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REPUBLIC OF KENYA

PARLIAMENT

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SENATE BILLS

*(Bill No. 5 of 2021)*

**THE KENYA SIGN LANGUAGE BILL, 2021**

(A Bill published in the Kenya *Gazette* Supplement No. 25 of 8<sup>th</sup> March, 2021 and passed by the Senate, with amendments on 11<sup>th</sup> January, 2022.)



**THE KENYAN SIGN LANGUAGE BILL, 2021**

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**THE KENYAN SIGN LANGUAGE BILL, 2021**

**A Bill for**

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

**ENACTED** by the Parliament of Kenya, as follows-

**PART I - PRELIMINARY**

Short title.

1. This Act may be cited as the Kenyan Sign Language Act, 2021.

Interpretation.

2. In this Act—

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to education;

“deaf community” means a socio-linguistical cultural group who use Kenyan Sign Language in their everyday communications and as a native or mother tongue, first or preferred language;

“deaf culture” means the way deaf people interact and includes a set of social beliefs, behaviours, art, literary traditions, history, values and shared institutions of communities that are influenced by deafness;

“Kenya signed English” means manually coded English involving producing signs which correspond to an English word in an English sentence in English word order designed to facilitate communication between the deaf and hearing community;

“Kenya sign language” means sign language

predominantly used in Kenya by the deaf community;

“public university” means a university established and maintained out of public funds;

“recognised schools” means schools registered under the Basic Education Act;

“relevant public authority” means an entity established by the Constitution, an Act of Parliament or any other law; and

No. 14 of 2013.

“sign language” means system a system of communication, both visual or tactile, as the case may be, by manual signs or symbols including body movement.

Objects.

3. The objects of this Bill are to-

- (a) ensure that persons who are deaf or hard of hearing integrate into society;
- (b) protect and promote the right to justice and fair administration action with respect to persons who are deaf and hard of hearing
- (c) promote access to quality education by learners who are deaf or hard of hearing;
- (d) provide for the training, recognition and regulation of sign language interpreters;
- (e) promote access to public services by deaf persons;
- (f) promote the inclusion and diversity in the workplace by creating opportunities for persons who are deaf or hard of hearing to compete for employment opportunities; and
- (g) promote literacy development of learners who are deaf or hard of hearing;
- (h) ensure that there is compliance in the development, recognition, promotion and integration of sign language as a language in Kenya; and
- (i) promote and recognize deaf culture in

Kenya.

## **PART II – KENYAN SIGN LANGUAGE**

Recognition.

4. (1) The Kenyan sign language is the language used by the deaf or hard of hearing in Kenya for expressing themselves and communicating with others.

(2) The community of deaf persons in Kenya shall have the right to use and preserve Kenyan Sign Language.

Role of the National  
and county  
governments.

5. The national government and county governments when exercising their powers and functions under the Constitution or any other written law shall, so far as is reasonably practical, ensure that-

- (a) members of the deaf community are consulted on all matters related to the development, use and promotion of Kenyan sign language;
- (b) Kenyan sign language is used in the promotion to the public of government services and in the provision of information to the public;
- (c) all public bodies shall do all that is reasonable and necessary to provide free interpretation in the Kenyan Sign Language to those who wholly rely on it to access statutory entitlements or services provided by that public body;
- (d) information relating to public services shall be made accessible to the deaf community through the use of appropriate means including Kenyan sign language.

Use of sign language  
in legal proceedings.

6. (1) A person whose first or preferred language is the Kenyan sign language is entitled to use the Kenyan sign language where the person is-

- (a) member of a court, tribunal or body

- before which proceedings are being conducted;
- (b) is a party or witness in a legal proceeding;
- (c) is an Advocate of the High Court of Kenya representing a party in proceedings; or
- (d) is given leave by the judicial officer to use Kenyan Signed English.

(2) A judicial officer in a legal proceeding shall ensure that a competent and recognized interpreter is available to a person entitled under subsection (1) to use Kenyan signed English.

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

(4) Any person intending to use sign language in any legal proceeding may be required under any regulations made under this Act or any other written law, give reasonable notice of that intention, and generally regulate the procedure to be followed where Kenyan Sign Language is, or is to be used in such proceedings.

(5) Any such failure may warrant an award of costs as per any regulations, rules of court or any other appropriate written rules of procedure, but no person may be denied the right to use Kenyan sign language in any legal proceedings because of any such failure.

Educational support  
for deaf learners.

7. The Cabinet Secretary for education shall –

- (a) ensure that deaf learners and learners who are hard of hearing are taught in a manner which they are able to understand and use the dominant language of instruction in the education

system;

- (b) ensure that teachers of deaf children assist learners to acquire sufficient competence in the use of the English and Kiswahili language including ensuring that Kenyan sign language is taught in sign form and not written form;
- (c) ensure development of supportive instructional materials for the education of deaf learners and learners who are hard of hearing;
- (d) set aside adequate funds for the development of educational materials for deaf learners and learners who are hard of hearing;
- (e) ensure that Kenyan sign language in digital form contains inscription in standard English as a medium of instruction;
- (f) institutions of education for the deaf cater for formal and non-formal education, skills development and self-reliance for deaf learners as appropriate;
- (g) ensure that institutions offering teaching training offer, as part of their curriculum, courses on Kenyan sign language and interpretation;
- (h) ensure that there are sufficient number of placements for teachers of children who are deaf or hard of hearing and who are attending recognized schools;
- (i) establish a scheme for the provision of Kenyan sign language classes to-
  - (i) the parents, siblings and grandparents of a child who is deaf; and
  - (ii) other persons who may serve

as a guardian or primary care giver to a child who is deaf or hard of hearing; and

- (j) ensure that there are in place adequate reading materials in the English and Kiswahili languages for the educational support of, and that are accessible, by members of the deaf community.

Curriculum development.

**8. (1)** The Kenya Institute for Curriculum Development shall develop, review and approve appropriate programmes, curricula and curriculum support materials for learners who are deaf and hard of hearing.

(2) Notwithstanding the provisions of subsection (1), the Institute shall carry out a comprehensive assessment and review of the programmes, curricula and curriculum support programmes and instructional materials for learners who are deaf and hard of hearing.

(3) In carrying out the review and assessment under subsection (2), the Institute shall invite and collaborate authors to submit published works relevant to the curriculum for deaf learners for purposes of inclusion as curriculum support materials.

(3) The institute shall, one year after the commencement of this Act, prepare and transmit to Parliament a report of the review carried out under subsection (1).

Development of action plan.

**9. (1)** The Cabinet Secretary shall, in consultation with the National Council for Persons with Disabilities and the Council of Governors, develop a Kenyan sign language action plan within one year upon the commencement of this Act.

(2) The Cabinet Secretary shall, in developing the Kenyan sign language action plan, undertake public participation.



Standards,  
accreditation and  
procedures  
No. 17 of 2019.

**10.** (1) The Cabinet Secretary shall, in consultation with the Kenya National Accreditation Agency established under section 4 of the Kenya Accreditation Act and members of the deaf community, develop a national system of standards, accreditation and procedures for Kenyan sign language interpretation.

(2) For purposes of subsection (1), the Cabinet Secretary shall—

- (a) regulate the provision of Kenyan sign language interpretation;
- (b) establish additional procedures and criteria for registration of Kenyan sign language interpreters;
- (c) establish and maintain a register of Kenyan sign language interpreters; and
- (d) determine the education, training and qualifications required for a person to be registered as a Kenyan sign language interpreter.

Registration of sign  
language  
interpreters.

**11.** (1) A person who wishes to provide Kenyan sign language interpretation services shall apply for registration by the Ministry responsible for matters relating to education in accordance with such criteria and procedures as may be prescribed by the Cabinet Secretary.

(2) An application under subsection (1) shall be made in a form prescribed in Regulations by the Cabinet Secretary.

Registrar.

**12.** (1) The Cabinet Secretary shall appoint a public officer within the Ministry as the registrar Kenyan sign language interpreters.

(2) The Cabinet Secretary shall, in consultation with the most representative registered association for sign language interpreters, determine the conditions and qualifications for registration as a sign language interpreter.

Register of sign

**13.** (1) The registrar shall keep and maintain a

language  
interpreters.

register in which the name of every person registered by the Cabinet Secretary to provide sign language interpretation services shall be entered showing-

- (a) the date of the entry in the register;
- (b) the address of the person registered;
- (c) the qualifications of the person; and
- (d) such other particulars as the Cabinet Secretary may prescribe.

(2) A person whose name is entered upon the register under subsection (1) shall inform the registrar of any changes in the particulars set out under subsection (1).

Certificate of  
registration.

**14.** (1) The registrar shall issue a certificate of registration to a person whose name is entered into the register.

(2) Where the name of a person is removed from the register, the registrar shall give notice to that person, or if the person is dead, to that person's legal personal representative, requiring surrender of the certificate of registration to the registrar.

(3) A certificate of registration issued by the registrar shall be valid and shall remain in force for one year.

Inspection of  
register.

**15.** 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.

Code of conduct.

**16.** (1) The Cabinet Secretary shall, in consultation with the most representative registered association of sign language interpreters, publish in the *Gazette* a code of conduct for sign language interpreters.

(2) The code published under subsection (1) shall

act as a guide for the provision of quality sign language interpretation services.

(3) A person who contravenes the provisions of the code under subsection (1) may be removed from the register of sign language interpreters.

Sign language at the workplace.

17.(1) The National and county governments shall-

- (a) take all reasonable measures to promote and encourage the use of basic Kenyan sign language among its deaf and hearing employees;
- (b) set aside adequate funds for the promotion of Kenyan sign language including funding activities to celebrate and promote awareness of the language;
- (c) conduct awareness and training seminars on the use of the Kenyan sign language;
- (d) provide sign language interpreters where necessary or requested in all national and county government offices including during all conferences, meetings cultural events, sport competitions, community affairs and activities conducted by government agencies; and
- (e) subsidize the acquisition of hearing aids and other ancillary services to the deaf community.

(2) An employer shall create reasonable opportunity for persons who are deaf or hard of hearing to be eligible for employment in the respective organization and shall promote the career progression of such employees.

Promotion of Kenyan sign language.

18. (1) The national and county government shall take all necessary steps to propagate sign

language competency among hearing people by offering sign language as a language subject in the mainstream curriculum.

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

(3) Public institutions of higher learning shall undertake continuous research in the use and development of sign language.

Action plan for  
Kenya sign  
language.

19. (1) The Cabinet Secretary responsible for matters relating to persons with disabilities shall, in consultation with the most representative registered association for deaf persons, National Council for persons with disabilities and the Council of Governors, develop a Kenyan Sign Language Action Plan six months upon the commencement of this Act.

(2) A plan developed under subsection (1) shall include-

- (a) an assessment of the approach which the national and county government entities are taking in interactions with, and the provision of its services to, members of the deaf community;
- (b) an assessment of the accessibility of national and county government services by members of the deaf community;
- (c) a statement on the actions proposed to be taken by national and county governments so as to take into consideration the needs of the deaf community in delivery of services;
- (d) details of the consultations held and proposed to be held by the national and county government with members of the deaf community in respect of delivery of services; and

(e) details of the guidance and training which national and county government entities have given and proposed to give to staff in respect of the needs of members of the deaf community.

(2) The plan developed under section (1) shall be reviewed regularly and in any case every five years.

Regulations.

**20.** The Cabinet Secretary may make Regulations for the better carrying out of the provisions of this Act.

*The Kenyan Sign Language Bill, 2021*

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I certify that this printed impression is a true copy of the Bill as passed by the Senate on Tuesday, 11<sup>th</sup> January, 2022.



*Clerk of the Senate*

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 156 of the Senate Standing Orders.



*Speaker of the Senate*