



20 February 2014

Members of the United Nations Committee on the Rights of Persons with Disabilities
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Submission related to the Draft General Comment No. 2 on article 9

Dear Committee members,

The World Federation of the Deaf (WFD) and the World Association of Sign Language Interpreters (WASLI) thank for the opportunity to contribute in the development of the general comment on CRPD Article 9 on accessibility. Accessibility, in particular Article 9.2(e), can be regarded as cornerstone in fulfilling human rights of deaf people and the article is interlinked to all articles of the CRPD. In this Article, states parties are obliged to provide professional sign language interpretation. However, professionalism is not defined in the draft general comment and this is an issue that has been misinterpreted and even ignored in several countries. For example, news on the fake interpreter at the memorial service of Nelson Mandela reached the global community, highlighting the challenges when standards are not articulated or understood by governments. The WFD and the WASLI would like to raise some points of concerns for you to notice in further drafting of the general comment.

In human rights survey that the WFD conducted in 2009, only 62 out of 93 country responders had some kind of sign language interpretation available. 43 countries reported that they had sign language interpreter training, however this varied from just a few courses to full programs. Half of responders reported interpreters in their country were governed by a code of ethics and had access to limited state funding for interpreting services. Deaf people can enjoy human rights only if sign language is recognised by the government, education is available in sign language, interpreters can access formal training as interpreters, and accessibility in all areas of life is only ensured in sign language when professional sign language interpreter service is available. Without receiving education in sign language and access to services in their own languages, deaf people often face unemployment and may be burden for their families instead of being able to live independently.¹

The problem of an inadequate number of qualified sign language interpreters addressed in paragraph 6 of the draft general comment is a global problem.² The WFD and the WASLI have been pleased to see your Committee pointing out the insufficient provision of sign language interpretation several times in concluding observations.³ It would very helpful to have a recommendation in the general comment for state parties to progressively increase number of qualified sign language interpreters in all parts of their nations. In some countries, there might have been one interpreter group trained several years ago and since then new interpreters have not been trained to meet increasing needs of communities.

The number of qualified sign language interpreters is very small in most countries. Sign language interpreter training can be anything between a course that lasts for a couple of days and a university-

¹ Hauland & Allen: Deaf People and Human Rights. p. 9, 22 & 40.

² Draft General Comment on Article 9 of the Convention – Accessibility. Paragraph 6.

³ CRPD/C/SLV/CO/1 paragraph 30; CRPD/C/AUS/CO/1 paragraph 27 & CRPD/C/AUT/CO/1 paragraph 41.

level degree that requires years of studying.⁴ The WFD and the WASLI view qualified sign language interpretation as a systemic issue that is comprised of sign language training (language training led by deaf native sign language users), followed by interpreter training, which includes ethical decision making and interpretation strategies that support effective interpretation across a variety of settings. As well there is a need to develop a code of ethics and guidelines for professional conduct, an accreditation system and state funding for the use of sign language interpretation in all areas of life.

Research studies have recommended that State parties immediately start training sign language interpreters. In paragraph 28 of the draft general comment⁵, minimum quality of sign language interpreter service is highlighted as responsibility of state parties. Even though the WFD and the WASLI appreciate this expectation being set for states, both the WFD and the WASLI are concerned about the lack of definition of a professional interpreter and clarification on the training required to in order to be a professional interpreter. It is not clear how minimum quality of service is defined and who determines that. According to the WFD statement on sign language work⁶, decisions and actions on sign language issues need to be led and consulted by the deaf community whose native language is sign language and the WASLI needs to be consulted on matters of sign language interpretation. There is a risk of having interpreter trainings that is not led by, or involves the deaf community in a significant way, and thus the result is unlikely to meet the access requirements of the deaf community when interpreters use language that deaf people do not understand or interpreters do not understand the sign language used by the deaf. This kind of situation would be a waste of resources and it is the illusion of deaf people being able to access and participate fully in all aspects of citizenship.

According to the WFD human rights report, national legislations might be in place but implementation is problematic. In practise, deaf people do not often have the possibility to use professional sign language interpreters in all areas of life. When this situation is combined with the lack of awareness about deaf people having same rights as other people, deaf people are usually denied their human rights.⁷ Even developed countries that are states parties to the CRPD have been reluctant to provide professional sign language interpretation.⁸ The WFD and the WASLI would like to highlight the inappropriate approach of various stakeholders to request deaf people use their own family members as interpreters. This should not be allowed under any circumstance for multiple reasons (ethical, linguistic skills, interpreting skills, impartiality, confidentiality, etc.) and thus funding professional sign language interpreter service needs to be secured.

Paragraph 13 of the draft general comment addresses the importance of ensuring accessibility in both urban and rural areas.⁹ According to information from the World Health Organization, interpreters are not often available in rural areas.¹⁰ For example, in rural Uganda, it is very challenging for deaf women to report rape to police because authorities do not provide professional sign language interpretation. The lack of sign language interpreter service forces deaf women to rely on their family members that is problematic when independence and confidentiality are considered. In the same country, hospital staff did not communicate with a deaf woman in sign language during childbirth that led to death of a baby. Even though legislation might be appropriate in obliging hospital to provide sign language interpretation, implementation is non-existent.¹¹ Such examples are not only applicable to emerging countries as similar examples can be found in countries that possess the economic power to provide interpretation but lack the processes to implement such services successfully. If possible, the WFD and the WASLI would appreciate your committee setting benchmarks for ensuring accessibility in urban and rural areas.

⁴ Haualand & Allen: Deaf people and Human Rights. p. 45.

⁵ Draft General Comment on Article 9 of the Convention – Accessibility. Paragraph 28.

⁶ Available as attachment.

⁷ Haualand & Allen: Deaf People and Human Rights. p. 7.

⁸ WFD & WASLI Joint Statement & Guardian article on British deaf parents not having interpreters during childbirth.

⁹ Draft General Comment on Article 9 of the Convention – Accessibility. Paragraph 13.

¹⁰ WHO: World Report on Disability. p. 140.

¹¹ HRW: "As if We Weren't Human". p. 5, 36, 43-44, 48.

Based on aforementioned arguments, we would like to stress the importance of taking the need for a definition of professional sign language interpreter and the training required to reach professional status into account when drafting the general comment. Please do not hesitate to contact us if you have further questions.

Kind regards,

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Sources:

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