

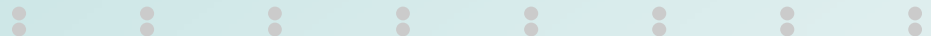


World Federation of the Deaf

Legal Measures required by the Convention on the Rights of Person with Disabilities

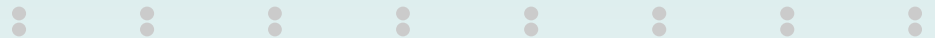
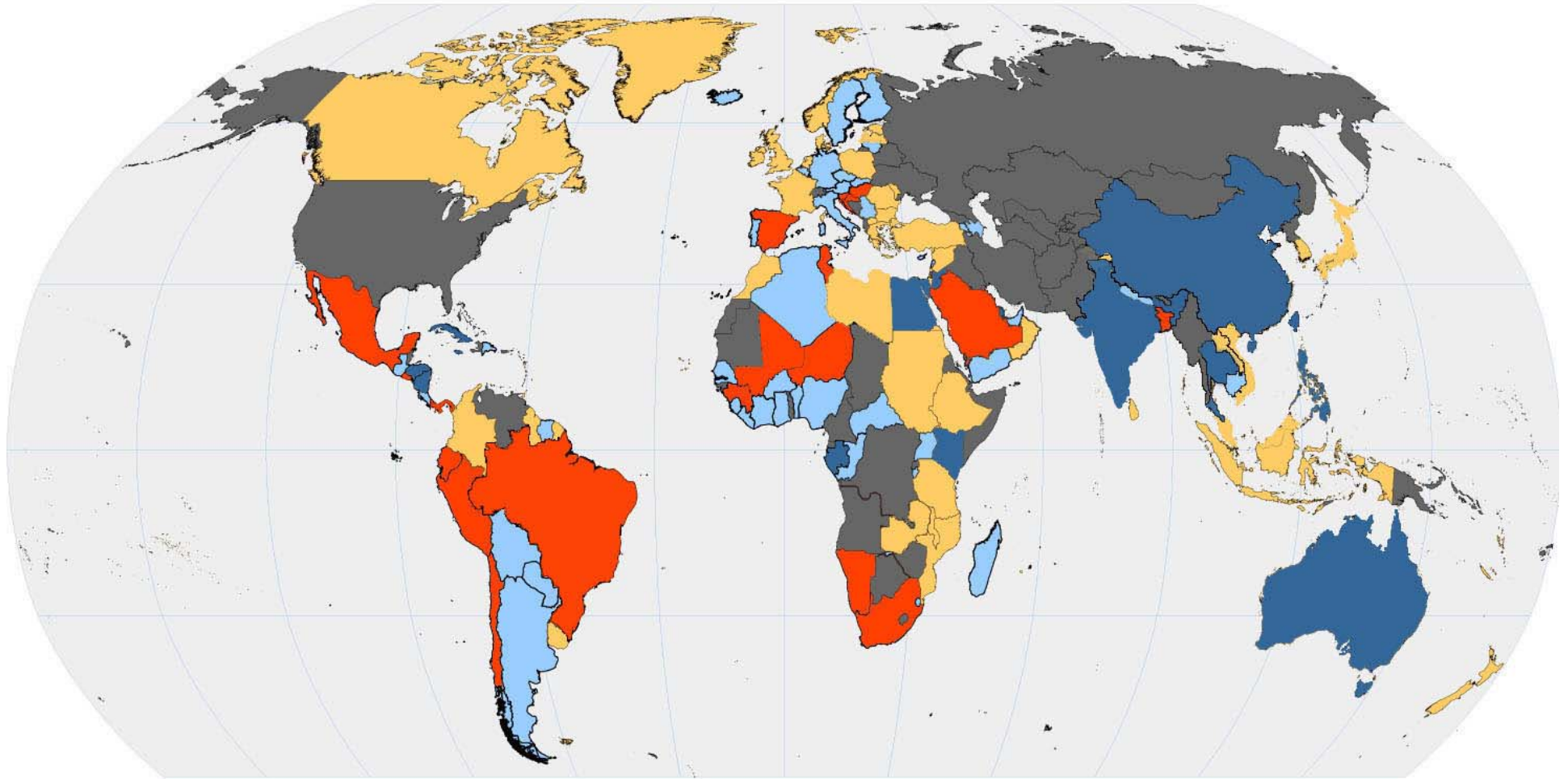
**Seminar on the Global Education
Pre-Planning Project on the Human Rights
of Deaf People**

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WFD President**





■ Not Signed ■ Signed Convention ■ Signed Convention & Protocol ■ Ratified Convention ■ Ratified Convention & Protocol



Content

- CRPD in short
- Preliminary conclusions drawn by the Survey results
- UN Office of Commissioner of Human Rights Study
- Legal measures needed

Why did Deaf people need a new convention?

1. Human Rights norms not reaching Persons with Disabilities and deaf persons all over the world.
2. There was a strong need for a paradigm shift from the medical to the **Human Rights model of disability (linguistic rights model of deafness.)**
3. A separate convention needed to secure that **Human Rights** cover equally Persons with Disabilities **without discrimination and securing linguistic rights of deaf persons.**

Establishment of the Ad Hoc Committee
Dec 2001 by UN GA
(Mecixo's Initiative)

Negotiation process 2002-2006 = 8 Ad Hoc sessions
(included Working Group (Jan 2004))

August 2006 –
finalization of the negotiations

Draft Convention and a separate Optional Protocol

30 March 2007 –
the Convention and Optional Protocol opened for signature at UN Headquarters in New York.

Conference of States Parties -> Committee on the Rights of Persons with Disabilities

(6 months)

(The Optional Protocol will enter into force 30 days after the 10th ratification or accession)

At the beginning 12 experts. After an additional sixty ratifications or accessions to the Convention -> 18 members.

Content and structure of the convention

- Convention aims to guarantee equal rights for Persons with Disabilities to enjoy:
 - Physical,
 - Social,
 - Economic,
 - Cultural rights covering environment,
 - Health,
 - Education,
 - Information, and
 - Communication.
- To enjoy all human rights and fundamental freedoms the same way as all other citizens

WFD's objectives

1. To get **Deaf people's linguistic rights** recognised by the convention.
2. Also a lot of negotiations and meetings with state delegates.
3. WFD participated actively in joint presentations with other associations of People with Disabilities and informed and asked WFD's own members to lobby for WFD's goals in their respective countries and to ask them to contact their state delegates.
4. All WFD's objectives on **sign language** were approved in the convention.
5. WFD's main objectives were well recognised and included in the convention.
6. Many Rights of **Deaf people** are mentioned on the general level and they can be interpreted together with those articles where **sign language** is mentioned.

Most important articles for Deaf people

- Non-discrimination because of **language and linguistic rights** mentioned in many items of the convention starting from the preamble

- **Sign language** mentioned 8 times in 5 different articles:

Article 2: Definition

Article 9: Accessibility

Article 21: Freedom of expression and opinion, and access to information

Article 24: Education

Article 30: Participation in cultural life, recreation leisure and sport

Article 2 - Definitions

- It was not easy for all to perceive sign languages as languages. Many state delegates wondered why there are several sign languages, but as a comparison, only one Braille system. Some even proposed that in our time of globalization, we should only have one international sign language. Even members of the EU discussed on the term sign languages (plural form) versus sign language (singular form) for two hours in their own group.

Article 3: General principles

- General principles are respected throughout the convention.
- 9 principles
- Most important for Deaf children and Deaf people is: *(h) Respect for the evolving capacities of children with disabilities and respect the right of children with disabilities to preserve their identities*
- Important perspective to disability/humanity is also: *(d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity*

Article 9: Accessibility

- Participation in all the levels of society and responsibility of states (States Parties shall...).
- Many items also emphasise free access to communication and access to communication and information through intermediaries.
- **9.2(e):** *Provide forms of live assistance and intermediaries, including guides, readers and **professional sign language interpreters**, to facilitate accessibility to buildings and other facilities open to the public*
→ “Professional sign language interpreters” means that states have responsibilities to promote and develop sign language interpreter training, degree, registration and also to facilitate interpreter services and to promote access to interpreters.

Article 21: Freedom of expression and opinion, and access to information

- Aims to secure freedom of expression and access to information through all forms of communication, including public services in sign language, media and Internet.
- Sign language is mentioned in 21 (b) and 21 (e)
- **21 (b) *Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions***

- → It has been important here to emphasize that sign language is not only a language used by the Deaf in their interaction, but that **sign languages should also be approved in official interactions**
- people must have right to submit a document in sign language and to receive a response in sign language
- to act and to receive information in court and police
- to transact in offices and departments
- to get consumer instruction in sign language as well as to receive treatment and other services in sign language

- ***21(e) Recognizing and promoting the use of sign languages:***

- → This item is of great significance and it will have great impact in the future. It means that sign language should be recognized either in legislation or in public policies and programs.
 - It also means right for Deaf of all ages to use sign language – children should not be forced to change their language while growing.
 - Promotion also covers support for sign language publications, education, research and general usage, i.e. securing the use of sign language to the extent that Deaf people's human rights are realized.

- ***24.3. (b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community***

- The usage of sign language should not be prohibited in learning, which is unfortunately a sad reality in the majority of countries

Deaf community's resources:

- giving adult models to deaf children
 - Children can learn how Deaf adults act in the society, student and working life, in advocacy work etc by using different languages, sign language, interpreters and spoken languages in different modes (Deaf people's bilingual or multilingual identity)
- to give linguistic roles for children through cultural activities, how Deaf give presentations, i.e. how they use sign languages and other languages in their everyday life
- this supports children to find peers, reference groups and also participation in society through means constructed by the Deaf community.

- **24.3 (c) *Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.***

→ This item means that education, for example for the Deaf, should be in those languages and in such environment that guarantees maximum cognitive and social development

→ For Deaf people this means sign language/bilingual learning environment

- **24.4: *In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.***
- → This will set a lot of challenges for teacher training in many countries
 - Good-quality of sign language skills is a central requirement here as well as Deaf persons' access to teacher training programs and also other staffs' knowledge on sign language and matters that develop Deaf students' learning.

Article 30: Participation in cultural life, recreation, leisure and sport

- **30.1:** *States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life...*
 - Cultural materials, TV programs, movies, theatre and other cultural activities and cultural venues and places (such as museums) and information should be in accessible formats
 - This article raised a lot of discussion especially among the indigenous peoples. They wanted to include their own rights in this article. At the end it was concluded to hold only special cultural groups' disability rights.

- **30.4:** *Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, **including sign languages and deaf culture.***

→ This means in addition to equal right for cultural participation also recognition and support for sign languages and Deaf culture

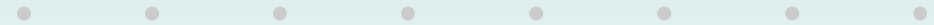
Monitoring

- Article 33 National implementation and monitoring
- Article 34 Committee on the Rights of Persons with Disabilities
- Article 35 Reports by States Parties (note shadow reports made by NGOs)
- Article 36 Consideration of reports
- Article 40 Conference of States Parties



Optional Protocol

- The individual communication procedure
- The inquiry procedure



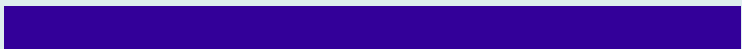
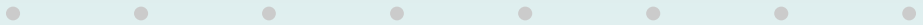
**Participation, expertise
and leadership of DPOs
and Deaf persons and
their organisations in all
phases of
implementation and
monitoring of the
Convention is a must!**

Conclusion

- All the articles together with other human rights treaties (where discrimination based on language is denied) strengthen the position of **sign languages** and **Deaf people's human rights**.
- The Convention on the Rights of Persons with Disabilities will revolutionise **Deaf people's lives** in majority of countries after it has been ratified and implemented in national legislation.



IDA CRPD FORUM

- **Document: “Contribution to the Office of the United Nations High Commissioner for Human Rights’ thematic study to enhance awareness and understanding of the Convention on the Rights of Persons with Disabilities, focusing on legal measures key for the ratification and effective implementation of the Convention”**
 - **August 2008**
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Types of recognition of sign languages

- Four categories:
 - constitutional recognition
 - recognition by specific sign language laws
 - recognition through disability legislation
 - other legislation
- Both general anti-discrimination legislation as well as disability legislation has been used to recognise sign languages and secure human rights of sign language users.

Legal measures needed

- Legally recognize sign language/s as official language/s by granting it/them a special legal status. Thus those sign language/s will be the ones used in legal proceedings, parliament decisions and other administrative acts.
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 - Set out principles to guide Government in the use of nation's sign language/s.
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- Recognize that linguistic rights of deaf people must be guaranteed by several legal measures.
 - Legally recognize in the legislation that sign language/s of the country is/are the first language/s of deaf people.

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- Recognize and secure the right of deaf people to use their sign language and to foster their language and culture.
- Ensure the right for pre school age deaf children to acquire sign language in sign language environments.
- Ensure that parents, care givers and guardians of deaf children receive education about sign language and its use with their children as early as possible.

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- Ensure that laws on day care and preschool education include right of deaf children to have day care and kindergarten education in sign language.
- Ensure that teachers and other workers must have knowledge and high level of sign language skills in their qualifications and training.
- Secure that the quality of bilingual or multilingual education is of high standards.
- Secure that teacher education institutions train professional teachers who know how to teach sign language as mother tongue, first language and second language and who master deaf culture.
- Secure that state provides funds and mechanisms to study learning and teaching in sign language and to produce high level learning material.
- Ensure that national sign languages must be documented (dictionary work) and that sign language research must be done within universities
- Ensure that there exists a Research Institute for sign language enabling research and the preservation of the purity of the Sign Language
- Establish and adequately fund a comprehensive plan to promote awareness of deaf people and hearing people about sign language and linguistic rights of deaf people

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- Remove barriers of employment of deaf people and provide enough resources to interpreters specialized in working life.
- Provide sign language interpreter education and set proficiency guidelines.
- Ensure access to sign language interpreter service system and network.
- Promote awareness of employers about sign language, deaf culture and deaf persons in employment.
- Ensure that social and health services are provided in sign language either through sign language skilled experts or sign language interpreter service.
- Ensure that training programs of social and health professionals have enough knowledge about linguistic and cultural needs of deaf people.

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- Ensure that state provides funds for translating and producing literature in sign language as well as establishing and maintaining sign language library.
- Recognize the right to have bilingual or multilingual education in sign language learning environment of deaf children, youth and adults.
- Recognize and ensure that sign languages and deaf culture are school subjects and first languages and that they are included in national and school curricula.
- To secure the right to have all kind of information and services in sign language.
- Ensure that public and private broadcasting services provide programs in sign language