



*Legal Seat – Helsinki, Finland*

## **WORLD FEDERATION OF THE DEAF**

An International Non-Governmental Organisation in official liaison with ECOSOC, UNESCO, ILO, WHO and the Council of Europe. WFD was established in Rome in 1951.

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

#### **I. Introduction**

The World Federation of the Deaf (WFD) welcomes the call for submissions 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). Those who know our work, and know the lives of deaf people, will understand the relevance of the human rights of linguistic minorities to the lives of deaf people. Linguistic rights are central to the achievement of deaf people's human rights, as minorities who use a minority language within their national communities. Advocacy for language rights is a major part of the WFD's work of our member organisations, which are made up of national associations of deaf people across 125 countries. An overwhelming majority of respondents to an earlier survey of our members listed linguistic rights as a key organisational priority, particularly the rights of deaf children to be educated in sign language with direct communication with teachers and peers in sign language.

The topic of minorities is crucial for the Deaf Community. The Deaf Community presents unique intersectionality between the disability community and those communities which identify as cultural and linguistic minorities. The [WFD position paper on Deaf Communities as part of linguistic or disability identity](#) highlights that the Deaf Community belongs to both the group of persons with disabilities and the group of linguistic and cultural minorities. The diversity can be seen in our own deaf culture and language, namely via national sign languages. The rights of deaf people around the world are largely secured through these dual categories- through disability policies, legislation and international instruments, as well as in legislation and cultural instruments recognising their status as linguistic and cultural minorities within their nations.

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.).

## **II. 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 deaf people. 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 language 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, Article 30 safeguards the rights for sign language and deaf culture to be recognised by State Parties.

Deaf people who use sign language are fully deserving of all human rights and protections accorded to linguistic and cultural minorities. Several instruments exist to further these protections. Article 1 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities states “States shall adopt appropriate legislative and other measures” to “protect the existence and promote the identity of linguistic minorities”. As of today, the WFD notes only around 25% of the UN’s 193 Member States have officially recognised their national sign language via legislation. The WFD wishes to see our member organisations able to work alongside organisations of language minorities in their countries to achieve full recognition of and support for their national sign languages. This collaboration with other minorities should be supported and encouraged by State Parties, as per Article 6 of the Declaration, wherein minorities are able to exchange “information and experiences, in order to promote mutual understanding and confidence”. Article 27 of the International Covenant on Civil and Political Rights recognises the rights of minorities to use their own languages. Then, 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 and 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](#), 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 a 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 strengthen 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.

## **III. 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 a similar intersectionality of rights. The identity of deaf people manifests from various perspectives, such as personal experiences of being deaf, their use of sign language and their membership of a language community. Deaf identity is tied to sign languages and the social connection built on the shared experience with the use of sign language, commonly

known as deaf culture. Membership in a deaf community is not often defined by hearing loss but rather by identity with language and as part of a cultural community. This specific factor highlights the fact that deaf people belong to a linguistic and cultural minority. There is extensive scholarly literature on deaf people's cultural and linguistic group status and [more and more countries around the world](#) are recognizing this status in legislation conferring legal recognition to their national sign languages.

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 unfettered language input and development for deaf people. Access to sign language is thus a fundamental human right. Denial of linguistic rights to this minority is compounded by the relative inaccessibility of other languages to build a fluent multilingual language repertoire. This impacts and disables deaf people, particularly in the sphere of education.

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 nexus of the inclusion of deaf people both in deaf communities and in society. It is of paramount importance that governments and international organizations provide full linguistic access to this language minority. This can occur through language specific settings, such as schools, which teach in the national sign languages, and via government and other services provided directly in their national sign languages. Deaf people should also be provided with professional sign language interpreters to ensure social interactions with their non-signing surrounding environments to achieve equitable societies.

#### **IV. National Sign Languages as a minority language of education**

The inclusion of deaf people in the Deaf Community and in larger 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. Article 4.3 and 4.4 of the Minority Declaration also make clear the imperative for governments to promote the use of sign languages in educational settings.

A quality education in sign language would ensure that this minority language is accorded full status alongside the majority spoken languages of a country. This would mean ensuring a holistic view of the entire educational system, in that schools for sign language using children are seen as specialist schools for that language minority. Current policies which refuse to acknowledge such language rich learning environments should be seen as discrimination against a linguistic and cultural minority. This is supported by Recommendations 10 and 27 of the 1<sup>st</sup> Minority Forum in 2008, which states education in minority languages should not be seen as impermissible segregation, when such education is open to all who share that 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. In the current situation, 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](#), 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](#).

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.

## V. Conclusion

Several UN legislation and policies recognise the specific intersectionality of the Deaf Community in both the disability movement and as a linguistic and cultural minority. What connects deaf people and places them in the 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.

What makes deaf people distinct from other existing linguistic minorities is that access to sign languages is a fundamental first step to becoming multilingual. Thus, the role of national sign languages are especially crucial for deaf people to be able to participate and be included in society.

Ultimately, governments must recognize national sign languages as an integral part of national languages, and deaf people as national minorities. This recognition should call for the inclusion of national sign languages in government policy and planning, and for deaf people and other sign language users to be entitled to use this language in all areas of public life, including via quality inclusive bilingual education and qualified and accredited sign language interpreters.

For more information, please contact the WFD Human Rights Officer, Mr. Alexandre Bloxs at [alexandre.bloxs@wfdeaf.org](mailto:alexandre.bloxs@wfdeaf.org).



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President

### **About the World Federation of the Deaf**

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