

Perspectives of the World Federation of the Deaf on Standard Rules, Disability Convention and Other Human Rights Instruments



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UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

- II. TARGET AREAS FOR EQUAL PARTICIPATION
- **Rule 5. Accessibility**
- Rule 6. Education
- Rule 7. Employment
- Rule 8. Income maintenance and social security
- Rule 9. Family life and personal integrity
- Rule 10. Culture
- Rule 11. Recreation and sports
- Rule 12. Religion

The Standard Rules

- (b) Access to information and communication
- ***7. “Consideration should be given to the use of sign language in the education of deaf children, in their families and communities. Sign language interpretation services should also be provided to facilitate the communication between deaf persons and others.”***

The Standard Rules

- Rule 6. Education
- 9. *“Owing to the particular communication needs of deaf and deaf/blind persons, their education may be more suitably provided in schools for such persons or special classes and units in mainstream schools. At the initial stage, in particular, special attention needs to be focused on culturally sensitive instruction that will result in effective communication skills and maximum independence for people who are deaf or deaf/blind.”*

Impact on Situation of Deaf People?

- WFD member organisations and other deaf organisations have been used Standard Rules to improve life conditions and participation of deaf people
 - it has been an useful tool
 - some results:
 - **Promoting status of Sign Languages through legislation in over 35 countries**
 - **Sign Language interpretation services expanded**
 - **Right to use SL in deaf education somewhat improved**

Government Implementation of the Standard Rules As Seen By Member Organizations of WFD by The Institute on Independent Living ,1997 (Dimitris Michailakis)

- the questionnaire sent not only to the governments of the UN Member States, but also to 600 national NGO's within the disability field
- ***among the total of 163 replies from NGO's, the 31 replies came from WFD***

- Answers from WFD organizations came from all regions.
- The region with the highest rate of responses is the Sub-Saharan Africa, followed by the industrialized countries. The Middle East and North Africa as well as South, East Asia and the Pacific are the regions with the lowest rates of responses.

- **Industrialized countries**

- Australian Association of the Deaf, Australia
- Österreichischer Gehörlosenbund, Austria
- Deutscher Gehörlosen-bund E.V., Germany
- Greek Federation of the Deaf, Greece
- Deaf Association of New Zealand, New Zealand
- Norges Døveforbund, Norway
- Swedish National Association of the Deaf, Sweden
- National Association of the Deaf, USA
- **Middle East and North Africa**
- Association of the Deaf, Egypt

- ***Countries in transition***

- The Hungarian National Association of the Deaf, Hungary
- Latvian Association of the Deaf, Latvia
- Polish Association of the Deaf, Poland
- Byelorussian Association of the Deaf, Republic of Belarus
- Slovak Union of the Deaf and Hard of Hearing, Slovak Republic
- Ukraine Society of the Deaf, Central Board (USD CB), Ukraine

- ***Latin America and the Caribbean***

- National Association of the Deaf, Belize
- National Federation of the Deaf, Brazil
- WFD, Costa Rica
- Federacion Venezolana de Sordos, Venezuela

- ***Sub-Saharan Africa***

- Association Nationale des Sourds du Benin, Benin
- Association Nationale des Deficients Auditif du Burkina Faso, Burkina Faso
- The Gambia Association of the Deaf and Hard of Hearing, Gambia
- Association Nationale des Sourds de Cote d'Ivoire, Ivory Coast
- Kenya National Association of the Deaf, Kenya
- Deaf Federation of South Africa (DEAFSA), South Africa
- Swaziland National Association of the Deaf, Swaziland
- Association des Sourds du Togo, Togo
- Association Nationale des Sourds du Zaire, Zaire
- Association of the Deaf, Zimbabwe

- ***South, East Asia and the Pacific***

- Macau Deaf Association, Macau
- Organization of the Deaf, Malaysia

The status of sign language as reported by WFD organizations:	Frequency	Valid Percent
Recognized as the official language	11	36,7
As the first language in education	4	13,3
As the main means of communication	4	13,3
No officially recognized status	11	36,7
	Total 30, No answer 1	

Services to facilitate information/communication	Frequency	Valid Percent
Literature in Braille/tape	16	57,1
News magazines on tape/Braille	10	35,7
Sign language interpretation for any purpose	12	42,9
Sign language interpretation for major events	7	25,0
Easy readers for persons with mental disabilities	2	7,1
None	7	25,0

Total 28, No answer 3

- **Participation in policy-making (frequency, valid percent):**
 - WFD organizations reporting participation 10 33,3
 - WFD organizations reporting no participation 20 66,7
 - Total 30, No answer 1

**Comprehensive and Integral
International Convention on the
Protection and Promotion of
the Rights and Dignity of
Persons with Disabilities**

~ Disability Convention

- 6 sessions

- 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.

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

- 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)

- the right to education in one's own language in one's own language group with bilingualism or multilingualism as an objective
- to get sign language interpreting services written in the Convention to secure access to services and participation

- 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.)

- 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

- 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.

Article 13 -

Freedom of Expression and Opinion, and Access to Information

Facilitator proposal as of 1 February 2005 (5th Session)

- States Parties shall take appropriate measures to ensure that persons with disabilities can exercise their right to freedom of expression and opinion and to seek, receive and impart information on an equal basis with others and through appropriate modes of communication of their choice, **including sign languages** and augmentative and alternative means of communication, including by:
- States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise their right to freedom of expression and opinion including the freedom to seek, receive and impart information and ideas on an equal basis with others and through **sign languages**, and Braille and augmentative alternative communication and all accessible means, modes and formats of communication of their choice, including by:

- **“b) Accepting and facilitating the use of sign languages, and Braille and augmentative alternative communication and all other accessible means, modes and formats of communication of their choice in official interactions;**
- **c) Promoting opportunities for training to use sign languages, and Braille and augmentative alternative communication and all other accessible means, modes and formats of communication of their choice;”**

- e) Promoting other appropriate forms of assistance and support to persons with disabilities to ensure their access to information, including supporting and where appropriate, developing training programs for assistants, intermediaries, **interpreters**, note takers and readers;
- h) [**Developing/recognizing/promoting a national sign language;**]

Text of the Facilitator, 8 August 2005 (6th Session)

- Draft Article 17 Education,
- 3 (b):
 - “facilitate the learning of sign language and the promotion of the linguistic identity of the Deaf Community;..”
- 4. “States Parties shall take appropriate measures to ensure quality education with sensory disabilities by ensuring the employment of teachers who are fluent in sign language or Braille.”

Text of the Facilitator

- Draft article 19 – ACCESSIBILITY 1:
- 2 (b):
 - “ Provide qualified personnel to assist and guide persons with disabilities in buildings and facilities which the members of the public have the access, including guides, readers and sign language interpreters, in order to facilitate accessibility to the above mentioned buildings and facilities.”

Text of the Facilitator

- Article 24 Participation in cultural life, recreation, leisure and sport
- “3. Persons with disabilities belonging to ethnic, religious or linguistic minorities or indigenous groups shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including deaf cultures and sign languages.”

Linguistic Human Rights

(Skutnabb-Kangas, 2003)

- **linguistic rights more accepted as part of human rights**
- **now seen as linguistic human rights (Language rights + Human rights = Linguistic human rights)**
LHRs

Linguistic Human Rights

(Skutnabb-Kangas, 2003)

- **recent language or education related instruments:**
 - **OSCE's Hague Recommendations**
 - **Council of Europe's regional instruments:**
 - **European Charter for Regional or Minority Languages**
 - **Framework Convention on the Protection of National Minorities**
- **more and more indigenous people, minorities and Sign Language Users are now aware of the concept of LHRs**

Linguistic oppression

- Deaf children like other minority children are taught through the medium of a dominant language (subtractive teaching)
- It prevents profound literacy and gaining the knowledge and skills that would correspond to their innate capacities and would be needed for socio-economic mobility & democratic participation
- Over 98 % of deaf children in the world never receive education in their most fluent language, Sign Language, the language of their group

Status of the Deaf as a group (Skutnabb-Kangas, 2003)

- The Deaf are a linguistic minority according to definitions in international law

Common false arguments

- **Sign Languages**

- **are connected with disability, not with membership to a group (cultural, ethnic or religious)**

- **are means of communication within any language**

Sign Languages are minority languages

- **Sign languages are complete, independent languages. They are not related to oral languages in the countries where they exist.**
- **Sign languages are historical languages.**
- **Most languages in the world (at least 2/3 of oral languages) do not have a writing system or are not used habitually for writing.**

The Deaf fulfill all the criteria of minority and are thus a national minority

- 1. they are as a group 'smaller in number than the rest of the population of a State;
- 2. they 'have ... linguistic features different from those of the rest of the population'; and
- 3. they have, through their organizations, shown 'the will to safeguard their culture, traditions ... or language.'

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Linguistic genocide

(Skutnabb-Kangas, 2003; Jokinen, 2000)

- **UN International Convention on the Prevention and Punishment of the Crime of Genocide (E793, 1948) has six definitions of genocide.**

Two of them fit today's indigenous & minority education

- **Article II(e): *'forcibly transferring children of the group to another group'*; and**
- **Article II(b): *'causing serious bodily or mental harm to members of the group'*; (emphasis added).**

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- It prevents profound literacy and gaining the knowledge and skills that would correspond to their innate capacities and would be needed for socio-economic mobility & democratic participation
- Over 98 % of deaf children in the world never receive education in their most fluent language, Sign Language, the language of their group
- ” *forcibly transferring children of the group to another group*’;

- Trying to force Deaf children to become oral only, to the exclusion of Sign languages and preventing them from fully developing a Sign language in formal education, deprives them of the chance of learning through this education the only type of language through which they can fully express themselves.
- Since they do not share this mother tongue with their parents, they are completely dependent on formal education to really develop it to the highest possible level.
- **Article II(b): '*causing serious bodily or mental harm to members of the group*'; (emphasis added).**

- **According to the genocide definitions in the UN Genocide Convention Deaf children and adults suffer linguistic and cultural genocide every day all over the world**

Do binding Articles in international or European human rights instruments grant basic linguistic human rights to linguistic minorities, especially in education?

NO!

Language disappears in binding educational paragraphs in human rights instruments 1

- **The Universal Declaration of Human Rights (1948):** the paragraph on education (26) does not refer to language at all.

Language disappears in binding educational paragraphs in human rights instruments 2

The **International Covenant on Economic, Social and Cultural Rights** (1966) mentions language on a par with race, colour, sex, religion, etc. in its general Article (2.2). Its educational Article (13.1) explicitly refer to 'racial, ethnic or religious groups' but omits reference to language or linguistic groups:

- ... education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all **racial, ethnic or religious groups** ... (emphasis added)

**Binding educational clauses of
human rights instruments
have more opt-outs,
modifications, alternatives, etc
than other Articles**

**But even if there were some
binding educational
linguistic human rights,
Sign language users can
still be excluded from them.**

Any Sign languages in the ratifications?

NOT ONE SINGLE COUNTRY has signed or ratified the *European Charter for Regional or Minority Languages* for any Sign language so far (July 2003)

- **The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (adopted in 1979)?**
- **The Convention on the Rights of the Child (adopted in 1989)?**

Conclusion

- **The Deaf are a linguistic minority, and Sign languages are minority languages**
- **Through recognition of our languages our human rights will be fulfilled**
 - **receiving education, information and services in our own languages**
 - **equal communication with others in our own language**

- **No linguistic human rights -> no other human rights will be fulfilled -> disables deaf people**
- **Linguistic human rights of deaf people in Disability Convention and other human rights instruments -> full human rights = equal citizens**