



# **SIGN LANGUAGE RIGHTS IN THE FRAMEWORK OF THE COUNCIL OF EUROPE AND ITS MEMBER STATES**

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## Executive summary and recommendations

In recent years, more and more sign languages have been given official recognition in member States of the Council of Europe. However, there are challenges that need to be addressed because inclusive education is not widely available through the medium of sign language, families of deaf people are rarely provided with sign language training and the number of professional sign language interpreters in most member States is insufficient.

At the Council of Europe, few human rights mechanisms have addressed sign language issues and this is mostly done from the disability perspective. The Committee of Experts of the European Charter for Regional or Minority Languages (COMEX) does not have the mandate to consider sign language issues in country reports. The United Nations Committee on the Rights of Persons with Disabilities (CRPD Committee) is currently the only supranational body that has a specific mandate to address sign language issues when reviewing country reports. More support from supranational mechanisms for sign languages would raise awareness on sign languages being more than a disability issue. Ultimately, sign languages should be seen as part of a multilingual and multicultural Europe that deserves specific protection and support.

National associations of the deaf in member States are particularly worried about the implementation of inclusive education without sufficient attention being given to the availability of curricula based on sign language, native proficiency in sign language of teachers and the importance of peers using sign language. Sign language interpretation in educational settings does not make education inclusive without considering other aspects of how to support the linguistic identity of deaf learners and direct communication possibilities with staff members and other students. As a consequence of an inaccessible education system and limited availability of professional sign language interpreting service, public services and the labour market to a large extent remain inaccessible for deaf people. Therefore, more support from the Council of Europe for sign language issues would be useful.

Recommendations on how to promote the status of sign languages in the Council of Europe include broadening the perspective on sign languages beyond the disability lens, consideration for conducting research on sign language rights, providing support for sign language rights by having monitoring mechanisms to cover these issues in their reports, and allocating budgetary resources to make information available in sign languages and sign language interpreting services at meetings and events of the Council of Europe.

**Recommendation 1: Use appropriate terminology.** Careful consideration to the use of words concerning sign languages and deaf people should be given to avoid using degrading terminology.

**Recommendation 2: See sign languages as part of a multilingual Europe.**

All stakeholders should view sign languages beyond the disability lens to also be considered as minority languages that deserve specific attention, protection and support in all areas.

**Recommendation 3: Make publications available in sign languages.** The first step could be making key documents and material of the Council of Europe such as the European Convention on Human Rights available in International Sign on the relevant website while considering further steps to make national sign language translations available.

**Recommendation 4: Sign language interpreting costs in budgets.** When organising meetings and events, sign language interpreting expenses should be natural part of budgets along with e.g. spoken language interpreting costs. Through this measure it would become possible for deaf people to have access to sign language interpretation at meetings and events of the Council of Europe whenever requested.

**Recommendation 5: Sign languages to be part of various human rights monitoring mechanisms of the Council of Europe.** Sign languages should be included in monitoring processes also outside disability headings. Particularly monitoring mechanisms that have not covered sign languages so far should consider to e.g. ask national governments questions about sign language rights in e.g. trafficking in human beings or prison settings.

**Recommendation 6: Address sign language issues.** A specific publication such as an issue paper of the Council of Europe Commissioner for Human Rights could focus on sign language addressing e.g. the right to language of all children.

**Recommendation 7: Support for the use of sign languages.** While monitoring mechanisms have already started encouraging member States to give official status to sign languages, the support could be broadened to request member States to allocate funds to provide sign language training to families of deaf people to enable deaf children to learn sign language as early as possible.

**Recommendation 8: Make inclusive education through the medium of sign language reality.** Awareness on what inclusive education means for deaf learners should be increased among all stakeholders. In addition to that, member States should be supported to have curricula based on sign language, native-level users of sign language as teachers and to provide a sign language learning environment where deaf students can use sign language directly with all people at school instead of relying on sign language interpreters.

**Recommendation 9: Consult actively with supranational organisations of the deaf on issues concerning sign languages.** The expertise of the European Union of the Deaf and World Federation of the Deaf as peak bodies of national associations of the deaf in member States should be consulted with to take further steps to promote and protect sign languages.

**Recommendation 10: Provide protection and promotion to sign languages from the linguistic perspective instead of disability perspective.** The possibility of adopting an additional protocol to the European Charter for Regional or Minority Languages or other similar instrument to provide stronger support for sign languages should be explored by the Committee of Ministers.

## **1. Context**

### **1.1. Purpose of the study**

Deaf people and their families should be taught sign language by deaf adult role models as soon as the child is identified as deaf. The availability of quality inclusive education through the medium of sign language in an environment in which all other students and staff members have native competency in sign language is desired. Public services being available in sign language and deaf people being able to lead lives without the need to advocate for and demand the implementation of human rights, are also a dream that has yet to become true. In reality, deaf people and their families continue to be burdened by the limited availability of information about sign language, services in sign language and lack of awareness among authorities. Unlike hearing counterparts who can easily make choices and even last-minute plans, deaf people often have to think in advance of how to arrange sign language interpretation and, in several member States, even think about paying for such service. In member States that have more advanced sign language legislation deaf people need still to take extra effort to ensure that the enshrined rights are being implemented. Often lack of funding is being used as an excuse for not providing e.g. sign language training for families of deaf children or sign language interpreting services. As a result, deaf people may potentially tire of constantly having to fight for their rights. Even if there is legislation related to sign language rights at the national level, there is often little evidence of implementation and of sanctions for non-compliance. This may potentially lead to even further marginalisation of people who are deaf from mainstream society.

The objective of this study is to provide an overview of the status of sign languages and associated rights in the context of the Council of Europe and its member States. There are some good examples that should be made known across the region. Unfortunately, there are also some cases where sign language rights have not been given much attention or have even been ignored, which has a serious impact on the human rights of deaf people.

The provision of professional sign language interpretation as the sole measure to ensure that sign language rights are protected and promoted is not sufficient. A wider perspective must be adopted among all stakeholders to understand that sign language rights are applicable to the whole cycle of life starting from birth until death by creating equal opportunities through the use of sign language. This includes the right to acquire sign language as early as possible, to receive quality inclusive education through the medium of sign language, and to access services in sign language and through professional sign language interpretation. Sign languages should be seen as part of multilingual and multicultural Council of Europe and not as a disability issue only.

This study is commissioned by the Ministry for Foreign Affairs of Finland as part of the Finnish National Action Plan on Fundamental and Human Rights 2017–

2019<sup>1</sup>, the Finnish National Action Plan on the UN Convention on the Rights of Persons with Disabilities 2018-2019<sup>2</sup> and the Finnish Presidency of the Committee of Ministers of the Council of Europe. The objective of the present study is not to provide detailed information on national legislation but to view sign language rights with a thematic approach while displaying examples of good practices and challenges.

The sign language legislation of a few member States was introduced in reports published by the Council of Europe in 2003 and 2005.<sup>3</sup> Needs analysis and recommendations to promote sign language rights in member States were presented in a report in 2008.<sup>4</sup> The European Union of the Deaf (EUD) published "Sign Language Legislation in the European Union" in 2010 and 2012. The EUD's publication provides a comprehensive overview of sign language legislation and data on numbers of deaf people and sign language interpreters in the EU and some other countries. The availability of information on the status of sign languages in member States that are not EU members is rather limited. In recent years, considerable developments in member States' sign language legislation have taken place. For instance, sign languages have now been officially recognised in the national legislations of Greece, Ireland, Luxembourg and Malta. A brief overview of the status of sign language recognition in member States is available in Appendix 1.

As introduced in the EUD's publication, there is various legislation which covers sign language rights. Some is limited to e.g. education or access to justice, while sign language rights in other areas might not be regulated at all. As explained later in the present study, the implementation of sign language rights varies greatly. Noting that the concept of sign language rights is very broad, there is a need to prioritise areas of focus for the present study. These have been identified as the right to use sign language, education through the medium of sign language, professional sign language interpreter services, consultation with national associations of the deaf and the implementation of sign language rights.

## **1.2. Perspectives on deaf people and sign languages**

Just like spoken languages evolved in communities, sign languages developed when deaf people interacted with each other.<sup>5</sup> In past decades research has shown that sign languages are fully-fledged natural languages in the same way as spoken languages.<sup>6</sup> There are hundreds of sign languages around the world. Each country usually has its own sign language and sometimes more than one. Regionally there are dialects and also nuances of sign languages among different groups

1 National Action Plan on Fundamental and Human Rights 2017-2019. Memorandums and statements 25/2017. Ministry of Justice. p. 68

2 Right to social inclusion and equality – The National Action Plan on the UN Convention on the Rights of Persons with Disabilities 2018-2019. Publications of the Ministry of Social Affairs and Health 7/2018. p. 65.

3 Timmermans (2003) and (2005).

4 Krausneker (2008).

5 Skutnabb-Kangas (2000). p. 228.

6 Pabsch & Wheatley (2012). p. 13-14.

of age groups and within differing settings. Although sign languages differ significantly from spoken languages different sign languages may coincide with different spoken language communities. For instance, Spain<sup>7</sup>, Belgium<sup>8</sup> and Finland<sup>9</sup> have two sign languages whereas Switzerland<sup>10</sup> has three sign languages. On the other hand, it is of interest to note that countries that use the same spoken language do not share similar sign languages. This means that German and Austrian sign languages are not interchangeable although German is spoken in both countries. Geographical influence is visible in sign languages as well. For example, Luxembourg has a very small deaf community due to its small geographical size; it has been influenced by German Sign Language through the education system. In former Soviet countries, a strong influence of Russian Sign Language is visible, due to the former Soviet Union's philosophy to unify the sign languages of the USSR to ensure that only one sign language was used. This continues to be used today by the deaf communities of the former Soviet states e.g. in Azerbaijan.

Attitudes of society are strongly influenced by stereotypes that have been dominant in recent history. For instance, in the People's Socialist Republic of Albania, intense shame was placed on sign language and its use was not encouraged at all.<sup>11</sup> Deaf sign language users in Serbia have also experienced this stereotyping, with the prevailing assumption that the use of sign language was the reason that deaf people were unable to receive an education or learn spoken Serbian.<sup>12</sup> Traditionally, deaf people have been viewed from a medical perspective where the objective was to "normalise" them by curing them through medical interventions so that they might hear, and be taught to acquire the oral skills of a spoken language. As a result of an oral education and even the prohibition of use of sign language for decades, deaf people often have poor academic and social skills. The influence of the medical perspective continues to be visible even today, which means that more awareness-raising activities are required to train authorities to understand the linguistic and cultural perspective of sign languages and to extend and deepen the view from labelling it a disability issue.

Today, a human rights perspective on deaf people should be understood in the light of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) to focus on societal and attitudinal barriers. This means that deaf people's capacities should be supported through the provision of sign language training, education with the medium of sign language and provision of services in sign language, possibly through sign language interpretation, instead of expecting people who are deaf to hear and use spoken language. With the medium of sign language in education and early access to sign language, deaf people thrive both socially and academically. Multilingualism should be seen as an asset and it can benefit deaf children greatly to become competent in both sign and

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7 Spanish Sign Language and Catalan Sign Language.

8 Belgian-French Sign Language and Flemish Sign Language.

9 Finnish Sign Language and Finnish-Swedish Sign Language.

10 Swiss-German Sign Language, French Sign Language and Italian Sign Language.

11 Lahtinen & Rainò (2016). p. 7.

12 Zizic etc. (2015). p. 4.

written languages at an early age.<sup>13</sup> Sign language rights should not be considered as something extra but as a human rights issue.<sup>14</sup>

Deaf people usually identify themselves as part of a linguistic and cultural minority whilst being a strong ally of other organisations of persons with disabilities.<sup>15</sup> There have been arguments that sign languages are not minority languages. In this regard it must be noted that the number of sign language users across member States is relatively small, hence specific attention should be paid to promote and protect sign languages in a similar way to other minority languages instead of risking the potential disappearance of even more languages from the world. Several sign languages have already disappeared because of attempts at unification or the introduction and dissemination of a non-native sign language to become a dominant sign language in a country. Within member States of the Council of Europe, Finnish-Swedish Sign Language is endangered because of the declining number of users. UNESCO has taken the initiative to include sign languages in the World Atlas of Languages<sup>16</sup>, which is a significant step to document sign languages around the world and their potential endangered status.

The United Nations Special Rapporteur on minority issues, Dr Fernand de Varennes, has expressed strong support for the inclusion of sign languages in the mandate of the special rapporteur because sign languages are minority languages.<sup>17</sup> Previously, sign languages have not often been regarded as minority languages in the United Nations system, Council of Europe, European Union or even at a national level. Supporting, valuing and respecting minority languages preserves the diversity of society.<sup>18</sup>

Since sign language issues are interrelated with deaf people, the use of terminology should be clarified. For instance, the jurisprudence of the European Court of Human Rights (ECHR) has used degrading terms such as “deaf mute” and “deaf and dumb”. Out of ten cases in years 1995-2018, *Gabriela Kaiser v. Switzerland* was the only and also the most recent case that used the appropriate terminology “deaf” throughout the text.<sup>19</sup> According to the cooperation agreement of the World Federation of the Deaf (WFD) and the International Federation of the Hard of Hearing, “hearing impaired” should not be used as umbrella terminology.<sup>20</sup>

13 Skutnabb-Kangas (2000). p. 243.

14 Kauppinen & Jokinen (2014). p. 139.

15 <https://wfdeaf.org/news/resources/11-may-2018-deaf-community-linguistic-identity-disability-position-paper/>

16 <https://en.unesco.org/events/consultative-expert-meeting-sign-language-endangerment-within-context-unesco-world-atlas>

17 A/HRC/37/66. Paragraph 68.

18 Language Rights of Linguistic Minorities. (2017). p. 10.

19 *Abele v. Latvia*, nos. 60429/12 and 72760/12, § 5, 17, 18, 19, 21, 29, 37 and 55, 5 October 2017; *Denizci and others v. Cyprus*, nos. 25316-25321/94 and 27207/95, § 276, ECHR 2001-V; *Gabriela Kaiser v. Switzerland*, no. 35294/11, § 18, 47 and 70, 9 January 2018; *Jasinskis v. Latvia*, no. 45744/08, § 6, 9, 20, 21 and 66, 21 December 2010; *Kacper Nowakowski v. Poland*, no. 32407/13, § 6, 21, 22, 26, 34 and 63, 10 January 2017; *Kuznetsov and Others v. Russia*, no. 184/02, § 20, 22, 25, 60, 89 and 92, 11 January 2007; *Nasri v. France*, 13 July 1995, § 6, 8, 9, 10, 20, 21, 23, 24, 26, 38, 43, 45 and 46, Series A no. 320-B; *Oldham v. the United Kingdom*, no. 36273/97, § 10, ECHR 2000-X; *Trajce Stojanovski v. the Former Yugoslav Republic of Macedonia*, no. 1431/03, § 7 and 35, 22 October 2009; *Z. H. v. Hungary*, no. 28973/11, § 7, 15, 21, 26, 30, 39 and 42, 8 November 2012.

20 <https://wfdeaf.org/news/resources/wfd-international-federation-deaf-hard-hearing-cooperation-agreement/> Article 2.

Instead, “deaf” and “hard of hearing” should be used. Terminologies also need to be corrected in various documents to reflect appropriate words related to deaf people and sign languages. For instance, *Kuznetsov and Others v. Russia* refers to “deaf signing”<sup>21</sup> while “Russian Sign Language” would have been an appropriate word to use. Similarly, *Nasri v. France* includes terminology “deaf and dumb sign language”<sup>22</sup> instead of “French Sign Language”. A report states that the Serbian legislative terminology does not reflect the linguistic status of sign language because it uses inappropriate words such as “gesture”<sup>23</sup>. The appropriate terminology would be “sign language”, which needs to be checked in national and minority language translations as the word might be interpreted incorrectly between different spoken languages. An example is the word “mimic-gestural language” instead of “sign language” in Romania, which can also be an issue of mistaken translation if it is not itself an inappropriate word in the Romanian language. All stakeholders ranging from the Council of Europe to member States should check terminologies concerning deaf and hard of hearing people and sign languages.

**Recommendation 1: Use appropriate terminology.** Careful consideration to the use of words concerning sign languages and deaf people should be given to avoid using degrading terminology.

In international settings, deaf people who do not share the same sign language can communicate with each other using International Sign which is a visual combination of different sign languages. International Sign interpretation is provided at meetings of the United Nations and other international events that are targeted to a multinational audience using different sign languages. Skills of deaf individuals to use International Sign usually depend on the extent of their contact with foreign deaf people and attendance at international events. International Sign varies from one region to another and between different contexts. International Sign is not universal sign language. While International Sign is useful in several settings, it should not exclude national sign languages and their recognition in national legislation and policies<sup>24</sup>.

### 1.3. Current challenges

Sign languages are not explicitly mentioned but not excluded either from international human rights instruments until the CRPD was adopted. The CRPD was the first international human rights instrument that recognised sign languages being equal to spoken languages, and it obliges national governments to promote, protect and recognise sign language rights. As shown in Appendix 2, all member States with the exception of Liechtenstein are parties to the CRPD. The WFD was strongly involved in the advocacy work towards the adoption of the CRPD, and hoped to see sign languages becoming included in other regional and international human rights instruments after its adoption.

21 *Kuznetsov and Others v. Russia*, no. 184/02, § 92 and 93, 11 January 2007.

22 *Nasri v. France*, 13 July 1995, § 10 and 38, Series A no. 320-B.

23 Zizic etc. (2015). p. 25.

24 Pabsch & Wheatley (2012). p. 16.

Having sign languages as part of a disability convention might have confused some stakeholders who do not understand that the CRPD specifically recognises the linguistic and cultural status of sign languages and deaf culture. In practice, the CRPD has had a two-fold influence. While several national associations of the deaf report that the CRPD has pushed their governments to pay more attention to sign language rights, there are national associations of the deaf who have had the reverse experience. Such governments began to view sign languages as purely disability related and made decisions in the name of inclusive education to close schools of the deaf. This has resulted in a decrease in the plans and provision for education through the medium of sign language, leading to a breach of human rights.

Several countries, including member States, have a cruel history of prohibiting the use of sign language in education, which has had serious consequences for deaf citizens. Still today, deaf people face linguistic discrimination and tend to face barriers in accessing employment due to an inadequate level of education and widespread negative attitudes towards sign languages.<sup>25</sup> Deaf students have been abused physically, emotionally and mentally because they used sign language. Many other minority language users share similar experiences.

Authorities of member States do not necessarily have a clear picture on whether deaf people as sign language users should be viewed from a cultural and linguistic minority perspective or a disability perspective.<sup>26</sup> The lack of awareness among authorities combined with the unavailability of expertise and tools to address linguistic aspects of sign languages often result in sign language issues being limited to a disability perspective at the national level.<sup>27</sup> Similar challenges can be noted among regional and international stakeholders on how they view sign language issues. Changing attitudes remains the greatest challenge. If the mentality of a member State continues viewing persons with disabilities from the medical perspective, sign language issues are easily placed in the disability basket instead of understanding it from the intersectional perspective covering all aspects of society. Several national associations of the deaf who were interviewed for the present study shared that even if sign languages were adopted in language legislation, sign language issues continue being viewed through the disability lens. Thus, the greatest challenge for national associations of the deaf is to raise awareness among authorities on sign languages being a linguistic and cultural issue before being able to advocate for the implementation of sign language rights according to the CRPD.

Education systems being inaccessible and not readily available through the medium of sign language are one of main reasons why there are few deaf people as parliamentarians or working in authorities. The impact can also be seen in leadership and advocacy skills of national associations of the deaf. Without knowing how the government works, how legislation and policies are adopted, who are

25 Kauppinen & Jokinen (2014). p. 131.

26 Krausneker (2008). p. 12.

27 Krausneker (2008). p. 17.

responsible stakeholders and when and how to advocate to have sign language issues included in important processes mean missed opportunities for everyone – not only deaf people. To date in the region, only Austria, Belgium, Hungary and Spain have had deaf parliamentarians at the national level and out of these, two countries have deaf members in the European Parliament. Seeing deaf people using sign language as staff members of national authorities is rare. If there are some, the poor educational background and societal attitudes mean that they are usually employed as maintenance staff members instead experts or staff members with high-level responsibilities.

The responsibility of sign language issues is often within the ministry of social affairs or a ministry responsible for disability issues. Even education of deaf students through sign language might be coordinated and monitored by the ministry of social affairs instead of the ministry of education. For instance, the Lithuanian National Association of the Deaf shared that they have faced challenges to build relationships with the Ministry of Education as they are constantly referred to the Ministry of Social Affairs. In line with the intersectionality perspective, education through the medium of sign language should be coordinated and monitored by the ministry responsible for education.

While this study has limited focus areas it is important to keep in mind that there are several marginalised groups of persons in terms of sign language rights. Further data collection, research and political attention should be paid to these disadvantaged groups. Some examples include deafblind people who have specific individual needs (such as tactile sign language interpretation), deaf elderly persons who are placed in care homes without services in sign language despite repeated requests, and deaf sign language users within another minority group such as Roma, which pose additional questions on how to support their linguistic skills and identity in sign language, Roma and the majority language.

People, including deaf sign language users, move across frontiers at all times. The recent phenomenon of masses of refugees arriving in Europe include several deaf sign language users whose rights are not necessarily catered for. There have been some videos on social media showing deaf refugees sharing their updates in sign language about their travel among refugee masses. Often with limited literacy skills and the absence of information in sign language, deaf refugees do not have the same information that hearing refugees do. The CRPD Committee has started to raise this perspective by asking the government of Norway in the list of issues how deaf migrants, asylum seekers and refugees are supported to learn Norwegian Sign Language.<sup>28</sup> Unfortunately sign language and deaf culture aspects are not included in the Council of Europe toolkit on language support for adult refugees.<sup>29</sup> The backgrounds of deaf migrants vary greatly. Some of them might have a university degree from another country whereas many have never received education through the medium of sign language or any education at all. Support addressed to this group of people to gain proficiency in the national

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28 CRPD/C/NOR/Q/1. Paragraph 15.

29 <https://www.coe.int/en/web/language-support-for-adult-refugees>

sign language and written language of the host country would welcome them in becoming both active contributors to society and taxpayers. When a deaf migrant does not possess sufficient skills in the host country's sign language, International Sign interpretation may be of benefit. International Sign interpreters who are native users of a sign language have higher levels of expertise to accommodate deaf people who do not know national sign language than national sign language interpreters who may only have started to learn sign language when entering an interpreter training course. Today, International Sign interpretation is not usually funded by member States to support deaf migrants, asylum seekers and refugees to become integrated into society.

One group of sign language users is often overlooked. Children of deaf adults (CODA) tend to use sign language, but support for their linguistic development outside the home is non-existent. The dominant focus is on the level of spoken language. When a CODA functions well in a spoken language, a false assumption is often made that such children would not require support to strengthen their sign language skills. Having sign language registered as a mother tongue in the population registry does not necessarily help, because despite registration, services are not often provided. If CODAs were provided with bilingual education through both sign language and spoken language, their multilingual identity would be strengthened, as is the case with other multilingual individuals. Iceland displays a positive example by recognising Icelandic Sign Language as being the first language of CODAs<sup>30</sup>.

#### **1.4. Implementation gap**

As mentioned, international focus on and protection of sign languages is limited if not non-existent. To date, the CRPD is the only international human rights instrument that explicitly mentions sign languages and obligates states parties to take measures to support sign language and rights related to sign language. The CRPD Committee is currently the only international body that monitors sign language rights. The CRPD covers a wide range of disability groups, which means that not much time is reserved to monitor sign language rights. If a national association of the deaf has not contributed to a parallel report for the CRPD Committee, sign language issues can rely solely on the interest of its members unless national governments include these issues in state reports. There has been only one deaf sign language user as a member of the CRPD Committee, which reflects the limited expertise based on personal experience concerning sign language issues among the members. Appendix 2 includes information on sign language references in concluding observations of member States that have been reviewed by the CRPD Committee.

With regard to the implementation of international human rights instruments and national legislation, deaf people are easily overlooked because they are physically present and do not have a visible disability, but without information in sign language or access to sign language interpretation, they are excluded and men-

<sup>30</sup> Act on the status of Icelandic language and Icelandic Sign Language 61/2011. Article 3.

tally absent.<sup>31</sup> Although deaf leaders might be present at consultations and in monitoring processes, it is possible that there are gaps in implementation, particularly when professional sign language interpreting services are not provided.

As often is the case with bilingual or multilingual individuals, outsiders can easily make the false assumption that no support is required for other languages if an individual is competent in a national spoken language. Learning a spoken language requires a considerable amount of training and several deaf people who have gone through education focused on learning a spoken language (known as an oralist education) have shared that the primary focus of their whole primary school education was to teach them to use spoken language whereas a substantive knowledge of school subjects was not considered priority by teachers. Forcing deaf children to learn a spoken language could be considered as abusive treatment instead of supporting them to flourish academically and socially by strengthening their bilingual skills in sign language and written language. Some deaf people reflect their school times with extensive focus on learning to use a spoken language as a humiliating experience in addition to not having same understanding of the society as other people do. Unfortunately, the practice of oralist education continues in these days as will be explained later in this study.

Data is useful in identifying gaps and monitoring the implementation of sign language rights. However, for a long time sign languages have been excluded from several compilations of statistics and reports.<sup>32</sup> In Albania, the national association of the deaf and authorities have identified the gap in the availability of data on deaf people and sign language. Their joint effort to publish a survey report was considered the first step to change the situation and to meet obligations set in the CRPD. Data collection for the survey was done by deaf people who communicated directly with other deaf people in sign language.<sup>33</sup> Statistics are not always necessarily reliable. For instance, registering sign language as a mother tongue in the Finnish population registry was only made possible in recent years and several people have not updated their information, which means that the registry does not reflect the actual number of people having sign language as a mother tongue in Finland.

## **2. Scope**

### **2.1. Sign languages in an international human rights framework**

Sign languages are not excluded from international human rights treaties but are often forgotten or not understood to be included and recognised. Before the CRPD was adopted by the United Nations General Assembly in 2006, there was no international human rights instrument explicitly mentioning sign language.

<sup>31</sup> Kauppinen & Jokinen (2014). p. 134.

<sup>32</sup> Krausneker (2003). p. 40.

<sup>33</sup> Lahtinen & Rainò (2016). p. 13.

The WFD was strongly involved in negotiations that led to the adoption of the CRPD with the aim of having sign language rights, as deaf people's linguistic rights, recognised. WFD representatives experienced challenging times during the negotiations, because the lack of awareness led to several attempts to remove sign language references from drafts.<sup>34</sup> Despite the challenges, awareness was raised among States Parties during the negotiations and the WFD's aims were achieved to include sign language seven times in five different articles of the CRPD, as follows:

#### Article 2 – Definitions

“Language” includes spoken and signed languages and other forms of non spoken languages –”

#### Article 9 – Accessibility

“2. States Parties shall also take appropriate measures: --

e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public. --”

#### Article 21 – Freedom of expression and opinion, and access to information

“States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by: ---

b) Accepting and facilitating the use of sign languages, --

e) Recognizing and promoting the use of sign languages.”

#### Article 24 – Education

“3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including: --

b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community --.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language --.”

#### Article 30 – Participation in cultural life, recreation, leisure and sport

“4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.”<sup>35</sup>

34 Kauppinen & Jokinen (2014). p. 132-133.

35 A/RES/61/106.

Without highlighting the status of sign language in other international human rights treaties, UN treaty bodies including the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee have raised sign language issues in their general comments<sup>36</sup> and country reviews of some member States.<sup>37</sup> In treaty bodies' jurisprudence on member States of the Council of Europe, there is no case concerning sign languages. Sign language recognition has also been raised by some member States during Universal Periodic Reviews.<sup>38</sup> More attention to sign languages would be welcomed particularly from the Committee on the Elimination of Discrimination against Women and Committee on the Elimination of Racial Discrimination.

The United Nations General Assembly adopted a resolution on the International Day of Sign Languages in December 2017 to be celebrated annually on 23 September starting in 2018.<sup>39</sup> The intention of the resolution was to raise awareness among United Nations Member States on sign language rights and provide further support to sign languages. When the WFD presented an initiative to achieve a resolution, the intention was also to include the linguistic minority perspective on sign languages, but this part was not included in the final version of the resolution. The omission might reflect the widespread lack of understanding among national governments about sign languages being more than a disability issue.

Special procedures of the United Nations have addressed sign language issues. The UN Special Rapporteur on the rights of persons with disabilities has raised sign language perspectives in several of her reports.<sup>40</sup> The UN Special Rapporteur on minority issues stated at the 10th Minority Forum in 2017 that sign languages are minority languages and has paid attention to sign language issues in country visits to e.g. Slovenia.

## 2.2. Sign languages in the Council of Europe

The Council of Europe should be proud of its rich linguistic cultural heritage consisting of different sign languages.<sup>41</sup> The European Centre for Modern Languages of the Council of Europe (ECML) has allocated resources for projects on sign languages to support the status of sign languages in the member States.<sup>42</sup> High-level political signals from the Council of Europe to consider sign languages as minority languages can attract the interest of national governments to understand the paradigm change from the disability perspective to a linguistic perspective.<sup>43</sup>

36 E/C.12/GC/21, E/C.12/1994/20, CCPR/C/GC/34, CRC/C/GC/21, CRC/C/GC/20, CRC/C/GC/17, CRC/C/GC/13, CRC/C/GC/10 and CRC/C/GC/9.

37 CRC/C/MDA/CO/4-5, CRC/C/DNK/CO/5, CRC/C/DEU/CO/3-4, CRC/C/IRL/CO/3-4, E/C.12/ITA/CO/5 and E/C.12/MDA/CO/2.

38 A/HRC/19/13. Paragraph 53, A/HRC/24/14. Paragraph 98, A/HRC/38/6. Paragraph 57, A/HRC/40/17. Paragraph 23 and A/HRC/38/17. Paragraph 24.

39 A/RES/72/161.

40 See e.g. A/HRC/31/62 and A/72/133.

41 Timmermans (2003). p. 1.

42 <https://www.ecml.at/Thematicareas/SignedLanguages/Resources/tabid/1670/language/en-GB/Default.aspx>

43 Krausneker (2003). p. 44.

Based on information collected from interviewing national associations of the deaf in the region, only a few member States have adopted the linguistic minority view on sign language in the whole society. The ECML is already offering resources on sign language for the use of member States but a stronger message from the Council of Europe would further strengthen the understanding of sign languages as minority languages and part of the European linguistic and cultural heritage among national governments.

**Recommendation 2: See sign languages as part of a multilingual Europe.**

All stakeholders should view sign languages beyond the disability lens to also be considered as minority languages that deserve specific attention, protection and support in all areas.

When looking at publications of the Council of Europe, sign language is somewhat covered in publications related to the rights of persons with disabilities.<sup>44</sup> The Council of Europe has publications on the status of sign languages.<sup>45</sup> The European Centre for Modern Languages of the Council of Europe has some publications and projects on sign languages. Mention of sign language rights are usually not found in other publications of the Council of Europe such as those concerning youth, gender equality and democracy rights. More information should be available in International Sign and national sign languages to make them accessible for deaf people across member States.

**Recommendation 3: Make publications available in sign languages.** The first step could be making key documents and material of the Council of Europe such as the European Convention on Human Rights available in International Sign on the relevant website while considering further steps to make national sign language translations available.

Sign language is included in recommendations of the Committee of Ministers, but these are limited to disability-specific recommendations and mostly focus on the provision of sign language interpretation as means of accessibility.<sup>46</sup> The Council of Europe Disability Strategy 2017-2023 includes information about information accessibility in sign language, recommendations for Council of Europe monitoring mechanisms to make their systems more accessible in sign language and promotes the official recognition of sign languages throughout the Council of Europe and its member States.<sup>47</sup> Sign language is not mentioned in the Council of Europe Strategy for the Rights of the Child 2016-2021 or the Council of Europe Gender Equality Strategy 2018-2023. This would potentially indicate that sign language rights have not yet been mainstreamed but continue being viewed through the disability lens.

<sup>44</sup> See e.g. Awareness raising on the rights of persons with disabilities (2017) p. 30, Freedom of exploitation, violence and abuse of persons with disabilities (2017) p. 30, Human rights: a reality for all (2017) p. 19, 23 and 24, and Promoting equality and non-discrimination for persons with disabilities (2017) p. 15.

<sup>45</sup> Krausneker (2008), Timmermans (2003) and Timmermans (2005).

<sup>46</sup> CM/Rec(2011)14, CM/Rec(2013)3, Rec(2006)5 and Rec(92)6.

<sup>47</sup> Human Rights: A Reality for All. Council of Europe Disability Strategy 2017-2023. p. 19 and 23-24.

Unlike in the European Parliament, few deaf people have been involved in events and activities of the Council of Europe. In 2018, at least two requests for the provision of International Sign interpretation presented by deaf individuals interested in attending events and meetings were denied, because there was no budget to cover the expenditure. It would be important for the secretariat of the Council of Europe to start considering to include sign language interpreting costs in budgets. This would enable the participation of deaf people in different activities of the Council of Europe.

**Recommendation 4: Sign language interpreting costs in budgets.** When organising meetings and events, sign language interpreting expenses should be natural part of budgets along with e.g. spoken language interpreting costs. Through this measure it would become possible for deaf people to have access to sign language interpretation at meetings and events of the Council of Europe whenever requested.

### 2.2.1. Parliamentary Assembly of the Council of Europe and Committee of Ministers

The Parliamentary Assembly of the Council of Europe recommended that the Committee of Ministers in 2001 consider adopting measures to efficiently protect sign languages in member States at the level of the European Charter for Regional or Minority Languages.<sup>48</sup> The Committee of Ministers consulted the COMEX and Committee on the Rehabilitation and Integration of People with disabilities, both of which were supportive to the idea of having an additional protocol on sign languages.<sup>49</sup> In 2003, another recommendation was adopted with explicit requests for action to conduct more studies on the issue of sign languages in member States, prepare detailed plans to achieve linguistic rights and to include sign languages into the application of the European Charter for Regional or Minority Languages.<sup>50</sup> The Committee of Ministers responded to this recommendation that Council of Europe's focus should be prioritised on the rights of sign language users. The Committee of Ministers noted that sign languages are important and that further research on the topic would be necessary before considering actions.<sup>51</sup> A research report was published in 2008<sup>52</sup> but it remains within the hands of the Committee of Ministers to consider the possibility of taking a step forward e.g. to adopt an additional protocol to explicitly cover sign languages as minority languages to become included in the mandate of the COMEX.

48 Rights of national minorities. Recommendation 1492 (2001). Parliamentary Assembly of the Council of Europe.

49 Rights of national minorities. Parliamentary Assembly Recommendation 1492 (2001) (Reply adopted by the Committee of Ministers on 13 June 2002 at the 799th meeting of the Ministers' Deputies). CM/AS (2002) Rec1492-final.

50 Protection of sign languages in the member States of the Council of Europe. Recommendation 1598 (2003). Parliamentary Assembly of the Council of Europe.

51 Protection of Sign Languages in the member States of the Council of Europe. Parliamentary Assembly recommendation 1598 (2003). Reply from the Committee of Ministers adopted at the 888th meeting of the Ministers' Deputies (16 June 2004).

52 Krausneker (2008).

A resolution on the political rights of persons with disabilities was adopted by the Parliamentary Assembly of the Council of Europe in 2017, which covered the sign language aspect. The resolution calls for action to give national sign languages official recognition and also refers to the European Parliament resolution on sign languages and professional sign language interpreters.<sup>53</sup> Most recently, the Parliamentary Assembly of the Council of Europe adopted a resolution and recommendation on protecting and promoting sign languages in Europe in 2018. These documents reiterate the call for action to give official recognition to sign languages and to increase the implementation of sign language rights by allocating resources to e.g. teach sign language to families of deaf people, make public information available in sign language and consider the possibility to include sign languages in the work of the COMEX.<sup>54</sup>

Several years have passed between these documents and no clear commitment or follow-up actions particularly from the Committee of Ministers have been made visible. Progress has happened in a few member States particularly in the light of the meeting obligations set in the CRPD at the national level, but more action would be required at the Council of Europe and across the region. It remains to be seen what kind of effect the resolution and recommendation on protecting and promoting sign languages in Europe will have in practice. The Parliamentary Assembly has highlighted the important aspect of promoting the status of sign languages in member States, but attention would be needed to consider sign language issues within the Council of Europe from a broader viewpoint, e.g. within its monitoring mechanisms, rather than focus exclusively on a disability perspective.

### **2.2.2. The Committee of Experts of the European Charter for Regional or Minority Languages**

To date, sign languages have not been part of the application of the European Charter for Regional or Minority Languages. The reason is apparently the misunderstanding that sign languages would not be fully-fledged natural languages but related to disability only. Another reason is that deaf people using sign language live scattered across countries instead of in the same geographical areas, unlike many other users of minority languages. However, it should be noted that there are other users of minority languages who do not inhabit the same area.<sup>55</sup> However, the awareness on sign languages has increased significantly since the drafting took place.

The work of the COMEX focuses on traditional regional and minority languages. Sign languages have never been part of its monitoring processes. In this situation it can be questioned why sign languages are not considered as traditional languages despite being used for decades and centuries. Another aspect is that

<sup>53</sup> The political rights of persons with disabilities: a democratic issue. Resolution 2155 (2017). Parliamentary Assembly of the Council of Europe.

<sup>54</sup> Protecting and promoting sign languages in Europe. Parliamentary Assembly recommendation 2143 (2018) and resolution 2247 (2018). Council of Europe.

<sup>55</sup> Krausneker (2000). p. 151.

approximately 90 % of deaf children are born to hearing families, the vast majority of which do not know sign language. Hence sign language is often not transmitted over generations. Unfortunately, a high number of hearing families never learn sign language. Considering the aforementioned circumstances, there should be understanding that sign languages deserve specific attention, protection and support. If sign language issues were included in the mandate of the COMEX to require States to provide information about sign languages in their country reports and during monitoring visits, this would be a useful channel to remind national governments of their obligation to preserve and support national sign languages. The inclusion of sign languages in the work of the COMEX might have a positive influence on deaf individuals in practice.

At the conference on the occasion of the 20th anniversary of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, not a word about sign languages was said. Several presentations on minority language rights reflected the experience of not having the possibility to use one's own language in education and accessing services, and even of being abused due to using a minority language. Those experiences are very similar to those that deaf people have faced with the lack of support or denial to use sign language. International Sign interpretation was not provided at this conference despite a request.

German, Spanish and Swiss national associations of the deaf have requested that their governments include sign languages in their report to the COMEX but received the response that unless COMEX requires information about sign languages they are not in position to do so. The government of Finland has included sign language issues in periodical reports but these parts have not been considered by COMEX.

### **2.2.3. Other monitoring mechanisms of the Council of Europe**

The Council of Europe Disability Strategy 2017-2023 requested the independent monitoring mechanisms of the Council of Europe to make their work and documentation accessible through sign language.<sup>56</sup> There are few mentions of sign language in their reports and jurisprudence.

The European Committee of Social Rights has addressed sign language issues ranging from official recognition of sign language to the availability of sign language interpreting services in several conclusions on reports from member States.<sup>57</sup> Despite the broad areas of sign language issues being included in the conclusions, all of them are considered under Article 15 of the European Social Charter on the right of persons with disabilities to independence, social integration and participation in the life of the community.<sup>58</sup>

<sup>56</sup> Human Rights: A Reality for All. Council of Europe Disability Strategy 2017-2023. p. 23.

<sup>57</sup> See e.g. 2008/def/CYP/15/3/EN, 2012/def/SWE/15/3/EN, 2016/def/ARM/15/3/EN and 2016/def/LTU/15/3/EN.

<sup>58</sup> ETS No. 163.

While only eight country reports have been adopted by the Group of Experts on Action against Violence against Women and Domestic Violence, the availability of a helpline in sign language through video calls was commended in the baseline evaluation report on Turkey.<sup>59</sup> This is a welcome step and gives hope to having sign language issues included in future country reports.

The European Commission against Racism and Intolerance has mentioned sign language in its reports on Finland<sup>60</sup> but not in other country reports or General Policy Recommendations addressed to member States. It should be noted that the references to sign language are contained within comments regarding Finnish legislation where sign language is included with other languages. It would seem therefore that this was merely incidental as there was not a specific focus on a sign language perspective.

Nothing about sign language is available in the HUDOC database of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.<sup>61</sup> There is not a word about sign language in the General Reports on activities of the Group of Experts on Action against Trafficking in Human Beings, lists of decisions from its meetings or country evaluation reports. In reality, there are deaf people in prisons all over Europe and they are in a vulnerable position if services are not provided in sign language. Similarly, deaf people are at risk of becoming exploited and trafficked because of limited available information in sign language about human rights, warnings about trafficking and the language barriers prevalent when communicating with those around them.

**Recommendation 5: Sign languages to be part of various human rights monitoring mechanisms of the Council of Europe.** Sign languages should be included in monitoring processes also outside disability headings. Particularly monitoring mechanisms that have not covered sign languages so far should consider to e.g. ask national governments questions about sign language rights in e.g. trafficking in human beings or prison settings.

#### **2.2.4. Council of Europe Commissioner for Human Rights**

The mandate of the Council of Europe Commissioner for Human Rights focuses on promoting awareness on human rights issues and identifying gaps.<sup>62</sup> Reports from the Commissioner's visits to member States highlight sign language issues.

The Report from the visit to Finland reflected consultation with its deaf association referring to their concerns with regard to the status of sign language in the Finnish legislation and the implementation of sign language rights in education.<sup>63</sup> The increasing provision of sign language interpreting services, even though

59 GREVIO(2018)6. Paragraph 21.

60 CRI(2002)20. Paragraph 24 and CRI(2013)19. Paragraph 7.

61 <https://www.coe.int/en/web/cpt/database>

62 <https://www.coe.int/en/web/commissioner/mandate>

63 CommDH(2012)27. Paragraphs 71 and 104.

insufficient, was noted in the Commissioner's report from the visit to Latvia.<sup>64</sup> The Commissioner expressed concern about reduced funding in sign language interpreting services in the report from the visit to Spain.<sup>65</sup> The Commissioner commended Sweden for considering sign language as being one of the country's minority languages.<sup>66</sup> The authorities' efforts on sign language issues in Albania and Romania were noted by the Commissioner.<sup>67</sup> All mentions about sign language issues were under disability headings in the reports. While the Commissioner has noted important issues, the next step would be to expand the perspective to look at sign language also from the minority language perspective. Sign languages should be seen as part of a multilingual Europe and associated rights evaluated along with rights of the country's other languages.

The Commissioner's activity reports and issue papers did not explicitly mention sign languages. It might be suggested that an issue paper focusing on the linguistic rights of children, and including a sign language perspective could be a welcome step towards promoting sign language rights.

**Recommendation 6: Address sign language issues.** A specific publication such as an issue paper of the Council of Europe Commissioner for Human Rights could focus on sign language with focus on e.g. the right to language of all children.

### 2.2.5. The European Court of Human Rights

The ECHR examines applications on allegations of violations of the European Convention on Human Rights or Protocols to the Convention. Sign language issues are not explicitly addressed in the Convention or Protocols to the Convention but the ECHR has jurisprudence where the impact of not having access to sign language is clear.

*Nasri v. France* is a case where an immigrant deaf man with a criminal history, who grew up in France without properly learning any sign language, was subject to being deported from the country by the French authorities. His family had lived in France for decades and the immediate family members were the only people who knew how to communicate with him using 'home signs', which is a system developed within the immediate family, mostly based on gestures, and unrelated to the sign language used by the community. Nasri did not have full access to the education system. According to the judgment of the ECHR, the execution of the deportation to a country which the applicant and his family had not even visited for decades, and taking his limited ability to communicate into account, would have breached Nasri's rights.<sup>68</sup> While the main focus of the case was the deportation and not on sign language issues, one can wonder about the sign language aspect that affected Nasri's situation in the French society that led to

64 CommDH(2016)41. Paragraph 79.

65 CommDH(2013)18. Paragraphs 53 and 75.

66 CommDH(2018)4. Paragraph 59.

67 CommDH(2018)15. Paragraph 60 and CommDH(2019)5. Paragraph 30.

68 *Nasri v. France*, 13 July 1995, § 6, 8, 9, 10, 11, 13, 38, 44 and 46, Series A no. 320-B.

the deportation. For example, the importance of supporting families to learn sign language, particularly in cases of immigrant families who often have less information about services being offered by society, should not be forgotten. Another element to consider is that immigrant deaf children need also to have access to education through the medium of sign language in order to prevent marginalisation from society. However, Nasri's marginalisation and criminal history might not be viewed as a surprise when consideration is given to the frustration caused by long years of language deprivation, an inaccessible environment, and the lack of capacity to communicate fluently with anyone.

Another case law example with regard to the use of sign language is *Jasinskis v. Latvia* where a deaf man died in detention. He could not communicate his need for medical attention either through sign language or writing, as his notepad and pen were taken away. The ECHR considered it unacceptable for the authorities to ignore communication attempts of the deaf individual, in addition to the failure to provide medical attention.<sup>69</sup> In case *Abele v. Latvia* a deaf person was placed in a cell with insufficient personal space together with other inmates with whom he could not communicate leading to his vulnerable position due to his disability. The ECHR stated that in addition to the reduced personal space authorities should have taken applicant's disability into account. The suffering could have been alleviated at least partly through the provision of a functioning hearing aid and efforts to overcome communication barriers between the applicant and other people in a prison setting.<sup>70</sup> Looking at the ECHR judgments, it would be hoped that various, and in particular Latvian authorities would have taken into consideration the need to begin to provide awareness raising activities to enable police and prison services to deal appropriately with people who are deaf, and to be familiar with processes to reach sign language interpreter services when required. When asking the national association of the deaf in Latvia whether the deaf community has noticed that police authorities should now have more awareness of sign language and deaf people, the response was that no change has been visible and deaf people continue facing barriers in communicating with police authorities.

*Kacper Nowakowski v. Poland* concerns a family whose members were all deaf or hard of hearing. After the parents divorced, the child learned to communicate only orally while the father, who did not live with him, used sign language. The father complained about his limited rights to interact with his child, as both were using a different communication method. The ECHR judged that the father's rights concerning his opportunity to build relationship with his son were violated. Judge Motoc highlighted in her concurring opinion that it would be important that to ensure that the child has opportunity to learn sign language.<sup>71</sup>

<sup>69</sup> *Jasinskis v. Latvia*, no. 45744/08, § 12, 20, 59, 60, 61, 63, 66 and 67, December 2010.

<sup>70</sup> *Abele v. Latvia*, nos. 60429/12 and 72760/12, § 61, 66, 69, 70, 71, 72 and 73, 5 October 2017.

<sup>71</sup> *Kacper Nowakowski v. Poland*, no. 32407/13, § 6, 7, 8, 29, 90, 91 and § 11 of concurring opinion of Judge Motoc, 10 January 2017

### 2.3. Sign languages in the European Union

The first resolutions concerning sign languages were adopted by the European Parliament in 1988 and 1998. The European Union of the Deaf, based in Brussels, Belgium has carried advocacy work out for several years towards EU institutions. Sign language issues have become even more visible throughout EU institutions after the appointment of deaf Members of the European Parliament (MEP).

In 2009 Dr Ádám Kósa became the first deaf MEP using sign language. Being a pioneer, he struggled with the lack of awareness of sign languages and the insufficient provision of professional sign language interpretation as a reasonable accommodation measure.<sup>72</sup> In 2014, MEP Kósa was re-elected and a second deaf sign language using MEP, Ms Helga Stevens, was also elected. Both MEPs have promoted sign language rights in their work to raise awareness among EU institutions. In 2010, the Brussels Declaration on Sign Languages in the European Union<sup>73</sup> was signed at the conference “Implementation of Sign Language Legislation” hosted by MEP Kósa. The declaration has been used as an advocacy tool. In 2016, MEP Stevens organised the conference “Multilingualism and equal rights in the EU: the role of sign languages” that showed the linguistic diversity by providing interpretation into all 31 sign languages used in the EU and 24 official spoken languages. Shortly after the conference, the European Parliament adopted a resolution on sign languages and professional sign language interpreters. The resolution calls for action in national governments to ensure that the sign language rights of deaf people are implemented throughout their life cycle and that the high-level professional status of sign language interpreters is understood and supported.<sup>74</sup> Both deaf MEPs have raised awareness on sign languages and included sign languages in their work in different groups at the European Parliament.

From the linguistic minority perspective, it is important to note that in 2018 sign languages and the right to education through the medium of sign language as a minority language were included in the European Parliament resolution on minimum standards for minorities in the EU.<sup>75</sup> The inclusion of sign languages as a minority aspect at the European Union is a welcome step towards supporting the dissemination of understanding of sign languages as minority languages. Previously, the inclusion of sign languages had often been limited to disability-specific documentation.

The possibility to communicate with EU institutions in sign language was included in the European Disability Strategy 2010-2020.<sup>76</sup> In 2015, the CRPD Commit-

72 Kósa (2014). p. 86-87.

73 [https://www.eud.eu/files/8514/5803/7674/brussels\\_declaration\\_FINAL.pdf](https://www.eud.eu/files/8514/5803/7674/brussels_declaration_FINAL.pdf)

74 European Parliament resolution of 23 November 2016 on sign languages and professional sign language interpreters (2016/2952(RSP)).

75 European Parliament resolution of 13 November 2018 on minimum standards for minorities in the EU (2018/2036(INI)). Paragraph 50.

76 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe. COM(2010) 636 final. p. 6.

tee recommended the EU to ensure sign language accessibility to its institutions and websites.<sup>77</sup> The European Ombudsman has highlighted the importance of sign languages by taking the position that professional sign language interpretation should be provided at events organised by EU institutions. It is not acceptable to limit interpretation services to events concerning disability issues as deaf people have the right to attend any event they wish to and request sign language interpretation.<sup>78</sup> The position supports the principle of the freedom to choose. Deaf people have expertise to offer in various areas, not only to disability or linguistic matters.

Since several member States are also EU Member countries, the work of the EU and its legal obligations has impact in these areas. On the other hand, the active participation of deaf people and deaf organisations in the EU has resulted in an increased level of awareness on sign language rights, which the Council of Europe could refer to as good practice. However, more work is required also at the EU level to further promote and protect sign languages.

#### **2.4. Recognition of sign languages**

Article 21 of the CRPD requires the State Parties to recognise and promote the use of sign languages and Article 2 of the CRPD clarifies that languages include signed languages. Despite this clarification, the recognition often mentions that sign languages are used by deaf people (only). It can be questioned whether national governments have a clear picture of the meaning of the recognition of sign languages. To date, there is no general comment on Article 21 of the CRPD that could give guidance to national governments on the interpretation and implementation of the respective articles.

Although sign languages are mainly used by deaf people, the scope of the recognition of sign languages can become too narrow or focus unnecessarily on the hearing ability of individuals. There are several examples of legislative pieces in the member States where deafness was deemed necessary to be defined (from the medical perspective) when recognising sign language.<sup>79</sup> On the other hand, there are some examples where linguistic and cultural approaches have been reflected.<sup>80</sup> The CRPD does not address the assumption that the use of sign language should be limited to deaf people. There are many other people such as CODAs who use sign language and would benefit from the official status of sign language. Sign language being open to anyone could attract the interest of hear-

<sup>77</sup> CRPD/C/EU/CO/1. Paragraphs 55 and 83.

<sup>78</sup> O'Reilly (2015). p. 67.

<sup>79</sup> See e.g. Article 2(1) of the Czech Act No. 423/2008 Coll. Regulating the communication systems of deaf and deafblind persons, Article 3 of the Serbian Law on Sign Language Use (adopted on 28 April 2015), Article 3 of the Act regulating the use of Slovene Sign Language (No. 001-08/01-5/1) or Article 4(d) of Ley 27/2007, de 23 de octubre, por la que se reconocen las lenguas signos españolas y se regulan los medios de apoyo a la comunicación oral de las personas sordas, con discapacidad auditiva y sordociegas.

<sup>80</sup> See e.g. Article 3 of the Irish Sign Language Act (Number 40 of 2017) or Article 2 of the Act to provide for the setting up of the Sign Language Council of Malta, and for matters ancillary or consequential thereto (Act No. XVII of 2016).

ing people to learn and use the language. For instance, in the USA, American Sign Language is generally offered as an optional school subject among other foreign languages for anyone and this school subject is very popular.

Official recognition of national sign language(s) is only the start for protecting, ensuring and promoting human rights of deaf people. The recognition should not be expected to solve all problems but seen as the first step.<sup>81</sup> In the concluding observations on Poland, the CRPD Committee recommended the government of Poland to revise the act on sign language in order to effectively implement sign language rights at the national level.<sup>82</sup> A similar request was addressed to the government of Slovenia to implement the Slovene Sign Language Act.<sup>83</sup> Steps after the recognition of sign language(s) include revising and adopting legislation and policies to correspond with sign language rights covering different areas of life.<sup>84</sup> Sometimes, collaboration between a national association of the deaf and government ends when legislative measures recognising sign language(s) are adopted. The collaboration should continue to review the whole legislative system to reflect the recognised status of sign language, monitor the development and ensure that budgetary allocations are in place to make the implementation of these rights possible. Ideally, representatives of different ministries and authorities would be included in the continuous consultation and monitoring process with the national association of the deaf to endeavour to make sign language rights become intersectional across the government and country. It is not possible to expect that implementation would rely on voluntary resources by national associations of the deaf.

There are different ways to recognise national sign languages. In some countries no explicit sign language is mentioned when it is not clear which sign language is recognised because there can be more than one sign language in the country. Sign languages are recognised in the constitution in at least Hungary, Austria and Finland. Several member States have recognised sign language in their disability legislation, education legislation or language legislation as introduced in Appendix 1. Even when sign language might be recognised in an explicit sign language act highlighting the linguistic and cultural aspect, most national associations of the deaf in the region feel that societies continue viewing sign language issues from a disability perspective when cooperating with authorities. Only a few national associations of the deaf reported that their society considers sign language as a minority language.

Iceland, Finland and Sweden are examples where sign languages are recognised among other languages of the respective countries.<sup>85</sup> The CRPD Committee commended the step of Sweden to consider sign language equal to other mi-

81 Krausneker (2003). p. 43.

82 CRPD/C/POL/CO/1. Paragraphs 36 and 37.

83 CRPD/C/SVN/CO/1. Paragraphs 35 and 36.

84 Timmermans (2003). p. 3.

85 Act on the status of Icelandic language and Icelandic Sign Language 61/2011, Språklag 2009:600 (Language Act of Sweden) and Constitution of Finland 731/1999.

nority languages in the country.<sup>86</sup> The Hungarian constitution is another example reflecting a linguistic and cultural perspective highlighting Hungarian Sign Language as part of the cultural diversity of Hungary.<sup>87</sup> These are examples of linguistic status granted to national sign languages.

In Ukraine, sign language was recognised as part of the disability legislation. The Ukrainian Society of the Deaf has advocated for a separate bill on Ukrainian Sign Language to be adopted by the government with the objective of having stronger protection for sign language rights in different fields of life such as access to health care, education and professional Ukrainian Sign Language interpretation. It was clear that the deaf community of Ukraine had no confidence that their rights within a sign language framework were sufficiently protected and supported by generalist disability legislation. At the end of 2018, the draft bill was being presented to the Parliament of Ukraine.

Currently, there is no legislation to officially recognise sign languages at the national or federal level in the following member States: Armenia, Azerbaijan, Italy, Montenegro, the Netherlands and Switzerland and throughout the United Kingdom (although legislation has passed in one of its constituent countries). However, the CRPD Committee has addressed this issue in concluding observations on Armenia,<sup>88</sup> Azerbaijan,<sup>89</sup> Italy<sup>90</sup> and Montenegro.<sup>91</sup> Although the Republic of Moldova has taken steps towards recognition of Moldovan Sign Language, the CRPD Committee requested that attention to be paid to the status of Moldovan Sign Language and to have stronger recognition.<sup>92</sup> The report on the status of sign languages in Europe was published in 2003 with the intention of supporting the recognition of Dutch Sign Language<sup>93</sup> but 15 years later Dutch Sign Language has still not been officially recognised in the Netherlands. Despite possibly having official recognition of national sign language(s) there may be issues concerning education or access to particular services that require more attention to make it possible to exercise sign language rights in society.

86 CRPD/C/SWE/CO/1. Paragraph 4.

87 Constitution of Hungary 2011. Article H(c).

88 CRPD/C/ARM/CO/1. Paragraphs 35 and 36.

89 CRPD/C/AZE/CO/1. Paragraphs 10 and 11. See also follow-up from the CRPD Committee in CRPD/C/AZE/QPR/2-3 paragraph 1(f).

90 CRPD/C/ITA/CO/1. Paragraphs 49 and 50.

91 CRPD/C/MNE/CO/1. Paragraphs 40 and 41.

92 CRPD/C/MDA/CO/1 paragraphs 40 and 41.

93 Timmermans (2003). p. 4.

### 3. Sign language rights in practice

#### 3.1. The right to learn and use sign language

Almost all deaf children are born to hearing families who do not have previous knowledge about sign language. It is very important that families are provided sign language training to support their deaf children to learn sign language as early as possible, which is unfortunately not happening today.<sup>94</sup> In its General Comment No. 9 on the rights of children with disabilities, the Committee on the Rights of the Child recommended that sign language training for families of deaf children be provided.<sup>95</sup> Learning sign language is not something that happens automatically. Unless support and resources are provided, deaf children are at risk of growing up without sign language which can have a long-lasting impact on economic, mental and social wellbeing. Due to the lack of sign language skills, a deaf child might grow up without any language at all.

To have the opportunity to learn sign language is a human rights issue since it is the only language that deaf children can acquire naturally. However, the human rights of deaf children around the world continue to be breached as they are not exposed to sign language. This leads to various consequences. Without the mastery of sign language, access to education, employment and society is challenging for deaf people. Moreover, they tend to be at risk of becoming abused and exploited.<sup>96</sup> Those who are deaf who do not have sign language skills are in a disadvantaged position; without information about one's human rights, such rights are not exercised.

In practice, families of deaf children are usually not fully informed about available options, and are unaware of what learning sign language would mean for both deaf children and their families. Instead, false assumptions that learning sign language can hinder the development of spoken language skills continue to be prevalent. Families are often provided with the belief that they should choose only a sign language or a spoken language instead of being able to have both. The widespread approach is to view sign language as more of a tool than a fully-fledged and equal language.<sup>97</sup> Member countries of the EU are requested to provide sign language training to families of deaf children.<sup>98</sup> Sign language should be taught as early as possible instead of being considered an alternative should speech training fail, which means losing valuable time in a sensitive language acquisition period.<sup>99</sup>

There is no explicit mention in the CRPD on the right of deaf children to learn sign language as early as possible, which requires more attention in a future in-

94 De Wit (2017). p. 122.

95 CRC/C/GC/9.

96 Jokinen (2000). p. 203.

97 O'Neill (2017). p. 90-91.

98 European Parliament resolution of 23 November 2016 on sign languages and professional sign language interpreters (2016/2952(RSP)). Paragraphs 19-21.

99 Krausneker (2008). p. 19.

ternational human rights framework.<sup>100</sup> Although Article 21 of the CRPD obliges national governments to promote the use of sign language, it does not clarify the scope of promotion and whether it should start as soon as a deaf child is born or later in life.

Some legislation in the region recognises the right of deaf children to learn sign language but does not clarify which measures should be taken to implement that right. Unless an obligation to provide sign language training to families of deaf people is further clarified in national legislation, training does not necessarily take place due to the lack of awareness among authorities and lack of funding. The Icelandic legislation recognises the importance of providing sign language training to families but does not mention resources for this measure<sup>101</sup>. On the other hand, Luxembourg legislation explicitly requires the provision of 100 hours of sign language training to families of deaf children but actual implementation remains to be seen, despite the specified amount of training being a good example of how to measure the extent to which the service should be provided.

The CRPD Committee has had concerns about the insufficient support provided to families of deaf children to learn sign language. The government of the United Kingdom was requested to reserve resources to provide sign language training to families of deaf people.<sup>102</sup> The British Deaf Association shared that the government has not prioritised the implementation of the CRPD Concluding observations because of the current process of Brexit. In the concluding observations on Denmark from the CRPD Committee, the government was asked to provide opportunity to all deaf children to learn sign language regardless of whether they have a cochlear implant or not<sup>103</sup>, which was also stressed by the Committee on the Rights of the Child when reviewing Denmark<sup>104</sup>. The Danish National Association of the Deaf would like to see the aforementioned recommendation being actually implemented because the responsible stakeholder has not been clarified at the national level where different authorities have been referring to other authorities.

It is important to understand that the early acquisition of sign language development of deaf children is strongly connected to cognitive, academic and social skills.<sup>105</sup> Unless deaf children feel accepted by their families in being able to use sign language freely all their lives, it is challenging to expect that they would become successful e.g. in using sign language interpreter services in educational settings.<sup>106</sup> Deaf children are at risk of developing a negative self-image when they struggle to learn the spoken language and view other deaf people who may be competent in using a spoken language as smarter than they are themselves.<sup>107</sup>

100 Kauppinen & Jokinen (2014). p. 144-145.

101 Act on the status of Icelandic language and Icelandic Sign Language. Article 3.

102 CRPD/C/GBR/CO/1. Paragraphs 47-49.

103 CRPD/C/DNK/CO/1. Paragraphs 44 and 45.

104 CRC/C/DNK/CO/5. Paragraphs 28(e) and 29(e).

105 Kauppinen & Jokinen (2014). p. 135.

106 De Wit (2017). p. 123.

107 Zizic etc. (2015). p. 39.

**Recommendation 7: Support for the use of sign languages.** While monitoring mechanisms have already started encouraging member States to give official status to sign languages, the support could be broadened to request member States to allocate funds to provide sign language training to families of deaf people to enable deaf children to learn sign language as early as possible.

More research information on the benefits of early acquisition of a sign language supporting deaf individuals to become multilingual in life is available in e.g. the Position paper on the Language Rights of Deaf Children published by the WFD.<sup>108</sup>

The right to use sign language continues being important throughout the whole life cycle. The lack of possibility in using sign language can lead to frustration among deaf people. E.g. deaf elderly people have been overmedicated for their aggressive behaviour when they actually are frustrated with not being able to communicate their needs in sign language to be understood by staff members of a service home but these kinds of incidents are not noted or reported.

### **3.2. Quality inclusive education through the medium of sign language**

#### **3.2.1. Current situation**

While it has been clear that majority language users can receive education in their own language, deaf people have not enjoyed the same right to receive education in sign language.<sup>109</sup> Traditionally, educating deaf children was done under strong medical influence with the aim of “normalising” them to become able to use spoken language and assimilated in society through spoken language. The human rights of these children are breached. Only when deaf children are educated through the medium of sign language are their rights respected.<sup>110</sup> Without having access to sign language from an early age deaf people are excluded from society with the risk of lacking proficiency in any language.<sup>111</sup> Long-term consequences of forcing deaf students to receive instruction in a spoken language has led to e.g. illiteracy and financial hardship. Although national legislation might encourage or oblige education to be provided through the medium of sign language, the implementation is often non-existent and not monitored.

Late access to sign language has consequences in educational performance. Deaf students who acquire sign language as early as possible tend to become more successful at school compared to those who learn sign language later e.g. when starting school. Success also concerns literacy skills.<sup>112</sup> The high rate of illiteracy of deaf people can be explained by the wrong medium of education not succeeding in providing required pedagogical support for deaf students to acquire strong

<sup>108</sup> <https://wfdeaf.org/news/resources/wfd-position-paper-on-the-language-rights-of-deaf-children-7-september-2016/>

<sup>109</sup> Skutnabb-Kangas (2000). p. 499.

<sup>110</sup> Jokinen (2000). p. 207.

<sup>111</sup> Skutnabb-Kangas (2000). p. 112.

<sup>112</sup> Hänel-Faulhaber (2017). p. 128-129.

literacy skills.<sup>113</sup> Almost all deaf respondents of a survey in Albania reported difficulties in understanding written Albanian language reflecting illiteracy.<sup>114</sup>

With the submersion approach in education being dominant, deaf children have been forced to learn a majority (spoken) language.<sup>115</sup> According to the principle of segregated education teachers do not necessarily have sufficient linguistic and pedagogical skills.<sup>116</sup> Some deaf people who have been educated with oralism without the medium of sign language have a perceived negative self-image, referring to those who have developed proficiency in a spoken language as intelligent, and considering themselves as inferior if they do not have spoken language competencies. This situation continues being visible in several member States in discussions with deaf people.

The lack or insufficient sign language skills of teachers of deaf students affects negatively on the quality of education and communication between teachers and students. Sometimes deaf students have to act as interpreters between their peers and teachers. This continues to happen in e.g. Serbia where deaf students are even asked to interpret teacher-parent meetings if a parent happens to be deaf.<sup>117</sup> The absence of documentation of such situations in other member States does not mean that this is not happening. It should be noted that deaf students having higher proficiency in sign language than teachers has been prevalent in several if not all member States at least until recent years. In deaf communities across member States experience is still being shared by deaf people of how they have had to teach sign language to their teachers. In this situation, it can be questioned who does not have sufficient linguistic skills, deaf students or teachers. Another question to consider is how deaf students were supposed to acquire quality inclusive education through the medium of sign language whilst teaching sign language to teachers or/and interpreting between teachers and other students.

Negative attitudes towards sign language continues to be a problem today. Even if it is required, teachers of deaf students do not necessarily show interest in improving their sign language skills.<sup>118</sup> Although the use of sign language might not be prohibited, the focus in education continues to concentrate on teaching deaf students to use spoken language e.g. in Serbia.<sup>119</sup> Oralist education continues being dominant also in Albania.<sup>120</sup> While some schools in member States might provide education in sign language, there are schools focusing on oralist education at least in Estonia and Luxembourg.

Almost all national associations of the deaf in member States mentioned education being their priority concern when asked which issues related to sign

113 Skutnabb-Kangas (2000). p. 595.

114 Lahtinen & Rainò (2016). p. 58.

115 Skutnabb-Kangas (2000). p. 582-583.

116 Skutnabb-Kangas (2000). p. 591.

117 Zizic etc. (2015). p. 37-38.

118 O'Neill (2017). p. 99.

119 Zizic etc. (2015). p. 36-38.

120 Lahtinen & Rainò (2016). p. 8.

language rights require more action and resources in their respective countries. There is an ongoing trend among national governments to change the education system of students with disabilities claiming to make the system inclusive according to the Article 24 of the CRPD but the development has happened at the cost of sign language despite the fact that Article 24.3(b) of the CRPD has posed explicit obligation to national governments to facilitate the learning of sign language and promote the linguistic identity of the deaf community. Furthermore, CRPD Article 24.3(c) states that national governments need to ensure that the education of deaf persons is delivered in the most appropriate languages in environments which maximize academic and social development. According to CRPD Article 24.4 teachers need to be qualified in sign language.

In these days, deaf children are often placed in schools near their homes without prior consideration and no plan on how their education would be delivered in sign language, and no provision for adult role models or signing deaf peers, although these issues are highlighted in Article 24 of the CRPD. This process reflects the lack of understanding that education provided through the medium of sign language is actually part of the inclusive education system and considered as education based on language and culture, not based on disability.

Despite the low level of education at deaf schools, such places have provided possibilities for deaf children to become bilingual and proud of their identity because of the interaction with other deaf people.<sup>121</sup> Deaf students often embrace the experience of belonging to a sign language environment and the feeling of sameness. Although academic skills acquired from education might not be good, sign language has given the feeling of connection to the community.<sup>122</sup>

The General Comment no. 5 on persons with disabilities adopted by the Committee on Economic, Social and Cultural Rights in 1994 emphasised the importance of deaf children having access to sign language in educational settings and in society.<sup>123</sup> A survey reflected a low number of European countries offering comprehensive teacher training programmes including sign language skills, bilingual education, sign language as a school subject, sign language linguistics and deaf studies. Out of 39 European countries only nine countries provide all of these in teacher training programmes.<sup>124</sup>

Article 24.4 of the CRPD explicitly requires that teachers are qualified in sign language, which poses a question how the qualification is measured. From one perspective qualification could be interpreted as proficiency that native sign language users have or those who have been involved in the deaf community for several years. Shorter courses of sign language provided to teachers are necessarily not sufficient to make them qualified in sign language at native language user's level despite of possible degree acquired from such training. The same can

121 Skutnabb-Kangas (2000). p. 345.

122 Zizic etc. (2015). p. 42.

123 E/C.12/1994/20.

124 Krausneker etc. (2017). p. 80.

be said in the case of foreign spoken languages. It can be compared to a native English-speaker being expected to become proficient in teaching the Russian language to Russians after learning the language for just a few hours. The insufficient sign language skills of teachers teaching deaf students should be reflected in the same way.

The number of deaf teachers is low in member States to cater all deaf students. Deaf adult role models have often been forgotten in educational settings.<sup>125</sup> Article 24.3(b) of the CRPD requires national governments to promote the linguistic identity of the deaf community. Noting that as adults, teachers have a great responsibility to ensure that the linguistic identity of the deaf community is promoted in educational settings, it is challenging to understand how hearing teachers with limited sign language skills without the linguistic identity would be able to do so. Taking the low educational background into account, deaf people face barriers in terms of entering teacher training programmes. As a result, there are more hearing teachers with a degree in education without sign language skills being employed at schools that have deaf students who then are supposed to promote the linguistic identity of the deaf community.

### **3.2.2. Towards education through the medium of sign language**

It is important to emphasise that education delivered in sign language environments e.g. at deaf schools should not be considered as special education but education based on sign language and deaf culture. In this regard education through the medium of sign language is not limited to deaf students but open to any student who wishes to use sign language.<sup>126</sup>

Through the medium of sign language means that instruction is provided in sign language in all classes.<sup>127</sup> When deaf students choose to attend education through the medium of sign language, the ideal model is an immersion programme where the teacher is fluently bilingual in both signed and written languages, and other students have the same mother tongue.<sup>128</sup> Education through the medium of sign language with a written language can have a positive impact on individuals as with other education programmes addressed to minority language users. Such positive developments would include having more deaf students complete primary education and higher education, an improvement in literacy levels, and greater participation in wider society.<sup>129</sup>

At the United Nations level, the CRPD Committee considers that equality and non-discrimination for deaf children in educational settings require a sign language learning environment, sign language proficiency of teachers and deaf peers.<sup>130</sup> At the European Union level, a recommendation has been addressed

125 Krausneker (2008). p. 24.

126 Kauppinen & Jokinen (2014). p. 136-137.

127 Skutnabb-Kangas (2000). p. 503.

128 Skutnabb-Kangas (2000). p. 614.

129 Language Rights of Linguistic Minorities (2017). p. 14.

130 CRPD/C/GC/6. Paragraph 65.

to Member countries to introduce sign languages in curricula to support the linguistic skills of deaf students. Governments are requested to pay attention to make education truly bilingual to enhance the academic and social development of deaf students.<sup>131</sup> Recently, the European Parliament has given a positive message through the resolution on the minimum standards for minorities in the EU to consider the minority aspect in the provision of education for people who use sign language.<sup>132</sup> On the other hand, it is worrisome that a position paper of the Council of Europe Commissioner for Human Rights encourages a move towards desegregation and does not mention anything about education in one's own language such as sign language or other minority language.<sup>133</sup> Thus, there may be confusion on what should be done in terms of inclusive education for deaf children through sign language when the linguistic perspective is not always highlighted.

Slovakia has specific curricula for minority language users. The deaf community has advocated for a similar system to provide education through the medium of Slovak Sign Language but authorities have responded that it is not possible because Slovak Sign Language does not have the status of a minority language despite being officially recognised by the government. The national association of the deaf of the Russian Federation has similar concerns on the unavailability of curricula based on Russian Sign Language.

The CRPD Committee has recommended that national governments allocate resources to ensure the sign language skills of teachers of deaf children.<sup>134</sup> On the other hand, the CRPD Committee asked the government of Italy to provide sign language interpretation for deaf children in educational settings.<sup>135</sup> The Committee on Economic, Social and Cultural Rights has requested the governments of Italy and the Republic of Moldova to provide teaching of sign language as part of an inclusive education system.<sup>136</sup> The Committee on the Rights of the Child reminded governments of Germany, Ireland and the Republic of Moldova that the provision of sign language is part of inclusive education.<sup>137</sup> While it is important that treaty bodies have raised the issue of allocating resources to sign language issues when implementing inclusive education, it remains unclear for national governments how it should be done. In the absence of clear guidance some governments might think that the provision of sign language interpretation means fulfilling the obligation, while others might understand the issue from the broader perspective that deaf children need to be given as early access to sign language as possible by supporting families to learn sign language, thereby en-

131 European Parliament resolution of 23 November 2016 on sign languages and professional sign language interpreters (2016/2952(RSP)). Paragraphs 22-26.

132 European Parliament resolution of 13 November 2018 on minimum standards for minorities in the EU (2018/2036(INI)). Paragraph 50.

133 Fighting School Segregation in Europe through Inclusive Education. Position Paper (2017). Council of Europe Commissioner for Human Rights.

134 CRPD/C/AZE/CO/1. Paragraph 41(c) and CRPD/C/BEL/CO/1. Paragraph 37.

135 CRPD/C/ITA/CO/1. Paragraphs 57 and 58.

136 E/C.12/ITA/CO/5 and E/C.12/MDA/CO/2.

137 CRC/C/DEU/CO/3-4. Paragraph 50(d), CRC/C/IRL/CO/3-4. Paragraph 47(d) and CRC/C/MDA/CO/4-5. Paragraph 30(b).

sure that deaf children are able to access educational possibilities on an equal level to their non-deaf peers.

If deaf children were not exposed to sign language at an early age, they might not have sufficient sign language skills to be able to benefit from sign language interpreting in educational settings. It is not possible to consider deaf students start learning sign language from interpreters.<sup>138</sup> According to the position paper from the WFD, education being provided directly by teachers in sign language should be a priority instead of education through sign language interpretation.<sup>139</sup> Careful consideration should be made when thinking about placing a deaf child in a school with a sign language interpreter without deaf peers and deaf adult role models. When a child knows no sign language, it is not possible that such a child can benefit from sign language interpretation, and extra support would be required.

The CRPD Committee asked the government of Austria to ensure that sign language skills of teachers of deaf children are sufficient.<sup>140</sup> An Austrian individual has submitted a communication to the CRPD Committee because she was denied education through the medium of sign language. Sign language interpretation was provided to this individual but it is not same thing as communicating directly with teachers and peers in Austrian Sign Language. The CRPD Committee has not published its views on this case yet.

It is important to note that sign language interpreter services do not make a school environment fully accessible if there is no bilingual education approach and deaf peers and deaf adult role models.<sup>141</sup> Moreover, sign language interpretation is often provided in secondary and higher education, which means that there are many deaf students at primary schools across member States without sign language interpretation or any sign language aspect at all.<sup>142</sup> The availability of sign language interpretation in educational settings in member States reveal different limitations in terms of hours, education level or deaf student's age.<sup>143</sup> For instance, in the Flanders part of Belgium, parents of a deaf child had to advocate towards the government to start providing sign language interpreters at primary school level.<sup>144</sup>

Considering the fact that the higher education level of deaf students in member States has increased, sign language interpreters should have sufficient level of education to be able to interpret in the context.<sup>145</sup> In other words it would be hard to imagine that an interpreter who has only secondary level education would be able to interpret proficiently in university settings.

138 De Wit (2017). p. 122.

139 <https://wfdeaf.org/news/resources/5-june-2018-wfd-position-paper-inclusive-education/>

140 CRPD/C/AUT/CO/1. Paragraphs 42 and 43.

141 Krausneker etc. (2017). p. 81.

142 De Wit (2017). p. 111. See De Wit (2017), p. 112-114 for data concerning the right to sign language interpretation in educational settings and its availability at different levels.

143 De Wit (2017). p. 114-115.

144 Wheatley (2017). p. 192-194.

145 De Wit (2017). p. 118.

For further reading on inclusive education from the deaf perspective, the EUD has a position paper on inclusive education<sup>146</sup> reflecting the General Comment No. 4 on the right to inclusive education adopted by the CRPD Committee<sup>147</sup> and the WFD shares examples on how inclusive education should be implemented appropriately with regard to sign languages<sup>148</sup>.

**Recommendation 8: Make inclusive education through the medium of sign language reality.** Awareness on what inclusive education means for deaf learners should be increased among all stakeholders. In addition to that, member States should be supported to have curricula based on sign language, native-level users of sign language as teachers and to provide a sign language learning environment where deaf students can use sign language directly with all people at school instead of relying on sign language interpreters.

### 3.3. Accessibility through professional sign language interpretation

#### 3.3.1. Professionalism of sign language interpreters

Due to the fact that the majority of people do not know sign language and it is rarely possible for deaf people to communicate directly with authorities in sign language, the profession of sign language interpretation is valuable to support the human rights of deaf people. Despite often being regarded as a service addressed to deaf people, hearing people actually require professional sign language interpreter services to be able to communicate with deaf people.

According to Article 9 of the CRPD, national governments have the obligation to provide accessibility through the provision of professional sign language interpretation.<sup>149</sup> In reality the implementation of this right is rather limited. In some member States deaf people do not have a legislative right to use sign language interpreter services and several member States provide the service with funding from the government only under certain circumstances, if at all. Rarely do deaf people have the right to use state-funded sign language interpreter services wherever they wish.<sup>150</sup>

Sign language interpreter training programmes vary greatly. Whereas some countries do not have formal training programmes at all, other countries provide university level training as a requirement to be able to work as a professional sign language interpreter. In some cases, qualification is acquired after few days' long training.<sup>151</sup> The General Comment no. 2 on Article 9: Accessibility does not clarify what is required to make sign language interpreters professional and how this professionalism should be maintained and supported.<sup>152</sup> At the EU level, the

146 <https://www.eud.eu/about-us/eud-position-paper/all-inclusive-education/>

147 CRPD/C/GC/4.

148 <https://wfdeaf.org/news/resources/5-june-2018-wfd-position-paper-inclusive-education/>

149 CRPD Article 9.

150 De Wit (2016). p. 62.

151 De Wit 2016. p. 36-38.

152 CRPD/C/GC/2

European Parliament resolution stresses the importance of having sign language interpreter training at the university level, accreditation and formal recognition of the profession.<sup>153</sup>

The CRPD Committee has expressed its concern on the limited availability or/ and lack of training of sign language interpreters in concluding observations on Armenia,<sup>154</sup> Austria,<sup>155</sup> Azerbaijan,<sup>156</sup> Belgium,<sup>157</sup> Bosnia and Herzegovina,<sup>158</sup> Croatia,<sup>159</sup> the Czech Republic,<sup>160</sup> Italy,<sup>161</sup> Latvia,<sup>162</sup> Luxembourg,<sup>163</sup> Malta,<sup>164</sup> Montenegro,<sup>165</sup> Poland,<sup>166</sup> the Republic of Moldova,<sup>167</sup> the Russian Federation,<sup>168</sup> Serbia,<sup>169</sup> Slovakia,<sup>170</sup> Slovenia,<sup>171</sup> Ukraine<sup>172</sup> and the United Kingdom.<sup>173</sup>

There are different reasons why the number of professional sign language interpreters is insufficient across the region e.g. low numbers of interpreters being trained, the lack of training or appropriate level of remuneration for interpreting job assignments.<sup>174</sup> The ratio between deaf people and professional sign language interpreters shows significant differences between member States ranging from eight deaf people per sign language interpreter to more than 2 000 deaf people per interpreter.<sup>175</sup>

In early days when the sign language interpreter profession was not recognised or accredited, it was customary that e.g. teachers of deaf children would also act as interpreters. However, teaching and interpreting require different qualifications and skills. For instance, the Confederation of the Deaf of Turkey shared that they have collaborated in recent years with the government of Turkey to distinguish these professions and to ensure that different training programmes are targeted to these two professions, which can be considered as a positive development.

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153 European Parliament resolution of 23 November 2016 on sign languages and professional sign language interpreters (2016/2952(RSP)). Paragraph 1.

154 CRPD/C/ARM/CO/1. Paragraphs 21, 35 and 36.

155 CRPD/C/AUT/QPR/2-3. Paragraph 28.

156 CRPD/C/AZE/CO/1. Paragraphs 34 and 35.

157 CRPD/C/BEL/CO/1. Paragraph 22.

158 CRPD/C/BIH/CO/1. Paragraphs 25 and 38.

159 CRPD/C/HRV/CO/1. Paragraph 32.

160 CRPD/C/CZE/CO/1. Paragraphs 17, 19, 41 and 42.

161 CRPD/C/ITA/CO/1. Paragraphs 24 and 32.

162 CRPD/C/LVA/CO/1. Paragraphs 23(a) and 35-

163 CRPD/C/LUX/CO/1. Paragraphs 38 and 39.

164 CRPD/C/MLT/CO/1. Paragraphs 31 and 32.

165 CRPD/C/MNE/CO/1. Paragraphs 27 and 40.

166 CRPD/C/POL/CO/1. Paragraphs 21, 22, 34, 36, 37 and 41.

167 CRPD/C/MDA/CO/1. Paragraph 40 and 41.

168 CRPD/C/RUS/CO/1. Paragraphs 28, 29 and 44.

169 CRPD/C/SRB/CO/1. Paragraph 18 and 23.

170 CRPD/C/SVK/CO/1. Paragraphs 61 and 62.

171 CRPD/C/SVN/CO/1. Paragraph 61.

172 CRPD/C/UKR/CO/1. Paragraphs 19, 28, 38 and 39.

173 CRPD/C/GBR/CO/1. Paragraph 33(d), 46 and 47.

174 De Wit (2016). p. 53.

175 De Wit (2016). p. 60-61.

There are some countries that used to be portrayed as model countries. Finland used to be one of these model countries but the authority responsible for sign language interpreting services has not consulted with service users and other experts in the field, which has led to degrading the quality of sign language interpreting services in recent years.<sup>176</sup> Norway is another country that has displayed a good example in the provision of sign language interpreting services is Norway. The service has not been developed in recent years to meet increasing needs such as including appropriate expertise in the field of sign language and sign language interpreting, and noting that more and more deaf people have higher education and more specific requirements concerning a sign language interpreting service. For these aforementioned reasons the deaf community in Norway has been calling for change to improve the service.<sup>177</sup> Third country that could be considered as a model country is Lithuania because deaf people can use professional sign language interpreting services as much as they like, but the Lithuanian Deaf Association shared that in practice there is a shortage of sign language interpreters and the availability of service is limited to business hours.

There are sometimes suggestions that written information would deliver greater access to the population than the provision of information in sign language. Whereas written information is often useful, it does not replace and is not as accessible as information in sign language.<sup>178</sup> Unfortunately, the provision of information limited to captioning on television has been considered as a cost-effective measure thinking that it would cater for all deaf and hard of hearing people. In this case there would be a number of deaf people who will not be able to access this information, due to limited literacy skills. Moreover, the access to information in one's language is a human rights issue.

Although technology has brought advances to deaf people in terms of making information in sign language more available regardless of the location of deaf people, there are some issues that require careful consideration in the development of services. Technology should not replace human contact particularly in rural areas. While sign language interpreting remotely via video connection is useful in several situations, it might not always work. Deaf people should be given the opportunity to choose between remote and onsite sign language interpreting in specific circumstances. The recent development of signing avatars to replace human signers is worrying because these are developed mostly by hearing people who do not know sign language. The issue of signing avatars has been addressed in a statement by the WFD and World Association of Sign Language Interpreters<sup>179</sup>.

176 See e.g. KK396/2017 vp and <https://www.ksml.fi/kotimaa/Tulkkia-ei-aina-löydy-vaikka-pätevä-olisikin-saatavilla---Kelan-uusi-tulkkauspalvelu-ei-tyydytä-asiakkaita/1113846>

177 Døves Tidsskrift nr. 5 2018. Årgang 99. p. 30-32.

178 Stevens (2014). p. 113.

179 <https://wfdeaf.org/news/resources/wfd-wasli-statement-use-signing-avatars/>

### 3.3.2. Funding for the service

It is not always clear who should be responsible for the payment of sign language interpreters. In some countries there may be different stakeholders responsible for remunerating sign language interpretation. In the absence of regulated funding deaf people end up either paying themselves for the use of the service or having to look for alternatives.<sup>180</sup> National associations of the deaf have had to explain to public officials about the importance of professional sign language interpretation and request the state to take the responsibility to fund the service. Often the responsibility is not clear and is being referred from one stakeholder to another. Moreover, the explanation usually has to take place several times because people in governments change and new people might not know anything about sign language and interpreter services.<sup>181</sup>

The pay level does not usually reflect respect for the profession. There are member States that provide pay for sign language interpreters that do not even meet minimum salary levels. It is challenging for sign language interpreters to make a living from their underpaid profession.<sup>182</sup> Even if sign language interpretation is expected to be provided free of charge for deaf individuals in e.g. court, the responsibility for covering costs is not clear. There are cases where interpreters have been told that they would not be paid by authorities.<sup>183</sup> The mention of “provision of professional sign language interpreting services” might not clarify the responsible stakeholder to cover the costs. As explained, the provision is sometimes misunderstood to be based on voluntary resources despite the high level of education that sign language interpreters undergo and the comparison with remuneration of spoken language interpreters.

As long as sign language interpretation costs are considered as something extra instead of being a normal part of budgets of various stakeholders, deaf people do not enjoy full citizenship rights due to inaccessible information.<sup>184</sup> The CRPD Committee views the denial of providing sign language interpretation as discrimination.<sup>185</sup> Authorities might not always understand that the provision of sign language services such as interpreting services in higher education enhances the chances of deaf individuals to become equal players in society including becoming taxpayers.<sup>186</sup>

A Swedish individual has submitted a communication to the CRPD Committee because he was denied a job on the basis of sign language interpreting services being expensive.<sup>187</sup> The CRPD Committee has not yet considered this communi-

180 De Wit (2016). p. 72-77.

181 Bosco Conama (2015). p. 40-41.

182 De Wit (2016). p. 88.

183 Zizic etc. (2015). p. 25-26.

184 Stevens (2014). p. 118.

185 CRPD/C/GC/6. Paragraph 73(c).

186 De Wit (2017). p. 119.

187 <https://www.independentliving.org/content/communication-committee-rights-persons-disabilities>

cation. At first glance when reading the news about the Swedish case, one can wonder about the impact on deaf individuals who might question the relevance of pursuing higher education if there will be discrimination in the labour market on the basis of sign language interpreting costs.

The sparse availability of professional sign language interpreters and the lack of funding for the use of the service means that still many deaf people today do not have any other choice than ask their family members – sometimes minors – to interpret for them between spoken and sign languages. Using children as interpreters could be considered as child labour. The goal of the WFD was to end child labour in this field by including “professional sign language interpretation” in Article 9 of the CRPD to oblige national governments to train, accredit and support continuous professional development of sign language interpreters in addition to providing public funding to enable the use of professional sign language interpreter service in all spheres of life.

### **3.4. Consultation on matters concerning sign languages**

#### **3.4.1. Meaningful consultation**

According to Article 4.3 of the CRPD, national governments have the obligation to consult actively with national associations of the deaf in issues concerning their lives such as questions related to sign languages. The General Comment No. 7 on the participation of persons with disabilities, including children with disabilities, through their representative organisations, in the implementation and monitoring of the Convention adopted by the CRPD Committee emphasises the importance of focusing on organisations of persons with disabilities led and governed by persons with disabilities, instead of organisations for persons with disabilities or service provider organisations.<sup>188</sup> Deaf people should lead on matters concerning the lives of deaf people. Traditionally, non-deaf people often led national associations of the deaf, under a benevolent, charitable ethos. Deaf people even asked non-deaf people to take such a lead in their affairs, being unaware of the importance of deaf leadership. Over time deaf people have started to take leadership positions and direct national associations of the deaf. In some member States, it has been of regret to observe hearing leaders staying in leadership positions of national associations of the deaf instead of allowing deaf people to direct the associations because of e.g. financial interest. In the situation described, the consultation process might be challenging and without the relevant and appropriate perspectives on sign language provided by deaf people themselves.

Sign languages and deaf culture are interrelated, which means that in addition to the lack of awareness among public officials on sign languages authorities need to be educated about deaf culture and heritage.<sup>189</sup> Before consultation can take place appropriately, the picture of the process and roles of different stakeholders

<sup>188</sup> CRPD/C/GC/7. Paragraphs 13-14.

<sup>189</sup> Bosco Conama (2015). p. 41.

should be clear. It is important that authorities understand that deaf people are already experts in sign language rights based on their personal lives. Having a degree in e.g. special education or sign language interpreting does not mean that a hearing person should be considered as representative of deaf sign language users nor as expert to be consulted concerning sign language issues. Sometimes the consultation process itself is not meaningful because national associations of the deaf have been asked to send hearing representatives as no funding is available to cover sign language interpreting costs.

The consultation process should be continuous starting from the planning stage until monitoring and evaluation.<sup>190</sup> Asking for views of national associations of the deaf a couple of times during process does not necessarily mean active consultation if decisions are made without their influence. Consultation concerning sign language rights in different areas of life require long-term collaboration between national governments and national associations of the deaf. For instance, the national association of the deaf in the Russian Federation shared that although positive development has taken place, continuous cooperation and advocacy work is required because there is still long way to go before Russian Sign Language rights are satisfactorily implemented.

At the European level, there are two supranational organisations of the deaf, namely the EUD and WFD, who have participatory status in the Council of Europe and should be consulted in matters concerning sign languages, such as when consideration might be given to drafting an additional protocol referring to sign languages to be included in the European Charter for Regional or Minority Languages to include sign languages.

**Recommendation 9: Consult actively with supranational organisations of the deaf on issues concerning sign languages.** The expertise of the European Union of the Deaf and World Federation of the Deaf as peak bodies of national associations of the deaf in member States should be consulted with to take further steps to promote and protect sign languages.

### 3.4.2. Financial and organisational capacity to contribute to consultation

Participating in consultations is not necessarily free of charge. Money is required to have experts prepare documentation and arguments to represent views of the national association of the deaf, travel expenses when applicable and the service of professional sign language interpreters. When national governments decide to cut expenditure, funding of national associations of the deaf and the service of sign language interpretation are often affected. In some cases, national associations of the deaf have been told that they would need to cover sign language interpreting services themselves instead of being reimbursed by national governments.

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<sup>190</sup> CRPD/C/GC/7. Paragraphs 53-56.

The CRPD Committee has observed that national governments should ensure the availability of funding in budgets to make it possible for deaf leaders of national associations of the deaf to become meaningfully involved in consultation processes by providing information in sign language and professional sign language interpretation.<sup>191</sup> But consultation is not all about the provision of sign language interpretation as an accessibility measure. Because information is rarely available in sign language, deaf people are not necessarily aware of how their government and politics function. Therefore, the capacity of participating in consultations may be limited.<sup>192</sup> In such a case national government should not blame the inactivity or limited capacity of national association of the deaf for not taking steps to recognise national sign languages and implement sign language rights. Instead, national government should provide financial support to have international deaf experts to come to their country to provide support for deaf leaders to empower them to develop their skills to become able to contribute meaningfully. It is important to note that international co-operation projects require long-lasting support and that things do not happen overnight. In this regard, significant results should not be expected from one short visit to the country by international deaf experts. Instead, several visits should be planned for a time period of at least one year.

The CRPD Committee's General Comment No. 7 on the participation of persons with disabilities, including children with disabilities, through their representative organisations, in the implementation and monitoring of the Convention reminds national governments about their responsibility to financially support organisations of persons with disabilities so that these would be able to contribute to consultations to promote human rights. Core funding should be provided instead of making national associations of the deaf dependent on project funding and voluntary resources.<sup>193</sup> National associations of the deaf in Estonia, France and Montenegro are examples of organisations that struggle with the lack of core funding from the government to operate. In terms of project funding they sometimes have to compete with other stakeholders. Work on an ad hoc basis does not contribute to sustainable development. While volunteers are doing valuable and important work, their resources might not be long-lasting meaning that national advocacy work with regard to sign languages is not sustainable. Another issue is the limited capacity of deaf leaders of national associations of the deaf to become actively and efficiently consulted in issues concerning sign language rights, which might also be related to the lack of funding. For instance, the status of national associations of the deaf is not stable in Azerbaijan and Bosnia and Herzegovina. In case of Bosnia and Herzegovina, the issue was raised by the CRPD Committee<sup>194</sup>.

As stated earlier, in countries where deaf leaders might require support to enhance their leadership skills and awareness on human rights issues it is important that national governments provide financial resources to have e.g. international deaf experts to come to their country to support deaf leaders. For instance,

191 CRPD/C/GC/7. Paragraphs 22, 45, 46 and 84.

192 Stevens (2014). p. 118.

193 CRPD/C/G/7. Paragraph 61(d).

194 CRPD/C/BIH/CO/1. Paragraphs 6 and 7.

the WFD has provided training on human rights and how to prepare a parallel report to the CRPD Committee to deaf leaders. Having a deaf trainer from another country would enhance deaf leaders of a country by having a positive role model on how deaf people can advocate for themselves. In addition to receiving training on specific issues (e.g. deaf education, sign language research, sign language interpreter training), external deaf consultants can act as catalysts for in-country development for deaf communities. For example, the Albania National Association of the Deaf has become a stronger organisation because of long years of development co-operation project activity with the Finnish Association of the Deaf. Deaf leaders of Slovakia are impressed by the structure of a sign language interpreter training programme in their neighbouring country, the Czech Republic and collaboration with relevant stakeholders is desired to develop similar programmes to train Slovak Sign Language interpreters. In Georgia, the national association of the deaf and Ministry of Education and Science are cooperating with the objective of improving education programmes to provide education through the medium of sign language but the lack of resources and materials is an issue. This could be considered an example where deaf experts in education through the medium of sign language could be invited to Georgia to support the development of resources. It must be noted that any successful training workshops and co-operation projects also require financial support from member States and other stakeholders.

### **3.5. Focus on the implementation of sign language rights**

Ideally, sign language rights would be implemented as a natural part of society. In this regard monitoring is important. Otherwise it would be challenging to know what kind of development has taken place and if some areas require further attention.

Monitoring sign language rights at the international level happens at sessions of the CRPD Committee. Sign language interpretation has been provided at the sessions of the CRPD Committee. Public sessions are interpreted into International Sign. If the official language of the country under review is one of the UN official languages, national sign language interpretation is provided alongside International Sign interpretation. In practice several country reviews are interpreted into International Sign only because the official language of these countries is not the same as one of the UN official languages. Although steps have been taken to provide sign language interpretation to ensure that national deaf communities are able to observe interactive dialogues between their governments and the CRPD Committee, further effort is required to achieve the ideal situation of providing interpretation in all national sign languages.

While several national associations of the deaf have contributed to submitting parallel reports to the CRPD Committee it is important to continue monitoring together with other organisations of persons with disabilities after the adoption of concluding observations. Sometimes the lack of funding for sign language interpreting becomes a barrier in this action.

Ideally, sign language rights would be monitored by other supranational bodies in addition to the CRPD Committee. For instance, sign languages should be promoted and protected in a European instrument such as a new additional protocol to the European Charter for Regional or Minority Languages. Currently sign languages are promoted and protected by the CRPD, which is primarily focused on persons with disabilities. Therefore, a new document with the focus on languages is desired to promote and protect sign languages at regional and international levels.

At the national level, the responsibility of monitoring sign language rights lies within one ministry or is shared between different ministries. In Denmark, the Ministry of Culture oversees sign language issues whereas the sign language interpreter service is under the Ministry of Social Affairs and the Interior.<sup>195</sup> In Finland, both sign languages (Finnish Sign Language and Finnish-Swedish Sign Language) are considered as part of the linguistic and cultural heritage of Finland. At the Ministry of Justice, the Unit for Democracy, Language Affairs and Fundamental Rights oversees the situation of all languages, including both sign languages, in Finland. Both sign languages are included in reports of the government on the application of language legislation<sup>196</sup> and specific reports on the status of both sign languages are available.<sup>197</sup> Most recently, indicators for monitoring linguistic rights were adopted and sign languages are included.<sup>198</sup> The Ministry for Foreign Affairs of Finland covers both sign languages in its periodical reports to COMEX and other international bodies when applicable. The Ministry of Education and Culture, Ministry of Transport and Communications and Ministry of Social Affairs and Health have specific mandates concerning sign language rights. Sign language being part of different ministries can be considered as good practice for the mainstreaming of sign language rights within society as a whole.

The survey report on the situation of deaf people and sign languages in Albania would ideally be followed up by another survey in few years to check whether progress has been made. In Sweden, the national association of the deaf is planning to submit a funding application to prepare a report on the progress of sign language rights in the ten years after the adoption of the Language Act (2009:600) because no monitoring report has been made so far. In Austria, the national association of the deaf commends the constitutional recognition of Austrian Sign Language but considers the implementation insufficient because there is no plan adopted by the federal government on how to promote sign language rights in practice and challenges continue particularly in the field of education.

Monitoring the quality of sign language interpreting services means ensuring that the quality of service is sufficient. National registration bodies should be respon-

195 Kristholm Jorgensen (2015). p. 150-151.

196 Report of the Government on the application of language legislation 2017. Government publications 10/2017. Primer Minister's Office, Finland. Specific paragraph on sign languages on p. 36 but sign language issues are covered throughout the report.

197 See e.g. Linguistic rights of sign language users. Publication of the Ministry of Justice 24/2011 and *Selvitys suomenruotsalaisen viittomakielen kokonaistilanteesta*. Oikeusministeriön julkaisu 2/2016. *Selvityksiä ja ohjeita*.

198 *Kielellisten oikeuksien seurantaindikaattorit*. Oikeusministeriön julkaisu 42/2018.

sible to ensure that the quality and skills of sign language interpreters are adequate for different levels. Some interpreters might be specialised in some areas.<sup>199</sup> Not all member States have such registration bodies to monitor development. It would be important to have deaf people involved in monitoring processes.

**Recommendation 10: Provide protection and promotion to sign languages from the linguistic perspective instead of disability perspective.** The possibility of adopting an additional protocol to the European Charter for Regional or Minority Languages or other similar instrument to provide stronger support for sign languages should be explored by the Committee of Ministers.

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<sup>199</sup> De Wit (2017). p. 118.

## Concluding Remarks

Born into a hearing family without any previous knowledge of sign language and living in rural Finland, I grew up bilingual with high level competence in both Finnish Sign Language and written Finnish. Several signed and written languages have since been added to my skills. When I was a child, I was never forced to use spoken language and I was fortunate enough to be able to use sign language at all times during lessons when attending school. Only later, when I met other deaf people and travelled around the world, I realised that I was fortunate because my family decided to learn sign language when they found out I was deaf, and that the same expectations and requirements were placed on both me and my hearing siblings. This made it possible for me to achieve my dream to graduate with a Master's degree in Laws, being the first deaf sign language user in Finland to do so. Everyone should have the same opportunities that I have had to use sign language freely and achieve their dreams through the use of sign language. However, my path has been rocky because my family and I have had to fight for my sign language rights to be respected. Recently, I have had struggles with regard to the sign language rights of my hearing child whose mother tongue is Finnish Sign Language. Based on my personal and professional experience, this study is important for me to show examples of gaps in provision and suggest recommendations on how to ensure that sign language rights should be better implemented. My sincere wish is to see every deaf child being introduced to sign language without any prejudice and supported to achieve their dreams through the use of sign language.

In line with the spirit of the CRPD "Nothing about us without us", national associations of the deaf in member States of the Council of Europe were approached to ask for their views on the current situation of sign language(s) rights in their respective countries and or suggestions of what should be done in order to improve the situation. Almost all national associations of the deaf in the region provided useful information. In terms of geography and size of population, the smallest member States of the Council of Europe (Monaco, Liechtenstein, San Marino and Andorra) do not have a national association of the deaf. Hence, information was not sought from these countries. Countries from which information was not received are not mentioned in this study. Embassies of Finland, authorities and national human rights institutions of some countries provided useful information. An interview also took place with the UN Special Rapporteur on minority issues who is a strong advocate for sign language rights and considers sign languages to be minority languages. I would like to thank all of them for their time and interest in contributing to this work.

### Appendix 1: Official recognition of sign language in member States

Member State	Year of recognition	Type of legislation
Albania	2014	Act on Inclusion and Accessibility of Persons with Disabilities
Andorra	No information available	N/A
Armenia	Not recognised yet	N/A
Austria	2005	Constitution
Azerbaijan	Not recognised yet	N/A
Belgium	Flanders: 2006 Wallonia: 2003	Flanders: Decree on Sign Language Wallonia: Decree on Sign Language
Bosnia and Herzegovina	2009	Act on Sign Language
Bulgaria	No information available	N/A
Croatia	2015	Act on Sign Language and Other Communication Systems
Cyprus	2006	Act on Sign Language
Czech Republic	1998	Act on Communication Systems
Denmark	2014	Act on Danish Sign Language Council
Estonia	2007	Act on Language
Finland	1995	Constitution
France	2005	Education Act
Georgia	1995	Act on Social Protection of Persons with Disabilities
Germany	2002	Act on Disability Equality
Greece	2017	Act on Social Protection of Persons with Disabilities
Hungary	2009	Act on Sign Language
Iceland	2011	Act on Language and Sign Language
Ireland	2017	Act on Sign Language
Italy	Not recognised yet	N/A
Latvia	1999	Act on Language
Liechtenstein	No information available	N/A
Lithuania	1995	Act on Social Integration of Persons with Disabilities
Luxembourg	2018	Act on Language

Malta	2016	Act on Sign Language Council
Monaco	No information available	N/A
Montenegro	Not recognised yet	N/A
Netherlands	Not recognised yet	N/A
Norway	2009	Act on Language Council
Poland	2011	Act on Sign Language and Other Communication Systems
Portugal	No information available	N/A
Republic of Moldova	2012	Act on Social Inclusion of Persons with Disabilities
Republic of North Macedonia	No information available	N/A
Romania	2017	Act on Social Protection of Persons with Disabilities
Russian Federation	2012	Act on Social Protection of Persons with Disabilities
San Marino	No information available	N/A
Serbia	2015	Act on Sign Language
Slovakia	1995	Act on Sign Language
Slovenia	2002	Act on Sign Language
Spain	Spanish Sign Language: 2007 Catalonian Sign Language: 2010	Spain: Act on Sign Language Catalonia: Act on Sign Language
Sweden	2009	Act on Language
Switzerland	Not recognised yet	N/A
Turkey	2005	Act on Persons with Disabilities
Ukraine	2011	Act on Social Protection of Persons with Disabilities
United Kingdom	Recognised by one of the constituent countries but not at overarching UK level.	N/A

## Appendix 2: Status of CRPD ratification and reporting in member States

Member State	Date of ratification <sup>200</sup>	CRPD Committee's remarks on sign language issues
Albania	11 February 2013	Not reviewed yet
Andorra	11 March 2014	Not reviewed yet
Armenia	22 September 2010	CRPD/C/ARM/CO/1, paragraphs 21, 35, 36 and 62
Austria	26 September 2008	CRPD/C/AUT/CO/1, paragraphs 5, 41, 42 and 43
Azerbaijan	28 January 2009	CRPD/C/AZE/CO/1, paragraphs 10, 11, 34, 35, 41 and 56
Belgium	2 July 2009	CRPD/C/BEL/CO/1, paragraphs 22, 37 and 52
Bosnia and Herzegovina	12 March 2010	CRPD/C/BIH/CO/1, paragraphs 16, 17, 21, 25, 38, 39 and 63
Bulgaria	22 March 2012	CRPD/C/BGR/CO/1, paragraphs 27, 28, 31, 32, 43, 44 and 76
Croatia	15 August 2007	CRPD/C/HRV/CO/1, paragraphs 31, 32 and 57
Cyprus	27 June 2011	CRPD/C/CYP/CO/1, paragraphs 4, 26, 36, 45, 46 and 70
Czech Republic	28 September 2009	CRPD/C/CZE/CO/1, paragraphs 4, 17, 19, 41, 42 and 50
Denmark	24 July 2009	CRPD/C/DNK/CO/1, paragraphs 6, 28, 44, 45 and 71
Estonia	30 May 2012	Not reviewed yet
Finland	11 May 2016	Not reviewed yet
France	18 February 2010	Not reviewed yet
Georgia	13 March 2014	Not reviewed yet
Germany	24 February 2009	CRPD/C/DEU/CO/1, paragraphs 4, 22, 46 and 66
Greece	31 May 2012	Not reviewed yet
Hungary	20 July 2007	CRPD/C/HUN/CO/1, paragraphs 7 and 8
Iceland	23 September 2016	Not reviewed yet
Ireland	20 March 2018	Not reviewed yet
Italy	15 May 2009	CRPD/C/ITA/CO/1, paragraphs 24, 32, 49, 50, 57, 58 and 87
Latvia	1 March 2010	CRPD/C/LVA/CO/1, paragraphs 4, 23, 34, 35 and 59
Liechtenstein	Not ratified	N/A

200 Dates in this column are from [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-15&chapter=4](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-15&chapter=4)

Lithuania	18 August 2010	CRPD/C/LTU/CO/1, paragraph 72
Luxembourg	26 September 2011	CRPD/C/LUX/CO/1, paragraphs 21, 38, 39, 51 and 63
Malta	10 October 2012	CRPD/C/MLT/CO/1, paragraphs 4, 31, 32 and 54
Monaco	19 September 2017	Not reviewed yet
Montenegro	2 November 2009	CRPD/C/MNE/CO/1, paragraphs 23, 27, 40, 41 and 65
Netherlands	14 June 2016	Not reviewed yet
Norway	3 June 2013	CRPD/C/NOR/Q/1, paragraphs 15, 17 and 20
Poland	25 September 2012	CRPD/C/POL/CO/1, paragraphs 21, 22, 34, 36, 37, 41 and 57
Portugal	23 September 2009	CRPD/C/PRT/CO/1, paragraphs 39 and 41
Republic of Moldova	21 September 2010	CRPD/C/MDA/CO/1, paragraphs 40, 41 and 63
Republic of North Macedonia	29 December 2011	CRPD/C/MKD/CO/1, paragraphs 27, 38, 39, 52 and 65
Romania	31 January 2011	Not reviewed yet
Russian Federation	25 September 2012	CRPD/C/RUS/CO/1, paragraphs 28, 29, 44 and 71
San Marino	22 February 2008	Not reviewed yet
Serbia	31 July 2009	CRPD/C/SRB/CO/1, paragraphs 4, 18, 20, 23, 41, 42 and 73
Slovakia	26 May 2010	CRPD/C/SVK/CO/1, paragraphs 32, 35, 61, 62 and 92
Slovenia	24 April 2008	CRPD/C/SVN/CO/1, paragraphs 35, 36 and 62
Spain	3 December 2007	CRPD/C/ESP/CO/1 did not include anything about sign languages
Sweden	15 December 2008	CRPD/C/SWE/CO/1, paragraphs 4 and 65
Switzerland	15 April 2014	Not reviewed yet
Turkey	28 September 2009	Not reviewed yet
Ukraine	4 February 2010	CRPD/C/UKR/CO/1, paragraphs 4, 19, 28, 38, 39 and 64
United Kingdom	8 June 2009	CRPD/C/GBR/CO/1, paragraphs 33, 46, 47, 48, 49 and 77

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