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## Protecting and promoting sign languages in Europe

**Draft report<sup>1</sup>**

Committee on Equality and Non-Discrimination

Rapporteur: Ms Miren Edurne Gorrotxategui, Spain, Group of the Unified European Left

*Summary*

Sign languages are used by millions of deaf persons throughout the world every day. However, few states have recognised them as official languages. This lack of recognition means it is not possible to guarantee access to education in sign languages and the provision of sign language interpretation in public services. Moreover, the lack of official recognition risks marginalising sign language users.

Recognising sign languages as official languages would contribute to promoting their use in public institutions, including national parliaments, and preventing discrimination. To have an impact, recognition must be accompanied by strong political commitment and the availability of financial resources in order to ensure that services and teaching in sign languages are genuinely accessible.

The Assembly should call for the official recognition of sign languages with a view to enabling deaf persons to exercise their fundamental rights, such as the right to employment, education, access to health services and participation in political life. Official recognition would also contribute to further promoting the richness of deaf culture and send a powerful message of inclusion to the deaf community.

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<sup>1</sup> Reference to Committee : [Doc. 14330](#), Ref. 4336 of 13 October 2017

## **A. Draft resolution<sup>2</sup>**

1. Sign languages are the natural languages of millions of people worldwide. They are a means of communication and a vehicle for ensuring inclusion in society. However, few states have recognised sign languages as official languages, and access to education and public services using sign languages remains limited.
2. The Assembly believes that official recognition of sign languages can make all the difference in terms of access to education, public services, employment and participation in political life. It refers to its Recommendation 1492 (2001) on the rights of national minorities, in particular paragraph 12.xiii thereof on sign languages, and Recommendation 1598 (2003) on Protection of sign languages in the member states of the Council of Europe in which the Assembly took “the view that official recognition of these languages will help deaf people to become integrated into society and gain access to justice, education and employment”. It also refers to its Resolution 2155 (2017) on the political rights of persons with disabilities: a democratic issue, which called for official recognition of sign languages.
3. The United Nations Convention on the Rights of Persons with Disabilities, which is the international benchmark in the field of protecting the rights of persons with disabilities and ensuring their inclusion, calls for official recognition of sign languages and access to sign-language interpretation in public services.
4. The Assembly is convinced that official recognition of sign language signals recognition of the culture of deaf people and awareness of the aspirations of the deaf community. It welcomes the forthcoming publication, in spring 2019, of an empirical study on the status of sign languages in Europe, under the aegis of the Finnish Chairmanship of the Committee of Ministers.
5. In the light of these considerations, the Assembly calls on Council of Europe member states to:
  - 5.1. recognise sign languages as official languages, if this is not already the case, in the constitution or by means of a specific law;
  - 5.2. ensure that deaf people have access to public services by providing sign-language interpretation;
  - 5.3. ensure inclusive education, offer deaf children education in sign language and, where necessary, sign-language interpretation;
  - 5.4. train teachers in sign languages;
  - 5.5. offer sign-language lessons for parents and siblings of deaf children;
  - 5.6. support the training and recruitment of sign-language interpreters to assist deaf people;
  - 5.7. support the creation and broadcasting of cultural programmes in sign languages and broadcast television programmes with sign-language interpretation;
  - 5.8. support the teaching of sign languages beyond the deaf community, including in kindergartens;
  - 5.9. support research and development in technologies to assist deaf people;
  - 5.10. support the European Centre for Modern Languages, in particular its activities concerning sign languages;
  - 5.11. provide, on a voluntary basis, information on the use and protection of sign languages to the Committee of Experts of the European Charter for Regional or Minority Languages, which may be useful in the event of future discussions on this topic;
  - 5.12. run awareness campaigns to deconstruct negative stereotypes about deaf people and celebrate the International Day of Sign Languages on 23 September by proposing activities to promote sign languages.

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<sup>2</sup> Draft resolution adopted unanimously by the Committee on 8 October 2018.

6. The Assembly calls on national parliaments to ensure sign-language interpretation of debates and to broadcast them on television and on internet.
7. It also calls on political parties to provide sign-language interpretation at their congresses and conferences so as to ensure the participation of deaf people at these events and encourage them to participate in political life.
8. The Assembly welcomes the activities to promote and protect sign languages undertaken by non-governmental organisations and calls for them to be supported.

**B. Draft recommendation<sup>3</sup>**

1. The Parliamentary Assembly refers to its Resolution ... (2018) Protecting and promoting sign languages in Europe, in which it calls on member states to officially recognise sign languages as natural languages of deaf communities and a means of ensuring inclusion in society.
2. The Assembly refers to the obligations deriving from the United Nations Convention on the Rights of Persons with Disabilities ratified by 46 Council of Europe member states, which also calls for official recognition of sign languages by states.
3. The replies from the Committee of Ministers to the Assembly's Recommendations 1492 (2001) and 1598 (2003) were adopted a number of years before the entry into force of the United Nations Convention on the Rights of Persons with Disabilities. There have been rapid advances in recent years in this field and the question of the status of sign languages once again arises in the light of these developments.
4. Consequently, the Assembly invites the Committee of Ministers to:
  - 4.1. bring Resolution ... (2018) to the attention of the governments of member states;
  - 4.2. set up a working group on the status and protection of sign languages in the Council of Europe member states with a view to the possible drafting of standards for the protection of sign languages;
  - 4.3. ask the Committee of Experts of the European Charter for Regional or Minority Languages (COMEX) to suggest that states which so wished should provide information on the status and protection of sign languages during monitoring visits.

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<sup>3</sup> Draft recommendation adopted unanimously by the Committee on 8 October 2018.

## C. Explanatory memorandum by Ms Miren Edurne Gorrotxategui, rapporteur.

### 1. Introduction

1. Millions of deaf people<sup>4</sup> use sign languages throughout the world every day. However, the status of sign languages remains vague, with few states having recognised them as official languages. This lack of recognition means it is not possible to guarantee their being taught in education systems and ensure that public services can be accessed using sign languages. Moreover, the lack of official recognition may marginalise sign language users.

2. The motion for a resolution which, together with other colleagues, I tabled in May 2017 has a very specific aim: to ensure that sign language “be regarded” as one of Europe’s official languages.<sup>5</sup> I wish to stress that there is no single sign language. In my report, I will use the expression “sign language” in both the singular and the plural since there are many different sign languages.

3. Fifteen years since the adoption of Assembly Recommendation 1598 (2003) on Protection of sign languages in the member states of the Council of Europe,<sup>6</sup> I consider the preparation of this report as an opportunity to take stock of the developments that have occurred in the meantime, to raise greater awareness amongst politicians and the general public on the need to overcome the barriers that prevent the full inclusion of deaf persons, especially by recognising sign languages as official languages, and to ask Council of Europe member states to take practical measures in this area.

4. There are individuals who point out that the use of sign languages involves a risk of isolation for deaf people, but I believe that sign languages are actually a means of communication that contribute to the inclusion of deaf people in society. A language creates bridges between people and cultures, and it is up to us to encourage wider learning of sign languages, which can benefit everyone.<sup>7</sup>

5. Communication between deaf and non-deaf persons will be difficult in the absence of a sign-language interpreter, except in writing.<sup>8</sup> Sign languages are a tool to overcome this communication disability.<sup>9</sup> The learning of sign language should be developed far beyond the deaf community. Deaf persons make very significant efforts to integrate and adapt every day in our societies. It is up to hearing people to take a step in their direction by actively engaging in this learning.

6. Deafness is invisible. It is impossible to know if a person is deaf before having tried to communicate by talking to them. Deaf people are still all too often the victims of criticism, mockery and prejudice when they try to speak. Their intellectual abilities are questioned and associated with the clarity of their spoken words. They must deal daily with negative stereotypes.

7. Sign languages must also be considered from a cultural point of view. The community of deaf people is a cultural and linguistic community of great richness and diversity.

8. Throughout the preparation of this report, I have been in contact with deaf people and organisations that represent them, and this has enabled me to reflect their opinion on the question of recognising sign languages as official languages in Europe. I would like to thank them for sharing their experience with me.

### 2. A plurality of sign languages and preconceived ideas

9. More than 1% of the world’s population are deaf and there are about 1 million deaf people living in the Council of Europe member states.

10. Most deaf people use sign language as their primary form of communication. Even if their exact number is not clear, estimates for the number of sign languages range from 142 to more than 1,000. This is

<sup>4</sup> In this report, the expression “deaf people” includes people with a hearing impairment.

<sup>5</sup> Doc. 14330.

<sup>6</sup> PACE Recommendation 1598 (2003).

<sup>7</sup> I wish to refer to the sign language partially taught to small children, which allows them to express emotions or needs that they cannot yet verbalise. The use of sign language in no way delays the use of speech but can be another way of communicating serenely before the use of speech is possible.

<sup>8</sup> La Langue des Signes française, une autre manière d’être au monde (French sign language, another way to be in the world), France Culture, 16 January 2017, [www.franceculture.fr/emissions/le-journal-de-la-culture/la-langue-des-signes-francaise-une-autre-manierere-detre-au-monde](http://www.franceculture.fr/emissions/le-journal-de-la-culture/la-langue-des-signes-francaise-une-autre-manierere-detre-au-monde).

<sup>9</sup> Interview with Laurine Lapuyade – Engineer at the CNRS, 2016, <http://handicap.cnrs.fr/interview-de-laurine-lapuyade-ingenieure-au-cnrs>.

because sign languages arose as natural languages in different communities and schools. We tend to overlook the fact that sign languages are the mother tongues of millions of people worldwide. At our hearing on 19 September 2018, Mr Mark Wheatley, Executive Director of the European Union of the Deaf (EUD), spoke about the importance of learning sign languages, like other languages, from a very early age: "My parents are deaf; I was lucky enough to be able to learn sign language very early on with them and to grow up communicating in this way". As with other languages, the ideal age for learning sign languages is from birth to age 5.

11. It is also worth noting that sign languages bear no connection with the spoken language of a given country or community, as deaf people developed them naturally as a means of communication, without knowing the spoken language. As a result, countries that have the same spoken language such as the United Kingdom and the United States, or Austria and Germany, do not have the same sign language. Sign languages are not translations of national languages but they do have their own structures, which are often far removed from the spoken national language. For example, there are more syntactical differences between spoken French and French sign language than between spoken French and Chinese.<sup>10</sup>

12. We all too often forget that there are many different sign languages and think that deaf people from different countries can easily communicate with one another, but each sign language has its own characteristics and cultural references. Although there is no real international sign language, there is in fact a mode of communication called International Sign (IS), which is used only at international meetings and conferences attended by deaf people from various countries. The meaning of signs must be agreed by its users and it may vary from one meeting to another. Normally, groups of signs taken from national sign languages are used and combined with other signs that can be understood by a wider audience. As there are no IS standards, interpreters have to master several national sign languages to be able to use this mode of communication. It is therefore not a universal sign language.

13. Sign languages must be considered as languages in their own right. They are a vehicle for the culture of deaf people<sup>11</sup> which must be protected and promoted. I would also like to mention the "International Visual Theatre" set up in Paris 40 years ago which puts on bilingual performances in French and French sign language, organises lectures, runs training and offers residencies for creative artists.<sup>12</sup>

14. I would also like to encourage people to discover poetry in sign language.<sup>13</sup> Alliteration, or the repetition of one or more consonants, is expressed through visual repetition in sign language, creating a poetic effect not only in terms of the sense expressed but also visually. The Finnish rapper Signmark raps in sign language and helps promote sign language far beyond the deaf community.

### 3. Sign languages and the Council of Europe

15. The question of sign languages can be considered from the disability point of view or the point of view of language rights and non-discrimination. The Council of Europe has long-standing experience in dealing with these issues and has mainly dealt with the question of sign languages through its Partial Agreement in the Social and Public Health Field.<sup>14</sup> In 2006, the first Council of Europe Action Plan to promote the rights and full participation of persons with disabilities in society (2006-2015) represented a turning point for the Council of Europe approach: since then, the Organisation has clearly addressed this topic as a human rights and an equality issue rather than a health one, in line with the approach of the United Nations Convention on the Rights of Persons with Disabilities.<sup>15</sup>

16. In 2017, the Committee of Ministers adopted the Council of Europe Disability Strategy 2017-2023<sup>16</sup> which promotes the use of sign language. "Council of Europe bodies, member states and other relevant stakeholders should seek to promote the use of accessible and user friendly means, modes and formats of

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<sup>10</sup> "La langue des signes, une "langue de la République" qui peine à trouver sa place" (Sign language, a "language of the Republic" which has difficulties in finding its place), L'Express, 18 February 2015, [www.lexpress.fr/actualites/1/societe/la-langue-des-signes-une-langue-de-la-republique-qui-peine-a-trouver-sa-place\\_1652734.html](http://www.lexpress.fr/actualites/1/societe/la-langue-des-signes-une-langue-de-la-republique-qui-peine-a-trouver-sa-place_1652734.html).

<sup>11</sup> Culture sourde et culture de consommation. La nécessité d'une approche pluridisciplinaire (Deaf culture and culture of consumption. The need for a multi-disciplinary approach), Caroline Baillet, Management & Avenir, 2013/4 (No. 62), <https://www.cairn.info/revue-management-et-avenir-2013-4-p-135.htm>

<sup>12</sup> IVT - International Visual Theatre, <http://ivt.fr/ivt>.

<sup>13</sup> Poetry in South African Sign Language: What is different? Anne Baker, Stellenbosch Papers in Linguistics, Vol. 48, 2017, 87-92.

<sup>14</sup> Partial Agreement in the Social and Public Health Field.

<sup>15</sup> Council of Europe Action Plan 2006-2015: Promoting the rights of people with disabilities.

<sup>16</sup> Council of Europe Disability Strategy 2017-2023.

communication including sign languages, braille, easy to read text and other alternative and augmentative communication methods, in all communications, media releases and internet services of the Council of Europe and at the national and local levels, including in parliaments and local and regional authorities and the private sector stakeholders".<sup>17</sup> Subsequently, due to budgetary constraints, it was decided not to reconvene the Ad Hoc Committee of Experts on the Rights of Persons with Disabilities (CAHDPH). The supervision of the implementation of the strategy therefore falls under the responsibility of the Steering Committee for Human Rights (CDDH).

17. Previous texts adopted by the Assembly already promoted the use of sign language. In its Recommendation 1598 (2003) on Protection of sign languages in the member states of the Council of Europe, the Assembly took "the view that official recognition of these languages will help deaf people to become integrated into society and gain access to justice, education and employment". In this text, the Assembly recognises "sign languages as the expression of Europe's cultural wealth (...) a feature of Europe's linguistic and cultural heritage". In this recommendation, the Assembly "takes the view that official recognition of sign languages will facilitate the training, recruitment and retention of more interpreters". In its Resolution 2155 (2017) on the political rights of persons with disabilities: a democratic issue, the Assembly called on member states which had not yet done so to recognise sign language as an official language.

18. Ground-breaking work has been done to include sign languages in the Common European Framework of Reference for Languages (CEFR), an endeavour which has been strongly supported by the European Centre for Modern Languages (ECML) in Graz through the ProSign1 project.<sup>18</sup> The aim of this project is to draw up European standards that define skill levels of teachers of sign language and interpreters.

19. The European Charter for Regional or Minority Languages does not mention sign languages, so their use is not discussed during monitoring visits conducted by the Committee of Experts of the Charter. Finland sends the Committee information on the protection and use of sign languages in its national report. Sign languages are clearly not regional languages but they could come under the definition of minority languages as they are used by a minority of the population in each state. An official minority language status could increase the protection of sign languages.

20. The Committee on Equality and Non-Discrimination held a hearing attended by Dr Claudine Brohy, member of the Committee of Experts of the European Charter for Regional or Minority Languages (COMEX) in respect of Switzerland and Mr Mark Wheatley, Executive Director of the European Union of the Deaf (EUD), and discussed the importance of official recognition and the possible addition of sign languages to the Charter Committee's remit.<sup>19</sup> Dr Brohy said that "the Charter neither formally included nor formally excluded sign languages." She personally believed that sign languages were languages in their own right with a cultural and linguistic heritage. In her view, sign languages were minority, non-territorial, traditionally used languages which should be protected and preserved.

21. I believe that States Parties<sup>20</sup> could be called upon to provide information, on a voluntary basis, on the use and protection of sign languages in the monitoring procedures of the implementation of the Charter. This could help them assess the situation and discuss measures to be taken so as to ensure the protection of sign languages.

22. The Committee of Experts had already discussed this matter when preparing an opinion requested by the Committee of Ministers, appended to the reply to Recommendation 1492 (2001) on the rights of national minorities.<sup>21</sup> At that point, the Committee expressed some reticence about including sign languages in the Committee's remit, pointing out that the Charter had not been conceived to meet the specific needs of those languages. However, 16 years after this reply, I find it interesting to suggest that a reflection be initiated on the possibility for the Council of Europe to develop standards for the protection of sign languages.

#### **4. The leading role of the United Nations**

23. In the last decade, the issue of disability has come to the forefront of the human rights debate, also thanks to the UN Convention on the Rights of Persons with Disabilities of 2006.<sup>22</sup> This convention mentions sign languages in several articles:

<sup>17</sup> Ibid, chapter on accessibility.

<sup>18</sup> Project ProSign1.

<sup>19</sup> Hearing held in Paris on 19 September 2018.

<sup>20</sup> 25 Council of Europe member states have ratified the Charter.

<sup>21</sup> Recommendation 1492 (2001) Rights of national minorities, Reply from the Committee of Ministers (12 June 2002).

<sup>22</sup> UN Convention on the Rights of Persons with Disabilities.

- Article 9.2 e, which calls on states 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 b, which calls on states to accept and facilitate “the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions”;
- Article 21 e, which calls on states to recognise and promote “the use of sign languages”;
- Article 24.3 b, which calls on states to facilitate “the learning of sign language and the promotion of the linguistic identity of the deaf community”;
- Article 24.4: “In order to help ensure the realisation of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities”;
- Article 30.4: “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”.

24. Sign language is also recognised in the Convention as being one of the basic tools to ensure that deaf people can participate in political and public life (Article 29) and in cultural life (Article 30).

25. In its general comments, the Committee on the Rights of Persons with Disabilities has highlighted the importance of the right to access sign-language interpretation and services, for instance:

- in General Comment No. 1 on equal recognition before the law;
- in General Comment No. 2 on accessibility;
- in General Comment No. 5 on inclusive education;
- in General Comment No. 6 on equality and non-discrimination.

26. In December 2017, the United Nations General Assembly declared 23 September as the International Day of Sign Languages. Subsequently, the UN Committee on the Rights of Persons with Disabilities welcomed this decision, reiterating that persons with disabilities should be able to exercise their 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. This international day<sup>23</sup> is an opportunity to call for official recognition of sign languages.<sup>24</sup> I also note that there is a national sign language day in Estonia, Finland, Hungary, Iceland, Portugal, Spain and Sweden.

## 5. The European Union and sign languages

27. The European Parliament has played a pioneering role as the first European institution to adopt a strong position in support of sign languages, with a resolution on sign languages for the deaf as early as 1988<sup>25</sup> and another on sign languages adopted in 1998.<sup>26</sup> It continues to play a leading role in this area and recently adopted another resolution on the matter calling for interpreters to be trained in sign language.<sup>27</sup> The European Parliament currently has two deaf MEPs: Ádám Kósa (Hungary, Group of the European People's Party) and Helga Stevens (Belgium, European Conservatives and Reformists Group), both of whom are very active on this question. At our hearing, Mr Mark Wheatley nonetheless expressed regret at the lack of participation and representation of deaf persons in politics, due primarily to a lack of access to the internal structures of political parties.

28. The European Commission is also committed to promoting sign languages with several initiatives. Dicta-Sign is a three-year EU-funded project to make online communication more accessible to users of sign languages.<sup>28</sup>

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<sup>23</sup> Sign Language Key to Deaf People's Rights, Human Rights Watch, 23 September 2018.

<sup>24</sup> A call for the official recognition of sign languages.

<sup>25</sup> EP resolution on sign languages for the deaf.

<sup>26</sup> EP Resolution on sign languages.

<sup>27</sup> EP resolution on sign language and professional sign language interpreters.

<sup>28</sup> Dicta-Sign Publishable Summary, February 2010 – January 2011, Sign Language Recognition, Generation and Modelling with Application in Deaf Communication.

29. SignSpeak is a project to improve communication between the signer and hearing communities through vision-based sign-language interpretation technology.<sup>29</sup>

30. Finally, the aim of INSIGN is to empower deaf persons to communicate with their political representatives and public administrations, eliminating the communication barriers that currently exist at EU level.<sup>30</sup>

31. I would like to point out that the European Union has acceded to the UN Convention on the Rights of Persons with Disabilities and has undertaken to comply with and promote it.

32. I also think it is crucial to adopt an inclusive approach and to work closely with NGOs engaged in promoting the rights of deaf people and with representatives of civil society. I would like to mention in this connection the European Union of the Deaf (EUD), which is a key player that should be congratulated on its work promoting the recognition of sign languages throughout the EU. I support the Brussels Declaration on Sign Languages in the European Union, presented by the EUD in 2010.

## 6. National developments

33. The explanatory report to Assembly Recommendation 1598 (2003) on Protection of sign languages in the member states of the Council of Europe provides an overview of national policies on sign language,<sup>31</sup> as did a Council of Europe publication of 2005, "The status of sign language in Europe", by the expert, Nina Timmermans.<sup>32</sup> As this report cannot deal in detail with the status of sign languages in all member states, I welcome the preparation of a scientific study on the status of sign languages in the Council of Europe member states by the Finnish Ministry of Foreign Affairs, to be published next year in connection with the Finnish chairmanship of the Committee of Ministers.

34. There has since been considerable progress both with regard to domestic legislation and in the area of new technologies. We have witnessed the official recognition of sign languages in some states and the development of new technologies that incorporate sign languages as means of communication.<sup>33</sup> The work of the United Nations Committee on the Rights of Persons with Disabilities, especially the concluding observations already adopted, provides a good overview of measures adopted in the last few years. Council of Europe member states for which Concluding Observations for at least one reporting cycle are available include Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Poland, Portugal, the Russian Federation, Serbia, Slovak Republic, Slovenia, Spain,<sup>34</sup> Sweden, "The former Yugoslav Republic of Macedonia", Ukraine and the United Kingdom.

35. The recognition of sign languages may take various forms: constitutional recognition, recognition by a general law on languages, recognition by a specific law on sign languages or including other modes of communication, and recognition by legislation on the national use of languages. Official recognition at national level is equivalent to demonstrating the importance attached to the deaf community and its culture and to guaranteeing that funds will be available to make recognition a reality and not just a principle. Official recognition should have specific, practical effects, regardless of the type of recognition.

36. The European Union of the Deaf has identified the inclusion of a reference to sign language in the constitutions of Austria, Finland, Hungary and Portugal.<sup>35</sup> In France, French sign language has been recognised as a language of the Republic since 2008. In Ireland, Irish sign language was given official status at the end of 2017.<sup>36</sup> This official recognition has made it possible to ensure that sign-language interpreters are available in various public services.

<sup>29</sup> Sign Speak, Scientific understanding and vision-based technological development for continuous sign language recognition and translation.

<sup>30</sup> INSIGN project, telecommunication relay services as a tool for deaf political participation and citizenship.

<sup>31</sup> Doc. 9738.

<sup>32</sup> The status of sign languages in Europe, Council of Europe Publishing, 2005.

<sup>33</sup> De Meulder, M. (2016): The power of Language Policy: the legal recognition of Sign Languages and the aspirations of Deaf Communities, p. 25, University of Jyväskylä. Available at:

[https://jyx.jyu.fi/dspace/bitstream/handle/123456789/52219/978-951-39-6876-2\\_vaitos16122016.pdf?sequence=3](https://jyx.jyu.fi/dspace/bitstream/handle/123456789/52219/978-951-39-6876-2_vaitos16122016.pdf?sequence=3)

<sup>34</sup> The Concluding Observations on Spain did not mention sign language (published on 19 October 2011).

<sup>35</sup> <https://www.eud.eu/news/sign-language-recognition-across-eu/constitution/>.

<sup>36</sup> <https://www.irishtimes.com/news/social-affairs/irish-sign-language-given-official-legal-recognition-1.3338081>.

37. I have noted that the Committee congratulates states recognising sign language in their Constitution (Austria) or in a separate law, whether it is recognised as an official language<sup>37</sup> (Cyprus, Czech Republic, Denmark, Latvia, Malta, Sweden), separate language<sup>38</sup> (Germany) or an official means of communication<sup>39</sup> (Serbia, Ukraine). The Committee recommends that states that have not done so should recognise sign language (Armenia, Azerbaijan, Bosnia and Herzegovina, Italy, Luxembourg, Montenegro and Slovenia) and promote its use in practice.

38. The United Nations Committee observes national policies for access to information for the deaf. It is mainly concerned about the low level or total lack of audio-visual broadcasting providing information in accessible formats, such as sign language or subtitling. States mentioned for their lack of accessibility to other forms of communication in the media are Armenia, Bosnia and Herzegovina, Croatia, Cyprus, Denmark (in the Faroe Islands), Germany, Italy, Latvia, Luxembourg, Montenegro, Serbia, Slovak Republic, Slovenia and Ukraine. The Committee recommends that they increase the number of forms of communication, in particular on television, on the Web or via apps.

39. With regard to the training of sign-language professionals, the Committee asks states to allocate more financial resources to the training of sign-language interpreters (Cyprus, Czech Republic, Republic of Moldova and Slovenia). This recommendation also applies to the training of teachers of deaf students to ensure high quality education at all school levels (Austria, Azerbaijan, Belgium, Germany, Italy, Slovenia and the United Kingdom).

40. The Committee attaches great importance to inclusive education. It recommends that coherent strategies be put in place to integrate deaf children into the mainstream school system (Azerbaijan, Republic of Moldova). In states where inclusive training is already provided, the Committee urges them to step up their efforts and increase funding to provide the reasonable accommodation required for deaf students (Austria, Belgium, Germany, Hungary and Portugal). I also note the good practices applauded by the Committee, such as in Sweden where only 1.5% of children go to school outside mainstream schools following decisions made by their families. The Austrian Inclusive Education Policy is also welcomed as it offers sign-language interpretation services to all students in higher education. In Luxembourg, parents of deaf children are given 100 hours of training in sign language so as to be able to communicate in this way with their children.

41. Finally, I have noticed that the Committee is being alerted to discrimination faced by deaf persons in accessing justice and the lack of affordable legal services in sign language. Among its recommendations, the Committee calls on certain states to adjust judicial and administrative procedures by offering quality sign-language interpretation services (Armenia, Bosnia and Herzegovina, Cyprus, Italy, Latvia, Republic of Moldova, Montenegro, Serbia, Ukraine and the United Kingdom).

42. The evaluation report on implementation of the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015<sup>40</sup> describes a number of good practices. For example, it points out that in Poland deaf people can have a sign-language interpreter for accessing care services or contacting the police and various public administrative services.<sup>41</sup>

43. I also wish to present in my report more detailed information on several Council of Europe member states and will start with my country of origin, Spain. Both Spanish sign language and Catalan sign language are used in Spain.<sup>42</sup> Spanish sign language has had the status of official language since 2007.<sup>43</sup>

44. Spanish sign language has undergone significant changes in recent times. Its use was limited in the past to restricted circles, associations and schools and families of deaf people. Sign language has begun to be taught as a second language in some schools. Research has proliferated and has been integrated at different levels of the education system.

45. Its users have worked hard to ensure and maintain Spanish sign language. Universities are committed to the protection of sign language. I would like to praise the work of the Spanish Language Standardisation

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<sup>37</sup> Recognises sign language on an equal footing with the national and/or minority language(s).

<sup>38</sup> Recognises sign language as a separate language with its own rights.

<sup>39</sup> Recognises the right to use sign language in proceedings before public authorities.

<sup>40</sup> Abridged evaluation report – Implementation of the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015.

<sup>41</sup> Act on Sign Language and Other Modes of Communication, 19 August 2011.

<sup>42</sup> Act 27/2007, Act 17/2010 and Act 11/2011.

<sup>43</sup> Act 27/2007, 23 October 2007.

Centre for Spanish Sign Language (Spanish Confederation of Deaf People, CNLSE)<sup>44</sup> and the proclamation of 14 June as the national day of Spanish Sign Language.<sup>45</sup>

46. Finland can be considered as having had a pioneering role in terms of official recognition of and the provision of services in sign languages. Sign language is protected in Finland as a minority language. Sign-language training is offered to parents of deaf children. It is taught and used beyond the deaf community.

### **6.1. Case study: Austria**

47. Given the status of sign language in Austria, it may be interesting to provide more detailed information on the situation in that country. Austrian sign language (ÖGS) was given recognition in Article 8(3) of the Austrian Constitution on 1 September 2005.

48. The size of the deaf community using ÖGS in Austria is estimated at between 8,000 and 10,000. As far as the education of deaf pupils is concerned, there are two opposing views: on the one hand, deaf organisations that are not in favour of special schools, which they believe exclude pupils from society, and on the other, organisations that believe these schools provide more opportunities for giving assistance and support. However, the so-called oral method, which focuses on the learning and use of the spoken language, still predominates in Austria. The annual number of deaf university graduates is still low but Austria is trying to set up vocational training courses for young deaf people. The Equalizent company, which is partly funded by a European Union project,<sup>46</sup> is developing a training course for deaf people, who are provided with special supervision either by people who are themselves deaf or who can communicate in sign language.<sup>47</sup> 70% of participants have found jobs after attending this course. Equalizent is unique in Europe and is also developing a range of managerial techniques for handling the often complicated relations between hearing and deaf employees.

49. Austria is also especially well-known for the ability of its deaf population to follow proceedings in its parliament, where debates are subtitled directly on the ORF TV channel. At its meeting in Vienna in March 2014, our Committee held a hearing with Helene Jarmer, a deaf Austrian MP, who described the difficulties she faced in parliament and the measures taken to address them.

50. As far as criminal proceedings are concerned, a sign language interpreter must be employed for deaf or mute defendants. In administrative proceedings, the cost of recruiting an interpreter must be met by the legal entity on whose behalf the authorities have acted. The authorities enable deaf people to take the driving licence test using a sign-language DVD made available by the Federal Social Welfare Office. Finally, a 2010 law provides for the assistance of a sign-language interpreter free of charge for communications with social insurance bodies.

51. However, civil society criticises the lack of accessibility of information for deaf people.<sup>48</sup> Since 2001, the national TV channel, ORF, has been required to design programmes that can more easily be followed by deaf people where this is financially justifiable. Since 2010, the law has required an annual increase in the proportion of programmes designed for deaf people. According to NGO reports to the UN Committee on the Rights of Persons with Disabilities, only 21% of programmes are signed. Finally, the range of culture on offer for deaf people (such as translated theatre plays) is relatively limited. The Federal Ombudsman has also pointed out that there is no binding plan to ensure gradual improvement. Private audio-visual media providers are also required by law to guarantee over time the ability of hearing- or visually-impaired people to access their services.

### **6.2. Case study: Sweden**

52. I would also like to provide some more detailed information on the situation in Sweden because it gave language status to sign language in 1981, as the first country in the world to do so.<sup>49</sup> From 1983, specialised

<sup>44</sup> Centro de Normalización Lingüística de la Lengua de Signos Española.

<sup>45</sup> <http://www.boe.es/boe/dias/2015/04/25/pdfs/BOE-A-2015-4523.pdf>

<sup>46</sup> For further information on the EU project, see [https://cordis.europa.eu/result/rcn/211144\\_en.html](https://cordis.europa.eu/result/rcn/211144_en.html)

<sup>47</sup> See the handbook, available at: <http://www.signsforhandshakes.eu/wp-content/uploads/2017/pdf/HANDBUCH%20FINALENGLISCH.pdf>

<sup>48</sup> See the Austrian national report to the UN Committee on the Rights of Persons with Disabilities and the contributions from non-governmental organisations.

<sup>49</sup> In 1981, Swedish sign language was recognised by the parliament as the “language of deaf people”. Kristina Svartholm (2010): “Bilingual education for deaf children in Sweden”, *International Journal of Bilingual Education and Bilingualism*, 13:2, 159-174, <https://doi.org/10.1080/13670050903474077>

schools were chosen to teach classes in Swedish sign language and Swedish, thus providing a bilingual learning environment. The value of bilingual learning and practice was very quickly recognised in Sweden and numerous research projects have demonstrated the need for deaf children to learn sign language rather than only using oral communication, whether or not they have a cochlear implant.

53. A new Language Act came into force on 1 July 2009. All deaf people or individuals who need sign language for some other reason must be able to learn it, develop their skills in it and use it. In its final observations, the UN Committee congratulated Sweden on its system of inclusive education, because only 1.5% of children attend school outside the ordinary education system following decisions taken by their families.

54. Swedish universities all have co-ordinators able to support students with disabilities. Among the support measures provided, mention may be made of adapted exams, documents on adapted physical media, assistance with taking notes, mentoring, increased supervision, linguistic support and sign-language interpretation. Some universities and university colleges employ interpreters in classes. Since 1990, there has been a chair in sign language at the University of Stockholm, the first of its kind in the world. Research into sign language is carried out in the university's sign-language section, in which lexicography work is also carried out to classify the Swedish signs and publish sign-language glossaries. The university provides sign-language training at all levels.

55. The state provides annual financial support for the non-profit National Theatre Company, part of which is the "Quiet Theatre", which has been producing drama in sign language for more than thirty years. This establishment endeavours to strengthen and develop deaf theatre at international level through plays, educational activities and the use of new accessibility-related technologies.

56. A new Broadcasting Act came into force on 1 August 2010. It contains a new provision requiring television programmes to be designed to make them accessible to people with disabilities. This may be through subtitles, interpretation, spoken texts or any other similar technology, as decided by the government or the Swedish Broadcasting Authority.

## **7. Technological advances and sign languages**

57. I would first like to describe the cochlear implant, the first technological invention to facilitate access for deaf people to the hearing world. Surgically implanted electrodes make it possible to directly stimulate the hearing nerve endings. However, the use of implants is strongly opposed by part of the deaf community, who believe they undermine the individual's identity because the operation is often carried out on babies and young children, who have no choice in the matter. The fitting of a cochlear implant is often accompanied by the oral education method, at the expense of the teaching of sign language as the first language. Implants should be distinguished from hearing aids available for people who are hard of hearing or are losing their hearing and which amplify sound. This technological development does not prevent the use of sign languages but could ultimately marginalise them. Deaf organisations have pointed out that sign languages are the only means of ensuring the full involvement of deaf people in society.

58. The development of new technologies can help to improve the communication, participation and inclusion of sign language users. A large number of sign language dictionary apps have been developed and enable hearing people to translate a word directly into sign language or vice versa. For example, gloves that translate sign language into spoken words have been created in Taiwan.<sup>50</sup>

59. The AVA app, launched in 2017, allows real-time captioning of verbal exchanges in a group and instantaneous transcription on smartphones. The smartphone microphone records and transcribes the hearing person's words in a subtitled format. In the case of a group conversation, everyone can join in by speaking into the smartphone, so that the deaf person can follow the interactions and perhaps become involved orally or in writing on his/her smartphone. The use of a portable microphone (earpiece) also enables a deaf student to follow classes, with content transcribed directly onto his/her telephone. The app can be used to transcribe 12 languages: Arabic, Chinese, Dutch, English, French, German, Italian, Norwegian, Portuguese, Russian, Spanish and Thai.<sup>51</sup> It may provide considerable assistance but should not exempt schools and universities from providing sign-language interpreters throughout a course in order to give everyone the same opportunities.

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<sup>50</sup> These gloves translate sign language into words, 4 June 2017, [www.numerama.com/tech/263150-ces-gants-traduisent-le-langage-des-signes-en-mots.html](http://www.numerama.com/tech/263150-ces-gants-traduisent-le-langage-des-signes-en-mots.html). See also: <https://www.nextgov.com/emerging-tech/2017/06/these-smart-gloves-translate-sign-language/138361/>

<sup>51</sup> <https://informations.handicap.fr/art-ava-appli-sourds-988-10010.php>, <https://www.ava.me/>.

60. The Unitact wristband<sup>52</sup> enables vibrations to be linked to messages sent via a smartphone app. It is worn on the deaf person's wrist and can function as an alarm clock, for example, or be used by other people wishing to send simple messages via their smartphone.

61. The "Enable Talk" glove enables sign language gestures to be recognised and translated into audio via a smartphone, thereby making it possible for a deaf person to communicate with a hearing person without any oral input. The new technological tools can help deaf people and make it easier for them to lead their daily lives while at the same time continuing to use sign language. I believe that research and development in this area should be encouraged and researchers should be given sufficient resources to enable them to carry on their work in this field.

## 8. Conclusions

62. Sign languages should be given better protection in Europe. Courses should not be limited to deaf people but offered to everyone who wants to learn, thereby providing access to the cultural richness of the deaf community.

63. Recognising sign languages as official languages at national level could enable many obstacles to be overcome, especially with regard to access by deaf people to education and health services. The official recognition of sign languages actually makes it possible to guarantee the accessibility of courses in education systems, provide interpretation in the public service media and promote their use in institutions, including national parliaments. Official recognition can ensure access to justice in sign language and facilitate many formalities. It is a means of countering the exclusion of thousands of people from access to services and constitutes a step towards inclusion in society, both in education systems and on the employment market. It can also enable hearing people wanting to study sign languages to have access to courses.

64. Official recognition may have many positive effects but must be accompanied by strong political commitment and the availability of financial resources in order to ensure that services and teaching are actually accessible in sign languages. I therefore believe that official recognition is the first step in actively promoting sign languages. In my opinion, investing in bilingual education should be a priority. Training teachers in sign languages is essential for the success of such systems. Training of interpreters should also be developed and financially supported.

65. Giving sign languages official status does not mean less investment in new technological inventions. I do not wish to promote a binary view in which the sign languages and culture of deaf people are not compatible with new technologies. We must encourage research in this area while at the same time promoting the use of sign languages.

66. Official recognition can also lead to changes in society and bring about a change in society's attitude to deaf people. It is important for governments to confirm their support for the inclusion of the culture and natural language of the deaf people and for combating discrimination and stereotypes. This can help to raise public awareness of the situation of deaf people and the obstacles they encounter, and ensure the commitment of institutions for the promotion of the required changes. The use of sign languages can enable deaf people to participate actively in society.

67. Promoting the use of sign languages goes beyond the question of the inclusion of deaf persons. It concerns the right to use one's own language, which could be considered a minority language. A reflection on the possibility for the Council of Europe to develop standards for the protection of sign languages could be initiated.

68. I wish to call for official recognition of sign languages which will enable deaf persons to exercise their fundamental rights, such as the right to employment, education and access to health services. Such recognition can lead to more easily accessible information and enable deaf people to fully exercise their rights as citizens. The official recognition of sign languages in Europe, acknowledging the identity of the deaf community and the importance of the culture of deaf people and its rich diversity, could send deaf people a strong message regarding their inclusion.

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<sup>52</sup> Sept objets connectés pour changer la vie des sourds et malentendants", *Objet connecté*, Pierrick Labbe, 3 July 2017, [www.objetconnecte.net/top-objets-connectes-surdite/](http://www.objetconnecte.net/top-objets-connectes-surdite/). See also: [www.novitact.com/en/unitact/home](http://www.novitact.com/en/unitact/home)