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REPUBLIC OF KENYA

PARLIAMENT

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SENATE BILLS

*(Bill No. 9 of 2023)*

**THE KENYAN SIGN LANGUAGE BILL, 2023**



(A Bill published in the Kenya *Gazette* Supplement No. 21 of 28<sup>th</sup> February, 2023 and passed by the Senate, with amendments, on Wednesday, 21<sup>st</sup> February, 2024.

**THE KENYAN SIGN LANGUAGE BILL, 2023**

**ARRANGEMENT OF CLAUSES**

*Clause*

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- 2— Interpretation.
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**THE KENYAN SIGN LANGUAGE BILL, 2023**

**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 –

Short title.           **1.** This Act may be cited as the Kenyan Sign Language Act, 2023.

Interpretation.       **2.** In this Act—

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

Cap 133.               “Council” means the National Council for Persons with Disabilities established under section 3 of the Persons with Disabilities Act;

“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;

“KenyanSign Language” means sign language used by the deaf community and includes other types of language like Kenyan Signed English, pidgin, cued speech, contact sign language for the deaf blind and other sign language based medium of communication as may emerge from time to time to meet unique needs of the deaf community;

“public university” means a university established and

maintained out of public funds;

Cap 211.

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

“sign language” means 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.

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 deaf community 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 Sign Language.

(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 Sign Language.

(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 KenyanSign Language in digital form contains inscription in standard English as a medium of instruction;
  - (f) ensure that educational institutions for the deaf provide 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 KenyanSign 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 public schools;
  - (i) establish a scheme for the provision of KenyanSign 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 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.  
Cap 211A.

**8. (1)** The Kenya Institute for Curriculum Development established under section 3 of the Kenya Institute for Curriculum Development Act 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.

(4) 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).

Standards,  
accreditation  
and  
procedures.  
Cap 496A.

**9.** (1) The Cabinet Secretary shall, in consultation with the Kenya Accreditation Service 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.

**10.** (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.

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

(2) A person shall be nominated as a registrar under subsection (1) if that 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 at least five years experience in Kenyan Sign Language proficiency; and
- (d) meets the requirements of Chapter Six of the Constitution.

Register of sign language interpreters.

**12.** (1) The registrar shall keep and maintain a register in which the name of every person registered by the Cabinet Secretary to provide sign language interpretation 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 in the register under subsection (1) shall inform the registrar of any changes in the particulars set out under subsection (1).

Certificate of

**13.** (1) The registrar shall issue a certificate of

registration. 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. **14.** 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. **15.** (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. **16.** (1) The National and county governments shall—

- (a) take all reasonable measures to promote and encourage the use of basic KenyanSign Language among its deaf and hearing employees;
- (b) set aside adequate funds for the promotion of KenyanSign 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.

**17.** (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.

**18.** (1) The Cabinet Secretary shall, in consultation with the most representative registered association for the Deaf, National Council for Persons with Disabilities and the Council of County Governors develop a Kenyan Sign Language action plan twelve months upon the commencement of this Act.

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

(a) an assessment of the accessibility of National and county government services by members of the

Deaf community; and

- (b) 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.

Regulations.

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

*The Kenyan Sign Language Bill, 2023*

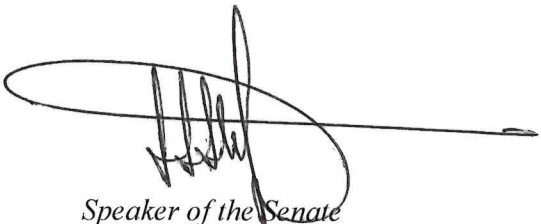
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I certify that this printed impression is a true copy of the Bill as passed by the Senate on Wednesday, 21<sup>st</sup> February, 2024.



*Clerk of the Senate*

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 161 of the Senate Standing Orders.



*Speaker of the Senate*

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