



Deaf
Zimbabwe
Trust

ZIMBABWE SIGN LANGUAGE BILL, 2015

Sponsored by Deaf Zimbabwe Trust

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PART 1

ZIMBABWE SIGN LANGUAGE

Introduction

1 Short Title

This Act may be cited as the Zimbabwe Sign Language Act, Chapter...

2 Commencement

This Act comes into force on the day after the date on which it receives the Presidential assent.

3 Purpose

The purpose of this Act is to promote and maintain the use of Zimbabwe Sign Language by—

- (a) providing for the development, promotion and use of Zimbabwe Sign Language and generally advance the equality status of ZSL in relation to other official languages and its use generally within the Zimbabwean Society; and
- (b) ensure respect for ZSL as one of the official languages of Zimbabwe and ensure equality of status and equal rights and privileges as to its use in all government and private institutions, in particular with respect to its use in parliamentary proceedings, in legislative and other instruments, in the administration of justice, in communicating with or providing various services to the public and in carrying out the work of Government Institutions.
- (c) empowering the making of regulations setting competency standards for the interpretation of Zimbabwe Sign Language; and
- (d) stating principles to guide government departments and private institutions and organisations in the promotion and use of Zimbabwe Sign Language.

4 Interpretation

In this Act, unless the context otherwise requires,—

Auditory means of Communication includes voice, hearing, and hearing aids and devices.

Broadcasting Licensees means either radio or television broadcast licensees licenced in terms of the Broadcasting Services Act, Chapter 12:06

Deaf (with a capital D) means people who use Zimbabwe Sign Language (ZSL) to communicate, and identify themselves as members of the signing Deaf community. These people may also identify themselves as “Culturally Deaf.” They are more likely to have been born deaf or become deaf early in life, are pre-lingually deaf and use sign language as a primary or preferred communication mode.

deaf (with a small letter, d) means people who have a physical condition of hearing loss of varying degrees irrespective of which communication mode they use such as ZSL.

Deafness means the degree of loss of functional hearing in an individual who then depends upon visual rather than auditory communications

Deaf Blind means a concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that cannot be accommodated in special education programs solely for children with deafness or children with blindness

Deaf community means—

- (a) the distinct linguistic and cultural group of people who are either Deaf or Hard of Hearing who use Zimbabwe Sign Language as their first or preferred language; and
- (b) people who are Deaf and who identify with the group of people referred to in paragraph (a) above.

Deaf Culture includes the social beliefs, behaviours, art, literary traditions, history, norms values, and shared institutions of communities that are affected by deafness and which use sign languages as the main means of communication.

Government includes any of the following government tiers as defines in the Constitution of Zimbabwe;

- a) The Senate
- b) National Assembly
- c) The Executive
- d) Provincial and Metropolitan councils; and
- e) local authorities, that is to say –
 - i. *Urban Councils*
 - ii. *Rural Councils*
- f) Government Ministries, Departments or Agencies, Parastatals and State Enterprises
- g) Independent Commissions set up in terms of Section 232 of the Constitution of Zimbabwe

Hard of Hearing means hearing loss ranging from mild to severe and persons who are hard of hearing usually communicate through spoken language and can benefit from hearing aids, captioning and assistive listening devices.

Judge or Presiding officer, in relation to any legal proceedings, meansthe Judge, magistrate or any other person who is presiding over the proceedings.

Judiciary includes any of the following courts;

- a) The Constitutional Court
- b) The Supreme Court
- c) The High Court
- d) The Labour Court
- e) The Administrative Court
- f) The Magistrates Courts
- g) The Customary Law Courts; and
- h) Other courts or tribunals established by or under an Act of Parliament

Legal Proceedings means—

- (a) proceedings before any court or tribunal
- (b) proceedings before any Inquest hearing; and
- (c) proceedings to inquire into and report on any matter of public interest before—
 - (i) *a commission of inquiry under the Commissions of Inquiry Act ; or*
 - (ii) *a tribunal or other body having any of the powers of a commission of inquiry under any other enactment; or**that is required to inquire into and report upon any matter of particular interest to the Deaf community.*

Minister means, subject to any enactment, the Minister who is, with the authority of the President, for the time being responsible for the administration of this Act.

Sign Language Interpretation in relation to Zimbabwe Sign Language, means—

- (a) the expression in Zimbabwe Sign Language of words spoken in any of the Official Sign Languages provided for in Section 6 (1) of the Constitution of Zimbabwe; and
- (b) the oral expression in any one or more of the Official languages provided for in Section 6 (1) of the Constitution of Zimbabwe as expressed in Zimbabwe Sign Language.

Translation, in relation to Zimbabwe Sign Language, means—

- (a) the written expression in any of the Official Languages provided for in terms of Section 6(1) of the Constitution of Zimbabwe of messages expressed in Zimbabwe Sign Language; and
- (b) the signed expression in Zimbabwe Sign Language of words written in any of the Official Languages provided in Section (1) of the Constitution of Zimbabwe.

Visual means of Communication includes Sign Language, Lip-reading, speech reading and reading and writing.

Zimbabwe Sign Language or **ZSL** means the visual and gestural language that is the first or preferred language in Zimbabwe of the distinct linguistic and cultural group of people who are Deaf.

ZSL means Zimbabwe Sign Language

Zimbabwe Sign Language Interpretation Service Provider means Zimbabwe Sign Language Interpretation Service Providers duly licensed to provide such services under this Act.

5 Act binds the State

This Act binds both the State and Private Institutions or Organisations in Zimbabwe.

PART 2

ZIMBABWE SIGN LANGUAGE

Recognition

6 Zimbabwe Sign Language

- (1) Zimbabwe Sign Language is one of the official languages of Zimbabwe as provided for in Section 6 (1) of the Constitution of Zimbabwe.
- (2) The community of persons using Zimbabwe Sign Language shall have the right to use, develop and preserve Zimbabwean Sign Language, as well as to foster, extend and transmit Deaf culture.

7 The sign language interpreting service

- (1) The use of the free sign language interpreting service maybe requested from the sign language interpreting service providers financed by the State (hereinafter referred to as sign language interpreting service provider).
- (2) The sign language interpreting service providers shall perform interpreting services in Zimbabwean Sign Language.
- (3) When using free sign language interpreting service providers, the Deaf or Deafblind person shall have the option to choose any sign language interpreter upon the sign language interpreter's consent available at the sign language interpreting service provider.
- (4) In any other cases not regulated in this Act, the sign Language interpreting service shall be available for a specific fee.

8 The National List of Sign Language Interpreters

- (1) Sign language interpreting for the purpose of;
 - a) *free sign language interpreting service,*
 - b) *any public service activities and/or*
 - c) *oral examinations*

shall be performed only by persons with a clean criminal record, who are not under suspension of licence to practice the interpreting activities, and who have acquired the professional qualification defined in a regulation issued by virtue of the authorization granted by this Act and meet all other requirements specified therein.

- (2) Any person who intends to provide sign language interpreting services as defined in Subsection (1) shall announce such intention in an application to be submitted to the authority responsible for administering the National List of Sign Language Interpreters (hereinafter referred to as 'the List'). The application shall contain the applicant's personal identification data.

- (3) The authority administering the List shall keep records of persons entitled to perform the sign language interpreting activities upon their application being submitted as per Subsection (2) hereof.
- (4) The List shall contain the sign language interpreter's
 - a) *personal identification data,*
 - b) *contact address,*
 - c) *any other contact information (telephone number, e-mail address) upon his/her consent, title of his/her professional or vocational qualification or partial qualification, the number of the relevant diploma or certificate, the place and date of issue and the name of the issuing institution,*
 - d) *a description of his/her activity (competence),*
 - e) *the types of interpreting he/she undertakes to perform,*
 - f) *the date of his/her entry into the List.*
- (5) From the information entered in the List, the authority administering the List may disclose the following data of the registered sign language interpreters at its website:
 - a) *name,*
 - b) *contact address,*
 - c) *any other contact information upon his/her consent,*
 - d) *title of his/her professional or vocational qualification or partial qualification,*
 - e) *a description of his/her activity (competence),*
 - f) *the types of interpreting he/she undertakes to perform.*
- (6) The competent authority shall cancel from the List the data of any sign language interpreters who request such cancellation, as well as the data of those who fail to meet the requirement of clean criminal record or are under the suspension of licence to practice the interpreting activity. The authority administering the List shall handle the data of sign language interpreters cancelled from the List separately.
- (7) The authority administering the List may, at any time, check the existence of any of the exclusion criteria set forth in Subsection (6), and may require sign language interpreters applying for registration or already registered on the List to present an official certificate proving that no such exclusion criteria exist with respect to them.
- (8) The authority administering the List may handle the data contained in the official certificate until the checking is completed or, if as a result of the checking the data of the sign language interpreter is deleted from the List, until the cancellation procedure is finally and definitively completed.
- (9) The authority administering the List shall keep the data cancelled from the List for a period of 5 years after their cancellation and shall delete them finally and definitively thereafter. After the data of a sign language interpreter are cancelled from the List, the authority administering the List may disclose such data only to the investigation authority, the prosecutor or the court upon their request in any criminal proceedings relating to the sign language interpreter's activity.
- (10) Application for entry into the List shall be subject to an administrative service fee, the amount of which is specified in a separate law.

9 Confidential

- (1) The Sign Language interpreter shall handle any data, fact or information he /she may become aware of in connection with his /her activity in a confidential manner, and this obligation shall continue in force after the termination of his/her activity.

- (2) Such confidentiality shall not apply to the event that the Deaf or DeafBlind person releases the sign language interpreter from such obligation, or the disclosure of any data, fact or information required by law

10 Rights of Minor Deaf or Deaf Blind Children

Minor Children who are Deaf or Hard of hearing shall be entitled to:

- (1) Appropriate screening and assessment of hearing and vision capabilities and communication and language needs at the earliest possible age and to the continuation of screening services throughout the educational experience.
- (2) Early intervention to provide for acquisition of solid language bases developed at the earliest possible age.
- (3) their parents' or guardians' full and informed participation in their educational planning.
- (4) adult role models who are Deaf or Hard of hearing.
- (5) meet and associate with their peers.
- (6) qualified teachers, interpreters, and resource personnel who communicate effectively with each child in that child's mode of communication.
- (7) placement best suited to each child's individual needs, including but not limited to social, emotional, and cultural needs, with consideration for the child's age, degree of hearing loss, academic level, mode of communication, style of learning, motivational level, and amount of family support.
- (8) individual considerations for free, appropriate education across a full spectrum of educational programs.
- (9) full support services provided by qualified professionals in their educational settings.
- (10) full access to all programs in their educational settings.
- (11) have the public fully informed concerning medical, cultural, and linguistic issues of deafness and hearing loss.
- (12) where appropriate, to have Deaf and Hard of hearing adults directly involved in determining the extent, content, and purpose of all programs that affect their education.

11 Proceedings of Parliament

- (1) ZSL is also an official language of Parliament, and everyone has the right to use it in any debates and other proceedings of Parliament.
- (2) Facilities shall be made available for the simultaneous interpretation of the debates and other proceedings of Parliament from one official language into the other.
- (3) Everything reported in official reports of debates or other proceedings of Parliament shall be reported in the official language in which it was said and a translation thereof into the other official language shall be included therewith.

- (4) A Member of Parliament may use the Zimbabwean Sign Language or any special communication system upon his/her own choice at any sessions of the Parliament, committee meetings, as well as the meetings of committees. The Parliament shall provide for all costs of use of the Zimbabwean Sign Language or the special communication system

12 Administration of Justice

- (1) In any legal proceedings, any of the following persons may use Zimbabwe Sign Language, where the person's first or preferred language is ZSL:
- (a) Any member of the court, tribunal, or body before which the proceedings are being conducted:*
 - (b) any party or witness:*
 - (c) any counsel or other person representing a party in the proceedings:*
 - (d) any other person with leave of the presiding officer.*
- (2) Every Court or tribunal has, in any proceedings before it, the duty to ensure that any person giving evidence before it may be heard in the official language of his choice including ZSL, and that in being so heard the person will not be placed at a disadvantage by not being heard in the other official language
- (3) Every Court or tribunal has, in any proceedings conducted before it, the duty to ensure that, at the request of any Party to the proceedings, facilities are made available for the simultaneous interpretation of the proceedings, including the evidence given and taken, from ZSL into another official language or from one official language into ZSL.
- (4) Every Court or tribunal may, in any proceedings conducted before it, cause facilities to be made available for the simultaneous interpretation of the proceedings, including evidence given and taken, from ZSL into one official language or vice versa where it considers the proceedings to be of general public interest or importance or where it otherwise considers it desirable to do so for members of the public in attendance at the proceedings
- (5) The right conferred by subsection (1) to use ZSL shall not—
- (a) entitle any person referred to in that subsection to insist that any person who is not an interpreter for the purposes of the proceedings address or answer him or her in ZSL; or*
 - (b) entitle any such person other than the presiding officer to require that the proceedings or any part of them be recorded in ZSL.*
- (6) Where the presiding officer in any legal proceedings is aware that any person entitled under subsection (1) to use ZSL in those proceedings intends to do so, the presiding officer must ensure that a competent interpreter is available.
- (7) Where, in any proceedings, any question arises as to the accuracy of any interpretation or translation from ZSL into spoken or written language or from spoken or written language into ZSL, the question must be determined by the presiding officer in such manner as the presiding officer thinks fit.
- (8) Regulations made under this Act and rules of court or other appropriate rules of procedure made under any enactment may require any person intending to use ZSL in any legal proceedings to give reasonable notice of that intention, and generally regulate the procedure to be followed where ZSL is, or is to be, used in such proceedings.
- (9) Any such regulations or rules of court or other appropriate rules of procedure may make failure to give the required notice a relevant consideration in relation to an award of costs, but no person may be denied the right to use ZSL in any legal proceedings because of such failure.

13 Interrogations

- (1) Upon his/her request, a Deaf person shall be heard or interrogated by any competent authority including the police with the involvement of a sign language interpreter, or he/she may make a written statement instead of the hearing or interrogation.
- (2) Should the person to be heard be Deafblind, at his/her request he/she shall be heard or interrogated with the involvement of a sign language interpreter.
- (3) Upon his/her request, a speech-impaired person shall be allowed to make a written statement instead of the hearing or interrogation."

14 Zimbabwe Sign Language in Education

(1) **Medium of Instruction and Curriculum**

- (a) *The Government Ministries and Departments responsible for education at all levels in Zimbabwe shall ensure that all public and private institutions responsible for or involved in Deaf education in Zimbabwe shall use Zimbabwe Sign Language as the medium of instruction in Deaf education.*
- (b) *Zimbabwe Sign Language shall be taught as a separate subject in the curriculum for Deaf learners and shall accordingly be an examinable subject at all levels of public Examinations administered in Zimbabwe.*
- (c) *The reading and writing of other official spoken language of Zimbabwe including English, Ndebele and Shona shall also be taught to Deaf learners.*

(2) **Early Childhood Care**

All Childhood care and development programmes provided by the government and other private institutions providing education for the Deaf shall enable age adequate ZSL acquisition to pre-school age Deaf children and their families.

(3) **Deaf Teachers**

To promote the training, recruitment and hiring of Deaf Teachers who use ZSL, the Public Service Commission and Private schools providing Deaf education are directed to provide affirmative action measures by administering alternative assessment procedures which shall consider the conditions and abilities of the Deaf and be language –appropriate and culture fair to Deaf education graduates.

(4) **ZSL in Teacher Training Programmes for Deaf Education**

ZSL shall be included as a separate subject in the curriculum of training programmes for teachers in Deaf Education.

(5) **Training and Evaluation Programmes**

- (a) *To improve the quality the quality of teachers in Deaf education, all national and local government agencies, centres and private institutions and programmes providing education to the Deaf learners, are hereby tasked to institute periodic training and evaluation programmes for their teachers.*
- (b) *Training and evaluation shall be designed and taught in consultation with the representatives of the Zimbabwean Deaf community.*

15 ZSL in Broadcast Media

- (1) ZSL shall be the official language of broadcast media interpreting. To guarantee access to information and freedom of expression of the Zimbabwean Deaf, the Broadcasting Authority of Zimbabwe shall within a reasonable period upon the effective date of this Act, require ZSL interpreter inserts in news and public affairs programmes.
- (2) The public service and national television broadcaster with the exception of specialized broadcasters shall ensure that in the course of its broadcasting service;
 - a) *all announcements and unless otherwise implied by the nature of the programme newscasts of public interest,*
 - b) *motion pictures and public service programmes;*are produced and broadcasted with English subtitles, captions or sign language interpreting for at least ten hours in 2014 and entirely as from year 2015 with respect to each calendar day.
- (3) Any programmes started by the broadcaster with subtitles or sign language interpreting between 6.00 a.m. and 10.00 p.m. shall be continued to be broadcast for the entire duration of the programme, without injuring its integrity with subtitles and/or sign language interpreting.

16 ZSL in All Workplaces

ZSL shall be the official language of the Zimbabwean Deaf employed in the public and private service. For this purpose, every public and private institution employing Deaf persons shall take reasonable measures that would encourage the use of ZSL among its Deaf and hearing employees, including the conduct of awareness and training seminars on the rationale and use of ZSL.

17 ZSL in the Health System

State and Private hospitals and health centres shall take steps to ensure access of the Deaf to health service, including the free provision of ZSL interpreters for Deaf patients.

18 ZSL in All Other Public Transactions, Services and facilities

- (1) As the medium of official communication, all national and local government agencies and private organisations are hereby directed to use ZSL in all public transactions involving the Deaf.
- (2) ZSL interpreting shall be provided whenever necessary or requested in all government offices and during forums, conferences, meetings, national gatherings, cultural events, sports competitions, community affairs, and all other activities conducted by government Ministries, agencies, departments as well as private organisations.

19 Principles to guide government departments

- (1) A government department should, when exercising its functions and powers, be guided, so far as reasonably practicable, by the following principles:
 - a) the Deaf community should be consulted on matters relating to ZSL (including, for example, the promotion of the use of ZSL);
 - b) ZSL should be used in the promotion to the public of government services and in the provision of information to the public;

- (c) government services and information should be made accessible to the Deaf community through the use of appropriate means (including the use of ZSL).
- (2) Consultation carried out by a government department under subsection (1)(a) is to be effected by the chief executive of the government department consulting, to the extent that is reasonably practicable, with the persons or organisations that the chief executive considers to be representative of the interests of the members of the Deaf community relating to ZSL .
- (3) The purpose of the principles in subsection (1) is to promote access to government information and services for the Deaf community, but nothing in subsection (1) is to be read as conferring on the Deaf community advantages not enjoyed by other persons.

20 Promotion of ZSL

- (1) The Ministry of Primary and Secondary Education and the Ministry of Higher and Tertiary Education and other national and local agencies involved the education of the Deaf shall take appropriate measures to propagate sign language competency among hearing people, by offering ZSL as an optional language subject in the regular or mainstream curriculum, among others.
- (2) State Universities, Colleges and Vocational training institutions are directed to undertake continuing research for the Development, propagation and preservation of ZSL.

21 Rules of Financing

- (1) The funds required for the free sign language interpreting service and the operation of the sign language interpreting service providers are included in the current Budget and shall represent 1% of the National Budget to be allocated to the Ministry of Labour, Public Service and Social Welfare.
- (2) The State supports the operation of sign language interpreting service providers on the basis of financing agreements concluded with the operators of such services, in accordance with the rules of tendering laid down in a separate law.
- (3) In the case of a public service activity, the cost of sign language interpreting shall be borne by the agency, organization or institution performing the activity or providing the service.
- (4) In the case of oral examinations organized under the Education Act, Chapter 25:04, the Manpower Planning and Development Act, Chapter 28:02 and any other relevant Act, the cost of sign language interpreting shall be borne by the institution organizing such Examination.

22 Monitoring of the Implementation of this Act

- (1) The Ministry of Primary and Secondary Education, Ministry of Higher and Tertiary Education, National Association of the Deaf and Other Organisations working with the Deaf, Ministry of Information, Media and Broadcasting Services, Broadcasting Authority of Zimbabwe, Ministry of Health including individuals and institutions with knowledge and experience in ZSL and its use, shall form an Inter-Agency Committee which shall convene a meeting once every year to make an annual assessment of the implementation of this Act.
- (2) The Report of the Inter-Agency Committee shall be transmitted annually to the Parliamentary Committee on Education and Culture and published in accessible formats on their respective websites and through other means necessary.



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