

REPUBLIC OF KENYA



PARLIAMENT

THE SENATE

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COMMITTEE	Education
CLERK AT THE TABLE	Karate Mugo

TWELFTH PARLIAMENT (FIFTH SESSION)

THE STANDING COMMITTEE

ON

EDUCATION

REPORT ON THE KENYAN SIGN LANGUAGE BILL, (SENATE BILLS NO. 5 OF 2021)

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

At Hon' Speaker  
You may approve for  
tabling. 28/07/21  
July, 2021

Approved  
28/7/2021

COS  
This is forwarded & recommended  
for processing for approval  
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## **ABBREVIATIONS AND ACRONYMS**

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COG	Council of Governors
EARC	Education Assessment Research Centre
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
MOE	Ministry of Education
TSC	Teachers Service Commission
UoN	University of Nairobi

## **PREFACE**

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 for 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.) Alice C. Milgo, MP        | - Chairperson      |
| 2. Sen. (Dr.) Agnes Zani, CBS, MP       | - Vice-Chairperson |
| 3. Sen. Mwangi Githiomi, MP             | - Member           |
| 4. Sen. Fred Outa, MP                   | - Member           |
| 5. Sen. (Prof.) Kithure Kindiki, EGH MP | - Member           |
| 6. Sen. (Prof.) Malachy Ekal, MP        | - Member           |
| 7. Sen. Falhada Dekow, 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, (Senate Bills No. 5 of 2021) 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, (No. 5 of 2021), was read a First Time in the Senate on 11<sup>th</sup> May, 2021 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 their representations on the Bill.

**Mr. Speaker Sir,**

The Committee held a virtual public hearing on Thursday 3<sup>rd</sup> June, 2021 and received both oral and written submissions from the Council of Governors (COG) and National Gender and Equality Commission, Kenya Sign Language Interpreters Association and the Kenya Association of Parents of the Deaf amongst other stakeholders.

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

I assure them that the Committee has reviewed every single one of the submissions received and has taken into account their views in the preparation of this report.

**Mr. Speaker Sir,**

The Committee observed that the 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.

**Mr. Speaker Sir,**

The stakeholders made several proposals for amendments to this Bill. As such, the Committee will be proposing amendments to the Bill in line with these observations and recommendations.

**Mr. Speaker Sir.**

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

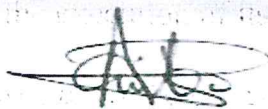
The Committee also thanks the Offices of the Speaker and the Clerk of the Senate for the support extended to it in the execution of its mandate.

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**

Pursuant to standing order 213(6), it is my pleasant duty, on behalf of the Standing Committee on Education, to present the Report of the Standing Committee on Education on the consideration of the Basic Education (Amendment) Bill, Senate Bills No. 4 of 2021.

I thank you, Mr. Speaker



Signed.....Date...23/07/21....

SEN. (Dr.) ALICE C MILGO, MP

CHAIRPERSON STANDING COMMITTEE ON EDUCATION

ADOPTION OF THE COMMITTEE REPORT ON THE KENYAN SIGN LANGUAGE  
BILL, SENATE BILLS NO.5 OF 2021

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  
(Senate Bill, No 5 of 2021).

Sen. (Dr.) Alice C Milgo, MP

- Chairperson



Sen. (Dr.) Agnes Zani, CBS, MP

- Vice-Chairperson



Sen. Mwangi Githiomi, MP

- Member



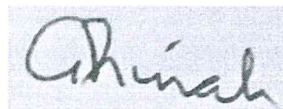
Sen. Fred Outa, MP

- Member

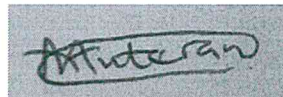
Sen. (Prof.) Kithure Kindiki, EGH, MP - Member

Sen. (Prof.) Imana Malachi Ekal, MP - Member

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



Sen. Seneta Mary Yiane, MP - Member



Sen. Falhada Dekow, MP

- Member





# **1. THE KENYAN SIGN LANGUAGE BILL (SENATE BILLS NO. 5 OF 2021)**

## **Background**

The Kenyan Sign Language Bill (Senate Bills No. 5 of 2021) 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> May, 2021 and thereafter stood committed to the Senate Standing Committee on Education for consideration and facilitation of public participation.

## **Objects of the Bill**

The Kenyan Sign Language Bill seeks to provide for the use of sign language in learning 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.

## **Provisions of the Bill**

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.

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.



## 2. SUBMISSIONS FROM MEMBERS OF THE PUBLIC

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 their representations on the Bill. The representations were to be made either orally during a virtual Committee meeting or through submissions of written memoranda.

The invitations for submissions were made vide advertisements which appeared in the Daily Nation and the Standard on Thursday, 18<sup>th</sup> May, 2021. Subsequently, the Committee held a virtual public hearing on Thursday, 3<sup>rd</sup> June, 2021.

The Committee received both oral and written submissions from the members of public and different stakeholders. These included the Council of Governors (COG), the National Gender and Equality Commission (NGEC), Kenya Sign Language Interpreters Association and the Kenya Association of Parents of the Deaf.

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

### **MATRIX OF PUBLIC PARTICIPATION FOR THE KENYA SIGN LANGUAGE BILL, 2021**

No	CLAUSE NUMBER	KEY AMENDMENT/COMMENT	JUSTIFICATION	COMMENTS OF THE COMMITTEE
1.	2	<p><b><u>Kenya Sign Language Interpreters Association</u></b></p> <p>1. Proposed amendment to the reference to cabinet secretary because the latter parts of the bill refer to three specific ministries—</p> <p>a. Ministry of Education dealing with issues of education</p> <p>b. Ministry of legal affairs or specific reference to the judiciary on issues of administration of justice</p> <p>c. Ministry of culture and heritage on issues of language, interpretation and translations</p> <p>2. definition of “Kenya signed</p>	<p><b><u>Kenya Sign Language Interpreters Association</u></b></p> <p>1. Clarification on which Cabinet Secretary and Ministry should carry out which function</p> <p>2. there is no language referred to as signed English or Kiswahili for that matter – the language preferred and used by the Deaf communities in Kenya is/shall remain to be Kenyan Sign Language (KSL)</p> <p>3. Deaf Community means a socio-linguistical cultural minority who</p>	<p>The Committee rejected the proposal to delete the definition of “Kenya signed English”</p> <p>The Committee adopted other proposals made to this clause</p>

		<p>English” should be deleted</p> <p>3. Definition of the term ‘Deaf Community’ should be amended</p> <p>4. Proposed amendment to the term ‘Kenya Sign Language’</p>	<p>use Kenyan Sign Language in their everyday communications and as a native/mother tongue, first or preferred language.</p> <p>4. Kenyan Sign Language means 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.</p>	
		<p><b><u>National Gender and Equality Commission</u></b></p> <p>1. Proposed amendment to the term ‘Cabinet Secretary’. The term “Cabinet Secretary” appears 16 times and it is used interchangeably between the Cabinet Secretary for Education and Cabinet Secretary Responsible for issues of disability. The Commission proposes that the Cabinet Secretary responsible for issues of disability be the one in charge of implementing this Act. We also propose establishment of an “Inter Agency Coordination Committee” comprising all the relevant players including the Council for Persons with Disability, the</p>	<p><b><u>National Gender and Equality Commission</u></b></p> <p>1. The main problem faced by the deaf community is not only on the training of sign language but the barriers faced when interacting and integrating with the rest of the community in terms of communication. These barriers result in exclusion in employment, participation in the developmental activities of the society and also on miscarriage of justice. Hearing impairment is a disability and so the onus of ensuring the challenges are solved</p>	



		<p>Ministry of Education, Ministry of ICT, Kenya Communications Authority and Public trainers of Sign Language, County Governments and other non-state Actors.</p> <p>2. Proposed amendment to the term 'relevant public authority'. The interpretation should be amended to read "include" but not "mean".</p> <p>3. Proposed addition of term 'deaf culture' which shall mean the way deaf people interact. It includes a set of social beliefs, behaviours, art, literary traditions, history, values and shared institutions of communities that are influenced by deafness and which use sign languages as the main means of communication.</p>	<p>solely rests with the State Department of Social Protection which has to ensure that sign language interpretation services are offered in all places that offer services to the public by coordinating all the relevant players</p> <p>2. The term "Means" is open and shut and in this proposed Bill it may be interpreted to mean National and County Government only instead of all public entities including Departments and Agencies and non-state actors who include the organizations of deaf persons and service providers.</p> <p>3. The definition is as per the Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities in Africa which has been approved by the Cabinet for Ratification. Article 24(2)(c) of the Protocol obligates State parties to recognize and promote the use of sign languages and deaf culture.</p>	
2.	3	<p><b><u>National Gender and Equality Commission</u></b></p> <p>1. Proposed amendment to clause 3(d) by inserting the word "training" before the</p>	<p><b><u>National Gender and Equality Commission</u></b></p> <p>1. There are very few institutions that train sign languages.</p>	Proposed amendments adopted by the Committee

		<p>word “recognition”.</p> <p>2. Proposed amendment to clause 3(g) and clause 3(h) as follows—</p> <p><i>‘(g) Ensure that there is compliance in the development, recognition, promotion and integration of sign language as a language in the Country.</i></p> <p><i>(h) Promote and recognize deaf culture in Kenya.’</i></p> <p>3. The Commission proposes a section on offences and compliance be inserted</p>	<p>interpreters and as we plan to roll the SLI services in all places that offer services to the public the demand must correspond to the supply.</p> <p>2. Deaf culture needs to be recognized just like other cultures that do not contravene the Constitution or any other law.</p> <p>3. The ultimate objective of enacting of a law is regulation of a matter and enforcement of compliance.</p>	
3.	Title of Part	<p><b><u>Kenya Sign Language Interpreters Association</u></b></p> <p>Proposed amendment to the wording of ‘PART II—KENYA SIGN LANGUAGE’ and the same phrase to be repeated consistently in this section</p>	<p><b><u>Kenya Sign Language Interpreters Association</u></b></p> <p>The judiciary already defines the languages to be used for proceedings in the courts of law, where the parties do not understand national or official languages there is provision of interpreters – it is therefore redundant to introduce a specific language away from the norm of the Deaf community.</p>	The Committee adopted the proposed changes
4.	4	<p><b><u>National Gender and Equality Commission</u></b></p> <p>Commendable clause</p>	<p><b><u>National Gender and Equality Commission</u></b></p> <p>This clause seeks to entrench the Kenya Sign Language as a language in terms of the provisions of the Constitution and also define and recognize the deaf community.</p>	The Committee adopted the proposed changes



5.	5	<b><u>National Gender and Equality Commission</u></b> Commendable clause	<b><u>National Gender and Equality Commission</u></b> This clause seeks to entrench the Kenya Sign Language as a language in terms of the provisions of the Constitution and also define and recognize the deaf community.	
6.	6	<b><u>National Gender and Equality Commission</u></b> Proposed redefinition of the term 'presiding officer' or in the alternative the most suited officer who bears the greatest responsibility.	<b><u>National Gender and Equality Commission</u></b> The law needs to be clear on who the responsibility rests on to ensure that sign language services are procured and are also accurate. Is it the accounting officer, the judge or magistrate or the recruiting panel in the case of a permanent employee? Clause 6(1) is commendable because it allows any of the enumerated parties to communicate in their first language without discrimination. Clause 6 (2) places the onus on the presiding officer to ensure that the interpreter is competent. However, there is a need to be clear on whose responsibility it is to get a competent interpreter and for that matter to also be clear on who is a presiding officer.  The presiding officer may not be able to make a determination of the accuracy of the interpretation either way. However, the preferable option is to ensure that at least one competent sign language interpreter is	The Committee adopted the proposed amendments

			employed in a permanent position per station.	
7.	7	<p><b><u>Mwangi Harrison Thiong'o</u></b> Proposed amendments to enhance educational support for deaf learners</p> <p><b><u>National Gender and Equality Commission</u></b> Proposed amendment to clause 7(b) by inserting the words 'sign language interpreters and' immediately after the word 'that'</p>	<p><b><u>Mwangi Harrison Thiong'o</u></b> 1. Provide free or highly subsidized Hard copies of reading materials written in normal English language and of their own choice to Deaf and Hard of Hearing especially those in white collar professions. This will help them improve their writing in normal English syntax.</p> <p><b><u>National Gender and Equality Commission</u></b> Sign language interpreters need to be proficient in both languages i.e. English and Sign so that none of the users of the two languages is shortchanged through wrong or in-coherent interpretation.</p>	The Committee adopted the proposed amendments from Mr Thiong'o and NGECE
8.	8	<p><b><u>Kenya Sign Language Interpreters Association</u></b> Proposed amendment to clause 8</p> <p><b><u>Council of Governors</u></b> Proposed amendment to clause 8(2) to read as follows— <i>'The Cabinet Secretary responsible for matters relating to persons with disabilities shall, in consultation with the most representative registered association for</i></p>	<p><b><u>Kenya Sign Language Interpreters Association</u></b> Clause 8 presumes that only curriculum for primary and secondary schools need to be developed – it leaves out tertiary and higher education entities that develop their own curriculum.</p> <p><b><u>Council of Governors</u></b> Six months may be too short to develop the action plan as it includes possible commitments by the County Governments. Further, a needs assessment has to be conducted to identify what the County Governments</p>	The proposals made by the Council of Governors was accepted

		<i>the deaf persons, National Council for Persons with Disabilities and the Council of Governors, develop a Kenya Sign Language Action Plan within a year upon the commencement of this Act'</i>	have already done in terms of mainstreaming sign languages	
9.	9	<p><b><u>Kenya Sign Language Interpreters Association</u></b> Proposed amendment to clause 9</p> <p><b><u>National Gender and Equality Commission</u></b> The Commission proposes to expand the accreditation team to include members of the Inter Agency Coordination Committee.</p>	<p><b><u>Kenya Sign Language Interpreters Association</u></b> Clause 9 is in conflict with the mandate of Kenya National Accreditation Agency that is mandated with the provision of licensing criteria for professions – Interpreting like other professions; need to be standardized by this body and not the ministry of social services and labor.</p> <p><b><u>National Gender and Equality Commission</u></b> Development of national system of standards, accreditation and procedures is a multi-disciplinary function and may need the inter-Agency Coordination Committee to work on the same. The two parties proposed i.e. the Ministry in charge of matters of disability and members of the deaf community may not handle the task by themselves.</p>	The proposals made by the NGEA were accepted by the Committee
10.	10	<p><b><u>Kenya Sign Language Interpreters Association</u></b> Amendment to clause 10 proposed</p>	<p><b><u>Kenya Sign Language Interpreters Association</u></b> the ministry of culture and national heritage should be the ministry where matters language is domiciled not any other ministry, KSL shouldn't be the exception. It should be explicit that the</p>	The Committee rejected the proposal made by the Kenya Sign Language Interpreters Association



			domicile ministry is ministry of culture and heritage and not ministry of education.	
		<p><b><u>National Gender and Equality Commission</u></b></p> <p>Proposed amendment to clause 10(1) by substituting section 8 with “subsection 9” and inserting after the word “Secretary” the following words—</p> <p>“for matters related to persons with disabilities”.</p> <p>Clauses 14 and 16 reference to Cabinet Secretary to be amended to refer to the “Secretary for matters related to persons with disabilities”</p>	<p><b><u>National Gender and Equality Commission</u></b></p> <p>There is reference to two Cabinet Secretaries i.e. of Education and matters of disabilities in the Bill and so mention to the term must be very clear and assigned to a specific Ministry.</p> <p>At the same time there is a need to agree on which Cabinet Secretary is best suited to implement this law.</p> <p>The main problem as stated above is not in the training of sign language but rather the quality of services to persons who use sign language as their first and only language. The Commission is of the opinion that the Ministry in charge of issues of disability should be in charge of implementation of the Act.</p>	
11.	16	<p><b><u>Mwangi Harrison Thiong’o</u></b></p> <p>Proposed amendment to clause 16</p>	<p><b><u>Mwangi Harrison Thiong’o</u></b></p> <p>Provide Free or highly subsidized hearing aids and hearing aid batteries and other ancillary services to Hard of Hearing people. The costs of these assistive devices are very high and many people who suffer hearing impairments cannot afford them, the effect is that the speech and language deteriorate over a course of time. The assistive devices are important especially for learners in</p>	<p>The Committee adopted the proposed amendments from Mr Thiong’o and rejected other proposals</p>



			educational institutions, employees in their workplaces and other social settings	
		<p><b><u>National Gender and Equality Commission</u></b></p> <p>The Commission proposes that the functions be separated and responsibility of each level of Government to be enumerated clearly as done in Clause 7 – Ministry of Education and Clause 8.</p> <p>The Commission further proposes the inclusion of obligations of the “Inter-Agency Coordination Committee” which has been proposed in the interpretations.</p>	<p><b><u>National Gender and Equality Commission</u></b></p> <p>Each entity has distinct mandates and responsibilities which they are accountable which need to be enumerated to avoid overlap and or neglect of mandates for lack of clarity.</p>	
12.	17	<p><b><u>Council of Governors</u></b></p> <p>Proposed amendment to clause 17(2) of the Bill to read as follows</p> <p><i>‘Kenyan sign language shall be offered as a discipline of study at technical and vocational training institutions and centres, public colleges and public universities.’</i></p>	<p><b><u>Council of Governors</u></b></p> <p>Inclusion of Vocational Training Centres is key as stand-alone institutions since the Act mandates both the National and County Governments.</p>	The Committee accepted the proposals made by the Council of Governors
13.	18	<p><b><u>Kenya Sign Language Interpreters Association</u></b></p> <p>Amendment to clause 18</p>	<p><b><u>Kenya Sign Language Interpreters Association</u></b></p> <p>the interpreters, deaf community through their associations should be the key stakeholders involved in the action plan development in collaboration with the council of governors, national council for persons with disabilities</p>	The Committee rejected the proposed amendments made by the KSLA
14.	Proposed additional clause	<p><b><u>Kenya Association of Parents of the Deaf</u></b></p> <p>Creation of an institute for the hearing impaired whose mandate should include the</p>	<p><b><u>Kenya Association of Parents of the Deaf</u></b></p> <p>The creation of a public funded institute is a major engagement and there are</p>	All additional proposed clauses were rejected by the Committee

		<p>following—</p> <p>(a) Early assessment and rehabilitation of deafness</p> <p>(b) Provision of quality sign language training and interpretation</p> <p>(c) Provision of quality education and healthcare for hearing impaired persons</p> <p>(d) Community, social and economic integration for the Deaf</p>	<p>many other facets of the disability of hearing loss that need to be considered in addition to quality interpretation services.</p>	
15.	Proposed additional clause	<p><b><u>National Gender and Equality Commission</u></b></p> <p>The Ministry of Health will ensure that all health facilities have sign language interpretation services through the training of its employees at all levels</p>	<p><b><u>National Gender and Equality Commission</u></b></p> <p>Persons with hearing impairment face a lot of language barriers while seeking treatment in health facilities in cases where they are not accompanied by an aide or facilities that do not have interpretation services. In summary the system is discriminatory and they do not quality treatment due to the Barriers.</p> <p>In some cases, due to the inability to communicate they are chased out of the facility without being attended to.</p>	<p>All additional proposed clauses were rejected by the Committee</p>
16.	Proposed additional clause	<p><b><u>National Gender and Equality Commission</u></b></p> <p>The State Department of Transport to ensure all public transport systems including buses, trains and air have either a screen reader or monitor for the deaf and hard of hearing.</p>	<p><b><u>National Gender and Equality Commission</u></b></p> <p>The current public transport system is highly discriminative to deaf persons right from the stations/ports stretching into the bus/aero plane/train.</p> <p>They are unable to follow any announcements being made and without interpretation it's frustrating for them especially when they don't have an aide.</p>	<p>All additional proposed clauses were rejected by the Committee</p>

17.	Proposed additional clause	<b><u>National Gender and Equality Commission</u></b> providers shall make their services accessible to the deaf, hard of hearing, and deafblind community through the establishment and provision of relay services, including text relay, video relay, captioned telephone relay, and communication facilitators for the deaf or deafblind.	<b><u>National Gender and Equality Commission</u></b> Persons who are deaf need to have access to telecommunication services and so the various providers must ensure that they are in accessible formats.	All additional proposed clauses were rejected by the Committee
18.	Proposed additional clause	<b><u>National Gender and Equality Commission</u></b> Communications Authority of Kenya as a regulator shall ensure television stations 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 programs, for the purpose of ensuring equality, dignity and respect in terms of the promotion and broadcasting of such programs.	<b><u>National Gender and Equality Commission</u></b> This ensures that this special group of persons are able to enjoy all the important programs being aired and participate where necessary without feeling left out and discriminated.	All additional proposed clauses were rejected by the Committee



### 3. COMMITTEE OBSERVATIONS

The Committee made the following observations based on deliberations of the Bill and stakeholder input during public hearing and analysis of written submissions-

- 1) Deaf Community means a socio-linguistical cultural minority who use Kenyan Sign Language in their everyday communications and as a native/mother tongue, first or preferred language;
- 2) Kenyan Sign Language means 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;
- 3) The Deaf Community faces barriers when interacting and integrating with the rest of the community in terms of communication. These barriers result in exclusion in employment, participation in the developmental activities of the society and also on miscarriage of justice;
- 4) There are very few institutions that train sign language interpreters and as such the roll out of Sign Language Interpretation services in all places that offer services may face challenges related to the public the demand that is not corresponding with the supply.

**26<sup>th</sup> July 2021**

The Clerk of the Senate  
Parliament Buildings

**NAIROBI**

**COMMITTEE STAGE AMENDMENTS TO THE KENYA SIGN LANGUAGE  
BILL, 2021, SENATE BILL No. 5 of 2021**

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**NOTICE** is given that Sen. (Dr.) Alice Milgo, Chairperson, Standing Committee of Education intends to move the following amendments to the Kenya Sign Language Bill, Senate Bills No. 5 of 2021, at the Committee Stage—

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended—

- (a) in sub-clause (d) by inserting the word “training” before the word “recognition”; and
- (b) by inserting the following new sub-clauses immediately after sub-clause (g) as follows-
  - (g) ensure that there is compliance in the development, recognition, promotion and integration of sign language as a language in the Country; and
  - (h) promote and recognize deaf culture in Kenya

**PART II**

**THAT** the title of the part be amended to read as follows- “KENYAN SIGN LANGUAGE”

**CLAUSE 6**

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

- (a) in sub-clause (2) by deleting the words “presiding officer” and substituting therefor with the words “judicial officer”; and
- (b) in sub-clause (3) by deleting the words “presiding officer” and substituting therefor with the words “judicial officer”.

**CLAUSE 7**

**THAT** clause 7 of the Bill be amended by inserting the following new paragraph immediately after paragraph (i)

- (h) ensure the provision of reading materials written in both English and Kiswahili for the educational support of the members of the Deaf Community





#### **CLAUSE 8**

**THAT** clause 8 of the Bill be amended by deleting sub-clause (2) and substituting therefor with the following new sub-clause:

- (2) The Cabinet Secretary responsible for matters relating to persons with disabilities shall, in consultation with the most representative registered association for the deaf persons, National Council for Persons with Disabilities and the Council of Governors, develop a Kenya Sign Language Action Plan within a year upon the commencement of this Act.

#### **CLAUSE 9**

**THAT** clause 9 of the Bill be amended in sub-clause (1) by deleting and substituting therefor with the following new sub-clause—

- (1) The Cabinet Secretary for matters relating to education shall in consultation with the Kenya National Accreditation Agency and members of the deaf community, develop a national system of standards, accreditation and procedures for Kenya sign language interpretation.

#### **CLAUSE 10**

**THAT** clause 10 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “responsible for culture and national heritage” immediately after the word ‘Ministry’; and
- (b) in sub-clause (2) by inserting the words “responsible for culture and national heritage” immediately after the words “Cabinet Secretary”.

#### **CLAUSE 11**

**THAT** clause 11 of the Bill be amended—

- (a) in sub-clause (1) by inserting the words “responsible for matters relating to culture and heritage” immediately after the words “Cabinet Secretary”; and
- (b) in sub-clause (2) by inserting the words “responsible for matters relating to culture and heritage” immediately after the word “Cabinet Secretary”.

#### **CLAUSE 16**

**THAT** clause 16 be amended in sub-clause (1) by inserting a new paragraph immediately after (d) as follows—

- (e) ensure the subsidization of hearing aids and other ancillary services to the deaf community



## **CLAUSE 17**

**THAT** clause 17 of the Bill is amended by deleting sub-clause (2) and substituting therefor with the following sub-clause—

- (2) Kenyan sign language shall be offered as a discipline of study at technical and vocational training institutions and centres, public colleges and public universities

## **CLAUSE 2**

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

- (a) by deleting the definition of the word “deaf community” and substituting therefor the following new definition-  
“deaf community” means a socio-linguistical cultural minority who use Kenyan Sign Language in their everyday communications and as a native/mother tongue, first or preferred language;
- (b) by inserting the following new definition-  
“deaf culture” means the way deaf people interact and includes a set of social beliefs, behaviours, art, literary traditions, history, values and shared institutions of communities that are influenced by deafness;
- (c) by deleting the definition of the word “relevant public authority” and substituting therefor the following new definition-  
“relevant public authority” includes any entity established by the Constitution, an Act of Parliament or any other law;
- (d) by deleting the definition of the word “Cabinet Secretary”;



Sen. (Dr.) Alice Milgo  
*Chairperson,  
Standing Committee on Education.*





(038)

**MINUTES OF THE 38<sup>th</sup> SITTING OF THE SENATE STANDING COMMITTEE ON EDUCATION HELD ON FRIDAY, 18<sup>th</sup> JUNE, 2021 ON ZOOM ONLINE MEETING PLATFORM AT 0900HRS.**

**PRESENT**

- |  |                           |
|--|---------------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP       | - <b>Chairperson</b>      |
| 2. Hon. Sen. (Dr.) Agnes Zani, CBS, MP   | - <b>Vice Chairperson</b> |
| 3. Hon. Sen. Fred Outa, MP               | - Member                  |
| 4. Hon. Sen. Mary Y. Seneta, MP          | - Member                  |
| 5. Hon. Sen. Iman Falhada Dekow, MP      | - Member                  |
| 6. Hon. Sen. (Dr.) Gertrude Musuruve, MP | - Member                  |

**ABSENT WITH APOLOGIES**

- |   |          |
|---|----------|
| 7. Hon. Sen. Mwangi Githiomi, MP              | - Member |
| 8. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |
| 9. Hon. Sen. (Prof.) Imana Malachy Ekal, MP   | - Member |

**SENATE SECRETARIAT**

- |                     |                                       |
|---------------------|---------------------------------------|
| 1. Mary J. Chesire  | - Deputy Director, Committee Services |
| 2. Humphrey Ringera | - Research Officer/Clerk              |
| 3. Malcom Ngugi     | - Legal Counsel                       |
| 4. Winnie Atieno    | - Audio Officer                       |

**MIN. NO./SEN/EDU/231/2021**

**PRELIMINARIES**

The meeting was called to order at 0908hrs. and the proceedings were opened with a word of prayer said by Sen. Mary Seneta, MP.

**MIN. NO./SEN/EDU/232/2021**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted having been proposed by Sen. Mary Seneta, MP and seconded by Sen. Fred Outa, MP as follows:

1. Preliminaries
2. Adoption of agenda
3. Consideration of the **Public Submissions** on the following Bills-
  - a. *Basic Education (Amendment) Bill, Senate Bill No. 4 of 2021;*
  - b. *Kenyan Sign Language Bill, Senate Bill No 5 of 2021; and*
  - c. *The County Vocational Education and Training Bill, Senate Bills No. 6 of 2021.*
4. Any other business
5. Adjournment/Date of the next meeting

**MIN. NO./SEN/EDU/233/2021**

**CONSIDERATION OF THE PUBLIC SUBMISSIONS**

1. The Committee was informed that at the sitting of the Senate held on Tuesday, 11<sup>th</sup> May, 2021, three Senate Bills were introduced in the Senate by way of First Reading and thereafter stood committed





to the Committees for consideration. These Bills are, Basic Education (Amendment) Bill, Senate Bill No. 4 of 2021; the Kenyan Sign Language Bill, Senate Bill No 5 of 2021; and the County Vocational Education and Training Bill, Senate Bills No. 6 of 2021;

2. The Committee was informed that the Kenyan Sign Language Bill was first published in 2019 and read a first time in the Senate on 11<sup>th</sup> September, 2019, while the Basic Education (Amendment) Bill was first published in 2020 and read a first time in the Senate on 17<sup>th</sup> September, 2020. The two Bills were thereafter committed to the Senate Standing Committee on Education for consideration after respective first reading;
3. The Committee was further informed that some of the stakeholder proposals and submissions on various clauses of the Kenyan Sign Language Bill had been adopted and incorporated in the Committee report and Committee stage amendments carried out in 2020 during the consideration of the Bill at the Committee of the Whole House;
4. However, on 29<sup>th</sup> October, 2020, the High Court in Nairobi ruled that several Senate Bills that were under consideration at various stages had been processed without concurrence in terms of Article 110 (3) of the Constitution. Consequently, the Kenyan Sign Language Bill and the Basic Education (Amendment) Bill were among many Senate Bills that were republished and have since commenced consideration again from the first reading.

1) **Basic Education (Amendment) Bill, Senate Bill No. 4 of 2021**

5. The Committee was informed that submissions on the Bill had received from the Council of Governors and the National Gender and Equality Commission.
6. The Secretariat presented a public participation matrix for the Bill and the Committee rejected proposal by the Council of Governors.
7. However, the Committee observed that the proposal by the National Gender and Equality Commission that the *'proposed amendment to consider learners who may be lactose intolerant'* should be considered and that the government should provide an alternative for learners with special needs which cannot take dairy products especially children with autism and intolerance to casein.

2) **Kenyan Sign Language Bill, Senate Bill No 5 of 2021;**

8. The Secretariat presented a public participation matrix for the Kenyan Sign Language Bill, 2021 and the Committee **resolved** to **adopt** the proposal to



- a. clause 2, by Kenyan Sign Language Interpreters Association and the National Gender and Equality Commission;
  - b. clause 3, by the National Gender and Equality Commission
  - c. Title of the Part (PART II), by the Kenya Sign Language Interpreters Association;
  - d. clause 6, by the National Gender and Equality Commission;
  - e. clause 7, by Mwangi Harrison Thiong'o;
  - f. clause 9, by National Gender and Equality Commission;
  - g. clause 10, by Kenya Sign Language Interpreters Association;
  - h. clause 17, by the Council of Governors
9. the Committee further **resolved** to **reject** all other proposed amendments to the Bill.

**MIN. NO./SEN/EDU/234/2021**

**ANY OTHER BUSINESS**

The Committee observed that the National Gender and Equality Commission (NGEC) had proposed several additional amendments to the Basic Education Act, No. 14 of 2013 which can be considered for processing through the legislative process by the Committee or individual members.

**MIN.NO./SEN/EDU/235/2021**

**ADJOURNMENT AND DATE  
OF THE NEXT MEETING**

There being no other business, the meeting was adjourned at 1035 hrs.



**SIGNED..**

**.....DATE...09/07/2021.....**

**(CHAIRPERSON: SEN. (DR.) ALICE MILGO CHEPKORIR, M.P.)**





(046)

**MINUTES OF THE 46<sup>th</sup> SITTING OF THE SENATE STANDING COMMITTEE ON EDUCATION HELD ON FRIDAY, 23<sup>rd</sup> JULY, 2021 ON ZOOM ONLINE MEETING PLATFORM AT 0900HRS.**

**PRESENT**

- |  |                    |
|--|--------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP       | - Chairperson      |
| 2. Hon. Sen. (Dr.) Agnes Zani, CBS, MP   | - Vice Chairperson |
| 3. Hon. Sen. Mwangi Githiomi, MP         | - Member           |
| 4. Hon. Sen. Mary Y. Seneta, MP          | - Member           |
| 5. Hon. Sen. Iman Falhada Dekow, MP      | - Member           |
| 6. Hon. Sen. (Dr.) Gertrude Musuruve, MP | - Member           |

**ABSENT WITH APOLOGIES**

- |   |          |
|---|----------|
| 7. Hon. Sen. Fred Outa, MP                    | - Member |
| 8. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |
| 9. Hon. Sen. (Prof.) Imana Malachy Ekal, MP   | - Member |

**SENATE SECRETARIAT**

- |                     |                                       |
|---------------------|---------------------------------------|
| 1. Mary Chesire     | - Deputy Director, Committee Services |
| 2. Humphrey Ringera | - Research Officer/Clerk              |
| 3. Malcom Ngugi     | - Legal Counsel                       |
| 4. Winnie Atieno    | - Audio Officer                       |

**MIN. NO./SEN/EDU/277/2021**

**PRELIMINARIES**

The meeting was called to order at 09: 09 AM and the proceedings were opened with a word of prayer said by the Chairperson Sen. (Dr.) Alice Milgo, MP.

**MIN. NO./SEN/EDU/278/2021**

**ADOPTION OF THE AGENDA**

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

1. Preliminaries
2. Adoption of agenda
3. Confirmation of Minutes of the previous Committee meetings
4. Matters arising from the Minutes of the previous meetings
5. Consideration and adoption of the Draft Committee Reports
6. Any other business
7. Adjournment/Date of the next meeting

**MIN. NO./SEN/EDU/279/2021**

**CONFIRMATION OF MINUTES OF THE PREVIOUS COMMITTEE MEETINGS**

1. The Minutes of the 43<sup>rd</sup> Committee meeting held on Thursday, 8<sup>th</sup> July, 2021 were confirmed as the true records of the proceedings after being proposed by Sen. (Dr.) Agnes Zani, CBS, MP and seconded by Sen. (Dr.) Gertrude Musuruve, MP; and





2. The Minutes of the 44<sup>th</sup> Committee meeting held on Friday, 9<sup>th</sup> July, 2021 were confirmed as the true records of the proceedings after being proposed by Sen. (Dr.) Agnes Zani, CBS, MP and seconded by Sen. (Dr.) Gertrude Musuruve, MP.

**MIN. NO./SEN/EDU/280/2021**

**MATTERS ARISING**

There were no matters arising from the Minutes of the previous Committee meetings.

**MIN. NO./SEN/EDU/281/2021**

**CONSIDERATION AND  
ADOPTION OF THE DRAFT  
COMMITTEE REPORTS**

**A. The Kenyan Sign Language Bill, 2021**

- a. The Secretariat presented a draft report on the Kenyan Sign Language (Senate Bills No. 5 of) 2021 for the Committee consideration and adoption;
- b. The Committee considered the draft report and observed the following-
  - i. The definition of Kenya Signed English should not be deleted;
  - ii. Part II should read KENYAN SIGN LANGUAGE;
  - iii. Clause 7 (b) proposed by National Gender and Equality Commission (NGEC) should be adopted;
- c. The Committee unanimously adopted the Kenyan Sign Language Bill, 2021 report with amendments;
- d. The report was proposed by Sen. (Dr.) Gertrude Musuruve, MP and seconded by Sen. Falhada Dekow, MP

**MIN. NO./SEN/EDU/282/2021**

**ANY OTHER BUSINESS**

- i The Committee should deliberate the proposed county visits and come up with a list of preferable counties and possible dates for the visit in advance to allow sufficient time for planning; and
- ii The Committee should consider conducting some meetings physically based on the nature of business to be transacted.

**MIN.NO./SEN/EDU/283/2021**

**ADJOURNMENT AND DATE  
OF THE NEXT MEETING**

There being no other business, the meeting was adjourned at 1027 hrs.



**SIGNED....**

**.....DATE...25/07/2021...**

**(CHAIRPERSON: SEN. (DR.) ALICE MILGO CHEPKORIR, M.P.)**



## MATRIX OF PUBLIC PARTICIPATION FOR THE KENYA SIGN LANGUAGE BILL, 2021

No	CLAUSE NUMBER	MARGINAL NOTE	KEY AMENDMENT/COMMENT	JUSTIFICATION	COMMENTS OF THE COMMITTEE
1.	2	Interpretation	<p><b>Kenya Sign Language Interpreters Association</b></p> <p>1. Proposed amendment to the reference to cabinet secretary because the latter parts of the bill refers to three specific ministries—</p> <p>a. Ministry of Education dealing with issues of education</p> <p>b. Ministry of legal affairs or specific reference to the judiciary on issues of administration of justice</p> <p>c. Ministry of culture and heritage on issues of language, interpretation and translations</p> <p>2. definition of “Kenya signed English” should be deleted</p> <p>3. Definition of the term ‘Deaf Community’ should be amended</p> <p>4. Proposed amendment to the term ‘Kenya Sign Language’</p>	<p><b>Kenya Sign Language Interpreters Association</b></p> <p>1. Clarification on which Cabinet Secretary and Ministry should carry out which function</p> <p>2. there is no language referred to as signed English or Kiswahili for that matter – the language preferred and used by the Deaf communities in Kenya is/ shall remain to be Kenyan Sign Language (KSL)</p> <p>3. Deaf Community means a socio-linguistical cultural minority who use Kenyan Sign Language in their everyday communications and as a native/mother tongue, first or preferred language.</p> <p>4. Kenyan Sign Language means 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.</p>	<p>1. Committee rejected the proposal to delete the definition of “Kenya signed English”</p> <p>2. The Committee accepted the other proposals made to it</p>





	<p><b><u>National Gender and Equality Commission</u></b></p> <p>1. Proposed amendment to the term ‘Cabinet Secretary’. The term “Cabinet Secretary” appears 16 times and it is used interchangeably between the Cabinet Secretary for Education and Cabinet Secretary Responsible for issues of disability.</p> <p>The Commission proposes that the Cabinet Secretary responsible for issues of disability be the one in charge of implementing this Act.</p> <p>We also propose establishment of an “Inter Agency Coordination Committee” comprising all the relevant players including the Council for Persons with Disability, the Ministry of Education, Ministry of ICT, Kenya Communications Authority and Public trainers of Sign Language, County Governments and other non-state Actors.</p> <p>2. Proposed amendment to the term ‘relevant public authority’.</p> <p>The interpretation should be amended to read “include” but not “mean”.</p> <p>3. Proposed addition of term ‘deaf culture’ which shall mean the way deaf people interact. It includes a set of social beliefs, behaviours, art, literary traditions, history, values and shared institutions of communities that are influenced by deafness</p>	<p><b><u>National Gender and Equality Commission</u></b></p> <p>1. The main problem faced by the deaf community is not only on the training of sign language but the barriers faced when interacting and integrating with the rest of the community in terms of communication.</p> <p>These barriers result in exclusion in employment, participation in the developmental activities of the society and also on miscarriage of justice. Hearing impairment is a disability and so the onus of ensuring the challenges are solved solely rests with the State Department of Social Protection which has to ensure that sign language interpretation services are offered in all places that offer services to the public by coordinating all the relevant players</p> <p>2. The term “Means” is open and shut and in this proposed Bill it may be interpreted to mean National and County Government only instead of all public entities including Departments and Agencies and non-state actors who include the organizations of deaf persons and service providers.</p> <p>3. The definition is as per the Protocol to the African Charter on Human and People’s Rights on the Rights of Persons with Disabilities in Africa which has been approved by the Cabinet for Ratification.</p>





			and which use sign languages as the main means of communication.	Article 24(2)(c) of the Protocol obligates State parties to recognize and promote the use of sign languages and deaf culture.	
2.	3	Objects	<p><b><u>National Gender and Equality Commission</u></b></p> <p>1. Proposed amendment to clause 3(d) by inserting the word “training” before the word “recognition”.</p> <p>2. Proposed amendment to clause 3(g) and clause 3(h) as follows—  ‘(g) <i>Ensure that there is compliance in the development, recognition, promotion and integration of sign language as a language in the Country.</i>  (h) <i>Promote and recognize deaf culture in Kenya.</i>’</p> <p>3. The Commission proposes a section on offences and compliance be inserted</p>	<p><b><u>National Gender and Equality Commission</u></b></p> <p>1. There are very few institutions that train sign languages, interpreters and as we plan to roll the SLI services in all places that offer services to the public the demand must correspond to the supply.</p> <p>2. Deaf culture needs to be recognized just like other cultures that do not contravene the Constitution or any other law.</p> <p>3. The ultimate objective of enacting of a law is regulation of a matter and enforcement of compliance.</p>	Proposed amendments adopted by the Committee
3.	Title Part of	<b>PART II – KENYA SIGN LANGUAGE</b>	<p><b><u>Kenya Sign Language Interpreters Association</u></b></p> <p>Proposed amendment to the wording of ‘PART II—KENYA SIGN LANGUAGE’ and the same phrase to be repeated consistently in this section</p>	<p><b><u>Kenya Sign Language Interpreters Association</u></b></p> <p>The judiciary already defines the languages to be used for proceedings in the courts of law, where the parties do not understand national or official languages there is provision of interpreters – it is therefore redundant to introduce a specific language away from the norm of the Deaf community.</p>	The Committee adopted the proposed changes



4.	4	Recognition	<u><b>National Gender and Equality Commission</b></u> Commendable clause	<u><b>National Gender and Equality Commission</b></u> <u><b>Commission</b></u> This clause seeks to entrench the Kenya Sign Language as a language in terms of the provisions of the Constitution and also define and recognize the deaf community.	The Committee adopted the proposed changes
5.	5	Duty of public authorities	<u><b>National Gender and Equality Commission</b></u> Commendable clause	<u><b>National Gender and Equality Commission</b></u> This clause seeks to entrench the Kenya Sign Language as a language in terms of the provisions of the Constitution and also define and recognize the deaf community.	
6.	6	Use of sign language in legal proceedings	<u><b>National Gender and Equality Commission</b></u> Proposed redefinition of the term 'presiding officer' or in the alternative the most suited officer who bears the greatest responsibility.	<u><b>National Gender and Equality Commission</b></u> The law needs to be clear on who the responsibility rests on to ensure that sign language services are procured and are also accurate. Is it the accounting officer, the judge or magistrate or the recruiting panel in the case of a permanent employee? Clause 6(1) is commendable because it allows any of the enumerated parties to communicate in their first language without discrimination. Clause 6 (2) places the onus on the presiding officer to ensure that the interpreter is competent. However, there is a need to be clear on whose responsibility it is to get a competent interpreter and for that matter to also be clear on who is a presiding officer.	The Committee adopted the proposed amendments





				<p>The presiding officer may not be able to make a determination of the accuracy of the interpretation either way.</p> <p>However, the preferable option is to ensure that at least one competent sign language interpreter is employed in a permanent position per station.</p>	
7.	7	Educational support for deaf learners	<p><b>Mwangi Harrison Thiong'o</b></p> <p>Proposed amendments to enhance educational support for deaf learners</p>	<p><b>Mwangi Harrison Thiong'o</b></p> <p>1. Provide free or highly subsidized Hard copies of reading materials written in normal English language and of their own choice to Deaf and Hard of Hearing especially those in white collar professions. This will help them improve their writing in normal English syntax.</p>	The Committee adopted the proposed amendments from Mr Thiong'o and NGEC
			<p><b>National Gender and Equality Commission</b></p> <p>Proposed amendment to clause 7(b) by inserting the words 'sign language interpreters and' immediately after the word 'that'</p>	<p><b>National Gender and Equality Commission</b></p> <p>Sign language interpreters need to be proficient in both languages i.e. English and Sign so that none of the users of the two languages is shortchanged through wrong or in-coherent interpretation.</p>	
8.	8	Curriculum development	<p><b>Kenya Sign Language Interpreters Association</b></p> <p>Proposed amendment to clause 8</p>	<p><b>Kenya Sign Language Interpreters Association</b></p> <p>Clause 8 presumes that only curriculum for primary and secondary schools need to be developed – it leaves out tertiary and higher education entities that develop their own curriculum.</p>	The proposals made by the Council of Governors was accepted
			<p><b>Council of Governors</b></p> <p>Proposed amendment to clause 8(2) to read as follows—</p> <p><i>'The Cabinet Secretary responsible for matters relating to persons with disabilities shall, in consultation with the</i></p>	<p><b>Council of Governors</b></p> <p>Six months may be too short to develop the action plan as it includes possible commitments by the County Governments. Further, a needs assessment has to be conducted to identify what the County</p>	



			<p><i>most representative registered association for the deaf persons, National Council for Persons with Disabilities and the Council of Governors, develop a Kenya Sign Language Action Plan within a year upon the commencement of this Act'</i></p>	<p>Governments have already done in terms of mainstreaming sign languages</p>	
9.	9	Standards, accreditation and procedures	<p><b>Kenya Sign Language Interpreters Association</b> Proposed amendment to clause 9</p>	<p><b>Kenya Sign Language Interpreters Association</b> Clause 9 is in conflict with the mandate of Kenya National Accreditation Agency that is mandated with the provision of licensing criteria for professions – Interpreting like other professions need to be standardized by this body and not the ministry of social services and labor.</p>	<p>The proposals made by the NGEC were accepted by the Committee</p>
			<p><b>National Gender and Equality Commission</b> The Commission proposes to expand the accreditation team to include members of the Inter Agency Coordination Committee.</p>	<p><b>National Gender and Equality Commission</b> Development of national system of standards, accreditation and procedures is a multi-disciplinary function and may need the inter-Agency Coordination Committee to work on the same. The two parties proposed i.e. the Ministry in charge of matters of disability and members of the deaf community may not handle the task by themselves.</p>	
10.	10	Registration of sign language interpreters	<p><b>Kenya Sign Language Interpreters Association</b> Amendment to clause 10 proposed</p>	<p><b>Kenya Sign Language Interpreters Association</b> the ministry of culture and national heritage should be the ministry where matters language is domiciled not any other ministry, KSL shouldn't be the exception. It should be explicit that the domicile ministry is ministry</p>	<p>The Committee rejected the proposals by the Kenya Sign Language Interpreters Association</p>





			<p><b><u>National Gender and Equality Commission</u></b> Proposed amendment to clause 10(1) by substituting section 8 with “subsection 9” and inserting after the word “Secretary” the following words— “for matters related to persons with disabilities”.</p> <p>Clauses 14 and 16 reference to Cabinet Secretary to be amended to refer to the “Secretary for matters related to persons with disabilities”</p>	<p>of culture and heritage and not ministry of education.</p> <p><b><u>National Gender and Equality Commission</u></b> There is reference to two Cabinet Secretaries i.e. of Education and matters of disabilities in the Bill and so mention to the term must be very clear and assigned to a specific Ministry. At the same time there is a need to agree on which Cabinet Secretary is best suited to implement this law. The main problem as stated above is not in the training of sign language but rather the quality of services to persons who use sign language as their first and only language. The Commission is of the opinion that the Ministry in charge of issues of disability should be in charge of implementation of the Act.</p>	
11.	11	Registrar			
12.	12	Register of sign language interpreters			
13.	13	Certificate of registration			
14.	14	Inspection of register			
15.	15	Code of conduct			



16.	16	Sign language at the workplace	<b>Mwangi Harrison Thiong'o</b> Proposed amendment to clause 16	<b>Mwangi Harrison Thiong'o</b> Provide Free or highly subsidized hearing aids and hearing aid batteries and other ancillary services to Hard of Hearing people. The costs of these assistive devices are very high and many people who suffer hearing impairments cannot afford them, the effect is that the speech and language deteriorate over a course of time. The assistive devices are important especially for learners in educational institutions, employees in their workplaces and other social settings	The Committee adopted the proposed amendments from Mr Thiong'o and rejected other proposals
			<b>National Gender and Equality Commission</b> The Commission proposes that the functions be separated and responsibility of each level of Government to be enumerated clearly as done in Clause 7 – Ministry of Education and Clause 8.	<b>National Gender and Equality Commission</b> Each entity has distinct mandates and responsibilities which they are accountable which need to be enumerated to avoid overlap and or neglect of mandates for lack of clarity.	
17.	17	Promotion of Kenya sign language	The Commission further proposes the inclusion of obligations of the "Inter-Agency Coordination Committee" which has been proposed in the interpretations. <b>Council of Governors</b> Proposed amendment to clause 17(2) of the Bill to read as follows <i>'Kenyan sign language shall be offered as a discipline of study at technical and vocational training institutions and centres, public colleges and public universities.'</i>	<b>Council of Governors</b> Inclusion of Vocational Training Centres is key as standalone institutions since the Act mandates both the National and County Governments.	The Committee accepted the proposals made by the Council of Governors
18.	18	Action plan for Kenya sign language	<b>Kenya Sign Language Interpreters Association</b> Amendment to clause 18	<b>Kenya Sign Language Interpreters Association</b>	The Committee rejected the proposed amendments made by the KSLA





				the interpreters, deaf community through their associations should be the key stakeholders involved in the action plan development in collaboration with the council of governors, national council for persons with disabilities	
19.	19	Regulations			
20.	Proposed additional clause	Establishment of institute for the hearing impaired	<b><u>Kenya Association of Parents of the Deaf</u></b> Creation of an institute for the hearing impaired whose mandate should include the following— (a) Early assessment and rehabilitation of deafness (b) Provision of quality sign language training and interpretation (c) Provision of quality education and healthcare for hearing impaired persons (d) Community, social and economic integration for the Deaf	<b><u>Kenya Association of Parents of the Deaf</u></b> The creation of a public funded institute is a major engagement and there are many other facets of the disability of hearing loss that need to be considered in addition to quality interpretation services.	All additional proposed clauses were rejected by the Committee
21.	Proposed additional clause	Access to health care services- the obligation to ensure all health facilities have sign language interpreters.	<b><u>National Gender and Equality Commission</u></b> The Ministry of Health will ensure that all health facilities have sign language interpretation services through the training of its employees at all levels	<b><u>National Gender and Equality Commission</u></b> Persons with hearing impairment face a lot of language barriers while seeking treatment in health facilities in cases where they are not accompanied by an aide or facilities that do not have interpretation services. In summary the system is discriminatory and they do not quality treatment due to the Barriers. In some cases, due to the inability to communicate they are chased out of the facility without being attended to.	All additional proposed clauses were rejected by the Committee



<b>22.</b>	Proposed additional clause	Public transport	<b><u>National Gender and Equality Commission</u></b> The State Department of Transport to ensure all public transport systems including buses, trains and air have either a screen reader or monitor for the deaf and hard of hearing.	<b><u>National Gender and Equality Commission</u></b> The current public transport system is highly discriminative to deaf persons right from the stations/ports stretching into the bus/aero plane/train. They are unable to follow any announcements being made and without interpretation it's frustrating for them especially when they don't have an aide.	All additional proposed clauses were rejected by the Committee
<b>23.</b>	Proposed additional clause	Telecommunication service	<b><u>National Gender and Equality Commission</u></b> providers shall make their services accessible to the deaf, hard of hearing, and deafblind community through the establishment and provision of relay services, including text relay, video relay, captioned telephone relay, and communication facilitators for the deaf or deafblind.	<b><u>National Gender and Equality Commission</u></b> Persons who are deaf need to have access to telecommunication services and so the various providers must ensure that they are in accessible formats.	All additional proposed clauses were rejected by the Committee
<b>24.</b>	Proposed additional clause	Television programs.	<b><u>National Gender and Equality Commission</u></b> Communications Authority of Kenya as a regulator shall ensure television stations 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 programs, for the purpose of ensuring equality, dignity and respect in terms of the promotion and broadcasting of such programs.	<b><u>National Gender and Equality Commission</u></b> This ensures that this special group of persons are able to enjoy all the important programs being aired and participate where necessary without feeling left out and discriminated.	All additional proposed clauses were rejected by the Committee



