the Disabled of Kenya

1.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Social Protection was constituted by the House on 27th October 2022 and reconstituted on 5th March 2025, and comprises of the following Honourable Members:

Chairperson

Hon. Alice Wambui Ng'ang'a, CBS, MP
Thika Town Constituency
UDA Party

Vice-Chairperson

Hon. Hillary Kiplang'at Koskei, MP
Kipkelion West Constituency
UDA Party

Members

Hon. Faith Wairimu Gitau, CBS, M.P.
Nyandarua County
UDA PARTY

Hon. Timothy Wanyonyi Wetangula, CBS, M.P.
Westlands Constituency
ODM PARTY

Hon. Samuel Moroto Chumel, CBS, M.P.
Kapenguria Constituency
UDA PARTY

Hon. James Onyango Oyoo, M.P.
Muhoroni Constituency
ODM PARTY

Hon. Hussein Abdi Barre, M.P.
Tarbaj Constituency
UDA PARTY

Hon. Amina Abdullahi Dika, M.P.
Tana River County
KANU PARTY

Hon. Zamzam Mohamed Chimba, M.P.
Mombasa County
ODM PARTY

Hon. Owen Baya Yaa, CBS, M.P.
Kilifi North Constituency
UDA PARTY

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency
WDM-K PARTY

Hon. Paul Abuor, M.P.
Rongo Constituency
ODM PARTY

Hon. Susan Nduyo Ngugi, M.P.
Tharaka Nithi County
TSP PARTY

Hon. Agnes Mantaine Pareiyo, M.P.
Narok North Constituency
JUBILEE PARTY

Hon. Linet Chepkorir, M.P.
Bomet County
UDA PARTY

1.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following Parliamentary staff:

Mr. Finlay Muriuki
Lead Clerk/ Head of Secretariat

Mr. Ahmednoor Hassan
Clerk Assistant III

Ms. Jemimah Waigwa
Senior Legal Counsel

Mr. Adan Ahmed Abdi
Fiscal Analyst I

Ms. Grace Maneno
Research Officer III

Mr. Benjamin Ochutsi
Hansard Officer III

Ms. Naomi Onsomu
Public Communications Officer

Mr. Derrick Kathurima
Media Relations Officer

Mr. Cosmas Akhonya
Audio Recording Officer

Ms. Eva Kaare
Serjeant-at-Arms

PART TWO

2 BACKGROUND OF SIGN LANGUAGE IN KENYA

2.1 INTRODUCTION

6. Currently, Kenya lacks comprehensive legislation addressing the specific linguistic and cultural needs of those with hearing impairment. The absence of legal protection has resulted in disparities in education, employment, and access to public services for deaf individuals.
7. Article 7(3)(b) of the Constitution on National, Official and Other Languages mandates the State to promote the development and use of indigenous languages, Kenyan sign language, braille and other communication formats and technologies accessible to persons with disabilities.
8. Recognizing and implementing sign language is crucial for promoting the rights of Deaf individuals worldwide. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which came into force in 2008, emphasizes the importance of sign languages in ensuring the full and effective participation of Deaf people in society. The UNCRPD urges member states to facilitate the learning of sign language and promote the linguistic identity of the Deaf community.
9. The Kenya National Association of the Deaf (KNAD) is a legal Non-Governmental Organization, registered in 1987 with the purpose of promoting and protecting Kenyan Sign Language and its Linguistic and cultural richness. Its membership is derived from an affiliated regional association with members drawn from the grassroots Deaf community countrywide.
10. KNAD has remained active in lobbying for the legal and constitutional recognition of KSL, training for KSL interpreters, developing KSL training and advocacy materials. The achievements since then include the inclusion of KSL in the Constitution of Kenya, legal recognition of KSL as the primary standard means of information access for Deaf persons.

2.2 SITUATIONAL ANALYSIS/ LEGAL FRAMEWORK

11. According to the Kenya National Association of the Deaf the population of deaf people in the world constitutes 5.5% of the population. In Kenya, this translates to 2.75 million deaf people (the Kenyan population according to 2019's statistics was estimated at 50 million people). This makes Deaf persons a significant linguistic community.
12. Within the current legal framework, Kenya lacks comprehensive legislation addressing the specific linguistic and cultural needs of those with hearing impairment. The absence of legal protection has resulted in disparities in education, employment, and access to public services for Deaf individuals.
13. Recognizing and implementing sign language is crucial for promoting the rights of Deaf individuals worldwide. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which came into force in 2008, emphasizes the importance of sign languages in ensuring the full and effective participation of Deaf people in society. The UNCRPD urges member states to facilitate the learning of sign language and promote the linguistic identity of the Deaf community.

The Constitution of Kenya, 2010

14. **Article 7(3)(b)** of the **Constitution of Kenya** provides that the state shall promote the development and use of Indigenous languages, **Kenyan Sign language**, Braille and other communication formats and technologies accessible to persons with disabilities. **Article 44** on Culture and Language states that every person has the right to use the language, and to participate in the cultural life, of the person's choice.

15. **Article 50(2)(m)** provides that every accused person has a right to a fair trial, including to have the **assistance of an interpreter without payment** if the accused person cannot understand the language used at the trial.
16. **Article 54(1)(d)** states that **any person with Disabilities is entitled to use Sign language, Braille or other appropriate means of communication.**
17. **Article 120** expressly spells out the **official languages of Parliament** as Kiswahili, English and **Kenyan Sign language.**

UN Convention on the Rights of Persons with Disabilities

18. The Convention proposes to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. In realization of the right to education, the Convention seeks to ensure that the education of persons, and in particular children, who are blind, **deaf or deafblind**, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

2.3 COMPARATIVE ANALYSIS

South Africa

19. The South African Constitution provides that the State may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including among other factors, **language**. It further states that everyone has the right to receive education in the **official language or languages** of their choice in public educational institutions.
20. The South Africa National Assembly (NA), on 3rd May 2023 approved the Report on the Constitution Eighteenth Amendment Bill, seeking to include South African Sign Language (SASL) as an official language to promote the rights of persons who are deaf and hard of hearing. On 19th July 2023, it was signed into law as South Africa's 12th official language.
21. The aim of the law is to promote inclusion and substantive equality and prevent or eliminate unfair discrimination on the grounds of disability hence giving a voice to deaf South Africans.

South Korea

22. South Korea has made significant strides in recognizing and supporting its Deaf and hard-of-hearing community through various legislative measures. **Korean Sign Language Act (2016)** recognizes Korean Sign Language (KSL) as one of the national languages of South Korea. It aims to promote and protect the use of KSL and improve the status of the Deaf community. The Act obligates the State and local government institutions to provide interpretation services to ensure that Deaf individuals have equal access to public services and information.
23. **Article 10 of the Korean Sign Language Act of 2016** provides for the promotion of research and development of KSL to enhance its use and integration into society. Article 14 further provides for the promotion and use of KSL and the promotion of the culture of the Deaf community. It outlines measures to increase public awareness and understanding of Deaf culture and mandates the establishment of support systems for the education and employment of Deaf individuals.

Germany

24. In Germany, legislative measures in regard to Sign Language have undergone significant development over the past few decades. These developments reflect Germany's commitment to recognising and supporting the linguistic rights and cultural identity of the Deaf community and ensuring their full participation in society. Some of the key developments include;

- a) German Sign Language (Deutsche Gebärdensprache or DGS) was officially recognized as a language in 2002 in the Disability Equality Act. This law acknowledges the cultural and linguistic identity of the Deaf community in Germany.
 - b) Further amendments to the Social Code (Sozialgesetzbuch, SGB) IX in 2001 strengthened the rights of Deaf and hard-of-hearing individuals. These changes ensured that they have access to sign language interpreters in various settings, including legal, educational, and medical contexts.
 - c) The Federal Participation Act, implemented in stages from 2017 to 2023, aims to enhance the inclusion of people with disabilities, including those who are Deaf. This legislation improves access to various services and support systems, promoting greater participation in social and professional life.
25. The rights of Deaf individuals in educational settings are supported by legislation that ensures access to education through sign language. This includes the provision of sign language interpreters and specialized schools for the Deaf.
26. Germany has also established a system for training and certifying sign language interpreters. This ensures that interpreters meet professional standards and can provide quality services in various settings.
27. Public services, including healthcare, legal assistance, and governmental services, are required to provide accommodations for Deaf individuals. This includes the availability of sign language interpreters and other means of communication support.

New Zealand

28. **The New Zealand Sign Language (NZSL) Act of 2006** granted the New Zealand Sign Language an official language status in New Zealand. The Act provides for the rights of the deaf individual in New Zealand including the use of NZSL in legal proceedings. This includes the provision of qualified interpreters to ensure that Deaf persons fully participate in court cases and legal processes and have equal access to justice, similar to speakers of other official languages.
29. The Act mandates the Government services in New Zealand are made accessible to the deaf people who use NZSL by ensuring that information and services provided by public authorities are available in NZSL. The government departments in New Zealand are also mandated to create awareness and foster an inclusive environment for the Deaf.
30. **The New Zealand Sign Language Board** is mandated to promote and maintain the NZSL by ensuring the development, preservation and acquisition of the language, and to provide expert advice to government and the community on NZSL. The Board is responsible for overseeing the implementation of the Act, ensuring that the rights of NZSL users are upheld.

PART THREE

3 OVERVIEW OF THE KENYA SIGN LANGUAGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2024)

3.1 INTRODUCTION

31. The Kenya Sign Language Bill, 2024 (National Assembly Bill No. 1 of 2024) is a Bill sponsored by the Hon. Umulkher Harun Mohamed, MP. The Bill seeks to give effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d) and 120 of the Constitution.
32. The Bill is in line with the provisions of the Constitution, particularly, Articles 54 and 56 which mandates the State to put in place measures for the promotion of the rights of the marginalized communities including persons with disabilities. The enactment of the proposed legislation will therefore ensure that members of the Deaf community are treated with dignity in all spheres of life and have access not only to information but also to justice.
33. The Bill is divided into eight Parts and has 49 clauses and two schedules.
34. **Part I (clause 1 to 4)** provides for preliminary matters including the short title, the objects and guiding principles of the proposed Bill. It further provides various definitions such as sign language, Deaf, Deafblind among others. Clause 3 provides for the objects of the Bill which include to provide a framework for the recognition, promotion, research, preservation and development of the use of the Kenyan Sign Language as contemplated under Article 7(3)(b) and 120 of the Constitution; and further to facilitate access to information, educational institutions and facilities as contemplated under Article 54(1) of the Constitution.
35. **Part II (clause 5 to 19)** provides for the establishment of the Kenyan Sign Language Council, its functions, powers; the composition of the Council, their term of office and qualifications for appointment. It further provides for the appointment of a Registrar who is the Secretary and Chief Executive Officer of the Council, the Registrar's functions. It also provides for the manner of appointment of staff of the Council. The functions of the Council shall be to regulate the use and development of sign language in Kenya and set and enforce standards for the training, practice and use of Kenyan sign language and Kenya Sign Language interpretation; and register and license sign language interpreters in Kenya, among other functions. The Council shall consist of:
- (a) chairperson who shall be appointed by the Cabinet Secretary;
 - (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to education or a representative designated in writing;
 - (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to culture or a representative designated in writing;
 - (d) the chairperson of the National Council for Persons with Disabilities or a representative designated in writing;
 - (e) three persons nominated by the most representative registered National Association of the Deaf community in Kenya;
 - (f) two persons nominated by the most representative registered National Association for sign language interpreters in Kenya; and
 - (g) the Registrar who shall be an ex officio member of the Council.

36. **Part III (clause 20-25)** provides for access and non-discrimination. This is intended to guarantee the right to use Kenyan Sign Language, pursuant to Article 7(3)(b) of the Constitution, as the preferred language of communication.
37. **Clause 20** provides that a public or private entity shall where necessary provide, assistive device and support services including Kenyan Sign Language interpretation services at no costs, to a person who requires access or seeking to access information offered by the entity under the Act or any other written law.
38. Further, the Clause provides that the national and county governments shall among other things, provide adequate funds for the promotion of Kenya Sign Language including funding programmes to conduct awareness and training on the use of Kenya Sign Language.
39. **Clause 21** provides that the Council shall in collaboration with the relevant government agencies, facilitate the development of programmes for the purpose of ensuring that Deaf, hard of hearing and Deafblind persons have access to the highest attainable standard of health care services.
40. **Clause 22** obligates every court, tribunal or body before which proceedings are being conducted to avail without any costs to the parties, a sign language interpreter if any of the parties to the proceedings is Deaf, hard of hearing or Deafblind.
41. **Clause 23** further stipulates that the Cabinet Secretary responsible for Education shall establish a mechanism to ensure that Deaf learners and learners who are hard of hearing are taught in a manner that they are able to understand and use the dominant language of instruction in the education system among others.
42. **Clause 24** provides that television stations shall provide closed captioning and a Kenyan Sign Language inset covering at least one third of the size of the television screen, in all newscasts, educational and national programmes, for the purpose of ensuring equality and respect for human dignity.
43. **Clause 25 obligates** telecommunication service providers to ensure that their services are accessible to the Deaf, hard of hearing, and Deafblind community through establishment and provision of relay services, including text relay, video relay, captioned telephone relay, and communication facilitators for the Deaf, hard of hearing or Deafblind.
44. **Part IV (clause 26-34)** provides for the registration of sign language interpreters, the requisite qualifications and manner of applying for registration. A person is qualified to be registered to provide Kenyan Sign Language interpretation services under the Act, if the person has proficiency in English or Kiswahili languages as contemplated under Article 7(1) and (2) of the Constitution; possesses such professional qualifications from an institution recognized by the Council; has obtained practical experience and skills in Kenyan Sign Language interpretation as may be prescribed by the Council; and has successfully passed the continuing professional development examination or such other requirements as may be required by the Council, from time to time.
45. **Clauses 28 and 31** provides that a person who meets the requirements under section 27 of the Act, may apply to the Registrar for registration to provide Kenyan Sign Language interpretation services and shall upon being registered as a professional Sign Language Interpreter be issued with a practicing certificate.
46. It further provides for the issuance, renewal, cancellation and suspension of practising certificate by the Council as well as the effect of such cancellation, suspension of practicing certificate and removal from the register.
47. **Clause 33** provides for suspension or cancellation of a certificate issued where-

- (a) allegations of misconduct have been investigated and proven against a sign language interpreter;
 - (b) a sign language interpreter has been convicted of an offence under the Act
 - (c) a false declaration was made in an application for a practising certificate; or
 - (d) a sign language interpreter has contravened any of the provisions of the Act.
48. **Part V (clause 35-39)** provides for the sources of funds of the Council, the audit of these funds as well as report by the Council on the utilization of its funds and the activities undertaken in a given financial year.
49. **Part VI (clause 40-45)** provides for the miscellaneous provisions such as subscription fees payable annually to the Council, code of conduct, redress over the decisions of the Council, offences and penalties and consequential amendments.
50. **Part VII (clause 46)** provides for the delegation of power to the Cabinet Secretary in the Ministry responsible for culture to make regulations for the better carrying into effect of the functions of the Act.
51. **Part VIII (clause 47-49)** provides for the general provisions which are the general penalty; consequential amendments; and transitional provisions.
52. The **First Schedule of the Bill** provides for the conduct of the business and affairs of the Council whereas the **Second Schedule of the Bill** prescribes a professional conduct for sign language interpreters in Kenya.

OVERVIEW OF THE KENYAN SIGN LANGUAGE BILL (SENATE BILL NO. 9 OF 2023)

53. The Kenyan Sign Language Bill, 2023 (Senate Bill No. 9 of 2023) is a Bill co-sponsored by Sen. Crystal Asige, MP, Sen. (Prof.) Margaret Kamar, MP and Hon. Millie Odhiambo-Mabona, MP.
54. The Bill seeks to give effect to Article 7(3)(b) of the Constitution on the promotion and development of the use of Kenyan Sign language; to give effect to Article 54(1)(d); to provide for the inclusion of sign language in education curriculum; to provide for the use of sign language in legal proceedings; and for connected purposes.
55. **Clause 1** of the Bill is the short title.
56. **Clause 2** of the Bill provides for definition of various terms as used in the Bill.
57. **Clause 3** of the Bill provides for the objects of the Bill which include to ensure that persons who are deaf or hard of hearing integrate into society; to protect and promote the right to justice and fair administration action with respect to persons who are deaf and hard of hearing ; to promote access to quality education by learners who are deaf or hard of hearing; to provide for the training, recognition and regulation of sign language interpreters; and to promote access to public services by deaf persons.
58. **Clause 4** of the Bill provides for recognition of the Kenyan Sign Language and provides that the Kenyan sign language is the language used by the deaf or hard of hearing in Kenya for expressing themselves and communicating with others.
59. **Clause 5** of the Bill provides for the roles of national and county governments which include to ensure that members of the deaf community are consulted on all matters related to the development, use and promotion of Kenyan sign language; and that the Kenyan sign language is used in the promotion to the public of government services and in the provision of information to the public, among others.

60. **Clauses 6 and 7** of the Bill provide for the use of sign language in legal proceedings and obligates the Cabinet Secretary for Education to ensure among other things that deaf learners and learners who are hard of hearing are taught in a manner which they are able to understand and use the dominant language of instruction in the education system.
61. **Clauses 8 and 9** of the Bill provide for development, review and approval of curricula and curriculum support materials for learners who are deaf and hard of hearing; a Kenyan sign language action plan; and a national system of standards, accreditation and procedures for Kenyan sign language interpretation.
62. **Clauses 10, 11, 12, 13, 14 and 15** of the Bill provide for among other things the registration of sign language interpreters; the Registrar; register of sign language interpreters; and the code of conduct for sign language interpreters.
63. **Clause 16** of the Bill provides for the sign language at the workplace and obligates the national and county governments to among other things, take all reasonable measures to promote and encourage the use of basic Kenyan sign language among its deaf and hearing employees; and set aside adequate funds for the promotion of Kenyan sign language including funding activities to celebrate and promote awareness of the language.
64. **Clauses 17, 18 and 19** of the Bill provides for promotion of the Kenyan sign language; development of the Kenyan Sign Language action plan; and prescribes the regulation making powers of the Cabinet Secretary.

PART FOUR

4 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

65. Following the call for memoranda from the public through placement of adverts in the print media on 8th March 2024 for the Kenyan Sign Language Bill (Senate No. 9 of 2023) and 22nd March 2024 for the Kenya Sign Language Bill (National Assembly No. 1 of 2024) and vide a letters NA/DDC/SP/CORR/2024/091, NA/DDC/SP/CORR/2024/092, NA/DDC/SP/CORR/2024/093 (all dated 11th June 2024), and NA/DDC/SP/CORR/2025/010 dated 18th March 2025 inviting stakeholders for a meeting and requesting for their written submissions on the Bills.
66. The Committee received memoranda from the following stakeholders:
- i. The State Department for Social Protection and Senior Citizen Affairs in conjunction with the National Council for Persons with Disabilities (NCPWD)
 - ii. Kenya National Association of the Deaf (KNAD)
 - iii. National Disability Forum
 - iv. World Federation for the Deaf
 - v. Free a Girl's World Network
 - vi. Mr. Mohameddeck Ibrahim, a Nairobi Resident
 - vii. Mr. Abdul Ghadafi, a Garissa County resident
 - viii. Sheikh Musa Babdiweli, a Kenyan citizen
 - ix. Ms. Leila Haret of Garissa County
 - x. Mr. Abdullahi Abdi of Garissa County
 - xi. Hon. Umulkher Harun Mohamed, MP -Sponsor of the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024)
 - xii. Sen. Crystal Asige, MP Sponsor of the Kenyan Sign Language Bill (Senate Bill No. 9 Of 2023)
 - xiii. Federation of Deaf Women Empowerment Network
 - xiv. Kenya Disability Parliamentary Association (KEDIPA)
67. The stakeholders shared their written submissions with Committee Secretariat as follows;

4.1 THE STATE DEPARTMENT FOR SOCIAL PROTECTION AND SENIOR CITIZEN AFFAIRS (MINISTRY OF LABOUR AND SOCIAL PROTECTION) IN CONJUNCTION WITH THE NATIONAL COUNCIL FOR PERSONS WITH DISABILITIES (NCPWD)

Kenya Sign Language Bill (National Assembly), 2024

- a) **Clause 7(a)- Regulate the use and development of sign language:** This function has a potential overlap with the NCPWD's mandate to formulate and develop measures and policies designed to achieve equal opportunities, rehabilitation, and integration of persons with disabilities. Regulating the use and development of sign language can be seen as a specific policy area aimed at the inclusion of deaf community.
- b) **Clause 7(b)- Put in place measures for the recognition and preservation of the use Kenya Sign Language:** This aligns with the NCPWD's function of formulating and developing measures and policies for the welfare of persons with disabilities. The NCPWD is also mandated to promote public awareness of the rights of persons with disabilities, which would include the recognition of KSL.

- c) **Clause 7(c)- Undertake research and create awareness on the culture and heritage of the Deaf community in Kenya:** The NCPWD has the function of promoting public awareness of the rights of persons with disabilities. The NCPWD is also mandated to encourage and secure the rehabilitation of persons with disabilities within their own communities and social environment, and understanding deaf culture is vital for this.
- d) **Clause 7(d)- Set and enforce standards for the training, practice and use of Kenyan Sign Language and Kenyan Sign Language interpretation:** While the NCPWD doesn't explicitly set language standards, our function to coordinate services provided in Kenya for the welfare and rehabilitation of persons with disabilities could be interpreted to include ensuring standards for services like sign language interpretation.
- e) **Clause 7 (e)- register and license sign language interpreters in Kenya:** The NCPWD has the function of registering persons with disabilities and institutions, associations, and organizations that provide services for their rehabilitation and welfare. This could potentially extend to registering or recognizing interpreter organizations. However, the Bill's proposal for direct referral and licensing of individual interpreters suggests a more direct regulatory role than the NCPWD's current mandate which could pose an opportunity for NCPWD under defined regulations and standards.
- f) **Clause 7 (f)- Maintain a register and keep a record of all sign language interpreters registered;** Similar to clause 7(e), this function of maintaining a register could potentially fall under the NCPWD's broader mandate of registering organizations providing services to persons with disabilities.
- g) **Clause 7 (g) Protect and promote the right of the Deaf, hard of hearing and Deafblind community to equal access to information and communication, including the right to access to justice:** This directly aligns with the NCPWD's core function of formulating and developing measures and policies designed to achieve equal opportunities for persons with disabilities.
- h) **Clause 7(i) –Advise the Cabinet Secretary and County Governments on matters relating to sign language:** The NCPWD has a function to advise the Cabinet Secretary on the provisions of any international treaty or agreement relating to the welfare or rehabilitation of persons with disabilities. The NCPWD's broader mandate to formulate policies and measures for the welfare of persons with disabilities could also encompass advising the Cabinet Secretary on specific issues like sign language.
- i) **Clause 7(j)- Develop and regulate ethical and disciplinary standards for sign language interpreters:** This could be seen as part of the broader function of ensuring quality services for persons with disabilities, which the NCPWD has a coordinating role in.
- j) **Clause 7 (k) –Collaborate with other relevant government agencies in the use and development of sign language in Kenya:** The NCPWD has a core function to coordinate services provided in Kenya for the welfare and rehabilitation of persons with disabilities. Collaborating with other government agencies on sign language would fall under this coordinating mandate.

Kenya Sign Language Bill (Senate) No.9 of 2023

- a) **Clause 3(a)- Ensure that persons who are deaf or hard of hearing integrate into society.** This directly overlaps with the NCPWD's function of promoting the integration of persons with disabilities.
- b) **Clause 3(b)- Protect and promote the right to justice and fair administration action with respect to persons who are deaf and hard of hearing.** This aligns with the NCPWD's

- broader mandate of protecting and promoting the rights of all persons with disabilities.
- c) **Clause (3)- Promote access to quality education by learners who are deaf or hard of hearing.** While the NCPWD doesn't directly provide education, its mandate to formulate policies for equal opportunities includes access to education for all persons with disabilities. (Scholarships, mentorships)
 - d) **Clause 3 (d)-Provide for the training, recognition, and regulation of sign language interpreters:** While the NCPWD registers organizations providing services to persons with disabilities, this Bill specifically focuses on the regulation of interpreters, which could be seen as an overlap in the broader function of ensuring quality services for the deaf community. (*Every Financial year, NCPWD facilitates training of at least 350 public officers on Kenya Sign Language*).
 - e) **Clause 3 (e)- Promote access to public services by deaf persons:** The NCPWD's mandate to promote equal opportunities and prevent discrimination covers access to public services for all persons with disabilities. (*Annual Disability Mainstreaming reports submitted by all MDAs on compliance*)
 - f) **Clause 3 (f)- Promote the inclusion and diversity in the workplace by creating opportunities for persons who are deaf or hard of hearing to compete for employment opportunities:** This overlaps with the NCPWD's function of putting into operation schemes for employment opportunities for persons with disabilities.
 - g) **Clause 3(g)- Promote literacy development of learners who are deaf or hard of hearing:** This falls under the broader scope of the NCPWD's role in ensuring equal opportunities in education and rehabilitation.
 - h) **Clause 5(a)- Ensure that members of the deaf community are consulted on all matters related to the development, use and promotion of Kenyan sign language:** While the NCPWD is expected to engage with organizations of persons with disabilities, this Bill specifies consultation on language matters.
 - i) **Clause 5 (b) - Ensure that Kenyan sign language is used in the promotion to the public of government services and in the provision of information to the public:** This aligns with the NCPWD's function of promoting public awareness of the rights of persons with disabilities, which includes the right to accessible information.

Observations

a) **Potential Overlap in the Kenyan Sign Language Bills**

The National Assembly proposes the establishment of a council or assign functions that could potentially overlap with the NCPWD's existing mandate. These areas of potential overlap include:

- i) Policy formulation
- ii) Regulation of services
- iii) Promotion of rights and awareness
- iv) Coordination of activities

b) **Arguments against creating a new Council**

Establishing a new council specifically for Kenyan Sign Language could lead to several challenges:

- i) **Duplication of effort:** Creating a new institution with overlapping functions with the NCPWD would likely result in duplication of administrative work, resource allocation, and policy development.
- ii) **Resource strain:** Setting up and maintaining a new council would require additional financial and human resources that could be better utilized by strengthening existing institutions.
- iii) **Fragmentation of disability rights:** Focusing on one specific disability (hearing

impairment) through a separate council might inadvertently lead to a fragmented approach to disability rights, rather than a unified and inclusive framework.

Recommendations

To avoid the potential pitfalls of creating a new council and to ensure a more streamlined and effective approach to promoting the rights of the deaf and Kenyan Sign Language, the NCPWD proposes the following recommendations—

- a. **Strengthen existing institutions (NCPWD)** — The mandate and capacity of the National Council for Persons with Disabilities should be strengthened to explicitly include the promotion, development, and regulation of Kenyan Sign Language. This could involve ensuring full and effective implementation and compliance of the Persons with Disabilities Bill (2023) as provided for in;
 - i. **Section 7 (2)** on entitlement of support services (including KSL) as may be required to exercise their legal capacity
 - ii. **Section 20 (8) (c) (v) &(vi)** on promotion of the use of appropriate augmentative and alternative modes, means and formats of communication, adaptive technologies, including Braille and Kenya Sign Language; and introduction of Kenyan Sign language courses in all learning and training institutions.
 - iii. **Section 24 (7) on the right to health**, on the role of the national and county governments in ensuring that all health institutions have an adequate number of Kenyan Sign language interpreters in their institutional structures.
 - iv. **Section 26** on access to information communication and other services by all public and private institutions.
 - v. **Section 29 (4)** which provides for recognition and support of deaf community of their specific cultural and linguistic identities including KSL on an equal basis with others.
- b) Pursuant to **section 7 (2) (b)&(c)** of the Persons with Disabilities Act,2003; Constitute a committee consisting of Council Members, representatives of the deaf community address matters relating to Kenya Sign Language in Kenya.
- b. **Regulations on Kenya Sign Language under the Persons with Disabilities Act** — specific regulations pertaining to Kenyan Sign Language should be developed and implemented under the existing Persons with Disabilities Act or the proposed Bill. These regulations should address —
 - 1) Standards for Kenyan Sign Language interpretation, including qualifications, accreditation, and a code of conduct.
 - 2) Guidelines for the use of KSL in education, legal proceedings, public services, and the workplace.
 - 3) Measures for promoting public awareness and the integration of KSL into society.

Conclusion

While the objectives of the Kenyan Sign Language Bills are commendable, creating a new council and law with overlapping functions with the existing National Council for Persons with Disabilities could lead to inefficiencies and fragmentation.

By strengthening the NCPWD and developing specific regulations for Kenyan Sign Language under the existing legal frameworks for persons with disabilities, Kenya can achieve a more unified, efficient, and effective approach to ensuring the rights and inclusion of all its citizens with disabilities, including those

who rely on Kenyan Sign Language.

4.3. KENYA NATIONAL ASSOCIATION OF THE DEAF (KNAD)

KENYAN SIGN LANGUAGE BILL, 2023 (BILL NO. 9 OF 2023)

SECTION	RECOMMENDATION	REASON (S)
<p>Introduction: Section 1; AN ACT of Parliament to give effect to Article 7(3)(b) of the Constitution on the promotion and development of the use of Kenyan Sign language; to give effect to Article 54(1)(d); to provide for the inclusion of sign language in education curriculum; to provide for the use of sign language in legal proceedings; and for connected purposes</p>	<p>Reframe the preamble as follows: AN ACT of Parliament to give effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d) and 120 of the Constitution; to establish the Kenyan Sign Language Council for the regulation of the Kenyan sign language interpretation in Kenya; to provide for the recognition, promotion and use of Kenyan Sign Language in public and institutions learning; to provide for the use of sign language in legal proceedings; and for connected purposes.</p>	<p>The Preamble as framed predominantly addresses education and legal proceedings. It overlooks significant aspects related to Kenyan Sign Language and the challenges faced by the deaf community in Kenya. The proposed Kenyan Sign Language Council will be a statutory regulatory body responsible for: (a) Kenyan Sign language interpretation in Kenya; and b) Promoting the recognition ,setting standards in the use of Kenyan Sign Language in public and learning institutions</p>
<p>Section 2; Interpretation “Kenya signed English” means manually coded English involving producing signs which correspond to an English word in an English sentence in English word order designed to facilitate communication between the deaf and hearing community</p>	<p>Reframe this as follows: “Kenyan Sign Language” means the sign language contemplated under Article 7 (3) (b) of the Constitution used for communication by the Deaf community in Kenya Reframe as follows: “Sign language” means a form of visual or tactile language that uses manual signs that have structure or meaning like other languages Insert a new definition as follows in appropriate alphabetical order: “Sign Language Council” means the Kenyan Sign Language Council established under Section 20 of this Act</p>	<p>This is in contradiction with the Constitution of Kenya and normative standards set by the World Federation of the Deaf</p> <p>The definition is not adequately elaborated</p>

<p>Sign Language: Means a systems of communication both visual or tactile as the case may be by manual signs or symbols including movement</p>		
<p>Section 6: Use of sign language in Legal proceedings. (3) The judicial officer shall make recommendation as to the accuracy of any interpretation from the KSL into spoken or written....</p>	<p>Reframe as follows: The Judicial Officer, who shall be a Kenya Sign Language Interpreter accredited and certified by the Sign Language Council, shall make recommendation as to the accuracy of any interpretation from the KSL into spoken or written....</p>	<p>This clause does not specify whether the judicial officer making recommendation to the accuracy is competent in KSL interpretation. Without competence, the meaning is likely to be lost in interpretation. There is need for specificity as to the professional competence and proficiency of the Judicial Officer in Kenyan Sign Language. In addition, Kenyan Sign Language Interpreters subscribe to a code of practice. The good practice in ensuring accuracy in SL Interpretation is having two interpreters who assist each other and not a 3rd party who is not a SL Interpreter determining the accuracy and quality of the services.</p>
<p>Section 7: education support for Learners (g) the CS for education shall ensure that institutions offering teaching training, as part of their curriculum, courses on Kenyan Sign Language and Interpretation.</p>	<p>Reframe as follows: The CS for education shall ensure that institutions offering teaching training offer training on general basic sign language skills to all teachers for interaction and communication.</p>	<p>Training institutions that offer Teachings do not have to offer the full KSL training. However, for the purpose of inclusivity. Individuals in teaching training can learn basic sign language just for basic communication. Such training should not be intended to make teacher trainees become professional Kenya Sign Language Interpreters In addition, KISE is already having a Diploma course in SNE and Teacher Training Colleges are established to train PI teachers. Having PI teachers take SL Interpretation Courses will confuse the Diploma Course already being rolled out by KISE.</p>
<p>Section 7 (i): Clause establish a scheme for the provision of KSL language classes to</p>	<p>Reframe as follows: The Cabinet Secretary for the time being responsible for matters relating to language and culture, in consultation with the Kenyan Sign Language Council, establish a scheme for</p>	<p>There is need for consistency in placing this mandate in the docket and portfolio of the ministry responsible for issues to do with PWDs. Otherwise, this is a great idea which plugs and enduring gap in the</p>

<p>the parents, siblings and grandparents of a child who is deaf</p>	<p>the provision of KSL language classes to the parents, siblings and grandparents of a child who is deaf</p>	<p>communication between Deaf children, their parents and other community members. The subsisting challenge is that while Deaf Children interact with members of the learning/school community, they cannot engage parents on their learning environment experiences, including parental assistance with assigned school work.</p>
<p>Section 9 (1) Standards, accreditation and procedures Caps 496</p>	<p>Reframe as follows: The Cabinet Secretary for the time being responsible for matters relating to language and culture, in consultation with the Registrar and the Kenya Accreditation Services established under section 4 of the Kenya Accreditation Act, develop a national system of standards, accreditation and procedures for Kenyan Sign Language interpretation</p>	<p>There is ambiguity in what constitutes "Deaf Community" as used in this part. The interpretation of "Deaf Community" in the Bill is broad and does not contemplate an organized entity through which consultations may be made</p>
<p>Section 11 (1); Registrar; Clause (1) The CS shall designate a public officer within the Ministry as the registrar of Kenya Sign Language interpreters</p>	<p>Delete this Section</p>	<p>It is superfluous. The office of Registrar has been established under the Sign Language Council in Section 22. In addition global best practices dictate that the process of registration, accreditation, and registration of sign language interpreters requires a full board with representatives from respective bodies to discharge such functions.</p>
<p>Section 12: Register of sign language interpreters</p>	<p>Insert the following under this Section: 1) A person is qualified to be registered to provide Kenyan Sign Language interpretation services under this Act, if the person— (a) has proficiency in English or Kiswahili languages as contemplated under Article 7(1) and (2) of the Constitution; (b) possesses such professional qualifications from an institution recognized by the Council; (c) has obtained practical experience and skills in Kenyan Sign Language interpretation as may be prescribed by the Sign Language Council; and (d) has successfully passed the continuing professional development examination or such other requirements as may be conducted by the Council, from time to time. 2) Consider including provisions on procedure of application for registration and effect of registration</p>	<p>The bill does not provide required qualifications for registration of sign language interpreters</p>

<p>Section 13; Certificate of Registration</p>	<p>Reframe as follows:</p> <ol style="list-style-type: none"> 1) The Registrar shall issue a practicing certificate to a person whose name is entered into the register 2) A person shall not provide Kenyan Sign Language interpretation services unless that person has been registered and issued with a practicing certificate under this Act. 3) A practicing certificate issued under subsection (1), shall be valid for a period of one year running from the 1st of January to the 31st of December of each year and may, upon expiry, be renewed on making an application for renewal. 4) A person applying for a practicing certificate under subsection (1), shall be required to submit an application in the prescribed form accompanied by a certificate of continuing professional development issued by the Council and a prescribed fee. 5) A person who holds a practicing certificate may on the expiry of the practicing certificate applied to the Council for a renewal of the certificate. 6) An application made under subsection (1), shall be accompanied with— <ol style="list-style-type: none"> (a) a declaration in the prescribed form; (b) fees for the current practicing period and subject to the approval by the Sign Language Council, any unpaid fees, including penalties as prescribed by the Sign Language Council; and (c) proof of fulfillment of all applicable conditions for renewal of a certificate. 7) The Sign Language Council may, with sufficient cause, refuse to issue or renew a certificate and shall communicate the refusal and give reasons for such refusal to the applicant within twenty-one days of making the decision. 	<p>The current provisions are very minimal to ensure effective implementation of certificate of registration requirements. More provisions are required as proposed in the recommendation section</p>
<p>Insert a new section and renumber the sections as appropriate. Section 14: Suspension and cancellation of practicing certificate</p>	<ol style="list-style-type: none"> (1) The Sign Language Council may suspend or cancel a certificate issued under this Act where— <ol style="list-style-type: none"> (a) allegations of misconduct have been investigated and proven against a sign language interpreter; (b) a sign language interpreter has been convicted of an offence under this Act; (c) a false declaration was made in an application for a practicing certificate; and 	

	<p>(d) a sign language interpreter has contravened any of the provisions of this Act.</p> <p>(2) The cancellation or suspension of a practicing certificate under subsection (1), shall be subject to the principles of fair administrative action prescribed under Article 47 of the Constitution and the Fair Administrative Action Act.</p> <p>(3) A person whose name has been removed from the register or whose certificate has been suspended or cancelled, shall not provide Kenyan Sign Language interpretation services during the period of removal of name, suspension or cancellation of his or her practising certificate</p>	
<p>Insert a new Section 20: Establishment of the Kenyan Sign Language Council</p>	<p>1) There is established the Kenyan Sign Language Council, which shall be a body corporate with perpetual succession and common seal.</p> <p>2) The functions of the Council shall include</p> <ol style="list-style-type: none"> (a) regulate the use and development of sign language in Kenya; (b) put in place measures for the recognition and preservation of the use of Kenyan Sign Language; (c) undertake research and create awareness on the culture and heritage of the Deaf community in Kenya; (d) set and enforce standards for the training, practice and use of Kenyan sign language and Kenya Sign Language interpretation; (e) register and license sign language interpreters in Kenya; (f) maintain a register and keep a record of all sign language interpreters registered under this Act; (g) protect and promote the right of the Deaf, hard of hearing and Deafblind community to equal access to information and communication, including the right to access to justice; (h) determine the minimum fees chargeable for the provision of services under this Act; (i) advise the Cabinet Secretary and county governments on matters relating to sign language; (j) develop and regulate ethical and disciplinary standards for sign language 	

	<p>interpreters;</p> <p>(k) collaborate with other relevant government agencies in the use and development of sign language in Kenya; and</p> <p>(l) perform such other functions as may be prescribed by any other law or as necessary for the promotion of objects of this Act</p>	
<p>Section 21: Composition of the Kenyan Sign Language Council</p>	<p>The Council shall comprise of:</p> <p>(a) a chairperson who shall be appointed by the Cabinet Secretary;</p> <p>(b) the Principal Secretary in the Ministry for the time being responsible for matters relating to education or a representative designated in writing;</p> <p>(c) the Principal Secretary in the Ministry for the time being responsible for matters relating to culture or a representative designated in writing;</p> <p>(d) the chairperson of the National Council for Persons with Disabilities or a representative designated in writing;</p> <p>(e) three persons nominated by the most representative registered National Association of the Deaf community in Kenya;</p> <p>(f) two persons nominated by the most representative registered National Association for sign language interpreters in Kenya; and of which one should be a Certified Deaf Interpreter (CDI)</p> <p>(g) the Registrar who shall be an ex officio member of the Council.</p>	
<p>Section 22: Registrar of the Sign Language Council</p>	<p>1) There shall be a Registrar of Kenyan Sign Language Council appointed by the Kenyan Sign Language Council in consultation with the Cabinet Secretary for the time being responsible for matters relating to Language and Culture</p> <p>2) The Registrar shall be the Secretary and Chief Executive Officer of the Kenyan Sign Language Council and the accounting officer of the Council</p> <p>3) The duties of the Registrar shall be:</p> <p>a) implementing the decisions of the Council regarding all matters relating to the registration and regulation of sign</p>	

	<p>language interpretation;</p> <p>b) (ii) the day-to-day administration and management of the affairs of the Council;</p> <p>c) (iii) coordination and supervision of the staff of the Council;</p> <p>d) (iv) keeping and maintaining the register of persons registered as sign language interpreters in accordance with this Act;</p> <p>e) (v) subject to the directions of the Council, make the necessary alterations or corrections in the register; and</p> <p>f) (vi) perform any other duties as may be assigned by law and the Council.</p>	
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In summary, the Kenya National Association for the Deaf voiced its support for the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) on the following grounds:

- a) the Bill represents a significant step towards recognizing the rights, achieving linguistic equality, social inclusion, full participation in society for the Deaf community in Kenya.
- b) The Bill acknowledges the importance of Kenyan Sign Language (KSL) as a language of communication for Deaf individuals and seeks to ensure its promotion, protection, and preservation.
- c) By recognizing and promoting Kenyan Sign Language, the bill will empower Deaf individuals to communicate effectively, access essential services, and fully exercise their rights as Kenyan citizens.

Key recommendations:

- a) The Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) should be domiciled in the Ministry of Culture rather than the Ministry of Labour Social Protection. Languages, including Kenyan sign language, is a fundamental aspect of culture, and therefore, the Ministry in charge of matters related to Culture, which is in charge of language matters, is better positioned to oversee the implementation and promotion of Kenyan Sign Language,
- b) review of the bill name from "Kenya Sign Language Bill" to "Kenyan Sign Language Bill" in compliance with Article 7(3)(b) and article 120 of the Constitution of Kenya, which emphasizes the promotion of national unity and the development of the Kenyan identity.
- c) Sections of the Kenya Sign Language Bill that demonstrate its importance and relevance to the Deaf community include: Section 3: Recognition of Kenya Sign Language (KSL) - This section recognizes KSL as a distinct language and affirms the right of Deaf individuals to use and promote it; Section 6: Use of Kenya Sign Language in Official Proceedings - This section mandates the use of KSL in official proceedings, including government meetings, court proceedings, and educational settings, and Section 9: Access to Information and Services - This section ensures that Deaf individuals have equal access to information and services in KSL, including healthcare, education, and public services.

WORLD FEDERATION FOR THE DEAF

The World Federation of the Deaf (WFD), an international non-governmental organization composed of national associations from 136 countries, including Kenya, and representing approximately 70 million deaf people worldwide, made the following submissions:

- 1) Kenya ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) on 19th May 2008 creating an obligation upon Kenya to respect, protect and fulfil the provisions in the Convention.
- 2) As the CRPD is an international legally binding treaty, the government of Kenya is bound to respect its provisions.
- 3) More specifically, Articles 2 (sign languages are considered languages), 9, 21, 24, and 30 oblige the government of Kenya to promote, ensure, and support the linguistic rights of Kenyan deaf people in all areas of life.
- 4) Specifically, under Article 21, the government of Kenya shall take all appropriate measures to ensure the recognition and promotion of the use of the Kenyan Sign Language in legislation and public policies.
- 5) The framework established by the CRPD enables the development of an agenda for the promotion of the linguistic and cultural rights of deaf communities. These communities not only seek to promote their linguistic rights, but they also seek to draw attention to the importance of early acquisition of national sign languages for children and the promotion of their linguistic and cultural identities.
- 6) Pursuant to article 2 (6) of the Constitution of Kenya, the Convention forms part of Kenyan law.
- 7) Moreover, article 7(3)(b) says that the state shall promote Kenyan Sign Language. In other articles of the same Constitution: 44, 50(2)(m), 54(1)(d) and 120 also have important mentions. Further, the proposed Kenya Sign Language bBill No: 1 of 2024 recognises the lack of framework to operationalise the aforementioned articles about Kenyan Sign Language. Thus, in order to ensure effective enjoyment of alienable rights and fundamental freedoms of more than 2.7 million deaf and hard of hearing people in Kenya.
- 8) The WFD is in agreement that the bill will have fundamental effects on matters of Kenyan Sign Language in the deaf community. The establishment of a Kenyan Sign Language Council will provide a strong framework and structures to regulate the use and development of Kenyan Sign Language, particularly to set and enforce standards for the training, accreditation, practice, and use of Kenyan Sign Language interpretation services.
- 9) As provided in the bill, the WFD acknowledges the importance of a registrar in this establishment to ensure registration of sign language interpreters as well as issue practising certificates.
- 10) The meaningful recognition of the Kenyan Sign Language by the National Assembly and the Government of Kenya is a prerequisite to the right of Kenyan deaf people to freedom of expression and opinion and access to information, and therefore to the full realisation of their human rights.
- 11) Additionally, Article 4.3 of the CRPD requires governments to closely consult with and actively engage with deaf people through their representative organisation. We thereby invite the National Assembly of Kenya to meaningfully engage with the KNAD when addressing the recognition of the Kenyan Sign Language.
- 12) WFD recommends that legislation about sign language and deaf communities should encompass the recognition and promotion of the national sign language, provisions on education for deaf students in their national sign language, teaching of the national sign language, preparation, funding, and accreditation of national sign language interpreters, promotion of the linguistic and cultural identity

of deaf people, and the involvement of the deaf community in any decision-making processes concerning their national sign language.

- 13) In light of the concerns raised by KNAD, the WFD strongly endorses and supports their petition in favour of the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024), which will promote and advance the linguistic rights of the deaf community in Kenya.

FREE A GIRL'S WORLD NETWORK

Led by Ashura Michael the Executive Director, the Free a Girl's World Network wrote in support of the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) on the following grounds:

- 1) As advocates of inclusivity, the Network emphasized the importance of promoting and protecting the rights of individuals with disabilities, including their access to essential services such as education and communication.
- 2) The Bill represents a significant step towards recognizing and elevating the status of Kenyan Sign Language as a national language.
- 3) By providing legal framework and support for sign language education and interpretation, the Bill seeks to ensure that individuals who are deaf or hard of hearing have equal access to information, education and public services.
- 4) Passage of the Bill will uphold the principles of inclusivity enshrined in the Constitution and also contribute to the overall development and well being of the deaf community in the country.
- 5) There is need to establish a dedicated body empowered with comprehensive responsibilities such as research, training, accreditation, standard-setting and quality monitoring in sign language education and interpretation. This entity can oversee interpretation services, address grievances and enforce necessary disciplinary measures.

MR. MOHAMEDDECK IBRAHIM, A NAIROBI RESIDENT

Mr. Mohameddeck Ibrahim, a Nairobi resident, wrote to the Committee through the Clerk of the National Assembly expressing support for The Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) on the following grounds:

- 1) The introduction of the Kenya Sign Language Bill marks a pivotal moment for inclusivity and communication in Kenya
- 2) He supported the Bill recognizing the importance of bridging the gap between the hearing and deaf communities.
- 3) Incorporating sign language as an official language in educational institutions is a crucial step towards ensuring that all learners, both hearing and deaf, have equal opportunities to thrive.
- 4) it was disheartening to see people struggle to communicate with deaf peers or family members who are deaf simply because sign language is not taught in schools alongside other languages.
- 5) Sign language should be introduced in our syllabus just the way English and Swahili are taught.
- 6) By embracing this bill, we shall pave the way for us and future generations to communicate seamlessly with the deaf community, breaking down language barriers and fostering understanding and connection.
- 7) The establishment of the Kenya Sign Language Council is a commendable move. This council will play a vital role in regulating interpreters and providing much-needed support to the deaf community, ensuring their voices are heard and their rights are protected.
- 8) The provisions for interpreters in universities, public health centers, courts, and other public institutions are also essential. Every individual, regardless of their hearing ability, deserves access to vital services and information. No one should be denied medical treatment or legal representation simply because they cannot communicate effectively.

- 9) Moreover, the provision requiring telecommunication providers to subsidize data for deaf people is a significant stride towards inclusivity in the digital age. Access to communication platforms is crucial for participation in modern society, and this initiative ensures that the deaf community isn't left behind.
- 10) By embracing and supporting the bill, the nation shall affirm its commitment to building a nation where every voice is heard and every individual is valued.

MR. ABDUL GHADAFI, A GARISSA COUNTY RESIDENT

Mr. Abdul Ghadafi, a resident of Garissa County, expressed support of The Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024). Via an email to the Office of the Clerk of the National Assembly, he pointed out that the proposed legislation held great importance, particularly for regions like Northern Kenya, where access to education for deaf children, such as those in Lafey, Mandera county, is hindered by the absence of sign language in the national curriculum,

SHEIKH MUSA BABDIWELI

Sheikh Musa Babdiweli, a Kenyan citizen, expressed support for the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) on the following grounds:

- 1) The importance of recognizing and promoting Kenyan Sign Language (KSL) through a bill cannot be overstated, as it serves several crucial purposes for the Kenya population.
- 2) Accessibility and Inclusivity -By officially recognizing KSL, the bill ensures that deaf and hard-of-hearing individuals have equal access to information, education, and services. This promotes inclusivity and removes barriers that these individuals may face in various aspects of life.
- 3) Education -Recognizing KSL means that it can be used as a medium of instruction in schools for deaf students, allowing them to receive education in their native language. This enhances their learning experience and improves educational outcomes.
- 4) Legal Rights -The bill may include provisions that protect the rights of deaf individuals, such as access to legal services, employment opportunities, and participation in civic activities. This helps to address discrimination and ensures that deaf individuals are treated equally under the law.
- 5) Cultural Preservation -KSL is not just a means of communication but also an integral part of the deaf community's culture and identity. Recognizing KSL through a bill helps to preserve and promote this unique cultural heritage.
- 6) Communication Access -Official recognition of KSL encourages the training of interpreters and the provision of sign language interpretation services in various settings, such as healthcare facilities, government offices, and public events. This improves communication between deaf and hearing individuals, fostering greater understanding and cooperation.
- 7) Employment Opportunities -By recognizing KSL, the bill may also encourage the inclusion of deaf individuals in the workforce by promoting awareness among employers and providing support for vocational training and job placement services.
- 8) In summary, the bill's importance lies in its ability to promote the rights, inclusion, and well-being of the deaf community in Kenya, while also fostering greater understanding and cooperation between deaf and hearing individuals throughout the country.

LEILA HARET -A RESIDENT OF GARISSA COUNTY

Ms. Leila Haret of Garissa County also wrote an email to the Office of the Clerk in support of the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024), but did not provide any specific reasons for the support.

MR. ABDULLAHI ABDI OF GARISSA COUNTY

Mr. Abdullahi Abdi from Garissa County expressed support the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) since the Bill will help many members of the hearing-impaired community get job in the public offices just like other citizens.

FEDERATION OF DEAF WOMEN EMPOWERMENT NETWORK

Led by Ms. Josephine Aska, the Chief Executive Officer, the Federation of Deaf Women Empowerment Network expressed its appreciation for the efforts of the Senate in the passage of the Kenyan Sign Language Bill 2023. The KSL Bill 2023, the Network observed, will go a long way in improving the socio-economic conditions of more than 2,000,000 deaf and hard of hearing people in Kenya. However, in the interest of the Deaf community including Kenyan Sign Language Interpreters, the Network voiced the need for Kenyan Sign Language Bill No. 9 of 2023 be harmonized with the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) or defeated in its entirety in favour of the Kenya Sign Language Bill (National Assembly Bill No.1 of 2024). The Network made the following recommendations:

- 1) **Clause 1** - We recommend this section be reviewed as AN ACT of Parliament to give effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d) and 120 of the Constitution; to establish the Kenyan Sign Language Council for the regulation of sign language interpretation in Kenya and to provide for the recognition, promotion and use of Kenyan Sign Language and for connected purposes.
- 2) **Clause 2** - We recommend that this clause be amended as; "Kenyan Sign Language" means the sign language used for communication by the Deaf community in Kenya; We propose this section be amended as sign language" means a form of visual or tactile language that uses manual signs that have structure or meaning like other languages;
- 3) **Clause 6(3)** - This clause should be expunged in its entirety.
- 4) **Clause 7(g)** - In the spirit of inclusion within mainstream schools, Teacher Training Colleges should train basic sign language skills to all teachers for interaction and communication but not to teach deaf learners or become SL interpreters. We thus suggest that Clause 7 (g) be changed to mention general basic SL training in all teacher training colleges. The function is better placed under the CS for Labour and Social Services or National Council for Persons with Disabilities.
- 5) **Clause 9(1)** - We recommend the need to work with a council or relevant body to be established under the section 11 of this Bill. There should be an established Council or relevant body charged with regulation and accreditation of SLI including conducting research and training in SL. This will be the most effective way of complimenting and giving life to Article 7 (b) of the Kenyan Constitution.
- 6) **Clause 11(1)** - We recommend the importance to establish a Council or relevant body; The Council shall be a body corporate with perpetual succession and common seal. The functions of the Council shall include (a) regulate the use and development of sign language in Kenya; (b) put in place measures for the recognition and preservation of the use of Kenyan Sign Language; (c) undertake research and create awareness on the culture and heritage of the Deaf community in Kenya; (d) set and enforce standards for the training, practice and use of Kenyan sign language and Kenya Sign Language interpretation; (e) register and license sign language interpreters in Kenya; (f) maintain a register and keep a record of all sign language interpreters registered under this Act; (g) protect and promote the right of the Deaf, hard of hearing and Deafblind community to equal access to information and communication, including the right to access to justice; (h) determine the minimum fees chargeable for the provision of services under this Act; (i) advise the Cabinet Secretary and county governments on matters relating to sign language; (j) develop and regulate

ethical and disciplinary standards for sign language interpreters; (k) collaborate with with other relevant government agencies in the use and development of sign language in Kenya; and (l) perform such other functions as may be prescribed by any other law or as necessary for the promotion of objects of this Act.

7) **Clause 11(2)** - We propose the need to expand the qualifications of the registrar as follows; A person is qualified for appointment as the Registrar of the Council if the person—

- (a) is a citizen of Kenya;
- (b) holds a degree in social sciences or its equivalent, from a university recognized in Kenya; (c) has had at least ten years proven experience at management level;
- (d) has had at least five years experience in sign language proficiency in Kenya; and
- (e) meets the requirements of Chapter Six of the Constitution

Registrar of the Council. be the Secretary and Chief Executive Officer of the Council and be the accounting officer of the Council;

Function

- (i) implementing the decisions of the Council regarding all matters relating to the registration and regulation of sign language interpretation;
- (ii) the day-to-day administration and management of the affairs of the Council
- (iii) coordination and supervision of the staff of the Council;
- (iv) keeping and maintaining the register of persons registered as sign language interpreters in accordance with this Act;
- (v) subject to the directions of the Council, make the necessary alterations or corrections in the register;
- (vi) Perform any other duties as may be assigned by law and the Council.

The Network further proposed for consideration of the composition of the Council should include;

- 1) a chairperson who shall be appointed by the Cabinet Secretary;
- 2) the Principal Secretary in the Ministry for the time being responsible for matters relating to education or a representative designated in writing;
- 3) the Principal Secretary in the Ministry for the time being responsible for matters relating to culture or a representative designated in writing;
- 4) The chairperson of the National Council for Persons with Disabilities or a representative designated in writing
- 5) three persons nominated by the most representative registered National Association of the Deaf community in Kenya
- 6) two persons nominated by the most representative registered National Association for sign language interpreters in Kenya; and
- 7) the Registrar who shall be an ex officio member of the Council.

8) **Clause 12** - We recommend this clause be amended accordingly. It is the registrar in consultation with the CS or the to be established council to perform such function. We recommend the following be inserted in this clause; a person is qualified to be registered to provide Kenyan Sign Language interpretation services under this Act, if the person—

- (a) has proficiency in English or Kiswahili languages as contemplated under Article 7(1) and (2) of the Constitution;
- (b) possesses such professional qualifications from an institution recognized by the Council;
- (c) has obtained practical experience and skills in Kenyan Sign Language interpretation as may be prescribed by the Council; and

(d) has successfully passed the continuing professional development examination or such other requirements as may be conducted by the Council, from time to time.

We further recommend the need to include provisions on application of registration and effect of registration.

- 9) **Clause 13** - Practising certificate.(1) The Registrar shall issue a practising certificate to a person whose name is entered into the register. (2) A person shall not provide Kenyan Sign Language interpretation services unless, that person has been registered and issued with a practising certificate under this Act. (3) A practising certificate issued under subsection (1), shall be valid for a period of one year running from the 1st of January to the 31st of December of each year and may, upon expiry, be renewed on making an application for renewal. (4) A person applying for a practising certificate under subsection (1), shall be required to submit an application in the prescribed form accompanied by a certificate of continuing professional development issued by the Council and a prescribed fee.

Renewal of Practising certificate.

(1) A person who holds a practising certificate may on the expiry of the practising certificate apply to the Council for a renewal of the certificate.

(2) An application made under subsection (1), shall be accompanied with— (a) a declaration in the prescribed form; (b) fees for the current practising period and subject to the approval by the Council, any unpaid fees, including penalties as prescribed by the Council; and (c) proof of fulfillment of all applicable conditions for renewal of a certificate. (3) The Council may, with sufficient cause, refuse to issue or renew a certificate and shall communicate the refusal and give reasons for such refusal to the applicant within twenty-one days of making the decision.

Suspension and cancellation of practising certificate.

(1) The Council may suspend or cancel a certificate issued under this Act where— (a) allegations of misconduct have been investigated and proven against a sign language interpreter; (b) a sign language interpreter has been convicted of an offence under this Act; (c) a false declaration was made in an application for a practising certificate; or (d) a sign language interpreter has contravened any of the provisions of this Act. (2) The cancellation or suspension of a practising certificate under subsection (1), shall be subject to the principles of fair administrative action prescribed under Article 47 of the Constitution and the Fair

Administrative Action Act.

Effect of removal of name, suspension or cancellation of a practising certificate.

A person whose name has been removed from the register or whose certificate has been suspended or cancelled, shall not provide Kenyan Sign Language interpretation services during the period of removal of name, suspension or cancellation of his or her practising certificate

- 10) **Clause 12** - This is a function under the National Government and Kenya Revenue Authority. We thus recommend expunging this clause as it is also provided for under the Persons with Disabilities Act 2003.

NATIONAL DISABILITY FORUM

The National Disability Forum submitted its views on the two Bills. It was composed of:

- 1) United Disabled Persons of Kenya
- 2) Sight Of Relief;
- 3) Kiambu Disability Network;
- 4) University And College Students with Special Needs Association of Kenya;
- 5) Women Challenged to Challenge;
- 6) Action For Children with Disability;
- 7) Kenyan Paraplegic Organization (KPO)
- 8) Kenya National Deaf Association; Deaf
- 9) Empowerment Kenya;
- 10) Stammering Association of Kenya;
- 11) Andy Speaks;
- 12) Down Syndrome Society of Kenya;
- 13) Black Albinism;
- 14) Caucus on Disability Rights Advocacy (CDRA);
- 15) Differently Talented Society of Kenya (DTSK);
- 16) Kenya Union for the Blind (KUB);
- 17) Bunge La Disability;
- 18) Championing for Inclusive Communities (CIC K);
- 19) Mzalendo Trust;
- 20) Kenya Association of the Intellectually Handicapped (KAIH);
- 21) ARIVI;
- 22) Integrated Langata Disability Group,
- 23) KEDIPA

The Forum made the following submissions:

- 1) The Bill is limited in scope to Kenya Signed English which is applicable as language of instruction in learning institutions. The Constitution assigns English as official language, Kiswahili as National Language and specifically singles out Kenyan Sign Language as among those cultural linguistics to be promoted;
- 2) Kenyan Sign Language contemplated by the Constitution under Article 7 (3) is broader in scope and all-encompassing cultural linguistic mode of communication by a cross-section of Kenya's ethnic linguistics;
- 3) Proposal for incorporation of establishment of Kenyan Sign Language Council under a new Section 20 and designation of Registrar under Section 11 (1) transforms the Bill into a Money Bill with the meaning of Article 114 of the Constitution; and
- 4) There is need for harmonization of this Bill with the one in the National Assembly (Bill No. 1 of 2024) to ensure that the gains in both Bills are retained in the best interest.
- 5) **Clause 1** -Reframe the preamble as follows: AN ACT of Parliament to give effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d) and 120 of the Constitution; to establish the Kenyan Sign Language Council for the regulation of sign language interpretation in Kenya; to provide for the recognition, promotion and use of Kenyan Sign Language in public and institutions learning; to provide for the use of sign language in legal proceedings; and for connected purposes.
- 6) **Clause 2** - Reframe this as follows: "Kenyan Sign Language" means the sign language contemplated under Article 7 (3) (b) of the Constitution used for communication by the Deaf community in Kenya. Reframe as follows: "Sign language" means a form of visual or tactile language that uses manual signs that have structure or meaning like other languages. Insert a new definition as follows

in appropriate alphabetical order: "Sign Language Council" means the Kenyan Sign Language Council established under Section 20 of this Act.

- 7) **Clause 6** - Reframe as follows: The Judicial Officer, who shall be a Kenyan Sign Language Interpreter accredited and certified by the Sign Language Council, shall make recommendation as to the accuracy of any interpretation from the KSL into spoken or written....
- 8) **Clause 7** - Reframe as follows: The CS for education shall ensure that institutions offering teaching training offer training on general basic sign language skills to all teachers for interaction and communication. Reframe as follows: The Cabinet Secretary for the time being responsible for matters relating to Persons with Disabilities shall, in consultation with the Sign Language Council, establish a scheme for the provision of KSL language classes to the parents, siblings and grandparents of a child who is deaf.
- 9) **Clause 9** - Reframe as follows: The Cabinet Secretary for the time being responsible for matters relating to persons with disabilities shall, in consultation with the Registrar and the Kenya Accreditation Services established under section 4 of the Kenya Accreditation Act, develop a national system of standards, accreditation and procedures for Kenyan Sign Language interpretation.
- 10) **Clause 11** -delete
- 11) **Clause 12** -Insert the following under this Section: 1) A person is qualified to be registered to provide Kenyan Sign Language interpretation services under this Act, if the person—
 - (a) has proficiency in English or Kiswahili languages as contemplated under Article 7(1) and (2) of the Constitution;
 - (b) possesses such professional qualifications from an institution recognized by the Council;
 - (c) has obtained practical experience and skills in Kenyan Sign Language interpretation as may be prescribed by the Sign Language Council; and
 - (d) has successfully passed the continuing professional development examination or such other requirements as may be conducted by the Council, from time to time.2) Consider including provisions on procedure of application for registration and effect of registration
- 12) **Classe 13** -reframe as follows : 1)The Registrar shall issue a practicing certificate to a person whose name is entered into the register 2) A person shall not provide Kenyan Sign Language interpretation services unless that person has been registered and issued with a practicing certificate under this Act. 3) A practicing certificate issued under subsection (1), shall be valid for a period of one year running from the 1st of January to the 31st of December of each year and may, upon expiry, be renewed on making an application for renewal. 4) A person applying for a practicing certificate under subsection (1), shall be required to submit an application in the prescribed form accompanied by a certificate of continuing professional development issued by the Council and a prescribed fee. 5) A person who holds a practicing certificate may on the expiry of the practicing certificate applied to the Council for a renewal of the certificate. 6) An application made under subsection (1), shall be accompanied with— (a) a declaration in the prescribed form; (b) fees for the current practicing period and subject to the approval by the Sign Language Council, any unpaid fees, including penalties as prescribed by the Sign Language Council; and (c) proof of fulfilment of all applicable conditions for renewal of a certificate. 7)The Sign Language Council may, with sufficient cause, refuse to issue or renew a certificate and shall communicate the refusal and give reasons for such refusal to the applicant within twenty-one days of making the decision.
- 13) **New Clause 14A - 1)** The Sign Language Council may suspend or cancel a certificate issued under this Act where—

- (a) allegations of misconduct have been investigated and proven against a sign language interpreter;
 - (b) a sign language interpreter has been convicted of an offence under this Act;
 - (c) a false declaration was made in an application for a practicing certificate; and
 - (d) a sign language interpreter has contravened any of the provisions of this Act. (2) The cancellation or suspension of a practicing certificate under subsection (1), shall be subject to the principles of fair administrative action prescribed under Article 47 of the Constitution and the Fair Administrative Action Act.
- (3) A person whose name has been removed from the register or whose certificate has been suspended or cancelled, shall not provide Kenyan Sign Language interpretation services during the period of removal of name, suspension or cancellation of his or her practising certificate
- 14) **New Clause 20A** - 1) There is established the Kenyan Sign Language Council, which shall be a body corporate with perpetual succession and common seal.
- 2) The functions of the Council shall include
- (a) regulate the use and development of sign language in Kenya;
 - (b) put in place measures for the recognition and preservation of the use of Kenyan Sign Language;
 - (c) undertake research and create awareness on the culture and heritage of the Deaf community in Kenya;
 - (d) set and enforce standards for the training, practice and use of Kenyan sign language and Kenyan Sign Language interpretation;
 - (e) register and license sign language interpreters in Kenya;
 - (f) maintain a register and keep a record of all sign language interpreters registered under this Act;
 - (g) protect and promote the right of the Deaf, hard of hearing and Deafblind community to equal access to information and communication, including the right to access to justice;
 - (h) determine the minimum fees chargeable for the provision of services under this Act;
 - (i) advise the Cabinet Secretary and county governments on matters relating to sign language;
 - (j) develop and regulate ethical and disciplinary standards for sign language interpreters;
 - (k) collaborate with other relevant government agencies in the use and development of sign language in Kenya; and
 - (l) perform such other functions as may be prescribed by any other law or as necessary for the promotion of objects of this Act.
- 15) **Clause 21** – The Council shall comprise of:
- (a) a chairperson who shall be appointed by the Cabinet Secretary;
 - (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to education or a representative designated in writing;
 - (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to culture or a representative designated in writing;
 - (d) the chairperson of the National Council for Persons with Disabilities or a representative designated in writing;
 - (e) three persons nominated by the most representative registered National Association of the Deaf community in Kenya;
 - (f) two persons nominated by the most representative registered National Association for sign language interpreters in Kenya; and
 - (g) the Registrar who shall be an ex-officio member of the Council.

16) Clause 22 –

- 1) There shall be a Registrar of Kenyan Sign Language appointed by the Sign Language Council in consultation with the Cabinet Secretary for the time being responsible for matters relating to Persons with Disabilities
- 2) The Registrar shall be the Secretary and Chief Executive Officer of the Sign Language Council and the accounting officer of the Council
- 3) The duties of the Registrar shall be:
 - a) implementing the decisions of the Council regarding all matters relating to the registration and regulation of sign language interpretation;
 - b)(ii) the day-to-day administration and management of the affairs of the Council;
 - c)(iii) coordination and supervision of the staff of the Council; d)(iv) keeping and maintaining the register of persons registered as sign language interpreters in accordance with this Act;
 - e)(v) subject to the directions of the Council, make the necessary alterations or corrections in the register; and
 - f)(vi) perform any other duties as may be assigned by law and the Council.

HON. UMULKHER HARUN MOHAMED, MP -SPONSOR OF THE KENYA SIGN LANGUAGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2024)

The Committee undertook a Stakeholders Forum with Hon. Umulkher Harun Mohamed, MP, on 19th June 2024, where the Honourable Member expressed support for The Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024).

SEN. CRYSTAL ASIGE, MP -SPONSOR OF THE KENYAN SIGN LANGUAGE BILL (SENATE BILL NO. 9 OF 2023)

Senator Crystal Asige appeared before the Committee on 15th August 2024 and expressed support for The Kenyan Sign Language Bill (Senate Bill No. 9 of 2023).

PART FIVE

5 COMMITTEE OBSERVATIONS


The Committee made the following observations;


1. The submissions made by all stakeholders on the two Bills were valid and progressive.
2. The Kenya Sign Language Bill, 2024 (National Assembly Bill No. 1 of 2024) and the Kenyan Sign Language Bill, 2023 (Senate Bill No. 9 of 2023) both seek to give effect to Article 7(3)(b) of the Constitution on the promotion and development of the use of Kenyan Sign language and to provide for the regulation use of sign language and the profession of the sign language interpreters.
3. The National Assembly Bill establishes the Kenyan Sign Language Council which shall be responsible for among other things regulating the use and development of sign language in Kenya and setting and enforcing standards for the training, practice and use of Kenyan sign language and Kenya Sign Language interpretation.
4. The Senate Bill provides that the Cabinet Secretary shall designate a public officer within the Ministry as the Registrar for Kenyan sign language interpreters. The Bill further provides that a person who wishes to provide Kenyan sign language interpretation services shall apply to the Ministry responsible for Education for registration in accordance with the prescribed criteria.
5. **The Persons with Disabilities Act, 2025** as recently enacted by both Houses, have specific provisions for promotion of the use of sign language.
6. The Act also restructured the National Council for Persons with Disabilities and confers upon it robust functions and powers in facilitating the realization of the rights of all persons with disabilities including in matters relating to policy formulation; regulation of services; and promotion of rights and awareness.
7. Creation of a separate Council or administrative structures to regulate Kenyan sign language would lead to duplication of roles and overlap with the functions of the National Council for Persons with Disabilities hence creating conflict and inefficiencies.
8. The Council may consider developing regulations relating to Kenyan Sign Language to address the issues of standards for Kenyan Sign Language interpretation.

PART SIX

6. COMMITTEE RECOMMENDATIONS

68. Pursuant to Standing Order 127, the Committee recommends **THAT** the Kenya Sign Language Bill, 2024 (National Assembly Bill No. 1 of 2024) and the Kenyan Sign Language Bill, 2023 (Senate Bill No. 9 of 2023) be not proceeded with.

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 29 MAY 2025	DAY: Thursday
TABLED BY:	Hon. Alice Ngunjiri MP Chairperson Committee on Social Protection
CLERK-AT-THE-TABLE:	Halima Ahmed



28-05-2025

SIGNED: DATE:
HON. ALICE WAMBUI NG'ANG'A, CBS, M.P.
(CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION)

7. REFERENCES

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2. The Kenya National Association of the Deaf retrieved from <https://knad.or.ke/about-us>
3. Country information for Germany - Legislation and policy retrieved from <https://www.european-agency.org/country-information/germany/legislation-and-policy>
4. Germany: Act to Strengthen the Disabled's Participation in Society Enters into Force retrieved from <https://www.loc.gov/item/global-legal-monitor/2017-01-12/germany-act-to-strengthen-the-disableds-participation-in-society-enters-into-force/>
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6. The NA approves South African Sign Language as the 12th official language retrieved from <https://www.parliament.gov.za/press-releases/na-approves-south-african-sign-language-12th-official-language>
7. Korean Sign Language Act retrieved from https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=60381&type=part&key=17
8. The New Zealand Sign Language Board retrieved from <https://www.nzsl.govt.nz/nzsl-board>



THE REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
13TH PARLIAMENT – FOURTH SESSION – 2025
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

REPORT ADOPTION SCHEDULE

ADOPTION OF REPORT ON: *The Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) and The Kenyan Sign Language Bill (Senate Bill No. 9 of 2023)*

Date: *27th MAY 2025*

NO.	NAME	SIGNATURE
1	Hon. Alice Wambui Ngángá, CBS, MP Chairperson	
2	Hon. Hilary Kiplangat Kosgei, MP Vice-Chairperson	<i>Hilary Kosgei</i>
3	Hon. Faith Wairimu Gitau, MP	
4	Hon. Owen Baya Yaa, MP	<i>Owen Baya Yaa</i>
5	Hon. Edith Nyenze, MP	<i>Edith Nyenze</i>
6	Hon. Timothy Wanyonyi Wetangula, MP	<i>Timothy Wanyonyi Wetangula</i>
7	Hon. Samuel Moroto, MP	<i>Samuel Moroto</i>
8	Hon. Paul Abuor, MP	<i>Paul Abuor</i>
9	Hon. James Onyango Oyoo, MP	
10	Hon. Susan Nduyo, MP	<i>Susan Nduyo</i>
11	Hon. Agnes Mantaine Pareyio, MP	
12	Hon. Hussein Abdi Barre, MP	
13	Hon. Amina Dika, MP	<i>Amina Dika</i>
14	Hon. Zamzam Mohamed Chimba, MP	<i>Zamzam Mohamed Chimba</i>
15	Hon. Linet Chepkorir, MP	



THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT-FOURTH SESSION-2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

**MINUTES OF THE 33RD SITTING OF THE DEPARTMENTAL,
COMMITTEE ON SOCIAL PROTECTION HELD ON TUESDAY, 27TH
MAY 2025 IN BUNGE TOWER, FIFTH FLOOR, COMMITTEE ROOM
25, AT 12.00 NOON**

PRESENT

1. **Hon. Hilary Kiplang'at Koskei, M.P - Vice - Chairperson**
2. Hon. Owen Baya Yaa, CBS, MP
3. Hon. Wetangula Timothy Wanyonyi, M.P
4. Hon. Edith Nyenze, M.P
5. Hon. Paul Abuor, MP
6. Hon. Samuel Moroto, MP
7. Hon. Susan Ngugi, M.P
8. Hon. Zamzam Chimba Mohamed, MP
9. Hon. Amina Abdullahi Dika, M.P

APOLOGIES

1. **Hon. Alice Wambui Ng'ang'a, M.P. - Chairperson**
2. Hon. Faith Wairimu Gitau, MP
3. Hon. James Onyango Oyoo, MP
4. Hon. Agnes Pareyio, M.P
5. Hon. Barre Hussein Abdi, M.P
6. Hon. Linet Chepkorir, M.P

COMMITTEE SECRETARIAT

1. Mr. Finlay Muriuki - Clerk Assistant I
2. Mr. Ahmednoor Hassan - Clerk Assistant III
3. Ms. Jemimah Waigwah - Senior Legal Counsel
4. Mr. Cosmas Akhonya - Audio Officer III

AGENDA

1. Prayers
2. Preliminaries/Introductions
 - a. Adoption of the Agenda
 - b. Remarks by the Chairperson.
3. Confirmation of Minutes/ Matters Arising
4. **Consideration and Adoption of the Report on the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024 and the Kenyan Sign Language Bill (Senate Bill No. 9 of 2023)**
5. Any Other Business
6. Adjournment /Date of the Next Meeting

MIN. NO. NA/DC-SP/2025/187: PRAYERS/PRELIMINARIES

The Chairperson called the meeting to order with a word of prayer at 12.22 pm.

MIN. NO. NA/DC-SP/2025/188: ADOPTION OF THE AGENDA

The agenda was adopted having been proposed by Hon. Edith Nyenze, M.P. and seconded by Hon. Susan Nduyo, M.P.

MIN. NO. NA/DC-SP/2025/189: CONFIRMATION OF MINUTES

Agenda deferred.

MIN.NO.NA/DC-SP/2025/190: CONSIDERATION AND ADOPTION OF THE REPORT ON THE KENYA SIGN LANGUAGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2024) AND THE KENYAN SIGN LANGUAGE BILL (SENATE BILL NO. 9 OF 2023)

The Committee expressed gratitude for memoranda submitted by the following stakeholders between May 2024 and April 2025;

- i. The State Department for Social Protection and Senior Citizen Affairs under the Ministry of Labour and Social Protection

- ii. Kenya Disability Parliamentary Association (KEDIPA)
- iii. National Council for Persons with Disability (NCPWD)
- iv. Kenya National Association of the Deaf (KNAD)
- v. National Disability Forum
- vi. Mr. Mohameddeck Ibrahim, a Nairobi Resident
- vii. Mr. Abdul Ghadafi, a Garissa County resident
- viii. Sheikh Musa Abdiweli, a Kenyan citizen
- ix. Ms. Leila Haret of Garissa County
- x. Mr. Abdullahi Abdi of Garissa County
- xi. Federation of Deaf Women Empowerment Network
- xii. Free a Girl's World Network
- xiii. Hon. Umulkher Harun Mohamed, MP -Sponsor of the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024)
- xiv. Sen. Crystal Asige, MP Sponsor of the Kenyan Sign Language Bill (Senate Bill No. 9 Of 2023)
- xv. World Federation for the Deaf

The Committee then proceeded with the Consideration and adoption of the Report on the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) and the Kenyan Sign Language (Senate Bill No. 9 of 2023) on Tuesday, 27th May 28, 2025.

The Committee made Observations as follows;

1. The submissions made by all stakeholders on the two Bills were valid and progressive.
2. The Kenya Sign Language Bill, 2024 (National Assembly Bill No. 1 of 2024) and the Kenyan Sign Language Bill, 2023 (Senate Bill No. 9 of 2023) both seek to give effect to Article 7(3)(b) of the Constitution on the promotion and development of the use of Kenyan Sign language and to provide for the regulation use of sign language and the profession of the sign language interpreters.
3. The National Assembly Bill establishes the Kenyan Sign Language Council which shall be responsible for among other things regulating the use and development of sign language in Kenya and setting and enforcing standards for the training, practice and use of Kenyan sign language and Kenya Sign Language interpretation.

4. The Senate Bill provides that the Cabinet Secretary shall designate a public officer within the Ministry as the Registrar for Kenyan sign language interpreters. The Bill further provides that a person who wishes to provide Kenyan sign language interpretation services shall apply to the Ministry responsible for Education for registration in accordance with the prescribed criteria.
5. The Persons with Disabilities Act, 2025 as recently enacted by both Houses, have specific provisions for promotion of the use of sign language.
6. The Act also restructured the National Council for Persons with Disabilities and confers upon it robust functions and powers in facilitating the realization of the rights of all persons with disabilities including in matters relating to policy formulation; regulation of services; and promotion of rights and awareness.
7. Creation of a separate Council or administrative structures to regulate Kenyan sign language would lead to duplication of roles and overlap with the functions of the National Council for Persons with Disabilities hence creating conflict and inefficiencies.
8. The Council may consider developing regulations relating to Kenyan Sign Language to address the issues of standards for Kenyan Sign Language interpretation.

Committee Recommendation

The Committee recommended that pursuant to Standing Order 127, the Kenya Sign Language Bill, 2024 (National Assembly Bill No. 1 of 2024) and the Kenyan Sign Language Bill, 2023 (Senate Bill No. 9 of 2023) be not proceeded with primarily on account of the recent enactment and assent into law of the Persons With Disabilities Bill (Senate Bill No. 7 of 2023) that substantively caters for the proposals contained in the two Bills.

Committee Resolution

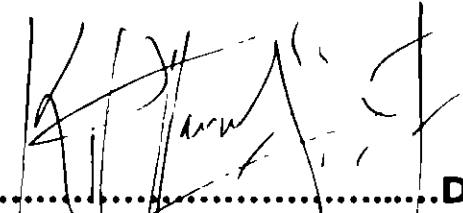
The Report on the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) and the Kenyan Sign Language (Senate Bill No. 9 of 2023), was unanimously adopted.

MIN. NO. NA/DC-SP/2025/191: ANY OTHER BUSINESS

No additional business was considered.

MIN. NO. NA/DC-SP/2025/192: ADJOURNMENT

The meeting was adjourned at 1.45p.m. and the next meeting will be held on notice

Signed..........Date.....
28-5-2025

HON. HILARY K. KOSGEI, M.P.

(Vice Chairperson)



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - THIRD SESSION
THE NATIONAL ASSEMBLY

COMMUNICATION FROM THE CHAIR

(No. 012 of 2024)

ON REFERRAL OF THE KENYA SIGN LANGUAGE BILLS TO THE
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

Honourable Members,

1. As you may be aware, there are currently two Bills under consideration by the House on the subject matter of Kenya Sign Language.
2. The first Bill, the Kenyan Sign Language Bill (Senate Bill No. 9 of 2023) seeks to, *inter alia*, give effect to Article 7(3)(b) of the Constitution relating to the promotion and development of the use of Kenyan Sign Language, provide for the inclusion of sign language in the education curriculum, and the use of sign language in legal proceedings. The Bill, introduced in the Senate by Senator Crystal Asige, MP, is co-sponsored by the Hon. Millie Odhiambo-Mabona, MP in the National Assembly and was read a First Time on 28th February 2024.
3. On the other hand **Honourable Members**, the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) is a Bill sponsored by the Nominated Member, Hon. Umulkher Harun Mohamed, MP seeking to give effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d) and 120 of the Constitution, to establish the Kenyan Sign Language Council for the regulation of sign language interpretation in Kenya, and to provide for the recognition and promotion of the use of Kenyan Sign Language. The Bill was read a First Time on 13th March 2024.

4. **Honourable Members**, at the time of First Reading, the Kenyan Sign Language Bill (Senate Bill No. 9 of 2023) and the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) were committed to the Departmental Committee on Education, and the Departmental Committee on Sports & Culture, respectively for purposes of facilitating public participation in accordance with the provisions of Article 118 of the Constitution and Standing Order 127. Indeed, I am aware that the respective Committees have initiated the process of consideration of the proposed legislations.

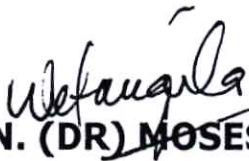
5. However, **Honourable Members**, having considered the true nature and character of the Bills, it is evident that the overarching subject matter relates inherently to the facilitation of persons with disability to access not only to education but also to guarantee their full participation in official engagements, including legal proceedings. Additionally, it is noted that the Bills provide for more than just language as they relate to issues of assistance to persons with language disability during trial, the right of persons with disability to use sign language or other appropriate means of communication, and the use of Kenyan Sign Language by Parliament to ensure access to proceedings by the deaf community. The Bills therefore seek to entrench Kenya Sign Language as a legislative tool for access to justice and the rights due to persons with disabilities.

6. **Honourable Members**, in view of the foregoing and pursuant to the provisions of Standing Order 127(6), I hereby refer the two Bills to the **Departmental Committee on Social Protection**, under whose mandate matters relating to persons with disabilities fall, for consideration and subsequent reporting to the House. I do this noting the cross-cutting nature of the two Bills and the need to ensure that the object of the Bills as intended by the sponsors is upheld.

7. Further, **Honourable Members**, noting the common subject matter between the two Bills, the Committee is encouraged to consider the Bills and advise the House on the most appropriate proposal to proceed so as to ensure the rights of all persons including those who are hard-of-hearing, the deafblind and the general deaf community are upheld. I further direct the Clerk to facilitate the Committee in undertaking public participation activities on the two Bills as required by the Constitution and our Standing Orders.

8. **The House is accordingly guided.**

I thank you!



**THE RT. HON. (DR) MOSES F.M. WETANG'ULA, EGH, MP,
SPEAKER OF THE NATIONAL ASSEMBLY**

Thursday, 21st March 2024



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT- THIRD SESSION (2024)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF-

1. **THE UNIVERSITIES (AMENDMENT) (NO. 5) BILL (NATIONAL ASSEMBLY BILL NO. 79 OF 2023);**
2. **THE PUBLIC AUDIT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2024);**
3. **THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2024);**
4. **THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILL NO. 12 OF 2022);**
5. **THE MUNG BEANS BILL (SENATE BILL NO. 13 OF 2022);**
6. **THE START-UP BILL (SENATE BILL NO. 14 OF 2022);**
7. **THE LEARNERS WITH DISABILITIES BILL (SENATE BILL NO. 4 OF 2023);**
8. **THE PERSONS WITH DISABILITIES BILL (SENATE BILL NO. 7 OF 2023); AND**
9. **THE KENYAN SIGN LANGUAGE BILL (SENATE BILL NO. 9 OF 2023);**

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS the Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023); the Public Audit (Amendment) Bill (National Assembly Bill No. 3 of 2024); the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024); the Agricultural and Livestock Extension Services Bill (Senate Bill No. 12 of 2022); the Mung Beans Bill (Senate Bill No. 13 of 2022); the Start-up Bill (Senate Bill No. 14 of 2022); the Learners with Disabilities Bill (Senate Bill No. 4 of 2023); the Persons with Disabilities Bill (Senate Bill No. 7 of 2023); and the Kenyan Sign Language Bill (Senate Bill No. 9 of 2023) have been read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED THAT:

1. **The Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023)** is a Bill sponsored by **Hon. Benjamin Gathiru, MP**, that seeks to amend the Universities Act, 2012 to limit universities from offering certificate and diploma courses.
2. **The Public Audit (Amendment) Bill (National Assembly Bill No. 3 of 2024)** is a Bill sponsored by the **Leader of the Majority Party, Hon. Kimani Ichung'wah, EGH, MP**, The purpose of the Bill is to amend the Public Audit Act, 2015 to align it with the Constitution as per the decision rendered in **Transparency International (TI Kenya) v Attorney General & 2 others [2018] eKLR** declaring sections 4(2), 8, 12, 17(1), 18, 27, 40, 42, and 70 of the Public Audit Act 2015 unconstitutional. The Bill further seeks to update the provisions of the Public Audit Act, 2015 to enhance efficiency in the performance of the Auditor's duties.
3. **The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024)** is a Bill co-sponsored by the **Leader of the Majority Party, Hon. Kimani Ichung'wah, EGH, MP, and the Leader of the Minority Party, the Hon. Opiyo Wandayi, EGH, MP** that seeks to give effect to some of the recommendations and views of the public that were submitted during the recent national dialogue discourse facilitated by the **National Dialogue Committee (NADCO)**. The Bill seeks to—
 - (a) amend the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011 to increase the membership of the selection panel from seven to nine to accommodate a wide spectrum of stakeholders and interest groups;
 - (b) amend section 6 of the Act to include additional professional qualifications for appointment as a member of the Independent Electoral and Boundaries Commission;
 - (c) amend section 10 of the Act to provide that the secretary of the IEBC shall hold office for a term of three years that is renewable once;
 - (d) replace the current Fifth Schedule to the Act to provide for the procedure for delimitation of boundaries in an updated Schedule; and
 - (e) delete obsolete provisions and make consequential amendments intended to align the Act to the decision of the court in **Katiba Institute & 3 Others v Attorney-General & 2 Others (2018) eKLR**.
4. **The Agricultural and Livestock Extension Services Bill (Senate Bill No. 12 of 2022)** is a Bill sponsored by **Sen. Maureen Tabitha Mutinda, MP** that seeks to provide for agricultural and livestock extension services; and to establish the Agricultural and Livestock Extension Service.
5. **The Mung Beans Bill (Senate Bill No. 13 of 2022)** is a Bill sponsored by **Sen. Enoch Kilo Wambua, MP** that seeks to provide for the development, regulation and promotion of the mung beans sector.
6. **The Start-up Bill (Senate Bill No. 14 of 2022)** is a Bill sponsored by **Sen. Crystal Asige, MP**. The Bill seeks to establish a framework to encourage growth and sustainable technological development, entrepreneurship, employment; create a favourable environment for innovation; and attract Kenyan talent and capital.
7. **The Learners with Disabilities Bill (Senate Bill No. 4 of 2023)** is a Bill co-sponsored by **Sen. Margaret Kamar, MP and Sen. Crystal Asige, MP** that seeks to provide a legal framework for the actualization of the right to education for learners with disabilities at all levels of education.
8. **The Persons with Disabilities Bill (Senate Bill No. 7 of 2023)** is a Bill sponsored by **Sen. Crystal Asige, MP** that seeks to provide the institutional framework for protecting, promoting and monitoring the rights of persons with disabilities and to provide incentives and reliefs that give effect to Article 54 of the Constitution.
9. **The Kenyan Sign Language Bill (Senate Bill No. 9 of 2023)** is a Bill sponsored by **Sen. Crystal Asige, MP** that seeks to give effect to Article 7 (3)(b) of the Constitution on the promotion and development of the use of Kenyan Sign Language. The Bill provides for the inclusion of sign language in the education curriculum and the use of sign language in legal proceedings.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3) the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees listed below—

NO.	BILL	COMMITTEE
1.	The Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023)	Education
2.	The Public Audit (Amendment) Bill (National Assembly Bill No. 3 of 2024)	Finance and National Planning
3.	The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024)	Justice and Legal Affairs
4.	The Agricultural and Livestock Extension Services Bill (Senate Bill No. 12 of 2022)	Agriculture and Livestock
5.	The Mung Beans Bill (Senate Bill No. 13 of 2022)	Agriculture and Livestock
6.	The Start-up Bill (Senate Bill No. 14 of 2022)	Trade, Industry and Co-operatives
7.	The Learners with Disabilities Bill (Senate Bill No. 4 of 2023)	Education
8.	The Persons with Disabilities Bill (Senate Bill No. 7 of 2023)	Social Protection
9.	The Kenyan Sign Language Bill (Senate Bill No. 9 of 2023)	Sports and Culture

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842- 00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to **secretariat@kenyaassembly.go.ke**



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT- THIRD SESSION (2024)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1)(b) OF THE CONSTITUTION
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

1. THE KENYA SIGN LANGUAGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2024);
2. THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILL NO. 29 OF 2023);
3. THE WHISTLEBLOWER PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 56 OF 2023)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024); the Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023); and the Whistleblower Protection Bill (National Assembly Bill No 56 of 2023) were read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED that:

1. The Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) is a Bill sponsored by **Hon. Umulkher Harun Mohamed, MP** that seeks to provide for the recognition, promotion, development and use of the Kenyan Sign Language, thereby giving effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d), and 120 of the Constitution and to ensure that members of the deaf community are treated with dignity in all spheres of life and have access to both information and justice;

2. The Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023) is a Bill sponsored by **Sen. Miraj Abdillahi Abdulrahman, MP** that seeks to create a framework for the care and protection of expectant children and child parents so as to ensure that their rights to education and health are protected; to provide assistance to needy child parents and their caretakers; to ensure the care of their children; to address teenage pregnancies and dropping out of school; and for connected purposes; and;

3. The Whistleblower Protection Bill (National Assembly Bill No. 56 of 2023) is a Bill sponsored by **Hon. Irene Muthoni Kasalu, MP** that seeks to provide for the procedure for the disclosure of information relating to improper conduct in the public and private sectors; to provide for the protection of persons who make such disclosure against victimisation; to establish the Whistleblower Reward Fund; and for connected purposes.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees listed below:

NO.	BILL	COMMITTEE
1.	The Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024)	Social Protection
2.	The Care and Protection of Child Parents Bill (Senate Bill No. 29 of 2023)	Social Protection
3.	The Whistleblower Protection Bill (National Assembly Bill No. 56 of 2023)	Justice and Legal Affairs

ADDENDUM: Through a public notification dated Friday, 8th March 2024, **The Kenya Sign Language Bill (Senate Bill No. 9 of 2023)** was referred to the Departmental Committee on Sports and Culture. We hereby wish to notify the general public that the said Bill will now be considered by the Departmental Committee on Social Protection.

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The views/ memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842- 00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke to be received on or before **Friday, 5th April 2024 at 5.00 p.m.**

S. NJORGE
CLERK OF THE NATIONAL ASSEMBLY

22nd March 2024

"For the Welfare of Society and the Just Government of the People"



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote:

REF: NA/DDC/SP/CORR/2025/010

18th March 2025

Ms. Eva W. Njoroge
Ag. Executive Director/ Chief Executive Officer
National Council for Persons Living With Disabilities
Kabete Orthopedic Compound
Waiyaki Way
NAIROBI

Dear *Ms Njoroge*

**RE: INVITATION TO A MEETING WITH THE DEPARTMENTAL
COMMITTEE ON SOCIAL PROTECTION FOR SUBMISSION OF
MEMORANDA ON THE KENYA SIGN LANGUAGE BILL (NATIONAL
ASSEMBLY BILL NO. 1 OF 2024) AND THE KENYA SIGN LANGUAGE
BILL (SENATE BILL NO. 9 OF 2023)**

The Departmental Committee on Social Protection is established under National Assembly Standing Order 216 which mandates it to amongst others "*study and review all legislation referred to it*".

The Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) is a Bill sponsored by Hon. Umulkher Harun Mohamed, MP and seeks to provide for the recognition, promotion, development and use of the Kenyan Sign Language, thereby giving effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d), and 120 of the Constitution, and to ensure that members of the Deaf community are treated with dignity in all spheres of life and have access to both information and justice.

On its part, **The Kenyan Sign Language Bill (Senate Bill No. 9 of 2023)** is a Bill co-sponsored by Sen. Crystal Asige, MP and Hon. Millie Odhiambo, MP, and has been forwarded to the National Assembly for consideration having been passed by the Senate. The Bill seeks to give effect to Article 7(3)(b) of the Constitution relating to the promotion and development of the use of Kenyan Sign Language, to provide for inclusion of sign language in the education curriculum, and to provide for the use of sign language in legal proceedings.

Article 118(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. Further, Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation.

To this end therefore, you are hereby invited to make and present your submissions on the two Bills (*copies enclosed herewith*) on **Thursday, 10th April 2025** in Committee Room 12, **Main Parliament Buildings** from **12.15pm**.

Soft copies of the submission are to be emailed to the Office of the Clerk of the National Assembly through cna@parliament.go.ke and copied to the undersigned officers, while twenty (20) hardcopies are to be presented during the Meeting.

The officers overseeing this activity are Mr. Finlay Muriuki (Committee Clerk) who may be contacted on Tel. No. 0722 687468 or email: finlay.muriuki@parliament.go.ke or Mr. Ahmednoor Hassan (Assistant Committee Clerk), on Tel. No. 0748 993663 or email: ahmednoor.hassan@parliament.go.ke.

Yours



JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

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Nairobi, Kenya
Main Parliament Buildings

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Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

REF: NA/DDC/SP/CORR/2024/093

11th June, 2024

Mr. Joseph Mogosi Motari, MBS
Principal Secretary
State Department for Social Protection and Senior Citizens Affair
Ministry of Labour and Social Protection
Social Security House
Bishops Road,
NAIROBI

Dear

**RE: INVITATION TO A MEETING WITH THE DEPARTMENTAL COMMITTEE
ON SOCIAL PROTECTION TO SUBMIT MEMORANDA ON THE KENYA SIGN
LANGUAGE BILLS**

The Departmental Committee on Social Protection is established under National Assembly Standing Order 216, which mandates it to, amongst others, which mandates it to amongst others, "*study and review all legislation referred to it*".

The Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024, which is sponsored by Hon. Umulkher Harun Mohamed, MP, seeks to provide for the recognition, promotion, development and use of the Kenyan Sign Language, thereby giving effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d), and 120 of the Constitution. This is aimed at ensuring that members of the deaf community are treated with dignity in all spheres of life and have access to both information and justice.

The Kenyan Sign Language Bill (Senate Bill No. 9 of 2023, which is co-sponsored by Sen. Crystal Asige, MP and Hon. Millie Odhiambo, MP, was forwarded to the National Assembly for consideration after passage by the Senate. The Bill seeks to give effect to Article 7(3)(b) of the Constitution relating to the promotion and development of the use of Kenyan Sign Language, to provide for the inclusion of sign language in the education curriculum, and to provide for the use of sign language in legal proceedings.

Article 118(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. Further, Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation.

In this regard therefore, the National Assembly's Departmental Committee on Social Protection hereby invites you to make and present your submissions on the two Bills on **Thursday, 4th July 2024** at 11.00 am at a venue within **Parliament Buildings**.

We request that you send soft copies of your submissions to the Office of the Clerk of the National Assembly through cna@parliament.go.ke and copy the under-listed officers.

The Committee's Liaison Officers on this activity are: **Finlay Muriuki**, Tel No. **0722687468** or email address: finlay.muriuki@parliament.go.ke and **Ahmednoor Hassan**, Tel No. **0748993663** or email address: ahmednoor.hassan@parliament.go.ke.

Yours

JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Hon. Florence K. Bore, EGH**
Cabinet Secretary
Ministry of Labour and Social Protection
Social Security House
Bishops Road
NAIROBI





**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

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www.parliament.go.ke/the-national-assembly

When replying, please quote

REF: NA/DDC/SP/CORR/2024/092

11th June, 2024

Mr. Nickson O. Kakiri
National Chairperson
Kenya National Association of the Deaf
Eagle House, 4th Floor, Kimathi Street
P.O. Box 28507-00100
NAIROBI

Dear *M. Kakiri*

**RE: INVITATION TO A MEETING WITH THE DEPARTMENTAL
COMMITTEE ON SOCIAL PROTECTION FOR SUBMISSION OF
MEMORANDA ON THE KENYA SIGN LANGUAGE BILLS**

The Departmental Committee on Social Protection is established under National Assembly Standing Order 216, which mandates it to, amongst others, which mandates it to amongst others, *"study and review all legislation referred to it"*.

The Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024, which is sponsored by Hon. Umulkher Harun Mohamed, MP, seeks to provide for the recognition, promotion, development and use of the Kenyan Sign Language, thereby giving effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d), and 120 of the Constitution, and to ensure that members of the Deaf community are treated with dignity in all spheres of life and have access to both information and justice.

The Kenyan Sign Language Bill (Senate Bill No. 9 of 2023, which is co-sponsored by Sen. Crystal Asige, MP and Hon. Millie Odhiambo, MP, was forwarded to the National Assembly for consideration following its passage by the Senate. The Bill seeks to give effect to Article 7(3)(b) of the Constitution relating to the promotion and development of the use of Kenyan Sign Language, to provide for inclusion of sign language in the education curriculum, and to provide for the use of sign language in legal proceedings.

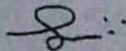
Article 118(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. Further, Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation.

In this regard therefore, the National Assembly's Departmental Committee on Social Protection hereby invites you to make submissions on the two Bills on **Thursday, 27th June 2024** at 11.00 am at a venue within **Parliamentary Buildings**.

Soft copies of the submissions may be emailed to the Office of the Clerk of the National Assembly through cna@parliament.go.ke and copied to the under-listed officers.

The Committee's Liaison Officers on this activity are: **Finlay Muriuki**, Tel No. **0722687468** or email address: finlay.muriuki@parliament.go.ke and **Ahmednoor Hassan**, Tel No. **0748993663** or email address: ahmednoor.hassan@parliament.go.ke.

Yours



JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

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When replying, please quote

REF: NA/DDC/SP/CORR/2024/093

11th June, 2024

Mr. Joseph Mogosi Motari, MBS
Principal Secretary
State Department for Social Protection and Senior Citizens Affairs
Ministry of Labour and Social Protection
Social Security House
Bishops Road,
NAIROBI

Dear *Mr. Motari*

**RE: INVITATION TO A MEETING WITH THE DEPARTMENTAL COMMITTEE
ON SOCIAL PROTECTION TO SUBMIT MEMORANDA ON THE KENYA SIGN
LANGUAGE BILLS**

The Departmental Committee on Social Protection is established under National Assembly Standing Order 216, which mandates it to, amongst others, which mandates it to amongst others, "*study and review all legislation referred to it*".

The Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024, which is sponsored by Hon. Umulkher Harun Mohamed, MP, seeks to provide for the recognition, promotion, development and use of the Kenyan Sign Language, thereby giving effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d), and 120 of the Constitution. This is aimed at ensuring that members of the deaf community are treated with dignity in all spheres of life and have access to both information and justice.

The Kenyan Sign Language Bill (Senate Bill No. 9 of 2023, which is co-sponsored by Sen. Crystal Asige, MP and Hon. Millie Odhiambo, MP, was forwarded to the National Assembly for consideration after passage by the Senate. The Bill seeks to give effect to Article 7(3)(b) of the Constitution relating to the promotion and development of the use of Kenyan Sign Language, to provide for the inclusion of sign language in the education curriculum, and to provide for the use of sign language in legal proceedings.

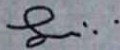
Article 118(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. Further, Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation.

In this regard therefore, the National Assembly's Departmental Committee on Social Protection hereby invites you to make and present your submissions on the two Bills on **Thursday, 4th July 2024** at 11.00 am at a venue within **Parliament Buildings**.

We request that you send soft copies of your submissions to the Office of the Clerk of the National Assembly through cna@parliament.go.ke and copy the under-listed officers.

The Committee's Liaison Officers on this activity are: **Finlay Muriuki**, Tel No. **0722687468** or email address: finlay.muriuki@parliament.go.ke and **Ahmednoor Hassan**, Tel No. **0748993663** or email address: ahmednoor.hassan@parliament.go.ke.

Yours



JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Hon. Florence K. Bore, EGH**
Cabinet Secretary
Ministry of Labour and Social Protection
Social Security House
Bishops Road
NAIROBI



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

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www.parliament.go.ke/the-national-assembly

When replying, please quote

REF: NA/DDC/SP/CORR/2024/091

11th June, 2024

Hon. Timothy Wanyonyi Wetangula, MP
Chairperson
Kenya Disability Parliamentary Association
Main Parliament Buildings
P.O. Box 41842-00100
NAIROBI

Dear Hon. Wanyonyi,

**RE: INVITATION TO A MEETING WITH THE DEPARTMENTAL
COMMITTEE ON SOCIAL PROTECTION FOR SUBMISSION OF
MEMORANDA ON THREE BILLS**

The Departmental Committee on Social Protection is established under National Assembly Standing Order 216, which mandates it to, amongst others, which mandates it to amongst others, "*study and review all legislation referred to it*".

The Persons with Disabilities Bill, 2023 (Senate Bill No. 7 of 2023, which is sponsored by *Sen. Crystal Asige, MP*, was forwarded to the National Assembly for consideration following its passage by the Senate. The Bill seeks to give effect to Article 54 of the Constitution, restructure the National Council for Persons with Disabilities; provide for its functions and powers; provide for the institutional framework for protecting, promoting and monitoring the rights of persons with disabilities; and to provide for incentives and reliefs and for connected purposes. The Bill repeals the Persons with Disabilities Act, 2003.

The Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024, which is sponsored by *Hon. Umulkher Harun Mohamed, MP*, seeks to provide for the recognition, promotion, development and use of the Kenyan Sign Language, thereby giving effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d), and 120 of the Constitution, and to ensure that members of the Deaf community are treated with dignity in all spheres of life and have access to both information and justice.

The Kenyan Sign Language Bill (Senate Bill No. 9 of 2023, which is co-sponsored by *Sen. Crystal Asige, MP* and *Hon. Millie Odhiambo, MP*, was forwarded to the National Assembly for consideration following its passage by the Senate. The Bill seeks to give effect to Article 7(3)(b) of the Constitution relating to the promotion and development of the use of Kenyan Sign

Language, to provide for inclusion of sign language in the education curriculum, and to provide for the use of sign language in legal proceedings.

Article 118(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. Further, Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation.

In this regard therefore, the National Assembly's Departmental Committee on Social Protection hereby invites you to make submissions on the three Bills on **Thursday, 20th June 2024** at **11.00 am** at a venue within **Parliament Buildings**.

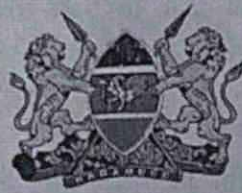
Soft copies of the submissions may be emailed to the Office of the Clerk of the National Assembly through cna@parliament.go.ke and copied to the under-listed officers.

The Committee's Liaison Officers on this activity are **Finlay Muriuki**, Tel No. **0722687468** or email address: finlay.muriuki@parliament.go.ke and **Ahmednoor Hassan**, Tel No. **0748999663** or email address: ahmednoor.hassan@parliament.go.ke.

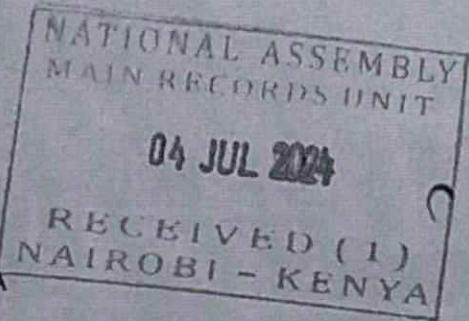
Yours



JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY



REPUBLIC OF KENYA



MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION & SENIOR CITIZEN AFFAIRS

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Ref: ML&SP/SP/37/5 VOL.III

Date: July 3, 2024

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Attention: Jeremiah W. Ndombi, MBS

RE: INVITATION BY THE DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION TO
SUBMIT MEMORANDA ON THE KENYA SIGN LANGUAGE BILLS

Reference is made to your letter dated 11th June 2024 under Ref No:
NA/DDC/SP/CORR/2024/093 requiring submission of Memoranda with respect to
the Kenya Sign Language Bills.

Attached is our written submission on the two Bills.


Joseph M. Motari, MBS
PRINCIPAL SECRETARY

Copy to:

Hon. Florence K. Bore, EGH
Cabinet Secretary
Ministry of Labour and Social Protection

Moses Kamau
Lead Parliamentary Liaison Officer
State Department for Social Protection & Senior Citizen Affairs



REPUBLIC OF KENYA

**MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION & SENIOR CITIZEN AFFAIRS**

COMMENTS ON THE KENYA SIGN LANGUAGE (NATIONAL ASSEMBLY BILL NO.1 OF 2024) AND THE KENYAN SIGN LANGUAGE (SENATE BILL NO.9 OF 2023)

i. Potential Overlap with Existing Mandates:

While acknowledging the Bills' laudable objectives, there exists a potential for overlap with the designated mandates of established governmental bodies. In particular, Clause 3 of both Bills may be construed as a duplication of the responsibilities vested in the National Council for Persons with Disabilities under section 7 of the Persons with Disabilities Act (Cap 133) Laws of Kenya. Similarly, objectives pertaining to curriculum development and educational integration potentially replicate functions already assigned to the Kenya Institute of Curriculum Development (KICED) in line with the provisions of the Kenya Institute of Curriculum Development Act (Cap 211A) Laws of Kenya, as well as the mandate of the Ministry of Education.

The Kenya Sign Language (National Assembly Bill No.1 of 2024) under Part II establishes the Kenyan Sign Language Council for the regulation of sign language interpretation in Kenya. This overlaps with the mandate of the National Council for Persons with Disabilities established under the Persons with Disabilities Act (Cap 133) Laws of Kenya, whose functions are *inter alia* to register persons with disabilities, institutions, associations and organisations including those controlled and managed by government and local authorities that provide services for rehabilitation and welfare of persons with disabilities. Further, the National Council for Persons with Disabilities runs a programme on rehabilitation and habilitation that among others

promotes use of Kenya Sign Language. Thus, the creation of a Council is an unnecessary duplication and a huge charge to the Exchequer.

ii. Interplay with Concurrent Legislative Initiatives:

A critical assessment is imperative to ascertain the interplay between the provisions enshrined within the Bills and ongoing legislative efforts, particularly the Persons with Disabilities Bill, 2023 currently under consideration by the National Assembly. For instance, Part III of the Persons with Disabilities Bill, 2023 specifically addresses the rights of persons with disabilities which include *inter alia* right to health and accessibility as is proposed under part III of the Kenyan Sign Language (National Assembly Bill No.1 of 2024). Therefore, such an evaluation will ensure harmonization and obviate duplication of efforts, ultimately strengthening the legal protections and support mechanisms available to persons with disabilities.

RECOMMENDATIONS:

1. National Disability Policy Integration:

To ensure comprehensive protection and support for individuals with hearing disabilities, it is recommended that the provisions in the two Bills be incorporated into the National Persons with Disabilities Disability Policy currently in development, adhering to the dictates of Article 54 of the Constitution of Kenya and section 7 of the Persons with Disabilities Act (Cap 133) Laws of Kenya. This integration would streamline implementation and enforcement across all pertinent sectors.

2. The Persons with Disabilities Bill ,2023 Incorporation:

Advocacy efforts should be directed towards the inclusion of relevant provisions from the Bills within the ongoing Persons with Disabilities Bill, 2023. This alignment would consolidate legal safeguards and obligations concerning sign language rights under a unified legislative framework, fostering consistency and effectiveness in implementation. Further, development of subsidiary legislation once this Bill is enacted into law would reinforce respective legal obligations.

3. National Action Plan Development:

To ensure effective implementation and compliance with international standards, it is recommended that collaborative efforts be facilitated among the National Council for Persons with Disabilities, the Ministry of Education, relevant stakeholders, and organizations representing the deaf community. This collaboration should culminate

in the development and implementation of a National Action Plan on Kenya Sign Language. This strategic plan should outline specific objectives, establish clear timelines, and incorporate robust monitoring mechanisms.

CONCLUSION:

The two Bills present a significant opportunity to advance the rights and inclusion of persons with hearing disabilities in Kenya. However, the successful implementation of the Bills are contingent upon alignment with existing legal frameworks and established institutional mandates. Our recommendation underscores the importance of leveraging existing legislation and ongoing policy development to achieve the Bills' laudable goals. Effective promotion of Kenya Sign Language necessitates collaboration and a unified approach, ultimately ensuring the full inclusion of Kenyans with hearing disabilities.

SUBMISSIONS BY:



Joseph M. Motari, MBS
PRINCIPAL SECRETARY



MEMORANDUM FOR THE KENYA SIGN LANGUAGE BILL, 2024 (NATIONAL ASSEMBLY) AND KENYA SIGN LANGUAGE BILL 2023 (SENATE BILL)

INTRODUCTION

The Persons with Disabilities Act (2003) establishes the NCPWD with a broad mandate to address the rights and welfare of all persons with disabilities in Kenya. Section 7 outlines the functions of the Council, which include:

- a) Formulating and developing measures and policies designed to achieve equal opportunities, rehabilitation, and integration of persons with disabilities.
- b) Coordinating services provided in Kenya for the welfare and rehabilitation of persons with disabilities and implementing programmes for vocational guidance and counselling.
- c) Registering persons with disabilities and institutions, associations, and organizations that provide services for their rehabilitation and welfare.
- d) Promoting public awareness of the rights of persons with disabilities.
- e) Advising the Minister on international treaties related to disability welfare.

The proposed Persons with Disabilities Bill (2023) seeks to restructure and enhance the role of the NCPWD, further emphasizing its mandate in protecting, promoting, and monitoring the rights of persons with disabilities. This includes disability mainstreaming across all sectors and the recognition and promotion of Kenya Sign Language both in the private and public sectors.

The Kenya Sign Language Bills of 2023/24 constitute a legislative framework designed to protect the rights and promote the inclusion of the Deaf community within Kenya's social, legal, and economic systems. As per the 2019 Census, the Deaf community in Kenya comprises 153,361 individuals, of whom 67,626 are male and 85,728 are female.

This submission provides a brief analysis of the proposed Bills, highlighting their alignment with existing legislation, identifying potential overlaps, and proposing recommendations to ensure effective implementation.

ANALYSIS

1. Kenya Sign Language Bill (National Assembly), 2024

The Bill is explicitly designed to give effect to Article 7(3)(b) of the Constitution, which mandates the promotion of indigenous languages including KSL, and Article 54(1)(d), which guarantees the rights of persons with disabilities to use sign language. This bill aims to ensure the integration of deaf and hard-of-hearing persons into society by protecting and promoting their rights to justice, fair administration, and quality education. Furthermore, it seeks to promote access to public services and foster inclusion in the workplace for this community, alongside providing for the training, recognition, and regulation of sign language interpreters.

Functions as proposed in the Bill:

- a) **Clause 7(a)- Regulate the use and development of sign language:** This function has a potential overlap with the NCPWD's mandate to formulate and develop measures and policies designed to achieve equal opportunities, rehabilitation, and integration of persons with disabilities. Regulating the use and development of sign language can be seen as a specific policy area aimed at the inclusion of deaf community.
- b) **Clause 7(b)- Put in place measures for the recognition and preservation of the use Kenya Sign Language:** This aligns with the NCPWD's function of formulating and developing measures and policies for the welfare of persons with disabilities. Recognizing and preserving KSL is a key measure for ensuring the rights and inclusion of the deaf community. The NCPWD is also mandated to promote public awareness of the rights of persons with disabilities, which would include the recognition of KSL.
- c) **Clause 7(c)- Undertake research and create awareness on the culture and heritage of the Deaf community in Kenya:** The NCPWD has the function of promoting public awareness of the rights of persons with disabilities. Creating awareness about the culture and heritage of the Deaf community is a crucial aspect of promoting their rights and inclusion. The NCPWD is also mandated to encourage and secure the rehabilitation of persons with disabilities within their own communities and social environment, and understanding deaf culture is vital for this.

- d) **Clause 7(d)- Set and enforce standards for the training, practice and use of Kenyan Sign Language and Kenyan Sign Language interpretation:** While the NCPWD doesn't explicitly set language standards, our function to coordinate services provided in Kenya for the welfare and rehabilitation of persons with disabilities could be interpreted to include ensuring standards for services like sign language interpretation.
- e) **Clause 7 (e)- register and license sign language interpreters in Kenya:** The NCPWD has the function of registering persons with disabilities and institutions, associations, and organizations that provide services for their rehabilitation and welfare. This could potentially extend to registering or recognizing interpreter organizations. However, the Bill's proposal for direct referral and licensing of individual interpreters suggests a more direct regulatory role than the NCPWD's current mandate which could pose an opportunity for NCPWD under defined regulations and standards.
- f) **Clause 7 (f)- Maintain a register and keep a record of all sign language interpreters registered;** Similar to clause 7(e), this function of maintaining a register could potentially fall under the NCPWD's broader mandate of registering organizations providing services to persons with disabilities.
- g) **Clause 7 (g) Protect and promote the right of the Deaf, hard of hearing and Deafblind community to equal access to information and communication, including the right to access to justice:** This directly aligns with the NCPWD's core function of formulating and developing measures and policies designed to achieve equal opportunities for persons with disabilities. Ensuring equal access to information, communication, and justice is a fundamental aspect of disability rights. The NCPWD is also mandated to recommend measures to prevent discrimination against persons with disabilities which includes discrimination in access to information and justice.
- h) **Clause 7(i) -Advise the Cabinet Secretary and County Governments on matters relating to sign language:** The NCPWD has a function to advise the Cabinet Secretary on the provisions of any international treaty or agreement relating to the welfare or rehabilitation of persons with disabilities. The NCPWD's broader mandate to formulate policies and measures for the welfare of persons with disabilities could also encompass advising the Cabinet Secretary on specific issues like sign language.
- i) **Clause 7(j)- Develop and regulate ethical and disciplinary standards for sign language interpreters:** This could be seen as part of the broader function of ensuring quality services for persons with disabilities, which the NCPWD has a coordinating role in.

- j) **Clause 7 (k) –Collaborate with other relevant government agencies in the use and development of sign language in Kenya:** The NCPWD has a core function to coordinate services provided in Kenya for the welfare and rehabilitation of persons with disabilities. Collaborating with other government agencies on sign language would fall under this coordinating mandate.

2. Kenya Sign Language Bill (Senate) No.9 of 2023

The Bill aims to give effect to Article 7(3)(b) and Article 54(1)(d) of the Constitution. Its objectives include providing for the inclusion of sign language in the education curriculum to ensure deaf learners have the same opportunities as others, and for the use of sign language in legal proceedings and public institutions.

Functions as proposed in the Senate's Bill;

- a) **Clause 3(a)- Ensure that persons who are deaf or hard of hearing integrate into society.** This directly overlaps with the NCPWD's function of promoting the integration of persons with disabilities.
- b) **Clause 3(b)- Protect and promote the right to justice and fair administration action with respect to persons who are deaf and hard of hearing.** This aligns with the NCPWD's broader mandate of protecting and promoting the rights of all persons with disabilities.
- c) **Clause (3)- Promote access to quality education by learners who are deaf or hard of hearing.** While the NCPWD doesn't directly provide education, its mandate to formulate policies for equal opportunities includes access to education for all persons with disabilities. (Scholarships, mentorships)
- d) **Clause 3 (d)-Provide for the training, recognition, and regulation of sign language interpreters:** While the NCPWD registers organizations providing services to persons with disabilities, this Bill specifically focuses on the regulation of interpreters, which could be seen as an overlap in the broader function of ensuring quality services for the deaf community. *(Every Financial year, NCPWD facilitates training of at least 350 public officers on Kenya Sign Language).*
- e) **Clause 3 (e)- Promote access to public services by deaf persons:** The NCPWD's mandate to promote equal opportunities and prevent discrimination covers access to public services for all persons with disabilities. *(Annual Disability Mainstreaming reports submitted by all MDAs on compliance)*
- f) **Clause 3 (f)- Promote the inclusion and diversity in the workplace by creating opportunities for persons who are deaf or hard of hearing to compete for employment opportunities:** This overlaps with the NCPWD's function of putting

into operation schemes for employment opportunities for persons with disabilities.

- g) **Clause 3(g)- Promote literacy development of learners who are deaf or hard of hearing:** This falls under the broader scope of the NCPWD's role in ensuring equal opportunities in education and rehabilitation.
- h) **Clause 5(a)- Ensure that members of the deaf community are consulted on all matters related to the development, use and promotion of Kenyan sign language:** While the NCPWD is expected to engage with organizations of persons with disabilities, this Bill specifies consultation on language matters.
- i) **Clause 5 (b) - Ensure that Kenyan sign language is used in the promotion to the public of government services and in the provision of information to the public:** This aligns with the NCPWD's function of promoting public awareness of the rights of persons with disabilities, which includes the right to accessible information.

OBSERVATIONS

a) Potential Overlap in the Kenyan Sign Language Bills

The National Assembly proposes the establishment of a council or assign functions that could potentially overlap with the NCPWD's existing mandate. These areas of potential overlap include:

- i) **Policy formulation:** The Sign Language Bills aim to promote the use and development of KSL, which can be seen as a specific policy area within the broader scope of disability rights that the NCPWD is already mandated to address.
- ii) **Regulation of services:** The Sign Language Bills propose regulating sign language interpreters through registration and the establishment of standards and a code of conduct. The NCPWD already has the function of registering organizations providing services to persons with disabilities, and could potentially extend this to include the registration and regulation of specific services like sign language interpretation.
- iii) **Promotion of rights and awareness:** The Sign Language Bills aim to raise awareness about KSL and the rights of deaf individuals. This aligns with the NCPWD's function of promoting public awareness regarding the rights of all persons with disabilities.
- iv) **Coordination of activities:** The Sign Language Bills implicitly suggest a need for coordination among various government bodies to ensure the effective implementation of their provisions related to KSL in education, legal proceedings, and public services. The NCPWD already has a mandate to coordinate services for persons with disabilities.

b) Arguments against creating a new Council

Establishing a new council specifically for Kenyan Sign Language could lead to several challenges:

- i) **Duplication of effort:** Creating a new institution with overlapping functions with the NCPWD would likely result in duplication of administrative work, resource allocation, and policy development.
- ii) **Resource strain:** Setting up and maintaining a new council would require additional financial and human resources that could be better utilized by strengthening existing institutions.
- iii) **Fragmentation of disability rights:** Focusing on one specific disability (hearing impairment) through a separate council might inadvertently lead to a fragmented approach to disability rights, rather than a unified and inclusive framework.

RECOMMENDATIONS

To avoid the potential pitfalls of creating a new council and to ensure a more streamlined and effective approach to promoting the rights of the deaf and Kenyan Sign Language, the NCPWD proposes the following recommendations:

1. **Strengthen existing institutions (NCPWD):** The mandate and capacity of the National Council for Persons with Disabilities should be strengthened to explicitly include the promotion, development, and regulation of Kenyan Sign Language. This could involve:
 - a) The NCPWD shall ensure full and effective implementation and compliance of the Persons with Disabilities Bill (2023) as provided for in;
 - i. **Section 7 (2)** on entitlement of support services (including KSL) as may be required to exercise their legal capacity
 - ii. **Section 20 (8) (c) (v) &(vi)** on promotion of the use of appropriate augmentative and alternative modes, means and formats of communication, adaptive technologies, including Braille and Kenya Sign Language; and introduction of Kenyan Sign language courses in all learning and training institutions.
 - iii. **Section 24 (7) on the right to health**, the Council shall ensure that the national and county governments shall ensure that all health institutions have an adequate number of Kenyan Sign language interpreters in their institutional structures.
 - iv. **Section 26** on access to information communication and other services by all public and private institutions.

v. **Section 29 (4)** which provides for recognition and support of deaf community of their specific cultural and linguistic identities including KSL on an equal basis with others.

b) Pursuant to **section 7 (2) (b)&(c)** of the Persons with Disabilities Act,2003; Constitute a committee consisting of Council Members, representatives of the deaf community address matters relating to Kenya Sign Language in Kenya.

2. **Regulations on Kenya Sign Language under the Persons with Disabilities Act:**

Instead of creating a separate law with a new council, specific regulations pertaining to Kenyan Sign Language should be developed and implemented under the existing Persons with Disabilities Act or the proposed Bill. These regulations should address:

- a) Standards for Kenyan Sign Language interpretation, including qualifications, accreditation, and a code of conduct.
- b) Guidelines for the use of KSL in education, legal proceedings, public services, and the workplace.
- c) Measures for promoting public awareness and the integration of KSL into society.

CONCLUSION

The enactment of comprehensive and harmonized legislation to formally recognize, promote, and protect the use of Kenyan Sign Language is of paramount importance for safeguarding the rights of deaf community in Kenya and ensuring their full and equal participation in all aspects of society.

While the objectives of the Kenyan Sign Language Bills are commendable and necessary for advancing the rights of the deaf community, a clear and robust legal framework will not only empower the deaf community but will also contribute to the creation of a more inclusive and equitable society for all Kenyans. However, creating a new council and law with overlapping functions with the existing National Council for Persons with Disabilities could lead to inefficiencies and fragmentation.

By strengthening the NCPWD and developing specific regulations for Kenyan Sign Language under the existing legal frameworks for persons with disabilities, Kenya can achieve a more unified, efficient, and effective approach to ensuring the rights and inclusion of all its citizens with disabilities, including those who rely on Kenyan Sign Language.



KENYA NATIONAL ASSOCIATION OF THE DEAF

Advocating for Deaf Rights through Sign Language Recognition.

4th April 2024

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Mr. Samuel Njoroge, CBS
The Clerk of the National Assembly
Parliament Buildings
P.O. Box 41842 - 00100
NAIROBI

Dear Sir,

RE: MEMORANDUM IN SUPPORT OF THE KENYA SIGN LANGUAGE BILL NO. 1 OF 2024

On behalf of the Kenya National Association of Deaf, Deaf Persons Organizations, and partners, we are writing to express and register our full support for the Kenya Sign Language Bill No. 1 of 2024 and to strongly urge members of parliament to support the passage of the Bill.

The Kenya Sign Language Bill represents a significant step towards recognizing the rights, achieving linguistic equality, social inclusion, full participation in society for the Deaf community in Kenya. It acknowledges the importance of Kenyan Sign Language (KSL) as a language of communication for Deaf individuals and seeks to ensure its promotion, protection, and preservation. By recognizing and promoting Kenyan Sign Language, the bill will empower Deaf individuals to communicate effectively, access essential services, and fully exercise their rights as Kenyan citizens.

Among key recommendations we wish to propose that the Kenya Sign Language Bill should be domiciled in the **Ministry of Culture** rather than the **Ministry of Labour Social Protection**. We believe that languages, including Kenyan sign language, is a fundamental aspect of culture, and therefore, the Ministry in charge of matters related to Culture, which is in charge of language matters, is better positioned to oversee the implementation and promotion of Kenyan Sign Language.

Furthermore, we recommend review of the bill name from "**Kenya Sign Language Bill**" to "**Kenyan Sign Language Bill**" in compliance with Article 7(3)(b) and article 120 of the Constitution of Kenya, which emphasizes the promotion of national unity and the development of the Kenyan identity.

Sections of the Kenya Sign Language Bill that demonstrate its importance and relevance to the Deaf community include:

- 1) **Section 3: Recognition of Kenya Sign Language (KSL)** - This section recognizes KSL as a distinct language and affirms the right of Deaf individuals to use and promote it.
- 2) **Section 6: Use of Kenya Sign Language in Official Proceedings** - This section mandates the use of KSL in official proceedings, including government meetings, court proceedings, and educational settings.

A member of the World Federation of the Deaf (WFD)

Registered on 1st December 1987 under the Societies Act (Cap.108) No.Soc/24623

3) Section 9: Access to Information and Services - This section ensures that Deaf individuals have equal access to information and services in KSL, including healthcare, education, and public services.

We the undersigned, therefore, urge all members of parliament to support the Kenya Sign Language Bill No 1 of 2024 and ensure its swift passage into law. Together, we can create a more inclusive and equitable society for all Kenyans.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nickson Kakiri', with a horizontal line extending to the left.

Nickson Kakiri

National Chairperson



KENYA NATIONAL ASSOCIATION OF THE DEAF
 EAGLE HOUSE 4TH FLOOR, SUITES
 KIMATHI STREET
 P.O BOX 28507-00100
 NAIROBI, KENYA

Advocating for Deaf Rights through Sign Language Recognition

ACTIVITY:

HELD ON:

S/NO	NAME	TYPE OF CONTRIBUTION	PHONE NUMBER	EMAIL ADDRESS	SIGN
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2	Richard Mutahi	Deafther	0727618248	richmutahi@gmail.com	<input checked="" type="checkbox"/>
3	Naomi Kakiri	Caregiver	0717314714	naomikakiri@gmail.com	<input checked="" type="checkbox"/>
4	Washington Akereke	Researcher	0722352686	Washingtonakereke@gmail.com	<input checked="" type="checkbox"/>
5	Simon Adem	Member	0724054050	simonadem130@gmail.com	<input checked="" type="checkbox"/>
6	Vincent Okemwa	P.O Deaf ability	0715107453	VincentDai.or.ke	<input checked="" type="checkbox"/>
7	FREDRICK KANGU	CRAS Trainer	0711368359	FredKangu15@gmail.com	<input checked="" type="checkbox"/>
8	Samuel Mwiriri	Deaf med. hangaribid.	0708768396	mirichisamuelk25@gmail.com	<input checked="" type="checkbox"/>
9	Maurice Okwaci	Chairman DOK	0722200688	mauriceokwaci77@gmail.com	<input checked="" type="checkbox"/>
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12	WASHINGTON JATI	Deaf ABILITY	0722270416	Washington001@gmail.com	<input checked="" type="checkbox"/>
13	ACHURA MICHAEL	FEWU	072434888	achuramichael@gmail.com	<input checked="" type="checkbox"/>
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24	Elio KAMWIRA	KNAD	0711953700	kamwira@gmail.com	<input checked="" type="checkbox"/>
25					
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**WORLD FEDERATION
OF THE DEAF**

3 April 2024

The Clerk
National Assembly
P.O Box 41842-00100
Nairobi Kenya
Thro'
The Kenya National Association of the Deaf (KNAD)

Subject: LETTER OF SUPPORT TOWARDS KENYA SIGN LANGUAGE BILL NO.1 OF 2024

On behalf of the World Federation of the Deaf (WFD), an international non-governmental organisation composed of national associations from 136 countries, including Kenya, and representing approximately 70 million deaf people worldwide, I am writing to bring the attention of the National Assembly to its important role in the recognition of the Kenyan Sign Language and the promotion of its use, in close cooperation with Kenya National Association of the Deaf (KNAD).

Kenya ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) on 19th May 2008 creating an obligation upon Kenya to respect, protect and fulfil the provisions in the Convention. As the CRPD is an international legally binding treaty, the government of Kenya is bound to respect its provisions. More specifically, Articles 2 (sign languages are considered languages), 9, 21, 24, and 30 oblige the government of Kenya to promote, ensure, and support the linguistic rights of Kenyan deaf people in all areas of life. Specifically, under Article 21, the government of Kenya shall take all appropriate measures to ensure the recognition and promotion of the use of the Kenyan Sign Language in legislation and public policies.

The framework established by the CRPD enables the development of an agenda for the promotion of the linguistic and cultural rights of deaf communities. These communities not only seek to promote their linguistic rights, but they also seek to draw attention to the importance of early acquisition of national sign languages for children and the promotion of their linguistic and cultural identities.

Pursuant to article 2 (6) of the Constitution of Kenya, the Convention forms part of Kenyan law. Moreover, article 7(3)(b) says that the state shall promote Kenyan Sign Language. In other articles of the same Constitution: 44, 50(2)(m), 54(1)(d) and 120 also have important mentions. Further, the proposed Kenya Sign Language bill No: 1 of 2024 recognises the lack of framework to operationalise the aforementioned articles about Kenyan Sign Language. Thus, in order to ensure effective enjoyment of alienable rights and fundamental freedoms of more than 2.7 million deaf and hard of hearing people in Kenya. The WFD is in agreement that the bill will have fundamental effects on matters of Kenyan Sign Language in the deaf community.



**WORLD FEDERATION
OF THE DEAF**

The establishment of a Kenyan Sign Language Council will provide a strong framework and structures to regulate the use and development of Kenyan Sign Language, particularly to set and enforce standards for the training, accreditation, practice, and use of Kenyan Sign Language interpretation services. As provided in the bill, the WFD acknowledges the importance of a registrar in this establishment to ensure registration of sign language interpreters as well as issue practising certificates.

The meaningful recognition of the Kenyan Sign Language by the National Assembly and the government of Kenya is a prerequisite to the right of Kenyan deaf people to freedom of expression and opinion and access to information, and therefore to the full realisation of their human rights. Additionally, Article 4.3 of the CRPD requires governments to closely consult with and actively engage with deaf people through their representative organisation. We thereby invite the National Assembly of Kenya to meaningfully engage with the KNAD when addressing the recognition of the Kenyan Sign Language.

As a result of one of our projects, conducted in partnership with the Nippon Foundation, we have identified 77 countries that have achieved legal recognition of their national sign language and we issued an advocacy toolkit "Guidelines for Achieving Sign Language Rights": <http://wfdeaf.org/GuidelinesASLR/>. In these guidelines, the WFD recommends that legislation about sign language and deaf communities should encompass the recognition and promotion of the national sign language, provisions on education for deaf students in their national sign language, teaching of the national sign language, preparation, funding, and accreditation of national sign language interpreters, promotion of the linguistic and cultural identity of deaf people, and the involvement of the deaf community in any decision-making processes concerning their national sign language.

In light of the concerns raised by KNAD, the WFD strongly endorses and supports their petition in favour of the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024), which will promote and advance the linguistic rights of the deaf community in Kenya.

If you need any further information, please contact WFD Human Rights Officer, Ms Delphine le Maire at delphine.lemaire@wfdeaf.org and WFD Sign Language Rights Officer, Ms Susana Stiglich at susana.stiglich@wfdeaf.org.

Kind regards,

Joseph J. Murray
President



**WORLD FEDERATION
OF THE DEAF**

About the World Federation of the Deaf

The World Federation of the Deaf (WFD) is an international non-governmental organisation representing and promoting approximately 70 million deaf people's human rights worldwide. The WFD is a federation of deaf organisations from 136 nations; its mission is to promote the human rights of deaf people and full, quality and equal access to all spheres of life, including self-determination, sign language, education, employment and community life. WFD has a consultative status in the United Nations and is a founding member of International Disability Alliance (IDA). (www.wfdeaf.org) Email: info@wfdeaf.org

FROM: MOHAMEDDECK IBRAHIM – NAIROBI RESIDENT
TO: CLERK OF THE NATIONAL ASSEMBLY

MY VIEWS ON THE KENYA SIGN LANGUAGE BILL (NATIONAL ASSEMBLY BILL NO. 1 OF 2024)

The introduction of the Kenya Sign Language Bill marks a pivotal moment for inclusivity and communication in our nation. As someone who recognizes the importance of bridging the gap between the hearing and deaf communities, I wholeheartedly support this initiative.

Incorporating sign language as an official language in educational institutions is a crucial step towards ensuring that all learners, both hearing and deaf, have equal opportunities to thrive. It's disheartening to see (us) struggle to communicate with deaf peers or family members who are deaf simply because sign language isn't taught in schools alongside other languages. I fully support the idea of introducing sign language in our syllabus just the way English and Swahili are taught.

By embracing this bill, we pave the way for us & to future generations to communicate seamlessly with the deaf community, breaking down language barriers and fostering understanding and connection.

The establishment of the Kenya Sign Language Council is a commendable move. This council will play a vital role in regulating interpreters and providing much-needed support to the deaf community, ensuring their voices are heard and their rights are protected.

The provisions for interpreters in universities, public health centers, courts, and other public institutions are also essential. Every individual, regardless of their hearing ability, deserves access to vital services and information. No one should be denied medical treatment or legal representation simply because they cannot communicate effectively. You see a Deaf person in hospital just standing and not going direct to doctors simply because no one to interpret to him to doctors. So sad.

Moreover, the provision requiring telecommunication providers to subsidize data for deaf people is a significant stride towards inclusivity in the digital age. Access to communication platforms is crucial for participation in modern society, and this initiative ensures that the deaf community isn't left behind.

By embracing and supporting this bill, we affirm our commitment to building a nation where every voice is heard and every individual is valued.

From: Abdul <abdulghadafi26@gmail.com>

To: cna <cna@parliament.go.ke>

Date: Friday, 22 March 2024 11:14 AM EAT

Subject: Memoranda on the Kenya sign language bill (National assembly bill no 1 of 2024) sponsored by Hon Umulkheir Harun

CAUTION: This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

As Abdul Ghadafi, a Garissa County resident, I express my endorsement for the aforementioned bill due to its significance for the deaf community. This legislation holds great importance, particularly for regions like Northern Kenya, where access to education for deaf children, such as those in Lafey, Mandera county, is hindered by the absence of sign language in the national curriculum. Therefore, I wholeheartedly support the Kenya Sign Language bill.

From: Abdul <abdulghadafi26@gmail.com>

To: cna <cna@parliament.go.ke>

Date: Friday, 22 March 2024 11:16 AM EAT

Subject: Memoranda on the Kenya sign language bill (National assembly bill no 1 of 2024) sponsored by the Hon Umi Harun

CAUTION: This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

As Abdul Ghadafi, a Garissa County resident, I express my endorsement for the aforementioned bill due to its significance for the deaf community. This legislation holds great importance, particularly for regions like Northern Kenya, where access to education for deaf children, such as those in Lafey, Mandera county, is hindered by the absence of sign language in the national curriculum. Therefore, I wholeheartedly support the Kenya Sign Language bill.

From: make <sheikhmusababdiweli@gmail.com>

To: cna <cna@parliament.go.ke>

Date: Friday, 22 March 2024 11:24 AM EAT

Subject: RE:the views on the bill

CAUTION:This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

The importance of recognizing and promoting Kenyan Sign Language (KSL) through a bill cannot be overstated, as it serves several crucial purposes for the Kenya population:

- 1. **Accessibility and Inclusivity**:** By officially recognizing KSL, the bill ensures that deaf and hard-of-hearing individuals have equal access to information, education, and services. This promotes inclusivity and removes barriers that these individuals may face in various aspects of life.
- 2. **Education**:** Recognizing KSL means that it can be used as a medium of instruction in schools for deaf students, allowing them to receive education in their native language. This enhances their learning experience and improves educational outcomes.
- 3. **Legal Rights**:** The bill may include provisions that protect the rights of deaf individuals, such as access to legal services, employment opportunities, and participation in civic activities. This helps to address discrimination and ensures that deaf individuals are treated equally under the law.
- 4. **Cultural Preservation**:** KSL is not just a means of communication but also an integral part of the deaf community's culture and identity. Recognizing KSL through a bill helps to preserve and promote this unique cultural heritage.
- 5. **Communication Access**:** Official recognition of KSL encourages the training of interpreters and the provision of sign language interpretation services in various settings, such as healthcare facilities, government offices, and public events. This improves communication between deaf and hearing individuals, fostering greater understanding and cooperation.
- 6. **Employment Opportunities**:** By recognizing KSL, the bill may also encourage the inclusion of deaf individuals in the workforce by promoting awareness among employers and providing support for vocational training and job placement services.

In summary, the bill's importance lies in its ability to promote the rights, inclusion, and well-being of the deaf community in Kenya, while also fostering greater understanding and cooperation between deaf and hearing individuals throughout the country.

From: Leila <leilasugow196@gmail.com>

To: cna <cna@parliament.go.ke>

Date: Friday, 22 March 2024 12:01 PM EAT

Subject: Memoranda on UMULKHEIR HARUN bil kenya sign language (national assembly bill 2024)

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Iam leila haret garissa county

From: abdullahi <abdia3503@gmail.com>

To: cna <cna@parliament.go.ke>

Date: Friday, 22 March 2024 9:37 AM EAT

Subject: Memoranda on UMULKER HARUN BILL The Kenya sign language (National Assembly Bill No 1 of 2024)

CAUTION: This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

I am Abdullahi Abdi from Garissa County, I support the bill sponsored by Nominated MP Hon Umulker Harun , bill No 1 of 2024 , The Kenya sign language.

This bill will help many hearing impairment community get job in the public offices just like others. I hope this bill will pass and help many hearing impairment community in all over Kenya



KENYA NATIONAL ASSOCIATION OF THE DEAF

Advocating for Deaf Rights through Sign Language Recognition.

20th March 2024

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South Rift

The Clerk of the National Assembly of Kenya
P.O Box 41842-00100
Nairobi Kenya

Dear Sir/Madam,


INVITATION TO SUBMISSION OF MEMORAND – KENYAN SIGN LANGUAGE BILL NO 9 OF 2023

We are the leading umbrella body advancing the rights for the 5% of Kenya population or 2.7 million Deaf persons in Kenya since our establishment in 1987. We have been pushing for the recognition of Kenyan Sign Language as a language of the Deaf community in Kenya.

With the intention to submit oral submission upon your invitation we wish to submit that in the interest of the Deaf community including Kenyan Sign Language Interpreters, we urge the need for **Kenyan Sign Language Bill No. 9 of 2023 be harmonized with the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) or defeated in its entirety in favor of the Kenya Sign Language Bill (National Assembly Bill No.1 of 2024)** based on the following ground

- a) The Bill is limited in scope to Kenya Signed English which is applicable as English grammar based system of communication in learning institutions. The Constitution assigns English, Kenyan Sign Language and Kiswahili as Business and official languages with Kiswahili being a National Language and specifically singles out Kenyan Sign Language as among that cultural linguistics to be promoted.
- b) Kenyan Sign Language contemplated by the Constitution under Article 7 (3) is broader in scope and all-encompassing cultural linguistic mode of communication by a cross-section of Kenya's ethnic linguistics;
- c) There should be a Kenyan Sign Language Council to be added under as a new Section 20 and designation of Registrar under Section 11 (1) transforms the Bill into a Money Bill with the meaning of Article 114 of the Constitution; Please see attached matrix for further recommendations as we await opportunity for oral submission.

Yours Faithfully,


Nickson O. Kakiri
National Chairperson

A member of the World Federation of the Deaf (WFD)

Registered on 1st December 1987 under the Societies Act (Cap.108) No.Soc/24623



**Federation of Deaf Women
Empowerment Network - Kenya**

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📍 @FedwenKenya

📌 Fedwen Kenya

DATE 13/03/2024

**Memorandum by the Deaf Community in Kenya on the Kenya Sign Language Bills
No.9 of 2023**

Introduction

The Federation of Deaf Women Empowerment Network Kenya(FEDWENK) wishes to register its sincere appreciation for the efforts of the Senate in the passage of the Kenyan Sign Language Bill 2023. The KSL Bill 2023 will go a long way in improving the socio-economic conditions of more than 2,000,000 deaf and hard of hearing people in Kenya. Furthermore, we acknowledge the unwavering efforts of Hon. Crystal Asige for spearheading the process of the passed KSL Bill 2023.

However, in the interest of the Deaf community including Kenyan Sign Language Interpreters, we wish to urge the need for Kenyan Sign Language Bill No. 9 of 2023 be harmonized with the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024) or defeated in its entirety in favor of the Kenya Sign Language Bill (National Assembly Bill No.1 of 2024). Our humble concerns are as follows;

	Core sections of the Bill	Key Concerns/Gaps	Recommendations
1	<p>Introduction: Section 1; AN ACT of Parliament to give effect to Article 7(3)(b) of the Constitution on the promotion and development of the use of Kenyan Sign language; to give effect to Article 54(1)(d); to provide for the inclusion of sign language in education curriculum; to provide for the use of sign</p>	<p>The clause largely focuses on education and legal proceedings, yet there are several significance and elements in respect to Kenyan Sign language and challenges of deaf people in Kenya. The deaf community is also</p>	<p>We recommend this section be reviewed as AN ACT of Parliament to give effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d) and 120 of the Constitution; to establish the Kenyan Sign Language Council for the regulation of sign language interpretation in Kenya</p>

	language in legal proceedings; and for connected purposes	appealing for the establishment of the Council or a relevant body	and to provide for the recognition, promotion and use of Kenyan Sign Language and for connected purposes.
2	<p>Section 2; Interpretation</p> <p>Kenya signed English” means manually coded English involving producing signs which correspond to an English word in an English sentence in English word order designed to facilitate communication between the deaf and hearing community</p> <p>Sign Language: Means a systems of communication both visual or tactile as the case may be by manual signs or symbols including movement</p>	<p>This is in contradiction with the constitution of Kenya and standards by the World Federation of the Deaf</p> <p>The definition is not adequately elaborated</p>	<p>We recommend that this clause be amended as;</p> <p>“Kenyan Sign Language” means the sign language used for communication by the Deaf community in Kenya;</p> <p>We propose this section be amended as sign language” means a form of visual or tactile language that uses manual signs that have structure or meaning like other languages;</p>
3	<p>Section 6(3) clause 3 judicial officer shall make a determination as to the accuracy of any interpretation...’.</p>	<p>This might pose a huge challenge to operationalize. Kenyan Sign Language Interpreters subscribe to a code of practice and as long as the judiciary appoints competent Interpreters, then they will be able to deliver. The good practice in ensuring accuracy in SL Interpretation is having two interpreters who assist each other and not a 3rd party who is not a SL Interpreter determining the accuracy of the services.</p>	<p>This clause should be expunged in its entirety.</p>
4	<p>Section 7 (g); Educational support for deaf learners</p> <p>Clause(g) the CS for Education is tasked to ensure that teacher training colleges extend their courses to cover Kenyan</p>	<p>We feel this is a confusion and misunderstanding of SL Interpretation training as a profession and cannot fall as part of teacher training courses. KISE is already having a Diploma in SNE</p>	<p>Recommendation: In the spirit of inclusion within mainstream schools, Teacher Training Colleges should train basic sign language skills to all teachers for interaction and communication but not to teach deaf learners or</p>

	<p>Sign Language and Interpretation Training.</p> <p>Clause (i) ..establish a scheme for the provision of KSL language classes to the parents, siblings and grandparents of a child who is deaf</p>	<p>and Teacher Training Colleges are established to train P1 teachers. Having P1 teachers take SL Interpretation Courses will confuse the Diploma Course already being rolled out by KISE.</p> <p>Teaching parents and guardians SL is a great and impactful endeavor. It will fill a cosmic gap relating to parents' limited ability to support their deaf children's language development. This said, the clause places this responsibility under the CS for Education. We feel this is wrong placed and will pose challenges to implement as it is not the responsibility of the CS education.</p>	<p>become SL interpreters. We thus suggest that Clause 7 (g) be changed to mention general basic SL training in all teacher training colleges.</p> <p>The function is better placed under the CS for Labour and Social Services or National Council for Persons with Disabilities.</p>
5	<p>Section 9 (1) Standards, accreditation and procedures Caps 496</p> <p>Clause 1...the CS shall in consultation with the Kenya accreditation Services established under Section 4 of the Kenya Accreditation Act and members of the deaf community</p> <p>Clause 9 about the Kenya National Accreditation Service is charged with Accreditation of SL Interpretation.</p>	<p>We feel that when operating the Bill, it would be very difficult to define members of the deaf comm</p> <p>Our concern is about the capability of KENAS to undertake such a program. The good practice in many countries where SLI is mature as a profession is having a specific body to undertake this.unity.</p>	<p>We recommend the need to work with a council or relevant body to be established under the section 11 of this Bill</p> <p>There should be an established Council or relevant body charged with regulation and accreditation of SLI including conducting research and training in SL. This will be the most effective way of complimenting and giving life to Article 7 (b) of the Kenyan Constitution.</p>
6	<p>Section 11 (1); Registrar;</p> <p>Clause (1) The CS shall designate a public officer within the Ministry as the registrar of KSL interpreters</p>	<p>This in our opinion would be dysfunctional and problematic in the implementation of the Bill. Given the limited funding in any Ministry, it would be</p>	<p>We recommend the importance to establish a Council or relevant body; The Council shall be a body corporate with perpetual succession and common seal.</p>

		<p>difficult to deliver. The global best practices dictate that the process of registration, accreditation, and registration of sign language interpreters requires a full board with representatives from respective bodies to discharge such functions</p>	<p>The functions of the Council shall include</p> <ul style="list-style-type: none">(a) regulate the use and development of sign language in Kenya;(b) put in place measures for the recognition and preservation of the use of Kenyan Sign Language;(c) undertake research and create awareness on the culture and heritage of the Deaf community in Kenya;(d) set and enforce standards for the training, practice and use of Kenyan sign language and Kenya Sign Language interpretation;(e) register and license sign language interpreters in Kenya;(f) maintain a register and keep a record of all sign language interpreters registered under this Act;(g) protect and promote the right of the Deaf, hard of hearing and Deafblind community to equal access to information and communication, including the right to access to justice;(h) determine the minimum fees chargeable for the provision of services under this Act;(i) advise the Cabinet Secretary and county governments on matters relating to sign language;(j) develop and regulate ethical and disciplinary standards for sign language interpreters;(k) collaborate with other relevant government agencies in the use and development of sign language in Kenya; and(l) perform such other functions as may be prescribed by any other law or as necessary for the promotion of objects of this Act
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<p>Section 11 (2) Qualification of the Registrar</p>	<p>We are concerned that the qualifications defined under section 11(2) is very minimal without necessary knowledge and experience in Sign Language</p>	<p>We propose the need to expand the qualifications of the registrar as follows; A person is qualified for appointment as the Registrar of the Council if the person—</p> <ul style="list-style-type: none"> (a) is a citizen of Kenya; (b) holds a degree in social sciences or its equivalent, from a university recognized in Kenya; (c) has had at least ten years proven experience at management level; (d) has had at least five years experience in sign language proficiency in Kenya; and (e) meets the requirements of Chapter Six of the Constitution <p><u>Registrar of the Council.</u> be the Secretary and Chief Executive Officer of the Council and be the accounting officer of the Council;</p> <p>Function</p> <ul style="list-style-type: none"> (i) implementing the decisions of the Council regarding all matters relating to the registration and regulation of sign language interpretation; (ii) the day-to-day administration and management of the affairs of the Council; (iii) coordination and supervision of the staff of the Council; (iv) keeping and maintaining the register of persons registered as sign language interpreters in accordance with this Act; (v) subject to the directions of the Council, make the necessary alterations or corrections in the register; (vi) Perform any other duties as may be assigned by law and the Council.
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			<p>We further proposed for consideration of the composition of the Council should include;</p> <ol style="list-style-type: none"> 1) a chairperson who shall be appointed by the Cabinet Secretary; 2) the Principal Secretary in the Ministry for the time being responsible for matters relating to education or a representative designated in writing; 3) the Principal Secretary in the Ministry for the time being responsible for matters relating to culture or a representative designated in writing; 4) The chairperson of the National Council for Persons with Disabilities or a representative designated in writing 5) three persons nominated by the most representative registered National Association of the Deaf community in Kenya 6) two persons nominated by the most representative registered National Association for sign language interpreters in Kenya; and 7) the Registrar who shall be an ex officio member of the Council.
7	<p>Section 12: Register of sign language interpreters</p> <p>Clause (1)the registrar shall keep and maintain a register in which the name of every person registered by the cabinet secretary to provide sign language interpretation service...</p> <p>Qualification for Registration</p>	<p>It remains unclear whether it will be the Cabinet Secretary or registrar who will conduct registration of sign language interpreters</p> <p>The bill does not provide required qualifications for registration of sign language interpreters</p>	<p>We recommend this clause be amended accordingly. It is the registrar in consultation with the CS or the to be established council to perform such function.</p> <p>We recommend the following be inserted in this clause; a person is qualified to be registered to provide Kenyan Sign Language interpretation</p>

			<p>services under this Act, if the person—</p> <p>(a) has proficiency in English or Kiswahili languages as contemplated under Article 7(1) and (2) of the Constitution;</p> <p>(b) possesses such professional qualifications from an institution recognized by the Council;</p> <p>(c) has obtained practical experience and skills in Kenyan Sign Language interpretation as may be prescribed by the Council; and</p> <p>(d) has successfully passed the continuing professional development examination or such other requirements as may be conducted by the Council, from time to time.</p> <p>We further recommend the need to include provisions on application of registration and effect of registration</p>
	<p>Section 13; Certificate of Registration</p>	<p>The current provisions very minimal to ensure effective implementation of certificate of registration requirement. More provisions are required as proposed in the recommendation section</p>	<p><u>Practising certificate.</u></p> <p>(1) The Registrar shall issue a practicing certificate to a person whose name is entered into the register. (2) A person shall not provide Kenyan Sign Language interpretation services unless, that person has been registered and issued with a practicing certificate under this Act. (3) A practicing certificate issued under subsection (1), shall be valid for a period of one year running from the 1st of January to the 31st of December of each year and may, upon expiry, be renewed on making an application for renewal. (4) A person applying for a practicing certificate under subsection (1), shall be required</p>

to submit an application in the prescribed form accompanied by a certificate of continuing professional development issued by the Council and a prescribed fee.

Renewal of Practising certificate.

(1) A person who holds a practicing certificate may on the expiry of the practicing certificate apply to the Council for a renewal of the certificate.

(2) An application made under subsection (1), shall be accompanied with— (a) a declaration in the prescribed form; (b) fees for the current practicing period and subject to the approval by the Council, any unpaid fees, including penalties as prescribed by the Council; and (c) proof of fulfillment of all applicable conditions for renewal of a certificate. (3) The Council may, with sufficient cause, refuse to issue or renew a certificate and shall communicate the refusal and give reasons for such refusal to the applicant within twenty-one days of making the decision.

Suspension and cancellation of practising certificate.

(1) The Council may suspend or cancel a certificate issued under this Act where— (a) allegations of misconduct have been investigated and proven against a sign language interpreter; (b) a sign language interpreter has been convicted of an offence under this Act; (c) a false declaration was made in an

		<p>application for a practising certificate; or (d) a sign language interpreter has contravened any of the provisions of this Act. (2) The cancellation or suspension of a practising certificate under subsection (1), shall be subject to the principles of fair administrative action prescribed under Article 47 of the Constitution and the Fair Administrative Action Act.</p> <p><u>Effect of removal of name, suspension or cancellation of a practising certificate.</u></p> <p>A person whose name has been removed from the register or whose certificate has been suspended or cancelled, shall not provide Kenyan Sign Language interpretation services during the period of removal of name, suspension or cancellation of his or her practising certificate</p>
<p>Section 12 Sign language at the work place</p> <p>(e) provides that the National and County Governments '...subsidize the acquisition of hearing aids....</p>	<p>It is good to mention that at the moment hearing aids are not manufactured in Kenya and we have to import them. It is thus an exercise in futility tasking County Governments to subsidize commodities to be imported.</p>	<p>This is a function under the National Government and Kenya Revenue Authority. We thus recommend expunging this clause as it is also provided for under the Persons with Disabilities Act 2003.</p>

Conclusion

Having reviewed the Kenya Sign Language Bill No.9 of 2023, we feel it's an illustrious move by the Honourable Sponsors of the bills and goes a long way to ensure inclusion and better welfare of more than 2,000,000 deaf and hard-of-hearing people in Kenya as well as bring to life Article 7 (b). That said, our overarching concern is that the bill, in trying to avoid being a money bill, ended up advancing vague and dubious provisions that will bring little or no direct benefits to the deaf community. Another great concern is the involvement of the deaf community in the drafting of the bill. This is a clear violation of Article 232 (1) (d). We still appreciate that we can participate in the process now that the bill is in Parliament but we would have been more happy to be involved earlier.

Our prayer, as the Deaf Community, is to have a Body established with the sole mandate of all these. A body will be able to ensure research, training, accreditation, setting up of standards and monitoring quality and standards in SL training and interpretation. A council or body will be better placed to monitor Sign Language interpretation services, receive and hear complaints as well as institute disciplinary proceedings. This a huge responsibility and cannot be placed on a single officer in the name of a Registrar.

Finally, it is our profound recommendation that the Kenya Sign Language Bill No.9 of 2023 be harmonized with the Kenyan Sign Language Bill (National Assembly Bill No.1 of 2024) or defeated in its entirety in favor of the Kenya Sign Language Bill (National Assembly Bill No.1 of 2024).

Josephine Aska



CEO

On Behalf of FEDWEN Kenya

NATIONAL DISABILITY FORUM

C/O United Disabled Persons of Kenya, APDK Orthopedic Workshop, Opposite ABC Place, Off Waiyaki Way
P.O Box 13941-00800, NAIROBI, Kenya [Tel: +254717141122]Email: udpk@udpkenya.or.ke and Black Albinism 07 99339372 Email
akasujalan@gmail.com

21st March 2024

Our Ref: NDF-C./PWD/BILLS/MEMO. 3/2024

**Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
Parliament Buildings, Parliament Road
NAIROBI.**

ADVANCE COPY VIA EMAIL: cna@parliament.go.ke

MEMORANDA ON KENYA SIGN LANGUAGE (SENATE BILLS, NO. 9 OF 2023)

Forwarded herewith for onward transmission to the relevant committees, please find the subject memoranda on: _____

- a) Kenya Sign Language (Senate Bills, No. 9 of 2023);
- b) Persons with Disabilities (Senate Bills, No. 7 of 2023); and
- c) Learners with disabilities (Senate Bills, No. 4 of 2023).

In addition to the foregoing, we making a formal request for:

- a) Invitation to make oral submissions before the relevant committees;
- b) Invitation to be present in the Speaker's Gallery on the days of tabling of the reports of the various committees;

- c) Fast tracking of debate and approval of the Bills; and
- d) An opportunity to engage with the Chairs, Vice Chairs and not more than three members of the relevant committees at our invitation.

The National Disability Forum is a network of Organizations of and for Persons with Disabilities (OPDs) with active presence in the counties. Its mandate is to act as a space for generating knowledge on issues affecting OPDs and their constituencies and applying this knowledge to influence disability inclusion in the management of public affairs in Kenya.

In addition to this advisory, we are proposing to partner with the State Department for Social Protection in developing a uniform checklist against which all sectoral legislation will be assessed by the department for compliance with Disability Inclusion principles.

We would be grateful if the State Department indicated its willingness to partner with us in the development of the aforementioned Disability Inclusion Legislation Checklist.

Yours sincerely,

FOR AND ON BEHALF OF THE NATIONAL DISABILITY FORUM

John Wambua



Caucus Convenor

United Disabled persons of Kenya

National Disability Caucus Participants in the Memoranda development included

- United Disabled Persons of Kenya
- Sight of Relief;
- Kiambu Disability Network;
- University and college students with Special Needs Association of Kenya;

- Women Challenged to challenge; Action for Children with Disability; Kenyan
- Paraplegic Organization (KPO); Kenya National Deaf Association; Deaf
- Empowerment Kenya;
- Stammering Association of Kenya;
- Andy speaks;
- Down Syndrome Society of Kenya;
- Black Albinism;
- Caucus on Disability Rights Advocacy (CDRA);
- Differently Talented Society of Kenya (DTSK);
- Kenya Union for the Blind (KUB);
- Bunge la Disability;
- Championing for Inclusive Communities (CIC K);
- Mzalendo Trust;
- Kenya Association of the Intellectually Handicapped (KAIH);
- ARIVI;
- Integrated Langata Disability Group,
- KEDIPA

<p>GENERAL OBSERVATIONS & CONCERNS:</p>	<p>a) The Bill is limited in scope to Kenya Signed English which is applicable as language of instruction in learning institutions. The Constitution assigns English as official language, Kiswahili as National Language and specifically singles out Kenyan Sign Language as among those cultural linguistics to be promoted;</p> <p>b) Kenyan Sign Language contemplated by the Constitution under Article 7 (3) is broader in scope and all-encompassing cultural linguistic mode of communication by a cross-section of Kenya's ethnic linguistics;</p> <p>c) Proposal for incorporation of establishment of Kenyan Sign Language Council under a new Section 20 and designation of Registrar under Section 11 (1) transforms the Bill into a Money Bill with the meaning of Article 114 of the Constitution; and</p> <p>d) There is need for harmonization of this Bill with the one in the National Assembly (Bill No. 1 of 2024) to ensure that the gains in both Bills are retained in the best interest of the more than 2,000,000 Deaf Community and Hard of Hearing people in Kenya.</p>	
<p>SECTION</p>	<p>RECOMMENDATION</p>	<p>REASON (S)</p>
<p>Introduction: Section 1; AN ACT of Parliament to give effect to Article 7(3)(b) of the Constitution on the promotion and development of the use of Kenyan Sign language; to give effect to Article 54(1)(d); to provide for the inclusion of sign language in education curriculum; to provide for the use of sign language in legal proceedings; and for connected purposes</p>	<p>Reframe the preamble as follows: AN ACT of Parliament to give effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d) and 120 of the Constitution; to establish the Kenyan Sign Language Council for the regulation of sign language interpretation in Kenya; to provide for the recognition, promotion and use of Kenyan Sign Language in public and institutions learning; to provide for the use of sign language in legal proceedings; and for connected purposes.</p>	<p>The Preamble as framed predominantly addresses education and legal proceedings. It overlooks significant aspects related to Kenyan Sign Language and the challenges faced by the deaf community in Kenya. The proposed Kenyan Sign Language Council will be a statutory regulatory body responsible for: (a) Sign language interpretation in Kenya; and b) Promoting the recognition ,setting standards in the use of Kenyan Sign Language in public and learning institutions</p>
<p>Section 2; Interpretation "Kenya signed English" means manually coded English involving producing signs which correspond to an English word in an English sentence in English word order designed to</p>	<p>Reframe this as follows: "Kenyan Sign Language" means the sign language contemplated under Article 7 (3) (b) of the Constitution used for communication by the Deaf community in Kenya Reframe as follows:</p>	<p>This is in contradiction with the Constitution of Kenya and normative standards set by the World Federation of the Deaf</p>

<p>facilitate communication between the deaf and hearing community</p> <p>Sign Language: Means a systems of communication both visual or tactile as the case may be by manual signs or symbols including movement</p>	<p>“Sign language” means a form of visual or tactile language that uses manual signs that have structure or meaning like other languages</p> <p>Insert a new definition as follows in appropriate alphabetical order: “Sign Language Council” means the Kenyan Sign Language Council established under Section 20 of this Act</p>	<p>The definition is not adequately elaborated</p>
<p>Section 6: Use of sign language in Legal proceedings. (3) The judicial officer shall make recommendation as to the accuracy of any interpretation from the KSL into spoken or written....</p>	<p>Reframe as follows: The Judicial Officer, who shall be a Kenyan Sign Language Interpreter accredited and certified by the Sign Language Council, shall make recommendation as to the accuracy of any interpretation from the KSL into spoken or written....</p>	<p>This clause does not specify whether the judicial officer making recommendation to the accuracy is competent in KSL interpretation. Without competence, the meaning is likely to be lost in interpretation. There is need for specificity as to the professional competence and proficiency of the Judicial Officer in Kenya Sign Language. In addition, Kenyan Sign Language Interpreters subscribe to a code of practice. The good practice in ensuring accuracy in SL Interpretation is having two interpreters who assist each other and not a 3rd party who is not a SL Interpreter determining the accuracy and quality of the services.</p>
<p>Section 7: education support for Learners (g) the CS for education shall ensure that institutions offering teaching training, as part of their curriculum, courses on Kenyan Sign Language and Interpretation.</p>	<p>Reframe as follows: The CS for education shall ensure that institutions offering teaching training offer training on general basic sign language skills to all teachers for interaction and communication.</p>	<p>Training institutions that offer Teachings do not have to offer the full KSL training. However, for the purpose of inclusivity. Individuals in teaching training can learn basic sign language just for basic communication. Such training</p>

		<p>should not be intended to make teacher trainees become professional Kenyan Sign Language Interpreters</p> <p>In addition, KISE is already having a Diploma course in SNE and Teacher Training Colleges are established to train P1 teachers. Having P1 teachers take SL Interpretation Courses will confuse the Diploma Course already being rolled out by KISE.</p>
<p>Section 7 (i): Clause establish a scheme for the provision of KSL language classes to the parents, siblings and grandparents of a child who is deaf</p>	<p>Reframe as follows: The Cabinet Secretary for the time being responsible for matters relating to Persons with Disabilities shall, in consultation with the Sign Language Council, establish a scheme for the provision of KSL language classes to the parents, siblings and grandparents of a child who is deaf</p>	<p>There is need for consistency in placing this mandate in the docket and portfolio of the ministry responsible for issues to do with PWDs. Otherwise, this is a great idea which plugs and enduring gap in the communication between Deaf children, their parents and other community members. The subsisting challenge is that while Deaf Children interact with members of the learning/school community, they cannot engage parents on their learning environment experiences, including parental assistance with assigned school work.</p>
<p>Section 9 (1) Standards, accreditation and procedures Caps 496</p>	<p>Reframe as follows: The Cabinet Secretary for the time being responsible for matters relating to persons with disabilities shall, in consultation with the Registrar and the Kenya Accreditation Services established under section 4 of the Kenya Accreditation Act, develop a national system of standards, accreditation and procedures for Kenyan Sign Language interpretation</p>	<p>There is ambiguity in what constitutes "Deaf Community" as used in this part. The interpretation of "Deaf Community" in the Bill is broad and does not contemplate an organized entity through which consultations may be made</p>

<p>Section 11 (1); Registrar; Clause (1) The CS shall designate a public officer within the Ministry as the registrar of Kenyan Sign Language interpreters</p>	<p>Delete this Section</p>	<p>It is superfluous. The office of Registrar has been established under the Sign Language Council in Section 22. In addition global best practices dictate that the process of registration, accreditation, and registration of sign language interpreters requires a full board with representatives from respective bodies to discharge such functions.</p>
<p>Section 12: Register of sign language interpreters</p>	<p>Insert the following under this Section: 1) A person is qualified to be registered to provide Kenyan Sign Language interpretation services under this Act, if the person— (a) has proficiency in English or Kiswahili languages as contemplated under Article 7(1) and (2) of the Constitution; (b) possesses such professional qualifications from an institution recognized by the Council; (c) has obtained practical experience and skills in Kenyan Sign Language interpretation as may be prescribed by the Sign Language Council; and (d) has successfully passed the continuing professional development examination or such other requirements as may be conducted by the Council, from time to time.</p> <p>2) Consider including provisions on procedure of application for registration and effect of registration</p>	<p>The bill does not provide required qualifications for registration of sign language interpreters</p>
<p>Section 13; Certificate of</p>	<p>Reframe as follows:</p>	<p>The current provisions are very minimal</p>

<p>Registration</p>	<ol style="list-style-type: none"> 1) The Registrar shall issue a practicing certificate to a person whose name is entered into the register 2) A person shall not provide Kenyan Sign Language interpretation services unless that person has been registered and issued with a practicing certificate under this Act. 3) A practicing certificate issued under subsection (1), shall be valid for a period of one year running from the 1st of January to the 31st of December of each year and may, upon expiry, be renewed on making an application for renewal. 4) A person applying for a practicing certificate under subsection (1), shall be required to submit an application in the prescribed form accompanied by a certificate of continuing professional development issued by the Council and a prescribed fee. 5) A person who holds a practicing certificate may on the expiry of the practicing certificate applied to the Council for a renewal of the certificate. 6) An application made under subsection (1), shall be accompanied with— <ol style="list-style-type: none"> (a) a declaration in the prescribed form; (b) fees for the current practicing period and subject to the approval by the Sign Language Council, any unpaid fees, including penalties 	<p>to ensure effective implementation of certificate of registration requirements. More provisions are required as proposed in the recommendation section</p>
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	<p>as prescribed by the Sign Language Council; and</p> <p>(c) proof of fulfillment of all applicable conditions for renewal of a certificate.</p> <p>7) The Sign Language Council may, with sufficient cause, refuse to issue or renew a certificate and shall communicate the refusal and give reasons for such refusal to the applicant within twenty-one days of making the decision.</p>	
<p>Insert a new section and renumber the sections as appropriate. Section 14: Suspension and cancellation of practicing certificate</p>	<p>(1) The Sign Language Council may suspend or cancel a certificate issued under this Act where—</p> <p>(a) allegations of misconduct have been investigated and proven against a sign language interpreter;</p> <p>(b) a sign language interpreter has been convicted of an offence under this Act;</p> <p>(c) a false declaration was made in an application for a practicing certificate; and</p> <p>(d) a sign language interpreter has contravened any of the provisions of this Act.</p> <p>(2) The cancellation or suspension of a practicing certificate under subsection (1), shall be subject to the principles of fair administrative action prescribed under Article 47 of the Constitution and the Fair Administrative Action Act.</p> <p>(3) A person whose name has been removed from the register or whose certificate has</p>	

	<p>been suspended or cancelled, shall not provide Kenyan Sign Language interpretation services during the period of removal of name, suspension or cancellation of his or her practising certificate</p>	
<p>Insert a new Section 20: Establishment of the Kenyan Sign Language Council</p>	<p>1) There is established the Kenyan Sign Language Council, which shall be a body corporate with perpetual succession and common seal.</p> <p>2) The functions of the Council shall include</p> <ul style="list-style-type: none"> (a) regulate the use and development of sign language in Kenya; (b) put in place measures for the recognition and preservation of the use of Kenyan Sign Language; (c) undertake research and create awareness on the culture and heritage of the Deaf community in Kenya; (d) set and enforce standards for the training, practice and use of Kenyan sign language and Kenyan Sign Language interpretation; (e) register and license sign language interpreters in Kenya; (f) maintain a register and keep a record of all sign language interpreters registered under this Act; (g) protect and promote the right of the Deaf, hard of hearing and Deafblind community to equal access to information and 	

	<p>communication, including the right to access to justice;</p> <p>(h) determine the minimum fees chargeable for the provision of services under this Act;</p> <p>(i) advise the Cabinet Secretary and county governments on matters relating to sign language;</p> <p>(j) develop and regulate ethical and disciplinary standards for sign language interpreters;</p> <p>(k) collaborate with other relevant government agencies in the use and development of sign language in Kenya; and</p> <p>(l) perform such other functions as may be prescribed by any other law or as necessary for the promotion of objects of this Act</p>	
<p>Section 21: Composition of the Kenyan Sign Language Council</p>	<p>The Council shall comprise of:</p> <p>(a) a chairperson who shall be appointed by the Cabinet Secretary;</p> <p>(b) the Principal Secretary in the Ministry for the time being responsible for matters relating to education or a representative designated in writing;</p> <p>(c) the Principal Secretary in the Ministry for the time being responsible for matters relating to culture or a representative designated in writing;</p>	

	<ul style="list-style-type: none"> (d) the chairperson of the National Council for Persons with Disabilities or a representative designated in writing; (e) three persons nominated by the most representative registered National Association of the Deaf community in Kenya; (f) two persons nominated by the most representative registered National Association for sign language interpreters in Kenya; and (g) the Registrar who shall be an ex officio member of the Council. 	
<p>Section 22: Registrar of the Sign Language Council</p>	<ul style="list-style-type: none"> 1) There shall be a Registrar of Kenyan Sign Language appointed by the Sign Language Council in consultation with the Cabinet Secretary for the time being responsible for matters relating to Persons with Disabilities 2) The Registrar shall be the Secretary and Chief Executive Officer of the Sign Language Council and the accounting officer of the Council 3) The duties of the Registrar shall be: <ul style="list-style-type: none"> a) implementing the decisions of the Council regarding all matters relating to the registration and regulation of sign language interpretation; b) (ii) the day-to-day administration and management of the affairs of the Council; c) (iii) coordination and supervision of the staff of the Council; d) (iv) keeping and maintaining the register of persons registered as sign 	

	<p>language interpreters in accordance with this Act;</p> <ul style="list-style-type: none">e) (v) subject to the directions of the Council, make the necessary alterations or corrections in the register; andf) (vi) perform any other duties as may be assigned by law and the Council.	
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THE PERSONS WITH DISABILITIES BILL 2023

GENERAL OBSERVATIONS & CONCERNS:	The Bill proposes to is a Money Bill	
SECTION	RECOMMENDATION	REASON (S)
<p>Preamble:</p> <p>AN ACT of Parliament to give effect to Article 54 of the Constitution; to restructure the National Council for Persons with Disabilities and to provide for its functions and powers; to provide for the institutional framework for protecting, promoting and monitoring the rights of persons with disabilities; to provide for incentives and reliefs; and for connected purposes</p>	<p>Reframe to read:</p> <p>“AN ACT of parliament to give effect to the provisions of Constitution relating to persons with disabilities; to re-establish the National Council for Persons with Disabilities and to provide for its functions and powers; to provide for the institutional framework for protecting, promoting and monitoring the rights of persons with disabilities; and for connected purposes”</p>	<p>The framing as in the Bill, by specifically citing Article 54, restricts and/or limits the scope of the gains on the rights and entitlements of Persons with Disabilities in the Constitution to that Article. The rights and entitlements of Persons with Disabilities transcend the entire Constitution. The recommended framing is broad and takes cognizance of the transcendent nature of provisions relating to persons with disabilities in the Constitution.</p>
<p>Obligations of the National Government</p> <p>4.The national government shall—</p> <p>(a) develop policies on the protection and promotion of the welfare of persons with disability;</p> <p>(b) undertake investigations, surveys and research into the causes and</p>	<p>Reframe 4 (a) as follows:</p> <p>4 a) The national government shall, in consultation with county governments, Organizations of and for Persons with Disabilities, the National Council for Persons with Disabilities and other stakeholders, develop and implement policies and laws on the protection and promotion of welfare of persons with disability.</p> <p>Delete ‘integration’ and replace with ‘inclusion’</p>	<p>Need for wider consultations with primary stakeholders for co-creation and ownership</p> <p>Inclusion is the normative and operative term used in the disability discourse.</p>

<p>nature of disabilities and development of new assistive devices;</p> <p>(c) put in place measures for the prevention of disabilities and rehabilitation of persons with disability;</p> <p>(h) adopt affirmative action measures in procurement of national government goods and services by implementing preferential procurement for persons or entities managed by persons with disability;</p> <p>(i) ensure access to free basic education and other social amenities to every child with a disability;</p> <p>(j) allocate adequate resources to programmes specifically targeting persons with disabilities;</p> <p>(k) allocate adequate resources for training on persons with disabilities;</p> <p>(l) ensure equity in the distribution of resources to all categories of disabilities; and</p> <p>(m) promote affirmative action to ensure that learners with disabilities are enrolled in all levels of learning</p>	<p>i) Insert the word ‘compulsory’ between the words ‘free’ and ‘basic’ and define the word ‘social amenities’</p> <p>j) Delete the word “specifically” and also consider a framing that include the need for consultations between the county and national government when programming for persons with disability</p> <p>k) Merge j and k to read:</p> <p>Allocate adequate resources to programmes, trainings and support services for persons with disabilities</p> <p>m) Delete ‘affirmative’ and replace it with inclusive</p> <p>Ensure the phrase consultation with county governments in implementing a, b, c, d, e, l and m</p> <p>1 a) insert ‘and county’ after the word ‘national’</p> <p>b) delete the word ‘specifically’</p> <p>c) Insert the word ‘compulsory’ between the words ‘free’ and ‘basic’. Define the word ‘social amenities’ in c</p> <p>d) insert the word ‘accessible’ after information.</p> <p>f) Replace ‘preferential’ with affirmative action</p>	<p>The right to education is guaranteed under Article 43 of the Constitution. It cannot be discretionary. The state has a duty to compel access to education for all children.</p> <p>The term “specifically” is redundant and the Constitution contemplates consultations between the two levels of government under Article 6 (2)</p> <p>Repetitive</p> <p>Inclusion is the normative and operative term used in the disability discourse.</p> <p>Need for consistency in consultations between the two levels of government</p> <p>The term “specifically” is redundant</p> <p>The right to education is guaranteed under Article 43 of the Constitution. It cannot be discretionary. The state has a duty to compel access to education for all children.</p> <p>The term ‘Preferential’ suggests discrimination</p>
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institutions.	Consider a framing on mechanisms for ensuring implementation of the obligations of national and county governments	
5: Obligations of County Governments	<p>2) Reframe to read:</p> <p>In ensuring that a county government meets its obligations under subsection (1), the county executive committee member responsible for issues dealing with disability in each county shall—'</p> <p>b) In consultation with the National government, develop mechanisms for the identification of persons with disability residing in the county.</p> <p>c) Delete 2 (c)</p> <p>2 (d) Reframe by inserting the following immediately after the phrase "rights of Persons with Disabilities under Article 54 (1)":</p> <p>And shall put in place appropriate mechanisms to monitor, evaluate and report on progress</p> <p>e) Reframe by inserting:</p> <p>In consultation with persons with disabilities organizations...</p>	<p>Need for consistency in consultations between the two levels of government as contemplated in Article 6 (2) of the Constitution and to avoid duplication of data</p> <p>Superfluous. The matter already addressed under Section 4</p> <p>This will ensure that implementation of programmes targeting PWDs are tracked</p> <p>This complies to constitutional requirement of effective public participation</p>

	(3) Reframe to include: “public officer conversant with disability matters.....”	This will avoid mismatch of skill sets and ensure that a person who is knowledgeable on issues of disabilities is appointed
	(4): a) Delete ‘who represents’, to read: “Two persons with disability, both of who shall be residents of that county.	It is important to have effective representation of PWDs by persons known to them and understand their unique challenges in addition to being readily available for consultations with local PWDs
	(4) (d) Delete ‘exceeding’ and replace it with ‘less than’	The term “exceeding” is limiting inclusion of PWDs and does not contemplate expansion of County structures
6:	(2) Reframe to include social protection measures which cover non-disabled persons	As framed, it leaves room for misinterpretation by non PWDs
7:	(2): Reframe to include social protection measures which cover non-disabled persons	Same as above
8:	(1), (2), (3) Introduce sub-section 3 (a) – the above applies to PWDs with proven capacity. To have capacity to take care of themselves, to economically, social, provide Free consent of both parties provided the person with disability has capacity to consent. Define/interpretation of capacity – the individual’s ability to understand relevant information, weigh options, and communicate their decisions effectively particularly regarding important matters such as	Affirms right of consent and independent living

	consent and handling significant decisions pertaining to their life, health and legal affairs	
9:	(1) (2) Reframe to provide that sub sections 1 and 2 shall apply except in response to a lawful order issued by a court order or other lawful request by any regulatory agency or government authority and caregivers.	This is intended to avoid impunity
10:	Insert 'except where capacity has not been proven' immediately before "every woman....."	This addresses the issue of capacity
11:	(1): Reframe clause (c) to remove the risk of self-harm and risk to others and align with the Children's Act.	Addresses the potential of a child harming self or others
	Section 11 (1) (f) Reframe to read "quality and inclusive education not just quality education"	Addresses the need for consistency in complying with the CRPD on inclusive education
12:	(e): Reframe to read: "Social, economic and political ..."	Conforms with the right of PWDs to participate in public life and management of public affairs (Article 38 and 54, 100)
14:	(1): Delete 'Card' and substitute therefore "disability identification document"	Card' is limiting. There are other forms of identification
16:	Consider framing and provide interpretation of the term 'human dignity'	There is need for clarity on the understanding of 'Human Dignity'
18:	(6): Reframe to include 'civil unrest'	Is broad and takes into account the fact that there natural and human-made disasters

Section 20:	(5) and (6): merge clause 5 and 6 to read 'Every child with disability has the right to, and shall not be excluded from free and compulsory early childhood, basic, primary, secondary, tertiary or university education based on their disability'	Speaks to right to education under Article 43 and Article 53
	(8): Reframe to include " consultations with relevant government and non-governmental establishments"	Speaks to effective public participation
	(8) (c): Reframe to include "retention of TRAINED special education teachers"	Retention of special education teachers is necessary for retention of learners with various categories of disabilities as well as their transition
25:	(e) Insert "Put in place mechanisms for" immediately before the phrase "prompt attendance by medical personnel ..."	The need for clarity as to processes and structures for delivering health services to PWDs
26:	(2) Insert "forms of" immediately before "communication and devices"	This takes cognizance of existence of different modes of communication not tied to devices and gadgets
	(3) insert, 'taking into account the various categories in disability' immediately before the phrase 'appropriate to different kinds of disabilities' and deleting the latter phrase	Disability is not homogenous and there is need to be conscious of this fact so as not to leave anyone out and be inclusive
	(7) delete "Media Council of Kenya" and substitute therefore "Communication Authority of Kenya"	The Communication Authority of Kenya is the regulator of all communication in Kenya, including media houses

	8) Replace 'subtitle' with 'and or closed captioning'	<ol style="list-style-type: none"> 1. Closed captioning is the universal trend and there is need to be in conformity 2. There is need to conform with universally accepted standards and practice
	Introduce 8 (a) and insert a new (8) (b) the National Council for Persons with Disabilities shall, in consultation with the Communication of Authority of Kenya, determine the appropriate insert size (30% of the entire screen) that is appropriate to all categories of disabilities.	Insert size is in conformity with international normative standards
	(9) Insert "Deaf studies" immediately after "Kenya Sign Language".	Deaf studies is an area of scholarly work that has been neglected and needs to be mainstreamed
28 (1):	Delete 'age appropriate' and replace with 'reasonable accommodation to persons with disabilities'	Age appropriate is limiting and d: scriminatory
28(3)(b):	Replace Kenya Sign Language with "Kenyan Sign Language"	Consistency with constitutional referencing
29(3):	Replace Kenya Sign Language with "Kenyan Sign Language"	Same as above
Section 37:	Reframe to ensure the functions of the Council are devolved to all the counties.	Aligns with Article 6 (3) and the objects of Devolution as set out in Article 175 of the Constitution

37 (d)(i):	Reframe to read “provide with accessible information”	Takes into account the various categories of PWDs and different formats through which they access information
37 (d) (e):	Reframe to provide for inclusion of OPDs in providing intensive public awareness and education on the rights of persons and disabilities.	Speaks to inclusion and effective public participation
40:	Reframe to provide for a requirement that the appointees should be Persons with Disabilities and persons with vast knowledge on issues as long as PWDs shall be in the majority. In addition, the provision should indicate that process should be transparent and done in consultation with organizations of persons with disabilities	The Appointment process is not clear
40 (e)(ii):	Reframe to replace the term “mental disabilities” with “neuro-diverse disabilities”	The term “mental disability” is derogatory
48 (3):	Reframe to provide that the seconded public officers are persons with disability.	Inclusion and qualification on matters relating to PWDs
50(1):	Reframe to provide that the Council should conduct investigation or inquiry when an individual or members of the public file a complaint	Strengthening the powers of the Council in addressing complaints on timely basis
50(3):	1. Reframe to include request of a regulatory body and the members of the public	Broaden the scope of who may make a request

	2. There is need to define “Incentives” as used under this part	
55 (1):	Reframe to define “income” as ‘substantial gainful activity / earning’	Need for clarity and consistency
55 (3):	Reframe to include medicine required to sustain the lives of PWDs	Access to affordable healthcare contemplated under Article 43
56 (1):	Remove the term “severe” and replace it with “support needs” then define “support needs”	Misplaced
56 (2):	Review the amount of 10,000 in the context of social protection	Need for uniformity on penalties
57 (2):	Reframe to include medicine, other daily disability related medication and support by diverse persons with disabilities	Medication required to treat neuro-diverse illnesses have doubled in price which has put a strain on the quality of life for the people with neuro-diverse disabilities. Access to health is a right under Article 43 of the Constitution
50:	Delete “time to time”	The phrase time to time negates the need for predictability, consistency and sustainability
60:	Insert a new clause (d) easy to read and other adapted materials for use by a person with disability”	Accessible formats for various categories of disabilities
62 (1):	Align this with the penal code and other relevant acts of Parliament	Uniformity in offenses and penalties
64:	Harmonize with Section 62 on the penalty	Same as above

67 (1)	Reframe to include “providing health care including and not limited to sexual and reproductive health...”	Broadened understanding of health to include SRHRs and services
67 (2):	Include definition of “impairment” and “disability”	Need for clarity of terms
68:	Reframe to include “Technology based violence”	Takes cognizance of global advances in technology and not being left behind
69 (b):	Reframe to include “monetary or any other benefits wrongfully obtained....shall be returned to the council or other holding institution”	Provides for recovery of fraudulently obtained benefits and financial resources
77 (1):	Reframe to include “County officer”	Uniformity between County and National Government
80 (1): Consultations between the National Governments	<p>Move to Part II – Obligations of the National and County Governments and create a new Section 6. “<i>The national and county governments shall perform their powers and functions under this Act on the basis of consultation and cooperation as contemplated in Article 6 (2) of the Constitution</i>”</p> <p>Renumber the subsequent sections of the Bill as appropriate</p>	Misplaced.

THE LEARNERS' WITH DISABILITIES BILL 2023

GENERAL OBSERVATIONS & CONCERNS:	N/A	
SECTION	RECOMMENDATION	REASON (S)
<p>Clause 3b: Provide a framework for the establishment of a comprehensive education system for the provision of education to learners with disabilities</p>	<p>3 (b): Reframe to read “Provide a framework for the establishment of a comprehensive education system for the provision of education to learners with disabilities</p> <p>Frame a definition for “comprehensive education” as a system of education comprising primary, secondary, university or tertiary.</p> <p>Reframe the Guiding Principles to a section that outlines that the support for special needs education should be geared to transition to inclusive education at the basic and all level of education.</p>	<p>There is need for clarity</p> <p>Need for uniformity</p> <p>Addresses need for retention and transition for learners with disability</p> <p>Universal free education</p>

<p>Clause 5: Every learner with disability shall have the right</p> <p>(a) access quality education;</p> <p>(c) use Kenyan sign language, braille and other specialized medium of instruction commensurate with the learner's educational needs at every level of education;</p> <p>(e) admission, on application to any institution of learning and access to an inclusive, quality and free basic education on an equal basis with others;</p> <p>Clause 7: Responsibility of the National government.</p>	<p>5 (a): Reframe to include "Access to free, quality education at all levels"</p> <p>5 (c): Reframe to include "teachers aides" as personnel</p> <p>5 (e): Reframe to include "Admission, on application to any public institution of learning and access to an inclusive, quality and free basic education on an equal basis with others. Define <i>inclusive education</i> and limit the use of special education</p> <p>7 (w): Reframe to include "Ensure certification of learners with disabilities at exit on various stages of education cognizant to their capabilities" including time committed that shall not be limited to exit exams.</p> <p>8. h – Change to reread: Ensure that every education centre under the mandate of the county has proportional teachers and 'teaching assistants' who are able to assist learners with disabilities;</p> <p>8. m (Addition) – Legislate other laws that are appropriate to promote inclusive education</p> <p>9. 1a. – Change to reread: Public educational institutions that provide inclusive education</p>	
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<p>Clause 8 (2): (h) ensure that every education centre under the mandate of the county has at least one teacher who is able to assist learners with disabilities;</p> <p>Clause 8: Responsibility of the County Governments</p> <p>9. (1) Each county executive committee member shall keep and maintain a register record of all educational institutions that provide education to learners with disabilities in the county including —</p> <p>(a) public educational institutions that provide education for learners with disabilities in the County;</p> <p>(2) Any person may inspect the register and obtain a copy of, or an extract from the register upon payment of such fee as the county may prescribe.</p>	<p>9.2. Change to reread: Any person may inspect the register and obtain a copy of, or an extract from the register commensurate to data protection laws, and upon payment of such fee as the county may prescribe.</p> <p>11. e. Include – Provide a redress mechanism whereby such an institution is under deregistration or closure process</p> <p>19. 4c. The use of the term “unsound mind” is derogatory. Appropriate language should be revised to be compliant to the Convention of the Rights of Persons with Disabilities (CRPD) Registration of service providers thereto referred in section 19. 4c is discriminative to service providers with mental health conditions. Comment: Persons with mental health conditions that can be service providers with legal and mental capacity should not be locked out to provide services.</p>	
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<p>Clause 11: Deregistration or closure of special needs educational institutions</p> <p>19. (1) It shall be the responsibility of the Special Needs Education Advisory Board to establish and maintain a register of special service providers qualified to provide services to learners with disabilities.</p> <p>(4) A person shall not be registered as a special service provider if such person-</p> <ul style="list-style-type: none">(a) does not meet the requirements of registration under subsection (2);(b) has been declared bankrupt;(c) is of unsound mind;		



MEMORANDUM TO
THE NAIROBI CITY COUNTY PERSONS WITH DISABILITIES
(AMENDMENT) BILL, 2023

Presented by: -
Kenya National Association of the Deaf (KNAD)
AHADI Governance and Research Consultancy (AGREC)
Down Syndrome Society of Kenya
Free a Girl's World Network

SUBMITTED TO: -
Nairobi County Assembly
Contact 0710356483
DATE: -
13TH MARCH, 2024

TO;
S. NJOROGE, CBS
THE CLERK OF THE NATIONAL ASSEMBLY,
P.O BOX 41842-00200,
NAIROBI.

**MEMORANDUM BY FREE A GIRL'S WORLD NETWORK ON THE KENYA SIGN
LANGUAGE BILLS NO.9 OF 2023**

Introduction: As advocates for inclusivity and equality, Free a Girl's World Network extends its gratitude to Hon. Senator Crystal Asige and Hon.Senator Kamar for their unwavering commitment in spearheading the Kenyan Sign Language (KSL) Bill 2023. We acknowledge the significant strides made in recognizing the rights and needs of the deaf and hard of hearing community in Kenya. However, we find it imperative to address certain concerns regarding the current iteration of the KSL Bill 2023.

The Kenya Sign Language Bill holds profound significance in ensuring the rights and dignity of over two point five million deaf and hard of hearing individuals across Kenya. By officially recognizing and promoting the use of Kenyan Sign Language, this bill has the potential to break down communication barriers, facilitate access to education, employment, and healthcare, and foster social integration for the deaf and hard of hearing community.

Concerns and Recommendations:

While we acknowledge the positive intent behind the KSL Bill 2023, our support is hindered by a fundamental lack of consultation during its development which constitutes a clear violation of Article 232 (1) (d). While we appreciate the opportunity to participate in the parliamentary process, earlier involvement would have been more desirable and its non-compliance with Article 7b. We believe that any legislation aimed at safeguarding the rights of marginalized communities must involve thorough consultation with relevant stakeholders to ensure inclusivity and effectiveness.

In light of these concerns, we urge the need for the harmonization of the Kenya Sign Language Bill No. 9 of 2023 with the Kenya Sign Language Bill (National Assembly Bill No. 1 of 2024). Alternatively, we advocate for the defeat of the KSL Bill 2023 in its entirety in favor of the updated version presented in the National Assembly Bill No.1 of 2024.

Our humble concerns stem from a genuine commitment to advancing the rights and well-being of the deaf and hard of hearing community in Kenya. We call upon all stakeholders to prioritize inclusivity, consultation, and compliance with legal frameworks to ensure that the legislation adequately addresses the needs and aspirations of the individuals it seeks to serve. Together, let us work towards a future where every voice is heard, and every sign is understood. Our humble concerns are as follows;

Section 1;

AN ACT of Parliament to give effect to Article 7(3)(b) of the Constitution on the promotion and development of the use of Kenyan Sign language; to give effect to Article 54(1)(d); to provide for the inclusion of sign language in education curriculum; to provide for the use of sign language in legal proceedings; and for connected purposes

Recommendation. We recommend this section be reviewed as AN ACT of Parliament to give effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d) and 120 of the Constitution; to establish the Kenyan Sign Language Council for the regulation of sign language interpretation in Kenya and to provide for the recognition, promotion and use of Kenyan Sign Language and for connected purposes.

Section 2 interpretation of terms

- **“Council”** means the National Council for Persons with Disabilities established under section 3 of the Persons with Disabilities Act;
- **“Cabinet Secretary”** means the Cabinet Secretary responsible for matters relating to education;
- **“Kenya signed English”** means manually coded English involving producing signs which correspond to an English word in an English sentence in English word order designed to facilitate communication between the deaf and hearing community;

Recommendation: defines “Council” to be defined as the Kenyan Sign Language Council; “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to language and culture The Senate Bill defines Kenya Signed English which should not be.

Section 6(3) judicial officer shall make a determination as to the accuracy of any interpretation

Recommendation: we recommend this clause should be expunged in its entirety since Kenyan Sign Language Interpreters subscribe to a code of practice.

Section 6 (3) ‘...judicial officer shall decide as to the accuracy of any interpretation...’. This might pose a huge challenge to operationalize. Kenyan Sign Language Interpreters subscribe to a code of practice and as long as the judiciary appoints competent Interpreters, then they will be able to deliver. The good practice in ensuring accuracy in SL Interpretation is having two interpreters who assist each other and not a 3rd party who is not a SL Interpreter determining the accuracy of the services.

Recommendation: This clause should be expunged in its entirety.

section 7 (g) – the CS for Education is tasked to ensure that teacher training colleges extend their courses to cover Kenyan Sign Language and Interpretation Training. We feel this is a confusion and misunderstanding of SL Interpretation training as a profession and cannot fall as part of teacher training courses. KISE is already having a Diploma in SNE and Teacher

Training Colleges are established to train P1 teachers. Having P1 teachers take SL Interpretation Courses will confuse the Diploma Course already being rolled out by KISE.

Recommendation: In the spirit of inclusion within mainstream schools, Teacher Training Colleges should train basic sign language skills to all teachers for interaction and communication but not to teach deaf learners or become SL interpreters. We thus suggest that Clause 7 (g) be changed to mention general basic SL training in all teacher training colleges.

section 7 (i) – Teaching parents and guardians SL is a great and impactful endeavor. It will fill a cosmic gap relating to parents' limited ability to support their deaf children's language development. This said, the clause places this responsibility under the CS for Education. We feel this is wrong placed and will pose challenges to implement as it is not the responsibility of the CS education.

Recommendation: The function is better placed under the CS for Labor and Social Services or National Council for Persons with Disabilities.

Clause 9 about the Kenya National Accreditation Service is charged with Accreditation of SL Interpretation. Our concern is about the capability of KENAS to undertake such a program. The good practice in many countries where SLI is mature as a profession is having a specific body to undertake this.

Recommendation: There should be an established Board or Body charged with regulation and accreditation of SLI including conducting research and training in SL. This will be the most effective way of complimenting and giving life to Article 7 (b) of the Kenyan Constitution.

section 11 – provides that the CS shall nominate and not appoint! The assumption is an officer will be seconded for this role. This is literary prescribing the wrong drugs to cure an ailment after proper diagnosis! The provision further mentions the qualification for the person so nominated as 5 years of proficiency in Kenyan Sign Language. This is not clear whether it is proficiency as an Interpreter, a SL User/consumer, or a teacher, this will need to be clear.

Recommendation: We still recommend that this is a function of a body and hence our recommendation for KSL Board to handle this.

section 16 (e) provides that the National and County Governments 'subsidize the acquisition of hearing aids....'. It is good to mention that at the moment hearing aids are not manufactured in Kenya and we have to import them. It is thus an exercise in futility tasking County Governments to subsidize commodities to be imported.

Recommendation: This is a function under the National Government and Kenya Revenue Authority. We thus recommend expunging this clause as it is also provided for under the Persons with Disabilities Act 2003.

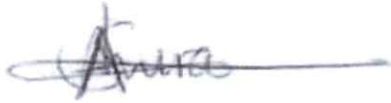
Conclusion

After examining Bill No.9 of 2023 regarding Kenya Sign Language, we commend the Honourable member for her commendable initiative, which significantly enhances inclusivity and the well-being of the deaf community, thereby realizing the objectives of Article 7 (b).

However as advocates for inclusivity, we strongly advocate for the establishment of a dedicated body empowered with comprehensive responsibilities such as research, training, accreditation, standard-setting, and quality monitoring in sign language education and interpretation. Such an entity would be better positioned to oversee interpretation services, address grievances, and enforce necessary disciplinary measures. Delegating these duties to a sole officer, such as the Registrar, would prove impractical.

In summary, we propose two courses of action: either align Bill No.9 of 2023 with the Kenyan Sign Language Bill (National Assembly Bill No.1 of 2024) to enhance its effectiveness, or reject it outright in favor of the latter, which promises a more robust framework for advancing the rights and well-being of the deaf community,

Signed By,

A handwritten signature in dark ink, appearing to read 'Ashura Michael', with a long horizontal line extending to the right.

Ashura Michael.

Executive Director FGWN.

0724348558(SMS) or call 0728593428

ashuramichael@gmail.com.

From: Nancy <nancyasewe@gmail.com>
To: cna <cna@parliament.go.ke>
Date: Friday, 22 March 2024 8:37 AM EAT
Subject: KSL 2023 amendment bill

CAUTION: This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

The bill should be corrected to admit and cater for person with other diploma and degrees that later joined Llb.

As the bill currently tabled has vested interest of the tablet to sort her own admission challenge as a law diploma holder who later did LLB to get admitted.

That bill has no spirit of nationalism to have everyone on board. The right thing if they are genuine with it let it have admission criteria to Llb as per CLE and CUE admission criteria used by universities to admit students for llb.

We should stop being hypocrite when tabling bills to serve minority interest instead of majority.

If they can't have it drafted right as we can't compare other degrees holders to be insurbordinate of diploma in law holders as the bill seems to push.

If that can't be changed, dump the bill & if it has to see light of day let it be as per CLE admission to LLB program criteria. Anything else paraded on kcse lack of progression is hogwash

NATIONAL DISABILITY FORUM

C/O United Disabled Persons of Kenya, APDK Orthopedic Workshop, Opposite ABC Place, Off Waiyaki Way
P.O Box13941-00800, NAIROBI, Kenya |Tel +254717141122|Email. udpkenya.or.ke and Black Albinism 07 99339372 Email
akasujalan@gmail.com

21st March 2024

Our Ref: NDF-C./PWD/BILLS/MEMO. 3/2024

**Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
Parliament Buildings, Parliament Road
NAIROBI.**

ADVANCE COPY VIA EMAIL: cna@parliament.go.ke

MEMORANDA ON KENYA SIGN LANGUAGE (SENATE BILLS, NO. 9 OF 2023)

Forwarded herewith for onward transmission to the relevant committees, please find the subject memoranda on:

- a) Kenya Sign Language (Senate Bills, No. 9 of 2023);

In addition to the foregoing, we making a formal request for:

- a) Invitation to make oral submissions before the relevant committees;
- b) Invitation to be present in the Speaker's Gallery on the days of tabling of the reports of the various committees;
- c) Fast tracking of debate and approval of the Bills; and
- d) An opportunity to engage with the Chairs, Vice Chairs and not more than three members of the relevant committees at our invitation.

The National Disability Forum is a network of Organizations of and for Persons with Disabilities (OPDs) with active presence in the counties. Its mandate is to act as a space for generating knowledge on issues affecting OPDs and their constituencies and applying this knowledge to influence disability inclusion in the management of public affairs in Kenya.

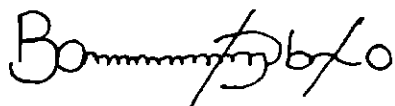
In addition to this advisory, we are proposing to partner with the State Department for Social Protection in developing a uniform checklist against which all sectoral legislation will be assessed by the department for compliance with Disability Inclusion principles.

We would be grateful if the State Department indicated its willingness to partner with us in the development of the aforementioned Disability Inclusion Legislation Checklist.

Yours sincerely,

FOR AND ON BEHALF OF THE NATIONAL DISABILITY FORUM

John Wambua



Caucus CO- Convenor

United Disabled persons of Kenya

National Disability Caucus Participants in the Memoranda development included

- United Disabled Persons of Kenya
- Sight of Relief;
- Kiambu Disability Network;
- University and college students with Special Needs Association of Kenya;
- Women Challenged to challenge; Action for Children with Disability; Kenyan

- Paraplegic Organization (KPO); Kenya National Deaf Association; Deaf
- Empowerment Kenya;
- Stammering Association of Kenya;
- Andy speaks;
- Down Syndrome Society of Kenya;
- Black Albinism;
- Caucus on Disability Rights Advocacy (CDRA);
- Differently Talented Society of Kenya (DTSK);
- Kenya Union for the Blind (KUB);
- Bunge la Disability;
- Championing for Inclusive Communities (CIC K);
- Mzalendo Trust;
- Kenya Association of the Intellectually Handicapped (KAIH);
- ARIVI;
- Integrated Langata Disability Group,
- KEDIPA

Table 1 MEMORANDA ON KENYA SIGN LANGUAGE (SENATE BILLS, NO. 9 OF 2023)

<p>GENERAL OBSERVATIONS & CONCERNS:</p>	<ul style="list-style-type: none"> a) The Bill is limited in scope to Kenya Signed English which is applicable as language of instruction in learning institutions. The Constitution assigns English as an official language, Kiswahili as the National Language and specifically singles out Kenya Sign Language as among that cultural linguistics to be promoted; b) Kenya Sign Language contemplated by the Constitution under Article 7 (3) is broader in scope and all-encompassing cultural linguistic mode of communication by a cross-section of Kenya's ethnic linguistics; c) Proposal for incorporation of the establishment of Kenya Sign Language Council under a new Section 20 and designation of Registrar under Section 11 (1) transforms the Bill into a Money Bill with the meaning of Article 114 of the Constitution; and d) There is a need for harmonization of this Bill with the one in the National Assembly (Bill No. 1 of 2024) to ensure that the gains in both Bills are retained in the best interest of the more than 2,000,000 Deaf Community and Hard of Hearing people in Kenya. 	
<p>SECTION</p>	<p>RECOMMENDATION</p>	<p>REASON (S)</p>
<p>Introduction: Section 1; AN ACT of Parliament to give effect to Article 7(3)(b) of the Constitution on the promotion and development of the use of Kenyan Sign language; to give effect to Article 54(1)(d); to provide for the inclusion of sign language in education curriculum; to provide for the use of sign language in legal proceedings; and for connected purposes</p>	<p>Reframe the preamble as follows: AN ACT of Parliament to give effect to Articles 7(3)(b), 44, 50(2)(m), 54(1)(d), and 120 of the Constitution; to establish the Kenya Sign Language Council for the regulation of sign language interpretation in Kenya; to provide for the recognition, promotion, and use of Kenyan Sign Language in public and institutions learning; to provide for the use of sign language in legal proceedings; and for connected purposes.</p>	<p>The Preamble as framed predominantly addresses education and legal proceedings. It overlooks significant aspects related to Kenyan Sign Language and the challenges faced by the deaf community in Kenya. The proposed Kenyan Sign Language Council will be a statutory regulatory body responsible for: (a) Sign language interpretation in Kenya; and b) Promoting the recognition ,setting standards in the use of Kenyan Sign Language in public and learning institutions</p>
<p>Section 2; Interpretation "Kenya signed English" means manually coded English involving</p>	<p>Reframe this as follows: "Kenyan Sign Language" means the sign language contemplated under Article 7 (3) (b)</p>	<p>This is in contradiction with the Constitution of Kenya and normative standards set by the World Federation of</p>

<p>producing signs which correspond to an English word in an English sentence in English word order designed to facilitate communication between the deaf and hearing community</p> <p>Sign Language: Means a systems of communication both visual or tactile as the case may be by manual signs or symbols including movement</p>	<p>of the Constitution used for communication by the Deaf community in Kenya</p> <p>Reframe as follows: "Sign language" means a form of visual or tactile language that uses manual signs that have structure or meaning like other languages</p> <p>Insert a new definition as follows in appropriate alphabetical order: "Sign Language Council" means the Kenya Sign Language Council established under Section 20 of this Act</p>	<p>the Deaf</p> <p>The definition is not adequately elaborated</p>
<p>Section 6: Use of sign language in Legal proceedings. (3) The judicial officer shall make recommendation as to the accuracy of any interpretation from the KSL into spoken or written....</p>	<p>Reframe as follows: The Judicial Officer, who shall be a Kenya Sign Language Interpreter accredited and certified by the Sign Language Council, shall make recommendation as to the accuracy of any interpretation from the KSL into spoken or written....</p>	<p>This clause does not specify whether the judicial officer making recommendation to the accuracy is competent in KSL interpretation. Without competence, the meaning is likely to be lost in interpretation. There is need for specificity as to the professional competence and proficiency of the Judicial Officer in Kenya Sign Language. In addition, Kenyan Sign Language Interpreters subscribe to a code of practice. The good practice in ensuring accuracy in SL Interpretation is having two interpreters who assist each other and not a 3rd party who is not a SL Interpreter determining the accuracy and quality of the services.</p>
<p>Section 7: education support for Learners (g) the CS for education shall ensure that institutions offering</p>	<p>Reframe as follows: The CS for education shall ensure that institutions offering teaching training offer</p>	<p>Training institutions that offer Teachings do not have to offer the full KSL training. However, for the purpose of</p>

<p>teaching training, as part of their curriculum, courses on Kenyan Sign Language and Interpretation.</p>	<p>training on general basic sign language skills to all teachers for interaction and communication.</p>	<p>inclusivity. Individuals in teaching training can learn basic sign language just for basic communication. Such training should not be intended to make teacher trainees become professional Kenya Sign Language Interpreters In addition, KISE is already having a Diploma course in SNE and Teacher Training Colleges are established to train P1 teachers. Having P1 teachers take SL Interpretation Courses will confuse the Diploma Course already being rolled out by KISE.</p>
<p>Section 7 (i): Clause establish a scheme for the provision of KSL language classes to the parents, siblings and grandparents of a child who is deaf</p>	<p>Reframe as follows: The Cabinet Secretary for the time being responsible for matters relating to Persons with Disabilities shall, in consultation with the Sign Language Council, establish a scheme for the provision of KSL language classes to the parents, siblings and grandparents of a child who is deaf</p>	<p>There is need for consistency in placing this mandate in the docket and portfolio of the ministry responsible for issues to do with PWDs. Otherwise, this is a great idea which plugs and enduring gap in the communication between Deaf children, their parents and other community members. The subsisting challenge is that while Deaf Children interact with members of the learning/school community, they cannot engage parents on their learning environment experiences, including parental assistance with assigned school work.</p>
<p>Section 9 (1) Standards, accreditation and procedures Caps 496</p>	<p>Reframe as follows: The Cabinet Secretary for the time being responsible for matters relating to persons with disabilities shall, in consultation with the Registrar and the Kenya Accreditation Services established under section 4 of the Kenya Accreditation Act, develop a national</p>	<p>There is ambiguity in what constitutes "Deaf Community" as used in this part. The interpretation of "Deaf Community" in the Bill is broad and does not contemplate an organized entity through which consultations may be made</p>

	system of standards, accreditation and procedures for Kenya Sign Language interpretation	
Section 11 (1); Registrar; Clause (1) The CS shall designate a public officer within the Ministry as the registrar of Kenya Sign Language interpreters	Delete this Section	It is superfluous. The office of Registrar has been established under the Sign Language Council in Section 22. In addition global best practices dictate that the process of registration, accreditation, and registration of sign language interpreters requires a full board with representatives from respective bodies to discharge such functions.
Section 12: Register of sign language interpreters	Insert the following under this Section: 1) A person is qualified to be registered to provide Kenyan Sign Language interpretation services under this Act, if the person— (a) has proficiency in English or Kiswahili languages as contemplated under Article 7(1) and (2) of the Constitution; (b) possesses such professional qualifications from an institution recognized by the Council; (c) has obtained practical experience and skills in Kenyan Sign Language interpretation as may be prescribed by the Sign Language Council; and (d) has successfully passed the continuing professional development examination or such other requirements as may be conducted by the Council, from time to time.	The bill does not provide required qualifications for registration of sign language interpreters

	<p>2) Consider including provisions on procedure of application for registration and effect of registration</p>	
<p>Section 13; Certificate of Registration</p>	<p>Reframe as follows:</p> <ol style="list-style-type: none"> 1) The Registrar shall issue a practicing certificate to a person whose name is entered into the register 2) A person shall not provide Kenyan Sign Language interpretation services unless that person has been registered and issued with a practicing certificate under this Act. 3) A practicing certificate issued under subsection (1), shall be valid for a period of one year running from the 1st of January to the 31st of December of each year and may, upon expiry, be renewed on making an application for renewal. 4) A person applying for a practicing certificate under subsection (1), shall be required to submit an application in the prescribed form accompanied by a certificate of continuing professional development issued by the Council and a prescribed fee. 5) A person who holds a practicing certificate may on the expiry of the practicing certificate applied to the Council for a renewal of the certificate. 	<p>The current provisions are very minimal to ensure effective implementation of certificate of registration requirements. More provisions are required as proposed in the recommendation section</p>

	<p>6) An application made under subsection (1), shall be accompanied with—</p> <p>(a) a declaration in the prescribed form;</p> <p>(b) fees for the current practicing period and subject to the approval by the Sign Language Council, any unpaid fees, including penalties as prescribed by the Sign Language Council; and</p> <p>(c) proof of fulfillment of all applicable conditions for renewal of a certificate.</p> <p>7) The Sign Language Council may, with sufficient cause, refuse to issue or renew a certificate and shall communicate the refusal and give reasons for such refusal to the applicant within twenty-one days of making the decision.</p>	
<p>Insert a new section and renumber the sections as appropriate. Section 14: Suspension and cancellation of practicing certificate</p>	<p>(1) The Sign Language Council may suspend or cancel a certificate issued under this Act where—</p> <p>(a) allegations of misconduct have been investigated and proven against a sign language interpreter;</p> <p>(b) a sign language interpreter has been convicted of an offence under this Act;</p> <p>(c) a false declaration was made in an application for a practicing certificate; and</p> <p>(d) a sign language interpreter has contravened any of the provisions of this Act.</p> <p>(2) The cancellation or suspension of a practicing certificate under subsection (1),</p>	

	<p>shall be subject to the principles of fair administrative action prescribed under Article 47 of the Constitution and the Fair Administrative Action Act.</p> <p>(3) A person whose name has been removed from the register or whose certificate has been suspended or cancelled, shall not provide Kenyan Sign Language Interpretation services during the period of removal of name, suspension or cancellation of his or her practising certificate</p>	
<p>Insert a new Section 20: Establishment of the Kenya Sign Language Council</p>	<p>1) There is established the Kenya Sign Language Council, which shall be a body corporate with perpetual succession and common seal.</p> <p>2) The functions of the Council shall include</p> <ul style="list-style-type: none"> (a) regulate the use and development of sign language in Kenya; (b) put in place measures for the recognition and preservation of the use of Kenyan Sign Language; (c) undertake research and create awareness on the culture and heritage of the Deaf community in Kenya; (d) set and enforce standards for the training, practice and use of Kenyan sign language and Kenya Sign Language interpretation; (e) register and license sign language interpreters in Kenya; 	

	<ul style="list-style-type: none"> (f) maintain a register and keep a record of all sign language interpreters registered under this Act; (g) protect and promote the right of the Deaf, hard of hearing and Deafblind community to equal access to information and communication, including the right to access to justice; (h) determine the minimum fees chargeable for the provision of services under this Act; (i) advise the Cabinet Secretary and county governments on matters relating to sign language; (j) develop and regulate ethical and disciplinary standards for sign language interpreters; (k) collaborate with other relevant government agencies in the use and development of sign language in Kenya; and (l) perform such other functions as may be prescribed by any other law or as necessary for the promotion of objects of this Act 	
<p>Section 21: Composition of the Kenya Sign Language Council</p>	<p>The Council shall comprise of:</p> <ul style="list-style-type: none"> (a) a chairperson who shall be appointed by the Cabinet Secretary; (b) the Principal Secretary in the Ministry for the time being responsible for matters 	

	<p>relating to education or a representative designated in writing;</p> <p>(c) the Principal Secretary in the Ministry for the time being responsible for matters relating to culture or a representative designated in writing;</p> <p>(d) the chairperson of the National Council for Persons with Disabilities or a representative designated in writing;</p> <p>(e) three persons nominated by the most representative registered National Association of the Deaf community in Kenya;</p> <p>(f) two persons nominated by the most representative registered National Association for sign language interpreters in Kenya; and</p> <p>(g) the Registrar who shall be an ex officio member of the Council.</p>	
<p>Section 22: Registrar of the Sign Language Council</p>	<p>1) There shall be a Registrar of Kenyan Sign Language appointed by the Sign Language Council in consultation with the Cabinet Secretary for the time being responsible for matters relating to Persons with Disabilities</p> <p>2) The Registrar shall be the Secretary and Chief Executive Officer of the Sign Language Council and the accounting officer of the Council</p> <p>3) The duties of the Registrar shall be:</p> <p>a) implementing the decisions of the Council regarding all matters relating to the registration and regulation of sign language interpretation;</p>	

	<ul style="list-style-type: none">b) (ii) the day-to-day administration and management of the affairs of the Council;c) (iii) coordination and supervision of the staff of the Council;d) (iv) keeping and maintaining the register of persons registered as sign language interpreters in accordance with this Act;e) (v) subject to the directions of the Council, make the necessary alterations or corrections in the register; andf) (vi) perform any other duties as may be assigned by law and the Council.	
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From: John <john.wambua@udpkenya.or.ke>
To: cna <cna@parliament.go.ke>
Date: Thursday, 21 March 2024 7:40 PM EAT
Subject: Re: Memoranda to public participation call on disability bills

CAUTION: This Mail Originated from outside of the Organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.
Clerk of the National Assembly ,

In addition to what we share earlier on regarding the disability the bills . Attached here is a a document containing all the three memoranda in one document for easy referencing. Forwarding letter contained in the memoranda

Warm Regards

On 2024-03-21 16:51, John Wambua wrote

- > Clerk of the National Assembly,
- >
- > Greetings from the National Disability Caucus, The National disability
- > caucus brings together organizations of persons with disabilities to
- > advocate for disability inclusion in the country
- >
- > Kindly find attached Memoranda in response to the public participation
- > call made by the National Assembly to the Senate Bills. Each memorandum
- > has its forwarding letter contained.
- >
- > 1. MEMORANDUM ON LEARNERS WITH DISABILITIES (SENATE BILLS, NO. 4 OF
- > 2023)
- > 2 MEMORANDUM ON KENYA SIGN LANGUAGE (SENATE BILLS, NO 9 OF 2023
- > 3 MEMORANDUM ON PERSONS WITH DISABILITIES (SENATE BILLS, NO 7 OF
- > 2023)
- >
- > The memoranda have been prepared by various organizations of persons
- > with disabilities under National Disability Caucus auspices

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John Wambua
Program Officer

United Disabled Persons of Kenya (UDPK)

Orthopaedic Workshop Complex

Waiyaki Way, Westlands Nairobi

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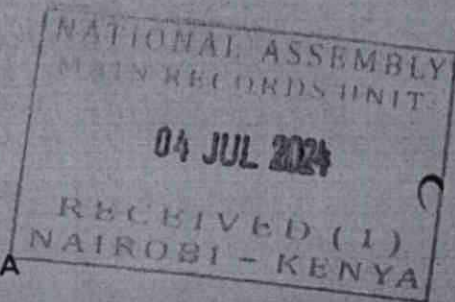
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REPUBLIC OF KENYA



MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION & SENIOR CITIZEN AFFAIRS

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Ref: ML&SP/SP/37/5 VOL.III

Date: July 3, 2024

The Clerk of the National Assembly
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

Copy by email: cna@parliament.go.ke
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Attention: Jeremiah W. Ndombi, MBS

RE: INVITATION BY THE DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION TO
SUBMIT MEMORANDA ON THE KENYA SIGN LANGUAGE BILLS

Reference is made to your letter dated 11th June 2024 under Ref No:
NA/DDC/SP/CORR/2024/093 requiring submission of Memoranda with respect to
the Kenya Sign Language Bills.

Attached is our written submission on the two Bills.


Joseph M. Motari, MBS
PRINCIPAL SECRETARY

Copy to:

Hon. Florence K. Bore, EGH
Cabinet Secretary
Ministry of Labour and Social Protection

Moses Kamau
Lead Parliamentary Liaison Officer
State Department for Social Protection & Senior Citizen Affairs



REPUBLIC OF KENYA

**MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTMENT FOR SOCIAL PROTECTION & SENIOR CITIZEN AFFAIRS**

COMMENTS ON THE KENYA SIGN LANGUAGE (NATIONAL ASSEMBLY BILL NO.1 OF 2024) AND THE KENYAN SIGN LANGUAGE (SENATE BILL NO.9 OF 2023)

i. Potential Overlap with Existing Mandates:

While acknowledging the Bills' laudable objectives, there exists a potential for overlap with the designated mandates of established governmental bodies. In particular, Clause 3 of both Bills may be construed as a duplication of the responsibilities vested in the National Council for Persons with Disabilities under section 7 of the Persons with Disabilities Act (Cap 133) Laws of Kenya. Similarly, objectives pertaining to curriculum development and educational integration potentially replicate functions already assigned to the Kenya Institute of Curriculum Development (KICD) in line with the provisions of the Kenya Institute of Curriculum Development Act (Cap 211A) Laws of Kenya, as well as the mandate of the Ministry of Education.

The Kenya Sign Language (National Assembly Bill No.1 of 2024) under Part II establishes the Kenyan Sign Language Council for the regulation of sign language interpretation in Kenya. This overlaps with the mandate of the National Council for Persons with Disabilities established under the Persons with Disabilities Act (Cap 133) Laws of Kenya, whose functions are *inter alia* to register persons with disabilities, institutions, associations and organisations including those controlled and managed by government and local authorities that provide services for rehabilitation and welfare of persons with disabilities. Further, the National Council for Persons with Disabilities runs a programme on rehabilitation and habilitation that among others

promotes use of Kenya Sign Language. Thus, the creation of a Council is an unnecessary duplication and a huge charge to the Exchequer.

ii. Interplay with Concurrent Legislative Initiatives:

A critical assessment is imperative to ascertain the interplay between the provisions enshrined within the Bills and ongoing legislative efforts, particularly the Persons with Disabilities Bill, 2023 currently under consideration by the National Assembly. For instance, Part III of the Persons with Disabilities Bill, 2023 specifically addresses the rights of persons with disabilities which include *inter alia* right to health and accessibility as is proposed under part III of the Kenyan Sign Language (National Assembly Bill No.1 of 2024). Therefore, such an evaluation will ensure harmonization and obviate duplication of efforts, ultimately strengthening the legal protections and support mechanisms available to persons with disabilities.

RECOMMENDATIONS:

1. National Disability Policy Integration:

To ensure comprehensive protection and support for individuals with hearing disabilities, it is recommended that the provisions in the two Bills be incorporated into the National Persons with Disabilities Disability Policy currently in development, adhering to the dictates of Article 54 of the Constitution of Kenya and section 7 of the Persons with Disabilities Act (Cap 133) Laws of Kenya. This integration would streamline implementation and enforcement across all pertinent sectors.

2. The Persons with Disabilities Bill ,2023 Incorporation:

Advocacy efforts should be directed towards the inclusion of relevant provisions from the Bills within the ongoing Persons with Disabilities Bill, 2023. This alignment would consolidate legal safeguards and obligations concerning sign language rights under a unified legislative framework, fostering consistency and effectiveness in implementation. Further, development of subsidiary legislation once this Bill is enacted into law would reinforce respective legal obligations.

3. National Action Plan Development:

To ensure effective implementation and compliance with international standards, it is recommended that collaborative efforts be facilitated among the National Council for Persons with Disabilities, the Ministry of Education, relevant stakeholders, and organizations representing the deaf community. This collaboration should culminate

in the development and implementation of a National Action Plan on Kenya Sign Language. This strategic plan should outline specific objectives, establish clear timelines, and incorporate robust monitoring mechanisms.

CONCLUSION:

The two Bills present a significant opportunity to advance the rights and inclusion of persons with hearing disabilities in Kenya. However, the successful implementation of the Bills are contingent upon alignment with existing legal frameworks and established institutional mandates. Our recommendation underscores the importance of leveraging existing legislation and ongoing policy development to achieve the Bills' laudable goals. Effective promotion of Kenya Sign Language necessitates collaboration and a unified approach, ultimately ensuring the full inclusion of Kenyans with hearing disabilities.

SUBMISSIONS BY:



Joseph M. Motari, MBS
PRINCIPAL SECRETARY