



Legal Status for BSL and ISL

Discussion Paper

British Deaf Association

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Report prepared by Dr S.C.E Batterbury Magill, BDA Consultant

*“If you talk to a man in a language he understands,
that goes to his head. If you talk to him in his language,
that goes to his heart.”*

Nelson Mandela

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Foreword

Welcome to the BDA's report on Legal Status for BSL and ISL. We hope this report, dedicated to the memories of Jock Young OBE, the BDA's first Deaf chair, and former BDA General Secretary, Arthur Verney, who were the pioneers of the BDA campaigning arm will help us all towards long awaited civil and linguistic rights which we believe we are entitled to.

The report is a discussion document commissioned as part of the BDA's commitment to achieving a legal status for BSL. It maps out a route to a much needed BSL and ISL(NI) Act. Many of the findings in the report will not come as a surprise to Deaf people. We know what it is like to live in a society that marginalises and excludes us.

It is clear that the Equality Act has not worked for Deaf people. The so called term "reasonable adjustments" have often been inadequate and led to problems across the board including in healthcare with surgery performed without consent and even deaths due to misdiagnosis. The report also highlights the burden placed on family members having to provide language brokering in medical and educational situations, and calls for statutory recognition of the interpreting profession.

The report concludes that there is an urgent need for a total rethink of Deaf education and this will become a priority for the BDA going forward.

The evidence in this report is strong and cannot be swept aside. We must act to make change happen, and as part of this we will now prepare a series of Discrimination Reports which we will submit to Government. I especially welcome the collection of evidence on how campaigns have resulted in legal status for sign languages in other countries: we thank our friends around the world for their knowledge and expertise, which we can hopefully now harness for our own benefit.

This is just the first stage but already it is clear, from the findings within this report, that the current situation of linguistic exclusion, refusal of linguistic human rights, denial of full citizenship and widespread policy apathy for preserving of our sign languages and Deaf culture is unacceptable. We deserve better, we deserve full civil rights, and the BDA will not stop until this is achieved.

In welcoming this report I call on the government to sit up and take note and respond with action. NO longer will we accept the disinterest of our decision makers towards our concerns. We must insist on action and make sure they reverse their apparent disregard for the lives of Deaf people. Loss of Deaf culture, our heritage and sign language would minimise the cultural and linguistic diversity which we bring to the UK.

I hope you enjoy reading the report and that it will inspire you to support us on this worthwhile journey.

Dr Terry Riley OBE
Chair, British Deaf Association



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Dr Sarah Batterbury Magill
BDA consultant

Dedication

This report is dedicated to the late Jock Young OBE, the BDA's first Deaf Chair, and the late Arthur Verney, the BDA's General Secretary, who worked together to launch this campaign back in 1982/83. The report is also dedicated to all the previous generations of Deaf people who have suffered from the absence of legal protection with legal status for BSL and ISL, especially in education. We also dedicate this to future generations of Deaf people in the hope that they will benefit from legal status for BSL and ISL.

Executive Summary

Section 1 Introduction: BSL as a language, Deaf culture and Deaf heritage

Section 1 of this report summarises scholarship that puts beyond doubt the status of BSL as a language, and the importance of Deaf culture and Deaf heritage as part of the collective sign language community as a vital aspect of the UK's cultural diversity. Deaf culture emphasises the positive aspects of belonging to the sign language community and the Deaf Gain that results from this for Deaf and hearing people alike.

We call on the government to ratify the *Convention for the Safeguarding of the Intangible Cultural Heritage* (UNESCO 2003) thereby protecting the undoubted intangible heritage of the Sign language community and avoiding accusations that the UK's conception of heritage is limited only to "cultural stasis and status" (Smith and Waterton 2008:300).

Section 1 also sets out the case for protection of Deaf culture alongside BSL and ISL as a valid and enriching form of culturo-linguistic diversity to be safeguarded and nurtured for future generations (Section 1). The BDA calls on the government to apply the safeguards envisaged in the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (UNESCO 2005) to the sign language community without further delay by according legal status to BSL and ISL.

Section 2 Status of Deaf People in the UK

Section 2 of the report presents the BDA's position on why legal status of BSL and ISL is urgently needed:

- to enable Deaf people to participate as equals in an inclusive economy;
- to promote and safeguard Deaf culture and heritage;
- to protect the UK's threatened sign languages, and to facilitate resurgence and reconstruction within the sign language community; and
- to counter the pervasive and endemic social exclusion of the UK's Deaf population and their families.

We present critical incidents of the day to day discrimination faced by Deaf people in every aspect of their daily lives. This reveals the failings and limitations of the Equality Act (2010) and other legislation (section 2.2). Examples of institutional discrimination and policy apathy are testimony to shocking abuses of civil rights having at times a negative impact on life expectancy, and in education the use of unpaid forced child labour to act as relay interpreters at the expense of a child's own education. From this we conclude that the Equality Act (2010) with its focus on individual rights:

- does not protect the minority group rights of sign language communities; and
- that the spirit of the Equality Act (2010) is not respected nor implemented on a day to day basis: this adversely affects many different aspects of Deaf peoples' lives;

and consequently,

- Deaf people face discrimination, lack of access to health care and education, reduced opportunities for employment and impoverished civil rights.

This amounts to second-class citizenship for Deaf people, a diminution of prospects for self-actualisation and achievement, and a threat to their collective cultural diversity and communities. Almost no other minority community is treated with such flagrant disregard and discrimination and we contend that the UK government must take immediate steps to remove these layers of exclusion and ensure that our sign language communities and Deaf people are granted full citizenship.

Section 3 International Legal Instruments that support minority languages

Section 3 assesses the international legal instruments that support minority languages and those that specifically support sign languages. International minority language instruments are believed by the general public also to promote and protect sign languages. These instruments generally exclude rather than promote sign languages:

1. UN International Covenant on Civil and Political Rights (1966),
2. UN Convention on the Rights of the Child (OHCHR 1989),
3. European Charter on Regional and Minority Languages (the Charter) (CoE 1992),
4. Framework Convention for the Protection of National Minorities (the Framework Convention) (CoE 1995).
5. European Human Rights Convention (OCHR no date).

However, there are current proposals to:

- ratify the Charter on Regional and Minority Languages (CoE 1992) for sign languages in Scandinavian countries (through the Nordic council) (De Meulder 2014). If successful we expect to see this emulated in the UK
- protect the rights of national minorities through a draft protocol to the European Human Rights Convention from the Parliamentary Assembly (OHCHR no date). However this focuses only on territorial national minorities and so potentially excludes sign languages. We want to see the Parliamentary Assembly made aware of this and their draft protocol modified accordingly
- investigate the creation of a Bill of Rights for the UK. The EHRC has advocated the inclusion of 'a fully enforceable free standing right to equality' in a future bill of rights. The BDA insists that this fully enforceable right to equality includes Deaf people.

The UN Convention on the Rights of Persons with Disabilities (CRPD 2007) explicitly refers to sign languages. It binds states to recognise national sign languages and provide more Deaf teachers. Relevant articles include: 2 (definition), 9 (linguistic access), 21 (freedom of expression and opinion), 24 (education); and 30 (participation in cultural life, recreation, leisure and sport).

The BDA calls on the government to implement its obligations under the CRPD by giving legal status to BSL and ISL through a BSL / ISL Act and through additional legislation to implement the specific provisions in the fields specified by the CRPD.

Section 4 Sign Language recognition in other countries

As of 2012, 38 countries had given legal status to their national sign languages in some form. Globally sign language recognition is patchy and not delivered in full: individual countries have different approaches. Section 3 presents a typology of this. Austria, Venezuela, Uganda, Portugal, Finland and Hungary have included their sign languages in their constitutions. New Zealand, like the UK, does not have a constitution but has nevertheless made New Zealand Sign Language (NZSL) and Maori the country's two official languages. Of the states who have recognised sign languages, the UK is currently in the weakest position alongside Italy, Ireland, and a number of smaller (predominantly multilingual) countries which face very different issues in terms of sign language recognition and economies of scale.

Hungary, Finland, Brazil, Greece, Cyprus, Norway, Iceland, Sweden, Slovakia, and Portugal all include bilingual education as part of the status accorded to their national sign languages. Iceland and Sweden also offer free Sign Language instruction to parents of Deaf children. Following a review of the 2011 NZSL Act. New Zealand is also working towards bilingual education for Deaf children and free sign language classes for parents of Deaf children. The BDA considers that these measures are examples of good practice and calls on the UK government to follow the example set by these states.

Section 4 discusses the official language status of New Zealand Sign Language (NZSL) and constitutional recognition of sign languages in Finland, Austria and Hungary. These are models of good practice which the UK government should draw on when granting legal status to BSL and ISL. It is customary in policy making to examine the legal framework and practices of other states when reforming policies and searching for policy solutions.

The New Zealand case shows that initially a limited number of rights were granted but following the review in 2011 this was found to be insufficient and a much wider approach (including education and free NZSL classes for parents) is now being elaborated.

Hungary and Finland have come the closest to offering genuine equality and full citizenship to their Deaf people and communities. The Austrian case charts the process by which policy makers became aware of the importance of Austrian Sign Language (ÖGS) and eventually agreed to protect and safeguard it.

The UK has the opportunity to avoid wasting time and resources re-learning these processes by adapting and applying this knowledge to the UK situation. The BDA insists that the government collects statistics that inform policy makers and others of the socio-economic situation of BSL and ISL users. We call on the government to use this knowledge to emulate the good practice in these other countries by safeguarding, protecting and championing the cultural diversity and linguistic heritage of the UK's sign language community by giving legal status to BSL and ISL.

Section 5 Current Legal Situation in the UK

Section 5 examines legal mechanisms in the UK that have been used to support minority languages and Deaf individuals.

1. Protected language status, 2002: the UK government accorded protected language status to six indigenous UK languages (Welsh, Scots, Ulster Scots, Scottish, and Irish Gaelic and Cornish) but excluded BSL from this list.
2. BSL 'recognition': Although DWP 'recognised' BSL in 2003 this acknowledgement by one government department did not offer any legal rights or change the prevailing disability prism used by policy makers in their (mistaken) assessment of members of the sign language community as disabled individuals.
3. Equality Act (2010): this has not worked well so far. It makes no reference to BSL or ISL and disability discourse has allowed policy makers and legislators to ignore the positive aspects of Deaf Gain, Deaf culture and heritage and sign languages themselves.
4. The CRPD (2007) imposes a legal obligation on the UK to promote Deaf people's linguistic and cultural heritage. The government currently has no policies that do this and has set no budget lines for this activity (Batterbury 2013). In November 2011 the government reported to the UN Disability Committee that BSL had been recognised in 2003 and cited initiatives in Scotland (Long and Winding Road and BSL bill) and in Wales (Deaf Cymru) as good practice: the situation in England was not mentioned.
5. The Welsh Language Act (1993) put Welsh on an equal basis with English in public life and the administration of justice. The Welsh Language Measure (2011) made Welsh an official language in Wales. It also abolished the Welsh Language Board and transferred its powers to the Welsh Government and Welsh Language Commissioner. The Measure (2011) also replaced the Welsh Language schemes with generic standards which now apply across sectors. However, these standards were published towards the end of 2013, which has meant a 2 year gap. A cut of £60 million from the S4C budget over 5 years has been blamed as a contributing factor to the 2% drop in Welsh language speakers shown in the 2011 Census.
6. The Gaelic Language Act (2005) requires public bodies to agree Gaelic language plans. There is a Gaelic language board, *Bòrd na Gàidhlig*, which aims to increase the number of people able to speak and understand Gaelic, encourage its use and facilitate access to the Gaelic language and culture. There is a national Gaelic Language plan, a national strategy for Gaelic education, a Gaelic language television channel, a Gaelic college, and Gaelic-medium schooling in some areas. The grant-in-aid budget of just over £5 million per annum may be compared with the one off payment of £1.5 million paid to 10 individual projects in 2003 by DWP. No money is currently available for minority language protection or cultural revitalisation of the Deaf community.
7. Gaelic and Welsh language planners share an aim to increase the number

of speakers of their languages. The Deaf community tends to focus rather on issues of access and preservation of linguistic heritage rather than recruitment of additional signers.

8. The Equality Act gives Deaf individuals additional rights in the private sector which are not addressed by either the Welsh or Scottish Language Acts. However, Deaf people have to label themselves as disabled to gain these rights.

Section 6 UK sign language policy initiatives

Section 6 assesses a range of current policy initiatives in the UK including:

- Early Day Motion 1167, (Bruce 2013), 10th Anniversary of Recognition of British Sign Language, calling for a report detailing actions to remove barriers faced by culturally Deaf people
- The Communication Support (Deafness) Bill (October 2013 – suspended pending second reading);
- Liberal Democrats motion '*Recognising a Legal Status for British Sign Language*' (passed on the 17 September 2013)
- BSL Bill (Scotland)

BSL in Scotland has been given official recognition but it is not an official language, only the UK government can do this. The consultation for the BSL Bill was concluded in October 2012 with 222 statements and a petition signed by 937 people. It is founded on the language – cultural domain. The aim is that a Scottish minister will promote BSL.

The draft proposal recommends:

- placing a duty on public authorities to develop inclusive action plans to increase awareness;
- appointment of a Scottish minister for BSL; and
- preparation of a strategic plan for BSL.

Section 7 Modelling legal status: BSL / ISL Act

Section 7 offers a model of what we want to see from a BSL / ISL Act. The UK must become a beacon of good practice. We call for equality of treatment with other indigenous languages in the UK.

As the official democratically elected national body of the UK Deaf community, the BDA is mandated to present our members' objectives for improved policies.

The BDA calls for enhanced rights, guaranteed by legislation, for BSL users. There are five principal areas where legislation is needed and which should follow from giving legal status to BSL and ISL:

1. Cultural Citizenship,
2. Social Citizenship,
3. Political Citizenship
4. Broadcasting (spans all three areas of citizenship: Cultural, social and civil)
5. Putting interpreting on a statutory footing.

These are changes we see as essential areas that must be covered by legal status and a BSL / ISL Act and a programme of associated legislation. We also demand meaningful implementation of existing legislation especially, but not limited to, the Equality Act (2010).

In order to achieve this the BDA is consequently calling on policy makers to:

1. Reframe and rethink ways to include Deaf people and sign language communities in determining policies that effect them;
2. Follow the principle of nothing about us without us (Charlton 1998) and engage in an effective dialogue with the BDA as the democratically elected organisation representing culturally Deaf people and the Sign Language Community;
3. Recognise minority group rights in regard to protecting promoting and safeguarding BSL and ISL. These rights would be vested in the sign language community consisting of culturally Deaf people.

Section 8 Conclusions and Recommendations

Finally, the report also summarises key recommendations and a plan of action for the BDA to drive its campaign for legal status of BSL / ISL. To summarise:

1. The BDA calls on the government to do more to ensure the Equality Act (2010) is applied and rendered workable and to end the pervasive socio-economic linguistic exclusion that blights the lives and limits the opportunities of Deaf people and their families. We demand a public enquiry into the endemic institutional discrimination faced by Deaf people.
2. The BDA calls on the government to implement the CRPD (UN 2007) across the whole of the UK by granting legal status to BSL and ISL; and to restructure completely Deaf education: this is a vital part of a much needed BSL / ISL Act and supported by Warnock (2005) and the UNESCO Salamanca Statement (1994: point 21).
3. The BDA calls on the government to implement the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (UNESCO 2005) ensuring that the UK sign language community's culture, languages and heritage are protected and promoted, and able to flourish.
4. The BDA calls on the government to follow the good practice in New Zealand, Finland and Hungary and implement legal status of BSL and ISL and additional legislation to ensure that:
 - a) BSL (the UK's fourth indigenous minority language), ISL, and Deaf culture and heritage are safeguarded and protected, and that;
 - b) Hearing people can learn BSL and / or ISL and appreciate the culturo-linguistic diversity of Deaf culture that still exists in the UK that can enrich their lives.

1. Introduction: BSL as a language, Deaf culture and Deaf heritage

1.1 Developments in the BDA's campaign for legal status of BSL

The British Deaf Association has been pressing for official governmental status for British Sign Language (BSL) since the early 1980s. The first formal document “*BSL: Britain's Fourth Language: the Case for Official Recognition for British Sign Language*” (BDA 1987) set out some of the fundamental principles for recognition – that BSL is one of the UK's four indigenous languages, and that protection and promotion of the UK Deaf community's rights to full citizenship requires formal legislation of the kind developed to recognise and support the Welsh and Gaelic languages. The BDA also extended this campaign to the European Union by co-founding the European Union of the Deaf, and in 1988 the former issued a (non-binding) statement of recognition of the sign languages of the EU.

However, at the same time there was worldwide pressure for legal recognition of the rights of disabled people and during the next 15 years, governmental responses focused on responding to this broader spectrum of rights. Although the UK Deaf community, along with other Deaf peoples of the world, had reservations about how useful disability rights recognition would be in attaining full citizenship, they nonetheless participated fully in these activities and duly benefited to a limited extent from the consequent legislation.

By 1999 it was clear these limited gains were insufficient to address growing concerns around a number of issues, ranging from Deaf children's education to the emergence of genetic engineering. Thus between 1999 and 2003 the BDA participated in the nationwide campaign for formal legislation which resulted in a limited recognition of BSL by the Department for Work and Pensions on March 18th 2003

The intervening decade has seen four significant developments:

- Sign language recognition campaigns took on global dimensions, resulting in formal legislative recognition in a number of countries and limited recognition within the UN Convention on the Rights of Persons with Disabilities (CRPD) in 2007.
- The numbers of Deaf children able to receive education through sign languages did not significantly increase, and indeed large numbers of Deaf schools have been closed. This is contrary to point 21 of the Salamanca Statement, which states that “all deaf persons have access to education in their national sign language” and recognises that ‘special schools’ may be ‘more appropriate’. (UNESCO 1994). Officials at the Department for Work and Pensions state that the choice between bilingual education and English-medium education is a matter of individual choice (by parents). However those choosing bilingual education find limited provision exists.
- Similarly, the genetic experimentation movement grew exponentially, so that societies' discourses began to turn away from recognition of sign languages towards removal of Deaf children and thus of Sign Language communities.
- Academic research with Sign Language communities developed a more sophisticated understanding of the essential nature of these communities. The concept of Deaf cultures was formalised, and the new concepts of Sign

Language Peoples (Batterbury et al 2007), Deafhood (Ladd 2003) and Deaf-Gain (Bauman and Murray 2009) revealed hitherto hidden positive dimensions of their existence. The limitations of the social model of disability were exposed, and the new *culturo-linguistic* model was developed (Ladd 2003, Padden and Humphries 1988, 2005). Research has also begun to demonstrate the valuable contributions to human knowledge offered by Sign Language Peoples (Bauman & Murray 2009, Batterbury et al 2007).

In presenting this report, the BDA emphasises that previous campaigns for sign language recognition were limited in vision and scope, and that academic research now enables all of us, both Deaf and hearing, to gain a better understanding of how sign language communities should be perceived, framed and administered.

There are therefore five key principles which we believe need to be understood:

- (i) Although we accept that Deaf People have experiences which are parallel to those of disabled people, additional dimensions arising from being culturo-linguistic communities have not yet been understood and addressed. Disability legislation is focused on access to majority societies. It does not adequately address the need to protect and promote the quality of life within Sign Language communities themselves.
- (ii) The world's bilingual, bicultural communities act as a resource for their members. The quality of the collective lives of those communities affects the individual's ability to function well within majority societies and thus attain full citizenship. This is well understood by those involved in supporting the world's indigenous minorities ranging from Catalans and Basques to Maoris, Native Americans and so on, and their culturo-linguistic policies are framed accordingly.
- (iii) However, there is a vital difference between communities of Sign Language Peoples (SLPs) and other language minorities. The core of these communities and cultures are the Deaf children of Deaf parents who in some instances extend back many generations. However, because they form a minority of the numbers of Deaf children who are born, it means that in each generation, the majority are born to hearing parents who come to this experience with no prior appreciation of sign language or the meaning of Deafhood. Protection of the rights of these children requires particular legislative effort.
- (iv) Deaf people should not simply be framed within traditional social welfare perspectives as individual persons to be helped, but as peoples who make a distinctive and valuable contribution to human life and knowledge through their languages, cultures and visual skills. They take pride in their centuries-old histories, organisations and artforms, some of which are unique to them. As such they believe themselves to be valuable members of the human race, and believe that Deaf children should therefore be positively regarded, appreciated and treated as the inheritors of these contributions, who will in turn proceed to further enhance humanity's endeavours.

- (v) The Equality Act (2010) offers no protection to the rights of the unborn, the future members of language minorities. The Human Fertilisation and Embryology Act (2008) prohibits selection of a disabled embryo for implantation. Research into genetic engineering is also a threat to the future of our Sign Language Peoples.

For all these reasons, the BDA believes that a comprehensive re-thinking of the need for legal status, protection and promotion of BSL / ISL and the UK Deaf cultural heritage is required. In doing so, the new dimensions above need to be understood and addressed by governmental and other bodies. As the official democratically elected national body of the UK Deaf community, now in its 124th year, we believe that the time has come to appreciate that community in a new light. We expect that this report, together with the further reading set out in Section 9, will assist in developing such appreciation, and enable the community to attain its long-awaited full citizenship. The BDA and signing community in the UK will not rest until the outcomes envisaged in this document are sustainably achieved.

1.2 BSL is a Language

There is a general perception in policy circles and education that BSL is not a language but a 'communication tool'. The BDA refutes this perception in the strongest terms and reminds readers of the esteemed, scientifically verified scholarship, and rigorous research evidence that proves beyond doubt that BSL and other signed languages are real, genuine languages.

Between the 1960s and 1990s linguistic research demonstrated categorically that sign languages were natural languages. First, Stokoe's seminal text (1960) showed how American Sign Language (ASL) was a fully formed legitimate language, outlining its linguistic features, syntax and grammar. Subsequently, published research by Brennan et al (1984) and Deuchar (1984) confirmed the status of British Sign Language (BSL) as a language in its own right. Deuchar (1984) described BSL as a

"visual-gestural language used by many deaf people in Britain as their native language" (1984:1).

Brennan (1995) categorises BSL as belonging to a class of languages known as 'topic comment' languages, with a different word order than found in English and characterised by sequential and simultaneous phonology. Work published later by Sutton Spence and Woll (1998) offers a detailed analysis of the linguistics, sociolinguistics and variation within BSL as natural language, they write:

Sign languages are different; they make use of the 'corporal-visual' channel - produced by the body and perceived by the eyes. This means that theories based on language as essentially spoken are wrong. (1998:13)

Kyle and Woll describe BSL as "a dynamic language, developed and passed on within a community, rather than a poor gesture system" (1988:25). Despite the detailed rigorous, scientifically verified, published research within sign linguistics (Brennan et al 1984, Deuchar 1984, Sutton Spence and Woll 1998), more than 30 years later BSL *still* struggles to be recognised as a natural language within policy circles. Batterbury recently noted that continued policy "misconception that sign

languages were mere communication tools” (2012: 256). This misconception is particularly damaging and endemic in education. Following the Warnock report (DES 1978) Deaf schools have been increasingly closed in favour of mainstream provision, this is still the case despite Warnock (2005) changing her mind and acknowledging the detrimental impact it was having on some children. The Department for Education has noted that BSL is a matter of parental choice: however, Petersen and Rems-Smario have shown how Deaf children who have access to sign language at school and home achieve higher levels of literacy and significantly better educational outcomes than those denied formative access to sign language (no date).

The BDA has previously described BSL as

not just a language, it is also a gateway to learning, a path towards a sense of Deaf identity, and a means whereby Deaf people survive and flourish in a hearing world (2012:3)

Scientific research has also clearly demonstrated the case for BSL as a natural legitimate language, yet this is not echoed in the current raft of policies that impact on the lives of Deaf people (Batterbury 2013). The main reason behind this has been the stronger prevailing political philosophy of *deafness as a disability*. Policies such as *Access to Work* and discounted travel by public transport are designed to mitigate against the ‘problem’ of deafness as a disability. Deafness is stigmatised in some mainstream UK hearing cultures (Goffman 1984) and policy solutions are sought to mitigate its impact and reduce its visibility (Batterbury 2013, Emery et al 2010, Lane 1999). However, sign language itself is not stigmatised as the growth in baby sign classes demonstrates.

1.3 Deaf Culture and Deaf Gain

We also want to take this opportunity to reiterate the BDA’s position that Deaf people should be classified as a cultural and linguistic group. This must be recognised through the application of the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (UNESCO 2005) to sign language communities and Deaf peoples to protect and enable Deaf culture and BSL / ISL to flourish.

1.3.1 Deaf Culture

Over the past 30 years published scholarship has provided irrefutable evidence of the importance of Deaf culture and *Deaf spaces* for enabling positive and collective self actualisation. Padden and Humphries use the term ‘Deaf culture’ to describe the visual lives of Deaf people (2005). Deaf culture summarises the centrality of sign language in the community, and of shared histories beliefs and social practices. Culture, they write,

offers the possibility of making Deaf people whole. ... It allows them to think of themselves not as unfinished hearing people but as cultural and linguistic beings in a collective world with one another (ibid 2005:161).

Deaf culture has evolved around the visual nature of Deaf communities and shapes a space, *Deaf space*, in which Deaf people achieve their potential free from the constraints, labels, and negative perceptions of the hearing world. Deaf culture provides an alternative to the hearing world view of Deaf individuals as disabled people lacking hearing. Deaf people understand themselves and live their lives as a cultural linguistic group with indigenous sign languages. Emery writes “at heart there is pride to being Deaf and celebration of the language and culture” (2009:37)

It is universally recognised that there is a close integration between language and culture; Kannapell describes sign language as a “*creation which grows out of the Deaf community*” (1989:26-27). Padden and Humphries write that historically sign language “bonded the group together and kept alive rich channels of cultural circulation” (2005:157). Deaf culture emerges from sign language communities: it is not created in opposition to hearing cultures (Bahan 1994). Deaf culture is fundamentally different from mainstream western hearing culture along a number of dimensions. These include:

- its intrinsic community-centred ethos;
- different conception and use of time;
- reciprocity;
- context dependency in language;
- a trans-national connection with other sign communities;
- past orientation;
- high priority accorded to sharing information and communication, (Mindess 1999);
- ‘sacredness of the hands’ (Padden 1980); and
- Deaf folklore (Van Cleve & Crouch 1989).

Bahan observes that those “who were born into the Deaf World have acquired native knowledge of the world and are raising consciousness among other Deaf people” (Bahan 1994, p.249). This process of consciousness raising is the discovery of Deafhood;

a process – the struggle by each Deaf child, Deaf family and Deaf adult to explain to themselves and each other their own existence in the world ... sharing their lives with each other as a community (Ladd 2003:3).

1.3.2 Deaf Gain

Bauman and Murray (2009) have coined the term *Deaf Gain* to explain the benefits that come from being Deaf, for Deaf people and their sign language communities but also for hearing people. Hearing society benefits from the undoubted cultural diversity Deaf people embody and practice through their collective lives as members of their shared sign language communities. These sign language communities have a trans-national dimension and commonality of shared visual lives.

By including sign language in studies of bio-cultural diversity, we can expand our conceptions of the human potential for language, for expression, and for creativity. Deaf people contribute to the greater diversity of humankind, which in turn contributes to the greater health of humankind. (Bauman and Murray 2009:4-5)

1.3.3 Deaf Heritage

Deaf culture is nested with sign language and cultural and community heritage. The importance of heritage for Deaf people and sign language communities is that it creates a link to the past and a space and sense of belonging. Thus,

heritage is not simply about identity; it is also about creating and maintaining a sense of place; and this sense of place is not only about a physical or geographical sense of belonging, but is also concerned with placing ourselves within social space (Smith and Waterton 2008:239)

However, the UK has not yet ratified the UNESCO *Convention for the safeguarding of the intangible cultural heritage* (2003). Smith and Waterton suggest the apathy towards recognising this convention indicates a willingness only to engage with “cultural stasis and status” (2008:300). The BDA calls on the government to recognise the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage to demonstrate its commitment to Deaf people and to the UK’s sign language community.

1.3.4 Protecting Cultural Diversity and Expression

The UK *has* ratified the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) which has the following objectives:

Convention on the Protection and Promotion of the Diversity of Cultural Expressions (UNESCO (2005))

Article 1 – Objectives

The objectives of this Convention are:

- (a) to protect and promote the diversity of cultural expressions;
- (b) to create the conditions for cultures to flourish and to freely interact in a mutually beneficial manner;
- (c) to encourage dialogue among cultures with a view to ensuring wider and balanced cultural exchanges in the world in favour of intercultural respect and a culture of peace;
- (d) to foster interculturality in order to develop cultural interaction in the spirit of building bridges among peoples;
- (e) to promote respect for the diversity of cultural expressions and raise awareness of its value at the local, national and international levels;
- (f) to reaffirm the importance of the link between culture and development for all countries, particularly for developing countries, and to support actions undertaken nationally and internationally to secure recognition of the true value of this link;
- (g) to give recognition to the distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning;
- (h) to reaffirm the sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory;
- (i) to strengthen international cooperation and solidarity in a spirit of partnership with a view, in particular, to enhancing the capacities of developing countries in order to protect and promote the diversity of cultural expressions.

Accordingly, the government is aware of the importance of cultural diversity for bridge-building between communities, its intrinsic and potential economic value, and its value for shaping identities. We therefore call on the government to show this commitment to Deaf people and the UK's sign language community by implementing the UNESCO Convention (2005); thereby safeguarding UK Deaf culture and granting legal status to the UK's two Sign Languages: BSL and ISL. This will offer a direct Deaf gain to us all, hearing and Deaf alike (Bauman & Murray 2009).

All cultures are fluid; they evolve and change. Although it evolves, Deaf culture is marked by the way it is inseparable from sign language and a visual life experience. It is for this reason that in insisting on a BSL / ISL Act, we follow the path of other autochthonous indigenous languages in the UK, seeking to protect a threatened language and preserve cultural diversity for the benefit of all.

1.4 Population size: BSL in the UK

The 2011 census for England and Wales suggested only 15,000 used BSL and a further 7,000 another sign language. The BDA contends that the English and Wales census undeniably asked the question in a misleading way and was open to misinterpretation by those completing the census returns (BDA 2013a).

The Scottish Census showed a figure of 13,000 using BSL at home. Extrapolating the figure from the Scottish census to the UK as a whole would indicate that BSL is the native language of approximately 156,000 sign language users: this includes Deaf and hearing people who use BSL on a daily basis in their working and family lives (BDA 2013b). This is a very large Sign Language Community compared to other countries examined in this report such as Austria (10,000) and New Zealand (4,000). The Department of Health's latest *GP Patient Survey* estimated there are 122,000 deaf people in the UK. This is close to the extrapolated figure from the Scottish census: approximately eight times as many BSL users compared with the English and Welsh census (2011).

As the Scottish census also included hearing people it is safe to estimate the actual numbers of Deaf BSL users to be less than 156,000 possibly between the mid point of 89,000 and 125,000 would seem reasonable. However, some hearing people also access services using interpreting (e.g. theatre performances, public events) so demand cannot be estimated on the numbers of Deaf people alone. Families of Deaf people include both Deaf and hearing members, many of whom also use sign language: as family units there is a need for interpreted access to services (e.g. doctors, parents' evenings at school, theatre etc). In addition, the hearing kin who are BSL users are a part of the sign language community and in their own way form part of the cultural and linguistic richness of BSL and ISL as a living language.

We contend therefore that there are 156,000 Sign Language users in the UK. The number of BSL users exceeds those of known Gaelic language speakers (approximately 60,000) and is approximately 1/4 the number of Welsh Speakers (over 500,000). Demographics for minority language users are notoriously difficult to pin point exactly as social status and second or native language competence, can distort the reliability of self-reporting. In the case of sign languages the audiological status of an individual also impacts on the responses.

Sign language users are however dispersed spatially throughout the UK, not clustered in geographical neighbourhoods. This lack of territorial clustering appears to have been a disincentive to the provision of localised policy initiatives promoting the cultural and linguistic heritage of sign language users. However the BDA's *BSL Charter* has been increasingly adopted by Local Authorities and some hospitals (see Appendix 4). At the local level we have seen a significant improvement in services in some areas. At the moment though there is a patchwork in take up of the BSL Charter and further take up and roll out is still required.

2. Status of Deaf people in the UK

Section 2.1 outlines the way in which Deaf people are denied full citizenship and face widespread socio-linguistic exclusion and institutional discrimination. Institutional and policy apathy is manifested through flagrant disregard for:

- the way in which existing legislation (especially the Equality Act 2010) is failing to protect Deaf people from discrimination and unnecessary suffering in every aspect of their daily lives; and that
- this has resulted in lost opportunities to contribute fully to society, and wasted potential.

Section 2.2 outlines the shocking impact of the prevailing socio-linguistic exclusion on individual lives. Critical incidents reveal evidence of abusive unpaid child labour, denial of education and instances of direct harm to the lives of Deaf people. Deaf people face discrimination, lack of access to health care and education, reduced opportunities for employment and impoverished civil rights.

The BDA calls on the UK government to take immediate steps to remove these layers of exclusion and ensure that our sign language communities and Deaf people are granted full citizenship and language justice: Language justice entails social justice through language access and linguistic cultural protection rather than other forms social redistribution (Batterbury 2013). Deaf people are treated as an underclass: this is wholly unacceptable and the government has a duty to resolve this without delay.

We argue that supporting and promoting Deaf culture, BSL and ISL would potentially reduce costs. Real equality would mean more Deaf people would be in employment and would therefore need fewer benefits and state and medical support.

2.1 Social Exclusion – cost of the status quo

Christine Largarde in her recent Dimbelby lecture (2014) advocated “inclusive growth to address the pervasive and growing problem of income disparity between the rich and poor.” To achieve this she called for progressive taxation policies, “improving access to health and education, and putting in place effective and targeted social programs”. Although a challenge, she notes that such actions are essential to get rid of an “economy of exclusion, and a wasteland of discarded potential” (2014:no page)

Deaf sign language users currently face widespread linguistic exclusion that has resulted in underperformance in education (Powers 2003), inadequate access to health care (NDCS 2014, Sign Health forthcoming) and underemployment (Kyle & Woll 1988, Swinbourne 2011). Precisely the factors that, to borrow Largarde’s (2014) turn of phrase, have led to the “sunken prospects” in this case of the UK’s Deaf population.

Social exclusion for Deaf people is a direct result of linguistic exclusion. This is manifested in a number of ways: Deaf people in the UK have been shown to experience *below average* levels of:

- school leaver achievements (Conrad, 1979; Powers, 2003; NDCS, 2008); and
- access to health information (Barnett et al, 2011);

and *higher than average* levels of:

- acquired mental ill health (Hindley, 2000); and
- exclusion from employment, criminal justice, and civic engagement (Kyle and Woll, 1988; Smith and Twomey, 2002; Brennan and Brown, 1997).

However, no statistical data about the social exclusion of Deaf people has been collected at a national level in the UK: figures tend to be aggregates with others deafened later in life and not using sign language. The absence of robust quantitative data and scientifically produced 'research evidence' (Young, 2011) makes it impossible to employ matrices such as the *Index of Multiple Deprivation* and is indicative of policy apathy: the lack of policy priority accorded to sign language users as a collective group. However, Deaf ethnographies recount significant barriers to access and direct discrimination in health (section 2.2.1), education and literacy (section 2.2.2), criminal justice (section 2.2.3), employment (section 2.2.4), and religion and civic engagement (Preston, 1994; Carmel, 1987; Meller, 2011, Smith et al 2013). Despite the Equality Act (2010) in England, Scotland and Wales, Deaf people still face pervasive and endemic discrimination in almost every aspect of their everyday lives (see section 2.2.3). There is an enormous disparity in opportunities for Deaf and hearing people and Deaf people have fewer basic civil, linguistic and human rights than most hearing people.

Sociolinguistic exclusion begins with poor education and is compounded by social stigma (Goffman, 1984) resulting in higher than average levels of illiteracy (Conrad et al, 1979) and under-employment (Kyle and Woll, 1988). Powers shows the effect of deafness in the UK as still 'highly significant' in determining educational exam results at age 16, 'deaf students score much lower than hearing students on the higher GCSE grades' (2003:71). Lack of information in BSL prevents Deaf people from fully accessing many essential services in education, health care, and employment (Powers, 2003; Barnett et al, 2011; RNID, 2004; Smith and Twomey, 2002).

The BDA has stated that there are 156,000 BSL users in the UK. If we assume a figure of 90,000 eligible to work then there are questions around the numbers of Deaf people receiving *Access to Work* believed to be much lower than those for Deaf people receiving DLA. It is difficult to obtain reliable statistics but it is clear there is a significant disparity between Deaf and hearing people due to underemployment and unemployment as an endemic and worrying characteristic of the UK's Deaf people. It also significantly reduces the productivity of Deaf people below where it should be.

The majority of hearing people are unable to sign, resulting in poverty of access to information in all areas of life for Deaf people. The perceived cost of paying for interpreters makes Deaf people unwelcome applicants for many civic activities (school boards, parish councils etc), and where the Deaf person is not the client but is in a supporting role such as a parents' evening at their hearing child's school (Smith et al, 2013; Preston, 1994). Deaf people are also excluded from full citizenship and jury service (Majid, 2007). There are no Deaf MPs in the UK and few Deaf people in top leadership positions. During the current austerity period there have been cuts to Deaf services, schools, and to research and higher education in Deafhood studies (Swinbourne, 2011). The twin policy imperatives to save money

and assimilate Deaf people as far as possible into the mainstream hearing world in the UK have made Deaf people feel under siege (Swinbourne, 2011).

The BDA does not accept that the *status quo* saves money. The following factors increase the bill to the public purse whereas healthier and happier Deaf people in employment would make them net contributors instead.

- There is a disproportionate number of Deaf young people doing badly at schools compared with their hearing peers. Employment opportunities are currently increasingly difficult to find for young people in the UK. Consequently there is a higher than average number of Deaf young people out of employment.
- There are higher than average levels of functionally illiterate older Deaf adults, this has an adverse effect on their mental and physical well-being and on their ability to enter and retain employment.
- The disproportionate levels of acquired mental ill health among Deaf people (compared with hearing people) is a shocking indictment of the current situation.
- With little support to seek employment, Deaf people find it harder to break out of a cycle of underemployment than their hearing peers.
- We expect there to be a report released in the first half of this year showing that Deaf people have worse health than hearing people (Sign Health forthcoming). This is unsurprising considering firstly the lack of full access to medical care that many experience on a day to day basis; and secondly the lack of access to basic health information in sign language.
- Access to information is also difficult: this is best described as information poverty and affects every aspect of Deaf lives including education, civic rights and health. Media broadcasts also tend to remove sign language interpreters at major national events of strategic importance such as general elections, adverse weather reporting etc.
- At the civic level Deaf people in the UK cannot sit on juries due to the interpreter being counted as the thirteenth person in a jury room. This situation is not the same in other countries including the USA (Majid 2007, Varnhan O'Reagan 2014) and it reflects badly on the civic values of the UK. It is entirely consistent however, with Deaf people being treated as an under-class and denied full citizenship.

Lagarde states that we urgently need *inclusive growth* (2014). For Deaf people this means legal recognition of BSL and ISL. A BSL / ISL Act is a starting point but it must be reinforced by a raft of targeted social, health and educational programmes that include Deaf people through sign language. It also needs to safeguard linguistic heritage and Deaf culture (Ladd 2003).

Consultations with Deaf people (Appendix 3) throughout the UK have led to a modelling of policy solutions presented in Section 7 of this report. This would move us closer to being able to contribute to inclusive growth and to minimising the shocking, pervasive, social exclusion faced by Deaf people in the UK today. Deaf people do not want to be a neglected under-class but to take their rightful place as full citizens in an inclusive economy and as guardians to the UK's sign languages and Deaf culture.

2.2 Case Studies – critical incidents

There is existing legislation to protect Deaf people including the Equality Act (2010) for England, Wales and Scotland, and PaCE (1984) which stipulates that police must use fully qualified NRCPD registered interpreters. Existing legislation, however, does not promote and protect BSL and ISL as the linguistic and cultural expression of the UK's Sign Language community. It is also the case that despite existing legislation, the lived experience of Deaf people and their kin demonstrates that equal opportunities are not realised in practice: the equalities legislation is, not infrequently, dismissed, ignored, and sometimes flouted. The impact on Deaf lives is significant and oppressive. The BDA demands that the government ensures that the diversity that Deaf sign language users bring is respected and embraced, and more is done to ensure that equal opportunities are promoted. To this end, the government must collect statistics on these infringements.

To illustrate this, in what follows we give some examples of critical incidents and case studies of the current state of play for Deaf people and their families in the UK today.

2.2.1 Access to Health Care

Research shows a significant disparity in the health of Deaf people compared with their hearing peers, “adults who have been deaf since birth or early childhood report poorer health” (Barnett et al 2011: no page number). Hindley et al also show Deaf people are 2-5 times more likely to acquire mental health problems than hearing people (2000:57). A forthcoming research report on Deaf health will confirm a significant disparity in physical health outcomes between Deaf and hearing people (Sign Health forthcoming). NDCS has also undertaken research that shows that Deaf teenagers are unable to access vital health support (2014). Healthwatch York has surveyed GP practices and found that access for Deaf BSL users is very poor (2013).

In addition, the *Our Health in Your Hands* survey (2013) shows that 48% of deaf respondents have reported that they have been unhappy with the standard of the interpreter they were given. This means there is an increased risk of unsafe diagnosis. The Equality Act (2010) requires service providers to make reasonable adjustment, but the notion of reasonable adjustment offers considerable wriggle room for providers. Health providers frequently do not know how to book interpreters nor how to work with them and this causes frequent lapses in standards of care.

There have been some shocking failures in medical care for Deaf people widely reported in the press. These are caused by not using qualified interpreters, and a mistaken belief that Deaf people can always access information through lip-reading and written notes. In addition, negative perceptions about deafness by medical staff have led to direct discrimination.

Failed medical care occurs in an number of ways:

- 1. Cases of misdiagnosis in secondary care;**
The BDA is aware of cases of Deaf people being incorrectly diagnosed with dementia due to lack of awareness that the patient is Deaf
- 2. Medical intervention without informed consent;**
 - a) There was a recent case of a baby being injected without parental informed consent.
 - b) Surgery has been performed on Deaf adults without informed consent in a number of hospitals
- 3. Direct discrimination due to unreasonable, misplaced negative perceptions of a Deaf person's capabilities;**
 - a) Midwives have erroneously informed expectant Deaf parents that it is hospital policy that social workers are involved to protect their babies from abuse 'because they are disabled'.
 - b) Deaf parents have also been recommended genetic counselling if there is a risk they may have a Deaf child.
- 4. Failure to supply a Deaf person with medical information resulting in significant harm;**
The BDA is aware of cases of Deaf people being misdiagnosed with dementia. One was never informed of a diagnosis of cancer and later died from it.
- 5. Pervasive and endemic failure to provide interpreters in primary care resulting in misunderstandings that impact negatively on long term health outcomes;**
For example Deaf people may not understand the need to complete a course of antibiotics, nor the instructions on their medication.
Use of relatives as forced interpreters without payment, training or support;
This is very common. Unlike PACE which requires police to use qualified interpreters, there is no such obligation in the medical setting despite the risk of misdiagnosis or potentially dangerous misunderstanding of how to take medication.
- 6. Lack of access to counselling and psychological support**
There are insufficient numbers of Deaf counsellors and counselling through an interpreter raises a number of issues and requires specific additional skills (De Bruin and Brugmans 2006)

Here are some critical incidents to illustrate what can go wrong in the medical setting for Deaf people and their families.

(a) **Lack of Interpreter – failure to ensure informed consent**

A Deaf woman was admitted to Dundee's Ninewells Hospital for 12 days to have her appendix removed. She requested an interpreter several times but an interpreter was not found and minimal attempt was made to get an interpreter. Surgery was carried out without informed consent. In March 2013 the Scottish Public Services Ombudsman ruled that by failing to obtain an interpreter, the NHS Tayside health board "did not adhere to their Informed Consent Policy" and that this was unacceptable. He noted that:

using lip-reading and pen and paper is not likely to be an adequate or reasonable response to the needs of a BSL user

and that the hospital needed to revise its translation and interpreting policy to reflect this. (Urquhart, 2013)

(b) **Deaf person treated as if he had dementia: compromised care**

The acting public services ombudsman upheld a complaint against the Abergavenny's Neville Hall Hospital, Aneurin Bevan Health Board, that a deaf man's hospital care had been compromised. The hospital had failed to keep accurate records resulting in staff not being aware he was deaf and inappropriately treating him as if he had dementia. He was fitted with a catheter despite not being incontinent. He was *not* informed that he might have cancer and died 1 month later (BBC News Wales 2013).

Eleven months before this complaint was upheld, the BBC reported that 7 Welsh health boards had 'failed Deaf people' and:

breached the law by not providing accessible services for the deaf and hard of hearing (Pollock 2013)

(c) **Not knowing what medication was for: request for interpreter access ignored**

A Deaf man suffered a severe vertigo attack and went with his Deaf wife to A&E in an ambulance.

Upon arrival his wife immediately requested a BSL/English interpreter and the nurse said that she would sort it out. However despite her making repeated requests (and even providing a telephone number and contact name for the nurse to contact) the nurse did not try to secure a BSL/English interpreter. The nurse told them that she believed they did not need a BSL/English interpreter as communication had been achieved through lip-reading, notwithstanding the fact that they had also had to communicate with other medical professionals other than the nurse (such as the registrar on call) who they struggled to lip-read.

He was prescribed medication and discharged but he and his wife did not know what the medication was for.

Following this visit to A&E the couple made a complaint and the hospital responded stating that the nurse had been too busy to phone for a BSL/English interpreter that day but acknowledged that they do have a procedure in place for emergency callouts and that this had not been adhered to that day.

(d) **Use of forced interpreters, difficulty understanding complex medical information, lack of support and training**

Matt Dixon recalls being forced to act as an unqualified interpreter for his father. As the only hearing person in his family Matt often needed to translate for members of his family at things like routine GP appointments. His father Phillip Dixon became very ill with secondary cancer of the liver in 2008. Although he received this initial diagnosis through an interpreter, no interpreter was then provided for subsequent appointments despite a request being made for an interpreter each time. Instead of being able to support his father, on each occasion Matt was asked to act as his interpreter. His father struggled to understand the complex medication regime he was given and Matt felt he did not have the medical signs to convey this clearly.

On a routine chemotherapy visit Matt was asked to translate the consultant's diagnosis and tell his father that the fight against cancer had been lost and that his father would pass away. He recalls struggling to translate or fully understand some of the complex medical jargon. No consideration was made of the impact of relaying such information on Matt or his father. Matt writes:

My Dad's face still haunts me to this day. He held back his emotions to protect me when I had to tell him, he simply smiled and said I accept it. We should have never had been in that situation to begin with.

Writing of Matt's experience, Palmer points out that Phillip was denied the chance of finding the best way to convey the news to his son. He had to find a way to console his son whilst trying to take in what he had just been told (Palmer 2013). Matt's words:

... I look back on this experience and feel as though I was a forced volunteer. I was there to be my Dad's support, not his interpreter. I fear that other families like ours will have to suffer the same experience if things don't change.

Although equal access should be covered by the Equality Act 2010 (except in Northern Ireland); we can see from these examples that this is far from automatic. Deaf people and their families are put through the added stress and anxiety of asking for additional support, repeatedly, often to no avail. To have to do this at a time of serious illness appears to be a breach of the human right to life – especially if length of life is compromised by lack of understanding of how and when to take medication or by failure to communicate diagnoses. GP surgeries still provide limited and, at times, no access to online booking; same day booking systems also mitigate against securing interpreters. In addition, there are enormous obstacles to access to 999 services which in an emergency is a threat to life for Deaf people and their families.

2.2.2 Education and Training

Under the Equality Act (2010) schools have to make reasonable adjustments. Without BSL these 'reasonable adjustments' cannot offer full inclusion nor adequate access to teaching and learning. There needs to be total reconstruction of Deaf education through a national plan which puts access to Deaf teachers, BSL education and positive Deaf role models at the core.

Currently the DfE supports communication choices being made by parents. However in practice it is not possible for Deaf parents to choose BSL-medium education. Deaf schools have been progressively closed down and replaced with mainstream provision. Almost all Deaf children are disadvantaged by being denied access to native BSL. '*Reasonable Adjustment*' is currently a weak and inadequate response to a genuine requirement for equal access to teaching and learning. The Equality Act (2010) is not working, pupils and students are powerless to invoke their rights and often do not know how to complain. They are not getting the support they need to access mainstream education nor to cope the encompassing isolation of being in an inaccessible school environment.

Schools are currently failing children and young people in a number of ways as summarised below. This has devastating long term outcomes for pupils and students.

Ways that schools are failing Deaf children	Outcome
Having poor quality ECSWs who are unable to communicate to a high enough level in BSL. In some instances they consistently arrive late and leave classes in the middle	Loss of confidence, below average educational outcomes
Asserting pupils should be 'independent' and able to cope without ECSWs	
Expecting children to gain an education without language support in some classes	
Not providing any positive images of Deaf children and people in schools	
Deaf schools and PHUs: complaints have been made that teachers and assistants discuss children using speech in the presence of the child	Loss of confidence, increased sense of alienation from hearing people
Asking children with some speech and hearing to relay information throughout classes in the absence of language support	Learning is disrupted and they are effectively working underage without pay
Failing to provide Deaf children with advice and support on how to cope socially in a mainstream setting	Lifelong confidence issues and social marginalisation

Ways that schools are failing Deaf children	Outcome
Not teaching BSL to staff and other pupils	Entrenched social isolation experienced by Deaf children
Failing to include Deaf parents in partnership with schools: not booking or wanting to pay for interpreters for parents evenings or other events out-of-school	Loss of out-of-school learning opportunities and team work with parents
Not employing Deaf teachers to act as role models	Students learn that it is difficult for Deaf people to achieve professional status.

Here are some critical incidents to illustrate what happens when things go wrong in education for Deaf children and their families.

(e) Lack of access to education: Involuntary (unpaid) child ‘support worker’ left with feelings of misplaced guilt for schools failings

A young girl in year 7 was able to lip-read quite well. She relayed information to her classmate (who was also Deaf and had Deaf parents) to enable her to understand what the teacher was asking of them during PE lessons. There was no communication support as the school thought it unnecessary and teachers told her that they needed to learn to be independent.

Her parents subsequently moved her to a Deaf school. She felt guilty and worried that her friend was left behind without her support. Later she discovered her friend had really struggled and lost a lot of confidence without her support once she had left the school.

I left the mainstream school and went to a Deaf school. I felt the Deaf school was very different to mainstream school but I learnt to cope well in both. But I feel guilty that my friend stayed in the mainstream school, because she had no access, no interpreters and it was very oral. I met up with her later and she said she wasn't happy and had lost a lot of confidence. I told her to ask her parents to move her to the Deaf school but it was too late. So I told her to go to college when she finished school and try to improve her education. I hope she is OK but I worried a lot about her.

(f) Inadequate performance from ECSW

One Deaf girl who has Deaf parents attended a mainstream secondary school. She notes that the hearing students were all keen to learn BSL and could manage fine in their own way to communicate effectively and without requiring her to use her voice while signing. At her school she had an ECSW but she really did not get on well with her, as she felt cheated out of learning and information by the ECSW's very brief summaries of long interactions. She complained that she was not getting all the information but always received the following reply:

Don't worry, it's all fine: it's not important.

She says,

I argued with the CSW, I wanted to know; it's my right. But we went round in circles and I never got the information... looking back I wish I had insisted on getting all the information and not caved in.

She felt that the information received from her ECSW was of such poor quality, and so limited in content that it materially effected her educational opportunities.

There was a clear power imbalance over who could access information making it difficult for students to ask for their rights, especially as requests were not taken seriously and not acted upon.

(g) Forced (unpaid) child relay interpreting in classes

A Deaf boy aged 14, uses hearing aids and when wearing them has some hearing and speech, but he has no access to oral education without them. He attends a Deaf school where he uses BSL, and a mainstream school where he has an ECSW. The teachers at the mainstream school are not able to use BSL. The ECSW was intensely disliked as she keeps disappearing from the classroom, arriving late and often did not turn up at all. When the ECSW was not there it was clear to him that the teacher would feel a sense of panic as she had other Deaf children to teach with whom she could not communicate. The teacher would frequently ask him to translate for the other Deaf children for between 5-10 minutes in many of the lessons:

I really hate doing this because I can't listen and sign at the same time and have to come up to the front of the class to interpret, and it stops me from doing my own work.

Given the power imbalance between teacher and students it is difficult for a student to refuse to assist with communication. Interpreting for the class in this way has a negative impact on the student's own learning. As this is a role normally performed by paid members of staff, it is abusive that children are being forced to work as an unpaid, unqualified interpreters, this amounts to forced unpaid child labour.

(h) Higher education: access problems

Two Deaf students commenced a PGCE course at their local college and after one term were told not to return to the course as their literacy skills did not meet the standard required, even though their respective Disabled Students Allowances had provision for language support. Despite repeated attempts at negotiation the college refused to budge stating that the criteria for completion of the course included literacy at a certain level. They commenced the PGCE course at another institution that allowed them to use language support.

There is a tension over the extent to which students can use interpreters to access their studies. Other higher education cases show Deaf students being asked to book their own interpreters only to find that last minute changes to the timetable means it is necessary to start all over again. This takes considerable time and as hearing students do not have to go through this process each term, Deaf students are treated less favourably when this happens. Students have also reported interpreters failing to turn up and classes being allowed to continue rather than being rescheduled or replaced with a tutorial. Providers should be booking interpreters to give equal access. The current interpretation of the Equality Act (2010) does not offer parity between Deaf and hearing students.

2.2.3 Civil Rights, Justice and Discrimination

Civil rights include civil liberties, due process, and freedom from discrimination. The Code of Practice for the detention, treatment and questioning of persons (PaCE 1984) has created an obligation on police that an NRCPD qualified BSL English interpreter is used when questioning and interviewing Deaf people. This is an improvement on the situation in the health care field where there is no obligation to provide an interpreter, only to make *reasonable adjustments*. It is not unusual for public services to ask for children and underage young people to interpret, unpaid, especially in the health and education fields as we have seen. Despite the additional protection provided by PaCE (1984), at times the legislation does not always deliver an appropriate response. Ultimately, interpreter delays can also mean Deaf people are denied freedom and liberty for longer than hearing people.

(i) **Police: Attempt to use an unqualified minor to interpret**

One lady reports an incident when she was travelling as a passenger in a car. Both she and her husband are Deaf. Their son, aged 17, is hearing and was a passenger in the back of the car. Their car was pulled over by the police. The passenger door was opened by a police woman and she explained she was Deaf. She was ordered out of the car and taken to sit in the police car. With no communication she was anxious about this and had no idea what was happening. She then spotted the police asking her son to interpret. Returning to the car she asked him why he was doing this as he was not a qualified interpreter. Realising that the police should not be asking him to interpret, her son informed the police he was not a qualified interpreter and could not help them. This caused a certain amount of consternation and eventually they were allowed to continue their journey. She never received an explanation of what happened or why.

There is also institutionalised discrimination against Deaf people in the Justice system. In the UK, for example, Deaf people cannot sit on juries as an interpreter is not allowed in the jury room. However, Deaf people are allowed to fulfil their civic duty and sit on juries in the USA and New Zealand. Australia has recently also accepted the principle of Deaf people serving on juries (Majid 2007, Varnham O'Reagan 2014). Failure to remove this embargo in the UK is discriminatory.

It is also the case that Deaf people have applied to become magistrates and been refused on the grounds of their deafness. Prisons are also much harsher places for Deaf prisoner than hearing prisoners. 20% of Prisons' Disability Liaison Officers are said to be 'BSL trained staff' but unless this is to Level 6 it does not have much relevance. It also means 80% of prison liaison officers have no BSL skills and nor do other prisoners (HM Inspectorate of Prisons, 2009). It is very unlikely that there will be other Deaf prisoners or prisoners who know BSL with whom the Deaf prisoner could interact. Deaf prisoners also have fewer privileges than hearing prisoners. Whereas hearing prisoners are allowed to make phone calls Deaf prisoners are not allowed use of a minicom. There are issues also around subtitles on television and signed broadcasts only being shown at night when television is not allowed. This results in a prison regime which is exceptionally isolating and potentially damaging to a person's mental health. The principle of equal treatment between Deaf and hearing prisoners should apply.

In a further abrogation of civil rights there have also been hate crimes against Deaf people. Offensive chanting at football matches has occurred several times (Swinbourne 2013, Largs & Millport 2014), and recently a Deaf man was assaulted for not being able to give directions when asked (Robertson & Robson 2014). As with racially aggravated crime, the direct targetting of Deaf people in this way should be made a specific offence.

Neglect also increasingly appears to be a factor in case of deaths in custody or neglect of duty of care by the police that have been reported in the media.

(j) **Unexplained death**

In 2010 the IPPC upheld a complaint against officers from Gwent Police. The police had escorted a Deaf man, Anthony Lewis to his home. They were unable to understand his speech and had therefore not assessed him and taken no further action. Two weeks later Mr Gibson was found at his home having passed away. The officers have been given a written warning for *failing in their duty of care* (BBC News Wales 2010).

Suicide

The Guardian recently reported the suicide of a homeless Deaf man who was in prison for breaching an ASBO forbidding him from being in Manchester City Centre (Hamer 2014). However, in prison he would have faced social isolation due to lack of sign language contact. The effect of this isolation would have been compounded by not being allowed to make phone calls on a minicom nor watch sign interpreted television.

There are two other issues linked to civil rights for Deaf people.

The first of these concerns the failure of LEAs to earmark funds for interpreting to enable Deaf parents to be fully involved in their hearing children's education. As things stand parents have to lobby for interpreters for parents' evenings, and for other events that parents attend at their child's school. Schools are reluctant to pay as they feel their budget does not include these additional costs. This is a breach of the Equality Act. Interpreters should be booked automatically by schools; funds must be ring-fenced by LEAs for this.

The second concerns the Human Fertilisation and Embryology Act (2008) which currently contravenes the principle of equality of the right to life by preventing the selection of genetically deaf embryos for IVF. Deaf people have protested against this as a form of eugenics.

2.2.4 Employment

As Swinbourne has indicated (2011) we have entered a particularly difficult phase in Deaf employment. There have been swingeing cuts across the board to Deaf Centres, Deaf schools and services and to the *Centre for Deaf Studies* at the University of Bristol. Threats to Deaf employment have also been made to *See Hear* the BBC's only flagship Deaf programme in BSL.

As we see services, jobs, places and institutions come under threat and disappear, very few deaf people both in Bristol and elsewhere can now hope to escape the impact of the cuts unscathed (Swinbourne 2011: no page).

Deaf jobs have been lost in the most dramatic way during the past few years, and finding new jobs in a difficult and challenging economic climate is hard for everyone and even harder for Deaf people.

(k) Life long learning: impact of job cuts and restructuring

“My role, which was to provide appropriate support for Deaf learners, was started from scratch and was developed over 14 years. It saw me work alongside qualified Educational Interpreters, notetakers and mentors with the latter two receiving Deaf Awareness training or having links to the deaf community i.e. Deaf parents. The Educational Interpreters have a degree in Deaf Studies at Bristol and Wolverhampton Universities.

I focused on the retention of our deaf learners, success in their chosen subject areas and achievement of qualification and progression. This developed slowly from 1 BSL learner when the role began, to 15 BSL learners at the end of the 14 years. During my time performing this role these success rates were achieved through pre entry level 1 (FLEX – Lifeskills) all the way up to HE; something that never happened before. My role enabled each student to meet with me on a 1-1 basis and to iron out problems they may have had which in turn improved their own self-awareness, understanding of identity and all-round confidence.

In the 15th year, my role and job description changed and all the responsibilities I had in that time were taken off me; I no longer managed the Deaf team, arranged timetables to provide support, performed appraisals, visited schools etc. The Deaf team has been ‘broken up’ and split between 3 hearing co-ordinators across 3 campuses. The co-ordinators have no awareness of how to support Deaf learners appropriately. A CSW was provided to support a learner on a Level 3 course when they were not aware of the terminology involved which led to the learner struggling to understand/cope in class. Those now in charge adopt the, ‘they can sign’ rule and use CSW’s who are employed on a cheaper rate whilst assuming that they can communicate. This of course is not the case as in the past I was able to identify which member of staff matched the learner and utilise their individual knowledge and skills.

The hearing co-ordinators do not like to see the Deaf learners coming to see me and insist that these students are now their responsibility. What they do not realise is that I am a role model with a Deaf identity offering a two way communication rather than three way. The Head of the department who was responsible for changing my role said that it was due to the Local Authority making changes to funding and the changes were out of her control.

To date, we have lost 1 learner, with another learner having poor attendance and receiving three warnings. One Deaf learner was supporting another Deaf learner because the CSW was hard of hearing and unable to follow the teacher. A BSL learner was not able to follow the CSW because SSE was used. They requested an Educational Interpreter instead which was allowed because the LA funding was adequate enough to pay for that support. Other deaf learners receiving CSW support are struggling also”.

In addition to large scale cuts to jobs within the Deaf sector there is also evidence of underlying discrimination and harassment that takes place within the work place against Deaf employees. In the light of the observation about hate crimes it is perhaps no surprise that hidden workplace discrimination is also an issue. It is difficult for Deaf individuals to challenge this through employment tribunals as this can be intimidating, require evidence which is difficult to collect, and is perceived as a potential threat to the individual's livelihood.

(l) Work place discrimination and harassment:

One Deaf man worked for a local company that made cabinets and on two occasions graffiti was found in the toilets referring to him as being "deaf and dumb". As he was the only Deaf member of staff, he deduced that the graffiti was directed at him. The employer also failed to provide BSL / English Interpreters for meetings throughout his employment. He made a claim for failure to make reasonable adjustments and harassment.

Kyle and Woll (1988) claimed that Deaf people suffered from pervasive under-employment – zero hour contracts, fixed term teaching of evening classes in term time only. Low levels of school leaver achievement (Powers 2003, NDCS 2008) mean that in a highly competitive job market, the task of securing employment is more difficult for Deaf people. Funding for interpreters to check written English in job applications, make phone calls and attend interviews, is only available for Deaf people on benefit, or those with *Access to Work* payments (if they are able to vire funds to this task). Cuts to *Access to Work* funds are also having a deleterious impact on Deaf employment prospects. Under-employed Deaf people requiring interpreter support to look for full time employment do not have funds for this and are therefore locked into a cycle of permanent under-employment.

Discrimination is also a factor, employers wonder how it would be possible to place a Deaf person in front line services and how much it would cost them to have to make reasonable adjustments under the Equality Act (2010). Employers are skillful at hiding this, but the sense remains in the eyes of many Deaf people that the job market does not work in their favour.

(m) Applying for jobs: discrimination

One Deaf lady applied for a job as a graphic designer at a local firm by submitting her CV and the employer telephoned she and left a voice mail message. Her father returned the call and spoke to the employer's HR Manager who confirmed that they would like to invite his daughter for an interview. When he told the HR Manager that his daughter needed a BSL / English interpreter for the interview the offer of an interview was withdrawn as the HR manager was of the view firstly that she would not be able to deal with clients and interact with staff due to being Deaf. Secondly she felt the employer was too small and could not deal with a Deaf person in their company even when he told her about the *Access to Work* scheme.

2.2.5 Public and Private Sector Providers

Public and private sector service providers are required to make reasonable adjustments under the Equality Act (2010). The CRPD also specifies sign language interpretation should be provided when required in official interactions. However there is a conflict with the Data Protection Act which very often proves a stumbling block. For example banks will not speak with people making a telephone call on behalf of a Deaf person because of the rules of the Data Protection Act. The Deaf person either has to write a letter naming another person allowed to make phone calls on their behalf, or go to the bank themselves. This needs resolving through statutory regulation of the interpreting profession. However, there are lots of difficulties achieving access as illustrated by the following examples:

(n) **Inland Revenue – lack of access, no reasonable adjustments made until lawyers contacted them**

One Deaf man started freelance work in April 2008 and had to register for Self Assessment Tax Returns. As English is not his first language he experienced difficulties in understanding the forms that had to be filled in. As a result he provided inaccurate information every year. This led to tax arrears and his debt almost totalled £14,000 of which he had one priority debt of £6,550. He was struggling to make his monthly repayments of £350. He stopped freelance work in November 2011. He went to the RAD Money Advice Service for assistance as he was unable to obtain assistance from the Her Majesty's Revenue & Customs (HMRC) due to the communication barriers. RAD contacted HMRC directly on his behalf and arranged an appointment for him at his local HMRC office and ensured that a BSL interpreter was present. Due to having appropriate communication support during the appointment his issue was solved successfully. His tax arrears of £6,550 were cancelled and he was reimbursed for the money he had already paid. He was very happy with the outcome and RAD continued to support him with filling in future tax forms.

(o) **Bank: Failure to make reasonable adjustment**

One young lady attended a mainstream hearing school and wears hearing aids. She is able to speak and sign. She went to the bank to discuss her finances. On arrival she noticed a sign for a hearing aid loop in the window but when she reached the desk she found it would not work. Using written notes she informed them that the loop was not working. The manager was called and told her it would be repaired in a few days. She then received a letter offering £50 compensation. This is not why she went to the bank as she needed to discuss her finances so she wrote a letter explaining this. She then received a reply offering her a further £20 compensation. However she has still not been able to sort out her finances. The bank has not booked an interpreter nor any alternative means of communication.

I feel as if they are paying me off to keep quiet and go away, I needed to use their financial service and I have still not been able to do so.

2.3 Actions Required

Section 2.2 presented evidence of the pervasive and endemic social exclusion of Deaf people and their kin from almost every area of life that involves communication. The Equality Act (2010) is meant to provide equal access but as things stand it is not able to do this. Suing for rights under the Equality Act (2010) is time consuming and difficult and requires literacy and a source of legal advice and support.

- The BDA demands accessible local advice services available to Deaf people including through Citizen Advice Bureaux (CABs) and finance to train advisors with fluency in BSL.
- The BDA calls for a public inquiry into social exclusion of Deaf people as a matter of urgency.
- Whole scale reform is needed of the education system which is failing deaf children and young people. This is essential to end the blighted prospects of young Deaf people and to enable an inclusive economy and society we can all be part of. This must form part of a UK-wide BSL Act.

3. International Legal Instruments that support minority languages

3.1 Human Rights

3.1.1 The European Convention on Human Rights

The European Convention on Human Rights (ECHR) grants directly actionable rights to individuals through article 34. It is implemented in the UK through the Human Rights Act (HRA). It does not however grant specific rights to national minorities.

A great number of cases under the ECHR have dealt with *linguistic rights*, but the Strasbourg institutions have consistently held that there is “no right to use a particular language in contacts with government authorities” (OHCHR, no date, p.2).

There is also “no right to mother tongue education under the ECHR, unless it previously existed and the State then tries to withdraw it.” (OHCHR, no date:3).

However, the Parliamentary Assembly has produced a draft protocol for the ECHR aimed at protecting rights of national minorities. National minorities would be allowed to use their languages freely in the public arena but only in “areas where national minorities reside traditionally or represent a significant percentage of the regional or local population” (PaCOE 2012:2). This would exclude sign languages from this provision. Krausnecker detailed the invisibility of sign languages in minority language policies in Europe (2003); this remains the situation in 2014.

In order to prevent the current draft protocol inadvertently neglecting the situation of sign language communities, concerted action is urgently needed to lobby the relevant Parliamentary Assembly individuals to make them aware of its potential impact excluding Deaf people.

3.1.2 Bill of Rights

The creation of a UK bill of rights has cross party support. The Commission on a Bill of Rights (CBR) has initiated a consultation on whether we need a bill of rights. The terms of reference of the CBR state that it will investigate the creation of a UK Bill of Rights that:

incorporates and builds on all our obligations under the European Convention on Human Rights, ensures that these rights continue to be enshrined in UK law, and protects and extends our liberties. (EHRC, no date, p.6)

The Equality and Human Rights commission (EHRC) feels that this should not be an attempt to undermine the Human Rights Act (HRA) so if a bill of rights is agreed, it should be ‘HRA plus’ not ‘HRA minus’ (EHRC, no date, p.5). They write:

HRA is under threat and possible repeal, while at the same time there are opportunities and reasons for seeking to improve human rights protection. (EHRC, 2010:1)

This struggle is taking place at the same time the BDA is seeking linguistic human rights for Deaf people and the sign language community. In their response to the Green Paper the EHRC include in a list of key considerations the following statement:

the process for developing any Bill of Rights should involve education of the public on the way in which the human rights framework includes the responsibilities we owe each other.

The struggle to secure legal recognition of BSL and ISL and linguistic rights for the UK's Deaf community also faces the issue of re-educating hearing people to overcome the disability prism and the discourse barriers that pervade policy circles (McLeod 2013, Ladd 2003, Batterbury 2013).

The EHRC has advocated the inclusion of 'a fully enforceable free standing right to equality' in a future bill of rights. The BDA insists that this fully enforceable right to equality includes Deaf people.

3.2 International Legal instruments not promoting Sign Languages

There are four other main legal instruments that miss the opportunity to promote and foster sign languages despite mentioning *linguistic human rights*. These are summarised in the table below as there is a general expectation among members of the public that these instruments promote linguistic rights of sign language users but they do not.

There is no public awareness that minority language legal instruments exclude sign languages. There is a danger when this happens (for example with the Charter) that this risks creating a precedent for further exclusion.

This appears to be happening at the moment with proposals to increase the rights of territorial national minorities as part of the European Human Rights Convention (see section 3.3 below and OHCHR no date).

International legal instruments that do not support linguistic rights of sign language users.

	Name	Purpose	Comment
1	UN International Covenant on Civil and Political Rights (1966)	Grants linguistic minorities the right "to use their own language" (article 27).	This does not offer a great deal beyond the status quo.
2	UN Convention on the Rights of the Child (OHCHR 1989)	Children of linguistic minorities and indigenous children have the right to use their languages in their communities (article 30).	It does not prevent decisions being made on behalf of Deaf children to use spoken languages in education, and / or at home.

	Name	Purpose	Comment
3	European Charter on Regional and Minority Languages (the Charter) (CoE 1992)	Grants the right to education in the language, teaching of the language's history, use of the language in courts, by the media, for cultural activities, and in economic and social life	States only have to implement a minimum of 35 articles and can opt out of many of the provisions. (PACOE 2012:7). Article 2.1 excludes sign languages: applying to "all the regional or minority languages spoken within its territory" (article 2.1). A subsequent sign language protocol was not agreed by the Committee of Ministers. (Parliamentary Assembly 2003). However, Scandinavian countries are preparing ratification of Sign languages at the moment under the Charter (De Meulder 2014).
4	Framework Convention for the Protection of National Minorities (the Framework Convention) (CoE 1995).	Calls for members of minorities to be given freedom of expression in their own languages, grants the right to: "receive and impart information and ideas in the minority language" (article 9), to use that language in criminal justice (article 10.3), and to learn the minority language (article 14).	Eight states have yet to ratify it. There is no binding monitoring mechanism. Thornberry describes this as "a low point in drafting a minority right; there is just enough substance in the formulation to prevent it becoming completely vacuous" (Thornberry 1997: 356–357 in Skutnabb-Kangas 2008:110).

Until the WFD became involved in the negotiations for the Convention on the Rights of Persons with Disabilities (CRPD) there had been an inertia about the situation of sign language users internationally and these instruments have achieved little. (Skutnabb-Kangas 2010; Krausnecker 2003). The European Parliament's initiatives also led nowhere (1988 and 1998).

3.3 UN Convention on the Rights of Persons with Disabilities (CRPD)

The role of the WFD¹ in actively lobbying for full access to information in sign languages, education in sign language and Linguistic Human Rights for Deaf people was critical in the negotiations for the drafting of the CRPD from 2004–2006. This resulted in the incorporation of the obligation on states to formally recognize sign languages (article 21b).

The CRPD contains five articles specifically referring to sign languages:

1. article 2 includes sign languages in its definition of 'language',
2. article 9 linguistic access;
3. article 21 freedom of expression and opinion;
4. article 24 education; and
5. article 30, participation in cultural life, recreation, leisure and sport.

These areas are key for any language policy and high on the international Deaf-liberation agenda.

The BDA calls on the government to implement its obligations under the CRPD by giving legal status to BSL and ISL through an BSL/ ISL Act and through additional legislation to implement the specific provisions in the fields specified by the CRPD. The BDA does not accept the ODI report to the UN Disability Committee (2011) which failed to expose the level of social exclusion of Deaf people and did not acknowledge the government's failure to implement the CRPD fully throughout all the nations of the UK.

CRPD, key sign language provisions and implications for the UK

CRPD Article Number / Name		Article Content	Consequence
2	Definition	"Language" includes spoken and signed languages and other forms of non spoken languages	The explicit mention of signed languages gives Deaf people a much stronger position compared with previous international instruments

¹with the support of the International Disability Caucus and Chile, Thailand, South Africa, Norway and New Zealand (among others) and the Russian, Chilean and Korean Deaf associations.

CRPD Article Number / Name		Article Content	Consequence
9	Linguistic Access	States will 'take appropriate measures including identification and elimination of obstacles and barriers' (UN 2007:9) to ensure equal access for disabled people to a range of facilities and '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' (CRPD Article 9.e)	This is covered by the Equality Duty. However, in practice interpreters are not routinely made available. Deaf-people are not allowed interpreters in jury rooms (Brennan and Brown 1997). In situations where the Deaf person is in a supporting role (e.g. school parents' evenings, a birth partner) provision of interpreting has to be negotiated.
21	Freedom of expression and opinion and access to information	States must "ensure disabled people have the right 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." Article 21, (b) requires states to assist this by 'accepting and facilitating the use of sign languages, ... by persons with disabilities in official interactions' and by "recognizing and promoting the use of sign languages" (Article 21 e)	BSL and ISL are not being promoted by the government: this would require a BSL Act, and either a BSL board or ministerial responsibility. Legal recognition is needed to convert the DWP 2003 'recognition' into statutory and practical concrete points of action. This would bring it closer to other countries in the EU who have legally recognised their sign languages (see section 3.1 this report)

24	Education	<p>Clause 3 stipulates that inclusive education should be offered at all levels, requiring states to facilitate:</p> <p>(b) ...'the learning of sign language and the promotion of the linguistic identity of the deaf community'; and, ensure that education</p> <p>(c)... 'is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.'</p> <p>Clause 4 requires states 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'.</p>	<p>The UK government has entered a reservation on this (clauses 2(a) and 2(b)) in order to continue to allow special schools.</p> <p>It is not encouraging the learning of sign language or promotion of linguistic identity nor seeking to employ disabled teachers qualified in BSL (Art 24, clause 4).²</p> <p>This means education should be part of our draft BSL Act.</p>
30	Participation in cultural life, recreation, leisure and sport	<p>'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' Article 30, Clause 4</p>	<p>There is a precedent in the UK for support of culturo-linguistic patrimony of other autochthonous minority language communities including Gaelic and Welsh. However, similar provision is not yet being planned for the UK's sign languages.</p>

²There are no statistics in the UK for the numbers of Deaf teachers who are BSL users. Estimates indicate approximately 10 % of all Teachers of the Deaf have declared a hearing loss (estimated figures from British Association of Teachers of the Deaf, personal correspondence 13/02/2012). However not all of these are sign language users.

4. Sign Language recognition in other countries

4.1 International situation – towards a typology

The European Parliament agreed to recognise sign languages in 1988 (and again 1998). However this did not lead to any EU-wide legal recognition of sign languages as the majority of Member States did not respond to this initiative.

As of 2012, 38 countries had recognised their national sign languages in some form. Austria, Venezuela, Uganda, Portugal, Finland and Hungary have recognised their sign languages in their constitutions. Wheatly and Pabsch (2012) show that recognition is patchy and not delivered in full. Individual countries have different levels of recognition. We can see an emerging typology of levels of recognition. Of the states who have recognised sign languages, the UK is currently in the weakest position alongside Italy, Ireland, and a number of smaller (predominantly multilingual) countries which face very different issues in terms of recognition and economies of scale.

Typology of sign language recognition:

Type, status and degree of recognition	Example of countries following these routes
Constitutional recognition	Uganda, Venezuela, Austria, Hungary, Finland, Portugal
Official recognition	New Zealand, Iceland, Latvia, Estonia
Legal recognition through a sign language act, or legal recognition at the level of devolved governments	Brazil, Austria, Cyprus, Spain, Slovakia, Poland Devolved Governments: – Belgium -Flanders and Wallonia; – Switzerland - canton of Zurich only
Recognition through other legislation	<ul style="list-style-type: none"> • Germany – Disability legislation; • France – Education legislation; • Finland – Language Act; and other legislation; • Denmark, – a range of legislation; • Sweden – Language Act; • Lithuania – disability legislation • Romania – a law on sign language; • Netherlands – laws referring to interpreters, special education and free equipment.
Wide-spread disregard for national sign languages with some access to public services through disability legislation	UK, Italy, Ireland, Malta, Luxembourg, Bulgaria, Switzerland (except for the canton of Zurich),

In addition to the differing levels and mechanisms of recognition, different states tend to include and exclude different policy domains from the rights that ensue from recognition. A key policy domain for sign language recognition is education but not all states include this. Some of the main policy domains in the struggle for effective sign language recognition are listed below.

Different policy domains are also covered in the sign language legislation in these different States.

Policy Domain	States	Comment
Bilingual education	Hungary, Finland, Brazil, Greece, Cyprus, Norway, Iceland, Sweden, Slovakia, Portugal	Still quite rare. New Zealand is working towards this.
Free sign language instruction to hearing parents	Iceland, Sweden,	New Zealand is working towards this.
Provision of interpreters for witnesses and defendants in court	UK, New Zealand, Austria, Finland	Applies to many countries – very common through disability legislation and a requirement of the EHRC
Access to public services	UK, New Zealand, Finland, Austria, Romania	Applies to many countries – very common

Some states have sign language boards to enforce compliance with legislation and / or to preserve the integrity of the language (e.g. Finland, Spain); others have steered away from this (Austria). Following the findings of its 2011 review New Zealand is working towards a combination of ministerial responsibility and a Sign Language Board.

4.2 Legal status in other countries

Countries such as Finland and Hungary have a liberal and multicultural approach to their sign language communities and to sign language users. They protect their sign languages in their constitutions and have a suite of legislative safeguards across a range of policy fields. The struggle for legal recognition in these countries has taken between 15-20 years, following a review in 2011, New Zealand is now working towards greater rights for its Deaf sign language users. On the whole the CRPD has been catalytic, as has lobbying that evidenced the extent of discrimination and social injustice. There have also been strategic allies in the disability movement and with other minority spoken language communities.

The Hungarian, Austrian, Finnish and New Zealand cases show how the requirements of the CRPD are being met and offer exemplars of good practice. The BDA offers these examples to the UK government to show what can be achieved. We call for better outcomes for Deaf people and the sign language community and to this end provide these good practice examples of how this can be achieved.

4.2.1 New Zealand

New Zealand is a small country with approximately 4,000 signing Deaf people and a school population of just over 200 children. This has not prevented goodwill and the investment of resources to improving their everyday lives and educational outcomes. The review of the New Zealand Sign Language Act begins with this statement:

Deaf people, and sign language, deserve equality in New Zealand. In 2006 New Zealand passed an Act to enshrine this belief ... today, we have the potential and capacity to achieve the dream, and change futures for Deaf people now and for future generations. All we need now is for decision makers to listen, and develop the will to act. – Sonia Pivac

The BDA will not rest until Deaf people in the UK also achieve equality, an end to marginalisation and social exclusion, and to feel and believe there is hope for safeguarding their heritage, culture and community.

4.2.1.1 The New Zealand Sign Language Act, 2006

The New Zealand Sign Language Act (2006) aimed to promote and protect the use of New Zealand Sign Language (NZSL) by being the first state to declare their national sign language – NZSL – to be an official language. The act also provided for the use of NZSL in legal proceedings. It established competency standards for the interpretation in legal proceedings of NZSL, and stated principles to guide government departments in promoting and using NZSL. New Zealand was the first country to officially recognise its sign language (alongside Maori and English). The Act gives limited rights to the New Zealand Deaf community focusing mainly on use of NZSL in courts and encouraging government departments to use it where possible but not requiring them to do so. It does not yet enforce any rights in the areas of education nor language planning, nor does it commit government resources to promote the language. However, following the 2011 review this is set to change.

The Labour party had promised to promote NZSL legislation and on winning the election were proactive in doing this. The New Zealand 'Disability Strategy' of 2001 also created a favourable policy environment for this as its goal was to value and encourage full participation in society.

key factors included long-term lobbying by the Deaf community following research on NZSL which raised Deaf people's language consciousness, and a local Member of Parliament's special interest in the Deaf community. (Mckee & Mckee 2007:40)

The bill took 3 years to become law and Deaf people were fully involved in the consultations. There was a Deaf advisory group and face to face consultations. However the final Act was a compromise between what Deaf people wanted and what policy makers were prepared to concede.

the NZSL Act aims to remedy the fact that “Deaf New Zealanders have not been afforded the same right to their language as other New Zealanders” and have suffered serious disadvantage as a result (NZSL Bill 2004:1). The provisions and wording of the NZSL Act draw closely upon those of the Maori Language Act, which in turn cites the Welsh Language Act 1967 (U.K.) and Bord Na Gaeilge Act, 1978 (Eire) as precedents.” (Mckee & Mckee 2007:40-41)

The NZSL Act demonstrates the importance of there also being:

- other minority language legislation;
- favourable disability legislation; and
- the importance of having a politician with a special interest in the Deaf community as an agent for change.

4.2.1.2 The review of the NZSL Act (2011): recommended changes

There was a review of the NZSL Act in 2011. This is an opportunity for the UK to learn from and understand areas that could have worked better.

The review found that the NZSL Act was not working as well as it should be due to lack of awareness in government departments, and concluded that additional training was needed in courts to remind people to use video remote interpreting.

However it also recommended a number of significant changes. For preschool children these include:

- support to enable the acquisition of NZSL in early childhood by deaf children, children with communication difficulties and their families;
- language nests to support preschool children and their families learn NZSL;
- financial incentives for staff in early intervention to learn and improve NZSL;
- further review of resources available to deaf children or children with communication difficulties;
- dis-aggregation of deafness and NZSL usage data.

In schools, recommendations included increased access to education via NZSL through:

- financial incentives to staff with NZSL skills;
- a funding stream for educational interpreters in schools;
- increased opportunities for deaf children and children with communication difficulties to interact with signing peers and fluent NZSL users;
- review and further development of NZSL curriculum resources.

In district health boards:

- training in disability awareness, NZSL, Deaf culture and human rights for health care early intervention staff, including audiologists, ENT specialists, and others working with children with communication difficulties.

For interpreting at government agencies and district health boards:

- develop and/or review their NZSL interpreting and translation policies, including through close consultation with the deaf community, monitor good practice and allocate adequate funds for interpreting services;
- monitor and report on expenditure of Job Support and Training Support funding on NZSL interpreter and translation services;

also,

- to progress 'options for establishing an NZSL Statutory Board in 2014/15 to oversee the promotion and maintenance of NZSL, in consultation with the proposed interim Expert Advisory Group on NZSL'.

The review very strongly advocated increased access to education via NZSL; this is an important lesson for the UK in considering what can be learned from the New Zealand experience and what needs to be incorporated into the BSL / ISL Act.

"Much progress has been made. It has been a positive process and we are looking forward to the outcome".

4.2.2 Finland

Finland has two sign languages Finnish Sign Language and Finnish Swedish Sign Language. There are approximately 14,000 people who use Finnish Sign Language (FinSL) and 300 who use Finnish Swedish Sign Language (FinSSL). They were recognised in the constitution in August 1995 and modified in 1999. The constitution (731/1999 - section 17) says that

the rights of persons using Sign Language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act.

As a result of this, laws were passed covering different areas of policy. These are summarised in the table below for ease of reference. The legislation covers anti-discrimination (direct and indirect), education in Finnish Sign Language, broadcasting, teacher training, and preservation of the language.

The modified constitution obliges the public authorities to take active measures in order to ensure that the sign language users have the opportunity to use their own language and to develop their own culture (Finnish Deaf Association).

This has been delivered through a number of regulations and laws which are listed on the Finnish Deaf Association web site and summarised in Figure 5 below:

Finnish legislation implementing the constitutional recognition of Finland's sign languages

Law on basic education (628/1998)	Sami, Romany or Sign Language can be used as a language of instruction and for extracurricular activities. Deaf pupils can be taught in FSL if needed. FSL also recognised as a native language and taught as a mother tongue.
Law on upper secondary school (629/1998)	Sami, Romany or Sign Language can also be used as a language of instruction and taught as a mother tongue.
Law on vocational education (630/1998)	Sami, Romany or Sign Language can also be used as languages of instruction and taught as a mother tongue.
Law on the Research Institute for the Languages of Finland (591/1996)	The Research Institute's duties include research and the preservation of the purity of the Sign Language and the Romany language.
Decree on the Research Institute for the Languages of Finland (758/1996)	As above. The Decree also specifies the role of the Research Institute in appointing the board of Sign Language.
Language Act (423/2003)	The government has to report to parliament on the application of language legislation and on the securing of linguistic rights for each electoral period. This includes sign language.
Act on Yleisradio Oy (746/1998)	The Act stipulates that broadcasting must include <i>some</i> sign language services
Services and Assistance for the Disabled Act (380/1987)	Municipalities must supply free interpreting.
Support and Assistance for the Disabled Decree (759/1987)	Deaf individuals to receive a minimum of 240 hour pa of interpreting for work, recreation, social participation and extra free interpreting may be provided for learning/studying.

Act on the Status and Rights of Patients (785/1992)	Language, culture and needs of the patient must be considered as far as possible in medical care.
Law on the position and rights of the social welfare client (812/2000)	Language, culture and wishes/opinions of the client must be considered as far as possible for social welfare.
Amendment to the law on pre-trial investigation (427/2003)	Sets out the right to interpreters for pre-trial investigations.
Administrative Procedure Act (434/2003)	Interpreting and translation must be arranged by the authority.
Nationality Act (359/2003)	FSL can be offered instead of Finnish or Swedish to meet the language skills requirement.

Finland offers extensive rights in most relevant policy fields. It appears to be a vast improvement on what is offered in the UK through the Equality Act. Unlike New Zealand, where full linguistic rights are only now being addressed following their review in 2011, Finland already provides linguistic rights in the policy domains of education, citizenship, and the medical profession. As with New Zealand, Finland also offers linguistic rights in the field of access to public services and to criminal justice. Specifying policy fields and having legislation to protect linguistic rights of sign language users appears to provide a stronger set of safeguards for the Finnish Deaf community. The legislation refers to:

- linguistic rights;
- FSL as the medium of instruction;
- the right to access social participation and civic life through (free) interpreting;
- the setting up of the research institute to safeguard and protect Finland's sign languages is also notable

Although there is a Language Act this covers other languages also. The constitutional recognition of FinSL and FinSSL is implemented through the different laws listed in figure 5 above. Currently the Finnish Deaf association is negotiating for a FinSL-FinSSL Act to link the constitution and the law detailed above. There is a working group of representatives from the Finnish Deaf Association, FinSSL users and different government departments. The Working Group's terms of reference are to agree on what should be in the new Act.

4.2.3 Hungary

In 2009 the Hungarian Parliament passed an act on Hungarian sign language and the protection of Hungarian sign language. It was passed unanimously.

The act – being the second in this respect among the member states of the European Union after Finland – stipulates that the community of the Deaf constitutes a linguistic minority, while the rights of Deafblind persons is set down in legislation for the first time in Hungary. (SINOSZ 2009)

The CRPD provided an impetus to the Hungarian Parliament to pass the Act. The Hungarian Deaf Association (SINOSZ 2009) writes,

By recognising Hungarian sign language, the act creates the foundation for the attitude shift that will facilitate us to think of the community of the hearing impaired in the future not only as people with disabilities, but as members of a linguistic minority. (SINOSZ 2009)

Dr. Ádám Kósa, president of SINOSZ and Member of the European Parliament discussed the Act in using Hungarian Sign Language in the Hungarian Parliament. This raised the visibility of Hungarian Sign Language in the public domain by having a Deaf MEP signing in parliament. This changed attitudes of hearing people towards Deaf sign language users. The following incremental plan has been published by SINOSZ (2009):

- A professional register of sign language interpreters was also set up in 2010.
- At the point of diagnosis, the medical professional is required to present information to parents in an unbiased manner.
- From 01 January 2011 unlimited free interpretation has been available for public service activity
- 1 September 2017, Hungarian sign language teaching to deaf children will be mandatory in Deaf Schools and optional in mainstream schools
- Educational institutions also have to offer sign language courses for the parents of deaf children
- The UK's Ofcom agreement on subtitled and signed programmes was used as a model for broadcast media in Hungary.

SINOSZ had campaigned for this for over 20 years. The government's initial refusal to pass a sign language act in 2008 led to international complaints and the CRPD was also catalytic in changing government views on this matter.

4.2.4 Austria

There are approximately 10,000 users of Austrian Sign Language. Austrian Sign Language (ÖGS) was recognised in the Austrian constitution on the 06/07/2005 by an addition to article 8. Fourteen years of lobbying predated this with two petitions being rejected by parliament as the Deaf community was not considered to be an ethnic minority. The second petition did, however, succeed in getting ÖGS recognised as a legal language in court however in 1998. There were many steps taken to achieve constitutional recognition of ÖGS.

In the previous years we (the board of the Austrian NAD) decided to call our new strategy "be pesky". ...Other organizations were crucial: the whole disability-movement supported our goal, arguing that they would not accept a "disability law" if ÖGS wasn't recognized at the same time. (Verena Krausneker, personal correspondence 2014)

Intensive lobbying of the government by the Austrian National Association of the Deaf, (ÖGLB) was followed with letters and evidence being sent to the Chancellor.

A further citizen's petition submitted during 2002-2003 focused on equality of opportunity for Deaf people in Austria with respect to the educational system. The turquoise ribbon was introduced as a symbol of Deaf power and sign language in 2002. The "First Discrimination Report of the Deaf in Austria" was submitted to parliament by the ÖGLB in May 2005. Recognition was unanimously agreed following shortly after this in July.

What difference has constitutional recognition made?

"A huge one. It is such a strong argument that every time a SL or Deaf topic is discussed we can say that it is protected by the constitution! So the whole media and public and political discourse now runs differently: we start from a different point, where the basic legitimacy of demands doesn't need to be argued anymore!" (Krausneker).

As in Finland, the constitution itself does not give Deaf people any specific rights; a series of other laws enact these. They include:

1. the right to an interpreter in court,
2. the right to an interpreter in education or vocational training and when needed in employment,
3. the right to interpreters for other purposes (doctors visit etc.). This is reserved for those between ages 15-65 and needs to be pre-arranged for each occasion,
4. interpreters are provided for some Deaf students.

However, the remaining Deaf rights have been slow to materialise. There is for example still no bilingual curriculum, still no sign language in teacher training, and only a few Deaf teachers. The implementation of the CRPD has so far been slow. The Austrians opted not to have an ÖGS-board fearing that it could become a "tool for oppression".

Krausneker offers this useful summary of learning points drawing on the Austrian experience

1. Let it be Deaf-led at all times. That worked GREAT in Austria, it was such a learning experience for hearing politicians.
2. Find allies (NGOs, other groups, politicians, academics) in the process to recognition. If more and different perspectives argue for the same (in different ways) it makes the impact stronger.
3. Don't under-estimate the power of letter-writing, personal visits with MPs, sending reports (like the discrimination reports we prepared back in 2005) and also public visibility.
4. Make sure that the actual laws you are aiming for are as specific as possible and grant as many actual language rights as possible. It's probably a good idea to not wait for what they offer but come with ideas that fit the thinking and categories of laws/lawyers.

4.3 Good practice and policy lessons

We have presented the experience of 4 different countries each of which is further along with according their sign languages legal status.

Each country demonstrated an extended period of lobbying to raise awareness of the situation of their respective sign language communities and to bring policy makers and legislators to understand that their Deaf people form a linguistic cultural minority rather than a disability formation. This has been accomplished and each state offers examples of good practice, especially when compared to the current lack of legal status and dismal prospects faced by the UK's Deaf people and sign language community.

It is common practice to examine the legal framework and practices of other states in reforming policies and searching for policy solutions. The New Zealand case shows that a restrained approach (which did not give the New Zealand Deaf community everything they wanted) has on review needed to be changed to something closer to the Deaf sign language community's original vision. Hungary and Finland have come the closest to offering genuine equality and full citizenship to their Deaf people and communities. The Austrian case charts the process by which policy makers became aware of the importance of ÖGS and eventually agreed to protect and safeguard it.

The UK has the opportunity to avoid wasting time and resources re-learning these processes by adapting and applying this knowledge to the UK situation. The BDA insists that the government collects statistics that inform policy makers and others of the socio-economic situation of BSL and ISL users. We call on the government to use this knowledge to emulate the good practice in these other countries by safeguarding, protecting and championing the cultural diversity and linguistic heritage of the UK's sign language community by giving legal status to BSL and ISL.

5. Current Legal Situation in the UK

5.1 Protected Language Status

In 2002 the UK government gave *protected language* status to six indigenous UK languages including Welsh, Scots, Ulster Scots, Scottish and Irish Gaelic and Cornish (Sunday Telegraph November 2002). BSL is not included in this list which reflects the continued policy perception of BSL as a communication tool for disabled people despite extensive academic research to the contrary (Deuchar 1984, Brennan et al 1984, Sutton Spence & Woll 1998 etc). This has financial, educational, and resource implications for BSL users and for the continued social exclusion of Deaf people from education, employment, and social and economic opportunities.

5.2 DWP's recognition of BSL (18 March 2003)

Deaf Campaigners organised a series of marches in the run up to the recognition of BSL by DWP. However there was a strong feeling among campaigners that large hearing-led deaf organisations stepped in and steered the DWP towards investing in interpreter training and did not talk to the Deaf campaigners about the Deaf agenda for change. Some of the Deaf leaders reported burn out and moved on to focus on other aspects of their lives (Batterbury 2010).

Although DWP 'recognised' BSL in 2003 this was merely an acknowledgement by one government department that it exists as a language and did not offer any legal rights. The £1.5 million offered alongside this was dispersed between 10 organisations and was insufficient in quantity and targeting to deliver any form of legal linguistic rights nor any change in the status quo. The money did not go to the big hearing-led deaf organisations but was spread thinly and not focused on moving towards legal recognition. As a result it never could have made a real impact on the *status quo*.

5.3 Equality Act 2010

The Equality Act came into force in October 2010. The new public sector Equality Duty for public authorities came into force on 5 April 2011. It replaced the Disability Discrimination Act 1995 (DDA) and its subsequent amendments. It streamlined and strengthened anti-discrimination legislation for the UK.

- Unlike the DDA, the Equality Act also offers protection to disabled people from direct discrimination in employment and other areas such as the supply of goods, facilities and services;
- It also protects others from harassment related to another person's disability (by association);
- it introduces the concept of indirect discrimination (where one group is inadvertently more disadvantaged than another);
- It introduced the notion of a trigger point for reasonable adjustment "where a disabled person would be at a substantial disadvantage compared to non-disabled people if the adjustment was not made."

Deaf sign language users qualify for protection under the Equality Act. This gives Deaf people a set of rights which speakers of minority spoken languages do not have especially in relation to accessing the private sector. As we have seen in *section 2*, the Equality Act has not delivered equality for Deaf people: far from it.

It is not easy to accede to these rights nor to compel others to respect them. The discourse of disability has also provided a refuge for policy makers and legislators allowing deafness to be blamed on disability whilst ignoring the positive aspects of Deaf Gain, Deaf culture and heritage and even sign languages themselves.

5.4 UN Convention on the Rights of Persons with Disabilities (CRPD)

Despite ratifying the CRPD in 2009, the UK has yet to deliver all its obligations. There are so far no policies which seek to promote BSL and Deaf culture despite:

- the CRPD imposing an obligation on the government to facilitate “the learning of sign language and the promotion of the linguistic identity of the deaf community” (CRPD, UN 2007, Article 24, clause 3 (b)), and
- the CRPD specifying the Deaf community’s entitlement to “recognition and support of their specific cultural and linguistic identity including sign languages and deaf culture” (CRPD, UN 2007 Article 30, clause 4, p.23).

Current policy praxis also disregards *extensive*, rigorous and independent scientific published research that proves the status of BSL and other sign languages as natural languages. In the UK policy context, deafness is regarded as a disability to be remedied and no more than lip service is paid to the status of BSL and ISL as autochthonous minority languages in the UK. This results in social and linguistic exclusion of Deaf people and educational and health disparities compared with hearing peers discussed in detail in *Section 2*.

The CRPD imposes a legal obligation on the UK to promote Deaf people’s linguistic and cultural heritage. The government currently has no policies that do this and has set no budget lines for this activity (Batterbury 2013). The government is therefore failing in its duty and the BDA calls on the UK government to act and deliver its obligations under the CRPD and to benchmark and evaluate progress in this.

The CRPD also obliges states to assist freedom of expression, opinion and access to information by

“recognizing and promoting the use of sign languages” (article 21e) (UN 2007:14).

In its report to the UN Disability Committee in November 2011 (ODI 2011) the UK government described the 2003 recognition of BSL as recognition by the government (as opposed to just 1 department). No mention was made of legal status, and there was no comparison with other autochthonous languages. Initiatives in Scotland (‘Long and Winding Road’ and BSL bill) and in Wales (Deaf Cymru) were cited as good practice, but the situation in England was not mentioned.

5.5 Welsh Language Act 1993 and Welsh Language Measure in 2011

The Welsh Language Act (1993) put Welsh on an equal basis with English in public life and the administration of justice. The Welsh Language Act gives Welsh speakers the right to use Welsh in court, and provides for Welsh to be used in public bodies and treated as equal to English. It also paved the way for the installation of bilingual

street signs. The Act led to the setting up of the Welsh Language Board to act as a language champion promoting and facilitating the use of the Welsh language with a grant of £13m pa. The Board was also responsible for acting as a regulator, ensuring the Welsh Language Act was followed, and for monitoring public bodies' Welsh language schemes ensuring they complied with the Act. Each public body would, every 3-5 years, have to develop a Welsh Language Scheme which they would have to submit to the Welsh Language Board for scrutiny on compliance. As the result there were more than 650 schemes, and more than 20 people at the Welsh Language Board were employed full time to manage this. It was judged to have little strategic impact, and to be a very cumbersome mechanism.

The Welsh Assembly made Welsh an official language in 2010 and set up the role of Welsh Language Commissioner. The Welsh Language Measure (2011) made Welsh an official language in Wales. It also abolished the Welsh Language Board and its powers transferred to the Welsh Government and Welsh Language Commissioner. Interviewees have complained that this led to an enormous waste with loss of institutional memory in addition to the redundancy payouts, moving staff to different departments and the stress and heartache involved.

With the new Welsh Language measure in 2011, the schemes were scrapped in favour of more generic *standards* so people were not having to be employed any more to assess whether 650 schemes were being complied with. The standards therefore now apply across sectors so there are now the same expectations across different sectors including transport, education etc. However, these standards were published towards the end of 2013, which has meant a 2 year gap. The Measure (2011) also led to a new *Welsh Language Strategy* that places language acquisition and language use at the centre of its plan. This includes provision of Welsh-medium education and Welsh for adults programme as set out in the *Welsh-medium Education Strategy* (April 2010). In addition the Welsh Language Strategy will continue the Welsh grants scheme and its watching brief on the equal treatment of Welsh and English by public bodies. It also set up a Welsh Partnership council.

The outgoing head of the Welsh Language Board, Meirion Prys Jones, made the following statement:

You can have as much legislation as you want, you can have as much policy as you want but unless you get in amongst the people and persuade them that the language is useful to them, there's no hope, I think. (BBC Wales 2012a)

He called for an injection of cash and ideas to make Wales a truly bilingual country (BBC Wales 2012a) and noted that there were issues with Welsh not being a language of choice as a community language. The 2011 census showed a drop in the number of Welsh language speakers in Wales from 582,000 in 2001 to 562,000 in 2011. With an increase in population this amounts to a drop from 21% to 19% of Welsh speakers in Wales. The new Welsh Commissioner described this as a shock (BBC Wales 2012b) especially as the Welsh government had set a target to increase the numbers of Welsh speakers by 5% over 10 years.

The politics around language planning in Wales have been tense. The press has reported accusations of underinvestment, and the census figures suggesting a 2% drop in the numbers of Welsh language speakers has led to words such as 'crisis' and 'cause for concern' being used in the press. The national action plan, *laith Pawb: A National Action Plan for a Bilingual Wales* (2003) has now been replaced by the 2012-17 *Welsh Language Strategy* (Welsh Government 2012). In the foreword to this document, the Minister for Education and Skills called for a shift away from vested interests and language purism to a language for all, owned by communities. He blames the UK government for a large cut in grant to S4C which has adversely affected Welsh language broadcasting,

The most damaging thing to happen to the Welsh language in the last two years was the decision by the UK Government to abandon the funding formula for S4C, set down in statute, without any effective public debate. The budgetary loss to the Welsh language in the five years to 2014–15 will be at least £60 million. The failure of the S4C Authority to maximise the cross-party public pressure that existed in Wales in defence of what was a statutory obligation on the UK Government demonstrated an institution whose pre-devolution mentality failed to understand the realities of post-devolution Wales. (Welsh Government 2012:3)

5.6 Gaelic Language Act

There are approximately 58,000 Gaelic speakers in Scotland. The 2011 census showed a much reduced fall in the number of speakers (1.2% fall from 59,000 to 58,000) and an increase in young Gaelic speakers aged under 20 up by 0.1%. After the previous census showed a fall of 11% , the current census figures are said by the Scottish Government to be 'encouraging' (BBC News 2013). This situation is very different to that seen in Wales. In 2010 the board agreed an action plan *Ginealach Ùr na Gàidhlig*, to increase the numbers of Gaelic language speakers.

Bòrd na Gàidhlig, in partnership with Gaelic speakers and the people of Scotland, wants Gaelic to be spoken far and wide. (Bòrd na Gàidhlig website: about us).

Increasing the numbers of speakers is an aim shared with the Welsh language planners. The Deaf community tends to focus rather on issues of access, and preservation of linguistic heritage rather than recruitment of additional signers.

Both the Welsh and Gaelic Language Acts use a system of requiring public bodies to develop plans. The Gaelic Language Act (2005) operates in the same way having plans rather than schemes. Public bodies have to agree Gaelic language plans. There is a Gaelic language board Bòrd na Gàidhlig. It has 3 aims:

- "to increase the number of persons who are able to use and understand the Gaelic language;
- to encourage the use and understanding of the Gaelic language; and
- to facilitate access, in Scotland and elsewhere, to the Gaelic language and Gaelic culture" (Bòrd na Gàidhlig website:about us).

There is also:

- national Gaelic Language plan,
- a national strategy for Gaelic education,
- a Gaelic language television channel,
- a Gaelic college, and
- Gaelic-medium schooling in some areas.

Bòrd na Gàidhlig's work also includes *Colmille* established in 1997 with funding from the Governments of Scotland, Northern Ireland and the Republic of Ireland. It aims to 'create a vibrant interactive community spanning Ireland and Scotland'. (Bòrd na Gàidhlig website: our work). They give grants to projects meeting their strategic aims in the areas of community, language, arts, education and sport, and organise projects that raise awareness of the shared heritage of the Republic of Ireland, Northern Ireland and Scotland. The focus on safeguarding a shared culture and heritage also resonates with a key agenda for the Deaf community (Ladd 2003)

There are Gaelic language medium schools but the situation has changed much in the past 20-30 years. From the early 20th Century to the 1970s/1980s there were children from Gaelic language families who would arrive in school with no English and would be educated in a language they didn't understand. Now things have changed and many children at Gaelic medium schools are not from Gaelic speaking families. There is also provision for language to be learned as a secondary school subject.

Bòrd na Gàidhlig's is funded by the Scottish Government through Grant-in-Aid (paragraph 12 of Schedule 1 to the Gaelic Language (Scotland) Act 2005). "The funding allocation for 2012/13 is £5.175 million. This comprises the grant-in-aid allocation of £5.100 million; an allocation of £50k from the Scottish Government Learning Directorate to fund the Gaelic Teacher Recruitment Officer post for 2012-13; and £25k receivable from Creative Scotland for a Gaelic Arts Officer" (Bòrd na Gàidhlig's web site: How the Bòrd is funded and scrutinised).

The grant-in-aid budget of just over £5 million pa should be compared with the one off payment of just £1.5 million paid to 10 individual projects in 2003 by DWP. Deaf individuals also have access to work and various disability related payments but no money is available for minority language protection or cultural revitalisation of the Deaf community.

In addition to bilingual signage, documentation in Gaelic, education and public bodies making Gaelic Language plans there is also a focus to a lesser extent on media and TV broadcasting but the cultural activities are the main focus.

5.7 Welsh, and Gaelic Language Acts – considerations for a BSL / ISL Act

Unlike the Welsh situation where the Welsh Language Act was passed in Westminster the Gaelic Language Act is a piece of Scottish legislation. So, while they are not required to do this within the spirit of UK-wide legislation, bodies like DVLA or TV licensing, customs which have a UK-wide remit will issue documentation, reminders etc in Welsh. However, the Scottish language Act applies only to public bodies in Scotland.

In Wales and Scotland language policy is not really viewed as part of the equality agenda. The policy makers have never considered access to services to be an issue for minority language users of Gaelic and Welsh.

The Equality Act therefore gives Deaf individuals additional rights in the private sector which are not addressed by either the Welsh or Scottish Language Acts. Deaf people have to label themselves as disabled however to gain these rights.

6. UK Sign Language policy initiatives

6.1 Early Day Motions

Sir Malcolm Bruce MP sponsored Early Day Motion 1167, 11 March 2013, *10th Anniversary of Recognition of British Sign Language (Bruce 2013)*, asking the government to renew its efforts to support Deaf people and prepare a cross-departmental report identifying what is being done to support Deaf people and remove existing barriers.

That this House joins the British Deaf Association, the Royal Association for Deaf People and Signature in celebrating the 10th anniversary of the Government's official recognition of British Sign Language (BSL) on 18 March 2003; notes that BSL is used by many thousands of deaf people as their first or preferred language alongside English; further notes that BSL users still find it hard to access health, education and other services as well as employment due to a lack of public awareness and interpreters; further notes that some good work is being done by different Government departments to support BSL users but that this is piecemeal and not co-ordinated; urges the Government to renew its efforts in this direction in 2013; and calls on the Government to prepare a short, cross-departmental report which pulls together all that it is currently doing to support BSL users and to identify the barriers that still remain to BSL users' full participation in, and contribution to, British society

122 signatures were obtained in support of the motion.

Subsequently in June 2013, Mike Crockart MP sponsored Early Day Motion 218, 11 June 2013 welcoming the plans to bring forward a BSL bill in Scotland and calling on the UK government to promote BSL

6.2 Communication Support (Deafness) Bill

The Communication Support (Deafness) Bill was scheduled for its second reading on 25 October 2013. However time ran out and it is not currently known when the second reading will take place. The Bill is sponsored by Sir Malcolm Bruce MP; its main aim is to "assess provision of language and communication support for people experiencing deafness and to make recommendations" (Great Britain 2013). However it also contains a number of provisions which include setting up a BSL board to promote and facilitate BSL, Accessible Language and Communications Action Plans and Stakeholders' Panel, carrying out research and making recommendations for legislative, policy and practice improvements including recognition of BSL as an indigenous language, and providing of language and communication support for deaf children and their families.

6.3 Liberal Democrat motion

On 17 September 2013 the Liberal Democrats passed the motion '*Recognising a Legal Status for British Sign Language*'. This supports

- The recognition of British Sign Language (BSL) as one of the UK's official languages
- Achieving better awareness of information needs and services for BSL users, particularly in health, education and employment

- The protection of the linguistic integrity of British Sign Language”

6.4 Scotland BSL Bill

The Scotland Act (1998) gave the Scottish Parliament the power to impose duties on Scottish public authorities and public bodies operating in Scotland. BSL in Scotland has been given official recognition but it is not an official language, only the UK government can do this.

The idea for a BSL Act originally came from a proposal by the Cross Party Group on Deafness (CPGD) and Cathie Craigie MSP set up a consultation for this. However when she lost her seat a number of legal obstacles were encountered which meant that the new MSP, Mark Griffin, who was willing to take it forward then had to repeat the consultation exercise. This was concluded in October 2012 with 222 statements and a petition signed by 937 people.

The BSL Bill achieved cross-party support from one third of the Parliament’s MSPs: 43 MSPs agreed to the bill going forward, this exceeded the requirement for 18 MSPs to sign the private members bill for the guarantee that it will be heard. This differs from Westminster where bills can run out of time as we have seen. The Bill has now be assigned a designated committee by the Parliament’s Presiding Officer.

For the Scottish BSL Bill, it has been necessary to keep away from equal opportunities to get around the issue of devolved responsibility, and so the BSL bill is founded on the language – cultural domain. Parliament does not have the competence to designate a language as a language of Scotland. So, in the case of BSL, the aim is that a Scottish minister will promote BSL rather than work towards official language status (as this can only be done in Westminster). If Westminster makes BSL an official language this would also recognise the cultural dimension to this.

The draft proposal recommends:

- placing a duty on public authorities to develop inclusive action plans to increase awareness;
- appointment of a Scottish minister for BSL;
- preparation of a strategic plan for BSL.

It is based on the Gaelic Language (Scotland) Act 2005 although more power is left in the hands of ministers and there is no plan for a BSL board (Griffin 2012). They have not emulated the Gaelic Language board because this had no power;

it cannot force the public authorities to do anything but a minister with responsibility for BSL can. (Mark Griffin)

At the moment sign bilingualism and qualifications for a BSL teacher are not included in the BSL bill. These elements were not included to increase the chances of getting something through. However, there is a possibility of adding this and there is some indication that the government may wish to do this.

7. Modelling legal status: BSL/ISL Act

7.1 Purpose

The BDA wishes to push for enhanced rights, guaranteed by legislation, for BSL users. This section therefore presents a set of high-priority demands consistent with that aim. Appendix 2 models in some detail the key issues we believe important for delivering legal status and for the BSL / ISL Act. This is informed by advice from leading academics in the field and wide consultation with the Deaf community in Scotland, Wales, England and the UK (Appendix 3).

The BDA aims for this to be seen as a beacon of good practice: a starting point for legal drafting and consideration of key issues which we need addressing as part of the granting of legal status for BSL and ISL. It identifies the issues that can be resolved through legislation and through changes in conventions and institutional practice.

In Section 2.2 we outlined examples of the second class status accorded to Deaf people in today's society. Emery asks how:

nation-states have allowed a significant minority of its citizens to continue to experience such adverse conditions in spite of strong evidence that the situation is in urgent need of being addressed (2009:32)

He proposes a citizenship framework to answer this question, noting that Deaf people have been denied full citizenship

precisely because Deaf people are considered to be medically disabled and therefore given entitlement to state support, their political, economic and cultural position in society is affected. Their struggle to be accorded a citizenship status of equal standing is made difficult given the context of how social policy perceives their situation (Emery 2009:35).

In what follows the BDA proposes 3 areas of citizenship: social, political and civil where a BSL / ISL Act is needed for Deaf people to gain full citizenship. As we have seen in Section 2 the issues faced by Deaf people include failures of existing legislation such as the Equality Act (2010) to work properly. Some of these require immediate action by the government to enforce correct application of existing legislation and are not served by incorporation into a BSL / ISL Act.

In this section we focus on additional rights we consider vital to give sign language people full citizenship and parity of treatment with other autochthonous minority language communities.

7.2 Mandate

As the official democratically elected national body of the UK Deaf community, the BDA is mandated to present our members' objectives for improved policies. This is the BDA's statement on behalf of the UK's culturally Deaf, sign language communities. With this in mind and in accordance with the principle of 'nothing about us without us' (Charlton 1998):

1. We expect to build and foster a positive dialogue with Westminster and with the

Government to work in partnership towards a BSL / ISL Act that nurtures the intrinsic value of Deaf culture, our history, spaces, heritage, and the sign languages through which this is embodied.

2. We also want a partnership to work towards a coherent language policy including the protection, acquisition, corpus and status planning of BSL and ISL.
3. In addition we want to see plans for promoting the acquisition of BSL and ISL outside the community.

Emery notes that it is “necessary for Deaf people to obtain control over how their communities are run and how resources are allocated” (Emery 2009:42). The BDA is the only organisation mandated to speak on behalf of the Deaf community. Other (hearing-led) deaf organisations do not have a role representing the signing Deaf community. We therefore hope that our report will be a first step towards building trust and cementing good relations with the government at the time of the 11th anniversary since BSL was first ‘recognised’ by the government.

7.3 Key Issues

There are five principal areas where legislation is needed and which should follow from giving legal status to BSL and ISL:

1. Cultural Citizenship,
2. Social Citizenship,
3. Political Citizenship
4. Broadcasting (spans all three areas of citizenship: Cultural, social and civil)
5. Putting interpreting on a statutory footing.

These are changes we see as essential areas that must be covered by legal status and a BSL / ISL Act and a programme of associated legislation.

We call for equality of treatment with other indigenous languages in the UK. As part of this we call for legal status for BSL and ISL, national BSL and ISL Language Plan, a national strategy for Deaf education, a BSL television channel, and regional Sign Language schools, and adequate arrangements for promotion of Deaf culture, heritage, research and sport.

7.3.1 Delivering Cultural Citizenship

Measures are required aimed at ensuring promotion and safeguarding of linguistic diversity, Deaf heritage and sport. In addition following the draconian impact of higher education cuts on Deaf Studies we want to see proposals for ways to safeguard the future of academic research in this field.

7.3.2 Delivering Social Citizenship

- adequate medical interpreting is in place at all times,
- total restructuring of Deaf education to include:
 - A national plan,
 - An increase in numbers of Deaf teachers,
 - A requirement that Teachers of the Deaf achieve Level 6 in BSL,
 - Sign bilingual education (including teaching BSL as a first language),

- Training in BSL for preschool and school teachers in contact with Deaf children,
- Free sign language classes for families with a deaf child and
- BSL to be taught as a second language in schools,
- Adequate interpreting for seeking and retaining employment,
- Effective social care.

Phased delivery of a national plan for Deaf education might look like this:

Policy domain	Issue to be resolved	0-3 years	4-6 years	7-10 years
Education: National Plan	<ul style="list-style-type: none"> • Poor educational outcomes. • Damaging social isolation and separation from Deaf culture and BSL (mainstream schools) • Oralism 	<ul style="list-style-type: none"> • Reconstruction of Deaf education. • National plan giving proper choice. • Sign bilingualism • Policy to repair current negative educational outcomes • Set up regional Sign Language schools 	<ul style="list-style-type: none"> • Sign Language schools in each region • Reduce social isolation in mainstream provision • More Deaf teachers 	Review progress

7.3.3 Broadcasting

This is a extremely important for achieving full citizenship and spans all areas (political, cultural and social citizenship). A phased improvement in this field might take the following trajectory

Policy domains	Issue requiring legislation	0-3 years	4-6 years	7-10 years
Delivering equal access	Deaf people pay full licence fees but get: no access to radio, no Deaf children's programmes, minimal BSL on TV (5% in high audience channels only),	Code on Television Access Services. (Ofcom 2004, 2007) to be scrapped and replaced with an obligation under the BSL Act to give Deaf people the same access as hearing people	High frequency TV channels to propose a solution for equal access, agree this with representatives of the Deaf community and deliver this to fulfil obligations under the new BSL / ISL Act.	Review of high frequency channel performance in delivering equal access

7.3.4 Delivery of Political Citizenship

This incorporates adequate interpreting for civic activities and must include reform to ensure civil rights and justice for Deaf people. This would include:

- giving unborn Deaf babies the right to life;
- ensuring that Deaf people are allowed to fulfil their civic obligations by sitting on juries;
- and implementing the principle of equal treatment in prisons to end the social isolation experienced by Deaf prisoners.

7.3.5 Interpreting

We argue that interpreting needs to be put on a statutory footing. This would enable advanced qualifications to be developed in medical, legal and education fields. It also would address issues where Deaf people are unable to use interpreters to make personal phone calls due to the Data Protection Act. A phased development trajectory for this is set out below.

Policy domains	Issue requiring legislation	0-3 years	4-6 years	7-10 years
BSL / ISL – English interpreting	Interpreting needs, to be put on a statutory footing	All public service interpreting should be done by qualified interpreters	The standard of qualified interpreters should be driven up	Specialist interpreting qualifications in health, legal, education, social work required in addition current interpreting qualification

7.4 What we want

1. We want legal status for BSL and ISL and measures to support and promote Deaf culture;
2. Pursuant to this we expect to see new legislation which implements a BSL / ISL Act.
3. In Section 2 of this report we have presented evidence that BSL users experience ‘second-class’ outcomes, this cannot ever be accepted. It is the State’s responsibility to know whether such disparities are occurring; and to take immediate action when it is uncovered to remove this disparity.
4. We also demand meaningful implementation of existing legislation especially, but not limited to, the Equality Act (2010).
5. Where extra resources are needed we would like to see a timetable in which these could be developed incrementally over a specified period of time.

In order to achieve this the BDA is consequently calling on to policy makers to:

4. Reframe and re-think ways to include Deaf people and sign language communities in determining policies that effect them;
5. Engage in an effective dialogue with the BDA as the democratically elected organisation representing culturally Deaf people and the Sign Language Community;
6. Recognise minority group rights in regard to protecting promoting and safeguarding BSL and ISL. These rights would be vested in the sign language community consisting of culturally Deaf people.

Currently this is not happening. Emery calls for Deaf people to renegotiate the social contract underpinning citizenship which excludes Deaf people by virtue of being phonocentric, institutionally audist, and oralist (2009). The widespread medical policy stance that categorises Deaf people as medically disabled has resulted in a set of policies that fail to understand the collective consciousness, Deafhood, of Deaf people as Sign Language Peoples (Ladd 2003). The result is a suite of failed policies based on incorrect assumptions and policy theories that can never work.



8. Conclusions and Recommendations

8.1 Conclusions

The report has highlighted the following:

1. Scientific research has clearly demonstrated the case for BSL as a natural legitimate language, yet it has been difficult to see this fully understood in the current raft of policies that impact on the lives of Deaf BSL users and are shaped instead by the stronger prevailing political philosophy of *deafness as a medical disability*.
2. Scientific research has also clearly demonstrated the link between language and culture and the existence of a strong visually oriented Deaf culture which provides a space for Deaf people to realise their potential and which confers indirect benefits to hearing people as the result of the cultural diversity it brings.
3. BSL is the native language of approximately 156,000 sign language users which includes Deaf and hearing people who use BSL on a daily basis in their working and family lives (BDA 2013b). The number of BSL users consequently exceeds those of known Gaelic language speakers (approximately 60,000) and is approximately 1/4 the number of Welsh Speakers (over 500,000). In addition the sign community in the UK is nearly 15 times bigger than that in Austria (10,000) and even bigger than the sign communities in Finland, Hungary and New Zealand who have all managed to legally recognise their national sign languages.

Social Exclusion and limitations of the Equality Act (2010)

4. Deaf people in the UK suffer pervasive and endemic social exclusion. Compared with hearing people they experience:
 - Below average Deaf school leavers' achievements ;
 - Inadequate access to health information;
 - Higher than average levels of acquired mental ill health;
 - Exclusion from employment, criminal justice, and civic engagement;
 - Threats to continued existence from genetic engineering, cochlear implant programmes and a ban on selection of Deaf embryos for implantation;
 - Deaf prisoners also experience extreme social isolation.

This amounts to denial of full citizenship for Deaf people and is an embarrassment for the UK as an advanced modern democratic state.

5. The Equality Act gives Deaf individuals additional rights in the private sector which are not addressed by either the Welsh or Scottish Language Acts. However Deaf people must declare themselves disabled to get these rights.

International Instruments

6. In a typology of actions taken to legally recognise national sign languages, the UK is currently in the weakest position alongside Italy, and Ireland, and a number of smaller (predominantly multilingual) countries.

7. Lack of awareness of the Deaf situation in policy circles is a real problem as it can lead to legal instruments excluding sign languages inadvertently and creating precedents for further exclusion and loss of linguistic human rights. This is aggravated by political apathy to the situation of Deaf Sign Language Peoples. This appears to be happening at the moment with proposals for a protocol of the European Human Rights Convention to increase the rights of territorial national minorities (but not non-territorial linguistic minorities thereby excluding Sign language users).
8. The EHRC has advocated the inclusion of 'a fully enforceable free standing right to equality' as part of the *Bill of Rights*. There is a risk the minority group rights of the sign language community may be overlooked.
9. The CRPD imposes a legal obligation on the UK to promote Deaf people's linguistic and cultural heritage. The government currently has no policies that do this and no budget lines for this activity. In our assessment the UK Government has so far failed to meet its obligations under the CRPD.
10. Scandinavian countries are preparing to ratify their sign languages under the European Charter on Regional and Minority Languages (De Meulder 2014). It would be worth pushing for this despite the reference to in the text to 'spoken' languages.

Legal status for Sign language in other countries

11. The New Zealand Sign Language review (2011) shows the importance of including education in future plans for NZSL
12. New Zealand is a small country with approximately 4,000 signing Deaf people. This has not prevented the investment of good will and resources to improving their everyday lives and educational outcomes.
13. The Hungarian Deaf Association SINOSZ had campaigned for constitutional recognition of Hungarian Sign Language for over 20 years. A government refusal to pass a sign language act in 2008 led to international complaints and the CRPD was also catalytic in changing government view on this matter.
14. The Hungarian and Finnish and New Zealand cases show how the requirements of the CRPD are being met and are exemplars of good practice. The struggle for legal recognition in these countries took between 15-20 years.
15. In the case of Austria, the disability movement proved a vital ally in achieving constitutional recognition.

Current legal Situation in the UK

16. The Scottish grant-in-aid budget of just over £5 million pa should be compared with the one-off payment of £1.5 million paid to 10 individual projects in 2003 by DWP. No money is available for minority language protection or cultural revitalisation of the Deaf community.

17. It does not necessarily follow that if the BSL Bill is passed in Scotland Westminster will act. In that case the legislation in Scotland: would need to be used as a way of bridging the gap and designating BSL as an official language in the UK as a whole.
18. There is a tension surrounding whether or not a BSL board would be a useful thing. Scotland has not opted for this in its BSL Bill but New Zealand is moving towards having both a board and ministerial authority following the review in 2011.

Modelling Legal Status BSL / ISL Act

19. The BDA is the only democratically elected organisation of the UK's sign language community and is mandated to work with government to achieve legal status for BSL and ISL for the UK as a whole.
20. Specifying how to achieve this requires a dialogue and partnership with government. Action is required to give Deaf people full citizenship: as a minimum this must include social, political and cultural citizenship

8.2 Recommendations

Consequently we make the following recommendations for legislative change and action by the government:

Ratifying and implementing international legal instruments for the benefit of the sign language community:

The BDA calls on the government to:

1. Ratify the *Convention for the Safeguarding of the Intangible Cultural Heritage* (UNESCO 2003) thereby protecting the undoubted intangible heritage of the Sign language community.
2. Apply the safeguards envisaged in the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (UNESCO 2005) to the sign language community without further delay by according legal status to BSL and ISL.
3. Follow the current initiative of the Nordic Council and investigate if the *Charter on Regional and Minority Languages* (CoE 1992) can be applied to BSL and ISL.
4. Ensure that the Parliamentary Assembly is aware that their protocol to protect the rights of national minorities for European Human Rights Convention needs altering so as not to exclude non territorial minorities such as the sign language community.
5. Implement its obligations under the CRPD by giving legal status to BSL and ISL through BSL/ ISL Act and through additional legislation to implement the specific provisions in the fields specified by the CRPD.

Redressing socio-linguistic exclusion and discrimination

We require the government to:

6. Take immediate steps to remove the layers of socio-linguistic exclusion detailed in the report and ensure that our sign language communities and Deaf people are granted full citizenship. The current situation is a source of national shame and the government has a responsibility to act on this immediately.
7. Ensure that the proposed Bill of Rights has a fully enforceable free standing right to equality that includes Deaf people.
8. Collect statistics that inform policy makers and others of the socio-economic situation of BSL and ISL users.
9. Ensure the Equality Act (2010) is applied and rendered workable and to end the pervasive socio-economic linguistic exclusion that blights the lives and limits the opportunities of Deaf people and their families.
10. Set up a public enquiry into the pervasive and endemic institutional discrimination faced by Deaf people.

Following good practice from other states in putting in place legal status to sign languages

We call on the UK to:

11. Give BSL and ISL legal status making the UK a leader in this field. Of the states who have recognised sign languages, the UK is currently in the weakest position alongside Italy, Ireland, and a number of smaller (predominantly multilingual) countries.
12. Learn from existing good practice in New Zealand, Finland and Hungary which have granted legal status to their national sign and apply this in the UK to safeguard, protect and champion the cultural diversity, linguistic heritage of the UK's sign language community by giving legal status to BSL and ISL.
13. Engage in an effective dialogue with the BDA as the democratically elected organisation representing culturally Deaf people and the Sign Language Community.

Full citizenship

The Government must:

14. Ensure that Deaf people are given full citizenship through legislation that protects their cultural, social and political citizenship.
15. Completely restructure Deaf education and instigate a national plan.

16. Ensure that hearing people and families of Deaf children can learn BSL and / or ISL and appreciate the culturo-linguistic diversity of Deaf culture that still exists in the UK that can enrich their lives.
17. Ensure Deaf people have full civil rights and that discriminatory legislation preventing the selection of deaf embryos is scrapped.
18. Put BSL / ISL – English interpreting on a statutory footing.
19. Reframe and re-think ways to include Deaf people and sign language communities in determining policies that effect them.
20. Recognise minority group rights in regard to protecting promoting and safeguarding BSL and ISL. These rights would be vested in the sign language community consisting of culturally Deaf people.
21. Implement additional legislation to ensure that BSL (the UK's fourth indigenous minority language), ISL, and Deaf culture and heritage are safeguarded and protected.



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Appendix 1

Linguistic Human rights and Minority Language Rights: Definitions

In language planning two terms have currency, linguistic human rights (LHRs) and minority language rights (MLRs). Linguistic human rights (LHRs) are about essential basic rights - the basic necessities for languages to exist and the basic needs of individuals (Skutnabb Kangas 2010), Skutnabb Kangas states, for example, that educational language rights are vital to enable children to learn their languages and prevent the death of a language and culture (2000:296). Conversely minority language rights (MLRs) also recognise the importance of language and identity and its link to social exclusion (May 2003). It is likely that the campaign will seek the broader definition of MLRs defined above although the general term 'linguistic rights' is often used.

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Appendix 2

Proposed framework for potential legislation

In what follows we propose a possible time table of action and detail issues that legal status might address. We anticipate this list may evolve and change as the result of on-going consultations. However, these are possible areas where legislation is needed and a provisional timetable for action. There are five sections:

1. Cultural Citizenship
2. Social Citizenship
3. Political Citizenship
4. Broadcasting
5. Interpreting

This is a first step in detailing how we envisage legal status being implemented.

The area of broadcasting spans all three areas of citizenship: Cultural, Social and Civil and finally we end with changes we see as essential to put interpreting on a statutory footing. These are changes we see as essential that must be covered by the BSL / ISL Act and any legislation that implements such an act.

1 Cultural Citizenship

Delivering cultural citizenship: Heritage, Culture, and Community

Policy domain	Issue	0-3 years	4-6 years	7-10 years
Heritage and linguistic integrity	Deaf cultural events not available to many Deaf people	Funding for a permanent Deaf Heritage centre, focused on intangible Deaf Cultural heritage including traditions, living expressions (oral traditions, performing arts, social practices, Deaf space, festive events, and the link between nature and language) Funding to enable the BSL / ISL Heritage Centre to commission research.	Deaf heritage centre to implement its plan and self-evaluate to assess progress. National plan to include an educational dimension for Deaf children and families	Heritage and linguistic integrity

Minister for BSL / ISL Advisory group to the minister	<ul style="list-style-type: none"> • Sign language needs to be promoted as a national linguistic treasure • Promote corpus, status and acquisition of BSL & Deaf culture 	<ul style="list-style-type: none"> • Establish a minister for BSL and ISL to promote the languages as part of the UK's cultural heritage. • Create a national plan and evaluation strategy 	Implement national plan and review	Implement national plan and review
	Inadequate access to TV and to Deaf authored culture	Have a BSLTV terrestrial channel: Deaf authored culture – poetry stories, and other entertainment		

2 Social Citizenship

2.1 Delivering social citizenship: legislation to improve medical care

Policy domain	Issue	0-3 years	4-6 years	7-10 years
Use of registered qualified Sign Language interpreters	Funding for The Equality Act (2010) does not oblige primary nor secondary care to use registered qualified Sign language interpreters. <i>Information Standard for accessible information</i> not yet in place	Legislation to be introduced requiring primary and secondary care to offer interpreters. PaCE 2004 offers a precedent for this	Legislation to be implemented	The extent to which the legislation is being implemented to be reviewed.
Medical records	Mis-diagnosis and mistaking Deaf patients as having dementia. lack of informed consent for surgery	Legislation to be passed (primary and secondary care) to state clearly in the medical records that the patient is a BSL user and to act on this information	Reviews and controls to be instigated to ensure legislation is carried out.	

Training	Staff cannot sign and fail to understand Deaf patients needs	Design and pilot awareness training and the offer of BSL courses for health service staff. Language and cultural needs of the patient to be considered as far as possible in medical care	Roll this out nationally	
999 service	Lack of access to 999 service <ul style="list-style-type: none"> Lack of access to mental health care Lack of access to primary and secondary care. 	Undertake a review to determine the extent to which the results of health provision are as good for Deaf people as they are for hearing people	Implement and legislate for recommended changes. Provide adequate resources for any additional services	Review and assess whether the changes have made a manifold difference to health outcomes.

2.2 Delivering social citizenship: total restructuring of Deaf education

Policy domain	Issue to be resolved	0-3 years	4-6 years	7-10 years
Education: National Plan	<ul style="list-style-type: none"> Poor educational outcomes. Damaging social isolation and separation from Deaf culture and BSL (mainstream schools) Oralism 	<ul style="list-style-type: none"> Reconstruction of Deaf education. National plan giving proper choice. Sign bilingualism Policy to repair current negative educational outcomes Set up regional Sign Language schools 	<ul style="list-style-type: none"> Sign Language schools in each region Reduce social isolation in mainstream provision More Deaf teachers 	Review progress

Staffing: Native BSL / ISL teachers	Deaf children need Deaf/native BSL / ISL teachers as they are: <ul style="list-style-type: none"> • adult Deaf role models; • native BSL / ISL language models • able to explain and represent Deaf culture • able to use effective Deaf pedagogy and empathise with Deaf children's experience 	Remove the requirement Deaf teachers to train in mainstream schools Provide a grant to encourage candidates to qualify set a target of numbers of teachers needed pa	Assess achievement of target numbers of teachers qualified Collect data on achievement of children and young people	Review progress and impact
Staffing: Staff, TODs and SENCOs	Staff cannot sign, Teachers of the Deaf do not have level 6, SENCOs cannot sign	Financed time out for BSL / ISL training. Require TODs to achieve Level 6 over next 10 years BSL / ISL and Deafhood Studies to be start of TOD curriculum	No new TODs without minimum Level 3. Must be working towards Level 6	No further applicants to TOD training without Level 6 qualification
Staffing: ECSWs	ECSW's inadequate BSL / ISL skills, students report some ECSWs break Deaf cultural rules	A new profession of ECSW to be agreed. Minimum level 6 in BSL / ISL and mandatory training in Deaf culture & Deaf education	Current ECSWs to be given mandatory training in BSL / ISL, Deaf culture & Deaf education, leading to a professional qualification	New ECSWs to have Level 6 in BSL / ISL before starting work. Current ECSWs to achieve new qualification including Level 6.
Family BSL / ISL classes	Deaf children unable to communicate with their parents, This breaches the human right to family life (ECHR).	free family BSL / ISL classes from inception to level 6 for families with Deaf children offered from diagnosis (as in Sweden, Iceland and soon New Zealand). Establish workable provision, curriculum & evaluation framework	Offer on-going provision. Evaluate family BSL / ISL classes, make improvements	

Positive images	There are no images of Deaf children nor the Deaf community in educational literature and schools	Fund the development/ circulation of appropriate texts and images		
Pre-school	<ul style="list-style-type: none"> • Deaf pre- school children excluded and loss of confidence. Some not known to be deaf. • Pre school must include access to native BSL / ISL users. A structured and paid profession to be developed to do this. 	<ul style="list-style-type: none"> • Hearing tests to be offered again to pre-schoolers. • Establish a profession of native BSL / ISL preschool play-workers. • Financed time out for training in BSL/ ISL for staff. • Inform parents about provision • Develop an evaluation framework to assess progress • Establish language nests 	Assess progress Give staff time out for BSL / ISL training	Assess progress Give staff time out for BSL / ISL training

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Sign Bilingualism: Primary & Secondary schools	Children/young people have the right to have competence in BSL / ISL and in Deaf culture and their local hearing culture	<p>Bilingual, Bicultural education using Sign bilingualism Schools must teach deaf pupils a high standard of reading and writing in the English language and a high standard of BSL / ISL. This has been shown to work well elsewhere (Ahlgren and Hyltenstam 1994, Mahshie 1995)</p> <p>BSL to be used as a language of instruction if required and taught as a native language.</p> <p>Establish specific targets on Deaf school leaver achievements</p>	Evaluate progress. measured and assess targets and place statistics on outcomes in the public domain	On-going evaluation and review for continuous improvement
BSL as a second language	Hearing children and young people unable to communicate with their Deaf peers	BSL / ISL needs to be taught as a second language through the whole school and as an option in further education. Curriculum for GCSE in BSL and A level in BSL to be agreed	Teaching to start in GCSE and A level in BSL Evaluation framework developed & implemented	
Further & tertiary education	Access problems	DSA increased to meet needs. Note takers provided as a matter of course to students requiring interpreters		

2.3 Delivering social citizenship: Employment

Policy domains	Issue requiring legislation	0-3 years	4-6 years	7-10 years
Cuts targeted at the Deaf Sector	Widespread cuts to the Deaf sector have disproportionately hit Deaf employees, for example closure of the Deaf Studies Department in 2013 meant that 9 Deaf people and an equal number of hearing people were made redundant representing 87% of the intended redundancies for the entire Faculty.	Funding for research on this and how to restore the economic vitality of the Deaf community. Research about Deafhood must be seen as an intrinsic and essential part of Deaf culture and heritage and must be safeguarded within the BSL Act.	Research on restoring the economic vitality, resilience and safeguarding the cultural heritage of the sign language peoples should be commissioned and completed. Empowering Deaf people to thrive and work will benefit the economy	Implement recommendations from the research

2.4 Delivering Social citizenship: Social care

Policy domains	Issue requiring legislation	0-3 years	4-6 years	7-10 years
Training	Lack of awareness of Deaf people their language and culture	All front line staff to receive training in the language, culture of deaf clients and to consider these factors in social work provision of social work and social care	Roll out of training programme	
Social work	Social workers for the Deaf are unable to communicate with their clients	Bring in legislation requiring social workers to have Level 6 in BSL – This requires a phased implementation	All social workers working with Deaf clients to have Level 6 within 7 years	All new social workers working with Deaf clients must have Level 6 to be able to practice

Social care	Some centres are mixing the care of clients with learning difficulties with clients with mental health conditions contrary to established mainstream practice	Standards and quality of care provided to Deaf clients to be regulated and benchmarked		
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3. Political Citizenship

3.1 Delivering Political citizenship: political rights

Policy domain	Issue	0-3 years	4-6 years	7-10 years
Civic activities: interpreting	Difficulties participating in public and political life as there is no money for interpreters to enable participation on civic activities: parish councils, local authorities, school governorships etc	Agree a funding formula similar to that of Finland where Deaf persons receive a minimum of 240 hour pa of interpreting for work, recreation, social participation, networking, water cooler moments etc. Plus additional hours learning/ studying		

3.2 Delivering Political Civil citizenship: Civil rights and Justice

Policy domain	Issue	0-3 years	4-6 years	7-10 years
Juries	Equal Treatment Bench Book (2010) states that juries can only include 12 persons. Deaf people can receive justice but are therefore prevented from dispensing it.	The Equal Treatment Bench book must be revised to allow an interpreter in the jury room. This happens in the USA, New Zealand and now Australia.	Deaf people should be able to participate in jury service	
Prisons	Deaf and hearing prisoners are treated differently. Deaf prisoners are not allowed to make phone calls and do not have the ability to watch interpreted programmes,	The principle of equal treatment should apply. The BSL Act will help recognition of BSL / ISL and the rights and needs that this brings	Equal treatment should be embedded in prison practice automatically	

	Deaf prisoners have no social contact: they cannot converse with prisoners or staff	The principle of equal treatment should apply. The BSL Act will help recognition of BSL / ISL and the rights and needs that this brings. Set up a review to investigate the situation for Deaf prisoners.	A plan should be in place for each Deaf prisoner to ensure they have adequate social contact and opportunities to communicate in BSL	
Police	PaCE (1984) states that police should use always NRCPD interpreters. This is not happening	1) Actions should be brought against police officers attempting to use minors as unpaid interpreters. 2) The BSL Act will strengthen the position of Deaf allies to refuse, and of Deaf people to insist on a qualified interpreter		
Police	When PaCE is applied a Deaf person may be held in detention for longer than a hearing person waiting for an interpreter and they can therefore be denied freedom and liberty for longer	The principle of equal rights and equal treatment should apply		
Right to life	The Human Fertilisation and Embryology Act (2008) prohibits selection of deaf or disabled embryo for implantation and research into genetic engineering is also a threat to the future of our Sign Language Peoples	This is blatantly discriminatory and this section of the Human Fertilisation and Embryology Act (2008) must be repealed. "A family with a deaf baby benefits by being exposed to a new language and culture and to new people, ideas, and experiences. A deaf baby is value added to a family, but the contribution benefits not only the family but general society as well. Every deaf baby born on this planet is a gift to humankind" (Bauman & Murray 2009:9.		

4. Broadcasting

Delivering Social, Cultural and Political citizenship: Broadcasting

Policy domains	Issue requiring legislation	0-3 years	4-6 years	7-10 years
	Deaf people pay full licence fees but get: no access to radio, no Deaf children's programmes, minimal BSL on TV (5% in high audience channels only),	Code on Television Access Services. (Ofcom 2004, 2007) to be scrapped and replaced with an obligation under the BSL Act to give Deaf people the same access as hearing people	High frequency TV channels to propose a solution for equal access, agree this with representatives of the Deaf community and deliver this to fulfil obligations under the new BSL / ISL Act.	Review of high frequency channel performance in delivering equal access
BSLTV as a terrestrial TV programme	BSLTV is only available on the internet – this is not accessible in the same way.	Make this available on a terrestrial TV channel. Set up a BSL TV channel along the lines of BBC ALBA. This should be a statutory requirement	BSLTV channel to be launched on terrestrial TV	
Interpreting major events	No TV interpreting for events of national importance	Interpreting for events of national importance must be made a statutory requirement. 3 years is enough time to implement this		
Awareness training for broadcasters and film crews	In live events which have interpreters TV cameras often keep the interpreter out of the shot. For example at the Olympics they did not show the interpreter on TV	New code of practice to require change practice. Training to be supplied to film crews.		
Subtitling	Subtitling not available on all channels (including BBC parliament) and of poor quality	Deaf people have the right to equal access subtitles must be available on all channels and in hotel TV sets also.		
Awareness campaign	General hearing population ignorance and apathy to BSL and Deaf culture	Government sponsored awareness raising campaign with short information fillers showing the beauty of sign language and the importance of learning and the difference it would make to people's lives		

5. Interpreting

Putting interpreting on a statutory footing and funding a training programme

Policy domains	Issue requiring legislation	0-3 years	4-6 years	7-10 years
Interpreting in health law, social work	Interpreting needs, to be put on a statutory footing	All public service interpreting should be done by qualified interpreters	The standard of qualified interpreters should be driven up	Specialist interpreting qualifications in health, legal, education, social work required in addition current interpreting qualification
	Deaf people cannot phone banks, inland revenue etc through an interpreter. There is always a conflict with the data protection act.	Once interpreting is put on a statutory footing this obstacle would be removed as their <i>bona fides</i> would be underwritten by the state.		
	In Finland there is approximately 1 interpreter to every 8 Deaf people. In the UK the ratio is 1: 520.	State funded training programme to be set up and launched to increase the numbers of qualified interpreters	300 interpreters to be trained pa	Fully qualified registered interpreters start work
Public services	Failure to recognise the existence of Deaf people with out case by case reminders	All public service providers to develop and or review their BSL interpreting and translation policies, monitor good practice and allocate funds		
Use of children and family members as unpaid language brokers	In public services education and medical care this is a real concern. Risks: accusations of child labour, misinterpretation/ malpractice. Places strains on family lives and children	All public service interpreting should be done by qualified interpreters	The standard of qualified interpreters should be driven up	Specialist qualifications in health, legal, education, social work required in addition current interpreting qualification
Deaf people as language brokers	Deaf people act as language brokers for intra-language work	Establish a qualification for this and also a training programme	Implement and review. Set a target for number of successful candidates	

Appendix 3

Summary of National Consultations

Three national consultations took place in Edinburgh (28/02/14), London (01/03/14) and Cardiff (03/03/14). Northern Ireland had earlier run their own consultation relating to the review of the Northern Ireland BSL Roadmap (Barry 2010). Key points raised were as follows:

Education

- Teachers should have a minimum Level 3 to be able to teach Deaf children. If social workers require people to have Level 3 in BSL to be able to adopt, why can't teachers be required to have the same?
- Deaf Education – some felt Deaf children in the mainstream schools were not getting fair and equal access / support. What the BDA will do about it?
- Now the kids in schools can hardly sign. They need Sign Language role models from Sign Language teachers. We need a total rethink on Deaf education. There should be sign language schools. Being able to see 200 or more Deaf children signing would model the richness of sign language to Deaf children: it would provide opportunities for peer to peer learning, plays of signs, linguistic challenges. Mainstreaming offers none of this.
- Deaf kids need a skills set. They need a natural language that enables them to acquire knowledge and they need sign language heritage to be able to develop into rounded and confident adults and achieve their development potential
- Bilingual, bicultural education is important, to fit into the mainstream they need Deaf Studies and a sense of identity so they can cope with the different experiences they will encounter in their lives. We need a united voice to make a difference
- In Scotland students can sit exams in BSL (except for English)
- Freemont School for the Deaf (Cal, USA) – showed very good evidence of Deaf children achieving very good education standards mainly due to “total communication” support. Lessons in good practice in Deaf education and positive case studies need to be collected
- There should be more opportunities for a BSL curriculum. We share BSL knowledge with hearing people so they can earn money as interpreters but what do we share with Deaf young people? There are 6 NVQ centres for training interpreters. Who is involved in teaching in these centres? We need teaching qualifications
- Education is not only for children and young people: it is for life. We need an alliance to set up recognised courses. Where is the alliance of Deaf teachers? (it is not BATOD). Signature is an awarding body but not for teachers

Legal advice

- There is need for more accessible legal advice for Deaf people to fight for rights under the Equality Act
- Deaf people want the option to get advice from another Deaf person

Equality Act

- The Equality Act is not working – it is a wreck, Deaf people have been putting up with this inadequate situation for years. Are we prepared to carry on accepting this inadequate

situation any longer – how will we feel if we put up with it any longer? It can ultimately have an effect on our mental health

- We are forced to use DDA/DLA but we don't want a disability banner, we want linguistic access.

Community future

- The fact that a couple cannot have a Deaf baby due to the ban on selection of Deaf embryos confirms the on-going history of oppression – Deaf history has not changed. We need to learn from our own history
- Deaf pride is important and needs to be reflected in the BSL Act. How do we keep and preserve BSL for future generations – what will happen? This is an important issue. We need to plan for a stable future.
- One person said they were worried Deaf people would become an extinct species due to cochlear implants and young people having poor quality BSL.
- For Deaf youth there is no natural meeting place as it starts in school with mainstreaming resulting in the loss of peer group. Youth is ages 8-30. But there are no clubs, nothing available for young Deaf people
- Intergenerational transmission used to be from families and the broader Deaf community. Now with Cochlear implants this has lessened. But there are good practice examples of Deaf people acting as mentors and role models working closely with hearing parents of Deaf children. We need to champion these
- There are VHS recordings held at the East Lancashire Deaf Society of Jerry Hanifen, Wendy, and the FDP with Doug Alker: these could be given to young people to help mount a campaign.

BSL Act

- We can share stories yes, but we need to talk about ACTION. There is strength in numbers, we need to make it clear what changes are needed and how to get involved
- Why isn't there a Deaf MP? We need champions in parliament.
- The BSL charter is a start but we need something to impose a responsibility on councils to force them to grapple with the issues
- BSL effects all in society. Deaf sometimes do not welcome hearing people – this is reverse discrimination
- Cornish has protected language status, why doesn't BSL?

PR

- Social media is fine but this is preaching to the converted. We need external visibility
- The marches for the 2003 recognition were on Saturdays when there were no

MPs in parliament. Organisations like 'Fathers for Justice' have much more higher profile campaigns

- Young people have more energy for campaigning. Where are the young people? We need to contact the BDA youth Group
- We need to be noisy but also highlight positive aspects
- If we are going to invest in anything it should be PR, maybe a TV advert
- Can this consultation be rolled out across Scotland and Northern England?

Health

- Access to Health – Equality Act does not help at all, why do hospitals ignore or overlook Deaf people, trying to request a BSL interpreter.
- The Equality Act seems to focus on “disability – physical access”, not “Deaf – linguistic access”. The law itself does not work for us as a linguistic group. Why do hospitals and public services spend millions on foreign languages but not on BSL interpreters?
- Need more evidence and case studies to be collected
- Deaf and hard of hearing should be totally separate groups. Totally different needs. Don't want politicians to think they are the same thing. Sign language issues do not equate to hearing loss.
- GPs/hospitals – fed up with local / regional health providers arguing about who pays / who books, there should be a central NHS England booking system to request interpreter booking. This would save time and money.
- Health Watch – most have never heard of this. How can they be involved. Will they provide BSL interpreter?
- A person in Scotland has died as no interpreter was available
- Mental health issues are rising due to exclusion and lack of provision

Employment

- Work place / Access to Work / Job Centre – job centres refusing to find or book interpreters. Government department! Equality Act seems not to be working
- 14 to 16 years old – Stage 4 – too general. Not well prepared for Post 16 and beyond. We want to see Deaf community information, Disabled Students Allowance, Deaf adult role models, etc. Empower young Deaf people to prepare and decide their own future. Make them feel more positive as Deaf people and with Deaf culture.
- It is difficult for Deaf people to find employment due to lack of Deaf awareness. This seems to have got worse. Poor education leads to a poor job

Access to information

- Online access is crucial, need to make this accessible
- We face a burden: every day we are expected to teach hearing people and explain about Deaf people, to perform a political role negotiating for access. We have to help hearing people so that they can help us. This happens all the time. Deaf people have a lot of skills.

Benefits and services

- How would a BSL Act impact on our benefits? eg DLA
- One person asked, who is there to help us complete forms etc? We need services

Manifesto

The BDA membership must engage with the board, the BDA can work with people doing research. However, we need resources for teaching and research. The campaign must take a human rights approach. We need a short and a long term strategy. Step one has been taken, now what is step 2?

We want:

1. Education;
2. Appropriately qualified interpreters;
3. Medical access;
4. Promotion and protection of BSL as a cultural artefact of the UK and to give Deaf children access to that BSL world;
5. Political recognition of the sign language community and recognition of the Deaf voice in society;
6. Research about BSL.

To achieve this we need:

1. A strategic plan to achieve this and to improve implementation of existing legislation;
2. New legislation – a BSL / ISL Act;
3. A public inquiry linked to a commitment to collect statistics and hard evidence. We should consider something similar to the first discrimination report in Austria;
4. We also need to reflect on what we can improve without legislation e.g. a GCSE in BSL, Stages 4, 5, 6 we can develop these. If the Scottish Qualification Authority recognises BSL then we can develop a curriculum for BSL;
5. PR – we need to use this more effectively. Charlie Swinbourne at the Guardian for example – we can get messages out there.

Appendix 4

BSL Charter

The BDA is asking local authorities and public services across the UK to sign up to the Charter for British Sign Language (BSL) and make five pledges to improve access and rights for Deaf BSL users.

Pledge 1 Ensure access for Deaf people to information and services

Deaf people will get the same quality of provision, information and standards and the same right to be consulted as everyone else. This will make more Deaf people (including those who have problems with written information) aware of services and able to access these independently. It will also ensure compliance with the Equality Act 2010.

Pledge 2 Promote learning and high quality teaching of British Sign Language (BSL)

Family members, guardians and carers of Deaf children and Deaf young people and local authority/public service employees will have access to BSL lessons from suitably qualified teachers. This will improve communication and bonding between parents/carers, children and siblings, reduce Deaf people's isolation and improve relations between Deaf and hearing people.

Pledge 3 Support Deaf children and families

At the point of diagnosis of deafness, health and education providers will offer parents genuinely informed choices, including a bilingual/bicultural approach. This will increase Deaf people's academic achievement and job opportunities and enhance family life by improving communication between children, parents/carers and siblings.

Pledge 4 Ensure staff working with Deaf people can communicate effectively in BSL

Customer-facing staff will have basic BSL skills. Specialist staff will have higher-level BSL skills so they can deliver good services to Deaf people without needing interpreters. This will improve customer satisfaction and reduce the need for BSL/English interpreters when providing specialist services for Deaf people.

Pledge 5 Consult with the local Deaf community on a regular basis

Pledge: Deaf people should have the right to be consulted on services or changes to services that affect them and to have input into consultations alongside other forums and user groups. This will improve services for Deaf people, empower Deaf people and free them up to contribute more to the local community.

Glossary

Citizenship

Merriam Webster (no date) defines citizenship as the “Relationship between an individual and a state in which the individual owes allegiance to the state and in turn is entitled to its protection. In general, full political rights, including the right to vote and to hold public office, are predicated on citizenship”. The modern concept of citizenship was defined by T.H. Marshall in the 1950’s and is generally understood to operate at three levels: social, political and civil. Full citizenship entails a balance of rights and responsibilities: rights being accorded in the social, political and civil domains; while responsibilities include compulsory attendance of jury service and army conscription in times of war, although they can also include less compulsory means such as expectations to vote and engage in voluntary activities.

Culturo-linguistic Diversity

This recognises the importance of different cultures and languages in society for bridge-building between communities, and for its intrinsic and potential economic value, and its intrinsic value for shaping identities.

Deaf

The convention of capitalizing ‘Deaf’ is used to refer to culturally Deaf individuals and people (Woodward 1972).

deaf

The convention of using lower case ‘deaf’ refers to audiological status (Woodward 1972).

Deaf Culture

Deaf culture represents the positive aspects of belonging to the sign language community, the visual lives of Deaf people, the centrality of sign language in the community, and the shared histories, beliefs, and social practices of the Deaf community. Deaf culture and sign language is perceived as being organically connected to the sign language community.

Deaf Gain

Deaf Gain is a term used to depict the benefits that come from being Deaf as opposed to the disadvantages of having a hearing loss. It applies not only to Deaf people and their sign language communities; but also to hearing people.

Deafhood

In Ladd’s words “Deafhood is not, however, a ‘static’ medical condition like ‘deafness.’ Instead, it represents a process – the struggle by each Deaf child, Deaf family and Deaf adult to explain to themselves and each other their own existence in the world. In sharing their lives with each other as a community, and enacting those explanations rather than writing books about them, Deaf people are engaged in ... a continuing internal and external dialogue” (Ladd, 2003:3).

Deaf Space

Deaf spaces are realities 'produced' as Deaf people come together and interact. Deaf spaces range in size and permanency, from 'sign circle' conversational spaces to international gatherings like the Deaflympics and established Deaf 'places' like the built environment of Gallaudet University. Gulliver defines Deaf spaces as "a space produced by Deaf people that is just as valid as a hearing-world space, but built around possibilities as they are experienced from within a visually oriented body." (Gulliver 2006).

Inclusive Economy

Inclusive growth for Sign Language Peoples is balanced economic growth of a country that counters the worsening issue of income disparity between the sign language communities and hearing people. It involves progressive taxation, improved access to health and education, and setting up effective and targeted language justice.

Language Justice

This entails social justice delivered through language access and linguistic cultural protection rather than other forms social redistribution (Batterbury 2013).

Legal Status

Granting a language legal status means that it is recognised as a language in courts and by public bodies. Legal status means that British Sign Language will be protected and promoted in the same way as Welsh and Gaelic. This means that information and services will have to be produced in BSL giving equal access to Deaf people where there was once a barrier.

Minority Group Rights

Minority group rights within liberal democracies are far more common than generally understood (Kymlicka, 1995). In the UK, examples include: excusing Sikhs from wearing motorcycle helmets; and the devolution of Wales and Scotland. In many countries, for example Romania, South Africa and in several South American countries, minority groups consist of reserved seats in Parliament.

Sign Bilingualism

"Sign bilingual education is an approach to the education of deaf children, which, in the UK, uses BSL and English" (Swanwick and Gregory 2008:4). It involves ensuring that a child has fluency in their native sign language as well as in English (written or written and spoken depending on ability).

Sign Language Community

This refers to the community of people using sign language in a country. It has a trans-national dimension as Deaf people often find ease in communication with one another between different sign languages and a commonality of shared life experiences.

Sign Language Peoples

Sign Language Peoples define themselves through shared experience of, and membership in, physical and metaphysical aspects of their sign languages, culture, epistemology, and ontology. They are indigenous peoples requiring similar educational/linguistic rights and cultural protection offered to First Nation indigenous communities. (Batterbury et al 2007)

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The British Deaf Association – BDA

Vision

Our vision is Deaf people fully participating and contributing as equal and valued citizens in wider society.

Mission

Our Mission is to ensure a world in which the language, culture, community, diversity and heritage of Deaf people in the UK is respected and fully protected, ensuring that Deaf people can participate and contribute as equal and valued citizens in the wider society. This will be achieved through:

- Improving the quality of life by empowering Deaf individuals and groups;
- Enhancing freedom, equality and diversity;
- Protecting and promoting BSL.

Values

The BDA is a Deaf people's organisation representing a diverse, vibrant and ever-changing community of Deaf people. Our activities, promotions, and partnerships with other organisations aim to empower our community towards full participation and contribution as equal and valued citizens in the wider society. We also aim to act as guardians of BSL.

- 1. Protecting our Deaf culture and Identity** – we value Deaf peoples' sense of Deaf culture and identity derived from belonging to a cultural and linguistic group, sharing similar beliefs and experiences with a sense of belonging.
- 2. Asserting our linguistic rights** – we value the use of BSL as a human right. As such, BSL must be preserved, protected and promoted because we also value the right of Deaf people to use their first or preferred language.
- 3. Fostering our community** – we value Deaf people with diverse perspectives, experiences and abilities. We are committed to equality and the elimination of all forms of discrimination with a special focus on those affecting Deaf people and their language.
- 4. Achieving equality in legal, civil and human rights** – we value universal human rights such as the right to receive education and access to information in sign language, and freedom from political restrictions on our opportunities to become full citizens.
- 5. Developing our alliance** – we value those who support us and are our allies because they share our vision and mission, and support our BSL community.

 *Campaigning for Equal Rights for Deaf People*

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