

WFD input to the Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

The World Federation of the Deaf (WFD) welcomes the call for input on the 'Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity', part of the 47th session of the Human Rights Council (HRC/47).

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).

Safeguarding people from violence and discrimination based on sexual orientation and gender identity is at the heart of the achievement of human rights for all. Human rights are a set of inalienable, indivisible and interdependent rights applying to everyone without distinction of their gender identity and expression, sexual orientation, age, disabilities, religion, ethnic origin, languages, and all other social and cultural categories, including their intersections, such as those of deaf women and deaf LGBTQIA+ people. For this reason, the WFD, as the leading international organisation representing the human rights of all deaf people worldwide, is committed to safeguard deaf women and deaf LGBTQIA+ people from any discrimination and violence based on their sexual orientation and gender identity and expression, with an intersectional focus.

The WFD being a global organisation, this submission will highlight the international framework and context of deaf women and deaf LGBTQIA+ people.

- 1. Has the State adopted, in public policy, legislation or jurisprudence, working definitions of gender and related concepts (for example gender theory, gender-based approaches, gender perspective, gender mainstreaming) aiming to address violence and discrimination based on sexual orientation and gender identity? If so, please give examples, with commentary as needed to explain context, scope and application.**

a. Convention on the Rights of Persons with Disabilities (CRPD)

In 2006, the United Nations General Assembly adopted the Convention on the Rights of Persons with Disabilities (CRPD) as the first international legal instrument safeguarding the human rights of persons with disabilities, including deaf women and deaf LGBTQIA+ people. As one of its core principles, the CRPD recognises, in its Art. 3, equality and non-discrimination to be a core principle.

serve as an interpretative guidelines to implement the Convention. States parties obligations in regard to equality and non-discrimination is further expanded in Art. 5 CRPD where persons with disabilities, including deaf women and deaf LGBTQIA+ people, are guaranteed equal and effective legal protection against discrimination on *all* grounds, including gender and sexual orientation grounds.

Furthermore, the CRPD addresses the specific situation of additional discrimination encountered by women and girls with disabilities. Art. 6 CRPD recognises that women and girls with disabilities, including deaf women and girls are subject to multiple discrimination due to their gender, disabilities and linguistic preferences. Therefore, States parties to the Convention are bound to take all appropriate measures to ensure their full development, advancement and empowerment to ensure their enjoyment of their fundamental rights.

The notion of women and girls with disabilities being very broad, the CRPD Committee in its [General Comment No 3 on women and girls with disabilities](#) highlighted that women with disabilities are not a homogeneous group, they include lesbian, bisexual, and transgender women, as well as intersex persons (point 5).

Art. 15 CRPD highlights that no one, including deaf women and deaf LGBTQIA+ people shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Therefore, States parties should take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, including deaf women and deaf LGBTQIA+ people, from being subjected to these actions and treatments. Art. 15 and 16 CRPD are the two faces of the same medal, with the latter obliging States parties to take all appropriate measures to end all forms of exploitation, violence and abuse, including their gender-based aspects (Art. 16.1 CRPD). States parties shall also take all appropriate measures preventing exploitation, violence and abuse by ensuring the provision of gender and age sensitive assistance and support to persons with disabilities, including deaf women and deaf LGBTQIA+ people, through the provision of information and education on how to avoid, recognise and report instances of exploitation, violence and abuse (Art. 16.2 CRPD).

Ultimately, Art. 21 b) recognise the obligation of States parties to accept and facilitate the use of national sign languages by persons with disabilities, including deaf women and deaf LGBTQIA+ people in official interactions. Such opportunity to reach out to States parties in the national sign languages would render Art. 16 effective for deaf women and deaf LGBTQIA+ people. The access to national sign languages are curricula for deaf people, including deaf women and deaf LGBTQIA+ people, to be able to describe their experiences and trauma.

In addition, UN-Women, The Committee on the Elimination of Discrimination against Women, and the Committee on the Rights of Persons with Disabilities adopted a [joint statement for ending sexual harassment against women and girls with disabilities](#). This statement recognises that under the CEDAW, there is recognition that discrimination against women, including gender-based violence, is shaped by intersecting dimensions of inequality, including disability. The statement also recognises that disability and gender intersect to shape sexual harassment, which might not fit common understandings of this form of gender-based violence. Furthermore, the intersection of gender and disability exacerbate experiences of and create barriers to ending sexual harassment. In the situation of deaf women and deaf LGBTQIA+ people, this is highlighted and exacerbated by the absence of any reporting platform and services available in the national sign languages.

b. World Federation of the Deaf policies

In addition, the World Federation of the Deaf, in its [WFD Charter on Sign Language Rights for All](#), recognises the vibrant diversity constituting deaf communities, encompassing different categories of deaf people, including *inter alia* deaf children, deaf youth, deaf women, deaf elders, deaf LGBTQIA+, deaf migrants, deafblind people, families of deaf children, children of deaf adults (CODA), and all other people using sign language (Art. 1.4 Charter).

Deaf communities present an uniqueness of its kind as they belong to both the disability movement and the culturo-linguistic minority. This brings the consequences that deaf people, including deaf women and deaf LGBTQIA+ people are not fully represented within the disability movement due to the lack of consideration of their culturo-linguistic perspectives, and within the culturo-linguistic minority due to their specific disabilities. As highlighted in its [position paper on situating deaf communities within “disability vs cultural and linguistic minority” constructs](#), Deaf communities worldwide have long taken pride in 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 and culture, which manifest from different perspectives, such as personal experiences of being deaf, their use of sign language and one’s membership of a language community. However, deaf identity and culture are mainly tied to sign languages and the social connections built on the shared experience of using sign language. The membership of the deaf community is not usually defined by hearing loss but rather by identity with sign language. This highlights the fact that deaf people belong to a linguistic and cultural minority group.

Furthermore, the existence of such a culture is formally recognised by Art. 30 CRPD. This provision explicitly recognises deaf people’s right to their cultural and linguistic identity.

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 access to auditory input is not the same as people who are not deaf. Therefore, sign languages are not only culturally important, they are also the sole unconstrained 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. The right to access as citizens in a larger dominant language culture, when societal barriers emerge, is the nexus that connects the Deaf Community with the disability movement.

However, what distinguishes the deaf community from the disability movement is the use of a specific language, sign language. Sign languages are fully-fledged languages with their own linguistic properties, including grammatical features, such as morphology, phonology and syntax. Sign languages are the mother tongue and the natural languages of deaf people. Sign languages are the means by which deaf people can realise all their other human rights, and be included both in deaf communities and in society. It is also the means by which deaf people can build their own identities and communities. Most of all, national sign languages are the only language for deaf children that can be accessed without barriers and can be used without additional help or support.

c. Other policies

[The Inclusive Education Index report](#) carried out by the International Gay and Lesbian Bisexual Transgender Queer & Intersex Youth and Student Organisation Youth (IGLYO) shows that although there are significant improvements in terms of anti-discrimination laws, policy and action plans, partnerships with government and NGOs relating to LGBTQIA+ rights in some European countries, there are still not enough measures to support and protect LGBTQIA+ citizens. However, it should also be noted that the majority of Deaf children are placed in mainstream educational settings, so it is not possible to get accurate data on how many deaf children have access to that information.

4. Is comprehensive sexuality education taught in schools?

Deaf people, including deaf children, present a specific requirement for inclusive bilingual education in the national sign languages and national written language, in line with article 24 CRPD . [The WFD position paper on Inclusive Education](#) highlights that quality and inclusive education for deaf learners can only be achieved through bilingual education in the country's national sign languages and national written language(s). 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 WFD does not believe the outplacement of deaf children in local schools with the provision of a sign language interpreter to be a viable solution. Indeed, through the medium of a sign language interpreter, deaf children are not receiving direct information from the teacher and are not able to communicate directly with other students. Children participate via the sign language interpreter and are at risk of missing out peer to peer interaction, not to mention information happening in their direct environment.

The lack of quality and inclusive educational setting for deaf learners will result in the lack of adequate teaching of comprehensive sexual education. Research have shown that inclusive and comprehensive sexuality education is rarely taught in Deaf schools with a lack of accessible materials in the national

sign language. The actual global educational trend for deaf learners is to outplace them in mainstream schools with sometimes the provision of a national sign language interpreter, often unqualified and non-accredited through a national certification mechanism. In these settings, opportunities for deaf to access this information is further reduced.

Indeed, the national sign language interpreter who may not be fully fluent in sign language. There have been occasions where interpreters did not know of or have the correct sign language vocabulary for words such as 'penis' or 'vagina' or even 'sex'; citing concerns about the hearing children being distracted by the visual modality of the signs, or that they may start laughing and not take the class seriously.

Additionally, not all deaf children receive access to sign language, which means that deaf children who are in school settings may not be able to understand the information provided in either sign language or the spoken language of the country. This is compounded by support workers who work with deaf children and teenagers, who may not be fluent in sign language and are therefore unable to convey the depth and nuances of sex education; let alone information relating to sexuality and gender identity, or healthy relationships, including domestic or gender-based violence.

Many of the schools providing education for deaf children in the Global South are operated by religious missionary organisations, which means that if there is any sexual education, it would be streamlined in order to cover the bare minimum of information or to promote abstinence.

In addition, the data collected by UN Member states are not always disaggregated by disability, as per the article 31 CRPD. Therefore, it is difficult to determine how deaf people of diverse sexual

orientation, gender identity or expression and sexual characteristics (SOGIESC) experience violence and discrimination, or if there are any accompanying patterns. At this point, the information addressing this area of inquiry has been collected by disability-specific organisations only, and rarely are they disaggregated by disability. Therefore, there is a serious scarcity of research or data on deaf people of diverse SOGIESC identities.

Ultimately, seeking support from a third via a third party, such as national sign language interpreters, can be disruptive to the healing journey of deaf LGBTQIA+ people having experienced gender-based and/or sexual orientation-based violence and may result in disengagement from vital support. It is crucial that information is disseminated in an accessible manner. It is not only a matter of linguistic preferences, but a responsibility to provide accessible information for the exercise of their human rights.

7) Are there examples in which narratives or “gender ideology,” “genderism” or other gender-related concepts have been used to introduce regressive measures, in particular but not limited to LGBT persons or communities?

Intersectionality is a concept that is still not fully understood in a number of countries, for a variety of reasons. As mentioned above, countries founded on Christian values often do not approve of, or recognise LGBTQIA specific issues. Because of this, deaf people are unable to seek support from associations when services are inaccessible, and conversely, they are fearful that they may be ‘outed’ if they use a sign language interpreter when they try to access those services. The consequences of this are that participation for deaf LGBTQIA people can be limited or non-existent.

11) Can you provide examples of coalitions working together on resisting attacks on gender ideology? Please share examples of feminist and LGBT and other groups working together and with what kinds of frameworks, arguments and results?

[Deaf Rainbow Philippines](#) is an organisation that focuses on deaf LGBT people and works with local LGBT organisations to ensure that Deaf LGBT people have access to information about their sexuality and to prevent discrimination.

[Deaf Rainbow UK](#) is an organisation that provides information, support, advice, resources and representation for Deaf LGBTQIA+ people.

[Deaf Rainbow New South Wales](#)

[EDY ∞](#) is a working group under the European Union of Deaf Youth

References

Getch YQ, Branca DL, Fitz-Gerald D, Fitz-Gerald M. [A rationale and recommendations for sexuality education in schools for students who are deaf](#). Am Ann Deaf. 2001 Dec;146(5):401-8. doi: 10.1353/aad.2012.0209. PMID: 11865570.

Getch, Y.Q., Young, M. & Denny, G. [Sexuality Education for Students Who Are Deaf: Current Practices and Concerns](https://doi.org/10.1023/A:1023015811639). *Sexuality and Disability* 16, 269–281 (1998).
<https://doi.org/10.1023/A:1023015811639>

[Communication barriers in sex education put deaf people at risk](#)

[Improving Sex Education For Deaf Pupils In The UK](#)

[Sex Education in Deaf High Schools: A comparative study of sexuality epistemology in Kenya and Rhode Island](#)

[Deaf Rainbow Philippines: 'Voice' for Deaf LGBTs – Outrage Magazine](#)

For more information, please contact the WFD Human Rights Officer, Mr. Alexandre Bloxs at alexandre.bloxs@wfdeaf.org.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joe Murray', with a large, sweeping flourish at the end.

Joseph J. Murray
President