

## **Input of the World Federation of the Deaf on the Human Rights Council resolution on Freedom of opinion and expression**

### **I. Introduction**

The World Federation of the Deaf (WFD) welcomes the Human Right Council resolution 44/12 titled “Freedom of opinion and expression” adopted at its forty-fourth session. Furthermore, the WFD salutes the report of the Office of the High Commissioner for Human Rights collecting views and good practices fostering the access to information held by public entities.

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 127 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 submission will first bring some consideration on the scope of the resolution of the Human Rights Council (II.) before providing a case study of its practical implementation (III.). Then, this submission will spotlight the specific requirement of deaf people to government-funded professional and accredited sign languages interpreters as a mean for deaf people to exercise their freedom of opinion and expression (IV.) prior to the conclusion (V.).

### **II. Consideration on the scope of the Human Right Council resolution 44/12**

Despite warmly welcoming a new resolution on a crucial topic as the freedom of opinion and expression, the WFD deplores the absence of considerations to the obligations of States parties to provide information and communicate to its audience in the national sign languages in addition to the official languages. Indeed, in the Art. 1 of the resolution, the Human Rights Council reaffirms the rights outlined in the International Covenant on Civil and Political Rights (ICCPR) of people to impart information from States parties “*either orally, in writing or in print,*



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*in the form of art or through any other media of one's choice*". The resolution fails to operate a cross-cutting approach by considering the various UN Human Rights Treaties such as the Convention on the Rights of Persons with Disabilities (CRPD). By referring to languages only as *"either orally, in writing or in print"*, the resolution leaves sign languages out of the scope of this resolution which results in continuous exclusion of deaf people.

The Convention on the Rights of Persons with Disabilities, in its article 2 defines "language" as including sign languages. The term "sign languages" should be interpreted as the national sign languages used by deaf communities of a given State party.

National sign languages are natural, highly complex languages with full expressive capacity, with their own grammar, lexicon, humour and associated performance forms. With more than two hundred different sign languages worldwide, they are the preferred languages of deaf people as they are the only languages requiring no further efforts for deaf people to interact with their direct environment. They are the key to the inclusion of deaf people in both deaf communities and in society, on an equal basis with others, and for their full exercise of all their human rights, fostering the building of their own identities and communities and their assertion.

States parties have the responsibility to take all appropriate measures to ensure that persons with disabilities including deaf people can exercise their right to freedom of expression and opinion by accepting and facilitating the use of sign languages in official and public interactions as per Art. 21(b) CRPD in line with Art. 19 ICCPR. The *rationale* laying behind those two legal provisions is that sign languages are crucial for deaf people to reach out to their governments and decision makers, and receive life-saving information in situations of emergencies. It is not only a matter of linguistic preferences but especially a matter of responsibility to provide accessible information for the exercise of their human rights.

Further than providing accessible life-saving information, giving opportunities to deaf people through their representatives organisations to interact with government officials in the national sign languages would put deaf people as actors of their participation in society and decision-making processes. Art. 4.3 CRPD recognises the obligation of State parties to involve deaf people through their representatives organisations, the National Associations of the Deaf, with developing policies and legislation concerning them in all the process at all levels (from rural to global) and from the outset to the conclusion.



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### **III. Case study: Sign languages interpretation for Covid-19 pandemic related information**

The Covid-19 pandemic has highlighted the dire predicament of deaf people in accessing life-saving information in their national sign-languages from their governments. Most States parties to the United Nations rightly imposed social distancing measures to reduce the spread of the virus, but they have not been systematically attentive, nor sensitive to the specific accessibility requirements of deaf people. Public announcements and information related to the Covid-19 pandemic are not always conveyed in a manner that is accessible for deaf people, e.g. spoken language. To ensure full accessibility for deaf people, information should be provided in interpretation and translation in their national sign languages.

To date, over 100 countries have provided national sign language interpretation during public announcements on the Covid-19 pandemic with variable quality. This number hides a lot of disparities. Interpreting is not present on all levels of governments, nor consistently provided for all briefings, or highly dependent on voluntary efforts or made available to watch at a later time. Access is the government's responsibility and this needs to be codified in legislation so it is not overlooked any more. The absence of provisions to deaf people of quality and accessible information on Covid-19 in their national sign languages puts their health at risk, as well as the health and life of their communities. In addition, deaf people are left behind when it comes to accessing information on relief funds and other welfare programs easing the impact of quarantine measures.

The WFD conducted consultative meetings on a Regional basis with their Ordinary Members with a total of 90 countries consulted. These meetings highlighted the dire lack of access to emergency services for deaf people through sign language interpretation, either physically or remotely. With rare exceptions, deaf people are not able to access quality healthcare due to the lack of provision of sign language interpretation, through either a physical interpreter or virtual remote interpreting service. This leaves them behind in exercising their right to access information and express their concerns and opinions on an equal basis with others in crucial life-threatening times. Not only does it have an impact on their health, but also criminal justice. If deaf people are not made aware of the sanctions that have been imposed, this may cause problems for them at a later point.



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#### **IV. Professional and accredited national sign language interpreters as a mean to exercise the right to freedom of opinion and expression**

The only way for deaf people to exercise their freedom of opinion and expression, including to interact with governmental officials and key decision-makers in their preferred languages outside their communities and to non-sign languages users is to use government-funded professional and accredited sign languages interpreters.

Sign language interpreters can work either by being physically present with the deaf person or remotely through Video Remote Interpreting (VRI) and Video Relay Service (VRS). VRS is a telephone service where the spoken message is relayed in sign language and vice versa. VRI means that communication takes place via a video screen and at a distance. Remote interpreting can be used for different reasons and when the interpreter is not at the same location as the users. Given the high prevalence of Covid-19 transmission, it is recommended to use remote interpretation to avoid the virus spreading.

Furthermore, article 9.2 (e) of the CRPD highlights that States parties to the Convention must take appropriate measures to provide sign languages interpretation services to facilitate accessibility. The use of “professional sign language interpreters” as stated in 9.2 has been interpreted to mean sign language interpreters are properly trained with deaf community participation, certified according to a neutral certification mechanism in which deaf people are represented, and are paid in accordance with their professional status. Their neutrality in our current sensitive times is crucial to exercise the right of freedom of opinion and expression. More information can be found in the [WFD Position Paper on Accessibility: Sign Language Interpreting and translation and technological developments](#).

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#### **V. Conclusion**

National sign languages are the crucial and non-negotiable elements for deaf people to enjoy their fundamental right to freedom of expression and opinion, including to interact with their governments and key decision-makers in public policies. The CRPD provides a necessary and inclusive update of Art. 19 ICCPR by broadening the scope of the definition of language by including sign languages in it. The Covid-19 pandemic has spotlighted the life-saving importance of providing national sign languages interpretation to all Covid-19 pandemic related official communications and public policies. It is life-saving not only for deaf people but also for the general population as deaf people might unknowingly spread the virus due to the lack of



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accessible information and means to express their concerns on the steps to undertake for its prevention as well as getting information on complementary measures adopted during the lockdown such as the announcement of social protection measures. Furthermore, the rights to rights of deaf people to express their distress during the Covid-19 pandemic and seek out support on an equal foot with their hearing counterparts can only be reached through professional and accredited sign languages interpreters. The fulfilment of the right to express their opinion for deaf people to non-sign languages users including government representatives, key decision-makers in emergencies, among others, can only be reached through the provision of professional and accredited sign language interpreters funded by the governments.

Once those measures are put in place, the national sign languages are recognised and promoted as a language part of the linguistic landscape of a State party; the provision of government-funded professional sign languages interpreters; and the opportunities to interact with government officials in the national sign languages, the Human Rights Council Resolution 44/12 will have a meaningful effect in the daily life of deaf people.

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

Yours sincerely,

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