

# From Exclusion to Inclusion: Integration of Kenya Sign Language During Television Newscasts in Kenya

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## Abstract

This study aimed at analyzing media inclusion of the deaf community through Kenya Sign language during television newscasts. In 2006, the UN General Assembly adopted the Convention on Rights of Persons with Disabilities (CRPD) which recommended sign language interpreters to be included in all television newscasts and Kenya ratified this convention in 2008. Consequently, sign language in television newscasts was made a requirement for all television stations, something that the media in Kenya has not been able to fully comply with, even after the taking effect of the programming code for Free-to-Air radio and television in July 2016. An evaluative approach was employed to assess the current situation in terms of what measures have been put in place to ensure the deaf are able to effectively follow television newscasts, why some television channels have not been able to incorporate sign language in their newscasts and the challenges that have been experienced by those that have incorporated sign language in their programmes. The population comprised of the media fraternity, specifically Free-to-Air television channels and the consumers of signed programmes that is the deaf from Deaf Aid International. Also, key informants from KNAD, KSLIA, CAK and Deaf Aid International were selected using the snowball and purposive sampling techniques on the basis that they were considered informative. Data collection procedure involved face to face and telephone interview schedules with a sign language interpreter where necessary, Kenya Sign language translated questionnaires and document/article reviews while data analysis was qualitative and more opinion-based than statistical. The study revealed that the incorporation of sign language interpreters in television has not been fully achieved with all the television channels having news bulletins inconsistently having a sign language interpreter inset. Out of the 18 Free-to-Air channels with news broadcasts, only 13 had a sign language interpreter inset on their screens during particular news bulletins. The main reasons as to why the process was slow were determined as financial constraints, lack of qualified interpreters, overpriced interpreter fees and lack of enough time to implement this as the media owners felt they were caught unawares, hence unable to fully provide quality service. The programming code is a good step towards ensuring the deaf have maximum access to information through television just like the hearing population.

**Keywords:** Kenya sign language, deaf, interpreters, newscasts

## 1.1 Background of the Study

The promotion of a more inclusive society in both developed and developing countries has been recognized as important and necessary for nation building (Korpinen, 2009). Many societies are realizing the need to dismantle barriers that may hinder the participation of people with disabilities hence the push for improved access to basic education, vocational training suited to their skills, interests and abilities as well as information through the media.

The statistics of people with disability, especially in developing countries has never been accurate hence relying heavily on estimates which have resulted in diverse figures being recorded. However, the World Health Organization (WHO) and World Bank (WB) estimate the number of people living with disability (physical, mental or any other form) in the world as one billion and over, noting that this figure constitutes approximately 15% of the world population. Interestingly, 80% of these people living with disabilities around the world live in developing nations and 20%, (1 in every 5) of the poor people in these nations having a disability (World Report on Disability, 2011). Additionally, in the year 2005, as cited in the World Report on Disability, United Nations Children's Fund (UNICEF) implied that the number of people living with disability is set to increase by giving an estimated 150 million children under the age of 18 living with disability as well as 20 million women becoming disabled each year due to complications related to pregnancy and/or childbirth. In Kenya, the 2009 census by Kenya National Bureau of Statistics (KNBS) indicated that Kenya has a population of approximately 40 million with an estimated 1.3 million people living with disabilities of one form or another (KNBS, 2009).

The World Federation of the Deaf (WFD) indicates that there are approximately 70 million deaf people in the world (wfdeaf.org). This means that out the more than one billion people living with disabilities around the world, nearly 70 million are hearing impaired. Moreover, the Deaf People and Human Rights Report (2009) conducted a survey where 93 countries including Kenya participated and no country was able to provide a

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reliable figure of the deaf population in their countries, hence making it almost impossible to evaluate data relating to gender and age. In Kenya, the KNBS (2009) census report classified the number of hearing impaired people in the country according to gender only. Male deaf people were recorded as 89,840 while females were 97,978 totaling to 187, 818 deaf people. Physical, visual and other forms of disabilities allow better access to information, education and other fundamental services because the communication modes available support their forms of disabilities. However, Muhumuza (2013) argues that “the visually impaired, deaf and deaf-blind live in an information blackout because the means of communication do not accommodate their form of disability”. Many countries, (developed and developing) including but not limited to the United States of America, Germany, Netherlands, South Africa, Uganda and Kenya have hence tried to ensure easy access to information for the deaf through legal documents that make it a right for the deaf.

According to the deaf people and human rights report (2009), the word deaf with a small letter ‘d’ is commonly used to describe the physical inability to hear while the same word with a capital letter ‘D’ is used to describe the cultural and linguistic aspects of being deaf as well as the identity that comes with the situation. Additionally, Okombo and Akach, (1997) claim that the deaf in Kenya pride in their identity as deaf people among the hearing population but the use of capital ‘D’ is not common because in Kenya it is assumed that every deaf person automatically belongs to the deaf community regardless of the physical, cultural or linguistic state.

The United Nation’s Convention on Rights of Persons with Disabilities (CRPD) was adopted by the UN General Assembly on 13<sup>th</sup> December 2006 and came into force on 3<sup>rd</sup> May 2008. It was signed by 153 countries and ratified by 112 as of May 2012 (Communications Commission of Kenya [CCK], 2012) and specifically ratified in Kenya on 19<sup>th</sup> May 2008. Subsequently, it became law by virtue of Article 2(6) of the Constitution of Kenya 2010 which states that “Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this constitution” (KNCHR, 2014). The convention conditions that People with Disabilities have access to information through provision of alternative means of communication including Braille, sign language and plain language among others (CRPD, 2006). Moreover, the rights of deaf people in regards to participation and access to information have been protected in Kenya through various legal documents including but not limited to the Persons with Disabilities Act 2003, Persons with Disabilities Bill 2015 and the Constitution of Kenya 2010.

Access to information by the deaf has been through sign language, which is not a universal language because different countries have their own national sign language (Timmermans, 2005). This means that in a situation where two deaf people from different countries meet, they might not be able to effectively communicate because the signs may vary to a great or small extent. The origin of sign language points to Fr. Charles de L’Epe who invented French sign language as he observed the signs used by the deaf in France, then refined and codified them. From France, sign language spread to Europe and America. It was taken to the USA by Thomas Hopkins Gallaudet who studied the language in de L’Epe’s school and went on to start the first school for the deaf in America in Hartford, Connecticut in 1817 (Engstorm and Stricklin, 1992). Despite the difference in sign languages worldwide, approximately 93 developed and developing countries like Australia, Algeria, Ghana, South Africa, Rwanda, Tanzania, Kenya among others have been able to incorporate their sign languages in television broadcasts as a way of ensuring access to information by the deaf (Deaf and Human Rights Report, 2009) hence enabling the deaf get the same information as the hearing without feeling left out.

In Kenya, the Kenya Sign Language (KSL) is the official national sign language whose origin dates back to the years 1960-1980 when the deaf were taught using speech (lip reading) for almost 30 years (Okombo and Akach, 1997). According to Okombo and Akach, it was not until 1988 when a deaf Kenyan called Michael Ndurumo who had returned with a Ph.D in sign language from Gallaudet University advocated for use of sign language in the education of the deaf in Kenya that KSL improved and has since developed and is now being used in education, service provision, training and employment of the deaf. However, the process of ensuring access to information by the deaf through the media, specifically television, has been very slow. According to the Deaf People and Human Rights Report (2009), the deaf have access to little or no information from the media, which makes it almost impossible for them to know what is going on in their immediate society as well as in the world.

The enforcement of Persons with Disabilities Act 2003 Article 16 (1) and (2) which state that “Public broadcasting stations shall, from such date as the Minister may by notice in the Gazette appoint, incorporate sign language in their television programmes and that Private broadcasting stations shall endeavor to incorporate sign language in their television programmes targeting the general public including news, talk shows, documentaries and educational programmes (PWD Act, 2003). This was a measure to not only comply with the United Nation’s CRPD obligation but to ensure that the deaf people in Kenya have maximum access to information and are able to follow happenings of events through news.

This study therefore focused on finding out the extent to which the media in Kenya have complied with the law on sign language incorporation and the impediments towards achieving full integration of the KSL in the television newscast.

## 1.2 Problem Statement

In Kenya, all public broadcasting stations are required by law to incorporate Kenya Sign Language in their television including news, talk shows, documentaries and educational programmes (PWD Act 2003). The year 2004 saw some media houses go to court where they obtained a ruling prohibiting the government from compelling them to introduce sign language in their television programmes (Opiyo, 2011). Regardless of this move, in 2007, the Government of Kenya (GOK) wrote to all media houses and the Media Owners Association (MOA) asking them to introduce sign language in their television news casts so as to ensure that even the deaf followed events on television.

While the Constitution of Kenya clearly states that all public broadcasting stations should integrate Kenya Sign Language in their television programmes, the media has not fully complied, leaving the deaf feeling left out because they do not have a choice of freely accessing meaningful information through television simply because there is no interpreter. Also, the cases filed in court by some media stations and the subsequent battle between them and the government remains as an obstacle to ensuring access of information by the deaf people in Kenya through television news broadcast programmes.

Moreover, Owitie (2012) argues that there is need to respect the law that requires both the able and disabled to participate in nation building through the information they get from television programmes. This means that no person should get sub-standard services or be excluded from receiving any services due to race, age, gender or disability. It is in this regard that it would be interesting to find out the efforts put in place by the media to ensure significant inclusion and participation of the deaf through the Kenya Sign Language in their television newscasts, the impediments to this as well as the extent to which this has and can be achieved.

## 1.3 Research objectives

### 1.3.1 Main Objective

The main objective of the study was to assess the role of the media in ensuring inclusion and participation of the deaf community through Kenya Sign Language during television newscast.

### 1.3.2 Specific Objectives

1. To establish the extent to which the Kenyan media have integrated Kenya Sign Language interpreters during television newscast.
2. To find out why some media houses have not incorporated the Kenya Sign Language in television newscast
3. To identify the challenges that face media houses that have integrated sign language interpreters during television newscast.

## 1.4 Research Questions

1. To what extent has the Kenyan media integrated sign language interpreters for television newscast?
2. Why have some media houses not incorporated Kenya Sign Language in television newscast?
3. What are the challenges encountered by media houses that have integrated Kenya Sign Language in television newscast?

## 2.0 LITERATURE REVIEW

### 2.1 Definition and Status of the Deaf in Society

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) defines people living with disabilities as those that experience long-term physical, mental, intellectual and sensory impairments which when they interact with various environmental, social and functional barriers may hinder their full and effective participation in society on an equal basis with others without disability. Deaf people fall in the category of persons living with sensory impairments because of their inability to hear completely, partially or using hearing aids.

There are different types of deafness distinguished by the different communication abilities. The Congenital Deaf are those that learn sign language as their primary mode of communication when they are born while the Acquired Deaf become deaf after first being able to hear and speak without any form of impairment (Chang, 2014). Also, the Deaf experience different levels of impairment which can be categorized into Deaf people and Hard of hearing people. According to Chang (2014), the Deaf people's level of impairment is said to be profound whereby they can only hear sound equivalent to or over 90 decibel (dB) while the Hard of hearing can be mild, moderate or severe with sound between 20 and 40 dB, 41 and 70 dB or 71 and 95 dB respectively. Additionally, Barnett (as cited in Chang, 2014) defines the Deaf people as people with hearing loss who do not benefit from any linguistic information that is transmitted through sound and can only use sign language as their primary method of communication and Hard of hearing people as people who can receive limited sound linguistic information and use limited speech with lip movements as well as physical sign language as their primary method of communication.

Deafness is an invisible disability that manifests itself in failure by individuals to communicate (Furth, 1966). It is only when one sees a different form of communication that exhibits no sound or voice taking place between two or more people, specifically signing, that one is able to conclude that those people might be deaf. According to Humphries and Wakumelo (as cited in Mulonda, 2013), deafness is still viewed undesirably as a deviation from the norm where individuals who can hear consider it as a disability that must be fixed because the lack of auditory capabilities renders the deaf incapable of self-determination.

Additionally, (as cited in The African Confidential 2012) Said Ali Mwachinalo, a sign language coordinator at the Kenya Institute of Special Education (KISE) argues that “because deafness is an invisible disability, the deaf are not seen as suffering as much as the physically or mentally disabled and so do not elicit as much sympathy as the latter.” Consequently, the deaf in the society experience unequal access to products and services for the sole reason that the same society they live in, has denied them opportunities to enjoy their rights and freedoms just because they are differently abled (Muhumuza, 2013).

Furthermore, Harris (as cited in Muhumuza, 2013) posits that the deaf are actually outsiders in this world because despite the fact that they are hearing impaired, they have to reside and get used to a world and society that is dominated and controlled by sound. He further argues that “they are not fully part of that world...they are outsiders in a hearing world”. They have been culturally marginalized in a society that expects them to be as productive as the hearing population. The KNCHR (2014) also points out the deaf people’s ability to freely express themselves has been limited

The inequalities experienced by the persons living with disabilities have made disability in general to be considered as a human rights issue that needs protection and adherence if the disabled rights and freedoms are to be guaranteed and respected (WHO, 2011). The CRPD (2006) provides for same rights for persons living with disabilities as any other persons and as such benefit from developmental activities including but not limited to access to information on an equal basis as others. However, the deaf people and human rights report (2009) indicates that deaf people experience little or no access to information while Muhumuza (2013) emphasizes that “the visually impaired, Deaf and deaf-blind live in an information blackout because the means of communication do not accommodate their form of disability”. He continues to argue that most TV stations do not make this any easier for the deaf because they have ignored the use of sign language in their news broadcasts which leaves the deaf in the dark about what is happening in their immediate society and the world at large especially in terms of breaking news and current affairs.

Engstorm and Stricklin (1992) claim that the deaf do not enjoy, let alone understand the content in news programmes especially because they have to rely on pictures which can be interpreted differently. For example, when they see a body being carried to a police vehicle, they do not know what happened, why it is being carried and why there are many people on the venue. They wouldn’t know what the curious onlookers at the venue are saying or protesting about. This makes it very difficult to rely on the television news programmes because of possible misinterpretation for lack of sound or interpretation which beats the whole purpose of watching news.

## **2.2 The Role of Media in the Society**

This study focuses on television as a medium through which communication takes place, its role and accessibility particularly by the deaf. It is therefore necessary to understand the role the media in general plays in ensuring effective communication to and by consumers of their products and services. Livesey (2011) defines the mass media as communication channels through which information is passed in a particular form to many people and television as a ‘one-to-many’ medium of communication alongside radio and newspaper.

Muelemman and Hagenah (2009) also point out that the mass media are channels for distributing and storing information to and for large masses. He argues that the modern societies still have only three undisputable mass media, that is, television, radio and newspaper which pre-package and distribute information at pre-determined dates and time while insinuating particular meanings that are meant to be accepted by the target masses.

Notwithstanding, McQuail (1983) and Zeleza (2009) describe the role of the media in communication as information, ideas and images providers, events correlations, promotion of cultures, entertainment and education providers, mobilizers for social change as well as providers of a platform for sign communication. These roles have been emphasized by other communication scholars like Daniel Lerner, Wilbur Schramm and Charles Okigbo to clearly show how, when and where information can be accessed through the mass media and for what purpose.

The media provides information about various events, the society as a whole, the world and even relations of power (McQuail, 1983). This role is important as information helps people become aware of what is going on in and around them, as well as in the world outside their immediate environment. Moreover, it reveals ‘who said what about what or whom; where to get what at what price; who has what power to do what; what is planned for the future, where and for whom, etc.’ (Moemeka, 1995). However, in his eBook ‘Notes on Communication: Information and meaning’, Dr. Gordon Coates argues that information is very important, but while it may always

mean something, it rarely, if ever, means the same thing to different people. When the deaf are subjected to pictorials only without interpretation while watching television, it would be almost impossible for them to get the same meaning from the contents of the programmes with the hearing people watching the same programmes. They will mostly rely on guesses or assumptions, for example a programme where two people are fighting, without hearing what they are fighting about, it would be difficult for the deaf to know what the fight is all about, hence resort to guessing.

The media plays the correlation role by explaining, interpreting, commenting on the meaning of events, setting orders of priorities and providing support for established norms (McQuail, 1983). Through gate keeping, people experience selective exposure to information courtesy of the media (Ochillo, P. 2012). The information in question is usually acted upon in several ways such that it may be skewed differently for different people to suit their interests. The media is therefore able to interpret events for the deaf people and most commonly through incorporation of sign language interpreters who make sure that the deaf viewers are able to make meaning out of the programmes they watch. Unfortunately the situation where deaf people are not able to watch news programmes without interpretation can be explained through the selective exposure by the media who choose not to have the interpreters.

The media promotes continuity of different cultures by expressing the dominant culture, recognizing sub-cultures and new cultural developments while forging and maintaining community values (McQuail, 1983). This ensures that people are aware of the existing cultures, emerging sub-cultures, beliefs, customs and practices. Subsequently, they are encouraged to respect each other's cultures hence promotion of cohesion and integration. This applies to the deaf community who also have their own culture that deserves respect by ensuring that sign language is acknowledged and applied in their everyday lives through various communication processes and channels including the mass media.

The media provides amusement, causes diversion of attention and reduces social tension through entertainment (McQuail, 1983). Through the Education-Entertainment or simply the edutainment approach, the media educates people by increasing knowledge about educational and societal issues hence creating favourable attitudinal and behavioral change (Singhal and Rogers 1999). Additionally, Wete (1996) posits the view that if properly used, the mass media can be vital in the mass education of the society, creation of nationhood and promotion of socio-economic development.

The deaf also need entertainment and education just like the hearing. This is through movies, music and other mass media programmes and the media is able to ensure that this is possible. For example, in the Kenyan music industry Nazizi has incorporated a sign language interpreter in her song 'Wedding ring' as well as Eunice Njeri, a gospel musician who has also incorporated sign language in parts of her song 'Matunda'. As much as these may not be news programmes, this is a good indicator of the possibility of ensuring the deaf are also able to get the same entertainment as the hearing population hence translating news programmes can also be fairly achieved.

The media mobilizes people to support various causes by campaigning for societal objectives in areas of development, politics, economics and even religion (McQuail, 1983). When the media highlights the plights of people with different disabilities, it brings to the attention of the society the justices or injustices that the disabled people face hence triggering social action from different people in the society. For example, the story of a priest in Kwale County, who was struggling to raise money to improve the lives of people living with disability. Published in the Saturday Standard 19<sup>th</sup> May 2007, this is a story that could trigger support from public and private sectors in terms of assisting the priest in his noble efforts. Another example is the deaf protest on lack of a sign language interpreter during the release of 2015 Kenya Certificate of Secondary Education (KCSE) examination results.

According to Abdi Ali, the KNAD public relations officer, the lack of a sign language interpreter was a violation of the deaf rights to access information as provided in Article 54 of the Constitution of Kenya (Standard Newspaper 4<sup>th</sup> March 2016). These instances clearly show the ability of the mass media to bring to light the everyday struggles that PWD face and the actions that can be taken to make their lives easier. Additionally, through social mobilization, a process of bringing together all feasible and practical inter-sectoral social allies to raise people's awareness of and demand for a particular development program and strengthen community participation (Wallack, 1989), the media, through advocacy and advertisements, bring interested people together in support of development projects that are intended to improve the quality of lives of people.

According to the BBC World Service Trust (2007), Kenyan media is one of the most respected, thriving, sophisticated and innovative in Africa. This is because it has been seen to play a substantial role in mediating relationships between citizens and the government, especially in shaping the democratic situation in the country and transforming how the marginalized people in society access information on issues that shape their lives (Mbeke et al. 2010). Moreover, the above roles clearly show how powerful and able the media is in ensuring awareness, accessibility as well as use of information by media consumers. However, as much as this information may be available, it may not necessarily be accessible to all and in this case the Deaf community

whose mode of communication may limit them especially where radio and television are involved.

### **2.3 Communication in the deaf community**

Communication is defined as the intentional or unintentional activity of conveying information through the exchange of thoughts, messages or information transmitted through a variety of methods including but not limited to speaking, telephones, emails, blogs, television, art, hand gestures, facial expressions and body language. UNCRPD defines communication as a process that includes spoken and signed languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology. Communication in this study involves use of sign language and since Kenya ratified the CRPD, it means that all the deaf people in Kenya are entitled to communicate using the language that they best understand and a platform through which they can do so, in this case, television.

The Deaf communicate in two ways, one is communication between the Deaf and Hard of hearing and the other is between the Deaf/Hard of hearing and the hearing (people with no hearing loss) and the communication method depends on their communication abilities as well as the people they are communicating with (Schiff and Ventry, 1976). This means that the Deaf and Hard of hearing are able to communicate using sign language or lip reading/movement with hearing people and the communication becomes meaningful only when the hearing can understand the signs. However, Bouvet (1990) posits that there exists a communication gap between the Deaf and hearing people mostly because the hearing people do not understand the communication methods that the deaf use.

Chang (2014) further categorizes the communication channels used between the Deaf, Hard of hearing and hearing into seven distinct units. They include Deaf to Hard of hearing, Deaf to hearing, Hard of hearing to hearing, Deaf to Deaf, Hard of hearing to Hard of hearing and among the three. He further continues that speech, sign language, limited speech (with lip movements or reading) and written note (including graphic messages) are the basic communication forms that do not require the Deaf to have interpreters or any assistance to be able to communicate. However, written note is the only method that can be used between the three groups, limited speech between Deaf and hearing while speech can only be used by hearing and sign language by Deaf people and sign language interpreters. Consequently speech and sign language remain as the main barriers of communication between the Deaf, Hard of hearing and hearing people whereby use of a sign language interpreter would be a possible solution to this particular communication challenge.

Electronic and print media are essentially inaccessible to people with visual, hearing or intellectual disabilities (Kenya report on disability, 2007). Specifically, the lack of sign language interpreters in the media create a dilemma for the Deaf people in accessing information and communicating effectively making it a major setback in fully integrating them into the society. Moreover, in emphasizing the communication challenges experienced by the Deaf, Keller cited in Rodrigues (2007) states that “Blindness cuts people off from things; deafness cuts people off from people.”

### **2.4 Legal and Institutional Frameworks on Communication for PWD**

CRPD is an international convention that purposes to promote, protect and ensure that the fundamental human rights and freedoms of persons living with disabilities are respected and upheld as well as fully and equally enjoyed just like any other citizen of a state (CRPD, 2006). On accessibility and full participation in all aspects of life, Article 9 of the CRPD requires all state parties to ensure that persons with disabilities access physical environment, information and communication as well as all other services provided to the public on equal basis with others.

Additionally, Article 32 emphasizes that all international corporation stakeholders have an obligation to ensure all development programmes are inclusive of and accessible to people with disabilities. According to the Global Survey Report, Eastern and Southern Africa (2008), Kenya, Namibia and South Africa were the only countries out of the 28 participants who had ratified the CRPD convention. Specifically, in Kenya the CRPD was ratified on 19<sup>th</sup> May 2008 and subsequently became law by virtue of Article 2(6) of the Constitution of Kenya 2010 (KNCHR, 2014). According to Article 21 of the CRPD, all state parties should ensure that persons with disabilities enjoy freedom of expression and opinion as well as access to information. This should be achieved by accepting and facilitating the use of sign language, Braille, augmentative and alternative communication and all other accessible means at no additional cost. Moreover, it encourages the mass media to make their services accessible to persons with disabilities as well as recognize and promote use of sign language.

The Persons with Disabilities (PWD) Act No.14 of 2003 Kenya was enacted and came into force in June 2004. It seeks to promote accessibility of information and communication for persons with disabilities. Specifically for the deaf people, Article 16 on television programmes states that (1) and (2) Public broadcasting stations shall, from such a date as the minister may by notice in the Gazette appoint, incorporate sign language in

their television programmes targeting the general public including news, talk shows, documentaries and educational programmes (PWD Act 2003, 2012).

The Constitution of Kenya 2010 section 54 on the rights of persons with disabilities states that all persons with disability shall be entitled to reasonable access to all places, public transport and information as well as use of sign language, Braille and other appropriate means of communication (CoK, 2010). It is therefore the responsibility of all public and private institutions to ensure that they make accessible their products and services to the persons with disability on equal basis as any other Kenyan citizen. Furthermore, Article 7 recognizes sign language, Braille and other communication accessible to persons with disabilities as part of the official languages (KNCHR, 2014).

The Persons with Disabilities Bill 2015 Kenya is an amendment of the PWD Act 2003 meant to ensure conformity with the CRPD and Constitution of Kenya (CoK) 2010. Section 43 obliges all public and private institutions to accept and facilitate the use of Kenya Sign Language among other accessible communication forms for people with disabilities. This includes television and radio stations including telephone service providers to provide information that is accessible to people with different forms of disabilities. Additionally, Section 43 (6) states that all television programmes shall provide Kenya Sign Language inset, sub-titles in newscasts and educational programmes as well as all programs covering events of national and international significance. The penalty for any public or private institution that does not comply with these obligations is having their licenses suspended and not reinstated until full compliance (Persons with Disabilities Bill 2015).

According to the Commission of Implementation of the Constitution (CIC) of Kenya bill tracker, the PWD bill 2015 is still at the stage of undergoing internal review and stakeholder consultations. This means that the bill has quite a long way to go because it needs to be sent to the Attorney General for publication once the consultations are over and mutual agreement between parties involved reached, and then sent back to parliament for debate before it can be passed.

The implementation and monitoring of the CRPD obligations to state parties is enshrined in Article 33(2) which provides for a mechanism to designate bodies to monitor the implementation at domestic levels (Kenya National Commission on Human Rights [KNCHR], 2014). In Kenya, the KNCHR was designated by the Office of the Attorney General 2011 as the independent monitoring body on implementation of the CRPD. KNCHR was established under Article 59 of the Constitution of Kenya 2010 as well as Section 3 of the Kenya National Commission on Human Rights Act No.14 of 2011 to mainly ensure promotion and protection of human rights in Kenya. The commission is charged with ensuring compliance with obligations under international and regional treaties that touch on human rights alongside monitoring the implementation of the rights of PWDs which commenced in October 2011 by visiting different counties (KNCHR, 2014).

The National Gender and Equality Commission (NGEC) is a constitutional commission established by an Act of Parliament in August 2011 and entrenched under Article 59 of the Constitution of Kenya under the umbrella of Kenya National Human Rights and Equality Commission (KNHREC) (KNCHR, 2014). According to the KNCHR report on disability status report on implementation of PWD rights, the main objective of NGEC is to promote gender equality and freedom from discrimination as well as ensuring compliance with all treaties and conventions ratified by Kenya relating to issues of equality and freedom from discrimination, minorities and marginalized persons, women and persons with disabilities and in so doing, play a vital role in monitoring the implementation of their rights.

The Ministry of Labour, Social Security and Services was established by the government of Kenya in 2013 and under the department of Social Security, charged with the mandate of ensuring protecting and advocating for the needs of persons with disabilities (KNCHR, 2014). This role is also in line with the obligation of the CRPD to ensure implementation of the rights of persons with disabilities.

The National Council for Persons with Disabilities (NCPWD) is a Semi-Autonomous Government Agency (SAGA) that was set up in December 2004 following the enactment of the Persons with Disabilities Act No.14 of 2003. This council is mandated to enforce and oversee the implementation of the right of persons with disabilities. This role is performed by working closely with the Ministry of Labour, Social Security and Services.

The Communication Authority of Kenya (CAK), formally known as Communication Commission of Kenya (CCK) is the regulatory authority for the communication sector in Kenya which was established in 1999 by the Kenya Information and Communications Act, 1998 with the mandate of facilitating the development of the Information and Communications sectors including broadcasting, multimedia, telecommunications, electronic commerce, postal and courier services ([www.ca.go.ke](http://www.ca.go.ke)). The Authority also has the responsibility of facilitating access to communication services by all in Kenya as well as monitoring the activities of licenses to enforce compliance with the license terms and conditions. According to the BBC World Service Trust Policy Brief No.1, the CAK is meant to promote the development of public interest broadcasting in line with international standards and local sensibilities as well as meet public interest obligations in all broadcasting categories. This definitely includes meeting the broadcasting needs of the hearing impaired in the society.

## 2.5 Nature and Meaning of Sign Language

Sign language is a complete language just like other spoken languages, only that it uses visual gestural form of communication as opposed to sound as in spoken languages (Timmermans, 2005). The difference between sign languages and spoken languages manifest in the production of the language itself whereby spoken languages are produced from the mouth through vocal cords while sign languages utilize basic elements including the arms, hands, facial expressions, movement and location of the signs (Rodrigues, 2007). According to Schembi and Adam (as cited in Rodrigues, 2007), sign language has its own structure that consists of phonology (hands, faces, body and space), morphology (words and signs), syntax (sentences), discourse (letters, speeches, and conversions) and semantics (meaning). The major parameters that form the sign language structure include hand shape (open or closed), hand movement (upward or downward), hand orientation (palm facing up or out), hand location (middle of forehead or front of chest) and non-manual signals (Timmermans, 2005). Additionally, it is important to note that these parameters must be used carefully so as to avoid affecting the meaning of a certain communication negatively. For example, a change in one hand shape, location or movement can change the meaning of a sign (U.S Peace Corps Kenya, 2007). Generally, sign languages have 68 hand shapes with 34 major ones that are commonly used (Rodrigues, 2007). This makes sign language a comprehensive language and mode of communication just like the natural spoken languages.

Sign language is not a universal language because each country has its own national sign language (Timmermans, 2005). Moreover, some countries like Spain, Belgium, Switzerland and Finland have more than one national sign language while others like Kenya, Tanzania, United States of America and South Africa have one national sign language that is recognized by their governments. Timmermans (2005) argues that most sign languages are mutually incoherent. This makes it difficult for different deaf people to understand each other using their different sign languages. In Africa, countries that have adopted sign language in their communication systems include Algeria, Ghana, Mali, Nigeria, Senegal, Somalia, South Africa Tanzania, Uganda, Zambia and Kenya ([www.gutenberg.us/articles](http://www.gutenberg.us/articles)).

## 2.6 Development of Kenya Sign Language

Deaf education was first introduced in Kenya during the 19<sup>th</sup> Century by European missionaries (Kiyangu and Moore, 2003). During this time, the learners, mostly deaf, were taught through oral communication methods especially as the language policy only allowed for speech and speech reading (Ndurumo, 1993). Sign language through speech was therefore the form of communication used by the learners to communicate among them. However, in 1985 while working at the Kenya Institute of Education (KIE), Professor Ndurumo advocated for the use of systematic sign language that follows Signed English Medium (SEM). This meant that English could be signed to produce the same meaning as when spoken. Subsequently, in 1988, the government of Kenya introduced the use of sign language and Signed Exact English (SEE) under the philosophy of total communication in all school units of deaf learners (Kimani, 2012).

According to Okombo and Akach (1997), Kenya Sign Language has since evolved the communication needs of the deaf people in Kenya and its growth as a national sign language is majorly attributed to the regional mobility of deaf persons and the growth of deaf awareness among other factors. Moreover, since 2004, KSL has been the official language of instruction in schools for the deaf (Ministry of Education, 2009) where all learners must be taught when they join school as well as training of interpreters in institutions like KISE.

In Kenya, it is estimated that there are over 340,000 users of KSL and a majority of them are deaf people while quite a few are hearing people who have learned the language so as to be able to communicate with the deaf effectively (Lewis, 2009 cited in Kimani, 2012). Additionally, the possibility of having more deaf and hearing people learning KSL can contribute greatly to ensuring meaningful communication and participation in development issues as Groce (as cited in Kimani, 2012) points that it is only possible to fully integrate deaf people into the society if no barriers exist and a situation where hearing people are bilingual, that is, having both spoken and signed language is desirable. Moreover, according to the Deaf People and Human Rights Report (2009), sign language is fundamental to the deaf people because it makes accessibility possible, lack of which will render them isolated.

## 2.7 Sign Language Interpretation in Media Settings

Interpretation studies can still be considered as an emerging topic because there is much to be learnt (Bidoli, 2010). Furthermore, the increasing need for interpretation services especially for the deaf has seen demand for more investigation on such services but Napier et al. (2006) as cited in Bidoli, (2010) claim that little attention has been paid to sign language interpreting in media settings and deaf people have had inadequate chance to watch sign language as a major source of information on TV. Bidoli (2010) further posits that unlike in African countries, broad surveys on television sign language interpretation have been undertaken in European, Australian and German countries.

According to Fair (2014), interpreters are considered very valuable in the deaf community because they



translate information from the hearing world and disseminate it to them using visual language, in this case sign language. Mikulasek and Kurz (2004) argue that the best way to get the deaf out of isolation or the feeling of seclusion is by giving them access to visual mass media. This would be of great importance especially in accessing information of general interest. This is among the various driving forces of the World Federation of the Deaf (WFD) in promoting access to information by the deaf in the society. In so doing, WFD and its member organizations are putting considerable effort to encourage national broadcasters worldwide to meet the communication needs of the deaf by increasing the number of signed television programmes as well as ensuring more programs with sign language interpretation and subtitles (Makipaa and Hamesalo, 1993).

The quality of interpretation of sign language in TV is an important aspect to consider. Hitch (2005) posits that it is quite difficult to get a certified and qualified interpreter that is commonly accepted by beneficiaries of their services. This is because an interpreter that is seen by one deaf person as qualified can be completely unaccepted by another deaf person. Hitch (as cited in Fair 2014) argues that this depends on the deaf people's proficiency of sign language, understanding of basic concepts as well as English writing or reading skills. Moreover, it is quite difficult for interpreters to work with deaf people with Limited English Proficiency (LEP), that is, people who struggle with basic concepts and English skills (Hunt and deVoogd, 2007). Consequently, the different perspectives of quality and acceptable interpreters creates a strain in clearly identifying and/or defining a quality interpreter more so in the media where there is a huge misunderstanding on what is considered right, good or wrong for the deaf community as well as interpreters (Fair, 2014).

Television viewers were significantly exposed to sign language interpretation on television during the interpretation of the emergency announcement that followed the New York City hurricane sandy (Schulman, 2014 cited in Fair, 2014). This happened on 29<sup>th</sup> October 2012 bringing a lot of attention and interest in sign language and interpretation among viewers. However, questions emerged on the quality and qualification of interpretations when ThamiJantjie, the 'fake' interpreter at Nelson Mandela's memorial service which was attended by world leaders including United States President Barack Obama on 10<sup>th</sup> December 2013 in South Africa (Fair, 2014). Jantjien sent the media, especially social media platforms into frenzy when it emerged that he was apparently making up signs and gestures during the service. The incident sparked the media worldwide to discuss the need for certified and qualified interpreters if the deaf community is to fully benefit from the interpretation services (Fair, 2014).

According Fair (2014), interpreting for live TV broadcasts is almost unanimously regarded as more stressful than other forms of interpreting because interpreting for mass audiences entails a much bigger exposure in case of failure than one felt in conventional conference settings. Because of this, they recommend extremely qualified interpreters for live broadcasts who can also be allowed to change over after 20 minutes duration because they usually experience burn-out rates. This is mainly because the interpretation process takes a lot in the mind and body of interpreters as they process, take in and give information relayed to them in a second or third language. These breaks hence allow the interpreter to give their best, allowing them to give a better and more accurate, culturally and linguistically correct interpretation of the information they are receiving.

Considering the need for new and better media translators and interpreters, Kurz (2004) suggested that "the media require a new breed of interpreters; a hybrid-someone who is a successful translator, interpreter and editor, all in one" and that this profile should include "flexibility, speed, a wide range of general knowledge and a complete lack of fear or embarrassment." In this regard, Fair (2014) suggests the training and adoption of Certified Deaf Interpreters (CDIs) who are considered as having a stronger background in understanding signs and/or gestures as well as the know-how of interpreting phrases and words in a better way than other interpreters. This can be a beneficial step in Kenya where according to the Global Survey Report Eastern and Southern Africa (2008) most interpreters are neither qualified nor recognized or considered by the government for employment as sign language interpreters. This lack of qualification renders them to employment as clerks who do sub-standard interpretations whenever called upon.

## **2.8 Status of Sign Language Incorporation in TV Broadcasts**

Sign language interpretation services are not as limited in countries like America, United Kingdom and Netherlands as in some African and other European countries (Rodrigues, 2007). Rodrigues (2007) further gives an example of America as the only country in the world to have a university (Gallaudet) specifically for deaf people and in Australia Melbourne, they have a television channel specifically targeting the deaf based on the fact that the deaf do not have the same access to media as hearing people hence the need to accommodate and meet their needs. However, the use of sign language on TV is mostly limited to a few programmes and so the deaf are left out while the hearing are informed, entertained and educated.

There are two common ways of ensuring the deaf access television programmes, that is, use of captions and sign language which can be an insert showing an interpreter or sign language moderators (Grbic, 2002). However, broadcasters tend to prefer the use of subtitles arguing that it is more cost-effective and reaches a wide range of the deaf, hard of hearing and the hearing population as opposed to sign language and other methods.

According to Mikulasek and Kurz, (2004), the deaf community prefers sign language as opposed to subtitles and captioning and advocate for their authorities to promote sign language for use in current affairs programs. This is because the captions are either too small or move too fast on the television screens making the deaf really struggle to read and follow the programmes.

The Deaf People and Human Rights Report (2009) classified the 93 participant countries most of whom are members of the World Federation of the Deaf (WFD) into the following categories to easily report on those providing sign language and captioning in television programmes. Eastern Europe and Middle Asia Regional Secretariat (EEMARS); Regional Secretariat for Asia and the Pacific (RSA/P); Regional Secretariat for South America (RSSA); Regional Secretariat for Mexico, Central America and the Caribbean (MCAC); Regional Secretariat for Eastern and Southern Africa (RSESA); Interim Regional Secretariat for Western and Central Africa Region (WCAR) and Interim Regional Secretariat for the Arab Region (RSAR). The report recorded 51 countries which provide sign language on public TV, an improvement from 1992 when only 6 countries (Belize, Brazil, Cuba, Ghana, India and Pakistan) had sign language interpretation on television programmes. Additionally, out of the 19 country participants from RSESA region where Kenya is included, it was reported that 11 countries provide sign language on TV but that most interpretations are only of news programmes, either every day or once a week. Nonetheless, the report concluded that the portion of programmes with sign language interpretation is very low compared to the total broadcast hours in most television stations in all the countries hence, the deaf are most likely not able to have equal access to the mass media and information of general public interest through television.

According to the Kenya Disability Status Report on the Implementation of PWD (2014), persons with disabilities experience injustice in accessing information through the mass media. This is because as much as there is signage for parliamentary proceedings and sub-titles for newscasts, the signage is allocated a small portion of the screen and deaf persons have to move closer to the screen to be able to clearly see and interpret the signs accordingly. This becomes difficult for the hearing impaired to get all the information and are forced to watch pictorials. Moreover, when it comes to attending public meetings or forums, persons with other physical disabilities are able to comfortably attend and participate as opposed to those with hearing impairment whose participation and understanding is affected by the poor modes of communication available (Disability and Status Report on the Implementation of PWD, 2014).

In Kenya, there are over 80 radio stations which have increased to nearly 95, 16 television stations and 13 newspapers among others (Mbeke et al. 2010). However, the government issues hundreds of broadcast licenses to individuals and organizations whose identities remain unclear and the process full of impropriety and favouritism (Nyabuga and Booker 2013). To date, the Communication Authority of Kenya notes that there are 60 free-to-air television channels in Kenya and the most popular being Kenya Broadcasting Corporation (KBC) channel 1, Nation Television (NTV), Kenya Television Network (KTN), QTV, Citizen TV, Family TV and Kiss TV. These are considered common because of the viewership levels and studies that put them at the top of all others as cited in the Open Society Foundations report by Nyabuga and Booker (2013). KTN is the only private television station that adhered to the requirement of the law and on 5<sup>th</sup> April 2007 included sign language in their news programmes. The compliance by other television stations in Kenya still remains a court tussle between the lawmakers and the owners of the media. On 4<sup>th</sup> January 2013, the Star newspaper reported that NTV was told by the court to have sign language in newscasts but NTV complained that the ruling was discriminatory considering the fact that there were over 10 TV stations that had not complied with the Persons with Disability Act 2003, arguing that in any case the government should bear the greatest responsibility in catering for the needs of the vulnerable groups (Kiplagat, 2013). Also, KBC which is government owned has notably included sign language in programs like “Moving the masses” (a public awareness program on fighting graft), parliamentary proceedings and speeches during national holidays (Opiyo, 2011).

## **2.9 Theoretical framework**

### **2.9.1 Spiral of silence theory by...**

The spiral of silence theory is premised on the basic postulate that people tend to remain silent when they feel that their views are in opposition to the majority view on a subject (Noelle-Neumann 1991). The theory states that people remain silent for a few reasons including fear of isolation when they realize their divergent opinion from the status quo and fear of reprisal or extreme isolation thinking that their opinion may lead to negative consequences. Furthermore, the importance of an issue to a person, the level of education of that person and exposure to news coverage often determine the possibility of someone coming out and speaking about a particular topic (Moy et al. 2001).

This study applied the spiral of silence theory to explain why the deaf are not very vocal about their need for some television programmes to be interpreted through sign language. When the deaf remain silent or give up on fighting for their rights that have been protected by both national and international laws like the Constitution of Kenya and the UNCRPD respectively, it may mean two things. One, they have tried but their efforts have not

borne any fruits and two, they think that even if they speak out, they will not be heard anyway.

The theory was also used to explain why advocates for sign language have not been very successful in advocating and ensuring as many media stations as possible include signing in their television news programmes. This theory was a relevant reference point in trying to understand whether the deaf have made a choice to remain silent on their predicaments or it is just that circumstances do not allow or give them an opportunity to express themselves.

### **2.9.2 Critical theory**

The critical theory was first formulated in 1937 and the main focus is to transform the society through social change and realizing a society that thrives on equality and democracy (Cohen et al, 2007). According to Horkheimer (1972), the critical theory seeks to emancipate individuals and groups in a society especially in issues of voice, power participation, representation and inclusion in such a way that they are able to enjoy their rights and freedoms. Bhaskar (1989) resonates the same view by claiming that the critical theory identifies mechanisms that lead to making changes in the society that can alter the status quo. This links to the spiral of silence theory that also explains keep silent when the views of the majority override their own. Additionally, Horkheimer (1972) argues that the status quo greatly affects the efforts of emancipation because as much as there may be efforts to increase the people's consciousness, there is a high possibility of some of them, who may be uneducated, undereducated or illiterate, to stay as conservatives for fear or perception that their views are irrelevant as opposed to those of the majority.

In this study, the critical theory was used to explain the deaf inability to realize maximum access to information and identify possible solutions. Cohen et al. (2007) claims that critical theory has an emancipatory interest to uncover domination in society by the majority that prevents the minority from realizing their individual and social freedoms. Majority here means the hearing population and the minority, the deaf population. According to Cohen et al. (2007), "raising awareness of any inequalities is a crucial step to overcoming them". Therefore, this study intends to apply the critical theory with the aim of supporting access of information by the deaf through incorporation of sign language interpretation during television broadcast programmes.

## **3.0 METHODOLOGY**

### **3.1 Research design**

This research adopted a descriptive-evaluative approach. According to Ritchie and Lewis (2003), an evaluative research is one that enables understanding of outcomes of different issues. This can be through identification of different types of consequences or effects that may arise from a policy and the various ways in which they occur. Moreover, Walker (1985), May (2001), Patton (2002), and Ritchie and Lewis (2003) argue that an evaluative research is important in identifying factors that contribute to the success or failure of a programme, service or intervention and consequences to participants; examine the different requirements of groups or individuals within the target population as well as explore a range of organizational aspects surrounding the delivery of various interventions or initiatives.

This study sought to assess the incorporation of sign language in television broadcast in Kenya and since there are various players involved to implement this law, it was necessary to evaluate all relevant informants including deaf researchers, experts, media owners, government policy makers and implementers. These were necessary in order to understand why it has been difficult to fully incorporate sign language in television news programmes yet it is an international and national law requirement. A qualitative approach was employed which helps the researcher obtain in-depth data from an insider view of situations and events. This study therefore gives a detailed analysis of views and explanations of respondents.

### **3.2 Study population**

The target population was all the free-to-air television stations in Kenya with a frequency in Nairobi County which were sixty two (62) in total as at November 2015. The accessible population was the TV stations in Nairobi considered, through research, to have high level of viewership and accessibility by a majority of viewers. These were narrowed down through purposive sampling to NTV Kenya, Kenya Television Network (KTN), Citizen TV, K24 and Kenya Broadcasting Corporation (KBC) television stations and an analysis conducted on them to establish the extent of KSL integration, strategies in place to ensure compliance to the law as well as challenges faced while trying to achieve full compliance as the popular TV stations in Kenya. These stations were also selected on the basis that they are freely available in the digital television platform and a majority, if not all, of the approved free-to-air set top boxes or decoders in Kenya.

Citizen TV, K24 and NTV were specifically selected because they are among the privately owned media stations that had not complied with the law of incorporating sign language in news programmes and they actually went to court to block the directive hence would be important to give more information about their action on the issue under investigation. Also, they were easily accessible by the researcher in terms of easy access to

respondents and location hence frequent visits to the offices will be efficient to get as much information as possible. KTN was selected because it was the only privately owned media station that had since 2007 incorporated sign language in news programmes and would shed more light on the issues under investigation. KBC was selected because it is the national broadcaster and had also incorporated sign language in their news programmes and would also contribute to building up on the challenges and process involved in full compliance of the problem in this study.

Key informants were also drawn from Kenya National Association of the Deaf (KNAD), Communication Authority of Kenya (CAK) and Deaf Aid International. KNAD and CAK were selected because of their role in implementation of the sign language incorporation in television programmes as well as the affiliation with the government such that they were necessary in giving more information on the directive's implementation and full achievement. Deaf Aid International is an NGO that has worked with the deaf children, youth and adults for the past 15 years in Kenya. They were selected because of their vast experience with the deaf people and the researcher was allowed to interact with the deaf affiliated with the NGO to get their views and opinions. The experts were also selected because they were considered to have the expertise and knowledge of the state of access of information by the deaf and in this case, through television and the general use of sign language in Kenya.

### 3.3 Sampling Technique and Sample Size

This study employed purposive and snowball sampling techniques. According to Mugenda and Mugenda (2003) purposive sampling is a technique that allows researchers to use cases that are known to have the required information with respect to the objective of the topic under investigation. This involves handpicking cases because they are informative or have the required characteristics and expertise in deaf issues to be able to contribute positively to the study.

Snowball sampling involves getting a study sample through referrals which are made among people who know others that might have information relevant for the study. This technique is used when the topic under study is a sensitive matter and may require the knowledge of an insider in an organization or group in order to get the relevant respondents for the study (Biernacki and Waldorf (1981). These techniques were better suited for this study because little research has been done on deaf access to information and it qualifies as a sensitive issue as it touches on rights of persons with disabilities being infringed while little or nothing is done to protect the affected.

In order to get a holistic view on the issue being studied, it was paramount to get a sample from the deaf community as well as the media, complemented by opinions of experts and lawmakers. 35 respondents from Deaf Aid International were purposively selected to give their perspective on access of information through television. All the 62 free-to-air television stations available on Signet and Pang digital platforms, with a signal in Nairobi were also selected with the aim of directly watching the stations to determine the level of sign language incorporation. The selected free-to-air decoders were Bamba, Lucky Star and Super box which were readily available for the researcher and assistant researcher. These were selected because they have the Signet and Pang platforms that are accessible to everyone who has a digital television. One Senior Production Manager from each of the popular stations NTV, KTN, K24, Citizen TV and KBC taken from the broadcast or news divisions were selected because they were the most immediate people to implement the law of incorporating sign language interpreters in the respective stations. ~~Also~~, They were also in a better position to give in-depth information on the strategies and efforts in place to ensure the deaf access information through their stations. Two Kenya Sign Language interpreters from KTN and KBC were also selected to give their opinion on the study problem. One senior official from KNAD, CAK and Deaf Aid International were selected to give expert knowledge and information on the issue under study.

### 3.4 Research Instruments

The study employed a questionnaire which was given to the 34 respondents at Deaf Aid International. The researcher also employed a sign language interpreter from Deaf Aid International who interpreted all the questions to the respondents in a classroom setup. This is because all interpreters from the NGO are formally trained and qualified to interpret effectively. This ensured that all the questionnaires were filled and returned for analysis. The sign language interpreter accompanied the researcher to all face to face interview meetings with the deaf experts. Telephone interviews were also conducted with some of the media respondents because of their busy nature that could not allow them to have a face to face meeting or fill a questionnaire. The study also reviewed relevant documents such as print media opinion articles, YouTube videos of news programmes that are signed and reports by national and international organizations on issues relating to the deaf and accessibility to information through television, so as to be able to interpret the findings from different angles.

### **3.5 Data collection procedures**

Data was collected through Kenya Sign language interpreted questionnaires. Face to face and telephone interviews were also conducted with the key informants from the media stations, KNAD, CAK, Deaf Aid International and document and article reviews were conducted so as to get as much information as possible.

### **3.6 Data Analysis**

The analysis method employed for this was mixed method that allowed observations, interviews and questionnaire administration. According to Bailey (1994) and Mugenda and Mugenda (2003), raw data from the field is difficult to interpret hence the need for cleaning, coding and key-punching into a computer for analysis. This is to help the researcher make sense out of the particular data. This study analyzed data by giving detailed descriptions, explanations and evaluations of respondents. The responses were analyzed and organized into relevant themes and patterns in order to draw meaningful conclusions. Moreover, the study employed simple and basic quantitative technique of percentages to analyze data derived from questionnaires and it was more opinion-based than statistical.

### **3.7 Ethical Considerations**

The researcher obtained a letter from the University of Nairobi from where the research was conducted. This helped in authenticating the study. The researcher also made it clear to respondents the purpose and intention of the research so as to eliminate any doubts or suspicions of ill-intentions while assuring confidentiality of the respondents since their participation was voluntary.

The researcher also employed a sign language interpreter approved by the Kenya National Association of the Deaf (KNAD) so as to ensure and maintain the quality of interpretations throughout the study.

### **3.8 Limitations**

The researcher used a KSL interpreter and while firsthand information is more reliable, there might have been a possibility of missing out on aspects as emotions, feelings and emphasis of the deaf respondents since the information was coming from a second party, that is, 'second hand'.

The fact that there is limited documented data and/or statistics on People with Disability and the deaf to be particular, this study may have missed out on very important information regarding the deaf and their access to information.

The media respondents were not very willing to reveal some information on how they are implementing the programming code and this might have affected the findings, because some very important information may be missed out and conclusions made out of lack of it.

## **4.0 FINDINGS OF THE STUDY**

### **4.1 Free-to Air Television Channels in Kenya**

In order to clearly understand the availability of television stations from where a majority of the deaf people can access information from, it was important for the study to establish the free-to-air channels. Free-to-air meaning that a person is not required to pay through subscriptions to be able to watch, but rather they allow anyone with the necessary equipment like a decoder or inbuilt digital television to view without an ongoing cost. However, there must be an initial cost of either purchasing an inbuilt digital television, or pay a one off fee of purchasing a free-to-air decoder which range from KES 2,500 to KES 4,500. The latter being the most preferred because of the non-recurring cost and according to the CAK report, 3,139,437 decoders have been purchased since 2015. A majority of the free-to-air channels are also available in the Pang and Signet digital platforms as opposed to many pay platforms like GOTV and DSTV

### **4.2 The Journey towards Honouring Rights of the Deaf to Information Access**

The Kenya National Association of the Deaf (KNAD) has been in the forefront of championing the rights of the deaf. According to the KNAD chairperson Nickson Kakiri, the deaf community had experienced media blackout for a while and when they felt that they needed their voice to be heard, despite them being a minority group, the many requests made to the Ministry of Information bore fruit in 2013 when the government agreed that it was imperative that the deaf access information through sign language in television. Moreover, the Constitution of Kenya 2010 already had a provision for that which meant every media station without sign language was violating the constitution. However, since there was no legal framework under which the media could be compelled to have an interpreter for the sake of the deaf, it ended up with only KBC and KTN providing sign language interpreters on television newscasts while some stations like NTV and Citizen were battling CRADLE, the children foundation, in court defending their refusal to comply with the directive.

The year 2015 saw the President of Kenya, Uhuru Kenyatta assent to a bill that paved way for the incorporation of sign language in television programmes and most especially news. The free-to-air programming

code for radio and television created by the CAK is what was passed and this would make it compulsory for all free-to-air television channels to ensure their programs are accessible by the deaf people. Despite the argument by the Media Owners Association that the media are capable of self-regulating themselves and ensuring best practice and access to information by all, it was high time for the government to bind them in an agreement that saw the President say that, "It is up to the media houses to change their editorial policies and include sign language in their broadcasts" ([citizentv.co.ke](http://citizentv.co.ke)). He argued that the government was not in the business of forcing the media to do the right thing but just enforcing the law as it should.

Regardless of the many court battles and complaints from the media owners, the deaf community felt relieved when they saw the efforts of the government to honour their right to access information. However, responses from the questionnaire administered to the deaf students at Deaf Aid International imply that some of the deaf have accepted that they cannot have access to information in equal measure as the hearing. This is because asked whether they watched television and were aware that it was their constitutional right to have sign language interpret programmes for them on television, all respondents interestingly said yes to both questions. Regardless of just a few stations having complied, they seemed okay with that saying that it was better than nothing. This is affirming the spiral of silence theory that argues that when the minority, in this case, the deaf choose to remain silent and accept their situation it either means that they believe to have tried but their efforts have not borne any fruits or they think that even if they speak out, they will not be heard anyway.

#### **4.2.1 Challenges Facing the Deaf in the Absence of Sign Language Interpretations in Television**

Responding to the question on what challenges they face trying to access information through television, the deaf respondents pointed out several issues as discussed below:

They felt that without a sign language interpreter, nothing could be understood even with the possibility of lip reading because not many deaf people have the skills to lip read and clearly understand the message being conveyed. This then means that there is no need to watch television since they cannot understand when everything seems useless or meaningless. One of the respondents clearly indicated that "To the deaf community, no sign language interpreter is as good as no television". Consequently, they would rather stick to the print media which is also not very accessible to all especially to the less educated or semi-literate. Moreover, some of neither the deaf people neither clearly understand the Signed Exact English (SEE) which gives the same meaning as exactly spoken, nor the conventional written English. For example when saying 'I want to go home', it would be signed as 'me go home'.

When there is no sign language interpreter in television, the deaf do not know what is happening around them. For example, a news story might have pictures of an ongoing protest in an international or even national setting but a deaf person would not immediately understand the setting and by the time they try to, the story has probably ended.

Communication can only happen when information passed and received is understood by both parties but if one party does not understand, it means there is no communication. This applies to when there is no interpretation from spoken language to signed language whereby since the deaf cannot understand let alone hear the spoken language, there will be no communication.

Some respondents emphasized on how frustrating it can be when they have to rely on their hearing neighbours who might have learnt the basics of signing for purposes of communicating with them, to interpret some information. While this may be something to appreciate, in most cases the interpretations are not well understood and there is always a possibility of misinterpretation and exaggeration.

The deaf also miss out on important information that may be of influence to them. For instance, in a case where there will be a public service vehicles strike on a certain route announced on television, and there is no sign language interpreter, they will just wake up to the shock of no vehicles whereas their hearing counterparts are prepared for the strike.

In terms of participation in national matters of national benefit, the deaf may miss out on important information when there is no interpreter. For example, in a political debate, they may be required to know which candidate has the best all inclusive policies and best suited to become their leader but without interpretation, there is a high chance that they might not elect the best since they could not hear or get the right information to be able to make an informed decision.

Times of disaster also prove to be difficult for the deaf who also wish to know what has happened, where, when and to whom but without interpreters, they are left guessing and feeling left out especially when they know that they might have to entirely depend on print media, next day newspaper to be specific, while the hearing get such information in some instances real time.

#### **4.2.2 The Kenya Programming Code for Radio and Television**

The Kenya programming code for free-to-air radio and television was published in the Kenya gazette on 31<sup>st</sup> December 2015. According to the Communication Authority of Kenya, the code is benchmarked to international best practices standards making it a credible document and indeed an analysis of the same published on 15<sup>th</sup> April 2016 concur that some provisions in the code reflect international good practice in the field of broadcast

journalism.

In regard to the interest of this study, the programming code is a very important document that will improve the accessibility of information by the deaf community, especially through sign language. The very important sections related to this are stated in the code as follows:-

The General Principle 2.1 of the code emphasizes the need for access to broadcasting services by persons with disabilities particularly news and events of national importance. This stresses the point that persons with disabilities should as a minimum through news, be able to follow events happening around them and those that affect them directly or indirectly by virtue of them being Kenyan nationals.

Article 5.2.7 of the code builds up on the general principle above by stating that “Presenters and speakers on radio and television serve as role models, as far as the use of language is concerned. Broadcasting stations should ensure at all times that their presenters and participants in their programmes speak languages appropriate to the programme and of the highest possible standard.” This is in a bid to increase the chances of understanding better the discussions to be able to contribute appropriately and as necessary as a viewer, listener or reader.

To emphasize the use of appropriate language, especially on television, that is well understandable by all including the deaf, Article 15.2.4 states that “All television stations shall provide a sign language insert or subtitles in all newscasts, educational programmes and in all programmes covering events of national significance to facilitate enjoyment of the programming by physically challenged persons.”

It is interesting because some media stations like NTV and Citizen TV had initially gone to court to block the Government from ‘forcing’ them to incorporate sign language in their broadcasts. Such moves have been a great hindrance to the drive towards ensuring the deaf are able to follow news just like the hearing. The CAK Communications Manager, Mr. Christopher Wambua says that the code will definitely take effect on 1<sup>st</sup> July 2016 and the CAK will not change anything in the code until after two years, as per the law (Ochieng, 2016). Also, he expressed confidence that “this time, there will be no other way, and the code will be the only way” (Wambua, C. personal communication, June 21, 2016). This code was informed by the Kenya Information and Communications Amendment Act 2013 and is set to apply to the licensed 62 television and 139 radio stations in Kenya, he added.

A respondent from CAK also admitted that the implementation of the code will not be a smooth ride especially with the media owners already crying foul on lack of consultation by the Authority, but the process would go on regardless of this. The Media Owners Association chairman, Hanningtone Gaya during an interview with the Daily Nation stated that “We discussed the code with former ICT Cabinet Secretary, Fred Matiangi and Mr. Wangusi and we agreed that they should consult widely before implementation. We were in the midst of discussing it when it was published.” However, the Authority insists that since the process of establishing the code started in April 2015, many stakeholders including churches, media consumers (readers, viewers and listeners), children associations, civil society, private sector and media owners were involved in the numerous consultations that took place.

The programming code has the latest and specific standards of law that the broadcasters must adhere to apart from the international UNCRPD, the Constitution of Kenya and other laws that have been putting effort and emphasis on sign language incorporation during television broadcasts. It is very interesting that the Communication Authority of Kenya has this time threatened to withdraw the licenses of broadcasters who will not adhere to the standards. This means that all television stations have until 1<sup>st</sup> July 2016 to fully comply and adhere to the set standards or face the consequences including penalties of not less than KES 500,000 and/or 0.2% of annual gross turnover of defaulters.

Asked whether only news programmes should have sign language interpretations, Mr. Wambua said “We are taking one step at a time, the media owners have complained and will continue complaining but the law must be followed. News first and the rest will follow.”

### **4.3 The Taking Effect of the Programming Code from 1<sup>st</sup> July 2016**

The much awaited implementation of the programming code especially on the provision of sign language interpreters on television during newscasts and other programmes of national importance took effect on 1<sup>st</sup> July 2016 and amazingly, most television stations with news bulletins complied. However, some channels have the interpreters while others still don’t have and those that have them do not include them in all news bulletins.

Having access to the digital platform and free-to-air set top box (Lucky star), the researcher, together with a research assistant were able to observe (over a period of one month, August 1<sup>st</sup> -31<sup>st</sup> year 2016) trends important to the study. With a focus on news programmes only, it was determined that as much as the law requires all television channels to incorporate a sign language interpreter, not all have complied and those that have, haven’t done so in all entirety. Below is a demonstration of the free-to-air channels, showing those with and without newscasts and for those with newscasts, those that have incorporated sign language. The observation was made at different times including 1:00pm, 4:00pm, 7:00pm and 9:00pm, which are the most common hours of news broadcasting.

**Table 4.1 Television channels with newscasts**

No.	TV Channel	1PM	4PM	7PM	9PM
1.	K 24 TV	Yes	Yes	Yes	Yes
2.	KBC 1 TV	Yes	Yes	Yes	Yes
3.	Edu TV	Yes	No	No	No
4.	Njata TV	Yes	Yes	Yes	Yes
5.	NTV	Yes	Yes	Yes	Yes
6.	Citizen	Yes	Yes	Yes	Yes
7.	Hope TV	No	Yes	No	No
8.	KTN	Yes	Yes	Yes	Yes
9.	QTV	Yes	Yes	Yes	Yes
10.	Kass TV	Yes	Yes	Yes	Yes
11.	Kyeni TV	Yes	Yes	Yes	Yes
12.	Meru TV	Yes	No	Yes	No
13.	Utugi TV	Yes	Yes	Yes	Yes
14.	TVC	Yes	Yes	Yes	Yes
15.	KU TV	Yes	Yes	Yes	Yes
16.	Inooro	Yes	Yes	Yes	Yes
17.	3 Stones TV	Yes	No	Yes	Yes
18.	Kiss TV	No	Yes	No	No

Out of the 18 television channels with newscasts, 13 channels showed some consistency in providing news all times observed, that is, 1pm, 4pm, 7pm and 9pm. The other 5 channels had news at either of the times.

**Table 4.3 Television channels with Sign Language Interpreters**

No.	TV Channel	1PM	4PM	7PM	9PM
1.	K 24 TV	Yes	Yes	Yes	Yes
2.	KBC 1 TV	Yes	Yes	Yes	Yes
3.	Njata TV	Yes	No	No	No
4.	NTV	Yes	Yes	Yes	Yes
5.	Citizen	Yes	Yes	Yes	Yes
6.	KTN	Yes	Yes	Yes	Yes
7.	QTV	Yes	Yes	Yes	Yes
8.	Kyeni TV	No	No	Yes	Yes
9.	Utugi TV	Yes	Yes	Yes	Yes
10.	KU TV	Yes	No	No	Yes
11.	Inooro TV	Yes	Yes	Yes	Yes
12.	3 Stones TV	Yes	No	No	Yes

Out of the 18 stations with news bulletins, only 12 had a sign language interpreter inserts on the television screens. Notably, 8 of them were consistent in having the insert all the times observed, while the other 4 had an insert at either of the times.



**Table 4.4 Television channels without news or Sign Language Interpreters**

No.	TV Channel without news and SLI	No.	TV Channel without news and SLI
1.	Family TV	19.	Church Channel
2.	Sayare TV	20.	Bunge TV
3.	Ebru Africa TV	21.	Senate TV
4.	Aviation TV	22.	Deliverance TV
5.	Pwani TV	23.	Youth TV
6.	Lolwe TV	24.	Farmer TV
7.	KTS	25.	Bazaar TV
8.	Mother And Child TV	26.	Vision TV
9.	WTV	27.	Dove TV
10.	Baite TV	28.	God TV
11.	HCK TV	29.	Health TV
12.	MBCI	30.	Kaaba TV
13.	GBS	31.	UTV
14.	Joy TV	32.	World Music TV
15.	EATV	33.	Islamia
16.	Heritage TV	34.	Family Junieur
17.	Kingdom TV	35.	Parastal TV
18.	Revival TV	36.	PPP

Out of the 54 television channels with a clear signal in Nairobi, thirty six (36) channels did not have news broadcasts and hence no sign language interpreter inserts. A very important observation noted was that all the media stations were not consistent in providing a Sign Language Interpreter (SLI) in all news bulletins as illustrated below:

**Table 4.5 Number of television channels without news and SLI**

DESCRIPTION	NO.OF CHANNELS AND TIME			
	1PM	4PM	7PM	9PM
Channels without News	2	3	3	4
Channels without SLI	7	9	9	7
Channels without SLI at all	6			

Out of the 18 channels with news bulletins at any of the particular times observed, 33% did not have a sign language interpreter while 67% had interpreters. This means that a considerable number of deaf people are able to access newscasts through the channels that have interpreters. The ability to choose from the many channels as opposed to when they were only limited to one or two has also been made possible.

#### 4.4 Other Strategies of Ensuring Information Access by the Deaf Employed By Media

Currently, K24 uses text scrolls that run at the bottom of the screen. According to a K24 TV respondent, the texts are a summary of all the news items of the day and sometimes they keep repeating the scrolls.

In some news items, where the kind of story is dictated, the use of graphic presentations of a news content to describe the news story is greatly employed by K24. This is also common in other television stations where a slight difference may appear in the size of the texts, quantity of words and the speed at which the words run through.

#### 4.5 Obstacles that Hinder Full Incorporation Sign Language Interpreters in Television Newscasts

The free-to-air programming code for radio and television that took effect on 1<sup>st</sup> July 2016 saw twelve (12) free-to-air television stations having a sign language interpreter during their news bulletins. Apart from KBC and KTN who had done so right from the beginning, NTV, Citizen, K24 among many others as earlier mentioned had to obey the law and follow suit. Having had numerous battles in court to block this, a broadcast production manager at NTV said that the media was not really against accommodating the deaf population by having sign language interpreters, but rather wanted the Government to be more considerate by giving enough time for them to organize themselves in order to give the deaf up-to standard services. He argued that not only NTV, but many other stations felt like the code was being imposed on them and this would definitely affect the value as well as quality of service offered 'unwillingly'.

The payment rates of interpreters in Kenya vary depending on the individuals or organizations seeking interpretation services and their ability to pay. Interpreters nowadays charge between 2,500 and 5,000 per hour for their services (Kakiri, N. personal communication, September 28, 2016). This budgeting adjustment that is required to have a sign language interpreter is something the media stations are struggling with.

The media stations have had to include interpreters' fees in what they claim as tight budgets. A K24

respondent says that as a television station, they cannot afford to employ sign language interpreters on a fulltime basis and have been forced to give four Sign Language Interpreters contracts which have allocated fees. An NTV's broadcast division respondent also adds that they have 3 interpreters who are paid on an hourly basis though they are considering hiring some of them on a contract basis, which they hope will be more affordable. However, he notes that the interpreters seem to have taken advantage of the new code and increased their service fees exorbitantly. "This has led to some television stations opting to have interpreters in one or two news bulletins as opposed to all, simply because of the ridiculous prices," he added.

The CAK admits that there is a cost implication that PWD communication systems have and applaud the need for incentives for broadcasters so as to improve information accessibility by all in their productions. According to a news reporter with Inooro TV, Government incentives would go a long way in motivating the media to ensure inclusivity and maximum access of information by the deaf community. She emphasized that, "The expenses that come with sign language interpreters fees are reason enough for the media to feel forced and unwilling to fully cooperate".

The sign language interpreters' fees are quite expensive which makes some television stations to shy away from them and embark on a mission to recruit cheaper options that may actually compromise the quality of interpretations (Akaranga, personal communication, September 15, 2016). A consultant in sign language interpretations and deaf people matters, the respondent argues that the media have taken advantage of this situation to evade fully complying while there are possible ways of addressing such an issue to get standardized fees through associations like Kenya Sign Language Interpreters Association (KSLIA). Moreover, a key respondent from Deaf Aid International adds that sometimes professional interpreters are hard to find as there are not enough qualified interpreters to meet the good quality demand of services hence getting good ones may be a challenge. This is a great hindrance to the media stations who may not want to incorporate a quark that might taint their image as a media or television brand.

KBC was among the first television stations to incorporate sign language in their newscasts. A programs manager at KBC however reveals that "inclusion of sign language in interpretation is a production nightmare as the translation has to be recorded in another studio and then the recording is inserted into the main screen" (Personal communication, August 17, 2016). She adds that currently KBC hires interpreters at Ksh.2, 500 per session but hopes to be able to employ full time interpreters in future because it is a very expensive affair.

An interpreter has a maximum number of hours they can interpret continuously and be able to interpret accurately and effectively. This means that they cannot offer the service on a full time or full day basis, something which may require the television stations to hire more than two interpreters. This is definitely a financial cost that given a choice, all stations would avoid.

It was also observed that in some television stations whose news bulletins run for an hour or an hour and a half, the sign language interpreter inset disappears immediately after the lapse of an hour, such that any other discussion continuing will not be interpreted. This is because the interpreters in most instances are paid per hour and anything more than that would attract a cost that the stations would rather avoid.

CAK argues that continuous legal battles between law enforcers and the media owners are one of the main obstacles to full and fast implementation of such broadcasting standards.

As a way of complying with the standards of the code, the media television stations are expected to ensure that the deaf community is getting the same information just as the hearing. However, the pressure to be seen as having an interpreter on the screens is so much that whoever applies for a job is offered one as long as their papers show they are qualified and are affordable. There is little time to do thorough vetting on candidates to ensure quality interpretations.

The above discussions form part of the reasons why some television stations have not incorporated sign language interpreters in their newscasts as well as why others have, but not fully as they should.

#### 4.6 Quality of Sign Language Interpretations during Television Newscasts

It was necessary to find out if all respondents watched television in order to know their views on the quantity and quality of the interpreting services offered by the various television channels. The question of whether sign language quality is good and the same across all television stations was asked to all respondents that participated in the study and different views aired as discussed below:

**Table 4.6 Responses to television watching, quantity and quality of SLI satisfaction**

Question	No. of respondents (out of 34)		Percentage (%)	
	Yes	No	Yes	No
Do you watch television?	28	6	82	18
Are you satisfied with the amount of sign language in TV?	19	15	55	45
Are you satisfied with the quality of sign language in TV?	11	23	32	68

Interestingly, 82 % of the deaf respondents watch television, which is a majority number while 55% were satisfied with the amount of interpretation services offered. 32% of the deaf participants from the Deaf Aid

International NGO said that they were quite satisfied with the interpretations citing that whatever they were getting was better than nothing. A majority emphasized that they were particularly happy with interpreters in KTN and Citizen TV because their interpretations are of good quality and clear enough. However, as much as they felt better about many television stations having interpreters, the 68% that felt dissatisfied noted that it was difficult to understand some interpreters different signs while some give different meanings such that when someone reads the newspaper the next morning, the meanings are different.

A respondent who is a reporter at K24 says that the quality of interpretations is never the same across all channels. This he says is because not all interpreters are perfect enough to interpret everything that is said in the news bulletin hence they might miss out on some important information. This happens especially in cases where the interpreters do not have enough experience or are not formally trained and qualified.

A senior programs coordinator at Deaf Aid International also gives her opinion on the quality of interpretations in television saying “They are neither the best nor are they of the same quality across all the stations. The television stations that incorporated interpreters way before the Communication Authority deadline have better quality than the others since they had their voluntary time to look for the best. The others may have haphazardly picked any interpreters to meet the deadline and avoid penalties. Again, good quality interpreters who are experienced are quite expensive and some stations may not afford their charges” (Deaf Aid International, personal communication September 30, 2016). She adds that watching different television stations’ news programmes over time and for someone who clearly understands sign language interpretations needs, it is quite easy to conclude that the quality that the television stations offer is wanting. This is because some unqualified interpreters might not have gone through formal quality training and hence they invent their own signs which are not common to all deaf persons.

The respondent also argued that that some interpreters are better acquainted with the American Sign Language more than the Kenya Sign Language, which only became an official language upon the ushering in of the new Constitution of Kenya 2010. To that extent therefore, there is a huge likelihood of mixing KSL, ASL and Universal sign language something that might confuse the deaf persons.

There is another likelihood of some interpreters missing out on some information because of the speed of the news presenter, hence compromising the quality of interpretations. For example, not all persons have a sign name which forces the interpreters to finger spell some names of people, places and things. Finger spelling takes more time such that by the time the interpreter catches up with the news presenters, there may be some information that has already passed un-signed (K24 respondent, personal communication, October 2, 2016).

A former chairman of KSLIA also argues that the quality sign language interpretations have definitely been compromised regardless of the law being very clear that the deaf should receive the same quality and quantity of information as the hearing. He says that through his keen observation, the size of the ‘small box’ inserted at the bottom right corner of television screens has with time reduced from 6X6 to a meager 2X3 inches which is quite unfortunate because as he says “If you were to sit and look at that small box for an hour, your eyes will hurt due to straining and you will be having a pounding headache”.

On the size of the sign language interpreter inset on television, the respondent argues that many times it has been misunderstood that the deaf are fully satisfied by seeing the hands only during interpretations. He notes that such is a misconception because there are many other features that make the sign language complete and unique from other languages, such include: Facial expressions which include frowns, lifted eyebrows, slight grin and smiles are used to complete sentences as well as add meaning to various expressions. However, with a squeezed image on the screen most these attributes may be lost especially during the struggle of moving closer to the screen for a better view.

Placement is another important feature that was identified which forms the upper body of a person. This part of the body is very important as it is considered the storyboard of any sign language user. It is the area where things, events and people are placed for sequence and easy locating or moving as the story is being told, such that a tiny inset will definitely make it difficult to effectively place items of news in a logical and sequential order.

Shoulder shifts are also important especially in situations where there is more than one speaker such that they help through movements to differentiate speakers while talking and listening and as they switch those roles. Another respondent who is a member of both KSLIA and KNAD agrees with the former KSLIA chairman respondent that a squeezed inset makes it almost impossible to enjoy the flexibility and dynamism that sign language has to offer.

Lastly, the hand forms and shapes were identified as the foundation of all signed languages because they carry meaning just like the words used in spoken language. The same way a hearing person would require the news presenter to be clear and accurate with the words is the same way the deaf would want the signs to be clear. In this case, having forms and shapes would require proper lighting, background colour and the clothes of interpreters to blend so as to be able to clearly see the signs and ultimately enjoy the signed programme.

#### 4.7 Challenges Encountered by Interpreters during Television Newscasts

There were four interpreters from K24, Inooro TV, KBC and KTN who participated in this study by giving their views on what it takes for them to be able to interpret for the deaf viewers. Below are the responses in regards to the question on what challenges they face in their duties:

There is rarely, if any, enough time to sit down with the news presenter prior to the news bulletin and try to plan on how to work together which leads to minimum coordination especially when voicing and matching the spoken words with relevant, accurate and linguistically acceptable signs by the deaf. This happens a lot when in some instances, the presenter decides to use a different word or sentence from what had been earlier communicated to the interpreter such that the interpreter is caught unawares and forced to sign whatever comes to mind.

The respondents from Inooro TV and K24 were very honest about trying to match up with the standards of signing skills from their counterparts who have been doing it for a while and seem to have been accepted by a majority of the deaf viewers who termed them as professional and qualified interpreters. According to the interpreter respondent from KBC, it takes about a year to sign confidently, meaning that the almost 4 months old interpreters in television stations might actually be struggling to sign assertively and accurately, hence the preference of KTN and KBC interpreters who have been doing it for over 7 years now.

There is also the pressure and need to meet the high expectations of the employers who expect perfection as well as viewers or consumers of sign language who according to the former KSLIA chairman have become more informed and are demanding higher quality of interpreting services.

The interpreters also said that they get additional stress when they have to cope with typical television time management since things happen at a very high speed. This means that in instances where the news presenter is too fast, some words may be lost during interpretation if one is not quick enough to pick, process and interpret them accurately.

Considering the nature of the media whereby journalists are taught and required to always be ready even on short notice or late at night, the interpreters find this as a challenge citing that such instances deny them the opportunity to prepare well and this may compromise the accuracy and quality of the signed news.

Some interpreters also find it difficult to deal with large numbers of people, topics, formats and structures especially in programmes or sections that have debates where there are many viewpoints. A respondent, who has over 14 years of experience in sign language interpretations, argues interpreters have to get used to such situations through experience so as to be able to effectively deliver.

All the interpreters agreed that it becomes a challenge when there is a news presenter other than one they are used to because some come with strange accents and speaking styles and most times there is no time to get used to the accent, pronunciation and speaking style. This leads to misinterpretations most of the time.

Respondents from KSLIA and KNAD argued that the overworking of interpreters has its own consequences because it compromises the service and quality due to exhaustion which in turn leads to jumbled gestures, unclear signs and sometimes they end up giving explanations of what is happening instead of just interpreting.

#### 4.8 Views of the Deaf Respondents on the Incorporation of Sign Language in TV Newscasts

The questionnaire was given to the deaf respondents at Deaf Aid International and was 100% filled because of the presence of the sign language interpreter who interpreted all questions to them as they wrote down the answers. This was done in a classroom set up. Deaf Aid International was a good choice because it had a good number of youthful respondents who usually enjoy watching television.

The respondents were characterized in terms of age and gender. 15 were female while 19 were male, all aged between 22 and 33 years. These demographics were important because they would help in capturing the youthful respondents who were the target of the study.

##### 4.8.1 Responses to Whether All TV Stations Should Have a SLI

The study revealed that 79% of the deaf youth respondents felt that it was a must for all television channels to have sign language interpreters. Some of the individual responses were as discussed below:-

**Table 4.7 Responses to whether all TV stations must have SLI**

Question	No. of Respondents (Out of 34)		Percentages (%)	
	Yes	No	Yes	No
Do you think all television stations must have a SLI?	27	7	79	21

All the television stations must have a SLI at least in the news but if they cannot have any, they should give a very reasonable explanation or reason. Such a response gives the impression that some of the deaf are willing to compromise on their rights and needs as long as there is an explanation to violating them. It is therefore necessary to apply the critical theory in emancipating the deaf and making them aware of their rights, give them reason to have a strong voice to demand their rights as well as motivate them to actively seek fair representation in this issue of information access through sign language.

There would be no point of watching television if they cannot understand what is being said and since they

also need to have that opportunity to watch whichever channel, having a few with SLIs will definitely limit them from accessing their various choices like the hearing population.

Given the very small box that the television stations provide, it is very doubtful that it could be expensive to afford those small boxes that the deaf struggle to watch.

However, the 21% that did not see the need of having the SLIs in all television channels gave responses with the argument that if they did not have news bulletins, then there is no need of an interpreter while others preferred having the interpreters in the most common stations only including NTV, KBC, KTN, Citizen TV and K24.

A key respondent from Deaf Aid International also argued that it should be mandatory for all television stations with news programmes to have sign language interpreters simply because it is clearly stipulated in the rights and freedoms of a citizenry that everyone has a right to information and in this case, the deaf have a right to sign language interpretation to be able to receive and understand that information (Deaf Aid International respondent, personal communication, September 30, 2016). Therefore, lack of sign language interpreters during television newscasts is denying deaf citizens their rights and they can actually sue the television stations for this.

#### 4.8.2 Responses to the Question of KNAD and KSLIA Membership and Training by KISE

These were questions meant to establish whether the deaf respondents felt well represented by their associations, especially in matters to do with their access of information through television.

**Table 4.8 Responses to questions on KNAD, KSLIA and training by KISE**

Question	No. of Respondents (Out of 34)		Percentages (%)	
	Yes	No	Yes	No
Are you a member of KNAD?	5	29	15	85
Are you a member of KSLIA?	2	32	6	94
Is KNAD doing enough to champion the rights of the deaf in Kenya?	7	27	21	79
Do you think interpreters should be trained at the KISE only?	5	29	15	85

All the deaf respondents (that is 100%) were well conversant with the Kenya Sign Language and were aware of their constitutional right to access information on television through sign language. On whether they were members of KNAD and KSLIA, 15% said they were members of KNAD while 6% were members of KSLIA. This explains their lack of confidence in KNAD to effectively champion for their rights judging from the 79% who felt KNAD is not doing enough. Probably, it is true for them not being members do not get to know or understand the happening at KNAD. The study also revealed that some deaf youth are not confident with the services or training offered at KISE as 85% said training should not be conducted by KISE alone.

KISE focuses mostly on special education but there are other training institutions that offer better interpreters' training than them. One of the respondents also noted that "KISE do not produce quality interpreters as they only teach the basics". Another one noted that "KISE offers very slow sign language hence interpreters from there are very poor". Another respondent argued that KISE sign language is hard to understand probably because some of those trainers employed there are not deaf.

#### 4.8.3 Responses on oow SLIS should be recruited

KBC, KTN, Inooro TV, Citizen TV, NTV and K24's hiring of sign language interpreters is through open advertising and normal recruitment process like any other employees. However, according to a respondent working with K24, an applicant must be a trained and qualified sign language interpreter but not necessarily a journalist.

Also, responding to the question of whether they involve KNAD or KSLIA in the recruiting process of sign language interpreters, all media respondents confirmed that they do not consult them and prefer sourcing for the interpreters themselves. A respondent from NTV's broadcast division added that in most instances the media houses privately negotiate to get 'affordable' interpreters by using personal contacts without involving KNAD or KSLIA because of the high fees that their members have set. This is regardless of the fact that they would be in a better position to advice on quality and to some extent expectations of the deaf whom they represent when selecting who to interpret for them.

#### 4.8.4 Responses on whether Journalists should be trained in sign language interpretation and Interpreters be trained on Journalism

The respondents who included deaf population, the deaf experts and media who participated in the study had some interesting views as discussed in this section. Since the Kenya Sign Language also disregards grammar; some responses from the deaf had to be interpreted to proper grammar.

**Table 4.9 Responses to whether journalists and SLIs should be trained in both disciplines**

Question	No. of Respondents (Out of 34)		Percentages (%)	
	Yes	No	Yes	No
Do you think journalists should be formally trained in sign language and SLI be trained in journalism?	14	20	41	59

The study revealed that 41% of the respondents felt that journalists should be trained in sign language and that interpreters should also be trained in journalism, while the remaining 59% felt that it was not necessary for either to train in the other discipline. Below are some of the responses:

It is not a must for journalists to be formally trained in sign language interpretation but they can learn about online degree programs in American Sign Language (ASL) and keep reading to find out how to better their understanding of sign language.

Journalists should be trained on sign language because it would be better to understand a journalist who is an interpreter as well.

Journalist and Interpreters should all at least have basic skills of journalism and interpretations respectively.

At a minimum, the Government should facilitate for Journalists in public television to be trained in sign language.

Journalists need to know and understand the Kenya Sign Language if they are to effectively tell deaf stories and allow better interaction.

Yes, some universities have already incorporated sign language into their journalism syllabus simply because sign language is another form of communication that journalists should be very familiar with and in any case it is an official language documented in the Constitution of Kenya.

Interpreters should be trained to understand the basics of journalism because they need to know the media rules and regulations that guide the exchange of information.

It may not be necessary for interpreters to be formally trained in journalism because the interpreter just relays the exact information from the sender to the receiver as it is presented.

Journalists should be trained in sign language so that they can experience it and encourage their viewers, listeners and even readers to also learn it because as at now, there is considerable lack of interest by the hearing to learn sign language unless they are directly affected. For example, mother to learn sign language because the son or daughter is deaf and they need to communicate.

Another interpreter with KTN news and volunteer at KNAD who also has a diploma in Journalism and formal training in sign language thought that it is not a must for sign language interpreters to be formally trained in Journalism but rather a great advantage because of many opportunities that may arise due the skills accrued.

Some of the responses insinuate that the deaf would really appreciate having an interpreter whom they can resonate with especially in terms of accuracy of interpretations. This can in a great way be achieved through learning basic skills of journalism and sign language so as to be able to provide quality services.

#### **4.9 Sustainability of the sign language interpreters in television newscasts**

According to the CAK, the programming code is there to stay and the standards must be adhered to at all times. Whereas it is possible to change the code after two years, the authority emphasizes that whatever changes that may happen will most likely be those of improving the implementation process or guidelines as opposed to compromising on the standards. Specifically on the issue under study, a senior CAK official said that “sign language is a must and is not only a national but international law that Kenya ratified and must adhere to” (CAK official, personal communication, October 2, 2016).

To ensure that the media stations stay compliant and get their licenses renewed, the Authority came up with a broadcasting service provider compliance returns form which requires all the licensed television and radio stations to submit yearly on compliance of the programming code as well as other set standards. Section 5 of the compliance form talks about accessibility of broadcasting services by Persons with Disabilities (PWDs). The section requires the television stations to indicate their strategies for ensuring PWDs have equal access to information as the able ones. For the deaf, they are required to show whether they provide signing or captioning as well as general programming content on PWDs. The senior official respondent from CAK emphasized that “Lack of compliance to this directive has its own consequences however minimal or maximum it may be and the media cannot claim not to be aware of this”.

There is also a December 2015 edition of the procedure for handling complaints related to broadcast content in radio and television. The CAK expects that members of the public familiarize themselves with the programming code so that they better understand what they are entitled to and how to detect when they are not getting what they should as well as how to report that. However, the Authority requires an individual/group or organization to first submit a complaint to the particular stations because all media owners understand the complaints procedure and most have a self-regulatory body, so that if the case is not solved, the Authority can

take charge. The complaints handling procedure requires that complaints relating to the programming code be first adopted by the self-regulatory body of a media station which should be solved in accordance with the body's enforcement mechanisms as approved by the CAK. A request to be given examples or number of complaints that have been submitted to them since the programming code took effect was rejected as the respondent cited confidentiality and data protection that must be followed especially in sensitive matters.

Section 3.9 of the complaints handling procedure talks of complaints submitted by PWDs whereby in such a case where a deaf person (s) has a complaint and is not able to communicate effectively due to language barrier, the Authority assigns an interpreter to assist and procedure is followed as should without compromising on anything.

## **5.0 SUMMARY, CONCLUSION AND RECOMMENDATIONS**

### **5.1 Summary of the findings**

The existence of insufficient data or statistics across many countries including Kenya about the situation of the deaf makes it difficult to quantify the amount or level of development that exists and that which is required to ensure the deaf have maximum access to information related in a format that they understand. This study revealed that Kenya is making considerable strides to ensure the inclusivity of the deaf population, given the international and national laws that protect their rights and needs including the UNCRPD and the Constitution of Kenya.

#### **5.1.1 The extent to which the Kenyan media have incorporated sign language during TV newscasts**

The establishment and execution of the programming code by the Communication Authority of Kenya which saw it published in the Kenya gazette in 2015 marked the beginning of a new chapter in the lives of the deaf in Kenya because just like the hearing, they would now have the opportunity to choose the television stations they preferred as opposed to when they were limited to KBC and KTN only. The stern warning by the CAK to recall licenses of television stations that did not accommodate the needs of the deaf either through captioning or sign language interpreters saw 13 out of 18 free-to-air television stations with news bulletins introduce sign language insets. This took effect as at 1<sup>st</sup> July 2016 as per the Authority's deadline. However, the study revealed that despite the programming code, not all television stations have fully complied.

Whereas it was expected that all newscasts would have an interpreter, it was noted that this was not consistent especially at 1pm, 4pm, 7pm and 9pm when some media stations chose which time to have an interpreter or have none at all. Currently, depending on whether one has an inbuilt digital platform television or using a free-to-air decoder, the following television stations under the signet and pang platforms and with signals in Nairobi provide a sign language interpreter inset at the bottom right corner of their television screens during newscasts at all or any of the 1pm, 4pm, 7pm and 9pm bulletins: KBC, KTN, NTV, Citizen TV, K24, Njata TV, Kyeni TV, Utugi TV, KU TV, Inooro TV, QTV, 3 Stones TV.

#### **5.1.2 Why some media houses have not fully incorporated sign language in TV newscasts**

The study revealed that the financial implication of employing interpreters and facilitating for them was a great concern across all television stations. The media owners argue that they were not consulted when developing and eventually publishing the programming code, something that caught them almost unawares when they have to adjust their budgets to include sign language interpreters. Some respondents argued that Government incentives would go a long way in making it easier for the media stations to comfortably provide sign language interpreters for the sake of the deaf. Moreover, the study also established that whereas at some point interpreters were willing to volunteer their services or at a reasonable fee, the implementation of the programming code has seen the same and other interpreters put exorbitant fees to their services, making them quite unaffordable. The fact that they charge approximately 3,000 KES for their services per hour also makes it difficult to employ them on a fulltime basis. The study established that in some stations immediately an hour passed, the sign language interpreter 'disappeared', meaning that the time he or she had been contracted to interpret had lapsed and therefore the deaf would not follow the remaining part of the news events.

#### **5.1.3 Challenges facing TV stations that have sign language interpreters**

After the incorporation of the sign language interpreters during television stations, the study revealed that the media are now faced with the challenge of providing quality and quantity interpreters so as to be able to meet the high demands of the deaf population. It was noted that quality is compromised due to untrained or unqualified interpreters, slow interpreters, and interpreters who do not understand the basics of journalism and hence miss out on some important aspects such as being ready when called upon anytime of the day or night. This makes it quite impossible for the deaf viewers to watch and understand things like breaking news and sometimes live reporting. The media owners argue that the sign language interpreters are not always available which makes it difficult for them to provide more programmes with sign language interpretations. Moreover, some that may be available may not meet the standards required by the different media stations who would not want to compromise on their quality by employing 'quacks'.

In summary, the study established that the media support the idea and need for the deaf to access maximum

interpreted information through television and that the slow progress to fully comply with the law is due to lack of enough time to adequately organize themselves especially financially and professionally in such a way that if they are to engage KNAD or KSLIA in recruiting qualified and acceptable interpreters, they would need to have meetings and probably sign a Memorandum of Understanding with them as opposed to the current open recruitment.

## 5.2 Conclusion

The inexistence of knowledge and research on the deaf community should not be an excuse for continued ignorance of the rights and needs of the deaf. Being an invisible disability, deafness has been seen to require vigorous expression and a loud voice for the rights and needs of the deaf people to be acknowledged and protected. The critical theory has been affirmed in this study which has revealed the need to emancipate the deaf who have been seen to almost accept the status quo, choosing to be satisfied with the minimum access to information through sign language that has been unwillingly provided by most television stations. The fact that both the deaf and media know that it is the deaf people's constitutional right to have equal access to information in television as the hearing, more awareness needs to be raised especially among the deaf on issues concerning having a voice, proper representation and participation through sign language in a manner that allows them to fully enjoy their freedoms and rights.

The Kenya Sign language is recognized by the constitution as one of the official languages that should be used just like English or Kiswahili. Unfortunately in Kenya, only a fraction of people are able to sign effectively. This is because if we had a few people specializing in English and another few in Kiswahili, communication would be almost impossible. Fortunately, English and Kiswahili are understood well by a majority of Kenyans who should feel challenged for ignoring or leaving Kenya Sign Language for the deaf only and starting with the media, show interest in learning it instead of waiting for laws like the programming code to get them 'unawares'.

It is also clear that the media are more focused on profit making than ensuring inclusion of all their products and services for consumers through meaningful participation in their television newscasts. Therefore more emphasis needs to be made on the need to recognize the deaf as capable of positively impacting the media but only if they are provided with the right platform and right mode of communication where they can significantly participate. In this case, provision of sign language interpreters to enable them to give and receive information as needed.

## 5.3 Recommendations for ensuring maximum access of information by the deaf

The media stations should consider being pro-active in their day to day activities and especially when it comes to matters of human rights and freedoms considering access to information which they provide. This will cushion them from being caught unawares when standards such as the programming code are set and they have to adhere to avoid penalties. Such preparedness will definitely contribute to provision of high quality of products and services as desired by consumers.

The media should also incorporate sign language interpreters in more programmes such as debates, interviews and live shows/events which may be of import to the deaf community. Basically, all other programs that are not acted but involve more of speech than action should actually be interpreted for the deaf persons who also need to enjoy or understand just like the hearing.

The media stations should consider recruiting sign language interpreters through the Kenya Sign Language Interpreters Association (KSLIA) which was registered under the Societies Act in December 2,000 with the mandate to ensure registration of all the professional KSL interpreters, certify them, continue education for practicing interpreters and resolve conflicts through enforcement of their code of ethics. This is because the regular recruitment process might miss out on the expertise and experience of professional interpreters as it may focus more on qualifications only while involving the key sign language professionals that in most cases represent views of many deaf people would ensure acceptability and quality of interpreters.

While providing captions or text scrolls running through the television screens during newscasts, it is important to have captions of reasonable size and ensure they are moderate in motion for the deaf to be able to read as the programmes are ongoing. This is to avoid the current situation whereby the text scrolls run through so fast that by the time a deaf person reads, internalizes and processes the information, he or she will have missed a lot more.

The interpreters should be thoroughly vetted to ensure that they communicate using the common Kenya Sign Language because the deaf community also has its own 'slung' language which is developed depending on the geographical location. This is important as it will ensure that the deaf clearly understand the signs.

Currently, there is a good number of interpreters in Kenya but the main concern is whether they are trained and qualified. KSLIA has 112 registered interpreters although there may be many others out there that claim to be interpreters whether formally trained or not. The most important thing to ensure quality is not compromised and make the interpreters more acceptable and understandable by the deaf is to use the deaf Kenyans themselves



to validate, clarify and know who is best suited to interpret for them on television. This can be efficiently done through KNAD and/or KSLIA. Indeed, interpreters need to interact a lot with the deaf to clearly understand their needs and ensure acceptability.

The policy makers including Communication Authority of Kenya and other government authorities that deal with issues of Persons with Disabilities (PWDs) and specifically the deaf should consider ensuring more involvement of the deaf community in making decisions that affect them directly or indirectly. For instance the captions or sign language interpreter inset which have both been criticized by the deaf consumers of newscasts as being too small and moving through the screen too fast to comfortably watch and understand. Consultations with the deaf population would ensure that they give their opinion on what would satisfy a majority of them.

There is need for more research on the population of the deaf in as statistics on the deaf population are not readily available or accurate. There is also need for more research to establish the most efficient and effective ways of ensuring that the deaf access maximum information on television through Kenya Sign Language.

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