WFD’s response to questions from CRPD Committee at WFD side-event on deaf education.

Ms Diane Kingston:

Do governments understand what bilingual education for the deaf means? What kind of explanation should be used in this regard, would you be able to give us some phrases to use for this purpose?

Understanding of the concept of bilingual education varies from country to country, depending on the experience each countries have. For instance, in countries that have more than one official (spoken) languages (e.g. Finland, Belgium or Switzerland), there is already the provision of bilingual education in different languages. This pre-existing knowledge would in turn assist the governments to have a better understanding of what bilingual education for the deaf entails.

It is important to confer equal linguistic status to sign languages and recognise its importance to the deaf. Contrary to false claims, sign language is considered as a fully operating language with its own syntax, morphology and structure. It is capable of functioning as a language of communication in all settings from educational to political. This fact has been accepted and enacted into Article 2 of the CRPD, which defines sign languages as equal to spoken languages. Compound with the fact that sign language is visual in nature, it provides full accessibility to the deaf individuals, who are recognised as primary visual beings belonging to a linguistic minority group (deaf community).

As such, deaf people should be granted the same right to receive bilingual education, in sign language and written language. Only then can they become equal members of the society.

Several governments shared information on captioning TV programs in their state reports while sign language was not mentioned. Could you give us some explanation that we could use addressing the importance of having information in sign language in addition to captioning?

The lack of information may reflect the ignorance and need for awareness-raising on sign language issues. Sign language is a primary language for deaf people and should never be replaced by captioning under any circumstances. The importance of using sign language in media is highlighted e.g. in the WFD and WASLI Statement on Communication during Natural Disasters and other Mass Emergencies for deaf people who use signed language.

Mr Stig Langvad:

There are arguments that the use of sign language should not be favoured because there is decrease in information due to translation process between spoken and sign language.

Decrease or even increase in the information received during interpretation process is not unique to only sign language. There are many factors that contribute to such as the kind of information, the interpretation of the message by the receiver, the interpretation of the message by the interpreter and many more.

It is important to recognise that in any language, including sign language, expansion may be necessary in order to fully interpret the intended meaning of the word. Likewise, a message may seem more concise at
times because of unique efficiencies of the certain languages. What can be said in a few words in one language may require a detailed explanation in another language. However, such performance demands high level of competencies from professional (sign) language interpreters.

Thus, in order to ensure as high quality of information being correctly interpreted as possible, it is important for national governments to have training for professional sign language interpreters.

The Danish Ministry of Social Affairs announced that there is proven evidence that only one language should be used in education and therefore deaf students who have cochlear implant should focus on learning to speak and hear instead of sign language. Through this practice it is believed that if a deaf baby gets cochlear implant at early age, s/he can become equivalent of a hearing person in hearing and speech skills. Considering the development of technology, more and more deaf children will have cochlear implant particularly in the western countries that leads decrease in number of people using sign language. It is said that cochlear implant makes employment easier compared to the use of sign language. Some people find learning and using sign language difficult and burdensome. For example, it is easier to arrange captioning for television compared to sign language interpretation. There is no understanding how sign language could improve literacy. The approach of the Danish government focuses solely on cochlear implant that would be very difficult to get changed. It is also their understanding that inclusion means improving hearing and speech skills of deaf children through cochlear implants. It may be assumed that we will have similar arguments from other countries in the future, as well. I am aware that despite having cochlear implant, a deaf person is still deaf. Therefore I would like to know WFD’s recommendation on how to approach aforementioned arguments.

- Sign language should be seen as a part of linguistic diversity. Most Western countries are living in a multicultural world where it is natural and common for people to use different languages and receive education in multi languages. Sign language should be a natural part of this system through the provision of sign language learning environment.

- The focus on hearing and speech reflects a medical model of disability, in which it aims to make a deaf person hear, offering solution, not only to the deaf but also to those with disabilities, to cure their disability. But the medical model is a false cure: deaf people with cochlear implants are not hearing people and by representing them as hearing would hide the underlying struggles and inequalities they face. The attempts of some medical professionals to present cochlear implants as being a cure for deafness is misleading and incomplete. It does not identify the patient as deaf and in doing so, it does not present solutions that would take into consideration the holistic wellbeing of the cochlear implanted patient. The fact is cochlear implanted individuals are still deaf and would require the same right to have access to services provided to other deaf people. The CRPD makes it clear that governments should make services accessible to societies. Governments, such as the Danish one, should adopt a human rights perspective on deafness as per the CRPD to support deaf community’s evolving capacities and linguistic identity.

- Regarding employment and access to public information, more trainings to employers and service providers are needed to support their understanding of why providing sign language to deaf people is a human right that needs to be respected and supported. Attitudinal change is one of the hardest part but governments must take their responsibility as per Article 8 of the CRPD to raise this awareness.

- Research has shown that the use of sign language does not hinder the learning of a spoken language for cochlear implanted children. Instead, sign language is an asset in the child’s development. While doctors might recommend not to use sign language with deaf children who have cochlear implant, it is important to note that multilingualism is seen as added value. Learning of several languages as a child has positive impact in the future and this argument applies to the deaf children too. Even hearing children benefit from learning sign language by being multilingual from early age. Since 1880, there have been repeated efforts to get rid of the sign language community but without success. Sign language is here to stay. Simply said, where there are deaf persons, there will always be sign language. A lot of people with cochlear implant still need sign language. It is a pity that some governments ignore the importance of linguistic diversity, human rights of deaf people, the side effects of cochlear implants, and the fact that cochlear implant does not make a deaf person hearing.
Mr Damjan Tatic:

I would like to have WFD’s view on a situation in Serbia where legislation on teaching material is being drafted. The equality ombudsman said that making separate teaching material for the deaf is discriminatory and does not enhance inclusion. What is WFD’s opinion about this?

The WFD sees this issue as availability of teaching material in sign language rather than discriminatory practise because such material could be used for all other students who know or want to learn sign language.

Sign language is a natural language for the deaf. The government of Serbia is planning to recognise sign language. Does this mean that we need separate books and other teaching material? Would this be similar to making teaching material in e.g. foreign languages such as Spanish or English? Should teaching material be prepared in sign language?

Yes, preparing material in sign language is the same as making learning material in other languages. There are many materials available in a national/local language which can be used (as part of bilingual education) for deaf children, too. Additionally, there should also be materials that are bilingually and visually prepared in a national sign language so that deaf children can access education in this language.

Is there any teaching material in sign language that could be used as an example?

The Moeller Resource Centre for Deaf Children has a website with teaching materials in Norwegian Sign Language, developed for public schools and targeted to specific age groups: http://erher.no

The Center for Visual Learning and Visual Language at the Gallaudet University has released a series of bilingual e-book apps that promote bilingual learning via English and American Sign Language: http://vl2storybookapps.com

Mr Munthian Buntan:

What is WFD’s position on mainstreaming deaf children besides Article 24.3? If does not favour then what would be solution?

Mainstreaming is not an inclusive solution. An inclusive education must include full access to all aspects of the schooling experience for deaf children, including the formal learning curriculum (which should be equal to that of non-disabled children) and the informal learning curriculum (which is the learning that takes place between peers in and outside the classroom). Needs of deaf children addressed in the Article 24.3 can be summarised as a sign language learning environment as part of bilingual education. It neither centers on the fact nor implies that deaf children should be taught in a special education but instead focuses on the importance of inclusive education through implementing a sign language learning environment in any school where deaf children are placed.

How can we achieve fully inclusive education for the deaf in reality? Is the goal of inclusive education possible for deaf children? I would like to know WFD’s position in this regard.

Yes, the goal of inclusive education is possible for deaf children when all factors are noted. Bilingual
education in a sign language learning environment would make education inclusive for deaf children. Examples on this were presented during the side-event referring to Belgium, Finland and Hong Kong.

**Ms Maria Soledad Cisternas Reyes:**

Does the WFD have expertise on inclusion and education of deafblind children? If yes, would you have any recommendation in this issue?

WFD has an ad hoc working group on deafblind issues. However, WFD would strongly urge consulting the World Federation of the Deafblind (WFDB) to fully optimise their broad experience on education of the deafblind. Generally, needs of each deafblind student vary significantly and should be assessed on an individual basis. For instance, some deafblind students might have some vision while others don’t and thus would require tactile sign language communication all the time. Deafblind children should be directly consulted on their preferences on communication method and use of educational material. In addition to the World Federation of the Deafblind, local deafblind organisations, if there is any, could be consulted on available options.

**Ms Theresia Degener:**

I would like to know if WFD wants the Committee to add a sentence in the forthcoming general comment on Article 24 that Article 24.3 would allow segregated education? If this is what the WFD calls for, I can say that it would be a big problem for the Committee. Could you explain your view in this regard?

The question is not about segregated education but the optimal use of available resources. As deaf children often live in different parts of a town or a country, there is limited resource to provide sign language learning environment in each school. The WFD would like to clarify that it is possible to place deaf children in a same school to ensure sign language learning environment even though the school is not geographically closest to the home of a deaf student. Bear in mind the legislative history of the CRPD - Article 24.3 was inserted to ensure governments could pay special attention to the needs of deaf, deafblind, and blind children, to ensure they receive an optimal education in classrooms alongside their peers. This “sensory exception” to the general trend to inclusive education was uncontroversial during the drafting of the CRPD. The WFD expects this would continue to be uncontroversial for the CRPD Committee.

**Mr Martin Babu Mwesigwa:**

I wonder if the WFD has recommendation on the allocation of resources. For instance, how many sign language interpreters should be available for a class of 120 students in rural area?

Each case should be evaluated on an individual basis. For such large number of deaf students it would be good to consider employing a teacher who is qualified in sign language. When using professional sign language interpretation, a minimum standard is to have two interpreters when the occasion lasts for more than two hours and/or include several people.

In Uganda, health comes before education. We want to prevent people from HIV/AIDS. Does the WFD have ideas or examples on how to ensure health education to be accessible for the deaf training on HIV/AIDS that could be applicable in Uganda?

The most important thing is to provide information in sign language. Additionally, deaf people should be given the opportunity to be employed as health workers themselves so that they are able to educate other deaf persons about health issues in a language that is mutually accessible between the trainer and trainee. Currently, many of the HIV/AIDS education and management programs are inaccessible to the deaf people. Some training initiatives include both on-site training and online training materials. Some examples of HIV/AIDS educational videos are:  
https://www.youtube.com/watch?v=LYyTz-Yi44 and  
https://www.youtube.com/playlist?list=PL56DE13B76f0A2F50 An example of a program targeted for deaf people on HIV/AIDS management is: http://deafcan.org/deaf-aids
Further reading:


Mr Laszlo Lovaszy:

Does the WFD have any example of successful practise on deaf education in the Global South particularly with small population that could be shared with the Committee?

The key is to find a way to provide sign language learning environment. Governments should consider geographical balance when e.g. employing teachers who are qualified in sign language to ensure that they work also in rural areas. An example from Uganda reflects consequences of a case where a deaf child did not know sign language until he was 15 years old and the significant change in his emotional, social and academic development once he attended a sign language course.

What kind of tools does the WFD see possible to ensure inclusive education if a country does not have any professional sign language interpreter service and teachers do not know sign language?

With regards to sustainable development, governments should not seek quick solutions but instead allocate resources to develop the foundation of inclusive education such establishing sign language training program for teachers, creating professional sign language interpreter training, designing and implementing bilingual teaching programs and materials. While these developments would take a long time, even years, immediate solutions for deaf people currently studying in schools would be to provide training to teachers and sign language interpreters, concurrent with commitment to develop the aforementioned elements.

Does the WFD have recommendation on how to interpret Article 24 from deaf view?

The recommended deaf perspectives on the interpretation of Article 24 are as follow:

- Governments should adopt and modify legislation in accordance with Article 24 of the CRPD to ensure the right to education in national sign language(s) and environment promoting linguistic identity of the deaf community. Consultation with national association of the deaf and deaf community is vital in this step. Public resources need to be allocated to nationwide implementation.
- Official recognition of sign language to fulfil Article 21(e) may affect possibilities of deaf students to receive education in sign language. For this reason governments should be obliged to recognise national sign languages.
- Public authorities should provide neutral, sufficient and comprehensive information to families of deaf children on linguistic and educational options.
- Governments should be obliged to provide sign language training to families of deaf children because early language acquisition affects educational possibilities and outcomes.
• Sign language training should be obligatory for current and future teachers of deaf children. Training should be included in university programs and also provided in-house at schools. Periodic evaluation of sign language skills should be mandatory.
• Deaf educational professionals should be recruited particularly to teach deaf children.
• Resources need to be allocated to the development of deaf-friendly teaching methodology and examination materials.
• Sign language interpreter training programs and the use of professional sign language interpretation in educational settings where appropriate should be funded by governments.
• Schools should ensure that there are several deaf peers and deaf adult role models for deaf children.
• National governments need to pay special attention to deaf girls, deaf people belonging to minorities or indigenous communities and deaf children living in poverty to ensure that they are also provided education in sign language.
• Data collection should cover quantitative and qualitative information on education of deaf people.

Does the WFD collaborate with research experts in various fields? Is there any data on bilingualism available?

WFD has expert groups working on various issues and can be available as a resource to the committee on specific issues as requested. There are researches on bilingualism available as presented e.g. the need of deaf children to have access to sign language in response to questions raised by Mr Langvad.

Before advocating for creating sign language environment, the society needs to understand what this means. Would the WFD have some explanation that could be used in this regard?

Creating a sign language environment means that:

• We respect sign language as equal as spoken languages.
• We identify both sign language and deaf individuals as visual in nature.
• We recognise that providing bilingual education in multiple spoken languages is already in effect in most Western countries, thus the deaf should not be denied the same right to a bilingual deaf education in sign language and written language.
• We recognise that creating sign language environment is part of that bilingual education.

Do you have any statistic on the impact of education related to employment and opportunities in other areas of life? Any data on costs?

Due to limited resources, the WFD does not have comprehensive data collection. However, Deaf people and Human Rights Report at http://www.wfdeaf.org/wp-content/uploads/2011/06/Deaf-People-and-Human-Rights-Report.pdf and WFD and EUD submission to the day of general discussion on the right to education for persons with disabilities at http://wfdeaf.org/wp-content/uploads/2015/03/WFD-and-EUD-submission-to-day-of-general-discussion-on-education.pdf reflect systematic barrier experienced by deaf people all over the world due to inaccessible education system in sign language.

Other information that the WFD would like to highlight:

Minority perspective

1. Right of the deaf child to use sign language with other members of the deaf community from a minority perspective: It is different from the right to language in itself which does not exist in legal systems, to my opinion. The States parties do not have the obligation to provide sign language to any deaf child, they only must ensure that the deaf child has the opportunity to learn and use sign language without interference/discrimination from any other person/body. This is what the Article 27 of the ICCPR encompasses mostly: the States parties have to make sure that the deaf child, if he is considered as a member of the deaf minority (what some authors do not support), learns and uses sign language when s/he wants. It is a right to use the minority language in the private sphere of life of the deaf child and
his family/relatives. But this right does not create an obligation to the States parties to undertake "proactive" steps to provide that opportunity such as funding sign language programmes for families or. However, as an example, if medical authorities forbid the deaf child to use sign language while the deaf child wants to, then in this situation, the States parties have to undertake measures to prevent it from happening since it is a breach to the right to learn/use sign language. This positive obligation of States parties is further described in the General Comment 23 of the Human Rights Committee regarding the application of the Article 27 of the ICCPR. This is also further described in the Article 30 of the Convention on the Rights of the Child where deaf children, as long as they are considered as members of the linguistic minorities, should have the right to use sign language in their deaf community.

2. New additional perspective from the CRPD: Facilitation of the learning of sign language: States parties seem to have an additional obligation than the one limited by Article 27 of the ICCPR since it is clearly mentioned in Articles 24 and 30 that the States parties should facilitate the learning of the sign language and promote/support the linguistic identity of deaf children and the deaf community. This is a significant step forward in the obligations the States parties. They also have to undertake "proactive" steps ensuring the deaf child has the possibility to learn sign language, but it does always not require them to "oblige" the deaf child (consequently his parents) to learn sign language. The scope of application of Article 30 is not limited to the private sphere but also applies to the public sphere when we take into account the article 21(e). In this perspective, the Article 30 is a kind of modern reading of the Article 27 of the ICCPR and provides an extension of the right of deaf people to use sign language not only in their own community, but also in their relations with other members of the society.

"Facilitating" is a relatively weak term and is limited in the scope of application of Article 24, so to the education system, not to the private sphere of the family or the period preceding the education. That's why the Committee should not only ensure that States parties facilitate the learning of sign language in any educational setting for deaf children, but the Committee should also address the "promotion of the linguistic identity" of the deaf community in the education system. Promoting the linguistic identity requires that there is a deaf community, thus contacts between deaf sign language users, and under Article 24, thus in the educational settings (I am thinking to deaf peers, deaf role models and deaf teachers). Furthermore, the Committee should use article 30 together with article 24 to encourage States parties to extend the application of the Article 24 outside the education system: thus also in the everyday life: they should "support" the cultural and linguistic identity. The Working Group did explicitly mention its intent to link the draft Article 24(3) (that later became Article 30) with the minority rights (http://www.un.org/esa/socdev/enable/rights/wgdca24.htm and http://www.un.org/esa/socdev/enable/rights/ahc6sum10aug.htm). Sign language is considered as a minority language by the UNESCO, according to the WFD, in the debates of the Ad Hoc Committee: http://www.un.org/esa/socdev/enable/rights/wgsuma24.htm. Moreover New Zealand supported the idea of mentioning the right to linguistic identity for sign languages, but also for languages other than national languages that persons with disabilities might use. In that perspective, sign language is considered as a minority language next to other minority languages, and therefore the Article 27 applies correctly to this right (http://www.un.org/esa/socdev/enable/rights/ahc7/sum27jan.htm). So the Committee should not forget this aspect and make sure the dimension on minority rights is not forgotten when addressing deaf issues. Disability perspective is insufficient as we have seen in the previous States reports and Committee's observations.

3. Right of the deaf child to use sign language with his parents/siblings: Basically, parents have the right to private family life, and the government cannot interfere with their decisions. However States parties should facilitate the learning of sign language for the parents/siblings when they want to. The purpose of the facilitation of the learning is to guarantee fluent communication for deaf children within their families. The perspective here is based on the disability of the deaf child which does not have access to the common language of the family and might need that his parents/siblings learn sign language so that he can access the information shared in the family. This was recommended by the Standard Rule 5(7) and by the Committee on the Rights of the Child in its General Comment 9 (41). The States parties may be encouraged to provide support to the families of deaf children to learn sign language when it is for the best of the child. Sadly this was not included in the UNCRPD, even though it can easily be implied
with the combination of several articles of the CRPD, but it may be explicitly mentioned by the Committee in its General Comment on Education. Learning sign language in the family at first will help increase the chances of the deaf child to develop his language in the education system.

4. Right to own education in its own language and culture: I prefer avoiding the term of segregated education or special education since they refer to the disability perspective. I support rather the minority perspective and I believe that it is possible to address the right of deaf people to set up their own educational settings and be educated in their language and culture. Beware that this is not regarded as segregation because it welcomes any person, including sign language users (thus hearing ones who use sign language as their mother tongue or first language - not under the scope of the UNCRPD but rather of minority rights). Moreover the Convention against Discrimination in Education clearly states that even though minorities might be recognised the right to carry their own educational activities, they still have to use the language and culture of the community/society and to promote participation in the activities of the society. I believe this perspective is more appropriate for the deaf children: they would get the bilingual and bicultural education matching to their needs but at the same time, it is not limited to disability or special education perspectives of the UNCRPD, but rather to the minority rights perspective. Therefore deaf children would be provided education along with their hearing peers who are sign language users or who want to become sign language users. It is not really segregation but rather inclusivity while respecting the minority rights of deaf children. This new perspective could help the Committee to avoid the discussions on special education to be back on the table during the Day of General Discussion. It would help the Committee to recognize the rights of deaf children in a better way than it did so far, by recognising their right to own language and culture as part of a minority.

Further reading:


WFD is established in Rome, Italy in 1951, and is an international non-governmental organisation with membership comprising of 134 Ordinary Members, Individual Members, Associate Members and International Members. The WFD also has eight (8) Regional Secretariats. WFD's office is located in Helsinki, Finland. The WFD has consultative status within the United Nations (UN) system. In this role, the WFD works closely with the UN and its various agencies in promoting the human rights of deaf people in accordance with the principles and objectives of the UN Charter, the Universal Declaration of Human Rights, the Convention on the Rights of Persons with Disabilities and other general acts and recommendations of the UN and its specialised agencies, e.g., the UN Economic and Social Council (ECOSOC), the UN Educational, Scientific and Cultural Organization (UNESCO), the International Labour Organization (ILO) and the World Health Organization (WHO). WFD also has participatory status within the Council of Europe (COE) and is a member of International Disability Alliance (IDA). The WFD works towards the global achievement of human rights for all deaf people and develops its activities towards the goal of equalisation of opportunities and full participation in society by deaf individuals in every country.