**Submission from the World Federation of the Deaf on the significance and scope of category of minority**

1. **Introduction**

The World Federation of the Deaf (WFD) welcomes the call for submission for the thematic report of the UN Special Rapporteur on minority issues on the scope of four categories of minorities following the Human Rights Council resolution 34/6 and decision 43/115.

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 125 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).

The topic of minority is crucial for the Deaf Community. The Deaf Community presents unique and unprecedented intersectionality between the disability community and cultural and linguistic minority. The [WFD position paper on Deaf Communities as part of linguistic or disability identity](http://wfdeaf.org/news/resources/11-may-2018-deaf-community-linguistic-identity-disability-position-paper/) highlight that the Deaf Community belongs to both the group of persons with disabilities and the group of linguistic and cultural minority. The diversity goes through their own deaf culture and language, namely national sign languages. The rights of deaf people around the world are largely assured through disability policies, legislation and international instruments, as well as legislation and cultural instruments recognising their linguistic and cultural status.

With more than 200 different sign languages used around the globe, national sign languages are the native languages of more than 70 million deaf people worldwide. They are also the native languages of children from deaf-parented families and are used by millions more around the world who are part of vibrant national sign language communities. With the same linguistic properties as spoken languages including phonetic, phonemic, syllabic, morphological, syntactic, discourse, and pragmatic levels of organisation, national sign languages are proper languages and not an alternative means of communication.

The present submission will present an overview of the different legal and policy frameworks highlighting the intersectionality of the Deaf Community (II.) before presenting how sign language and deaf community are part of a unique minority (III.). Then, this submission will present sign language as minority language of education (IV.) before concluding this submission (V.).

1. **Intersectionality of the Deaf Community – Legal and policy frameworks**

From a disability approach, the UN Convention on the Rights of Persons with Disabilities is the cornerstone of the human rights of the deaf. The article 2 provides the definition of language by including sign languages while article 9 states that State Parties must ensure the provision of professional sign languages interpreters to safeguard the accessibility of deaf people in society. Article 21 recognises the rights of deaf people to freedom of expression and opinion and access to information in sign language. In addition, State Parties must take appropriate measures to recognise and promote sign language. The importance of providing bilingual education in the national sign language and national written language resides in article 24. Ultimately, the article 30 safeguards the rights for sign language and deaf culture to be recognised by State Parties.

Yet, from a cultural and linguistic approach, several instruments exist. Starting with article 27 of the International Covenant on Civil and Political Rights recognises the rights of minorities to use their own languages. Then, the article 30 of the Convention on the Rights of the Child states that a child belonging to a minority shall not be denied the right to enjoy his or her culture and to use his or her language. Finally, article 4(3) of the Minority Declaration states that people belonging to a minority have the right to learn their mother tongue or to have instruction in their mother tongue.

Furthermore, during the Closing Ceremony of the XVIII World Congress of the World Federation of the Deaf in July 2019, the WFD presented its [Charter on Sign Language Rights for All](http://wfdeaf.org/charter/), recognising sign languages as the foremost human rights of the deaf people. This Charter also recognises that deaf people are found among all cultural, linguistic, and ethnic minorities and the deaf community is a diverse and intersectional community. Deaf communities are part of unique intersectionality of rights, belonging to both linguistic and cultural groups, and the disability movement. Deaf people have their own identity, mainly tied to national sign languages and social connections built on the shared experience of the use of these languages. Sign language and deaf culture strengthens multilingualism and are means of promoting, protecting and preserving the diversity of languages and cultures globally.

This Charter also reaffirms the importance of providing deaf learners with bilingual education in the national sign languages and national written languages, following a curriculum maximising the full learning potential of deaf children taught by teachers fluent in the national sign language. Quality and inclusive education is crucial to empower and enable deaf people to become active and proud contributors to their societies and communities.

1. **Sign language and deaf culture as part of a unique minority**

Deaf communities worldwide have long taken pride of being part of linguistic and cultural groups as well as the disability movement. No other disability or language/cultural group can claim similar intersectionality of rights. Deaf people have their own identity, which manifests from different perspectives, such as personal experiences of being deaf, their use of sign language or one’s membership of a language community. However, deaf identity is mainly tied to sign languages and the social connection built on the shared experience with the use of sign language. The membership of the deaf community is not often defined by hearing loss but rather by identity with language. This specific factor highlights the fact that deaf people belong to a linguistic minority.

Yet, deaf people differ from other linguistic minorities in one important way: they are usually unable to fully access the spoken languages of their surrounding environment because of their auditory-oral transmission. Therefore, sign languages are not only culturally important, they are also the sole means of language development and accessible communication for deaf people. The lack of access to their surrounding environment through sign languages and other accessibility measures impacts and disables deaf people, including in the sphere of education. This is the nexus that connects the international Deaf Community with the international disability movement.

However, what distinguishes deaf community with the rest of the disability movement is the use of a specific minority language, the sign language. Sign languages are fully-fledged languages with linguistic properties, including grammatical features, such as morphology, phonology and syntax. They are the mother tongue and the natural languages of deaf people. They are the vector of the inclusion of deaf people both in deaf communities and in society. It is of paramount importance that deaf people are provided with professional sign language interpreters for ensuring social interactions with their surrounding environment that are not signing to achieve full inclusion in society.

1. **National Sign Languages as a minority language of education**

The inclusion of deaf people in the Deaf Community and society starts with education. Article 4(3) of the Minority Declaration states that people belonging to a minority have the right to learn their mother tongue language and to receive education in this language.

Therefore, the provision of a quality bilingual education to deaf children at an early age is the first step to safeguard the minority and cultural rights and diversity of deaf people. The actual state of play is as such that diversity in deaf children's education is not respected. They are often outplaced in mainstream school without opportunities to learn sign language and deaf culture.

Furthermore, the UN Convention on the Rights of Persons with Disabilities, in its article 24, recognises the right of deaf people including deaf children to access education in their national sign languages. As expressed in [its position paper on inclusive education](http://wfdeaf.org/news/resources/5-june-2018-wfd-position-paper-inclusive-education/), the WFD believes that education to deaf children is better achieved through bilingual education in national sign languages and national written languages. Bilingual schools must follow the official national educational curriculum as well as teaching sign languages and deaf culture. Teachers must master sign language with native-level fluency and deaf children must be surrounded by their signing peers in inclusive settings.

The International Disability Alliance (IDA) also shares this vision of inclusive education for deaf learners [in its consensus paper on how to achieve SDG 4 with Art. 24 CRPD](http://www.internationaldisabilityalliance.org/blog/inclusive-education-ida-produces-consensus-paper-how-achieve-sdg-4-compliance-crpd-article-24).

Therefore, any interpretations of article 24 CRPD thwarting the rights of deaf people to receive education through the medium of their national sign language in a bilingual setting cannot comply with broader human rights law and principles.

1. **Conclusion**

Several UN legislation and policies recognise the specific intersectionality of the Deaf Community in both the disability movement and linguistic and cultural minority. What connects deaf people and make them belonging to a cultural and linguistic minority is the shared experience and use of their national sign languages, while the legal rights to use the national sign languages are to be found in disability legislation.

Yet, what makes the situation of the Deaf Community even more distinct from other existing linguistic minorities is their inability to access their spoken language environment due to their auditory-transmission making the use of national sign languages as the sole mean to be able to participate and be included in society.

Ultimately, the utmost importance of national sign languages for deaf people entitles them to receive quality inclusive bilingual education in the national sign language and national written language and to qualified and accredited sign language interpreters.

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