**Input of the World Federation of the Deaf to the call for input to the report of Special Rapporteur on minority issues to the UN General Assembly on institutional arrangements of States that enable minority rights to flourish.**

**Introduction:**

The World Federation of the Deaf (WFD)[[1]](#footnote-1) is honoured to contribute to the call for input of the Special Rapporteur on minority issues as mandated by the Human Rights Council (HRC Res. 52/5). This input will highlight the unique perspective of deaf people as part of a linguistic and cultural minority, especially through the use of their national/Indigenous sign languages (I). Based on this perspective, we will then present the current situation regarding the recognition of the linguistic rights of deaf people in the 193 Member States of the United Nations, with a specific address on the recognition of the national/Indigenous sign languages (II). Moreover, we will present five national case studies in which deaf people are recognised as members of a linguistic and cultural minority (III). Finally, we will present some of the institutional arrangements that guarantee effective political representation of deaf persons, especially in the promotion of their national/Indigenous sign languages (IV).

**I. Linguistic human rights of deaf people:**

The deaf community presents unique intersectionality between the disability community and those communities which identify as cultural and linguistic minorities under the application of the international human rights instruments. The Deaf Community belongs to both the group of persons with disabilities and the group of linguistic and cultural minorities[[2]](#footnote-2). When addressing deaf people’s linguistic human rights, it must be considered from a cultural and linguistic standpoint, with sign languages being the core feature to ensure the achievement and respect of human rights of deaf people. National/Indigenous “sign languages are the fully fledged natural languages, structurally distinct from spoken languages, alongside which they coexist” as recognised by the United Nations General Assembly in its Resolution recognising the International Day of Sign Languages[[3]](#footnote-3). National sign languages are minority languages used by Deaf communities within a given country, whereas written/spoken languages constitute the dominant language of the country[[4]](#footnote-4).

Indigenous sign languages are the sign languages that emerged naturally in Indigenous Deaf communities[[5]](#footnote-5) before having the influences of colonial sign languages[[6]](#footnote-6), such as, for example, the Plains Indigenous Sign Language in Canada, and the Indonesia’s Bengkala Sign Language[[7]](#footnote-7).

Not only do deaf people use sign languages in their communities as the vector of their linguistic and cultural identities, but also, sign languages play a critical role in their optimal mental, physical and social health across the lifespan[[8]](#footnote-8). Moreover, the recognition and the promotion of the use of sign languages by the public authorities ensure deaf people’s full access to information and communication and active participation in the society as enshrined in the UN Convention on the Rights of Persons with Disabilities[[9]](#footnote-9).

The right of linguistic minorities, such as the deaf community, to use their own language is protected by Article 27 of the International Covenant on Civil and Political Rights, Article 30 of the Convention on Rights of the Child, Article 5(c) of the UNESCO’s Convention against Discrimination in Education, and Article 4.3 the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Despite these international provisions, Deaf communities have historically been largely excluded from the culturo-linguistic minority rights discourse due to, among other things, a predominantly disability focused view of deaf people; and differing international definitions of minority groups (such as limiting these to only ethnic minorities).

Since 2018, the former Special Rapporteur on Minority Issues, Dr. Fernand de Varennes, acknowledged the “importance of recognizing that, as users of sign language and members of a linguistic minority, deaf people everywhere have human rights that would, in the future, be considered in the activities of the mandate[[10]](#footnote-10)”. In his reports and statements, the Special Rapporteur on minority issues affirmed that deaf people are part of linguistic minorities[[11]](#footnote-11). Moreover, the Forum on Minority Issues recommended that “States are encouraged to recognise sign language users as members of linguistic minorities (…)[[12]](#footnote-12)”.

In conclusion, deaf people are part of the linguistic and cultural minority, and their linguistic human rights are protected by international human rights instruments including the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities[[13]](#footnote-13).

**II. National recognition of linguistic rights of deaf people**

The first step towards the recognition of linguistic rights of deaf people is to recognize and promote the use of the national/Indigenous sign languages at the national and/or regional (sub-national) level. Indeed, the recognition and promotion of the use of national sign languages as a fundamental right for deaf people is the prerequisite for deaf people to exercise all other human rights, such as the right to participate in the society, the right to access to education and work; the right to access to information and communication, and the right to full political participation at the decision-making levels and in communication with public authorities through their national sign languages.

Among the 193 Member States to the United Nations, only 77 countries have recognised national sign languages in their legislation, meaning that 60% of the Member States have yet to achieve this important milestone towards the fulfilment of the minority rights of deaf people. All those countries, except for Lebanon and the United States of America, are States Parties to the UN Convention on the Rights of Persons with Disabilities, the first international human rights instrument requiring States Parties to recognize sign language as an official language in their country[[14]](#footnote-14).

The countries that have undertaken legal recognition of their sign languages have done so in widely varying ways and through various types of legal instruments, following their specific legal systems. They can be classified in different categories: constitutional recognition; recognition by means of a general language legislation; recognition by means of a sign language law or act; recognition by means of a sign language law or act, including other means of communication; recognition by means of a disability legislation; and the recognition by means of legislation on the functioning of the national language council[[15]](#footnote-15). As De Meulder noted, this classification does not constitute a hierarchy or ranking, but rather a simple description of distinct legal structures since a recognition at the constitutional level (often limited to symbolic status recognition) does not necessarily yield more rights than, for instance, recognition by means of a specific language law (often providing substantial linguistic human rights to deaf communities) [[16]](#footnote-16).

Furthermore, some of the States Parties to the United Nations are still addressing deaf people under the sole perspective as disability rights holders, while the CRPD recognizes expressly their linguistic human rights and their linguistic and cultural identity and belonging to the deaf community, a minority. While the Committee on the Rights of Persons with Disabilities recommend systematically in its Concluding Observations to the States Parties that have not yet recognised sign languages as official languages, to proceed to the recognition in their legislation, and because only a limited number of them are undertaking the necessary steps to achieve it, it is preventing the recognition of the minority status of deaf people in their country and their linguistic human rights.

Due to the huge disparity between the Member States to the United Nations regarding the recognition of the linguistic human rights of deaf people and their minority status, there is a need for strengthened legislation measures and policies to be adopted and implemented in the countries, next to the minimal symbolic recognition of the national/Indigenous sign languages of the deaf communities. The areas that governments should address in the recognition of the linguistic human rights of deaf people are: language policy and liberty, equality and non-discrimination, language use and promotion of identity, education in sign language, sign language interpretation, access to information (including emergency situations), legal capacity, and deaf community participation in decision-making processes[[17]](#footnote-17). These minimal guiding principles will be used in the national case studies presented in the following section of this submission.

**III. National case studies of legislation recognizing deaf people as part of a minority**

In this submission, we are providing you an insight into the national case studies of five countries, following a regional balance globally, as undertaken in our multi year research project on sign language rights and published in our Guidelines on Achieving Sign Language Rights. However, this does not exclude other countries worldwide that are recognizing and promoting the sign language (rights) of deaf people as part of the linguistic minority.

1. **Kenya:**

The Kenyan Sign Language (KSL) has been recognised since 2010 as an Indigenous language in the Constitution and the Kenya Sign Language Bill has passed in 2019[[18]](#footnote-18). The KSL is recognized as a language used by deaf and hard-of hearing people in Kenya, and must be developed and preserved by deaf people who must be consulted in any aspect related to their language.

The law refers to the principles of equality and non-discrimination enshrined in the Kenyan Constitution, protecting therefore deaf people in the use of their sign language and obliging the government to guarantee their right to equality on linguistic matters in different areas. Both languages, Kiswahili, the dominant language of the country, and Kenyan Sign Language must be treated equally in the education of deaf children and teachers must be qualified in both.

Funds must be allocated for the development of instructional materials and training entities must provide training on Kenyan sign language, on sign language interpreting and the government must develop a scheme to support families of deaf children to attend Kenyan Sign Language classes. Sign language interpreters must become professional, be accredited and comply with a work code of conduct. Accessibility in public services and information is addressed but without specific mention about emergency or crisis. Members of the deaf community must always be consulted on matters relevant to them and the government will have to cover the costs for the accessibility of their consultation.

1. **Colombia:**

The Colombian Sign Language is recognised in the initial law n° 324 since 1996[[19]](#footnote-19) and this law has been implemented in other laws with stronger provisions on sign language rights. The last one, n°2049, published in 2020 approves the creation of the National Council on Sign Language Planning and recognizes 23rd of September as Colombian Sign Language Day. The Colombian Sign Language is recognized as the natural language of deaf people who are respected for using it and have the right to learn it from an early age. In one of the laws implementing the initial law, discrimination against a signing deaf(blind) person is prohibited.

The government must protect families with a deaf child and provide them with necessary support services including the learning of the Colombian sign language. The government will progressively provide necessary resources and support for the education of deaf people. Further laws implementing the initial law are strengthening this obligation. The government must recognize and give resources for the recruitment and funding of sign language interpreters. A law implementing the initial law mentions that the government must oversee the quality training, qualifications and accreditation process of the interpreters, along with the deaf community. The government must provide accessible official information in broadcasting and accessible telephone services. Since 2020, a National Council on Sign Language Planning has been established and must be composed of half plus one deaf persons and users of Colombian sign language. It is responsible for designing and ordering the implementation of the sign language policies.

1. **South Korea:**

The Korean Sign Language Act recognises since 2015 the Korean Sign Language on the same official level as the Korean national language[[20]](#footnote-20). Deaf people are granted linguistic rights. Deaf people have the absolute rights to use and communicate in Korean Sign Language. The government must respect the identity, culture and language of deaf people in its plans and programs. Korean Sign Language is considered as a linguistic heritage to be studied, promoted and disseminated in a five yearly framework plan.

The government must provide additional regulations for the implementation of a bilingual education for deaf students in Korean Sign Language and Korean national language. The government must provide sign language interpreters and ensure their training and accreditation. A national disability law mentioned that accessibility in television can be requested from the government. The Ministry of Culture, Sports and Tourism is responsible for the implementation of the act and must develop a five-year plan, with the support of experts in Korean Sign Language.

1. **Bulgaria :**

The Bulgarian Sign Language has been recognized since 2021 in a Bulgarian Sign Language Act as an equal and independent language for the deaf and deafblind persons in Bulgaria[[21]](#footnote-21). Deaf and deafblind persons can express themselves in Bulgarian Sign Language and their culture and identity is recognized. The right to access to all spheres of public life in using Bulgarian Sign Language is enshrined in the law. Students who are not deaf or deafblind can learn the Bulgarian Sign Language as part of their curriculum during optional school hours.

Deaf students must access education in their sign language and children must learn the Bulgarian Sign Language as part of their curriculum. Teachers must be fluent in this language and be trained by professional teachers of Bulgarian Sign Language. A number of hours of interpretation in higher education must be provided to deaf students. The sign language interpreters must be professional and undergo an accreditation process to provide their services. Deaf and deafblind have the right to access information and express themselves in Bulgarian Sign Language in contact with all government agencies and bodies. Moreover they receive an amount of hours of interpretation to use in their daily lives. Deaf and deafblind community must be involved in special schools. A Bulgarian Sign Language Council is established in which 5 out of the 14 members must be deaf/deafblind.

1. **New Zealand:**

The New Zealand Sign Language (NZSL) is recognized since 2006 in the New Zealand Sign Language Act as the sign language used by the New Zealand deaf community and is granted official language status[[22]](#footnote-22). Deaf people have the right to use NZSL in courts. Government services should use New Zealand Sign Language in official communications and interactions with deaf people. The government should consult the deaf community on matters related to NZSL.   Government and public information should be accessible to the deaf community. In 2007, the Ministry of Education issued a new national curriculum where guidelines for deaf education were established. The NZSL is the medium of instruction for deaf people and they must be able to be educated in bilingual spaces. In 2015, the Government established the New Zealand Sign Language Board to advise the government on the promotion and maintenance of NZSL. The NZSL Board is composed of 10 members who are New Zealand Sign Language users and the majority of them must be deaf.

**IV. Institutional arrangements that guarantee effective political representation of deaf persons:**

In most of the countries, deaf people are excluded from the decision-making processes, especially those that can have an impact on and/or relate to their lives. The reasons are the lack of provision of information and communication in their language, the national/Indigenous sign languages, through professional sign language interpretation during sessions/meetings, translation of official texts into sign language, and public consultation processes. Regarding the implementation of the linguistic human rights of deaf people, the most effective institutional arrangements some of the countries presented are the establishment and implementation of national/regional sign language boards or councils that gather a majority of deaf and sign language users representing their deaf communities in the country. In the above-mentioned national case studies, the sign language boards/councils play an important role in ensuring the participation of deaf persons in the decision-making processes regarding the implementation of the sign language recognition provisions as well as deaf people’s rights. Moreover, to our knowledge, the governments of Austria (2013)[[23]](#footnote-23), Spain (2018)[[24]](#footnote-24), Germany (2019)[[25]](#footnote-25), and Switzerland (2023)[[26]](#footnote-26) have registered their national sign languages in the UNESCO’s Intangible Cultural Heritage, as the social and cultural foundation of their respective national deaf communities. The purpose of this recognition is to ensure the preservation and the promotion of the national sign languages that constitute the fundaments of the deaf community, a linguistic and cultural minority.

**VI. Conclusion:**

To conclude, deaf people are both disability rights holders and minority rights holders, although some governments and/or international bodies do not recognise their unique intersectionality, hindering their participation in political, cultural, social, and public life. Based on good example practices from numerous countries in the world, we strongly recommend governments to recognize national sign languages as an integral part of national languages, and deaf people as linguistic and cultural minorities. This recognition should call for the inclusion of national/Indigenous sign languages in government policy and planning, as well as the establishment of consultative bodies in which deaf people can provide advice on their sign language rights, 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 education and qualified and accredited sign language interpreters in their participation in the decision-making processes.

1. 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 136 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). [↑](#footnote-ref-1)
2. World Federation of the Deaf, Position Paper on the Complementary or diametrically opposed: Situating Deaf Communities within ‘disability’ vs ‘cultural and linguistic minority’ constructs, 2019, available at: <http://wfdeaf.org/news/resources/wfd-position-paper-complementary-diametrically-opposed-situating-deaf-communities-within-disability-vs-cultural-linguistic-minority-constructs/> [↑](#footnote-ref-2)
3. United Nations General Assembly, Resolution adopted on 19 December 2017, A/RES/72/161. [↑](#footnote-ref-3)
4. Murray J. and Stiglich S., Guidelines for Achieving Sign Language Rights. A WFD Advocacy Toolkit, July 2023, available at: <http://wfdeaf.org/guidelinesaslr/> [↑](#footnote-ref-4)
5. McKee, Rachel & Mckee, David & Smiler, Kirsten & Pointon, Karen (2007). Māori Signs: The Construction of Indigenous Deaf Identity in New Zealand Sign Language. Available at: <https://doi.org/10.2307/j.ctv2rr3fxz> [↑](#footnote-ref-5)
6. Adams. (2021, May 3). Indigenous Sign Languages - Rodney Adams. YouTube. Available at: <https://www.youtube.com/watch?v=6Ndrfgb0qgM> [↑](#footnote-ref-6)
7. Hurlbut, Hope M., “The Signed Languages of Indonesia: An Enigma”, *Journal of Language Survey Reports,* 2014-005, available at: <https://www.sil.org/resources/publications/entry/58160>. [↑](#footnote-ref-7)
8. World Federation of the Deaf, Position Paper on Access to National Sign Languages as a Health Need, 2022, available at: <https://wfdeaf.org/news/resources/position-statement-on-access-to-sign-languages-as-a-health-need/> [↑](#footnote-ref-8)
9. UN Convention on the Rights of Persons with Disabilities, article 21. [↑](#footnote-ref-9)
10. Special Rapporteur on Minority Issues, Report A/HRC/37/66 to the Human Rights Council (HRC) presented at the 37th Session of the Human Right Council on 16 January 2018. [↑](#footnote-ref-10)
11. Special Rapporteur on Minority Issues, Report A/75/211 Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities presented at the 75th Session of the UN General Assembly on 21 July 2020, par. 49; and Report A/HRC/43/47 Education, language and the human rights of minorities presented at the 43rd Session of the Human Rights Council on 9 January 2020, par. 54. [↑](#footnote-ref-11)
12. Recommendations of the Forum on Minority Issues at its twelfth session on the theme “Education, language and the human rights of minorities”, A/HRC/43/62, par. 11. [↑](#footnote-ref-12)
13. Manning V., Murray J.J., Bloxs A., “Linguistic Human Rights in the Work of the World Federation of the Deaf”, *The Handbook of Linguistic Human Rights,* 2023, pp. 267-280. [↑](#footnote-ref-13)
14. United Nations Convention on the Rights of Persons with Disabilities, article 21(e). [↑](#footnote-ref-14)
15. Murray J. and Stiglich S., *Guidelines for Achieving Sign Language Rights. A WFD Advocacy Toolkit*, July 2023, available at: <http://wfdeaf.org/guidelinesaslr/> [↑](#footnote-ref-15)
16. De Meulder M., “The Legal Recognition of Sign Languages”, *Sign Language Studies*, *15(4)*, pp. 498-506. [↑](#footnote-ref-16)
17. Murray J. and Stiglich S., *Guidelines for Achieving Sign Language Rights. A WFD Advocacy Toolkit*, July 2023, available at: <http://wfdeaf.org/guidelinesaslr/> pp. 31-36. [↑](#footnote-ref-17)
18. <http://www.parliament.go.ke/sites/default/files/2019-09/The%20Kenyan%20Sign%20Language%20Bill%2C%202019.pdf> [↑](#footnote-ref-18)
19. [https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=349#:~:text=%2D%20El%20Estado%20subsidiará%20a%20las,de%20su%20calidad%20de%20vida](https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=349#:~:text=%2D%20El%20Estado%20subsidiar%C3%A1%20a%20las,de%20su%20calidad%20de%20vida) [↑](#footnote-ref-19)
20. <https://www.law.go.kr/LSW/eng/engLsSc.do?menuId=2&query=KOREAN%20SIGN%20LANGUAGE%20ACT#liBgcolor1> [↑](#footnote-ref-20)
21. <https://www.mon.bg/regulation/zakon-za-balgarskiya-zhestov-ezik/> [↑](#footnote-ref-21)
22. <https://www.legislation.govt.nz/act/public/2006/0018/latest/whole.html> [↑](#footnote-ref-22)
23. <https://www.unesco.at/en/culture/intangible-cultural-heritage/national-inventory/news-1/article/austrian-sign-language> [↑](#footnote-ref-23)
24. <https://www.boe.es/diario_boe/txt.php?id=BOE-A-2019-3386> [↑](#footnote-ref-24)
25. <https://www.unesco.de/en/culture-and-nature/intangible-cultural-heritage/german-sign-language> [↑](#footnote-ref-25)
26. <https://www.werbewoche.ch/en/kommunikation/2023-08-22/die-gebaerdensprachen-als-unesco-kulturerbe-anerkannt/> [↑](#footnote-ref-26)