



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Wednesday, 24th June 2026

(The House met at 9.30 a.m.)

*[The Temporary Speaker
(Hon. Farah Maalim) in the Chair]*

PRAYERS

QUORUM

The Temporary Speaker (Hon. Farah Maalim): Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

(Hon. Joseph Makilap approached the Bar)

The Temporary Speaker (Hon. Farah Maalim): Hon. Makilap, when the Quorum Bell is ringing, you are not allowed to leave the Chamber. That is the rule. You can only come in, but you cannot walk out of the Chamber.

PAPERS

The Temporary Speaker (Hon. Farah Maalim): Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I beg to lay the following Papers on the Table:

1. Reports of the Auditor-General and Financial Statements for the Years ended 30th June 2021, 30th June 2022, 30th June 2023, 30th June 2024 and 30th June 2025, and the certificates therein in respect of the following Schools—
 - (a) Tulwet Secondary School, Nakuru County.
 - (b) Inyokoni Secondary School, Makueni County.
 - (c) Kaputiei Secondary School, Kajiado County.
 - (d) Kijabe Boys High School, Kiambu County.
2. Reports of the Auditor-General and Financial Statements for the Year ended 30th June 2025 and the certificates therein in respect of the following Schools—
 - (a) Munyu Girls High School, Kiambu County.
 - (b) NEP Girls High School, Garissa County.
 - (c) Ngi'ya Girls High School, Siaya County.
 - (d) Sabunley Secondary School, Wajir County.
 - (e) Saka Girls Secondary School, Garissa County.
 - (f) Shimbahills Secondary School, Kwale County.
 - (g) Shimo La Tewa School, Mombasa County.
 - (h) Starehe Boys' Centre and School, Nairobi City County.
 - (i) St. Cecilia Aluor Girls Secondary School, Siaya County.
 - (j) St. Mary's School Yala Secondary School, Siaya County.

- (k) Utumishi Boys Academy, Nakuru County.
- (l) Wajir Girls High School, Wajir County.
- (m) Wajir High School, Wajir County.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Chairman of the Departmental Committee on Environment, Forestry and Mining.

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Environment, Forestry and Mining on its consideration of the proposed degazettement of the following specified public forest land—

1. Turbo Forest (Manzini Area).
2. Mount Elgon Forest (Chepyuk Area).
3. Kakamega Forest (Shiru and Shaviringa Area).

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Chairperson, Budget and Appropriations Committee.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

Report of the Budget and Appropriations Committee on its consideration of the County Allocation of Revenue Bill (Senate Bill No. 10 of 2026).

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Next Order.

NOTICE OF MOTION

The Temporary Speaker (Hon. Farah Maalim): Chairman of the Departmental Committee on Environment, Forestry and Mining.

APPROVAL OF VARIATION OF BOUNDARIES OF SPECIFIED PUBLIC FORESTS

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Environment, Forestry and Mining in its Report on the consideration of a Petition by the Cabinet Secretary for the Environment, Climate Change and Forestry relating to variation of boundaries of Turbo Forest (Manzini Area), Mount Elgon Forest (Chepyuk Phases II and III), and Kakamega Forest (Shiru/Shaviringa Settlement Schemes), laid on the Table of the House on Wednesday, 24th June 2026 and, pursuant to the provisions of Section 34(5) of the Forest Conservation and Management Act (Cap. 385), this House—

1. Finds that, the Petition by the Cabinet Secretary for the Ministry of Environment, Climate Change and Forestry relating to variation of boundaries of Turbo Forest (Manzini Area), Mount Elgon Forest (Chepyuk Phases II and III) and Kakamega Forest (Shiru/Shaviringa Settlement Schemes) provides sufficient grounds for the variation of the boundaries of the specified public forests.

2. Approves—

- (a) That, the boundaries of Turbo Forest be varied by excluding 1,241.50 hectares in the Manzini area from the original boundaries of the Forest for the settlement of the landless squatters in the Manzini Forest Block.
- (b) That, the boundaries of Mount Elgon Forest be varied by excluding 4,647 hectares in Chepyuk area from the original boundaries of the Forest for the settlement of landless squatters in Chepyuk Phase II and Phase III.
- (c) That, the boundaries of Kakamega Forest be varied by excluding 94.99 hectares at Shiru and 36 hectares at Shaviringa from the original boundaries of the Forest as compensation of beneficiaries who surrendered land to the Government to establish public institutions and Government offices.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

*[The Temporary Speaker
(Hon. Farah Maalim) left the Chair]*

IN THE COMMITTEE

*[The Temporary Chairman
(Hon. Farah Maalim) in the Chair]*

THE KENYAN SIGN LANGUAGE BILL
(Senate Bill, No. 9 of 2023)

The Temporary Chairman (Hon. Farah Maalim): I call the House to order. We are now in the Committee of the whole House to consider the Kenyan Sign Language Bill (Senate Bill, No. 9 of 2023) with Hon. Millie Odhiambo-Mabona and Hon. Umulkher Harun as the co-sponsors.

(Clauses 3, 4, 5 and 6 agreed to)

Clause 7

The Temporary Chairman (Hon. Farah Maalim): Hon. Umulkher, you have an amendment to Clause 7?

Hon. Umulkher Harun (Nominated, ODM): I have.

The Temporary Chairman (Hon. Farah Maalim): Proceed and move your amendment.

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended in clause 7 by deleting and replacing with the following new clause—

Kenyan Sign
Language in
education.

7. The Cabinet Secretary for the time being responsible for matters relating to basic education shall for the purposes of giving effect to Article 53(1)(b) of the Constitution—

- (a) so far as is reasonably practical, establish a mechanism for the provision of Kenyan Sign Language lessons to—
 - (i) the parents, siblings and grandparents of a child who is Deaf, hard of hearing or Deafblind; or
 - (ii) other persons who serve as guardians to a child who is Deaf, hard of hearing or Deafblind;
- (b) ensure that Deaf learners and learners who are hard of hearing are taught in a manner that they are able to understand and use the dominant language of instruction in the education system;
- (c) ensure development of appropriate instruction materials for the education of Deaf learners and learners who are hard of hearing;
- (d) ensure that learning institutions for the Deaf and hard of hearing provide formal and non-formal education, skills development and self-reliance for Deaf learners as appropriate;
- (e) ensure that there is a sufficient number of learning institutions offering Kenyan Sign Language training for the Deaf, hard of hearing or Deafblind children attending public or private schools;
- (f) ensure the provision of education and support services to children who are Deaf, hard of hearing or Deafblind who are attending accredited schools by determining, from time to time, the minimum placement and qualifications of the teachers of such children;
- (g) ensure that public institutions of higher learning undertake continuous research in the development and use of sign language;
- (h) ensure that Kenyan Sign Language is integrated in the basic education curriculum and is taught to all learners as one of the languages recognized under Article 7 of the Constitution;
- (i) ensure that the training and education of teachers offering basic education includes training and education on Kenyan Sign Language and interpretation;
- (j) ensure that Kenyan Sign Language is integrated in early childhood education generally and in particular, that Kenyan Sign Language is taught to the Deaf learners and hearing learners in public and private early childhood education centres; and
- (k) ensure that public institutions offering tertiary education shall do all that is reasonable and necessary to provide free interpretation services as may be needed by Deaf, hard of hearing, and Deafblind.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 7as amended agreed to)

(Clauses 8 and 9 agreed to)

Clause 10

The Temporary Chairman (Hon. Farah Maalim): Hon. Umulkher, you are moving an amendment to this clause?

Hon. Umulkher Harun (Nominated, ODM): Yes.

The Temporary Chairman (Hon. Farah Maalim): Proceed.

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 10.

I will be moving an amendment to introduce a New Part II which seeks to establish the Kenyan Sign Language Council.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 10 deleted)

Clause 11

The Temporary Chairman (Hon. Farah Maalim): There is an amendment. Hon. Umulkher, move the amendment.

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 11.

I will be moving an amendment to introduce a New Part which seeks to establish the Kenyan Sign Language Council.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 11 deleted)

Clause 12

The Temporary Chairman (Hon. Farah Maalim): Mover, you have an amendment. Please go ahead.

Hon. Umulkher Harun (Nominated, ODM): I will be moving an amendment as well.

THAT, the Bill be amended by deleting Clause 12.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 12 deleted)

Clause 13

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 13.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause deleted)

(Clause 14 agreed to)

*(Hon. Charles Nguna and
Hon. Vincent Musau consulted loudly)*

The Temporary Chairman (Hon. Farah Maalim): Hon. Ngusya and the other Member consulting in loud tones next to the Table, take your seats.

Clause 15

The Temporary Chairman (Hon. Farah Maalim): There is an amendment. Move the amendment.

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Chairman, I beg to move:

THAT, Clause 15 be amended by deleting the expression "Cabinet Secretary shall, in consultation with the most representative registered association of sign language interpreters" and substituting therefor the word "Council."

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 15 as amended agreed to)

(Clauses 16, 17, 18 and 19 agreed to)

The Temporary Chairman (Hon. Farah Maalim): Hon. Members, before I proceed with the Bill, I wish to recognise the presence of students from Koitaburot Comprehensive

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School, Sigowet/Soin Constituency, Kericho County and Athi Saint Michael Academy, Juja Constituency, Kiambu County who are in the Public Gallery. I welcome them to Parliament. This is where the affairs of this country, for the Welfare of Society and Just Government for the People, is determined. I will ask Hon. Majimbo Kalasinga to say a word of encouragement to the students seated in the Public Gallery. Kindly give him the microphone.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Thank you very much, Hon. Temporary Chairman, for giving me this opportunity to welcome the students to this honourable House. This is a House where laws governing this country are made; this is a place where Hon. Members sit and discuss issues affecting the country. Some students benefit from the National Government Constituency Development Fund (NG-CDF) bursaries, and this is where we decide how to assist them. I want to tell them that while in school, may they maintain decorum. We spend NG-CDF money to build schools, classrooms and dormitories, which is taxpayers' money. We do not want them to burn those facilities. That is the advice I will give them. Additionally, thank you for welcoming me to this House, Hon. Temporary Chairman, after leaving this House unceremoniously.

Thank you.

The Temporary Chairman (Hon. Farah Maalim): Alright. There has to be a role for gender balance in this House. Hon. Marianne Kitany, proceed.

Hon. Marianne Kitany (Aldai, UDA): Thank you, Hon. Temporary Chairman. I wish to welcome the students who have come to observe the Proceedings of Parliament. As they have heard, this is a House of records where laws governing this country are made. It is also a place where we oversee what the Executive does. Today, we are here, but tomorrow, they may be down here making the same laws and ensuring the country works. We wish them all the best. Work smart and work very hard in school because the future is yours.

Thank you and welcome to Parliament.

The Temporary Chairman (Hon. Farah Maalim): Excellent. We shall now proceed with the Bill.

New Part I

THAT, the Bill be amended by inserting the following heading immediately before Clause 1—

PART I—PRELIMINARY

*(The heading to the new part
was read a First Time)*

The Temporary Chairman (Hon. Farah Maalim): Hon. Umulkher, move Second Reading.

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Chairman, I beg to move that the new Part I be now read a Second Time.

*(Question, that the heading to the new part
be read a Second Time, proposed)*

*(Question, that the heading to the new part
be read a Second Time, put and agreed to)*

*(Question, that the heading to the new part
be added to the Bill, put and agreed to)*

New Part II

THAT, the Bill be amended by inserting the following new Part immediately after Clause 5—

PART II—KENYAN SIGN LANGUAGE COUNCIL

Establishment of the Council.

5A. (1) There is established the Kenyan Sign Language Council.

(2) The Council is a body corporate with perpetual succession and common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) entering into contracts; and
- (d) doing or performing all other things or acts necessary for the proper performance of its functions under this Act, which may lawfully be done or performed by a body corporate.

Headquarters of the Council.

5B. (1) The headquarters of the Council shall be in the Nairobi, but the Council shall ensure access to its services in all parts of the Republic in accordance with Article 6(3) of the Constitution.

Functions of the Council.

(2) Notwithstanding subsection (1), the Council may establish such units as it considers necessary for the proper discharge of its functions.

5C. The functions of the Council shall be to—

Powers of the Council.

- (a) regulate the use and development of sign language in Kenya;
- (b) put in place measures for the recognition and preservation of the use of Kenyan Sign Language;
- (c) undertake research and create awareness on the culture and heritage of the deaf community in Kenya;
- (d) set and enforce standards for the training, practice and use of Kenyan sign language and Kenyan Sign Language interpretation;
- (e) register and license sign language interpreters in Kenya;
- (f) maintain a register and keep a record of all sign language interpreters registered under this Act;
- (g) protect and promote the right of the deaf, hard of hearing and deafblind community to equal access to information and communication, including the right to access to justice;
- (h) determine the minimum fees chargeable for the provision of services under this Act;

Composition of the Council.

- (i) advise the Cabinet Secretary and county governments on matters relating to sign language;
- (j) develop and regulate ethical and disciplinary standards for sign language interpreters;
- (k) collaborate with other relevant government agencies in the use and development of sign language in Kenya; and
- (l) perform such other functions as may be prescribed by any other law or as necessary for the promotion of the objects of this Act.

5D. (1) The Council shall have all the powers necessary for the proper performance of its functions under this Act and any other written law.

(2) Without prejudice to the generality of subsection (1), the Council shall have the power to—

- (a) manage, control and administer the assets of the Council in such manner and for such purposes as best promotes the purpose for which the Council is established;
- (b) open such bank accounts for the funds of the Council as may be necessary;
- (c) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Council;
- (d) subject to approval of the Cabinet Secretary for the time being responsible for matters relating to finance, invest any surplus funds of the Council not immediately required for the purposes of this Act, as it may determine;
- (e) receive gifts, grants, donations or endowments made to the Council and make legitimate disbursements therefrom;
- (f) enter into association with such other bodies or organizations within or outside Kenya as it may consider appropriate and in furtherance of the purposes for which the Council is established; and
- (g) undertake any activity necessary for the performance of any of its functions.

Term of office.

Vacation of office.

Committees of the Council.

Conduct of affairs and business of the Council.

Registrar of the Council.

5E. (1) The Council consists of—

- (a) a chairperson, who shall be appointed by the Cabinet Secretary;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to education or a representative designated in writing;
- (c) the Principal Secretary in the Ministry for the time being responsible for matters

- relating to culture or a representative designated in writing;
- (d) the chairperson of the National Council for Persons with Disabilities or a representative designated in writing;
- (e) three persons nominated by the most representative registered national association of the deaf community in Kenya;
- (f) two persons nominated by the most representative registered national association for sign language interpreters in Kenya; and
- (g) the Registrar who shall be an *ex-officio* member of the Council.
- (2) A person qualifies for appointment as the chairperson of the Council if the person—
- (a) holds a degree from a university recognized in Kenya;
- (b) has proven knowledge and experience of at least ten years in matters of—
- (i) Kenyan Sign Language;
- (ii) deaf and hard of hearing communications and other communications formats; and
- (iii) disability rights;
- (c) meets the requirements of Chapter Six of the Constitution.
- (3) A person qualifies for appointment as a member of the Council under subsection (1)(e) and (f) if the person—
- (a) holds a degree from a university recognized in Kenya;
- (b) has knowledge and experience of at least five years in any of the following matters of—
- (i) Kenyan Sign Language;
- (ii) deaf and hard of hearing communications and other communications formats;
- (iii) disability;
- (iv) human rights; or
- (v) social sciences;
- (c) meets the requirements of Chapter Six of the Constitution.
- (4) The Cabinet Secretary shall make regulations to prescribe the criteria for nomination of members referred to in subsection (1)(e) and (f).
- (5) A person shall not qualify for appointment as a chairperson or a member of the Council, if the person—
- (a) is a member of Parliament or County Assembly;
- (b) is an official of a governing body of a political party;

Removal of the Registrar from office.

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Staff of the Council.

Remuneration.

Common seal.

- Protection from personal liability.
- Liability for damages.
- (c) is an undischarged bankrupt;
 - (d) has been convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months;
 - (e) has been removed from office for contravening the provisions of the Constitution or any other written law; or
 - (f) in the case of members referred to in subsection 1(f), has been and remains removed from the register or his or her practicing certificate has been suspended under section 9H.
- (6) The appointment of the chairperson and members under subsection 1(e) and (f) shall be by name and by notice in the *Gazette*.
- 5F. (1) The chairperson and members shall serve on part-time basis.
- (2) The members appointed under section 5E (1)(a), (e) and (f) shall hold office for a term of three years and shall be eligible for re-appointment for a further term.
 - (3) The members appointed under section 5E (1)(b), (c) and (d) shall hold office during their tenure of office unless removed from office by the appointing authority.
- 5G. (1) A member of the Council, other than an ex officio member, shall cease to be a member of the Council, if the person—
- (a) is unable to perform the functions of the office by reason of mental or physical infirmity;
 - (b) is incompetent or has neglected duty;
 - (c) is adjudged bankrupt;
 - (d) is convicted of a criminal offence and sentenced to a term of imprisonment of more than six months;
 - (e) is absent from three consecutive meetings of the Council without good cause;
 - (f) resigns in writing by a notice addressed to the Cabinet Secretary;
 - (g) dies; or
 - (h) is removed from office in accordance with the provisions of the Constitution.
- (2) Whenever a vacancy arises under section 5E (1)(e) and (f), the Cabinet Secretary shall within seven days of such vacancy, notify the respective associations to submit the names of their nominees within fourteen days from the date of receipt of the notification.

- 5H. (1) The Council may establish Committees for the effective performance of its functions under this Act.
- (2) The Council may co-opt into the membership of a Committee established under subsection (1), any person whose knowledge and expertise may be necessary for the effective performance of the functions of the Council.
- (3) A person co-opted into a Committee under subsection (2), may attend the meetings of the Committee and participate in its deliberations, but shall not vote at such meetings.
- 5J. (1) The Council shall conduct its business and affairs in accordance with the provisions of the Schedule.
- (2) Without prejudice to subsection (1), the Council may regulate its own procedure.
- (3) Despite subsections (1) and (2), all Council meetings shall be conducted in both spoken and sign language.
- 5K. (1) The Council shall, through an open, transparent and competitive recruitment process, appoint a suitably qualified person to be the Registrar of the Council.
- (2) A person is qualified for appointment as the Registrar of the Council if the person—
- (a) is a citizen of Kenya;
 - (b) holds a degree in social sciences or its equivalent, from a university recognized in Kenya;
 - (c) has had at least ten years proven experience at management level;
 - (d) has had at least five years' experience in sign language proficiency in Kenya; and
 - (e) meets the requirements of Chapter Six of the Constitution.
- (3) The Registrar shall serve on such terms and conditions as the Council may determine.
- (4) The Registrar shall hold office for a period not exceeding five years and may be eligible for reappointment for a further and final term of five years
- (5) The Registrar shall, in the performance of the functions and duties of the office, be responsible to the Council.
- (6) The Registrar shall—
- (a) be the Secretary and Chief Executive Officer of the Council;
 - (b) be responsible for—
 - (i) implementing the decisions of the Council regarding all matters

- relating to the registration and regulation of sign language interpretation;
 - (ii) the day-to-day administration and management of the affairs of the Council;
 - (iii) coordination and supervision of the staff of the Council;
 - (iv) keeping and maintaining the register of persons registered as sign language interpreters in accordance with this Act;
 - (v) subject to the directions of the Council, make the necessary alterations or corrections in the register;
- (c) perform any other duties as may be assigned by law or the Council.
- 5L. (1) The Registrar may be removed from office by the Council, in accordance with the terms and condition of service, for—
- (a) inability to perform the functions of the office arising out of physical or mental infirmity;
 - (b) gross misconduct or misbehaviour;
 - (c) incompetence or negligence of duty;
 - (d) violation of the Constitution or any other written law; or
 - (e) any other grounds specified in the terms and conditions of service of the Registrar.
- (2) Where the question of the removal of the Registrar under subsection (1) arises, the Council shall act in accordance with the principles of fair administrative action prescribed under Article 47 of the Constitution and the Fair Administrative Action Act.
- 5M. (1) The Council shall, through a competitive and transparent process, employ such officers, agents and other staff as may be necessary for the proper discharge of its functions under this Act, upon such terms and conditions of service as the Council may determine.
- (2) The staff referred to in subsection (1) may, upon the request of the Council, be seconded by the Public Service Commission to the Council.
- (3) The Council shall, in the appointment of staff, ensure—

- (a) equalisation of opportunity for the deaf community;
 - (b) equalisation of opportunities for the youth;
 - (c) that not more than two thirds of its staff are of the same gender; and
 - (d) that the appointment of staff reflects the ethnic and regional diversity of the people of Kenya.
- 5N. (1) The members of the Council shall be paid such remuneration, allowances and disbursements as may be approved by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.
- (2) The Registrar and staff of the Council shall be paid such salary or allowances as shall be determined by the Council in consultation with the Salaries and Remuneration Commission.
- 5O. (1) The common seal of the Council shall be kept in the custody of the Registrar or such other person as the Council may direct, and shall not be used except on the order of the Council.
- (2) The affixing of the common seal of the Council shall be authenticated by the signature of the chairperson and the Registrar.
- (3) The Council shall in the absence of wither the chairperson or the Registrar, in any particular matter, nominate one member of the Council to authenticate the seal of the Council on behalf of either the chairperson or the Registrar.
- (4) The common seal of the Council when affixed to a document and duly authenticated, shall be judicially and officially noticed, and unless the contrary is proved, any necessary order by the Council under this section shall be presumed to have been duly given.
- 5P. (1) A matter or thing done by a member of the Council or by any officer, member of staff, or agent of the Council shall not, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Council under this Act or any other written law, render the member, officer, employee or agent or any person acting on their directions personally liable to any action, claim or demand whatsoever

(2) Any expenses incurred by any person in any suit or prosecution brought against him or her in any court, in respect of any act which is done or purported to be done by him or her under the direction of the Council, shall, if the court holds that such act was done *bona fide*, be paid out of the general funds of the Council, unless such expenses are recovered by him or her in such suit or prosecution.

5Q. The provisions of section 5P shall not relieve the Council of the liability to pay compensation or damages to any person for any injury to him or her, his or her property or any of his or her interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, wholly or partially, of any works.

(The new part was read a First Time)

The Temporary Chairman (Hon. Farah Maalim): Hon. Umulkher, move Second Reading.

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Chairman, I beg to move that the new Part II be now read a Second Time.

*(Question, that the new part
be read a Second Time, proposed)*

The Temporary Chairman (Hon. Farah Maalim): Hon. Kitany.

Hon. Marianne Kitany (Aldai, UDA): Hon. Temporary Chairman, these particular clauses that create a council is a noble idea on sign language. It will help many of our people who are not able to use voice as we do to communicate with the public. Much of what they do is not regulated yet they require the service. This Bill has not only come at the right time but also it could have come sooner. We thank the sponsors, Hon. Umulkher and Hon. Millie Odhiambo, for thinking out the Bill and bringing it to Parliament.

Thank you, Hon. Temporary Chairman.

*(Question, that the new part be read a
Second Time, put and agreed to)*

*(Question, that the new part
be added to the Bill, put and agreed to)*

NEW PART III

THAT, the Bill be amended by inserting the following heading immediately before Clause 6—

PART III—ACCESS AND NON-DISCRIMINATION

(The heading to the new part was read a First Time)

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Chairman, I beg to move that the New Part III be now read a Second Time

(Question, that the heading to the new part be read a Second Time, proposed)

(Question, that the heading to the new part be read a Second Time, put and agreed to)

(Question, that the heading to the new part be added to the Bill, put and agreed to)

Hon. Anthony Oluoch (Mathare, ODM): On a point of order, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Farah Maalim): What is your point of order, Hon. Anthony Oluoch?

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Chairman, I request the Member who is proposing amendments that, for purposes of the record and for enriching the lawmaking process, could she highlight the reasons for the amendments, so that the public and those who wish to support can understand?

The Temporary Chairman (Hon. Farah Maalim): This is a House of rules. You should have raised the matter earlier.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Chairman, I tried to catch your eye but I did not want to interrupt her. I request that she enriches the process with a sentence justifying the amendment.

The Temporary Chairman (Hon. Farah Maalim): Fair enough. For us not to be seen to be flouting the rules, in the subsequent amendments, the Mover should highlight and expound the reasons for the amendment. Let us not just consider the technical aspects of the Bill, and yet Kenyans do not understand.

NEW CLAUSE 8A

THAT, the Bill be amended by inserting the following new clause immediately after Clause 8—

Media
services.

8A. (1) Television stations shall provide closed captioning and a Kenyan Sign Language inset covering at least one-third of the size of the television screen, in all newscasts, educational and national programmes, for the purpose of ensuring equality and respect for human dignity in the promotion and broadcasting of such programmes.

(2) Without prejudice to the generality of subsection (1), content on television including content transmitted through the internet shall be made accessible to the Deaf, hard of hearing, and Deafblind community through the provision of closed captioning and transcripts on all content.

(The new clause was read a First Time)

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Chairman, I beg to move that New Clause 8A be now read a Second Time.

The Temporary Chairman (Hon. Farah Maalim): Member, explain the reason for the amendment. Also expound on the previous amendment, which Hon. Oluoch sought justification for, for the benefit of Kenyans and Members.

Hon. Umulkher Harun (Nominated, ODM): Thank you, Hon. Temporary Chairman.

I want to inform Hon. Oluoch that I am still learning the ropes. This is the first time I am moving a Bill with amendments. I have contributed in the past, but I appreciate his encouragement.

The Temporary Chairman (Hon. Farah Maalim): Since she is new to this, you can assist her, Hon. Oluoch.

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Chairman, regarding the previous amendment, we have many deaf people as well as sign language users. The previous amendment will enable deaf learners to have comfortable sessions in school. Learners can be taught sign language at the primary level, but we are still struggling at the tertiary level. The Bill will ensure that children are taught sign language from the minute they enter the classroom.

Kenya recognises sign language as one of its official languages, just like Kiswahili and English. Many deaf learners are unable to integrate into society, so that amendment will ensure that children learn sign language from the minute they start their education until they complete it. We will then be able to eliminate communication barriers as we rarely see deaf learners studying courses like medicine or education in university. They are confined to just early childhood education (ECD), which is offered by the Kenya Institute of Special Education (KISE).

This amendment will require public institutions to provide sign language interpreters at all levels, especially in courtrooms and at police stations. This is important as hearing-impaired ladies tend to be victims of Gender-Based Violence (GBV). Some hearing-impaired patients cannot express themselves to medical officers in hospitals. Some hearing-impaired students drop out of school immediately they finish high school. This amendment will force the Government to provide sign language interpreters for the deaf, whether in public spaces or in classrooms.

The Temporary Chairman (Hon. Farah Maalim): Let us have Hon. Oluoch. Hon. Millie, I am coming to you. Where have you been? You are a co-sponsor of the Bill.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Chairman, I have been stepping in for Hon. Millie to encourage Hon. Umulkher. She is doing very well.

The Temporary Chairman (Hon. Farah Maalim): Give me a moment, Hon. Oluoch. Let me propose the question first and then you can contribute.

(Question, that the new clause be read a Second Time, proposed)

Proceed, Hon. Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Chairman, I just wanted to further encourage the Member. I was stepping in for Hon. Millie, who is doing a very good job at mentoring young legislators. I just wanted to encourage Hon. Umulkher that after moving an amendment, she just needs to briefly state the justification for the amendment. I am happy, Hon. Temporary Chairman, that you did not interrupt her. One sentence in 30 seconds would suffice. She is doing a very good job under the mentorship of Hon. Millie.

I support the amendment.

The Temporary Chairman (Hon. Farah Maalim): Let us have Hon. Marianne Kitany, followed by Hon. Rindikiri. We will then come to the gracious lady, Hon. Mabona.

Hon. Marianne Kitany (Aldai, UDA): Thank you, Hon. Temporary Chairman. I do not remember Hon. Millie asking Hon. Oluoch to hold brief for her.

The Temporary Chairman (Hon. Farah Maalim): He was very clear that he is mentoring Hon. Umulkher.

Hon. Marianne Kitany (Aldai, UDA): I agree with the mentoring part, but I do not remember Hon. Millie stating that Hon. Oluoch would hold brief for her.

The clause on media services is good as it will help sign language users. Many media stations do not make it easy for sign language users to follow their programming. This clause will make it mandatory for all media stations to provide sign language interpreters during their programmes, so that sign language users can understand. This is a good move.

I support the amendment.

The Temporary Chairman (Hon. Farah Maalim): Let us have Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Chairman. First, I congratulate the Mover of the Bill. Provision of sign language interpreters is not just limited to the media. Parliament should also provide sign language interpreters to interpret Parliamentary Proceedings. We are also guilty as Members of Parliament as we hold public meetings and public participation exercises, but rarely do we have sign language interpreters. This is a timely Bill. We should implement it to ensure that we take cognisance of our growing deaf population. The most unfortunate thing is that we do not even have statistics. It would be amazing to note that we have a high population of deaf people in the country. Our standards should not leave them behind. Congratulations to the Mover. This is very important because forgotten people are now being considered in our new Government.

I thank you.

The Temporary Chairman (Hon. Farah Maalim): Do you wish to be informed by Hon. Otiende Amollo?

Hon. Mugambi Rindikiri (Buuri, UDA): Yes, my senior brother, you can.

The Temporary Chairman (Hon. Farah Maalim): What is your point of information?

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Temporary Chairman. Hon. Rindikiri is my twin. You can even see from our hair.

However, I wanted to inform him so that the nation does not think that Parliament is not sensitive. I will be supporting the amendment. There is always an interpreter on the screen whenever Parliament broadcasts proceedings in Parliament. At least, we have taken care of that.

Secondly, we started something with the Public Participation Bill that also focusses on interpretation for those who are unable to discern what is being said. We had at least sign language interpreters during all sessions on public participation that Parliament undertook nationally. I was part of the team. Therefore, I wanted to say that I agree with Hon. Rindikiri. But the situation is not so bad. As the National Assembly, we are trying. Thank you.

The Temporary Chairman (Hon. Farah Maalim): Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): Yes, I quite agree. However, the only problem that I have is that we do not know the magnitude of the people who are deaf in this country. I think that is very important to note because we might assume there are a few. We need somebody to focus on it and give us correct statistics determined even by region. That will help us know the magnitude of people we are talking to through sign interpretation.

My twin, I thank you for that. I think research is the most important thing so that we know how many Kenyans are deaf to require this kind of service. Thank you.

The Temporary Chairman (Hon. Farah Maalim): Hon. Millie Mabona.

*(Hon. Millie Odhiambo-Mabona
gestured a sign language)*

Hon. Millie Mabona, sign language is not one of the official languages of Parliament until such time that there is a legislation. Indeed, I am reminded it is. Proceed now. Okay, fine.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): It is actually a language. The only challenge, as you can see, is that no Member is following me. Hon. Oluoch, what did I say? You said three things and you do not know. You are just trying to guess.

The Temporary Chairman (Hon. Farah Maalim): Order. Hon. Oluoch, what is your point of order?

Hon. Anthony Oluoch (Mathare, ODM): I rarely interrupt my Whip but the Standing Orders require that one concludes debate in the language they start with. May Hon. Millie Odhiambo conclude in the manner she began? This being an official language, please proceed in the manner you started.

(Laughter)

The Temporary Chairman (Hon. Farah Maalim): Hon. Millie Mabona, none of us knows what you are saying.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Actually, I have communicated. You can see he does not know. I request that you protect me under Standing Order 1. It allows you to enable me to continue my contribution even in a different language because other Members will not understand what I am saying.

(Laughter)

I just wanted to communicate what this amendment is about and thank Hon. Umulkher for the Bill before us. For a person who is in Parliament for the very first time, she is doing excellent work. She has done some of us very proud. What we do not know is that she has an opportunity to present even in international fora with the former President of Liberia, Ellen Sirleaf Johnson, in a panel where I was supposed to be. I stepped down for her. She has done us very proud. She is doing very well.

Hon. Temporary Speaker, you are asking where I was. My apologies because I have come late as a co-sponsor. She is the primary sponsor of the Bill. You realise that we had the Fisheries Management and Development Bill until very late yesterday.

The Temporary Chairman (Hon. Farah Maalim): Yes, you are right.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I was moving very many amendments and my brother is here. I think he has a bit more stamina than me. I am more of a night owl. My apologies. What I have shown here, as Hon. Umulkher correctly says, proves that the Bill is not a disability Bill. It is a mainstreaming and empowerment Bill. It seeks to do something more because all of us here speak Kiswahili and English. We must also speak sign language. I am in the process of learning. What I just did which they did not understand was to say hello, how are you, and thank you. That is the farthest I can go right now. All of us must know sign language, not only persons with disability, hence not make it a disability Bill.

I will finish, by giving an example. One time, persons with hearing disability invited me to train them on advocacy for legislation when they were coming up with a Bill for persons with disability. I decided to go in a day earlier to understand because I did not understand issues of disability. They were people with sight disability. I asked for documents when I went in and I was given documents in Braille because they did not have any other document. That is when I understood what it meant to be disabled. I was actually the disabled one in my ability because I could not read Braille. It just occurred to me how unfair we are to persons who are differently abled. It behoves us as Members of Parliament to ensure we mainstream sign language from childhood to university so that it is not just people struggling with the disability.

I thank you Hon. Anthony and my good friend Hon. Kitany for holding fort for me while I was away. I support.

The Temporary Chairman (Hon. Farah Maalim): Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much. Before I declare my unwavering support to the two clauses on telecommunication and media services, it is very important that sign language people also enjoy evenings with their families. Many times, when the family sits to watch TV and do many other things, the deaf person is hard on hearing. He or she just looks at the other people and asks, “What are they saying?” Introducing programmes with closed captioning in sign language for deaf people makes the deaf part of the family. That is very important.

In support of what Hon. Millie Mabona said, we owe it to certain individuals in this country especially development of what we call the Kenyan Sign Language. I met a gentleman called Mr Okach when I was still at the university. He left this country and went to South Africa because Kenya never had this kind of development at that time. He had worked very hard to introduce sign language in Kenya. You know there is sign language and the Kenyan Sign Language.

Mr Okach did a lot of work and left it to a gentleman called Dr Jefwa Mweri who is at the University of Nairobi where they set up that centre. I really congratulate them for that job. I think today is the happiest moment for Mr Okach if he is watching from South Africa, Dr Jefwa Mweri at the University of Nairobi, and the people that worked together. Many young people have put their minds, thoughts and energy together to develop the Kenyan Sign Language. I think this is a proud moment for them.

We, as Parliament, have a duty to recognise and support them and to ensure we birth a Bill on the Kenyan Sign Language. I support the clauses and congratulate the young lady, Hon. Umulkher, for the efforts in putting this Bill together. I can see she is struggling but she is learning very fast. Let us move on and get a Bill on the Kenyan Sign Language. We will move on as a country today or tomorrow when the President assents to it. This is a milestone in the development of languages.

The Temporary Chairman (Hon. Farah Maalim): Hon. Justice Kemei also wants to weigh in on this. Give him the microphone.

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you for the opportunity you have given me. First and foremost, I appreciate the great role Hon. Millie Odhiambo is doing in mentoring young parliamentarians in this country.

Secondly, I wish to welcome students of Koitaburot Comprehensive School from my constituency. Yesterday I was in that part of the constituency doing public participation as it is required by the Constitution. Koitaburot Comprehensive School is among the top performing schools in that area of my constituency. They know the names I will mention. Yesterday, I was in Kapchebwai, Cheptililik, Cheramor and Kamasigat doing public participation. I appreciate that this is a learning process for them. Let them learn. One day they will also be Members of Parliament and do the legislative work that we are doing at the moment.

Thank you.

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 8B

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 8—

Telecommunica
tion services.

8B. Telecommunication service providers shall make their services accessible to the Deaf, hard of hearing, and Deafblind community through establishment and provision of relay services, including text relay, video relay, captioned telephone relay, and communication facilitators for the Deaf, hard of hearing or Deafblind.

(The new clause was read a First Time)

The Temporary Chairman (Hon. Farah Maalim): Mover.

Hon. Umulkher Harun (Nominated, ODM): Thank you, Hon. Temporary Chairman. I beg to move that the New Clause 8B be now read a Second Time. This clause will be supporting the media services and providing interpretation for the deaf and the deafblind.

(Question, that the new clause be read a Second Time, proposed)

The Temporary Chairman (Hon. Farah Maalim): The Member just after the Member of Parliament behind you.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Chairman. I rise to support this amendment, in support of telecommunication service providers. Like it has been said by many of my colleagues who spoke before me, this is a progressive Bill. I have lived in times of people who have special needs like not hearing and seeing. I must admit that I was part of a mess that happened in the County Assembly of Nandi from 2017 to 2022, where there was a Member who was blind. That Member did not get a braille machine until we left the County Assembly of Nandi. That always reminds me of how careless we have been regarding issues that affect persons living with disability. We have been very insensitive that we have had to put and prescribe it in law so that we are forced to pay attention to them.

I also went to a function that had a sign language interpreter. The sign language interpreter was seating where everybody could see him. However, the most interesting part was that we could only see that person seated but the people sitting behind him who were supposed to see it from the screen could not see him because he was not cast on the screen. So, this is very progressive and it will require everyone to do it in terms of telecommunication. If there will be a projector, the person should appear right there. I support this amendment so that we pay attention to persons living differently.

The Temporary Chairman (Hon. Farah Maalim): The Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Chairman, probably I need to get some clarification from Hon. Millie and Hon. Umulkher because we make laws for posterity. If you look at new Clause 8B, it says:

Telecommunication service providers shall make their services accessible to the deaf, hard of hearing, and deafblind community through establishment and provision of relay services, including text relay, video relay, captioned telephone relay, and communication facilitators for the Deaf, hard of hearing or Deafblind.

I am interested to understand this more so that we know whether it is practical within the current Kenyan context of telephony and telecommunication.

The Temporary Chairman (Hon. Farah Maalim): Hon. Umulkher, can you explain all that? I must admit that we are all lost on this.

Hon. Umulkher Harun (Nominated, ODM): Thank you, Hon. Temporary Chairman. If you look at the current telecommunication providers that we have in the country like Safaricom, Airtel and Telecom, most of the time they offer discounted prices to the people who use telephone communication. That is the hearing community. However, what happens with the deaf communities is that they use video conferencing, especially on their mobile phones.

This clause will force the telecommunication providers to not only just provide discounted services but to also allow them to use the video telephone conferencing at a cheaper price. What happens is that any time a deaf person goes on a video call with another deaf person, immediately their data or their mobile subscription depletes. This is because they are not in the provisions of these providers. When these services are being offered, they are not considered. So, this clause speaks directly to these telecommunication providers. The Communication Authority of Kenya will be mandated to review its policy on this.

Thank you.

The Temporary Chairman (Hon. Farah Maalim): For the interest of the Chair, it says deafblind. Deafblind basically means somebody who is deaf and blind at the same time. How does this telecommunication technology support somebody who is deafblind to communicate? Hon. Millie, are you in a position to explain that?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, the questions that we are asking here reflect the problem we are facing as a country. There are other countries that provide gadgets like that. Because we have not invested in this sector, we are asking how. It is not really up to us as a House to consider how. With technology, it can be done...

The Temporary Chairman (Hon. Farah Maalim): It should be enriched at the appropriate time when we have the technology in place. That is what you are talking about.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): What I am saying is that in America, for instance, they have that technology. Why can we not provide it so that we invest in providing for that technology?

The Temporary Chairman (Hon. Farah Maalim): To allow somebody who is deafblind to communicate.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Yes. The idea is to make it easy. I asked one of my friends whose sister faced a lot of challenges when she was here in Kenya but now lives in the USA in a different State from her, how she communicates with her sister, Grace and she said because gadgets are provided in the USA, she can call them. So, why can we not provide that here to enable the deaf to communicate the way other people do? That is what we have captured in this Clause.

The Temporary Chairman (Hon. Farah Maalim): Yes. Madam Beatrice?

(Hon. Owen Baya spoke off the record)

Hon. Baya, allow Hon. Beatrice to weigh in and then you will have an opportunity. The Leader of the Majority Party, allow Hon. Beatrice to have the Floor then you will have a shot at it.

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Chairman. I support telecommunication service being provided for the deaf, the blind, and the deafblind. We went for public participation on a Bill on environment and the greatest complaint that we had about the blind is that they could not read the Bill because there was no service to enable them read it. There was no braille. So, if there is a way we can have the

telecommunication service to help them read Bills and anything else that goes with them, especially in public participation, it will be very easy for them.

As we speak, we are mourning one of the greatest Persons with Disability (PWD), a blind man called Raymond Cheruyiot who was very instrumental in matters concerning the Constitution and the church. So, as this Bill is processed, let us remember people who are abled differently so that they can also feel being part of Kenya in the best way possible.

Finally, I want to join my colleague in welcoming the students and the pupils of Koitaburot Community Comprehensive School from Sigowet/Soin Sub-County. The school performs well. They come from a sugarcane-growing place. I would like to tell the students that they can make it. They see the Temporary Chairman and the likes of Hon. Millie Odhiambo, Hon. Cynthia and the Deputy Leader of the Majority Party on television but today they have seen them in this Parliament. I wish them well and pray that next time they will be in this Parliament as Members of Parliament.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Farah Maalim): Hon. Members, do you wish to weigh on this clause before I put the Question?

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Chairman, I would like to say something on this clause. We are making law for posterity. It is very important that we choose words very well. The reason why we come to the Committee of the whole House is to comb through words—from word to sentence to clause. On Clause 8B, we need to be careful on what we do with it. I have no issues with Clause 8A because it is about television and other forms of media. It is easier to achieve and it is also practical. In any case, this country is already there because when you watch news, there will be a caption where somebody is interpreting. Sometimes we see that in presidential functions.

When we come to Clause 8B, I want us to be very careful. We are saying telecommunication service providers, including Airtel, Safaricom and Telkom. We are telling them ‘shall’ make their services accessible to the deaf, hard of hearing and blind through establishment and provision of relay services, including text and video relay. But if you look at the use of the word ‘shall’, already when we pass this law, telecommunication services would be bound to provide that, which I have no problem with. But are we providing a transitional clause so that if Owen Baya wants to apply for a licence to provide telephony services, can I be denied that licence on the basis that I am not able to do it based on available technology? My suggestion is that we reword this clause and that a further amendment be made before we pass a binding law. Hon. Millie, you are aware about this. Or we can pass the Bill but we recommit this clause for the purposes of relooking at it and its consequences on the economy.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Mabona.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. I hear Hon. Baya very well. For information, I was telling him that when I was in the civil society, there was no provision by any media house for interpretation like now. And the argument was around cost. At the Cradle, we took on the *Nation*, they were not very happy with us, not because they are the ones who were discriminating but we just had to pick one media house. We took them to court and the matter is still pending, either in the Court of Appeal or the Supreme Court. Of course, it is now overtaken by events because the *Nation* now provides interpretation. They have people who help. At that point the issue was cost. The *Nation* has done it and it has not dented them. It also creates jobs for interpreters.

One thing is very clear. I am sure there is a clause on regulations and the Bill provides time for transition. But if it is a big issue, we could still provide a transition period of up to one year. I would advise that we provide for a transition period of one year to enable telecommunications to comply. The telecommunications we are talking about, Safaricom and

Airtel, always declare profits. They make a lot of money. I want to thank them because they do a lot of CSR programmes. But this is not even an issue of CSR. It is beyond it. This is about enabling human beings to be human like everybody else. With the same capacity they have for CSR, they can still put money into this. So, we can provide a transitional period of one year. I agree with Hon. Baya that we recommit the clause. If we had time, the drafters who are here could assist in drafting something on transition for one year to enable the telecommunication agencies to prepare.

The Temporary Chairman (Hon. Farah Maalim): In any case, anything that is noble... I am also a Member of Parliament for Dadaab and I remember when we brought up the issue of smoking and we said we stop smoking in public places. People could not fathom how much time Kenyans needed to get into that habit. And quite a substantial part of our population used to smoke. Today, we are a model in the world because this is one country where over 90 per cent of the population does not smoke. That is a big majority. Then there was the issue of plastics and we are a leader in the world in banning plastics. It is incremental. It is good for best practices to get the best legislation. Technicalities of how to achieve that will be addressed.

Yes, Hon. Feisal.

*(The Temporary Chairman consulted with
Hon. Millie Odhiambo-Mabona)*

Yes, Hon. Namuar.

Hon. Joseph Emathe (Turkana Central, UDA): Thank you, Hon. Temporary Chairman. I thought you were confusing me with Hon. Feisal.

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Feisal is behind you and the two of you look very alike. He has rubbed onto you some of his features. Proceed.

Hon. Joseph Emathe (Turkana Central, UDA): Thank you, Hon. Temporary Chairman. I thank Hon. Millie and Hon. Umul, for this. My contribution will go to the need to leave no one behind. The deaf and blind community is very important in our community and we may not seek to have legislative frameworks that can leave them behind. My Party Whip is not consuming the word 'shall' being used in the amendment. My request is that this is a very important community. I would want to give you an example. I have a friend who has an Inadequate Lid Seal (ILS) condition. He cannot speak. All we see are movements of his eyes. The family tried to bring him a computer for him to type using his eyes and we were communicating before the condition became intense. If it was possible that he could use his eyes to speak to us by typing letters on the computer and we were able to get the communication, then even this other technology for the deaf and blind is possible. If it is possible in America, it is also possible here in Kenya.

The Temporary Chairman (Hon. Farah Maalim): Fair enough.

*(Question, that the new clause be
read a Second Time, put and agreed to)*

*(Question, that the new clause be
added to the Bill, put and agreed to)*

New Part IV

THAT, the Bill be amended by inserting the following new Part immediately after Clause 9—

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PART IV—REGISTRATION OF SIGN
LANGUAGE INTERPRETERS

- Registration.
- 9A. (1) A person who wishes to provide Kenyan Sign Language interpretation services shall apply for registration to the Council in the prescribed manner.
- (2) The Registrar shall, upon receipt of the application and as soon as is practicable bring every application before the Council for consideration.
- (3) Where the Council has determined that a person has complied with the provisions of this Act, the person shall be registered and is eligible to provide Kenyan Sign Language interpretation services.
- (4) The Council may issue a person who has been registered under this Act with such identification document in the prescribed manner, and which shall be valid for such period as the Council may specify.
- Qualifications for registration.
- 9B. A person is qualified to be registered to provide Kenyan Sign Language interpretation services under this Act, if the person—
- (a) has proficiency in English or Kiswahili languages as contemplated under Article 7(1) and (2) of the Constitution;
- (b) possesses such professional qualifications from an institution recognized by the Council;
- (c) has obtained practical experience and skills in Kenyan Sign Language interpretation as may be prescribed by the Council; and
- (d) has successfully passed the continuing professional development examination or such other requirements as may be conducted by the Council, from time to time.
- Application for registration.
- 9C. (1) A person who meets the requirements under section 9B of this Act, may apply to the Registrar for registration to provide Kenyan Sign Language interpretation services.
- (2) The application referred to under subsection (1), shall be in the prescribed manner, accompanied with—
- (a) copies of professional and educational certificates;
- (b) such registration fees as may be determined by the Council; and
- (c) any other document as may be necessary to prove qualification for registration.
- Effect of registration.
- 9D. A person whose name has been entered in the register as a licensed Kenyan Sign Language interpreter, shall, for as long as his or her name remains in the register, be entitled to adopt and use the style and title “professional sign language interpreter”.
- Certificate of registration.
- 9E. The Registrar shall issue to every person registered under this Act, a certificate of registration in the prescribed form.
- Register.
- 9F. (1) The Registrar shall keep and maintain a register in which the name of every person registered by the Council to provide Kenyan Sign Language interpretation services of all the registered sign language interpreters under this Act shall be entered showing—
- (a) the date of the entry in the register;

- (b) the registration number of the person;
 - (c) the address of the person registered;
 - (d) the nationality of the person;
 - (e) the qualifications of the person; and
 - (f) such other particulars as the Council may prescribe.
- (2) A person whose name is entered in the register under subsection (1) shall inform the Registrar of any changes in the particulars set out under subsection (1).
- (3) A person may, during normal office hours and on payment of the prescribed fee, inspect the register and any document relating to an entry and may obtain from the Registrar a copy or extract from the register of any such document.
- (4) The Registrar shall cause to be published in either electronic or print media, not later than the 30th day of April of every year, particulars of licensed Kenyan Sign Language interpreters duly registered under this Act.
- (5) A publication made under this subsection (4) shall be prima facie evidence—
- (a) that a person whose name has been entered in the register under this Act is qualified to provide Kenyan Sign Language interpretation services; or
 - (b) that a person whose name does not appear in such publication or has been deleted from the register as notified by such publication is not licensed to provide Kenyan Sign Language interpretation services.
- (6) The Registrar may remove from the register—
- (a) the name of a deceased member in a manner prescribed by Council;
 - (b) any entry which has been incorrectly or fraudulently made;
 - (c) the name of a person convicted of an offence under this Act or any other law and sentenced to imprisonment for a term exceeding six months;
 - (d) a person whose name the Council has directed that it should be removed from the register for breach of the provisions of this Act;
 - (e) the name of a person who has been declared bankrupt; or
 - (f) the name of a person who has failed to satisfy the requirements for the continuing professional development programme for the time being in force.
- (7) Where the Registrar establishes that an entry has been erroneously or incorrectly entered in the register, the Registrar may correct the error and notify the affected person of such corrections.
- (8) The Registrar shall cause the name and address of a person whose name is removed from the register under this section, to be published in the *Gazette* within one month from the date of such removal.

- (9) Upon the removal of a name from the register, the Registrar shall inform the person of the removal by registered mail to the person's last recorded postal address, or through the person's last known email address.
- (10) Where the name of any person has been removed from the register under this Act, it shall not be reinstated except by the direction of the Council.
- (11) A person whose name has been removed from the register shall cease to be registered for the purpose of this Act from the date of such removal.
- Practising certificate.
- 9G. (1) A person shall not provide Kenyan Sign Language interpretation services unless that person has been issued with a practicing certificate under this Act.
- (2) A person wishing to obtain a practicing certificate shall apply to the Council through the Registrar.
- (3) An application under this section shall be in the prescribed form and shall be accompanied by the prescribed fee.
- (4) Where an application is made by a person in accordance with this section, the Registrar shall, upon direction by the Council, issue such a person a practicing certificate if satisfied that the person—
- (a) is registered under this Act; and
 - (b) meets such other requirements as may be prescribed.
- (5) A practicing certificate issued under subsection (1), shall be valid for a period of one year running from the 1st of January to the 31st December of each year and may, upon expiry, be renewed on making an application for renewal.
- Renewal of practicing certificate.
- 9H. (1) A person who holds a practicing certificate may on the expiry of the practicing certificate apply to the Council for a renewal of the certificate.
- (2) An application made under subsection (1), shall be accompanied with—
- (a) a declaration in the prescribed form;
 - (b) fees for the current practicing period and subject to the approval by the Council, any unpaid fees, including penalties as prescribed by the Council; and
 - (c) proof of fulfilment of all applicable conditions for renewal of a certificate.
- (3) The Council may, with sufficient cause, refuse to issue or renew a practicing certificate and shall communicate the refusal and give reasons for such refusal to the applicant within twenty-one days of making the decision.
- Suspension and cancellation of practicing certificate.
- 9I. (1) The Council may suspend or cancel a practising certificate issued under this Act where—
- (a) allegations of misconduct have been investigated and proven against a sign language interpreter;
 - (b) a sign language interpreter has been convicted of an offence under this Act;
 - (c) a false declaration was made in an application for a practising certificate; or

(d) a sign language interpreter has contravened any of the provisions of this Act.

(2) The cancellation or suspension of a practising certificate under subsection (1) shall be subject to the principles of fair administrative action prescribed under Article 47 of the Constitution and the Fair Administrative Action Act.

Cap. 7L

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

9J. A person whose name has been removed from the register or whose certificate has been suspended or cancelled, shall not provide Kenyan Sign Language interpretation services during the period of removal of name, suspension or cancellation of his or her practicing certificate.

(The new part was read a First Time)

The Temporary Chairman (Hon. Farah Maalim): Mover, move Second Reading for the clauses that have just been read out by the Clerk-at-the-Table.

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Chair, I beg to move that the New Part be now read a second time.

The purpose of the New Part is to create the Kenyan Sign Language Council, which will provide regulations for interpreters and eradicate quacks in the market.

Thank you.

(Question, that the new part be read a Second Time, proposed)

I am looking for somebody who has not had a bite. I will give the Floor to Hon. Rindikiri but before you take the Floor, I want to recognise, in the Public Gallery, a school called Crossroads Star Academy from Dagoretti North Constituency in Nairobi. I welcome you to the National Assembly. This is the House of laws for the Welfare of Society and the Just Government of the People of the Republic of Kenya. I welcome you.

I also welcome, seated in the Speaker's Gallery, students from Amaya High School in Tiaty Constituency in Baringo County. Welcome. You are the future leaders and sometimes the future is not too far. It can be just a matter of years. I ask Hon. Namuar to give words of wisdom and encouragement to the students who are in both the Public and the Speaker's Galleries.

Hon. Joseph Emathe (Turkana Central, UDA): Hon. Temporary Chairman, I thank you very much for welcoming the students, and I want to join you. I take a specific welcome note to the students from Tiaty Constituency. I am from Turkana County and they are from Baringo County. You are aware of what has been happening between the Pokot and the Turkana ethnic communities in terms of banditry and cattle rustling. Therefore, mine is to wish them well as they learn, but I advise them to avoid any leadership and aspirations that will deny them an opportunity to learn and to prosper and to avoid any retrogressive practises like banditry. This enables us to be ambassadors of peace and prosperity in the two communities.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Farah Maalim): Hon. Rachael Nyamai, who is a member of the Speaker's Panel, give a word of encouragement to the girls and boys you see on both sides. Dr Rachael Nyamai is a three-term Member of Parliament. She has been here for three consecutive terms. There she is, an iron lady. Give words of encouragement to the students.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you very much, Hon. Temporary Chairman, for those kind words. I would also like to welcome the students who have come

from very far away, seated in the Public and the Speaker's galleries this morning. I would like to tell them that the sky is the limit. You have the advantage of being young and having a country that is getting organised by His Excellency Dr William Samoei Ruto. You have a country with roads, electricity and school books are being provided. So, you do not have any excuse not to succeed. I encourage you to become what you want to be. It does not matter what kind of family you come from. Welcome to the National Assembly and continue listening to the proceedings of the House.

Thank you, Hon. Temporary Chairman.

The Temporary Chairman (Hon. Farah Maalim): Hon. Wamboka, Member for Kabuchai. Hon. Rindikiri, proceed.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Chairman. I have just consulted the Legal Counsel and the Mover. As we do the recommittal on the matter of what the Deputy Leader of the Majority Party has brought up, I am of the strong opinion that part of the responsibility of the Council is to carry out research. This will help us know the numbers we are dealing with regarding people who require sign language interpretation services. If we can establish an approximate number, which cannot be done by guesswork...

The Temporary Chairman (Hon. Farah Maalim): Hon. Rindikiri, we are past that. We have already moved from there. We are now in new clauses 9A, 9B, 9C, 9D, 9E, 9F, 9G, 9H, 9I and 9J. So, go through those ones and raise issues on them. We are past what you are currently talking about. Next is Hon. Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Chairman, as I support this proposed amendment, especially the part where the regulations will be required, I encourage the co-sponsors to move with speed so that we can iron out some of the issues that the Deputy Leader of the Majority Party raised and some of the emerging technological issues. I sit on the Committee on Delegated Legislation and I would be happy that these regulations are brought with haste so that you can put in place mechanisms to effect this Bill and Act. I support.

The Temporary Chairman (Hon. Farah Maalim): Hon. Members, for the benefit of everybody, we are now deliberating on registration of sign language interpreters as provided from new clauses 9A to 9J. So, please, let us be relevant according to the Order Paper. Yes, Hon. Baya.

Hon. Owen Baya (Kilifi North, UDA): I would like to first speak on the New Part IV, which has all the clauses in 9. Hon. Temporary Chairman, these clauses talk about the registration of sign language interpreters. They give us qualifications, application, registration, certificate of registration, effect of registration, practising certificate and all that. However, probably Hon. Oluoch and Hon. Millie can guide us in good drafting.

On registration of interpreters, if you read the first clause, it is about a function of the Council. It says: "A person who wishes to provide Kenyan Sign Language interpretation services shall apply for registration to the Council in the prescribed manner." This is a function of the Council which should have come under Clause 5C, which is talking about functions of the Council. It would have been neater if—because you say in the prescribed manner—the prescribed manner here should have been a schedule so that all this information now becomes Schedule A, Schedule B or whatever schedule. Alternatively, they can be relegated to a regulation instead of putting all these things into the main body of the Bill. It is my suggestion and I know Hon. Oluoch and Hon. Millie are lawyers and good drafters.

I think neatly, we would have just created a schedule on what is required for you to be registered as an interpreter, the qualifications and all those kinds of things. We would then remove the whole of Part 9 and allow this to be a function of the Council. You could probably put it under Clause 5C(k) or 5C(a) and we would have a neater Bill. I think we need to reorganise this Bill for the purposes of good law. I would like to hear from the lawyers and drafters in the House. I am happy to be guided.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Chairman, I would like to ask the Member whether he is proposing recommitment. I expected you to say that you are moving an amendment to drop this provision and then you recommit it, so that the text can be revised to place some matters in a Schedule and others in regulations. That is why I spoke about the regulations during my contribution. Maybe you can help the Member by proposing a recommitment so that this matter can be taken to a Schedule.

(Hon. Owen Baya spoke off the record)

The Temporary Chairman (Hon. Farah Maalim): I will give you the microphone, but let me clarify two things. This Clause concerns both the registration and regulation of interpreters. Rules must be set on how interpreters will operate.

Hon. Owen Baya (Kilifi North, UDA): I am happy to be guided on this matter but, I would like us to move a further amendment. If the drafters are present, they can assist me with the text. I propose that we recommit the provision and provide for the registration of interpreters as a function of the Council. It then becomes one of the Council's functions. Thereafter, we can provide a Schedule setting out the requirements, qualifications, applications for registration and other details. All of them can be placed in a Schedule. I would like to consult further. I would like to move that amendment so that we can make progress. I do not know what the other Members think, but I am ready to be guided.

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Nguna.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Chairman. I would like to add my voice to what Hon. Owen Baya has proposed. It is important to enumerate this function the way he has suggested. I rise to support what he has said. I believe it will reorganise the entire clause. I support.

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Chairman, we have already passed that clause. One great function that can be incorporated into the Council is research. As I stand here, my immediate elder brother, who retired recently, is a sign language expert. He retired as Deputy Headteacher of Kaaga School for the Deaf. Through a text message, he informed me that we have a challenge in this country because we do not know the population that requires these services. That is why I was trying to seek a clarification. I have spoken to Hon. Millie and Hon. Umulkher, who referred me to the drafters.

The research function can be incorporated into the functions of the Council. That is precisely what the Deputy Leader of the Majority Party has proposed. We recommit the clause and include this important function of the Council. I totally agree with him. It is an important thing to do. We must remember that we are making this law for posterity. We do not want to revisit it later and be asked by telecommunication service providers what exactly we intended. This is a good opportunity because we all agree that this is an important Bill. The contributions have been made, including those by Hon. Millie and my senior, Hon. Oluoch, who are here to ensure that we do not omit functions which we feel are important.

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. I would like to request Deputy Leader of the Majority Party to listen to this.

I have heard what he said, but he is speaking to legislative elegance but not substance. We are speaking to legislative drafting style, philosophy and preference. There was a big debate on the Constitution of Kenya. There are those who are minimalists and prefer that only principles and values be included in legislation. Because of Kenya's history and our experiences, we know that when matters are left to regulations, they often do not reflect the original intention and may be compromised.

In my view, the Bill is neither defective nor flawed. If you look at statutes establishing bodies such as the National Land Commission, you will find similar drafting approaches. In fact, I thank Hon. Rachael Nyamai for reminding me that. The drafting is very similar. It does not harm the Bill. It is not defective. The traditional legislative style, that many of us are used to, is the minimalist approach where principles are contained in the Act and details are left to regulations.

However, as I indicated earlier, the challenge you face with that, especially when we are talking about marginalised and minority groups, is that people do not fully understand their issues. When matters are left to regulations, you will find a person who does not understand and does not have the advantage of debating here representing the entire country. Instead, you will find five people with biases doing their own things, which will be totally different from what we intend. Even though I hear you very well, I encourage you to allow the provision to remain as it is. It is neither fatal nor defective.

The Temporary Chairman (Hon. Farah Maalim): Thank you, Hon. Mabona. I will also give an opportunity to our learned friend, Hon. Oluoch. Before that, Hon. Millie Mabona, when you read new clauses 9A, 9B, 9C, 9D, 9E, 9F, 9G, 9H and 9I of the Bill, you will notice that they not only deal with registration but also with regulation. Probably the title here should be "Part IV—Registration and Regulation". The greater part of the provisions concern regulation. They prescribe what interpreters may or may not do. Registration is very straightforward. We have qualifications, the registering body and the registration process. However, these provisions go much further.

New Clause 9G of the Bill states that a person shall not provide Kenyan Sign Language Interpretation Services unless that they have been issued with a practising certificate under this Act. These are regulatory provisions. Therefore, the title should be "Registration and Regulation". Anyway, I would like to listen to Hon. Oluoch and then come back to you.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, can I move further amendments?

The Temporary Chairman (Hon. Farah Maalim): Would you like to move them now or you want to pass the Clause and then you come back and move them?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Sorry, Hon. Temporary Chairman. That is very simple. When you move a further amendment, you just say that the title of Part IV be further amended to read "Registration and Regulation of Sign Language Interpreters". Hon. Umulkher can provide that amendment in writing and we can sign it. As a co-sponsor, I can move that the title of Part IV of the Bill be further amended to read "Registration and Regulation of Sign Language Interpreters".

The Temporary Chairman (Hon. Farah Maalim): That satisfies the concerns of Deputy Leader of the Majority Party. You raised a very pertinent issue. I believe this amendment will resolve it.

Hon. Owen Baya (Kilifi North, UDA): Hon. Millie Mabona is my senior in this House. When she speaks, I listen. I would like to acknowledge her efficacy in law. Let us adopt that proposal now. I will also take the advice given by Hon. Oluoch. I still have my misgivings, but for purposes of the law, let us proceed. I would also like us to recommit New Clause 8B. I do not know whether that is procedurally permissible at this level.

The Temporary Chairman (Hon. Farah Maalim): Later.

Hon. Owen Baya (Kilifi North, UDA): We will recommit New Clause 8B later.

The Temporary Chairman (Hon. Farah Maalim): Regarding New Clause 8B, I understand the transition issue that you mentioned. However, there is generally no progressive or incremental manner in which law comes into force. That is usually an administrative matter. For example, we have the two-thirds gender principle in our Constitution. It says "shall" which

means that we must have it. It is an impossible thing and it takes time for these things to be actualised. You see what I mean. Yes Hon. Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): I am persuaded by what Hon. Millie has said for one other reason and I will give an example. I have moved an amendment for the Basic Education Act for alternative provisions of basic education schools in informal settlements and this category has perpetually been discriminated because they were operating under some regulations which under legal notice were never put into place. The effect of that was that there was no budgeting, no capitation and no teachers from the Teachers Service Commission (TSC). So, it is possible that on an affirmative action like this, you have a very good Bill, relegate the issues to regulations, which will never be implemented. So, I am persuaded that we let even the over-prescription so long as it is not defective in drafting.

The temporary Chairman (Hon. Farah Maalim): Let us have Hon. Nyamai

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you very much, Hon. Temporary Chairman. First of all, I thank the Leader of the Majority Party because he has agreed that we proceed in the direction Hon. Millie Odhiambo-Mabona has suggested. It is better to over-legislate than to under-legislate, especially on this matter that concerns the deaf and the blind. I think we would rather do the best that we can so that they are able to benefit from information sharing in this country. I have just looked at the whole write-up and it concerns continuous learning, how much these people should be paid, how the register should be maintained and even the mannerism.

You remember there is a very pretty girl who tried to interpret for the deaf people in an event that was political and the way she was swinging and dancing; she was doing it in a way that we thought that this should have been done earlier. I believe if this Bill becomes an Act, then it will prescribe how you do it. I think there is a way that you can try to do it and then you distract the people such that instead of focusing on the message, they focus on you. I would like to say that this is too important to be left in the regulations. Let it be in the law, similar to the way it is in the National Land Commission Act and in the Act for engineers. It is better that we over-do than we under-do.

Thank you, Hon. Temporary Chairman.

(Question that the new part be read a Second Time, put and agreed to)

(Question, that the new part be added to the Bill, put and agreed to)

New Part IV – Title

The Temporary Chairman (Hon. Farah Maalim): Hon. Millie, can you move the amendment on the Title which is Registration and Regulation.

THAT, the Bill be further amended in New Part IV-Title by deleting and replacing with Registration and Regulation of Sign Language Interpreters.

(The new part was read a First Time)

(Question, that the new part be Read a Second Time, proposed)

(Question that the new part be read a Second Time, put and agreed to)

(Question, that the new part be added to the Bill, put and agreed to)

New Clauses 16A, 16B, 16C, 16D and 16E

THAT, the Bill be amended by inserting the following new Parts immediately after Clause 16—

PART V—FINANCIAL PROVISIONS

Funds of the Council.

16A. (1) The funds of the Council shall comprise of—

- (a) such monies as may accrue to or vest in the Council in the course of the exercise of its powers or the performance of its functions under this Act;
- (b) monies as may be payable to the Council pursuant to this Act or any other written law;
- (c) gifts, grants, donations or endowments as may be given to the Council; and
- (d) all moneys from any other lawful source provided, donated or lent to the Council.

(2) All the funds donated, lent or issued to the Council under this Act shall be accounted for and appropriated in accordance with the Public Finance Management Act.

Cap. 412A

Financial year.

16B. The financial year of the Council shall be the period of twelve months ending on the thirtieth day of June in each year.

Annual estimates.

16C. (1) At least three months before the commencement of the financial year, the Council shall cause to be prepared estimates of its revenue and expenditure for that financial year.

(2) The annual estimates shall make provision for all estimated expenditure of the Council for the financial year concerned, and in particular shall provide for the—

- (a) the payment of salaries, allowances and other charges in respect of the staff of the Council;
- (b) the payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Council;
- (c) the proper maintenance of buildings and grounds of the Council;
- (d) the acquisition, maintenance, repair and replacement of the equipment and other movable property of the Council; or
- (e) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment, or in respect of such other matters as the Council may consider appropriate.

(3) The annual estimates shall be approved by the Council before the commencement of the financial year to which they relate and, once approved, the sum provided in the estimates shall be submitted to the Cabinet Secretary for approval.

(4) Expenditure shall not be incurred for the purposes of the Council except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorisation of the Council given with prior written approval of the Cabinet Secretary.

Accounts and audit.

16D. (1) The Council shall cause to be kept proper books and records of accounts of its income, expenditure, assets and liabilities.

(2) Within a period of three months after the end of each financial year, the Council shall submit to the Auditor-General, the audited accounts of the Council together with—

(a) a statement of income and expenditure of the Council during the year; and

(b) a statement of the assets and liabilities of the Council on the last day of that year.

(3) The accounts of the Council shall be audited and reported upon in accordance with the provisions of the Public Audit Act.

Cap. 412B

Annual report.

16E. The Council shall, within three months after the end of each financial year, prepare and submit to the Cabinet Secretary a report of the operations of the Council for the immediately preceding year.

The Temporary Chairman (Hon. Farah Maalim): Mover. Move the specifications of the new clauses for the Second Reading.

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Chairman, I beg to move that new clauses 16A, 16B, 16C, 16D and 16E be now read a second time. This is to justify the sources of funds for the Council.

(The new clauses were read a First Time)

*(Question, that the new parts be
Read a Second Time, proposed)*

*(Question, that the new parts be
read a Second Time, put and agreed to)*

*(Question, that the new parts be
added to the Bill, put and agreed to)*

New Part VI

The Temporary Chairman (Hon. Farah Maalim): Mover. Give the Member the microphone.

THAT, the Bill be amended by inserting the following heading immediately before Clause 17—

PART VI—MISCELLANEOUS PROVISIONS

(The new heading was read a First Time)

*(Question, that the new heading be
Read a Second Time, proposed)*

(Question, that the new heading be read a Second Time, put and agreed to)

(Question, that the new heading be added to the Bill, put and agreed to)

New Schedule

THAT, the Bill be amended by inserting the following new Schedule immediately after clause 19—

SCHEDULE – PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL

Meetings.

1. (1) The Council shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.
- (2) Notwithstanding the provisions of subparagraph (1), the chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the Council at any time for the transaction of the business of the Council.
- (3) Unless three-quarters of the total members of the Council otherwise agree, at least fourteen days' written notice of every meeting of the Council shall be given to every member of the Council.
- (4) The quorum for the conduct of the business of the Council shall be five members including the chairperson or the person presiding.
- (5) The chairperson shall preside at every meeting of the Council at which he is present but, in his absence, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.
- (6) Unless a unanimous decision is reached, a decision on any matter before the Council shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.
- (7) Subject to subparagraph (4), no proceedings of the Council shall be invalid by reason only of a vacancy among the members thereof.

Disclosure of interest by council members

2. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Council and is present at a meeting of the Council at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter:

Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Council may permit the member to participate in the deliberations subject to such

restrictions as it may impose but such member shall not have the right to vote on the matter in question.

- (2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.
- (3) A member of the Council who contravenes subparagraph (1) commits an offence and is liable to imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred thousand shillings, or both.

Execution
of instruments

3. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Council by any person generally or specially authorized by the Council for that purpose.

Minutes

4. The Council shall cause minutes of all resolutions and proceedings of meetings of the Council to be entered in books kept for that purpose.

(The new schedule was read a First Time)

The Temporary Chairman (Hon. Farah Maalim): Mover, move Second Reading for the New Schedule.

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Chairman, I beg to move that the New Schedule be now read a Second Time.

The Temporary Chairman (Hon. Farah Maalim): Hon. Umulkher, give the justification why the New Schedule should be read a Second Time. Why was it changed?

Hon. Umulkher Harun (Nominated, ODM): The New Schedule provides provisions for the conduct of business and the affairs of the Council. It was not considered initially.

(Question, that the new schedule be read a Second Time, proposed)

The Temporary Chairman (Hon. Farah Maalim): Does anybody wish to contribute?

(Question, that the new schedule be read a Second Time, put and agreed to)

(Question, that the new schedule be added to the Bill, put and agreed to)

Clause 2

The Temporary Chairman (Hon. Farah Maalim): Hon. Umulkher, you have a proposed amendment to clause 2, “inserting the expression ‘unless the context otherwise requires’ in the opening statement immediately after the word ‘Act’.

Do you not have that material with you? You asked for an amendment.

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Chairman, I beg to move:

THAT, Clause 2 be amended, by—

- (a) inserting the expression “unless the context otherwise requires” in the opening statement immediately after the word “Act”;

- (b) deleting the definition of the term “Cabinet Secretary” and substituting therefor the following new definition—
 “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to persons with disabilities;
- (c) deleting the definition of the term “Council” and substituting therefor the following new definition—
 “Council” means the Kenyan Sign Language Council established under section 5A;
- (d) inserting the following new definitions in their proper alphabetical sequence—
 “deafblind” means a person who is either born deaf and blind or became deaf and blind due to illness or a condition at a later stage of life and uses tactile and Braille as a means of communication;
 “Registrar” means the person appointed as such under section 5K”.

The Temporary Chairman (Hon. Farah Maalim): We are waiting for the justification. Hon. Umulkher, do you have the Order Paper where Clause 2 is indicated? You sought an amendment to that and gave the justification. I can see the insertion of an expression in the opening statement, deletion and substitution therefor, and the definition of terms and insertion. Do you have it?

Hon. Umulkher Harun (Nominated, ODM): Yes, I do.

The Temporary Chairman (Hon. Farah Maalim): Give the justification for that.

Hon. Umulkher Harun (Nominated, ODM): This amendment seeks to justify and provide the definition of the term as used in the Bill and to give clarity.

(Question of the amendment proposed)

The Temporary Chairman (Hon. Farah Maalim): Yes, Hon. Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Chairman, I am looking at the definition of the term "Cabinet Secretary" in the original Bill. It states:

"Cabinet Secretary" means the Cabinet Secretary responsible for matters relating to education.

The new definition substitutes this with:

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to persons with disabilities.”

This is where we need to find a balance. This is about sign language. Language is a subject matter within the purview of education, although it relates to the education of persons with disabilities. However, the new definition we are giving for Cabinet Secretary is Cabinet Secretary for the time being responsible for matters relating to persons with disabilities. We need to determine whether this is a bat. Is it an animal or a bird? This is where we mess this Bill. Currently, we have a Bill on disability.

The Temporary Chairman (Hon. Farah Maalim): Under which ministry?

Hon. Owen Baya (Kilifi North, UDA): This is under the ministry responsible for disability affairs.

The Temporary Chairman (Hon. Farah Maalim): Which ministry is that?

Hon. Owen Baya (Kilifi North, UDA): It is the ministry currently responsible for disability matters.

The Temporary Chairman (Hon. Farah Maalim): Is it the Ministry of Public Service, Gender and Affirmative Action?

Hon. Owen Baya (Kilifi North, UDA): The Ministry of Labour and Social Protection. That Bill has provisions on sign language. When we shift it from the Ministry of Education to the ministry responsible for disability affairs, we must consider whether we are over-legislating or entrusting it to the wrong ministry. Can the Cabinet Secretary, for the time being, be in charge of disability?

The Temporary Chairman (Hon. Farah Maalim): Gender and Affirmative Action.

Hon. Owen Baya (Kilifi North, UDA): This should be in the Ministry of Education. I would have liked to see the Committee Report and know whether the Committee proposed any amendments. What did the Committee say? Looking at this Bill and the amendments being pursued by Hon. Umulkher, these changes render it completely obsolete. It makes it completely different from the Bill. This is a Senate Bill, originating from the Senate for concurrence, and then we pass it, with amendments, which is our duty. However, these amendments go beyond the original Bill's contents. I am very afraid. Are we doing the right thing?

The Temporary Chairman (Hon. Farah Maalim): The question is whether this is more appropriate to the Ministry of Gender and Affirmative Action or under Education.

Hon. Owen Baya (Kilifi North, UDA): My view is that we leave it under the Cabinet Secretary for Education. We should not change it to the ministry responsible for disability affairs.

The Temporary Chairman (Hon. Farah Maalim): Are the Ministry of Education's hands already full?

Hon. Owen Baya (Kilifi North, UDA): This is about language.

The Temporary Chairman (Hon. Farah Maalim): But it is also about disability.

Hon. Owen Baya (Kilifi North, UDA): It transcends many things. Perhaps we need to recommit the entire Bill for re-examination.

The Temporary Chairman (Hon. Farah Maalim): Hon. Millie. From where I sit as a Member of Parliament for Dadaab, I think the Ministry of Education already has its hands full. The Ministry of Labour and Social Protection is responsible for societal matters. I do not think it would be in the best interests of the affected persons for this issue to be lumped under the Ministry of Education, which is already a very big thing.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Chairman. Having listened to Hon. Nzuri, not Hon. Baya, I would like to say that I hear him. We are talking about sign language. As a language, it needs a home within the Ministry of Education. We want students to be taught sign language from childhood through higher levels. Where will the budget for this be situated? Will it be under Education or under Gender? If we situate it under Gender, it becomes a disability issue. This is a difficult matter. Ideally, it should fall under two ministries. However, the Ministry of Labour and Social Protection is already dealing with other aspects of disability. Since we want this initiative to be revolutionary, to demonstrate sign language as a language, it would be better situated within the Ministry of Education. Therefore, I agree with the Deputy Leader of the Majority Party that Hon. Umulkher may consider dropping the term "Cabinet Secretary".

The Temporary Chairman (Hon. Farah Maalim): Maybe drop the amendment. That is all. It is already there under Education.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): No, there are several amendments so that she could withdraw the one on "Cabinet Secretary". Though sometimes the proof of the pudding is in the eating. We have had situations where a function was placed within one ministry, and because it was experimental, it did not work. Let us give it three or four years under Education. If it does not work, we can still introduce an amendment through the proper process. This is sort of like when the Women Representatives had a challenge with

the supply of sanitary towels for schoolgirls. Should the initiative fall under the Ministry of Gender, Culture and Children Services or the Ministry of Education? It is a cross-cutting issue. We want school girls to have access to sanitary pads. Yet it is also a gender issue.

I agree with the Deputy Leader of the Majority Party. We could try out the Ministry of Education, but if it does not work, we can bring it under the Ministry of Gender, Culture and Children Services.

The Temporary Chairman (Hon. Farah Maalim): Do you wish to move or drop the amendment?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Chairman, I request my sister, Hon. Umulkher, to reconsider. She should not recommit the clause. Since she has already moved the amendment, she can drop that particular part.

The Temporary Chairman (Hon. Farah Maalim): Let us have Hon. Oluoch.

Hon. Anthony Oluoch (Mathare, ODM): Hon. Temporary Chairman, it will be entirely at the discretion of the two co-sponsors of the Bill to either drop or retain the amendment. Sign language, which underpins the Bill, is a cross-cutting issue. It can fall under education, since it mainly affects learners in schools, but it also affects people in workplaces. We were speaking about how telecommunications stakeholders should ensure that the deaf and blind are accommodated. The deaf and blind are not just found in education. The practitioners and users of this Bill far supersede the confines of education. Therefore, if I were Hon. Umi, I would include both the Cabinet Secretary for Education and the Cabinet Secretary responsible for matters relating to persons with disabilities. The Ministry of Education will still be able to budget for it, as the Bill provides for obligations for persons affected by it. However, that decision is up to the Mover and the co-sponsor of the Bill.

The Temporary Chairman (Hon. Farah Maalim): Let us have the Mover, Hon. Umulkher.

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Chairman, I am happy to drop the amendment in part (b), so that we leave the Bill under the jurisdiction of the Ministry of Education. That is best because we are approaching it as a “Language Bill” and not a “Disability Bill”. If we introduce the Ministry of Labour and Social Protection, the Bill will overlap with the Persons with Disabilities Act (PWD), 2025, which we recently passed. I request that it remain under the jurisdiction of the Ministry of Education.

The Temporary Chairman (Hon. Farah Maalim): Are you withdrawing your proposed amendment in part (b)?

Hon. Umulkher Harun (Nominated, ODM): Yes.

The Temporary Chairman (Hon. Farah Maalim): Okay.

*(Proposed amendment by
Hon. Umulkher Harun withdrawn)*

*(Question, that the words to be inserted
be inserted, put and agreed to)*

*(Question, that the words to be left
out be left out, put and agreed to)*

*(Question, that the words to be inserted in
place thereof be inserted, put and agreed to)*

(Clause 2 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairman (Hon. Farah Maalim): Mover to move reporting.

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Chairman, I beg to move that the House reports its consideration of the Kenyan Sign Language (Senate Bill No. 9 of 2023) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

*[The Temporary Speaker
(Hon. (Dr) Rachael Nyamai) in the Chair]*

MOTION

CONSIDERATION OF REPORT ON THE KENYAN SIGN LANGUAGE BILL

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Let us have the Temporary Chairman.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Kenyan Sign Language Bill (Senate Bill No. 9 of 2023) and approved the same with amendments.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Let us have the Mover, Hon. Umulkher.

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I request Hon. Irene Mayaka to second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Let us have Hon. Irene Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Hon. Temporary Speaker, I second.

(Question proposed)

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Yes, Deputy Leader of the Majority Party, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I beg to move that the House agrees with the Committee in the said report, subject to recommittal of New Part II, New Clause 8(b), New Clause 16, New Part IV, New Schedule, New Clause 2(c). I request Hon. Rindikiri to second the Motion.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Which clauses did you recommit?

Hon. Owen Baya (Kilifi North, UDA): I have recommitted New Part II, New Clause 8(b), New Clause 16, New Part IV, New Schedule and New Clause 2(c). I have looked at the Committee Report and noted that the new clauses totally change the Bill. When almost 80 per cent of the Bill has been changed without public participation, we risk ridicule from the public and the courts. We need to relook at the Bill. Since it is a Senate Bill, we have an opportunity to look at all these emerging issues and realign them. Hon. Umulkher and I sit in the same Committee. The Committee has many issues with the Bill. We should incorporate the important issues raised in the Report into the Bill.

I request to be seconded.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): I want to give the seconder, the Member for Buuri, a chance.

Hon. Mugambi Rindikiri (Buuri, UDA): Yes, I totally agree with the Mover of the recommittals observation. I second.

(Question proposed)

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): I can now take points of order. I will start with Hon. Millie Odhiambo-Mabona.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I want to tell the Leader of the Majority Party that what he is doing is not in good faith. We have been consulting back and forth and agreeing. We had agreed to recommit one clause, 8B. Instead, he is coming up with recommittals without any consultation. It is not in good faith. That is not how people operate in this House.

Over and above that, you keep referring to a Committee Report, saying the Committee did not agree. We know how people legislate in this House. We did the Fisheries Amendment Bill yesterday. The Committee has its own amendments. If the Committee did not agree, where is it? Let us start from there. We do not even know which Committee it is. Is it the Committee on Education or the Committee on Social Protection? Which one is it? Where are the amendments?

You cannot have Members sitting here from morning. Some of us were rushing through traffic, listening online. We hardly slept. We came in this morning to do our work. The Committee is not here, and then you are telling us that you disagree because the Committee disagreed. Where is the Committee?

I would like to encourage Members to disagree with your recommittals. It is in very bad faith. Chair, it is in very bad faith. Let Members reject them. In any event, this is not fatal. You have agreed. There were two Bills. One was sponsored by Sen. Crystal Asige and the other by Hon. Umi. I advised them to merge the Bills so that you have one Bill. Yes, it emanated from the Senate, but it is the same Bill that Hon. Umi did. It is not just a Senate Bill, so we do not cloud the Members' judgment because some people do not like the Senate. I love the Senate and the National Assembly because we all do legislation. Let us not cloud Members.

Hon. Member, I would urge you to consider mediation. If I were you, please correct what you have done and let us go to mediation for some of those issues when we have consulted. But this Bill has been here for a long time. Where is the Committee? Where are the amendments? It is not in good faith. It is not.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): Leader, you have made your point. No, you have a fresh point of order? Go ahead, *Wakili*.

Hon. Anthony Oluoch (Mathare, ODM): I want Hon. Baya to listen because he may need to respond.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): You are not talking to Hon. Baya. You are addressing the House. So, continue.

Hon. Anthony Oluoch (Mathare, ODM): Thank you. When a Member raises a question that a Bill introduces amendments that fundamentally change the character of the Bill, that issue needs to be raised not at the recommittal stage, when we have already called for reporting. He needed to have raised a substantive question for determination by the Speaker that this Bill cannot proceed to Third Reading because it raises fundamental changes that alter its character. Therefore, I think raising it at this point is in bad faith. Secondly, Hon. Millie has said it is open to mediation. If we have done things the Senate disagrees with, that is why we have mediation. I urge you to withdraw your recommitments and allow us to conclude this Bill.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): Leader of the Majority Party, can you allow me to give a few others a chance, then I will come to you? You want to drop them? Let me give the Hon. Rahim Dawood, Member for North Imenti, a chance. Do not be too harsh on the Leader of the Majority Party.

Hon. Rahim Dawood (North Imenti, Independent): No. Thank you, Hon. Temporary Speaker. The Leader of the Majority Party has mentioned that the Senate passed the Bill in a certain form and that we have changed it. But that is what happens. Even my Bill, which was here, went to the Senate. When it was amended, it was brought back here. It is now in mediation. So, what is the big deal about it?

The changes that the Leader of the Majority Party is referring to are not something we need to be concerned about at this stage. We go to mediation and sort it out. Being afraid that the Senate did something and we changed it does not make sense to me. So, Majority Leader, withdraw.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Irene Mayaka. Leader of the Majority Party, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): I want to say this, and I want to take you through it. You know, I always say I like Hon. Millie Odhiambo. If she had not been married by now, probably I would. I like her very much.

(Laughter)

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): For sure, something is out of order. Hon. Farah Maalim. Order, Hon. CNN. No, take your seat. Hon. Farah is on his feet and has a point of order. Proceed. He is your senior. Five terms in this House is not a joke, Hon. CNN.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, you notice he is resorting to emotional and sentimental issues. He is giving the impression that, if you come along with him, he does not know whether Hon. Millie is available. So, Hon. Owen Baya, drop your recommitments and amendments. Drop the amendments, and we proceed. If you love her so much, drop the amendments.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. CNN, before we go back to Hon. Baya.

Hon. Charles Nguna (Mwingi West, WDM): Yes, Hon. Temporary Speaker, I just wanted to ask whether it is proper to harass Hon. Millie sexually. The remarks made by Hon. Owen Baya amount to sexual harassment. I think he needs to withdraw them immediately. They are not parliamentary.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Millie, you have been mentioned too many times.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I want to thank the Hon. Members who are standing with me and supporting me, even though Hon. Baya says that if I were not yet married, and I know it is in good will, and I know Mr Mabona is watching. But when you reach the age where I am, and I am seeing 60 yonder;

it is approaching. If a man looks at you and thinks you are very beautiful, it is encouraging. So, do not be too hard on him. It is an encouraging thing. Being in menopause is not an easy thing. He will not marry me, but he is encouraging me. He is not sexually harassing me. If it were on a serious note, he would have seen me, *faya si faya*. He would have got *faya si faya*.

Hon. Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, canter and banter are allowed in this House. I believe that Hon. Baya was bringing some life into this debate. Now I can seriously give you an opportunity. Interestingly, Hon. Millie does not mind. Millie does not mind what you said. Hon. Millie, I must tell you that you look very good. You do not look anything close to 60. So, you are doing well.

Hon. Owen Baya (Kilifi North, UDA): Thank you. Let it be on record that I would like to drop the recommittal so that we can make progress. I also want to tell Hon. Millie that petty jealousies from Hon. Farah and Hon. CNN will not discourage me. I want to withdraw the recommittal because I am encouraged that this matter will go to mediation. Therefore, mediation will find a balance so that we pass a good law. I come from the perspective that I would like us to pass good law. I do not want us to go into mediation with too much to mediate. We need to have mediation parameters that are slim.

*(The Temporary Speaker consulted
with the Clerk-at-the-Table)*

Having said that, I would like the attention of the... Yes, she is being guided. I would like to withdraw and drop the commitments.

Thank you very much.

*(Recommittal of New Part II, New Clause 8(b), New Clause 16,
New Part IV, New Schedule and New Clause 2(c) withdrawn)*

Hon. Members: Put the question.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, as you know, it is not easy to legislate, especially for young Members like Hon. Umulkher, with the support of our senior Member, Hon. Millie.

Bearing in mind that the Deputy Leader of the Majority Party has dropped the recommittal, I now put the question.

(Question put and agreed to)

BILL

Third Reading

THE KENYAN SIGN LANGUAGE BILL (Senate Bill No. 9 of 2023)

Hon. Umulkher Harun (Nominated, ODM): Hon. Temporary Speaker, I beg to move that the Kenyan Sign Language Bill (Senate Bill No.9 of 2023) be now read a Third Time. I request Hon. Dawood to second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Proceed, Hon. Dawood.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. I congratulate Hon. Umulkher for taking this step. Being a first-term Member and a nominated Member, she has done very well in steering this Senate Bill. She has played a

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significant role in moving this Bill. It is very important for us to enact this Bill because many people out there suffer due to lack of appropriate interventions. With this Bill, I hope we can institutionalise the Sign Language Council so that we can move forward in giving persons with disabilities the services they deserve.

I second.

(Question proposed)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I can see that many people want to comment. Let me start with Hon. Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker. I just want to add my voice to this very important piece of legislation. First of all, I congratulate my fellow nominated Member of Parliament, Hon. Umulkher, for the fantastic job she has done. I was following her progress through to the Third Reading, with the support of our mentor, Hon. Millie Odhiambo.

Congratulations on this piece of legislation because Kenyan Sign Language is one of those things that has been widely used. We see it being applied on television, and at public functions. We also see members of the public who have undergone training perform this very noble role. However, they have never had a professional association representing the work that they do. This Bill will encourage even more Kenyans to take an interest in studying and practising as Kenyan Sign Language professionals. It will also enhance accessibility for deaf persons in our communities, enabling them to access services more easily, thus becoming more prosperous as they contribute more productively to society. Once again, congratulations to Hon. Umulkher and Hon. Millie Odhiambo-Mabona.

I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Farah Maalim.

Hon. Farah Maalim (Dadaab, WDM): Hon. Temporary Speaker, I join my colleagues in commending the Movers of this very well-thought-out Bill. For the longest time, people living with different forms of disability in our country have not received sufficient attention regarding their welfare. Eighty per cent of the buildings in the country today are not disability-friendly. You can go to other parts of the world and find that almost 100 per cent are disability-friendly. I am talking about public buildings. This Bill will go a very long way in ensuring that a very important segment of our society, people who have had the misfortune of living with disabilities, is properly catered for by the rest of us.

I congratulate the movers. I also congratulate the Deputy Leader of the Majority Party, who has added a lot of value to the Bill. I further encourage the Ministry of Education to create a specific, dedicated department, with its own separate Budget Vote, to focus on persons with disabilities. As Hon. Millie puts it, let us have a sign language interpreter at every public function. Be it during Madaraka Day or any other national event, there should be a sign language interpreter.

Parliament should lead the way in this regard. During parliamentary proceedings, we should have someone interpreting in Kenyan Sign Language what Hon. Millie Odhiambo is saying so that people who cannot hear can follow and understand what is being discussed in Parliament. It is no longer like when Hon. Millie and I were in Parliament more than a decade ago, when parliamentary proceedings were extensively reported in newspapers. People who could not hear would read the newspapers and follow what had been said because there was always a section titled "Yesterday in Parliament". We no longer have such coverage in newspapers. Therefore, it is important for persons with hearing impairment to follow parliamentary deliberations on matters of national interest. We can have someone during Parliamentary Broadcasting Service sessions translating Members' contributions using Kenyan Sign Language. The National Assembly and the Senate must lead in this process.

Hon. Temporary Speaker, this may look like a very ambitious Bill. Let me remind Members that this country is known for passing ambitious legislation. While legislating on the ban on smoking in public spaces, many people were wondering how the law would be enforced. Today, more than 90 per cent of Kenyans do not smoke. Today, you can enjoy sitting in public places without worrying about somebody smoking next to you.

When the anti-smoking legislation was introduced in Parliament, Hon. Charity Ngilu was the Minister for Health. She did a wonderful job. Today, we boast as a country. If you go to some countries, including some in developed nations, you find it difficult to walk in the streets because everybody smokes all over. In this regard, we are leaders.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I know you are very passionate about this subject.

Hon. Farah Maalim (Dadaab, WDM): Yes, let me just finish.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please, limit your debate.

Hon. Farah Maalim (Dadaab, WDM): I am limiting it. There is also the issue of constitutional provisions requiring a certain gender balance in representation. We may not yet have fully achieved it, but we have made a positive step because it has helped bring women further into the mainstream leadership. That is why Hon. Millie can do what she is doing today. The technicalities and the manner of implementation, including whether it should be constitutionalised, remain open for debate. However, having more women in Parliament is undoubtedly a good thing. I thank the movers and everyone else who has contributed to this Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. We also thank you. You have done a very good job during the Third Reading debate. Hon. Millie, do you have an intervention or have you dropped it?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I take this opportunity to congratulate Hon. Umulkher and Sen. Asige, who are the principal sponsors and, of course, Sen. Kamar, who was a secondary sponsor in the Senate. It is a good Bill. It shows that we are concerned about the welfare of people who are abled differently.

Hon. Temporary Speaker, I have listened to what the Leader of the Majority Party has said. I take my word seriously. After this, we will meet with the sponsors and find a way forward. I understand where the primary sponsors come from. On one hand, we are focusing on the issue of language but on the other hand, sign language cuts across other areas. We will look at how we can harmonise through mediation, and if that does not work, the Standing Orders give us room to bring back this Bill to the House and amend it, including overhauling it, within six months. With special leave of the House, we can bring it back to the House before the expiry of the six-months period, as long as we agree. This is something we can do and give the House a way forward. We do not have to let our people with disabilities struggle and suffer because of our own defects. I congratulate Hon. Umi. This is wonderful. You make us proud. Keep it up. The young women who were nominated to the 13th Parliament are doing exceptionally well. I am very proud of you.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Yes, Hon. Baya?

Hon. Owen Baya (Kilifi North, UDA): I take this opportunity to thank Hon. Umulkher, Sen. Asige and everyone else who helped in putting this Bill together. I echo something that Hon. Millie said. Young legislators in this House need to learn from veterans like Hon. Farah and Hon. Millie. There is probably no Bill in this House that has not had the input of Hon. Millie Odhiambo. Being in Parliament is not just about representation and talking. Our fundamental duty is legislation. Congratulations to Hon. Umulkher for bringing the Bill to the House and overseeing its legislation through to its approval. I am sorry to state that as we

progress to the Third Reading of a Bill, the number of young legislators in the House diminishes.

*[The Temporary Speaker
(Hon. (Dr) Rachael Nyamai) left the Chair]*

*[The Temporary Speaker
(Hon. Farah Maalim) in the Chair]*

Hon. Members love the Second Reading of Bills but only older legislators like myself, Hon. Millie, Hon. Farah, Hon. Muli, and young legislators like Hon. Mayaka, sit through the Third Reading. Hon. Rindikiri is an old hag who does well. He sits throughout Third Readings. This is something we need to teach young legislators. We should sit in the House and make laws. Let us put our brains into it and even make 120 amendments on a Bill because everybody thinks differently. That way, we will enrich the pieces of legislation that we bring to the House.

I thank the ladies. The men have disappeared but the ladies have stayed. I need to call a men's conference in this regard. We cannot allow the women's brilliant minds to take over this Parliament. Men have bigger and brilliant minds which they should bring to this House to oversee legislation for the good of this country.

I support.

Hon. Umulkher Harun (Nominated, ODM): Thank you, Hon. Temporary Speaker. I take this opportunity to thank the Members who came out to support this Bill. I also appreciate the Kenya National Association for the Deaf (KNAD) for taking part in the drafting. I appreciate their immense contribution to this Bill. My colleagues, Senator Crystal Asige and Senator Kamar, were also very supportive in the Senate, especially during the debate that led to the passing of the Bill. I also appreciate the stakeholders who took part in supporting this Bill.

Hon. Temporary Speaker, one of the dreams I had when I was nominated to this House was to bring a Bill on Kenyan Sign Language. I used to lobby Members of Parliament between 2018 and 2022 without knowing that I would ever have a chance to sit in this House. I sent the draft of this Bill to very many Members during that time. I am grateful to Allah because he gave me an opportunity to serve in this House and to see how far this Bill has come. I have had so much passion for this project. It is a challenge I have experienced first-hand because I deal with many deaf people in the community I come from. As an advocate of accessible and inclusive education, I am glad about the stages that this Bill has gone through up to the final stage.

I want to also inform the House that Kenya will be among five countries that have passed such a Bill in Africa. Most countries in Africa are yet to get to where we are. Recently, the Republic of South Africa enacted a sign language law as part of its official languages. The Constitution of Kenya recognises sign language as an official language in Kenya. If we pass this Bill today, Kenya will join the United Kingdom and New Zealand as countries that have such law. As we approach the tail-end of this process, I urge Members to support the Bill. By doing so, we will not only be supporting the deaf in our communities but we will also be putting this country on the map of countries that are most progressive in addressing deaf and disability challenges.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. I take this opportunity to thank the movers and the support system led by our senior, Hon. Millie Mabona. I am the Patron of the Persons with Disabilities (PWDs) in Meru County, and I am very proud to be part of this family.

On Friday, I will be joining the teachers with disabilities in Meru County as they celebrate the formation of their association. As I said earlier, my immediate elder brother just retired as a teacher at Kaaga School for the Deaf in North Imenti. Mheshimiwa Rahim knows him. He is very passionate about the ability of our people with special needs to communicate. This Bill has come in handy. The Leader of the Majority Party and I were not trying to push for this amendment for the sake of it. We were looking for a law for posterity. Earlier on, we conveyed a message to this House; that, we need to add research as part of the functions of the Council to enable it handle other factors. We do not know the potential of the people who require interpretation services.

All in all, there is always a step forward that sets the pace for the future. I thank the movers because this is the initial step towards ensuring that there is formal recognition of the importance of sign language and the people we are talking about. I exceptionally congratulate the Committee and the people involved in this process. I hope that as we move forward, we can iron out the small issues that have come up. I look forward to the Senate also looking at it. We need to build this so that we do not find ourselves back here trying to bring those amendments.

I thank you, Hon. Temporary Speaker, and the movers.

(Question put and agreed to)

*(The Bill was accordingly read
a Third Time and passed)*

BILL

Second Reading

THE PENAL CODE (AMENDMENT) BILL
(National Assembly Bill No. 53 of 2024)

*(Moved by Hon. Anthony Oluoch
on 10.6.2026 – Morning Sitting)*

*(Resumption of debate interrupted
on 10.6.2026 – Morning Sitting)*

The Temporary Speaker (Hon. Farah Maalim): Hon. Anthony Oluoch, this is your Bill.

Hon. Anthony Oluoch (Mathare, ODM): I am a sponsor.

The Temporary Speaker (Hon. Farah Maalim): Yes, you are. I am looking for any Member who is interested in contributing to it. Hon. Millie Odhiambo, are you interested? Those Members who are interested in contributing to the Penal Code (Amendment) Bill (National Assembly Bill No.53 of 2024) should press the intervention button. I do not see any names on the screen.

Hon. Millie Odhiambo, proceed.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I support the proposed amendments to the Penal Code (Amendment) Bill by Hon. Anthony Oluoch. I am very proud of Hon. Anthony Oluoch. I have known him for a very long time because he is a good friend of my brother Dan Harrison. They were in school together. They studied law together. While studying, they used my notes. Therefore, it is not

only women who benefit from men. Sometimes, it is good to show off. He even used to sleep at my place when they were studying. I am proud because he is very focused and doing a good job.

One of the challenges we, as a country, face in dealing with suicide is the fact that we criminalise it even though it is a disease. It is also similar to how we deal with alcoholism or addiction. You find someone trying to lecture an alcoholic about being more responsible. It is like giving a cancer patient a lecture on how to make sure that they are well. From medical evidence, almost all people who commit suicide are mentally sick. They face mental challenges. They need support, and not criminalising their actions. We need to offer them mental support. We should treat this as a medical condition.

When I lost my mother, it was very unexpected because I had spoken to her at night. She died suddenly in the morning. One of those days, I went through so much difficult time that I told somebody that I understood how people talked about having mental challenges. For the first time, I understood the Book of Psalms 23, which states:

Even though I walk through the valley of the shadow of death, I will fear no evil, for you are with me; your rod and staff comfort me.

When I lost my mother, I walked in the valley of death. I understood how people could be extremely depressed. This is one instance. Imagine there is a person who has lost their mother, child, sibling and spouse. What do you think that person is going through?

We are also talking about what is happening in the country right now. There are many times when you find someone who has a Bachelor's Degree or Master's Degree, but he works as a watchman. There is nothing wrong with being a watchman. It is only that they are not paid well. I know a lot of Kenyans who go to other countries to serve as security officers, but they are paid well. When you are employed as a watchman in Kenya and you have a Bachelor's Degree or Master's Degree, you can be depressed. We also have situations where you see a mother who does not know what her children will eat. Maybe, they have gone without food for days. When such a mother attempts to commit suicide, we criminalise the action and commit her to court instead of helping her.

I know that there are people who are concerned that this Bill goes against Islamic and Christian teachings because the two faiths are against taking of one's life. However, a sick person is not knowledgeable. On Christianity, if you look at the Books of Joshua and Judges, there are cities that were set aside for people who had not intentionally committed murder as cities of refuge. That means there are people who, by accident, commit murder. A person who is mentally sick is one of them. They do not have the guilty mind, which is also recognised in law.

When we have a sick person, we should not criminalise or punish them. I believe it does not go against Christian teaching to help such a person. In Christianity, there was a city of refuge for such a person. Our city of refuge in modern times is psychiatrists and other professionals who can help. To a large degree, the Islamic faith is similar to the Christian faith. The only departure is that in Christianity we say you do not go to God except through Jesus Christ while in Islam, Jesus is seen as a prophet. Fundamentally, most of the things that we believe in are very similar. If there is a city of refuge in Christianity, I suspect there must be a city of refuge in Islam. There being that city of refuge, let us look for people who are depressed and need help, and then we give them the refuge that is given in the Books of Joshua and Judges through medical intervention, and not punishment. Therefore, I fully support the proposed amendments by Hon. Anthony Oluoch.

The challenge that we face as a country is how expensive the facilities for mental wellness are. Two weeks ago, I shared on the Floor of the House that I have a nephew who has mental challenges. Every time he is admitted in hospital for less than a month, it costs Ksh1 million. How many people can afford Ksh1 million? We make this a very expensive

affair. The government-oriented facilities are also stigmatising. You can only be taken to Mathare Hospital, which is seen as a very stigmatising institution. We need to provide institutions that are called wellness or any other fancy name, so that we do not stigmatise people when they go there. If I have Malaria, I am not stigmatised for having it. A person who has mental health challenges should not be stigmatised. I fully support the Bill. I urge and encourage other Members to look at it from that perspective, which I believe does not go against our faiths.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Next is Hon. John Makali.

Hon. John Makali (Kanduyi, Ford-K): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to the Penal Code (Amendment) Bill.

I must confess that as a Member of the Departmental Committee on Justice and Legal Affairs, when this Bill was submitted to us, I was thoroughly opposed to it. I thought it was a vicious attack on Article 26 of the Constitution, which guarantees the right to life. I thought that by enacting the amendment, we would technically, and from a bystander's view point, be legalising suicide. After the appearance of the Hon. Member for Mathare, Hon. Oluoch, and other stakeholders, I met my "Damascus" moment and became convinced that this is a matter we need to support. This clause has been in our Penal Code since 1930. It has served its purpose. We need to carry out a clean-up of the entire Penal Code to remove some of these old clauses that no longer tally with the current times.

A person who attempts to commit suicide is literally a mental patient within the definition of Section 2 of our Mental Health Act. This is a person who is going through difficult moments, suffering from depression and trauma. I have looked at the intent of this Bill. It basically seeks to acknowledge that individuals who attempt suicide are often struggling with many health challenges like trauma, depression and severe emotional distress. Do we need to literally punish such person through penal sanctions, by committing them to prison, or requiring them to pay a fine after taking them through a rigorous trial process? I do not think so.

At this particular moment in time, and as it has been rightly pointed out by the previous contributors, and which was ably moved by Hon. Oluoch, this is a person who requires help. This is not a person who requires punishment. Such persons require assistance. They require empathy, and not punishment. It is, therefore, very important that we approve this amendment so that we can look into the circumstances that actually make a person depressed and lead them to think of taking away their life, which is deemed sacred.

In the course of our engagements with the stakeholders, we were informed that this matter has also been taken to court, and the courts have had to pronounce themselves on it. In High Court Constitutional Petition No. E045/2022, which was filed by the Kenya National Commission on Human Rights (KNCHR) and two others versus the Attorney-General, the High Court considered this provision in the statute. The High Court held that persons who attempt suicide are deemed to be suffering from mental illness and lack the necessary intention to commit the offence of attempted suicide. The court stated that these are persons suffering from mental illness and, therefore, the provision in Section 226 of the Penal Code is unconstitutional.

As we debate the matter, we should be cognisant of the fact that the Judiciary of the Republic of Kenya, which also exercises delegated power of the people of Kenya, has pronounced itself on this provision. It holds the view that it is unconstitutional. So, what do we have to do as a House? We also have to align the statute. We are the law-making institution. We must align our laws with the Constitution and with the Judiciary's pronouncement.

What was equally troubling me was what would happen if we removed this provision. What happens to people who are suffering a great deal of trauma? I found solace in Article 43 of our Constitution, which guarantees every Kenyan the right to the highest attainable standard

of healthcare, including mental healthcare. As a country, we need to work on what ensures that people suffering from trauma, depression and other mental illnesses are taken care of. Section 2 of the Mental Health Act can adequately address this matter. The section indicates that a person with a mental illness includes a person diagnosed by a qualified mental health practitioner. We need to work on our mental health facilities and ensure that decriminalisation translates to meaningful protection and care for people with mental health conditions.

Section 2(c) of the Mental Health Act is very specific. The county governments and the national Government are obligated to develop the necessary physical and technological infrastructure for the care, rehabilitation and provision of mental health services. Therefore, the county governments also need to make serious provision for rehabilitation of people who are depressed and to those suffering from mental illness, so that they remain part and parcel of the society.

I support the Bill and urge that we pass it. However, we need to move a step further to ensure that in each of our 47 counties we have places for rehabilitation and counselling of people suffering from depression and trauma. People do not invite depression or trauma upon themselves. These are our people and our fellow Kenyans. As I always point out, we live for the welfare of society and the just government of the people. Therefore, as a House, we need to allocate adequate resources for rehabilitation of people suffering from mental illness. We must ensure that all our health facilities have provisions to care for people with mental illness.

With those remarks, I support the Bill.

The Temporary Speaker (Hon. Farah Maalim): Next is the Member for Mwingi West, Hon. Charles Nguna.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I will be very brief, and not repeat what my colleagues have said. Let me begin by saying that I support these proposed amendments to the Penal Code by Hon. Anthony Oluoch, the Member for Mathare, who has been my good friend. I have also interacted with him in many social settings, and he has been a strong champion of the proposed amendments.

People who experience many disorders such as mood disorders, anxiety disorders, personality disorders, and psychotic disorders, may sometimes contemplate committing suicide. It is not their wish to take their own lives. That is why I am saying we do not need to criminalise such an act. We need to come up with solutions to support such people. We must ensure that they receive refuge through medical intervention. It is very important that once we encounter such persons, we give them support rather than subject them to prison terms after criminalising them.

Some of the circumstances that lead a person to contemplate committing suicide include long-term isolation and prolonged work-related stress, which we usually go through. I am sure that even some Members of Parliament experience a great deal of stress, especially as we approach the next general elections. Many of them can go through significant hormonal fluctuations, trauma and stress, which might end up making them to contemplate committing suicide. Instead of committing such persons to criminal trial, let us build at least one facility in every county to address mental health challenges so that we can handle many such cases.

If you walk through every town centre in our constituencies, you will see people going through mental health challenges. It is high time we supported the proposed amendments. Doing so also aligns the Penal Code to the Constitution, so that we do not punish innocent people. Without belabouring the point, I fully support and congratulate Hon. Anthony Oluoch for bringing these wonderful amendments to the House.

The Temporary Speaker (Hon. Farah Maalim): Next is Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. I rise to support the proposed amendments to the Penal Code by our senior, Hon. Oluoch. Suicide is

becoming a killer factor in this country. We have seen a wave of suicide cases, particularly among men and the youth, across the country. Why? Because of the environment in which the majority of these people are operating.

Statistically, Hon. Temporary Speaker, you notice that there are confirmed cases where family conflicts are forcing some people to commit suicide. There is increasing influence by peers and consumption of illicit substances, not by choice but because of forced circumstances. The majority of these people are committing suicide. You will find that even the situation that we are observing in our learning institutions, there is always something related that forces people to commit suicide and also to kill other people.

It is high time we started dealing with preventive mechanisms that force people to commit suicide. I agree that, scientifically, there are proven cases that if you have a history of people in your family committing suicide, then there is a possibility that somebody else within that family will commit suicide. Should that be the case, then there should be a mechanism put in place so that when it happens, or they attempt to do so, it is known that they are doing it because of naturally inherited situations. But these people are not criminals. By all standards, people who commit suicide are not criminals. So, subjecting them to severe penalties like those of other people who have committed a crime is not a good thing.

I think the Penal Code that we operate with is an old one, just like it has been pointed out. We need to move away from that and start providing other forms of rehabilitation. I have seen suicidal people repenting. When somebody has done that, then he should not be condemned. So, all I am saying is that these are our brothers and sisters and some of them can be rehabilitated. We need working rehabilitation centres equipped with adequate medical facilities that will get such people back to us.

Number two, we also need to ensure that we have programmes focusing on our youth and the boy-child initiatives. That way, they will not opt to take their lives, but go to another level of confidence building. The majority of these people who commit suicide have a certain level of inferiority, which has been perpetuated by various factors. So, this amendment comes in handy and I thank Hon. Oluoch. You know, Hon. Oluoch comes from Mathare and that is where we have Mathari National Teaching and Referral Hospital. I think because of the experiences that he has gone through...

The Temporary Speaker (Hon. Farah Maalim): What is the point of order?

(Laughter)

Hon. Mugambi Rindikiri (Buuri, UDA): He has a lot of experience which has caused him to come up with this amendment. It is a nice Bill, and we need to encourage it.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Member for Nyando.

Hon. Jared Okello (Nyando, ODM): I thank you very much, Hon. Temporary Speaker. In the same breath, allow me to support this Bill as advanced by my brother, Hon. Anthony Oluoch. This Bill is timely to the effect that we have very many people languishing either in jails or subjected to very punitive measures by our courts of law as a result of Section 266 of the Penal Code.

Hon. Temporary Speaker, for one to attempt suicide, there must be a very direct link with a mental disposition. Life is sacrosanct. For somebody, as pure and of great value life is, to think of taking life out of his body, there must be something tragically wrong. It is, therefore, most important that we treat any suicidal attempt as an affront to not just our lives... Any suicidal attempt is a mental issue that calls for greater introspection, which would lead to medical attention.

This Bill has come at a time when organisations that have been consistently drawing a lot of their funding from the United States of America (USA) are now cutting back because the Government of America is not willing to fund even psychotherapy issues of people with medical psychosocial issues. It is, therefore, something that we, as a House, must collectively truly re-look at. Once these people are subjected to psychosocial and psychotherapy medication, we may realise at the end of the day that, indeed, issues that probably propelled one to think along the lines of suicide are not so stringent as to warrant death. If people who have mental issues can be taken to hospitals such as Mathari National Teaching and Referral Hospital, which is located in the constituency represented by the Mover or Sponsor of this Bill, they will surely get medication.

The Temporary Speaker (Hon. Farah Maalim): I want to recognise the presence of students from Kapolesobei Primary School, Sotik Constituency, Bomet County and those from Kiserian Adventist School, Kajiado West Constituency, Kajiado County.

Let me give an opportunity to the gracious lady here to give words of encouragement to the students from the two schools.

Hon. Jane Kagiri (Laikipia County, UDA): Thank you Hon. Temporary Speaker for giving me an opportunity to encourage the lovely students who have visited us today. My word of encouragement to them is to put God first in everything that they do. Commit all your plans to Him and you will succeed.

The second thing is generosity. Always share your wisdom with each other. If you are good at maths, help the person who is not good at maths. The third thing I would want to tell them is always to be grateful for any opportunity. Many students would want to be in school, but they are not in school. You have been given that opportunity. Respect your parents, listen to your teachers, and above all, work very hard.

Finally, observe growth. Every day before you sleep, ask yourself if you have learned a new thing. If you have not learned something new, kindly make sure you open your dictionary and learn something new for that day to be marked as something new that you have learned. If you want to become a lawyer, an engineer, a pilot, or whatever you want to be, start acting like them. Sleep like a lawyer, eat like a lawyer and talk like a lawyer. My final question to you is this: is there a lawyer who plays PlayStation the whole day? Is there a lawyer who sleeps the whole day? Is there a lawyer who watches movies the whole day?

Thank you very much, God bless you. We look forward to seeing you successful in the future.

The Temporary Speaker (Hon. Farah Maalim): Hon. Dawood, do you want to congratulate the students or do you want to contribute? In addition, there are students in the Speaker's Gallery from Namgoi Mixed Day School from Chesumei Constituency, Nandi County. I would like the Member for West Mugirango to share words of wisdom with the students.

Hon. Stephen Mogaka (West Mugirango, JP): Thank you, Hon. Temporary Speaker. I join you and the entire House in welcoming our learners to the august House and assure them that they are in the right place, learning from the best House in the Commonwealth. I want to add to what my sister has said: while you are in school, learners, this is the time you define yourself and your future. You guarantee both yourself and your family your career pathway. We have seen a tremendous transformation in the education system, which is now inculcating skills in you that will make you wholesome men and women as you embark on your career paths. *Mjitume* and ensure that you excel in whatever you undertake.

While in school, learn from your teachers, but more importantly learn from each other. Be your brother's keeper; be your sister's keeper. Do not engage in activities that will hurt God and the law. In particular, I want to encourage you not to resort to taking your life because you are in the House while we are discussing an amendment that removes the criminality from

those who attempt to take their own lives. Never harm yourself or anyone else. Never damage any property in the Republic, as the law will catch up with you.

We wish you all the best and safe travels when you go home. Teachers who have brought our learners here, please, continue to bring them. We will always encourage them to become lawyers, engineers, doctors, teachers, and even Speakers of the House, like Hon. Farah Maalim, who has welcomed you.

I thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Jematiah, you are the only Member in the Chamber from Rift Valley at this moment. Two of the schools are from Rift Valley. Please, proceed. I can see the future presidents of this country. I can see the future senators, speakers, generals, and ladies who are going to become ambassadors to Saudi Arabia wearing hijabs. There is a lot of potential up there. So, please, give them all the words of wisdom and encouragement.

Hon. Jematiah Sergon (Baringo County, UDA): Thank you, Hon. Temporary Speaker. I also wish to address all the students in the House today: success is very intentional. Whatever you put in your mind, whatever you wish for, and everything you do today reflects your life tomorrow. The world will not judge you based on your best grades, but it will judge you according to your attitude and your hard work. Listen carefully to your teachers, respect your parents, and learn that society belongs to everyone, without prejudice of tribe or gender. That way, you will always be among the best people in this universe.

Furthermore, you are now in school and in uniform. There will come a day when you will wake up in the morning and you will not be wearing that uniform. Youth is transient. Make the most of this time; work hard, and you will always reap the rewards. Hard work will always pay off.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): And character is everything.

I will now call on the Member for Nyando to conclude his contribution.

Hon. Jared Okello (Nyando, ODM): Thank you, Hon. Temporary Speaker. In the same spirit, I also wish to encourage our young children to remain focused. Discipline is everything. Students of the same age are currently facing murder charges because they set fire to their dormitory at Utumishi Girls Academy. If found guilty and culpable, those young children will stay in prison for their entire lives due to bad decisions. Therefore, I urge all students present in the Chamber as well as those outside to think deeply before they act. Do not act in the spur of the moment or due to group mentality. Do the right thing.

Some people suffer from mental illnesses, they are treated and they recover. They become normal. A few years ago, I took a mentally ill relative to Kisumu District Hospital. After one week, he had improved and developed consistent behaviour. I asked the doctor what happens to mentally ill people who walk naked or collect garbage on the streets. The doctor told me that such people do not go to hospital in time. Some of them are even taken to witchdoctors or religious cults. That delay in treatment worsens their mental condition making it irreversible.

My brother Hon. Oluoch has come up with a timely Bill. We should not condemn such people without giving them a second chance at medical intervention. We should release such from our jails. Instead of languishing behind bars, we should give them a chance to be productive members of our society. I support the Bill. I hope we will include funding for mental health. People with suicidal tendencies should not be required to look for money for treatment.

The Temporary Speaker (Hon. Farah Maalim): Let us have Hon. Dawood, followed by Hon. Mishi Mboko.

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Speaker, I wish to support this Bill by Hon. Oluoch. I spoke to him earlier and told him that suicide is strictly

prohibited in Islam. Surah Al-Nisa 4:29 states that you should not take your own life. It states, "...and do not kill yourselves. Allah is, without doubt, most merciful to you." Surah Al-Baqarah also teaches that your life does not belong to you; it belongs to the Lord.

Suicide is not just the taking of life. Islamic scholars now say that it is a mental health issue. Biological, social, and environmental factors can contribute to suicide. Depression is one of the main contributors to psychiatric breakdowns. About 700,000 adolescents and young people aged between 19 and 29 lose their lives to suicide. Surprisingly, suicide rates in some of the Muslim countries like Nigeria are higher than the global average. Mental illnesses like depression, anxiety and Post-Traumatic Stress Disorder (PTSD) are more likely to rise among people affected by conflict and displacement, limited access to water and shelter, and challenges such as unemployment and immigration.

We should even think about people facing life-threatening diseases when talking about mental illness. Hon. Oluoch, I ask you to consider adding the definition of euthanasia or assisted dying in the Bill because only a few countries have passed laws that allow euthanasia. Euthanasia is the medically certified process of assisting people suffering from difficult untreatable illnesses to die. It alleviates difficulty for the family and themselves.

However, many societies criminalise it—only a few countries have approved it. I suggest that Hon. Oluoch considers including legalisation of suicide. We are not saying we want to encourage people to commit suicide. However, we have to be ahead and support our people. Otherwise, there are many issues of mental health in this country. I do not know what else you will do if you will not have suicidal thoughts. As it is, things are tough. We need to have institutions established where people can talk.

The Islamic religion does not allow suicide. Because of religious beliefs, people in some countries will not commit suicide yet they suffer in silence. To reduce the suicidal rates, we need to get a mental health institute or have mental health clinics more often. I am glad that the Departmental Committee on Justice and Legal Affairs has passed Hon. Oluoch's Bill.

I tried to bring an amendment to the Penal Code where I said that a pregnant woman or a woman with a child under five years should not go for custodial sentence. I was told that it was discriminatory against men. I asked whether men give birth. There was no question as to whether men can give birth. The amendment was dropped. I am glad that the Departmental Committee on Justice and Legal Affairs agreed to this Bill although it goes against the tenets of the big faiths in Kenya—Christianity and Islam.

Islamic scholars in Egypt did a study and said a person who does not have control over themselves is not doing an illegality or *kufr*. It is a sin but not *kufr*. Prophet Muhammad, *sallallahu alayhi wa sallam*, did not pray *Salat al-Janazah* for people who committed suicide. However, he did not stop others from praying it for people who had passed away. That meant Allah would make the decision at the end of time, whether a person will be thrown into the fires of hell.

With those few remarks, I congratulate Hon. Oluoch. I hope he adds euthanasia in the Bill, if possible. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Mhe. Mishi Mboko.

Hon. Mishi Mboko (Likoni, ODM): Ahsante Mhe. Spika wa Muda. Naomba kumpongeza Mhe. Oluoch kwa kuzungumzia mabadiliko ya Mswada huu ambao kwa Kiingereza unaitwa *Penal Code*. Mswada huu kwanza unahakikisha kwamba maamuzi yatakuwa sawa.

(Hon. Owen Baya spoke off the record)

The Temporary Speaker (Hon. Farah Maalim): What is your point of order? Do you want to speak on the issue? I thought you were on a point of order. *Nilidhani alikuwa anataka kusema utueleze Penal Code ni nini kwa Kiswahili lakini pengine hata yeye mwenyewe hajui.*

Endelea, Mhe. Mishi Mboko

Hon. Mishi Mboko (Likoni, ODM): Ahsante, Mhe. Spika wa Muda. Kwa hakika mabadiliko haya ni sawa hususan baada ya Mahakama Kuu kuamua kwamba Kifungu 226 hakiko sawasawa na Katiba yetu ya Kenya. Izingatiwe kwamba vipengee 27 na 28 vya Katiba vinazungumzia usawa na kwamba watu wasidhulumiwe. Pia vimezungumzia haki ya binadamu na haki ya maisha.

Watu ambao wanajaribu kujitua uhai kwanza huwa akili zao zimetoka kuwa akili timamu hadi akili tofauti zenye wasiwasi. Iwapo mtu ambaye akili zake zimeingia tofauti anataka kujitua uhai, halafu mtu yule ahukumwiwe kwa miaka miwili na kupelekwa jela, inakuwa ni jambo gumu sana. Kwa mfano, kule kwangu Likoni kulitokea kisa kama hicho. Mtu alitaka kujitua uhai, akashikwa na akapelekwa gerezani. Lakini alipokuwa gerezani, kwa sababu akili zake kidogo zilikuwa zimefyatuka au zilikuwa na hitilafu, alijiua akiwa kule kule gerezani. Hivyo basi ni kumaanisha kwamba badala ya kumsaidia mtu yule kwa kumpatia mawaidha na njia ambazo pengine ile misongamano ya mawazo machafu katika akili zake ingepungua na abadilishe nia ya kujitua uhai, sisi tulimpeleka gerezani na kumwongezea mchanganyiko wa mawazo mengine magumu. Hatimaye alijitua uhai.

Vile vile tume yetu ambayo inasimamia haki za binadamu, ambayo ilienda katika kamati ya Seneti, ilisema kwamba asilimia kubwa sana ya watu ambao wanajaribu kujitua uhai huwa wametoka katika akili zao timamu na wameingia katika akili zilizo na hitilafu, ndiposa wanaweza kufanya jambo kama hilo. Walisema kwamba badala ya sisi kuwapeleka gerezani, tunatakikana tuwapatie elimu ya kiakili na dawa au tiba ambayo itabadilisha ule msongamano wa mawazo machafu na waweze kuwa na mawazo mazuri. Hivyo, watakoma kutaka kujitua uhai.

Aidha, shirika la dunia la kuangalia mambo ya afya la *World Health Organisation* (WHO) limesisitiza kwamba tukiwafanya watu ambao wanataka kujitua uhai kama wahalifu, inazidisha sana uwezekano wa watu wengi kutaka kujitua uhai. Tunatakiwa tuwapeleke watu hawa katika tiba za kuzungumzia mambo ya afya ya kiakili ili tuwanusuru kutoka kwenye janga hili.

Tukiangalia katika taifa letu la Kenya, tunaona visa hivi vimekuwa vingi sana hasa wakati kumekuwa na matumizi ya dawa za kulevya kwa wingi. Dawa hizo ni kama vile *Brown Sugar*, ganja, na mihadarati mingine mingi tu. Baada ya kuwepo mihadarati hii mingi sana, ndiyo tumeona visa hivi vikiongezeka. Swali ni: je, mtu anapotumia mihadarati, akili yake inakuwa timamu au inakuwa tofauti? Na jibu ni kwamba akili huwa ina tofauti na anakuwa si mtu wa kawaida, ndiposa anaweza kufanya mambo kama hayo.

The Temporary Speaker (Hon. Farah Maalim): Nidhamu, Mhe. Mishi Mboko. Umebakisha dakika tano. Hoja hii ikiletwa Bungeni tena, utapewa dakika zako tano.

ADJOURNMENT

The Temporary Speaker (Hon. Farah Maalim): Hon. Members the time being 1:01 p.m., this House stands adjourned until this afternoon at 2:30 p.m.

(The House rose at 1:01p.m.)

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