



EUD SEMINAR: UNITED IN DIVERSITY (AGAINST DISCRIMINATION)

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University of Luxembourg


The strategy of the World Federation of the Deaf regarding the UN International Convention on the Rights of Persons with Disabilities


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Background


- At the moment WFD has Ordinary Members with voting rights in 127 countries (in comparison, UN has 198 member countries). Especially in Africa, Asia and Latin America there are countries where deaf people do not have their own organisation, nor does WFD have information on the conditions of deaf people in these countries.


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- In addition, WFD has 7 regional secretariats, one of which is not functioning (CERS) – majority of CERS members belong to EU now and have joined EUD as members, and one of the regional secretariats (an organisation that consists of 22 Arab countries) still is an Interim Regional Secretariat. EUD and WFD have a co-operation agreement.


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- WFD has a consultative status in the UN and has its delegates in the UN Panel of Experts concerning the Standard Rules. WFD is also a member in the International Disability Alliance IDA. It is good to know this whole structure, when I am telling you about the WFD strategy concerning the Convention.


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- WFD has participated in all five Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities meetings and before that in an expert meeting that was held in Mexico in the spring of 2002 and in a Working Group meeting where the draft text of the Convention was prepared.

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- The numbers of the organisations of persons with disabilities and also the government delegations have grown from one meeting to the next. The government delegations have mainly been from two bodies: from the ministry of social, health and welfare and the ministry of foreign affairs.

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- The delegates from the embassies of the UN member states have also participated in the Ad Hoc meetings. Thus the meetings have had a strong both social and political aspect involved. Also the number of persons with disabilities has grown in the government delegations.


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- Compared with other disability groups the number of deaf delegates has been small in all meetings. Five deaf delegates, two of whom did not have their own sign language interpreters with them participated in the last meeting, the Fifth Session.

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- This kind of representation can take place either in the NGO delegation or being a member in the government/country delegation. A deaf delegate from a developing country has been a member in a government delegation a couple of times, but neither of them had a sign language interpreter with them because of lack of funds of the government.

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- The expenses of the WFD delegates and their interpreters, as well as the representative of the WFD OM have been covered by the national association of the deaf of that country (Japan, USA, Finland etc.) It is possible to apply funding from the UN Disability Fund to cover the meeting expenses. Only one deaf person has received support from the fund for the participation.

The WFD objectives concerning the Convention, what WFD wants to obtain

- The draft text of the Working group included a proposal for the purpose and five principles, where the government representatives have proposed to be added over ten other principles.




Draft Article 2

GENERAL PRINCIPLES

The fundamental principles of this Convention shall be:

(a) dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;




(b) non-discrimination;

(c) full inclusion of persons with disabilities as equal citizens and participants in all aspects of life;


(d) respect for difference and acceptance of disability as part of human diversity and humanity;


(e) equality of opportunity.





The WFD objectives concerning the Convention can be expressed in short with the principles expressed in the draft text. In more detail they mean the following:


- the right to be deaf, live as a deaf person and to make choices regarding one's own life
- to secure indiscrimination in all fields of life

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- recognition of sign language as a language (in the Fifth Session sign language was recognised as a language and separated from the 'modes and means of communication')
 - recognition of national sign languages in a general level or in legislation (this issue is still open)

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- the right to education in one's own language in one's own language group with bilingualism or multilingualism as an objective (the article concerning education will be discussed at the Sixth Session)
 - to get sign language interpreting services written in the Convention to secure access to services and participation (to be discussed at the next Ad Hoc meeting)


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- recognition of the linguistic and cultural identity in sign language of deaf people, securing independent cultural services in sign language and access to general cultural services (includes literature, media etc.) (possibly to be discussed at the next meeting)

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- to secure that none of the 25 articles have any points that discriminate deaf people or decrease or limit their rights, but that all the articles will support the fulfilment of the rights of deaf people


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- Especially important for deaf people are Article 13 - Freedom of expression and opinion, access to information, Article 17 – Education, Article 19 – Accessibility and Article 24 – Participation in cultural life. Actually all 25 articles are important and the WFD representatives have had to attend to the matters completely and participate in the discussions of the text in many different ways.

Problems


- Many countries still have great difficulties in accepting sign language as a language. Discussion on this will probably still continue at the next meetings. For instance, in their own meeting of the EU member countries long time was spent on discussing on the following wording “sign language, sign languages and Sign Language(s)”.




Many countries still think that there is one sign language means, such as Braille, and they think that only one sign language is needed. That is why the discussion on this subject took so long.


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- After a lengthy discussion the Fifth Session decided to separate sign languages from other means, and use the following wording for the Article 13 introductory paragraph **“sign language (s), and Braille and augmentative alternative communication and all other accessible means, modes and formats of communication or their choice”**.


This wording emphasises the status of sign language as a language, not as means of communication.

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- It is even more difficult a question to get the WFD wish accepted to have “sign languages recognised in national legislation “in the Convention. This was something the governments constantly wanted to discuss with the WFD representatives at the meeting because many countries do not have any points in their constitution nor legislation where sign language could be adapted.




This issue WFD should prepare for the 2006 meeting in co-operation with human rights experts. Lawyers who are experts in this issue in the UN and human rights bodies are interested in co-operation with WFD in this issue. If a good solution can be found, WFD can help governments to make good decisions in getting sign language recognition included in the Convention.

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- Another difficult question is inclusion. WFD is in the same lines with other persons with disabilities in "full inclusion of persons with disabilities as equal citizens". Societies should be suitable for all, also for deaf people, and services should be accessible for all. WFD does not support such inclusion in education which limits the balanced development, interactive and learning possibilities of a deaf child.




In this issue we still have a problem with governments, but other organisations of persons with disabilities have started to support the WFD view, and we hope that this will have an effect.


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- There have been too few deaf delegates at the Ad Hoc meetings. More are needed for sure because there are several events from early in the morning till late at night during the Ad Hoc meetings, and many of the events happen parallel/on top of each other, in other words at the same time, even during lunch breaks. In addition, WFD has its own discussions, we need to write texts, make proposals and lobby.


Strategies


1. During the Ad Hoc meeting WFD moves in many fronts at the same time.


- During the Ad Hoc meeting it is important to co-operate with the other organisations of persons with disabilities to get joint proposals,
- with the government representatives to get the WFD views known,

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- with the facilitator of each article to get the wording in the article which promotes the rights of deaf people,
 - with the chairman, co-ordinator and secretariat of the meeting about especially difficult questions.

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- This requires participation in the meetings of the Disability Caucus in the morning and during lunch where issues concerning the Ad Hoc meeting practice, procedure, information activities, content questions, joint proposals, questions concerning meetings and organising events, and in the evening participation in the theme working group meetings for different articles where the joint text proposal of the articles from the Caucus is prepared.


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- In case some article text is not good from deaf persons' viewpoint and seems to violate the rights of deaf people, WFD will organise a lunch or other meetings with the government representatives or the facilitator responsible for that article.


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- It is important also to follow the panel discussions during the meeting and side events organised by different bodies because they provide useful information.


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- WFD has also organised one side event to increase the knowledge of the meeting participants of sign language as a language, importance of sign language and what the status of sign language is in legislation of different countries. This side event on sign language made co-operation with the government representatives easier and WFD also received valuable help and support from some government representatives.

2. Co-operation in between the Ad Hoc meetings also takes place in various ways.


- Organisations of persons with disabilities have set up TWG-groups in the net where they discuss the articles of in the agenda of the next meeting and agree on joint proposals for the text and also many other issues in between the meetings.


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- WFD has delegated the work between some Board members for them to participate in the discussions depending on their special know-how and skills.


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- WFD has sent letters to its member organisations where the Ad Hoc procedure has been explained, the importance of the Convention and what kind of important articles will be discussed at the next meeting, and asked the member organisation representatives to contact the government representative of their own country who will participate in the next Ad Hoc meeting.


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- This plea to the member organisations has also included the WFD text proposal to be used in the discussions with the government representatives and member organisations.


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- Only a few government delegates has come to us during the Ad Hoc meeting and told us that the organisation of the deaf in our country has contacted us and asked us to support the WFD proposal. The Japanese association of the deaf has supported the WFD views especially strongly during the Convention process, in the Asia/Pacific regional meetings of persons with disabilities and with the government representatives from Japan.

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- According to the EU countries delegates, the deaf organisations of the Nordic countries, UK and Ireland and sometimes also some other deaf organisation have contacted them.


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- The EU countries have always a joint proposal at the meeting. In most EU countries the status of sign language is quite weak and information on sign language is available only in a few countries.


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- That is why the EU countries have a different approach to sign language and the EU proposal usually is based on the majority view (based on the countries situation where the status of sign language is weak). WFD is worried about this because EU has an important status in the Ad Hoc meetings.


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- Our letters have also included a suggestion to participate in the Ad Hoc meetings either in government or their own organisation representative. Only few countries have followed this invitation, as well as our wish for them to co-operate with other organisations of persons with disabilities and to participate in meetings in their own country where the Convention is discussed.



Lack of sign language interpreters has been the biggest obstacle in the participation of deaf people from developing countries.

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- WFD member organisations should constantly be reminded that they should inform the representatives of their own country at the Ad Hoc meetings (who participate in the Ad Hoc meetings) about issues concerning sign language. It would be wonderful, if the UN member states representatives could have enough basic information on sign languages, when they come to the meetings.

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- The WFD representatives have organised training for deaf people and given lectures about the Convention and its importance and possibilities for participation, when they have visited member organisations and regional meetings.
 - WFD General Secretary has sent reports from the Ad Hoc meetings to the member organisations.

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- WFD will organise a workshop for its member organisation concerning the Convention on 29.9 this year and an open international human rights conference where international organisations of persons with disabilities and human rights organisations have been invited in addition to the WFD member organisations.
 - We have an intention to produce a video in international signing for educational and information purposes in the near future. This will also be put in the WFD web pages.

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- The WFD resources in the advocacy work concerning the Convention and in co-operation with the other organisations of persons with disabilities are after all very small. The results would be much better, if the WFD member organisations participated in the Convention process more actively on a national, regional and international level both in between the Ad Hoc meetings and during it.