

REPUBLIC OF KENYA



PARLIAMENT

THE SENATE

TWELFTH PARLIAMENT

FOURTH SESSION, 2020

THE STANDING COMMITTEE

ON

EDUCATION

REPORT ON THE KENYAN SIGN LANGUAGE BILL, (SENATE BILLS NO.15 OF 2019)

Clerk's Chambers,  
Parliament Buildings,  
P. O. Box 41842-00100,  
**NAIROBI.**

PAPERS LAID	
DATE	15-09-2020
TABLED BY	Sen. Dr. Milgo
COMMITTEE	Education
CLERK AT THE TABLE	I-Mbaga

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## ABBREVIATIONS AND ACRONYMS

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COG	Council of Governors
ECDE	Early Childhood Development Education
KICD	Kenya Institute of Curriculum Development
KISE	Kenya Institute of Special Education
KNEC	Kenya National Examination Council
KSL	Kenya Sign Language
KSLIA	Kenyan Sign Language Interpreters Association
MOEST	Ministry of Education, Science and Technology
TSC	Teachers Service Commission
UoN	University of Nairobi

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## **PREFACE**

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The Standing Committee on Education is established pursuant to standing order 218(3) and the Second Schedule of the Senate Standing Orders. The Committee is mandated to “*consider all matters related to education and training.*”

### **Mandate of the Committee**

Pursuant to the provisions of the Second Schedule of the Senate Standing Orders, the Standing Committee on Education is mandated *to consider all matters relating to education and training.*

1. Build capacity of Committee Members to undertake their roles in line with Article 96 of the Constitution;
2. Develop and facilitate the development of legal frameworks, policies and guidelines in the Education Sector (including but not limited to Early Childhood Development Education (ECDE) and Tertiary education (youth polytechnic);
3. Provide oversight of the Education Sector (Including not limited to ECDE and Youth polytechnics;
4. Facilitate budgetary resources toward the Education Sector (ECDE and youth polytechnic); and
5. Any matter that relates to education and training.

### **Membership of the Committee**

- |                                      |                   |
|--------------------------------------|-------------------|
| 1. Sen. (Dr.) Langat Christopher, MP | -Chairperson      |
| 2. Sen. (Prof.) Margaret Kamar, MP   | -Vice-Chairperson |
| 3. Sen. Mohamed Yusuf Haji, MP       | -Member           |
| 4. Sen. (Prof.) Samson Ongeru, MP    | -Member           |
| 5. Sen. Okongo Omogeni, MP           | -Member           |
| 6. Sen. (Dr.) Agnes Zani, MP         | -Member           |
| 7. Sen. Nderitu John Kinyua, MP      | -Member           |
| 8. Sen. (Dr.) Gertrude Musuruve, MP  | -Member           |
| 9. Sen. Seneta Mary Yiane, MP        | -Member           |

## EXECUTIVE SUMMARY

**Mr. Speaker Sir,**

The Kenyan Sign Language Bill, 2019, (Senate Bills No. 5 of 2019) seeks to give effect to Article 7(3) (b) of the Constitution on the promotion and development of the use of Kenyan Sign language; give effect to Article 54(1) (d); provide for the inclusion of sign language in education curriculum to ensure that deaf learners are given the same opportunities as all other learners to be productive members of the society; and to provide the use of sign language in legal proceedings and public institutions.

**Mr. Speaker Sir,**

The Kenyan Sign Language Bill was read a First Time in the Senate on 11<sup>th</sup> September, 2019 and thereafter stood committed to the Senate Standing Committee on Education for consideration.

Pursuant to the provisions of Article 118 and standing order 140 (5) of the Senate Standing Orders, the Standing Committee on Education invited interested members of the public to submit any representations that they may have on the Bill. These invitations were done vide advertisements which appeared in the Daily Nation, The Standard, The Star and the People Daily newspapers on the 9<sup>th</sup> October, 2019.

**Mr. Speaker Sir,**

The Committee held a public hearing on 17<sup>th</sup> October, 2019 at Kenyatta International, Convention Centre (K.I.C.C), Shimba Hills Hall and received both oral and written submissions from the Council of Governors (COG), Teachers Service Commission (TSC), Ministry of Education, Kenya Institute of Curriculum Development (KICD), Kenya Association of the Deaf, Kenya Sign Language Interpretators Association, Kenya Sign Language Association, University of Nairobi (UoN), Kenya Institute of Special Education (K.I.S.E) and Deaf Child Organization.

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On behalf of the Committee and on my own behalf, I wish to sincerely thank all the individuals, groups and organisations that responded to our call and made their submissions both orally and in writing for their well-researched and eloquent submissions.

I wish to assure them that the Committee has reviewed every single one of the submissions received and taken into account their views.

**Mr. Speaker Sir.**

During the public hearing and stakeholder engagements, the Committee observed that sign language is an idea of expressing concepts in a way that someone who cannot hear will understand. The sign language structure has a different syntax from English, sentences are shorter and faster. Nonetheless, sign language is unique and has some aspects that are not universal. As such, the title of the Bill, Kenyan Sign Language Bill was appropriate and it was also in line with Article 7 (2) (b) of the Constitution.

**Mr. Speaker Sir,**

The stakeholders made several proposals for amendments of various clauses of the Bill some of which the Committee observed will greatly enrich the Bill. As such, the Committee will be proposing amendments to the Bill in line with these observations and recommendations. Some of the salient proposals include the introduction of a clause to provide for the use of Kenyan Sign Language in courts and use of Kenyan Sign Language in educational settings. The Committee will also be proposing amendments to introduce a section on the Teachers Service Commission (TSC) to accommodate various concerns that touch on the mandate of the Commission.

**Mr. Speaker Sir.**

As I conclude, I want to thank to thank all the Members of the Committee for their immense contribution during consideration of this Bill that culminated in this report.

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The Committee wants to thank the Offices of the Speaker and the Clerk of the Senate for the necessary support extended to it in the conduct and execution of its mandate. The Committee further wishes to record its appreciation for the services rendered by the staff of the Senate that enabled the production of this report.

**Mr. Speaker, Sir**

It is my pleasant duty, on behalf of the Standing Committee on Education, pursuant to standing order 213(6), to present a Report of the Standing Committee on Education on the consideration of the Kenya Sign Language Bill 2019, Senate Bills No.15 of 2019.

I thank you, Mr. Speaker



Signed.....

25/08/2020

Date.....

SEN. (PROF.) MARGARET KAMAR, MP

VICE -CHAIRPERSON STANDING COMMITTEE ON EDUCATION

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**ADOPTION OF THE COMMITTEE REPORT ON THE KENYAN SIGN  
LANGUAGE BILL, 2019**

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**We, the undersigned Members of the Senate Standing Committee on Education, do  
hereby append our signature to adopt the Report on the Kenyan Sign Language  
Bill, 2019.**

Sen. (Dr.) Langat Christopher, MP      -Chairperson



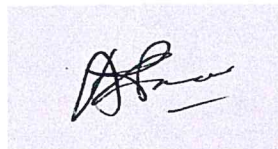
Sen. (Prof.) Margaret Kamar, MP      -Vice-Chairperson

Sen. Mohamed Yusuf Haji, MP      -Member

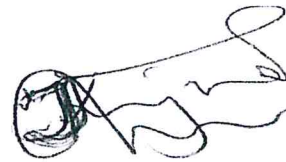


Sen. (Prof.) Samson Ongeri, MP      -Member

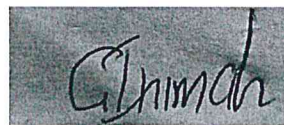
Sen. Okongo Omogeni, SC, MP      -Member



Sen. (Dr.) Agnes Zani, MP      -Member



Sen. Nderitu John Kinyua, MP      -Member



Sen. (Dr.) Gertrude Musuruve, MP      -Member

Sen. Seneta Mary Yiane, MP      -Member



# 1. KENYAN SIGN LANGUAGE BILL, 2019

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## 1.0 Background

The Kenyan Sign Language Bill (Senate Bills No. 15 of 2019) seeks to give effect to Article 7(3) (b) of the Constitution on the promotion and development of the use of Kenyan Sign language and provide for the inclusion of sign language in education curriculum and its use in legal proceedings and public institutions to ensure people with hearing challenges are given the same opportunities as all other Kenyans to be productive members of the society.

The Bill was read at the Senate for the First Time on 11<sup>th</sup> September, 2019 and thereafter stood committed to the Senate Standing Committee on Education for consideration and facilitation of public participation.

## 1.1 Objects of the Bill

The principal objective of the Bill is to provide for the use of sign language in judicial proceedings, schools and public institutions to ensure that deaf learners are given the same opportunities as all other learners to be productive members of the society. It seeks to protect the rights of persons who are deaf or hard of hearing to participate fully in society.

The Bill therefore seeks to provide a legal framework to, among others-

- (a) ensure that persons who are deaf or hard of hearing integrate into society;
- (b) protect and promote the right to justice and fair administration action with respect to persons who are deaf and hard of hearing;
- (c) promote access to quality education by learners who are deaf or hard of hearing;
- (d) promote access to public services by deaf persons; and
- (e) promote literacy development of learners who are deaf or hard of hearing.

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## 1.2 Provisions of the Bill

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The Bill seeks to ensure that persons who are deaf or hard of hearing are able to participate in different spheres of society including in judicial proceedings, education and employment. In this respect, the Bill proposes to place upon both the national and county governments the duty to ensure accessibility of their services and the positive obligation to ensure non-discrimination and participation of persons who are deaf and hard of hearing in public activities.

In particular, the Bill provides *Inter alia*,

- i. the duty of national and county governments under clause 5 to include ensuring that:
  - a. members of the deaf community are consulted on all matters related to the development, use and promotion of Kenyan sign language; Kenyan sign language is used in the promotion to the public of government services and in the provision of information to the public; and
  - b. use of sign language in legal proceedings in courts, tribunals, quasi-judicial bodies and any other body.

The Bill requires the Kenya Institute for Curriculum Development (KICD) to develop, review and approve appropriate programmes, curricula and curriculum support materials for learners who are deaf and hard of hearing.

It further requires the Cabinet Secretary in-charge of education ensure that there is adequate educational support for deaf learners by-

- (a) ensuring that teachers of deaf children assist learners to acquire sufficient competence in the use of the English and Kiswahili language including ensuring that Kenyan sign language is taught in sign form and not written form;
- (b) ensuring development of supportive instructional materials for the education of deaf learners and learners who are hard of hearing;

- (c) setting aside adequate funds for the development of educational materials for deaf learners and learners who are hard of hearing;
- (d) ensuring that Kenyan sign language in digital form contains inscription in standard English as a medium of instruction;
- (e) ensuring that institutions offer teaching and training, as part of their curriculum courses on Kenyan sign language and interpretation;
- (f) development of a national system of standards, accreditation and procedures for Kenyan sign language interpretation;
- (g) appointment of a registrar for Kenyan sign language interpreters;
- (h) development of a code of conduct for sign language interpreters;
- (i) development of measures to promote sign language at the workplace;
- (j) promotion of sign language competency among hearing people by offering sign language as a language subject in the mainstream curriculum; and
- (k) development of an action plan for Kenya sign language.

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## **2. SUBMISSIONS FROM MEMBERS OF THE PUBLIC**

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Pursuant to the provisions of Article 118 of the Constitution and standing order 140 (5) of the Standing Orders of the Senate, the Senate Standing Committee on Education invited interested members of the public and stakeholders to submit any representations that they may have on the Bill. The representations were to be made orally or through submissions of written memoranda.

The invitations for submissions were made vide advertisements which appeared in the Daily Nation, the Standard, the Star and the People Daily newspapers on the 9<sup>th</sup> October, 2019.. Consequently, the Committee held a public hearing on 17<sup>th</sup> October, 2019 at Kenyatta International Convention Centre (K.I.C.C), Shimba Hills Hall.

The Committee received both oral and written submissions from public and stakeholders. These included the Council of Governors (COG), Teachers Service Commission, Ministry of Education, Kenya Institute of Curriculum Development, Kenya Association of the Deaf, Kenya Sign Language Interpretators Association, Kenya Sign Language Association, University of Nairobi, Kenya Institute of Special Education (K.I.S.E), Deaf Child Organization, Parents of deaf children and Kenya National Examination Council.

The public and stakeholders registered their comments and proposed amendments which were captured and presented in the matrix below.

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION
	Short title	KICD	The title of the Bill	The Title of the Bill should
			should read “Sign Language Bill.”	be re-phrased to include all forms of Sign Language used in Kenya as a means of communication
		Prof. Michael M. Ndurumo, Associate Professor, UoN	Title of the Bill should read: “The Kenyan Sign Language and Interpreters Bill, 2019”	The Bill contains a significant aspect of Interpreting
		Kenyan Sign Language Interpreters Association - KSLIA	Retain the name of the Bill.	Kenyan Sign Language Bill with edits and incorporate all aspects of the Deaf Community use of the language. Kenyan Sign Language is the lifeline of the Deaf community. This would amend the proposed bill by deleting the sections leaning towards education and legal settings by focusing on the development and use of the language, research of the language, and development of standards for teaching Kenyan Sign Language, how interpreters would work and be regulated.
			Change the name of the bill to be - Deaf Education Bill	The new Bill will focus on the education issues not limited to curriculum development, teacher training, and educational environment for visual learners and how to make

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION
			Deaf learners benefit from the competency based curriculum being rolled out.
	Mr. Stephen Onyango Orindi,	the 'Kenya sign language' should change to Kenyan Sign Language;  the phrase, 'Kenya sign English' should read Sign Exact English and should be abbreviated; as SEE;	
	Mr. Adoyo	The title of the Bill should be Kenya Signed Language Bill	
	Mr. Aska	The title of the Bill should be changed to Deaf Education Bill.	
Clause 2	Directorate of Special Needs Education	In the definition of the term "deaf community" use capital D in referring to the 'Deaf community'	Deaf here refers to a group, family with a specified identity
		Recast "Kenya Signed English" to read "Signed English" in the entire bill.	Signed English is used during conversations in English
		Recast "Kenya Sign Language" to read 'Kenyan Sign Language' in the entire	<b>Note:</b> That this has already been applied in some parts of this bill like Part II (5)(c).

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION
			Bill	
		Prof. Michael M. Ndurumo, PhD., HSC	<p>Note spelling for Kenya sign language should be “Kenyan Sign Language” throughout the bill.</p> <p>Kenyan Sign Language should come before Kenyan Signed English in the order of presentation.</p> <p>“public university” should read “university” and expand definition to “including those that receive government assistance”</p> <p>“recognized schools” should read “recognized institutions” registered under “Basic Education Acts, TVET Act, Universities Act”</p> <p>“Sign Language” should precede “Kenyan Signed</p>	

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION
			<p>English”</p> <p><b>Add these also:</b></p> <p><b>“Kenyan Sign Language”</b> means the sign language used by the Deaf community and other types such as Kenyan Signed English, pidgin, cued speech, and other emerging types such as contact sign language for the deafblind and other sign language based medium of communication as may emerge from time to time to meet unique needs of the deaf community;</p> <p><b>“sign language trainer”</b> means any individual or organization or body purporting to teach sign language;</p> <p><b>“sign language interpreter”</b> means any individual or organization or agency</p>	



	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION
			<p>purporting to offer sign language interpreting;</p> <p>“<b>deaf person</b>” means a person who became deaf at birth, after birth, a person who has a dual handicap of deafness and visual impairment, a person who prefers to communicate using oral method only, a hard of hearing person who prefers to use sign language in combination with speech, or a Cochlear implant person who communicates in sign language at own discretion;</p>	
		<p>Parents (Mr. &amp; Ms. Oliver Musyoki) of deaf children</p>	<p>There is need to explain the meaning of—</p> <p>Kenya Sign Language;</p> <p>Kenya Signed English; and</p> <p>Kenya Exact English.</p>	
	<p>Clause 3</p>	<p>Directorate of Special Needs Education</p>	<p>In paragraph (c) insert the word “inclusive’ between the words ‘quality education’ to read:</p>	<p>To bring out the agenda of disability mainstreaming and inclusivity in education.</p>

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION
			<i>'promote access to quality inclusive education'</i>	
	Clause 4	Prof. Michael M. Ndurumo, PhD., HSC	The clause should refer to the “Kenyan Sign Language” not “Kenya sign language”	
	Clause 5	Prof. Michael M. Ndurumo, PhD., HSC	Delete the words “so far as is reasonably practicable” appearing immediately after the words “law shall” in the introductory clause;  Replace the word “promotion” appearing immediately after the words “used in the” and substitute therefore the words “access to the”	
	Clause 6	Prof. Michael M. Ndurumo, PhD., HSC	Insert <b>PART III—USE OF KENYAN SIGN LANGUAGE IN COURTS</b> before 6(1)	
	Clause 7	Prof. Michael M. Ndurumo, PhD., HSC	Insert <b>PART IV—USE OF KENYAN SIGN LANGUAGE IN EDUCATIONAL SETTINGS</b> before 7.	

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION
Clause 7	Teachers Service Commission	Delete paragraph 7 (b) as a duty of the Cabinet Secretary for Education and re insert it elsewhere as an obligation of Teachers Service Commission under a new clause.	Under Article 237 of the Constitution as read together with section 11 of TSC, all teacher management functions are vested in the TSC.  The clause calls for effective supervision of teachers while undertaking their professional duty which is an exclusive function of TSC.
		Amend paragraph 7 (h) should be deleted as a duty of the Cabinet Secretary and re inserted elsewhere as an obligation of the Commission under a new clause	Placement of teachers is a function falling under the mandate of the Commission
	Directorate of Special Needs Education	Make additions to this section as follows—  Ensure that teachers who teach learners who are Deaf are proficient in Kenyan Sign Language  Provide a Kenyan Sign	Kenya Sign Language is used just like any other mother tongue as a language of instruction in early years of learning up to grade 3, at grade 4, language of instruction changes to Signed English while Signed Exact English (SEE) signing system is used only while teaching English as a

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION
			<p>Language Interpreter in formal education settings where the teacher is not proficient in Kenyan Sign Language and Signed English.</p> <p>Ensure that Signed Exact Signed English is used during English Lessons for learners who are Deaf.</p> <p>Effect the use of signed English for teaching of other subjects while KSL is used to support explanation and understanding of difficult concepts</p> <p>Ensure that the Teacher-Pupil ratio in institutions serving learners who are Deaf is as recommended by the MoE</p> <p>All children born in hospital shall be screened for hearing loss, to inform early</p>	subject

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION
			<p>intervention, including ensuring that the parents learn Kenyan Sign Language where the child is Deaf.</p> <p>Ensure that Parents of children who are found to be deaf get an extra support during maternal and paternal leave and establish parental support groups to facilitate to learn Kenyan Sign Language.</p>	
		KICD	<p>Paragraph (a) should be rephrased to read as follows—</p> <p>(a) ensure that learners who are Deaf and those who are hard of hearing are taught using appropriate language of instruction relevant for each level as per the language policy.</p>	
			<p>Paragraph (e) should be rephrased to read as follows—</p> <p>(e) ensure that all digital learning materials and resources for learners who are</p>	

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION
			Deaf and those who are hard of hearing contain inscriptions in Standard English.	
			<p>Replace current paragraph (i) and add a new paragraph (i) to read—</p> <p>(i) ensure adequate number of educational interpreters for deaf and hard of hearing students attending mainstream and inclusive education settings</p> <p>Add paragraph (j) to read—</p> <p>(j) Ensure teachers of the deaf and hard of hearing learners are competent in both Kenyan Sign Language and Kenyan Signed English at advanced level.</p>	
	Clause 16	Teachers Service Commission	Delete sub clause 16 (2)	<p>This sub clause contravenes section 12 (2) of the Persons with Disability Act</p> <p>The sub clause contravenes Article 27 of the Constitution.</p> <p>The sub clause contravenes</p>

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION
				section 5 of the
				Employment Act.
		KICD	Delete clause 16 (2) -	This subsection should be removed since it is deviating from the object of the Bill.
	Clause 17	KICD	Sub clause 17 (2) should be rephrased to read—  (2) Learning institutions shall be encouraged to offer Sign Language as a discipline of study.	
			Sub clause 17 (3) should be rephrased to read—  (3) Institutions of higher learning shall be encouraged to undertake continuous research in the use and development of Sign Language.	
		Council of Governors	Amend sub clause (2) to read as follows—  (2) Kenyan sign language shall be offered as a discipline of study at technical	Inclusion of vocational training centres is key as stand-alone institutions, since the Act mandates both the national and county governments to promote the

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION
			and vocational training institutions and centres, public colleges and public universities	use of Kenya Sign Language.
	Clause 18	KICD	Sub clause 18 (2) should be deleted.	It deviates from the object of the Bill which is Sign Language and its use
		Council of Governors	Amend sub clause (1) to read—  (1) The Cabinet Secretary responsible for matters relating to persons with disabilities shall, in consultation with the most representative registered association for deaf persons, National Council for persons with disabilities and the Council of Governors, develop a Kenya Sign Language Action Plan a year upon the commencement of this Act.	Six months may be too short to develop the action plan as it includes possible commitments by the county governments. Further, needs assessment has to be conducted to identify what the county governments have already done in terms of mainstreaming sign languages.



Prof. Michael M. Ndurumo, PhD., HSC proposed the deletion of clause 9 and the inclusion of a **PART V** on **BOARD OF REGISTRATION OF INTERPRETERS** as tabulated below—

CLAUSE	PROPOSED AMENDMENT	JUSTIFICATION
<p><b>BOARD OF REGISTRATION OF INTERPRETERS</b></p>	<p>9(1) The is hereby established a board called “Board of Registration of Interpreters”</p> <p>9(2) The functions of the Board shall be to:</p> <p>Register interpreters, trainers, and sign language interpreting service providers.</p> <p>Promote standards of professional competence and practice amongst interpreters.</p> <p>Conduct and promote research into the subjects of sign language interpreting.</p> <p>Promote the international recognition of registered interpreters.</p> <p>Advise the Kenya National Examinations Council on matters relating to examinations, standards, and policies related to interpreting.</p> <p>Liaise with the Kenya Institute of Curriculum Development, the Commission for University Education, and stakeholders on matters of training, standards, and professional qualifications of interpreters and sign language instructors and trainers.</p> <p>Liaise with sign language procuring bodies and deaf consumers on the qualifications and standards of professional sign language trainers and interpreters.</p> <p>Establish branches at county and sub-counties for the purpose of expediting standardization and recruitment of interpreters.</p> <p>Accredit agencies offering sign language interpreting to deaf and hard of hearing and service procuring agencies.</p>	

	<p>Work closely with employers, educational agencies, courts, hospitals, and other service providers for the purpose of promoting quality and ethical services to deaf and hard of hearing consumers.</p> <p>Raise funds and subscriptions for the management and advancement of the Board.</p> <p>Source funds from government and local authorities, including, but not limited to, corporations and international financial institutions and agencies.</p> <p>Undertake other functions incidental or conducive to the performance of any of the functions.</p> <p>Carry out any other functions as the Cabinet Secretary may deem appropriate.</p> <p>The Board shall consist of-</p> <p>The Chairman;</p> <p>The Vice Chairman</p> <p>Nine members of the Board who shall consist of:</p> <p>one member appointed by the Kenya Institute of Curriculum Development</p> <p>one member appointed by the Commission for University Education</p> <p>one member appointed by a public examinations board</p> <p>one member appointed by the leading national association of the deaf</p> <p>one member appointed by the Teachers Service Commission</p> <p>one member appointed by Kenya Association of Parents of the Deaf</p> <p>Two deaf professionals with at least a Master's degree or better in deaf education, psychology, counselling, or</p>	
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	<p>ancillary fields</p> <p>Federation of Kenya Employers</p>	
	<p>There shall be a secretary to the Board who shall be appointed by the Cabinet Secretary.</p> <p>The secretary to the Board shall hold and vacate the office of secretary in accordance with the terms of the instrument of his appointment to that office.</p> <p>All addition to the functions which he is required to exercise and perform by or under this section, the secretary to the Board shall exercise and perform functions which the Board may from time to time determine.</p> <p>The Board shall determine the categories of interpreters in accordance with international standards.</p>	
<p><b>EXAMINATION OF TRAINERS AND INTERPRETERS COMMITTEE</b></p>	<p>The Board shall appoint an examinations committee whose functions shall be to</p> <p>prepare interpreters' examinations, make rules with respect to examinations, arrange and conduct examinations and issue certificates to candidates who have satisfied examination requirements;</p> <p>promote recognition of its examinations in foreign countries; and</p> <p>perform anything incidental or conducive to the performance of any of the preceding functions;</p> <p>The Examinations Committee shall consult with the Kenya National Examinations Council, the Kenya</p>	

	<p>Institute of Curriculum Development, the Africa Institute of Deaf Studies and Research, the Kenya National Association of the Deaf, and the Commission for University Education in respect to interpreters syllabuses as often as it considers it necessary to do so for the purpose of exercising and performing its functions.</p> <p>The Examinations Committee may establish such sub-committees as it considers necessary for the purpose of exercising and performing its functions and, subject to subsection (4), (5) and (6) may determine the constitution and procedure of any such committee.</p> <p>The majority of the members of any examinations committee established pursuant to subsection (3) for the purpose of conducting interpreters' examinations shall be members of the Institute.</p> <p>The chairman of any committee established pursuant to subsection (3) shall be a member of the Institute and shall be appointed by the Council.</p>	
<p><b>PRACTISING CERTIFICATE OF TRAINERS AND INTERPRETERS</b></p>	<p>After the expiration of twelve months after the incorporation of the Board or such longer period as the Board may declare by notice in the Gazette, no person shall practice as a trainer or interpreter unless he is the holder of a practising certificate that is in force.</p> <p>A person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding six thousand shillings or to imprisonment for a period not exceeding one year or to both.</p> <p>Subject to this section, a person practices as an interpreter for the purpose of this Act if, in consideration of remuneration or other benefits received or to be received and whether by himself or in partnership with another person,</p> <p>engages in the public practice of trainer or interpreting holds himself out to the public as a person entitled to do</p>	

	<p>so;</p> <p>offers to perform or performs services involving sign language training or interpreting;</p>	
	<p>offers to perform or performs services involving the verification or certification of trainer or interpreter;</p> <p>engages in any practice, or performs or offers to perform any services, which may be prescribed.</p> <p>A person wishing to obtain a practising certificate shall apply to the Registration Board.</p> <p>An application for a practising certificate shall be in the prescribed form and shall be accompanied by the prescribed fee.</p> <p>Where an application is made by a person in accordance with section 20, the Registration Board shall issue to him a practising certificate if it is satisfied that he-</p> <p>is registered;</p> <p>meets such other requirements as may be prescribed and, if not so satisfied, shall refuse the application.</p> <p>For the purpose of this section a person is-</p> <p>registered if his name is recorded in the register pursuant to section 25 (1) (a);</p> <p>not registered if his registration is cancelled and particulars of the cancellation are recorded in the register pursuant to section 26 (1) (c); and</p> <p>registered if the fact of the restoration of his registration is recorded in the register pursuant to section 26 (1) (CI).</p> <p>A practising certificate issued to any person remains the property of the Registration Board.</p> <p>A practising certificate remains in force unless it ceases to be in force under subsection (2), (4) or (5).</p>	

A practising certificate issued to a person ceases to be in force if that person ceases to be registered.

(1) Where a practising certificate issued to a person ceases under subsection (2) to be in force, that practising certificate does not come into force again if the person is subsequently registered, but does come into force again if the registration of the person is restored pursuant to subsection CS) or (6) of section 27.

A person may surrender to the Registration Board a practising certificate issued to him and, in that event. the certificate ceases to be in force.

Where a practising certificate ceases to be in force under subsection (2), the person to whom the certificate was issued shall deliver it to the Registration Board within fourteen days after the date on which he ceases to be registered.

A person who, without reasonable excuse, contravenes subsection (6) shall be guilty of an offence and liable to a fine not exceeding five thousand shillings.

Subject to section 33 (3) (b), a practising certificate ceases to be in force during any period when it is suspended pursuant to section 32 (1) (e) or, if that period is varied on appeal under section 33, during the period as so varied.

A person wishing to be registered as a trainer or an interpreter shall apply to the Registration Board.

An application to be registered as an interpreter shall be in the prescribed form and shall be accompanied by the prescribed fee.

Where an application is made by a person in accordance with this section the Registration Board shall approve the application if it is satisfied that he is-

	<p>of or above twenty two (22). qualified to be registered; and</p>	
	<p>not disqualified from being registered, and, if not satisfied, shall refuse the application.</p> <p>A person who, in an application to be registered, wilfully makes a false or misleading statement shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or to imprisonment for a period not exceeding six months or to both.</p> <p>(1) Subject to this section, a person is qualified to be registered if-</p> <p>he has been awarded by the Examinations Council a certificate the Final Trainer or Interpreting Certificate; or</p> <p>he holds a qualification approved under subsection (2) by the Registration Board.</p> <p>The Registration Board may from time to time by notice in the Gazette, approve qualifications which it considers sufficient to allow a person to be registered, and may, in the same manner, withdraw that approval.</p> <p>Notwithstanding subsection (1) or (2), the Registration Board may require a person making application for registration to satisfy the Registration Board (in such manner as it directs) that his knowledge of sign language, training, interpreter code of ethics, psychology of deafness, deaf culture and practice is, and that his professional conduct and general character have been, such as in the opinion of the Registration Board make him a fit and proper person to be registered, and unless the person so satisfies the Registration Board he shall not be treated as being qualified to be registered.</p> <p>Subject to this section, a person is disqualified from being registered -</p> <p>if he is convicted by a court of competent jurisdiction in</p>	

Kenya or elsewhere of an offence involving violation of Interpreters Code of Ethics;

if he is an undischarged bankrupt;

if he is of unsound mind and has been certified to be so by a medical practitioner; or

during any period when the Registration Board has determined under section 32 (1) (ci) that he shall not be registered or during any such period as varied by the High Court under section 33.

A person shall not be treated as disqualified under subsection (1) (a) if the Registration Board, having regard to-

the period which has elapsed since the conviction concerned; or

the circumstances of the offence determines that it would be unreasonable to so treat him.

A person shall not be treated as disqualified under subsection (1) (a) if the Registration Board is satisfied that the bankruptcy of the person concerned arose as a result of unavoidable losses or misfortunes.

A person shall not be treated as being disqualified under subsection (1) (d) if the High Court allows an appeal under section 33.

The registrar of the Registration Board shall cause to be kept a register in which shall be recorded -

the name of any person whose application under section 23 is approved;

the fact that a practising certificate is issued to any person or that any such certificate ceases to be in force under this section;

particulars of the cancellation under this Act of the registration of any person;



	<p>the fact that the registration of any person is restored under this Act; and</p> <p>such other matters as the Registration Board may determine.</p> <p>The registrar of the Registration Board may cause to be made such alterations in the register as are necessary to ensure that the matters recorded therein are accurate.</p> <p>The register may, at all reasonable hours, be inspected, and copies of all or any part of any entry in the register taken-</p> <p>without payment, by-</p> <p>a member of the police force or a public servant, acting in the course of his duty; or</p> <p>a person authorized by the Registrar of the Registration Board; or</p> <p>on payment of such fee as may be prescribed, by any other person.</p> <p>The register shall be received in proceedings before a tribunal as evidence of the matters recorded therein which are required by or under this Act to be so recorded.</p> <p>A document purporting to be certified by the registrar of the Registration Board-</p> <p>to be a true copy of an entry in the register stating that a person is not, or was not on a date specified in the document, registered; or</p> <p>stating that a person is not, or was not on a date specified in the document, the holder of a practising certificate,</p> <p>shall be received in proceedings before a court or tribunal as <i>prima facie</i> evidence of any such matters contained in the entry or of that fact, as the case may be.</p> <p>Proceedings on an inquiry under this section before the Disciplinary Committee shall be deemed to be</p>	
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proceedings before a tribunal for the purposes of this section.

(1) Subject to this section, the Registration Board shall cancel the registration of a member of the Institute if a determination that the registration of the member be cancelled is made under section 32 (1) (d);

any circumstance arises which, if the member were then a person applying for registration, would disqualify him under section 25 from being registered; or

required under subsection (4) of this section to do so.

The Registration Board shall not cancel the registration of a member of the Institute under subsection (1) (b) unless it has afforded to the member an opportunity to show cause why his registration should not be cancelled.

Subsections (2) and (3) of section 25 shall apply in relation to the cancellation of the registration of a member of the Institute under subsection (1) (h) of this section as they apply for the purpose of determining whether or not a person is disqualified from being registered.

The Council may require the Registration Board to cancel the registration of a member of the Institute who fails to comply with the requirements of section 4 (4)

When the registration of a member of the Institute is cancelled under subsection (1) (a) the Registration Board shall restore the registration if, on an appeal made under section 33, the High Court allows the appeal.

The Council may direct the Registration Board to restore the registration of a person whose registration is cancelled under subsection (1) (c) and, if it does so. the Regulation Board shall restore the registration.

The registration of a member shall be restored by recording in the register particulars of the restoration.

The registration of a member shall be cancelled by

	<p>recording in the register particulars of the cancellation.</p> <p>(1) A member of the Interpreters of the Deaf is guilty of professional misconduct if-</p>	
	<p>he allows a person to practise in his name as an interpreter unless that person is the holder of a practising certificate and is in partnership with him or employed by him;</p> <p>he enters, for the purpose of or in course of practising as an interpreter, into partnership with a person who does not hold a practising certificate or secures professional business through the services of such a person or by means not open to an interpreter;</p> <p>he pays or allows or agrees to pay or allow, directly or indirectly, to any person (other than a person who holds a practising certificate, or is a retired partner) any share, commission or brokerage out of the fees for, or profits of, his professional services;</p> <p>he accepts or agrees to accept any part of the fees of, or profits for, the professional work of a who is not the holder of a practising certificate;</p> <p>he solicits clients or professional work either directly or indirectly, by circular, advertisement, personal communication or interview or by any other means;</p> <p>he advertises professional attainments or services;</p> <p>he discloses information acquired in the course of professional engagement to any person other than a client, without the consent of the client, or otherwise than required by law;</p> <p>he includes in a statement, return or form to be submitted to the Council any particular knowing it to be false; or he does or fails to do any other act which may be prescribed.</p>	

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The Committee was further informed on the following-

1. Mr. Stephen Onyango Orindi, a Kenyan Sign Language interpreter, Jaramogi Oginga Odinga University of Science and Technology made the following recommendations-
  - a. curriculum should be developed by Kenya Institute of Curriculum Development, KICD on how Kenyan sign language interpreters should be trained and examined;
  - b. those who are currently working as Kenyan Sign Language Interpreters, should be given some training on the code of ethics of interpretation for a period not less than one week;
  - c. an institution of higher learning ie Universities , Middle Collages and Training Centers should employ at least one Kenyan Sign Language Interpreter; and
  - d. an institution, person or organization holding a public function must have a sign language interpreter.
  
2. Kenyan Sign Language Interpreters Association – KSLIA provided a draft Kenya Sign Language Bill and made the following presentation-
  - a. Kenyan Sign Language (KSL) is a fully-fledged language that uses manual communication to convey meaning, as opposed to acoustically conveyed sound patterns. This can involve simultaneously combining hand shapes, orientation and movement of the hands, arms or body, and facial expressions to fluidly express a speaker's thoughts, concepts and meaning it is NOT based on English or Kiswahili or any spoken languages. We strongly believe that the government should support the development, preservation and use of Kenyan Sign Language as it is the national, unifying language of the Deaf Community in Kenya and they use it in their everyday lives in their homes, churches, mosques, schools, in commerce, in courts, meetings, social events and official business.

- b. We recognize the need to develop, document, promote the use and preserve Kenyan Sign Language as the language of the Deaf community and as a national heritage. In doing this, we know we will be upholding our national values, principles and goals of Chapter 3 which state in part that in promotion of national unity and the commitment of all citizens to the spirit of nationhood and patriotism; recognition of the diversity of the people and promotion and protection of their cultures; promotion of the participation of the people in public affairs and the sharing and devolution of power and ensuring full participation of women, persons with disabilities, marginalized communities and all other citizens in the political, social and economic life of the nation.
- c. We believe that a comprehensive law and regulation addressing the field of interpretation will lead to the development of Sign Linguistics, Interpretation and Translation courses that will be the best rationale and strategy to professionalize the sign language interpretation field for the interpreters in Kenya. The establishment of a board, a registry for interpreters, code of conduct and business practice will enable a level playing field for all the language practitioners, the board will also vet, certify and accredit practicing interpreters by providing licenses and penalties for offenders.
3. Two Parents, Mr. Oliver Musyoki and a Ms. Teresimba Musyoki, of deaf children made the following presentation and informed the Committee that –
- a. there is need to explain the meaning of—
    - (i) Kenya Sign Language;
    - (ii) Kenya Signed English; and
    - (iii) Kenya Exact English.
  - b. courts should have interpreters at no cost;
  - c. deaf children should also be taught Science, Technology, English and Mathematics;
  - d. the curricula and examinations for deaf children should be in the language of instruction; and

- 
- e. a deaf child's capabilities should be identified early enough for career guidance and progression.
4. Ms. Florence, a deaf teacher working at Kenya Institute of Curriculum Development informed the Committee that-
- a. there are variations of signs across the world; each country has its own sign language;
  - b. under the Competence Based Curriculum, Kenyan Sign Language is visual;
  - c. Kenya Institute of Curriculum Development follows the Kenyan Language Policy;
  - d. Kenya Sign Language is the language for the deaf and hard of hearing in Kenya;
  - e. Kenya Sign Language should be taught at both the public and private sector;
  - f. English is signed in Exact English;
  - g. English is written; and
  - h. there is need for inclusive Kenya Sign Language education in the country for all.
5. An American professor of the American Sign Language informed the Committee that-
- a. there is need to develop two Bill; a Deaf Education Bill and Kenya Sign Language Bill;
  - b. parents of deaf children should be taught sign language;
  - c. interpreters should be trained for four years before they are certified; and
  - d. there should be certification of interpreters.
6. The Committee was further informed by Ms. Consolata Njeri, a teacher, that-
- a. basic sign language should be introduced in primary schools to enable deaf children interact with others efficiently;
  - b. more regular schools should be able to provide deaf units' classes because it's not easy to come across a school with it;
  - c. more teachers should be trained to reduce exhaustion to the available ones to enable better education;
  - d. hearing aids and relevant equipment should be tax free.
  - e. examinations for the deaf and hard of hearing should not be set and graded as same as the regular children since they don't have sounds in their language.

### 3. COMMITTEE OBSERVATIONS

The Committee made the following observations based on their deliberations of the Bill and stakeholder input-

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1. Sign language is an idea of expressing concepts in a way that someone who cannot hear will understand;
2. Kenyan Sign Language is unique and had aspects that were not universal therefore the title Kenyan Sign Language Bill was appropriate and it was also in line with Article 7 (2) (b) of the Constitution;
3. The proposal to change the title of the Bill to ‘Deaf Education Bill’ would limit it since the scope of the Bill was beyond deaf education;
4. The Bill ought to accommodate all public learning institutions and not just public institutions.
5. Additional definitions of the “Kenyan Sign Language”, “sign language interpreter”, and “Deaf person” would enrich the Bill;
6. The proposals to introduce Part III “**Use of Kenyan Sign Language in Courts**” before clause 6(1) and part IV “**Use of Kenyan Sign Language in Educational Settings**” before clause 7 were in order;
7. There was need to introduce a section on the Teachers Service Commission (TSC) on the Bill to accommodate various concerns that touch on the mandate of the Commission; and
8. The proposal to introduce Part V on the **Board of Registration of Interpreters** ought to be addressed later when the Bill progresses to the National Assembly

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#### 4. COMMITTEE RECOMMENDATIONS

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The Committee therefore recommends—

1. to propose amendments to the Bill during the Committee of the Whole to accommodate the concerns raised during the public hearing to include-
  - a. a proposal to introduce Part III “**Use of Kenyan Sign Language in Courts**” before clause 6(1) and part IV “**Use of Kenyan Sign Language in Educational Settings**” before clause 7; and
  - b. introduction of a section on the Teachers Service Commission (TSC) to the Bill to accommodate various concerns that touch on the mandate of the Commission;
2. **that** the proposal to introduce Part V on the **Board of Registration of Interpreters** be addressed later when the Bill progresses to the National Assembly;
3. **that** the Bill be amended by deleting the words “Kenya sign language” whenever they appear in the Bill and substituting therefor the words “Kenyan Sign language”;
4. **that** clause 7 of the Bill be amended to ensure that all digital learning materials and resources for learners who are Deaf and those who are hard of hearing contain inscriptions in Standard English and to effect the use of Kenyan Signed English for teaching of other subjects while Kenyan Signed language is used to support explanation and understanding of difficult concepts;
5. **that** clause 17 of the Bill be amended to encourage institutions of basic education and training to offer Kenyan Sign language as a discipline of study and institutions of higher learning to undertake continuous research in the use and development of Kenyan Sign language;
6. **that** the Bill be amended to provide for the role of Teachers Service Commission to *inter alia*-



- (a) ensure that teachers of Deaf children assist learners to acquire sufficient competence in the use of the English and Kiswahili language including ensuring that Kenyan Sign language is taught in sign form and not written form;
- (b) ensure that teachers who teach learners who are Deaf are proficient in Kenyan Sign language; and
- (c) ensure that the teacher to learners' ratio in institutions serving learners who are Deaf is as per the policy of the Ministry of Education; and
7. **that** the Bill be amended in clause 2 by inserting the following new definition immediately after the definition of the term-
- a. "Deaf community" in their alphabetical order—
  - b. "deaf person" means a person who became deaf at birth, after birth, a person who has a dual handicap of deafness and visual impairment, a person who prefers to communicate using oral method only, a hard of hearing person who prefers to use sign language in combination with speech, or a Cochlear implant person who communicates in sign language at own discretion;
  - c. "Kenyan Sign Language" means the sign language used by the Deaf community and other types such as Kenyan Signed English, pidgin, cued speech, and other emerging types such as contact sign language for the deafblind and other sign language based medium of communication as may emerge from time to time to meet unique needs of the deaf community;
  - d. "sign language interpreter" means any individual or organization or agency purporting to offer sign language interpreting; and
  - e. "sign language trainer" means any individual or organization or body purporting to teach sign language;

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**Annex 1: Committee Stage Amendments**

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**28<sup>th</sup> July, 2020**

The Clerk of the Senate

Parliament Buildings

**NAIROBI.**

**RE: COMMITTEE STAGE AMENDMENTS TO THE KENYA SIGN LANGUAGE BILL, SENATE BILL NO.15 OF 2019**

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**NOTICE** is given that Sen. Alice Milgo, the Chairperson to the Standing Committee on Education, intends to move the following amendments to the Kenya Sign Language Bill, 2019, Senate Bills No. 15 of 2019, at the Committee Stage-

**CLAUSE 4**

**THAT** clause 4 of the Bill be amended in sub clause (1) by deleting the word “Kenya” appearing immediately after the word “The” and substituting therefor the word “Kenyan”.

**CLAUSE 5**

**THAT** clause 5 of the Bill be amended—

- (a) in paragraph (a) deleting the word “Kenya” appearing immediately after the words “and promotion of” and substituting therefor the word “Kenyan”;
- (b) by deleting paragraph (b) and substituting therefor the following new paragraph—
  - (b) the Kenyan Sign language is used in the provision of government services and information to the public;
- (c) in paragraph (d) by deleting the word “Kenya” appearing immediately after the words “appropriate means including” and substituting therefor the word “Kenyan”.

**CLAUSE 6**

**THAT** clause 6 of the Bill be amended—

(a) in sub clause (1) by –

- (i) deleting the introductory clause and substituting therefor the following clause—

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(1) A person whose first or preferred language is the Kenyan Sign language may use the Kenyan Signed English language where the person is—

- (ii) deleting the word “Kenya” appearing immediately after the words “officer to use” in paragraph (d) and substituting therefor the word “Kenyan”;

(b) in sub clause (2) by deleting the word “Kenya” appearing immediately after the words “to use” and substituting therefor the word “Kenyan”;

(c) by deleting sub clause (3) and substituting therefor the following new sub clause—

(3) The presiding officer shall make a determination as to the accuracy of any interpretation from the Kenyan sign language into spoken or written language or from spoken or written language into the Kenyan signed English language.

(d) in sub clause (4) by deleting the word “Kenya” appearing immediately after the words “be followed where” and substituting therefor the word “Kenyan”;

(e) in sub clause (5) by deleting the word “Kenya” appearing immediately after the words “right to use” and substituting therefor the word “Kenyan”.

#### **INSERTION OF A NEW HEADING**

**THAT** the Bill be amended by inserting the following new heading immediately after clause 6 of the Bill—

#### **PART IV—USE OF THE KENYAN SIGN LANGUAGE IN AN EDUCATIONAL SETTING**

#### **CLAUSE 7**

**THAT** clause 7 of the Bill be amended—

- (a) in paragraph (b) by deleting the word “Kenya” appearing immediately after the words “including ensuring that” and substituting therefor the word “Kenyan”;

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(b) by deleting paragraph (e) and substituting therefor the following new paragraph—

- (e) ensure that all digital learning materials and resources for learners who are deaf or hard of hearing contain inscriptions in standard English;
- (c) in paragraph (g) by deleting the word “Kenya” appearing immediately after the words “curriculum courses on” and substituting therefor the word “Kenyan”;
- (d) in paragraph (i) by deleting the word “Kenya” appearing immediately after the words “the provision of” in the introductory clause and substituting therefor the word “Kenya”;
- (e) by inserting the following new paragraphs immediately after paragraph (i)
  - (j) provide a Kenyan Sign language interpreter in a formal or informal education setting where the teacher is not proficient in Kenyan sign language or Kenyan Signed English;
  - (k) ensure that there are an adequate number of educational interpreters available for deaf and hard of hearing students attending mainstream and inclusive education settings;
  - (l) ensure that Kenyan signed English is used during English lessons with respect to learners who are deaf;
  - (m) effect the use of Kenyan Signed English for teaching of other subjects while Kenyan Signed language is used to support explanation and understanding of difficult concepts; and
  - (n) ensure that the teacher to pupil ratio in institutions serving learners who are deaf meets the prescribed criteria.

## **CLAUSE 9**

**THAT** clause of the Bill be amended-

- (a) in sub clause (1) by deleting the word “Kenya” appearing immediately after the words “and procedures for” and substituting therefor the word “Kenyan”;
- (b) in sub clause (2) by—
  - (i) deleting the word “Kenya” appearing immediately after the words “the provision of” in paragraph (a) and substituting therefor the word “Kenyan”;

- (ii) deleting the word “Kenya” appearing immediately after the words “for registration of” in paragraph (b) and substituting therefor the word “Kenyan”;
- (iii) deleting the word “Kenya” appearing immediately after the words “a register of” in paragraph (c) and substituting therefor the word “Kenyan”; and
- (iv) deleting the word “Kenya” appearing immediately after the words “registered as a” in paragraph (d) and substituting therefor the word “Kenyan”.

#### **CLAUSE 10**

**THAT** clause 10 of the Bill be amended in sub clause (1) by deleting the word “Kenya” appearing immediately after the words “wishes to provide” and substituting therefor the word “Kenyan”.

#### **CLAUSE 11**

**THAT** clause 11 of the Bill be amended in subsection (1) by deleting the word “Kenya” appearing immediately after the words “as the registrar” and substituting therefor the words “of Kenyan”.

#### **CLAUSE 16**

**THAT** clause 16 of the Bill be amended in sub clause (1) by—

- (a) deleting the word “Kenya” appearing immediately after the words “use of basic” in paragraph (a) and substituting therefor the word “Kenyan”;
- (b) deleting the word “Kenya” appearing immediately after the words “the promotion of” in paragraph (b) and substituting therefor the word “Kenyan”; and
- (c) deleting the word “Kenya” appearing immediately after the words “use of the” in paragraph (c) and substituting therefor the word “Kenyan”.

#### **CLAUSE 17**

**THAT** clause 17 of the Bill be amended—

- (a) Insert the word “Kenyan” after the word “propagate” in subsection (1)
- (b) by deleting sub clause (2) and substituting therefor the following new sub clause—

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(2) The National and county governments shall put in place measures to promote —

- (a) the provision, by institutions of basic education and training, of Kenyan Sign language as a discipline of study; and
- (b) the conduct, by institutions of higher learning of continuous research in the use and development of Kenyan Sign language.

(c) by deleting sub clause (3).

### **CLAUSE 18**

**THAT** clause 18 of the Bill be amended in sub clause (1) by deleting the words “Kenya Sign Language Action Plan six months” appearing immediately after the words “Governors develop a” and substituting therefor the words “Kenyan Sign Language Action Plan within one year”.

### **NEW CLAUSE 7A**

**THAT** the Bill be amended by inserting the following new clause immediately after clause 7—

Role of the  
Teachers  
Service  
Commission.

**7A.** The Teachers Service Commission established under Article 237 of the Constitution shall put in place measures to ensure that —

- (a) teachers assigned to teach deaf or hard of hearing children are trained to assist learners to acquire sufficient competence in the use of the English and Kiswahili language;
- (b) teachers who teach learners who are deaf are proficient in Kenyan Sign language;
- (c) the teacher to learners’ ratio in institutions serving learners who are deaf is as recommended by the Ministry of Education;
- (d) teachers of deaf and hard of hearing learners are competent in both Kenyan Sign Language and Kenyan Signed English at an advanced level; and

- (e) there is in place an adequate number of educational interpreters for deaf and hard of hearing learners attending mainstream and inclusive education settings.
- 

**CLAUSE 2**

**THAT** clause 2 of the Bill be amended by—

- (a) deleting the definition of the word “public university” and substituting therefor the following new definition—

“university” has the meaning assigned it under section 2 of the Universities Act;

- (b) deleting the definition of the word “recognized schools” and substituting therefor the following new definition—

“recognized school” means a school registered under the Basic Education Act, the Technical and Vocational Education and Training Act or the Universities Act;

- (c) inserting the following new definitions in their proper alphabetical sequence —

“**deaf**” means a person with any type or degree of hearing loss;

“**hard of hearing**” means a person who has a permanent or fluctuating hearing loss that is less severe than the hearing loss of a person who is deaf and that generally permits the use of the auditory channel as the primary means of developing speech and language skills;

“**Kenyan Sign Language**” means the sign language used by the deaf community as a medium of communication;

“**registrar**” means the person appointed as the registrar, Kenyan Sign Language Interpreters under section 11;

“**sign language interpreter**” means a person who is registered under section 10 to offer sign language interpretation services.

Dated ....., 2020.

Alice Milgo,  
Chairperson, Committee on Education.

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**Annex 2: Minutes of the Committee Meetings**

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**MINUTES OF THE 25<sup>TH</sup> SITTING OF THE SENATE STANDING COMMITTEE  
ON EDUCATION HELD ON THURSDAY, 26<sup>TH</sup> SEPTEMBER, 2019 AT  
COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDING AT 11:00 AM.**

**PRESENT**

1. The Hon. Sen. (Dr.) Lang'at Christopher, MP - **Chairperson**
2. The Hon. Sen. (Prof.) Margaret Kamar, MP - **Vice Chairperson**
3. The Hon. Sen. Nderitu John Kinyua, MP - Member

**ABSENT WITH APOLOGIES**

1. The Hon. Sen. Mohamed Yusuf Haji, MP - Member
2. The Hon. Sen. Gertrude Musuruve, MP - Member
3. The Hon. Sen. (Dr.) Agnes Zani, MP - Member
4. The Hon. Sen. (Prof.) Samson Ongeru, MP - Member
5. The Hon. Sen. Okongo Omogeni, MP - Member
6. The Hon. Sen. Mary Seneta, MP - Member

**SENATE SECRETARIAT**

1. Mr. Joseph Mwangi - Clerk Assistant
2. Mr. Jeremy Chabari - Legal Counsel
3. Ms. Julia Gachoki - Sergeant at Arms

**MIN.NO./SEN/EDU/2019/125 PRELIMINARIES**

The Chairperson called the meeting to order at 11:14 a.m and the meeting began with a word of prayer.

**MIN.NO./SEN/EDU/2019/126 ADOPTION OF AGENDA**

The agenda of the meeting was adopted having been proposed by Sen.(Prof.) Margaret Kamar and Seconded by Sen. John Kinyua as follows-

**AGENDA**

1. Preliminaries
2. Adoption of agenda
3. Consideration of the Kenyan Sign Language Bill,2019
4. Any other business
5. Adjournment/Date of the next meeting



**MIN.NO./SEN/EDU/2019/127 CONSIDERATION OF THE KENYAN SIGN LANGUAGE BILL, 2019**

Members were taken through the Kenya Sign Language Bill by the secretariat and the date of the public hearing was set for 9th October, 2019 at County Hall, Mini Chambers from 10am.

The Members also tasked the secretariat to invite the following key stakeholders for the public hearing:

1. Ministry of Education
2. Kenya Institute of Curriculum Development (KICD)
3. Kenya Association of the Deaf
4. Teachers Service Commission (TSC)
5. Kenya National Union of Teachers (KNUT)
6. Kenya Union of Post Primary Education Teachers (KUPPET)

**MIN. NO./SEN/EDU/2019/128 ANY OTHER BUSINESS**

1. The Members registered their disappointment at the Ministry of Education for slow response to Statements requested. The Committee had been given seven (7) days to respond to the pending Statements.
2. The Members were informed that the response by the Ministry of Education on the Petition on Basic Curriculum Framework had not yet been submitted to the Committee.

**MIN.NO./SEN/EDU/2019/129 ADJOURNMENT AND DATE OF NEXT MEETING**

The Chairperson adjourned the meeting at 12.06pm. The next meeting would be by notice.



**SIGNED.....**

**(CHAIRPERSON; SEN. (DR.) CHRISTOPHER LANG'AT ANDREW, M.P.)**

**DATE.....**

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**MINUTES OF THE 28<sup>TH</sup> SITTING OF THE SENATE STANDING COMMITTEE  
ON EDUCATION HELD ON THURSDAY, 17<sup>TH</sup> OCTOBER, 2019 AT SHIMBA  
HILLS HALL, K.I.C.C AT 11:00 AM.**

**PRESENT**

- |  |                          |
|--|--------------------------|
| 1. The Hon. Sen. (Dr.) Lang'at Christopher, MP | <b>-Chairperson</b>      |
| 2. The Hon. Sen. (Prof.) Margaret Kamar, MP    | <b>-Vice Chairperson</b> |
| 3. The Hon. Sen. Okongo Omogeni, SC, MP        | -Member                  |
| 4. The Hon. Sen. Nderitu John Kinyua, MP       | -Member                  |

**ABSENT WITH APOLOGIES**

- |  |         |
|--|---------|
| 1. The Hon. Sen. Mohamed Yusuf Haji, MP    | -Member |
| 2. The Hon. Sen. (Prof.) Samson Ongeru, MP | -Member |
| 3. The Hon. Sen. Mary Seneta, MP           | -Member |
| 4. The Hon. Sen. Gertrude Musuruve, MP     | -Member |
| 5. The Hon. Sen. (Dr.) Agnes Zani, MP      | -Member |

**IN ATTENDANCE**

**-SENATE SECRETARIAT**

- |                        |                          |
|------------------------|--------------------------|
| 1. Mr. Joseph Mwangi   | - Clerk Assistant        |
| 2. Mr. Jeremy Chabari  | -Legal Counsel           |
| 3. Ms. Julia Gachoki   | -Sergeant at Arms        |
| 4. Ms. Njeri Manga     | -Media Relations Officer |
| 5. Mr. Charles Okwemba | -Media Relations Attaché |
| 6. Mr. Nickson Mutai   | -Audio Officer           |

**MIN.NO./SEN/EDU/2019/140      PRELIMINARIES**

The Chairperson called the meeting to order at 11:06 a.m and the meeting began with a word of prayer. The Chairperson called the public in attendance and stakeholders from various institutions to a session of self introduction.

He later welcomed all to the session and invited all stakeholders to give their views on the Kenya Sign language Bill, 2019.

**MIN.NO./SEN/EDU/2019/141      ADOPTION OF AGENDA**

The agenda of the meeting was adopted unanimously by Members as follows-

**AGENDA**

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1. Preliminaries
2. Adoption of agenda
3. Public Hearing for the Kenya Sign Language Bill,2019
4. Any other business
5. Adjournment/Date of the next meeting

**MIN.NO./SEN/EDU/2019/142 PUBLIC HEARING**

The Chairperson welcomed presenters from various institutions and public who gave their views as follows:

**1. Kenya Institute of Curriculum Development**

- a) The title of the Bill should be changed to include “sign Language Bill”.
- b) Sec. 7(a) should be rephrased
- c) Sec. 7(e) should read...all digital learning materials and learners who are hard of hearing...
- d) Sec 17(3) should read...Institutions of higher learning to encourage...
- e) Sec. 18(2) should be removed.

**2. Kenya National Association of Deaf**

- a) The first batch of sign language learners in Kenya was in 1989.
- b) The Association appreciated the Bill publication.
- c) There was need for Parliament before publishing any Bill, to first get the views of Stakeholders to give their needs so that any Bill would address the needs of various stakeholders.
- d) There was need to change the title of the Bill to..**Deaf Education Bill**..if the Committee wants to retain the name Kenya Sign

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Language Bill., then it should include other departments which may amount to a money bill.

- e) There was nothing like...Kenya Signed English
- f) If the Bill focusses on Education, then it ought to include the family's intervention.
- g) The foundation of language is where the deaf challenges begin as most can go up to six years without a language of communication.

**3. Teachers Service Commission (TSC) Mr. Allan Sitima**

- a) The Bill speaks a lot more to the issues on interpreters and other stakeholders, thus the need to broaden the title as it is.
- b) Sec. 7(b) The Bill ought to address TVET Institutions.
- c) The preamble must be clear on what the title of the Bill could have missed.

**4. Kenya Sign Language Interpreters Association-Chairperson Ms. Leonida Kaula**

- a) They understand the deaf more as they interpret for them on daily basis.
- b) The title of the Bill ought to be...Deaf Education Bill... or retain it as it is and include all aspects of Sign Language.

**5. Deaf Child Organization-Mr. Richard Mativo**

- a) Kenya Sign Language is not like spoken language.
- b) For most cases it is the language acquired in schools for the deaf as it can't be acquired from hearing parents.
- c) Sec 7(1) did not support the Cabinet Secretary being the one to regulate interpreters as it was not practical.
- d) There was need to come up with a board to deal with thematic areas of interpretation such as health, ethics and also discipline.
- e) Sec 7(b) should be deleted, as Sign Language cannot be written as it is signed.

## **6. Children of deaf Parents Association**

- a) They support change of the title of the Bill.
- b) Sec 6 –Interpretation should not restricted to English language only.

## **7. Prof. Ndurumo**

The title of the Bill should be changed to Kenyan Sign Language and Interpreters Bill.

## **8. Parents of a deaf Child –Mr Tim and Ms. Teresimba Musyoki**

- a) Children are taught in Sign Language and examined in English which makes it hard for the deaf to make it in other fields such as Medicine and Law.
- b) Parents of deaf Association are yet to be registered.
- c) The board of deaf should include Parents association. Parents with deaf children lack exposure on how to handle their children.

## **9. Other issues raised by various members of the Public:**

- a) There is need to have a school where parents of deaf children can go and learn Sign Language.
- b) To have trained teachers to teach schools for the deaf.
- c) There was need to have two separate Bills; Kenya Sign Language Bill and Deaf Education Bill.
- d) 90% of Deaf children are from hearing parents. There is need for the hearing parents to learn Sign Language.
- e) Interpreters need to have learnt Sign Language for at least four years to qualify to be a trainer in the same.

The Chairperson thanked the participants for attending the hearing and he encouraged them to also send their memoranda to the secretariat. He assured the public that their input is key and would be considered by the Committee.

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**MIN.NO. /SEN/EDU/2019/143 ANY OTHER BUSINESS**

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There was no other business.

**MIN.NO./SEN/EDU/2019/144 ADJOURNMENT AND DATE OF NEXT MEETING**

The Chairperson adjourned the meeting at 1.34pm. The next meeting would be by notice.



**SIGNED.....**

**(CHAIRPERSON; SEN. (DR.) CHRISTOPHER LANG'AT ANDREW, M.P.)**

**DATE.....**

**MINUTES OF THE 3<sup>rd</sup> SITTING OF THE SENATE STANDING COMMITTEE  
ON EDUCATION HELD ON THURSDAY, 27<sup>TH</sup> FEBRUARY, 2020 AT  
COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDING AT 11:00 AM.**

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**PRESENT**

- |  |                    |
|--|--------------------|
| 1. Hon. Sen. (Prof.) Margaret Kamar, MP  | - Vice Chairperson |
| 2. Hon. Sen. (Prof.) Samson Ongeru, MP   | - Member           |
| 3. Hon. Sen. (Dr.) Agnes Zani            | - Member           |
| 4. Hon. Sen. (Dr.) Gertrude Musuruve, MP | - Member           |
| 5. Hon. Sen. Nderitu John Kinyua, MP     | - Member           |

**ABSENT WITH APOLOGIES**

- |   |               |
|---|---------------|
| 1. Hon. Sen. (Dr.) Langat Christopher, MP | - Chairperson |
| 2. Hon. Sen. Mary Seneta, MP              | - Member      |
| 3. Hon. Sen. Okongo Omogeni, SC, MP       | -Member       |
| 4. Hon. Sen. Mohamed Yusuf Haji, MP       | - Member      |

**SENATE SECRETARIAT**

- |                     |                    |
|---------------------|--------------------|
| 1. Humphrey Ringera | - Clerk Assistant  |
| 2. Jeremy Chabari   | - Legal Counsel    |
| 3. Winnie Atieno    | - Audio Officer    |
| 4. Patrick Murindo  | - Sergeant at Arms |
| 5. Lucy Nyasuna     | -Intern            |

**MIN. NO./SEN/EDU/15/ 2020    PRELIMINARIES**

The Chairperson called the meeting to order at 11:20 am and the meeting began with a word of prayer.

**MIN. NO./SEN/EDU/16/ 2020    ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted having been proposed by Sen. (Dr.) Agnes Zani and seconded by Sen. Nderitu John Kinyua as follows:

1. Preliminaries
2. Adoption of agenda

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3. Confirmation of previous minutes

4. Matters arising

5. Consideration of Stakeholder views on the Kenya Sign Language Bill, 2019

6. Any other business

7. Adjournment/Date of the next meeting

**MIN. NO./SEN/EDU/17/2020 CONFIRMATION OF PREVIOUS MINUTES**

The minutes of the previous meeting held on 25<sup>th</sup> February, 2020 were confirmed after being proposed by Sen. (Dr.) Agnes Zani and seconded by Sen. Nderitu John Kinyua.

**MIN. NO./SEN/EDU/18/2020 MATTERS ARISING**

There were no matters arising from the previous minutes

**MIN. NO./SEN/EDU/12/2020 CONSIDERATION OF STAKEHOLDER VIEWS ON THE KENYA SIGN LANGUAGE BILL, 2019**

The Chairperson invited the Committee Legal Counsel to present a matrix of stakeholder views (annex 1) on the Kenya Sign Language Bill, 2019. The Committee observed that:

9. Sign language is an idea of expressing concepts in a way that someone who cannot hear will understand;
10. Kenyan Sign Language is unique and may have aspects that are not universal therefore the title Kenyan Sign Language Bill is appropriate and it is also in sync with Article 7 (2) (b) of the Constitution;
11. The proposal to change the title of the Bill to ‘Deaf Education Bill’ would limit it since it goes beyond education alone;
12. The Bill should accommodate all public learning institutions and not just public institutions
13. Additional definitions of the “Kenyan Sign Language”, “sign language interpreter”, and “Deaf person” would enrich the Bill;



14. The proposals to introduce Part III “Use of Kenyan Sign Language in Courts” before clause 6(1) and part IV “Use of Kenyan Sign Language in Educational Settings” before clause 7 are in order;

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15. There is need to introduce a section on the Teachers Service Commission (TSC) on the Bill to accommodate various concerns that touch on the mandate of the Commission; and

16. The proposals to introduce Part V on the Board of Registration of Interpreters should be addressed later when the Bill progresses to the National Assembly

**MIN. NO./SEN/EDU/13/2020 ANY OTHER BUSINESS**

There being no other business the meeting was adjourned.

**MIN. NO./SEN/EDU/14/2020 ADJOURNMENT AND DATE OF NEXT MEETING**

The meeting was adjourned at 1:47pm. The next meeting would be called by notice.



**SIGNED.....**

**for**

**(CHAIRPERSON; SEN. (DR.) CHRISTOPHER LANG'AT ANDREW, M.P.)**

**05/03/2020**

**DATE.....**

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**MINUTES OF THE 10<sup>th</sup> SITTING OF THE SENATE STANDING COMMITTEE  
ON EDUCATION HELD ON THURSDAY, 28<sup>th</sup> MAY, 2020 ON THE ZOOM  
ONLINE MEETING PLATFORM AT 10:30 AM.**

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**PRESENT**

- |  |                    |
|--|--------------------|
| 6. Hon. Sen. (Prof.) Margaret Kamar, MP  | - Vice Chairperson |
| 7. Hon. Sen. (Dr.) Agnes Zani, MP        | - Member           |
| 8. Hon. Sen. (Prof.) Samson Ongeru, MP   | - Member           |
| 9. Hon. Sen. (Dr.) Gertrude Musuruve, MP | - Member           |
| 10. Hon. Sen. Nderitu John Kinyua, MP    | - Member           |

**ABSENT WITH APOLOGIES**

- |   |               |
|---|---------------|
| 5. Hon. Sen. (Dr.) Langat Christopher, MP | - Chairperson |
| 6. Hon. Sen. Mohamed Yusuf Haji, MP       | - Member      |
| 7. Hon. Sen. Okongo Omogeni, SC, MP       | - Member      |
| 8. Hon. Sen. Mary Seneta, MP              | - Member      |

**SENATE SECRETARIAT**

- |                       |                          |
|-----------------------|--------------------------|
| 6. Humphrey Ringera   | - Research Officer/Clerk |
| 7. Winnie Atieno      | - Audio Officer          |
| 8. Caroline Cheruiyot | - Legal Counsel          |
| 9. Jeremy Chabari     | - Legal Counsel          |

**MIN. NO./SEN/EDU/59/2020                      PRELIMINARIES**

The Chairperson called the meeting to order at 10:40a.m. and began the meeting with a word of prayer.

**MIN. NO./SEN/EDU/60/2020                      ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted having been proposed by Sen. (Dr.) Zani, MP and seconded by Sen. (Dr.) Musuruve, MP as follows:

1. Preliminaries
2. Adoption of agenda
3. Confirmation of Minutes from the previous meeting
4. Matters Arising
5. Adoption of the Committee Report on the Kenyan Sign Language Bill
6. Any other business
7. Adjournment/Date of the next meeting

**MIN. NO./SEN/EDU/61/2020 CONFIRMATION OF MINUTES FROM THE PREVIOUS MEETING**

The minutes of the 8<sup>th</sup> and 9<sup>th</sup> Committee Meetings held on 20<sup>th</sup> and 21<sup>st</sup> May, 2020 respectively were confirmed as the true record of the proceedings as follows-

- 8<sup>th</sup> Committee meeting proposed by Sen. (Dr.) Zani and seconded by Sen. Kinyua; and
- 9<sup>th</sup> Committee meeting proposed by Sen. Kinyua and seconded by Sen. (Dr.) Zani

**MIN. NO./SEN/EDU/62/2020 MATTERS ARISING FROM THE PREVIOUS MEETING**

- a) Under Ex- MIN. NO./SEN/EDU/51/2020 Consideration of the Committee Input to the MoE Covid-19 Education Response Committee, the meeting was informed that the Committee Input had been submitted to the Ministry of Education Response Committee and that there is need to start engagement with the Ministry on the policies being developed.

**MIN. NO./SEN/EDU/63/2020 ADOPTION OF THE COMMITTEE REPORT ON THE KENYAN SIGN LANGUAGE BILL**

The Committee considered and adopted its Report on the Kenyan Sign Language Bill, having been proposed by Sen. (Dr.) Musuruve, MP and seconded by Sen (Prof.) Onger, MP.

The Committee further resolved that the Report be forwarded for approval by the Hon. Speaker to enable its tabling in the Senate.

**MIN. NO./SEN/EDU/64/2020 ANY OTHER BUSINESS**

- The Committee observed that a number of education stakeholders were getting anxious on the effects of COVID-19 to Education in Kenya and resolved that there is need to identify all education stakeholders, hold meetings with them and come up with a way forward to be forwarded to the relevant authorities.

**MIN. NO./SEN/EDU/65/2020 ADJOURNMENT AND DATE OF NEXT MEETING**

The meeting was adjourned at 12:30pm The next meeting would be by notice.



SIGNED.....

*For* (CHAIRPERSON: SEN. (DR.) CHRISTOPHER LANG'AT ANDREW, M.P.)

DATE .....04/06/2020.....

