

Input of the World Federation of the Deaf to the consultation with civil society for the OHCHR report on good practices of support systems enabling community inclusion of persons with disabilities

Introduction:

The World Federation of the Deaf (WFD) welcomes the report of the Office of the High Commissioner for Human Rights (OHCHR) on support systems to ensure community inclusion of persons with disabilities, including as a means of building forward better after the coronavirus disease (A/HRC/52/52). Furthermore, the WFD welcomes the consultation with civil society organisations to contribute to the annual thematic study on good practices of support systems enabling community inclusion of persons with disabilities.

The WFD is an international non-governmental organisation representing and promoting approximately 70 million deaf people's human rights worldwide. The WFD is a federation of deaf organisations from 134 nations; its mission is to promote the human rights of deaf people and full, quality and equal access to all spheres of life, including self-determination, sign language, education, employment and community life. WFD has a consultative status in the United Nations and is a founding member of the International Disability Alliance (IDA).

This input will highlight the unique perspective of deaf people as part of a linguistic minority and of the disability community (I). Then we will present some of the human rights-based elements of support systems which are instrumental in ensuring that deaf persons can exercise their rights, live independently and be meaningfully included in the communities in the following areas: social protection (II), human supports (III), infrastructure (IV), and governance (V).

I. Linguistic human rights of deaf people:

The deaf community presents unique intersectionality between the disability community and those communities which identify as cultural and linguistic minorities. The Deaf Community belongs to both the group of persons with disabilities and the group of linguistic and cultural minorities¹. When addressing inclusion of deaf people in the community, it must be considered from a cultural and linguistic standpoint, with sign languages being the core feature to ensure the achievement and respect of human rights of deaf people. National sign languages are not only preferred languages of deaf people, but they are also the sole means of communication and inclusion in all areas of society. National sign languages have a critical role in ensuring deaf people's optimal mental, physical and social health across the lifespan².

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<http://wfdeaf.org/news/resources/wfd-position-paper-complementary-diametrically-opposed-situating-deaf-communities-within-disability-vs-cultural-linguistic-minority-constructs/>

² <https://wfdeaf.org/news/resources/position-statement-on-access-to-sign-languages-as-a-health-need/>



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II. Social protection

Deaf people have the right to receive government allowances and financial incentives to cover the supports they need of in their life. However, the right to access to disability allowances for deaf people is often hindered by a lack of accessibility of information and communication with the government and public agencies officials³. The information on the government allowances and financial incentives for which deaf people are eligible should be provided in their national sign language and deaf people should be able to contact and communicate with the government and public agencies' officials in their national sign language⁴.

Moreover, the provision of sign language interpretation services should not constitute a (in)direct financial burden on deaf people, meaning that the government and/or public agencies should intervene in their costs and/or allocate an unlimited budget of interpreting hours to deaf people. In addition, the provision of sign language services should be exempted from taxes or, at least, be supported with tax incentives from the government, to not disadvantage deaf people. And the government's procurement procedures in the field of sign language interpretation should not limit the number of sign language interpretation services to one or a few and should not prioritize the financial effectiveness over the quality of the services provided.

Finally, deaf people should be provided access to a broad range of assistive technologies (including fire alarms, doorbell alarms, baby monitors for deaf people, and other kinds of detection systems) and not be limited in their choice by the prices/lack of financial support of the government in some of those technologies, mostly those that are facilitating the use of national sign language and visual communication. For example: the provision of cochlear implants is often covered by the government and/or health insurance but the provision of hearing aids, videoconference tools, and Video Relay Services are often not covered by the government and/or health insurance, especially in Global South countries, limiting and even influencing the decisions to be made by deaf people.

III. Human supports:

Deaf children may not be deprived of their family environment as stated in the OHCHR report⁵ but they may also not be affected by language deprivation and communication neglect. Governments shall ensure that deaf children and their families have access to and are able to learn the national sign language at no cost, as early as possible⁶. To do so, the WFD recommends governments to establish a mechanism for cross-sectoral coordination among the support systems addressing deaf children and their families to provide them equal and free access to all of them. Members of the families of deaf children should be financially supported by the governments when they are enrolled in national sign language courses and early intervention programs, allowing them to take some time off from their work and/or care responsibilities (by compensating the loss of wage) as part of the health insurance.

³ CRPD art. 21(b) and GC 2 CRPD, par. 38 and par. 42, and GC 5 CRPD, par. 85

⁴ GC 5 CRPD, par. 64

⁵ A/HRC/52/52

⁶ GC 9 CRC, par. 41 and GC 5 CESCR, par. 35



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Deaf children should receive early and continued access to their national sign language⁷ to prevent language deprivation and, especially for deaf children with disabilities, to mitigate the impact in their communication and linguistic development.

The governments and private sector's provision and funding for assistive technologies and care services should not be prioritized over the learning of national sign language, especially in the early years. When the learning of the national sign language is delayed or provided at a later stage, language deprivation cannot be prevented and/or remediated and will have lifelong effects on mental, physical, and social health as well as on the education of deaf children. Assistive technologies, such as cochlear implants, and care services such as spoken language therapy, may be provided to deaf children as part of the broad range of support options but must not replace the human support and services deaf children have the right to, such as activities with their deaf peers, sign language learning initiatives, and deaf community support. The support systems for deaf children and their families should not only come from the health, medical and social service professionals but also from the deaf community and deaf role models/professionals in the field of national sign language.

Governments should also support the teaching of national sign language to carers and professionals working with deaf people, and in cooperation with the deaf community and deaf sign language teachers.

Deaf sign language users have the right to access information and interactions through professionally qualified sign language interpreters and translators⁸. They should receive interpreting hours/access to interpreting services funded by the government for any area of their lives (private life, education, work, sports, and culture⁹, a.o.) and should have full choice among interpreters and services¹⁰. Due to a huge lack of professional and qualified sign language interpreters in most of the countries worldwide¹¹, governments should recognize this profession as a shortage profession and provide financial incentives to facilitate a higher enrollment of future interpreters in the training program. Governments are responsible to fund training, certification, and services of professional sign language but also invest in the continuous training of professional sign language interpreters. Governments must put into place a mechanism to ensure the high quality of sign language interpretation services¹² but also ensure that deaf people are involved in the monitoring process of those services. The working status of professional sign language interpreters and translators should be recognised by governments with a fair and adequate remuneration. Video relay services and video remote interpreting services (VRS/VRI) should be provided as an option next the human sign language interpreting services and only in some contexts, based on the free will of deaf users.

⁷ GC 12 CRC, par. 21

⁸ GC 2 CRPD, par. 29

⁹ GC 5 CRPD, par. 94

¹⁰ GC 5 CRPD, par. 97 (k)

¹¹ GC 2 CRPD, par. 7

¹² GC 2 CRPD, par. 30



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New technological advances such as Augmented Reality glasses, automated sign language translation, signing avatars, among others may not be used by governments without extensive research and feedback from signing deaf communities to inquire if this approach creates a new avenue for accessibility. Whilst the technology has progressed and offers real potential for wider use, these technologies cannot replace nor be proposed as alternatives to the natural quality and skill provided by appropriately trained and qualified sign language interpreters and translators unless the deaf individuals give their informed consent and for their own individual situations¹³. Deaf people have the right to learn and use national sign languages in their environment, as part of their right to language. Moreover, replacing sign language with technology solutions may lead to language deprivation especially for deaf children, and may prevent deaf people to interact fully and be included in the society. Finally, with the surge of the Artificial Intelligence, an exact word-to-sign translation coupled with the use of signing avatars as currently provided on some platforms is not possible since any translation needs to consider the context and the cultural norms. While the technology has progressed and offers real potential for wider use of signing avatars, among others, those computerised products do not equal the natural quality and skill provided by appropriately trained and qualified interpreters and translators¹⁴. However, assistive technologies such as hearing aids and cochlear implants, used by some deaf people, may be provided with the support of the government as long as they are not advantaged over human support any deaf person has the right to, such as the provision of professional and qualified sign language interpreting services and Video Relay Services.

Governments must ensure that deaf people with intellectual disabilities, estimated to be 1 out of 5 of deaf people in the Position Paper on the Social Inclusion of Deaf People with Intellectual Disabilities¹⁵, are included in their local deaf communities and local communities where they have access to signing environments. The community-based living models and support services should be composed of signing (deaf) professionals and staff members to create a signing environment that is suitable to their linguistic and cultural needs.

Deaf people are involved in deaf education and sign language teaching in many countries around the world. Their experience is valuable for policymakers and educators. It is crucial that deaf people's experiences inform them, and that accessible pathways are open so that deaf people are active participants in the education of deaf children. Deaf people should have the opportunity to become qualified teachers, nursery workers and school administrators and to train families of deaf children in sign language. The same applies to deaf professionals working in the care services and community-based environments provided to deaf people, especially deaf persons with intellectual disabilities and deaf elderly, as they share the same culture and language as them.

¹³

https://wfdeaf.org/wp-content/uploads/2019/07/WFD-Position-Paper-on-Accessibility-12-Feb-2019-Updated.pdf?fbclid=IwAR0JYP4FsQfyhAQm9Ala3z_Yq-0a0auKOOICTOJa0Gqp60w4kyJtfQ8rSY8

¹⁴ <https://wfdeaf.org/news/resources/wfd-wasli-statement-use-signing-avatars/>

¹⁵ <https://wfdeaf.org/news/position-paper-on-the-social-inclusion-of-deaf-people-with-intellectual-disabilities/>

IV. Infrastructure:

Transportation services should be made accessible to deaf people with real-time interpretation/translation of the information provided in speech mode. Some coach, train, and metro stations provide real-time translation into the national sign language with the use of signing avatars. Not only should the auditive information be provided in the national sign language, but also be accompanied with written language since it benefits for everyone (hard-of-hearing, hearing people in a noisy environment, foreigners, people with neurodiverse disabilities, and older persons). Moreover, the staff members working in transportation services who are in contact with the public should master a basic level of the national sign language and be trained in how to address deaf transport services users in a linguistic and cultural appropriate way. Finally, when audiovisual services are provided to users such as movies in airplanes, these should be made accessible with at least subtitles in the national written language.

Regarding housing, deaf people should be provided social housing programmes whenever they are eligible for and in an accessible manner¹⁶. Deaf people should not be discriminated against when they apply for a rental housing, for security reasons due to their disability. Moreover, housing facilities should be provided with visual smoke detectors and when they contain elevators, those should be provided with an accessible emergency call system that deaf people can use to communicate in case of emergency. Governments and public agencies should fund the provision of the visual smoke detectors and ensure that the accessibility norms applied in their country address accessible features for deaf people.

Access to information and social settings in sign language in the lives of deaf elderly people should be guaranteed by governments through funding and provision of services developed for deaf elders. Deaf elders should receive information and communication in their national sign language in care and support systems. Deaf elderly people should be provided the opportunity to live in care centers and nursing homes providing sign language environments, where they can be in contact with other deaf people and with signing staff members.

V. Governance:

The universal newborn hearing screening program should be used as the entry-point in a multifaceted support system for deaf children to provide them as early as possible with maximum communication support in relation with the deaf community and deaf professions, and to facilitate their access to national sign languages. Case management systems that carry out individual disability assessments on deaf people to determine if they can get benefits and entitlement should be based on their functional participation in the society and their needs in access to information and communication, and not on their hearing loss status. Deaf people should be granted rights and services based on their needs and not on their hearing loss degree.

¹⁶ GC 2 CRPD, par. 42



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Participation of deaf people in the government and at decision-making level should be made accessible with sign language interpretation provided by the government¹⁷ and not only at the national level (as it is often identified as a good practice in some Member States) but also at regional and local levels where funding is very limited or inexistent.

VI. Conclusion:

Sign languages are not just languages of deaf communities, but they are also crucial for their inclusion in societies. As of today, only 77 Member States to the UN recognised national sign languages in their legislation, while 187 Member States are parties to the UN Convention on the Rights of Persons with Disabilities. More than 60% of the countries worldwide have yet to undertake the recognition and the promotion of their national sign languages¹⁸. By promoting the support systems to ensure community inclusion of deaf persons, the United Nations, and its Member States, should strive forward the recognition and promotion of the use of national sign languages to ensure full enjoyment of all human rights of all people¹⁹.

¹⁷ GC 7 CRPD, par. 46

¹⁸

http://wfdeaf.org/news/the-legal-recognition-of-national-sign-languages/?fbclid=IwAR2S7A_6Qaakrypdj5mhA6c1PR-Z9s6tCCBRu6OVedjW-5-8zYaFTc_k22E

¹⁹ CRPD Art. 21(e)