



# **Response by the Equality Commission for Northern Ireland to the Consultation by the Department of Culture, Arts and Leisure (DCAL) on a *Sign Language Framework***

**June 2016**

## **Summary of recommendations**

### **1. The Commission **recommends** that:**

- the final Framework should include the explicit identification of governance and delivery mechanisms to enable a joined up approach to implementation across Departments in order to give effect to commitments given in other relevant strategies, including *A Strategy to improve the lives of people with disabilities*, to be brought to the Northern Ireland Executive for approval;
- the Northern Ireland Executive allocate adequate resources to enable the effective implementation of the Framework;
- the Executive give consideration to including the implementation of the Framework as an action under an appropriate indicator in the Draft PfG;
- the Department for Communities consider adopting a proactive approach by public authorities to engagement with stakeholders, including Deaf people, in drawing up BSL/ISL Plans in Northern Ireland;

- the Executive develop, in partnership with the disability sector, a central database of information and awareness materials which can assist public authorities to promote positive attitudes/practices and challenge negative stereotypes regarding people with disabilities, including Deaf people.

## **Introduction**

2. The Equality Commission (the Commission) for Northern Ireland welcomes the opportunity to comment on the Department of Culture, Arts and Leisure's consultation on a Sign Language Framework.
3. The Equality Commission for Northern Ireland (the Commission) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment and treatment, sex discrimination and equal pay, race relations, sexual orientation, disability and age.
4. The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998 (Section 75) and to promote positive attitudes towards disabled people and encourage participation by disabled people in public life under the Disability Discrimination Act 1995.
5. The Commission's general duties include:
  - working towards the elimination of discrimination;
  - promoting equality of opportunity and encouraging good practice;
  - promoting positive / affirmative action
  - promoting good relations between people of different racial groups;

- overseeing the implementation and effectiveness of the statutory duty on relevant public authorities;
  - keeping the legislation under review.
6. The Commission, with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the rights of Persons with Disabilities (CRPD) as the independent mechanism tasked with promoting, protecting and monitoring implementation of CRPD in Northern Ireland.
7. We are responding to the consultation with a view to promoting awareness of Convention rights relevant to the Sign Language Framework.

## **Context**

8. The Commission welcomes the publication of the Sign Language Framework as a significant step (necessary but not sufficient because it only addresses one aspect of inclusive communications) towards the realisation of Priority 7 of the Northern Ireland Disability Strategy, 'To increase the level of accessible/inclusive communications so that people with disabilities can access information as independently as possible and make informed choices'.
9. The Commission welcomes the inclusion in the consultation document of reference to the CRPD (explicit reference to sign languages and obligation on the state to recognise national sign languages and provide more Deaf teachers<sup>1</sup>).

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<sup>1</sup> Department for Culture, Arts and Leisure (2016): *Sign Language Framework*, paragraph 1.7, page 10.

10. We acknowledge the statement by the Department that ‘Deaf people have to rely on protections provided through Disability and Equality legislation. In other words, they have to declare themselves as disabled to secure reasonable adjustments. No other linguistic minority has to do this to be able to access services in their own language’.
11. We recognise that central to the Framework, are ‘proposals for draft legislation to safeguard Irish Sign Language (ISL)/British Sign Language (BSL) users’ rights as a cultural and linguistic minority to be able to access services in their own language’<sup>2</sup>.
12. It is nonetheless important to draw attention to the detailed rights accorded to Deaf people under the CRPD and we have set out those which are perhaps most relevant, in detail, at Appendix A, whilst also integrating reference to relevant Convention Articles, as appropriate, in the body of our response.
13. The Commission notes that the Department acknowledges that there has been no Executive recognition or formal Executive agreed Policy or Strategy to date. We note also that there is no reference to other relevant related strategies such as ‘*A Strategy to improve the lives of people with disabilities 2012-25*’<sup>3</sup> such as the Disability Employment Strategy<sup>4</sup> or the Physical and Sensory Disability Strategy and Action Plan<sup>5</sup> or to relevant Departmental policies in the Framework document, although the policy owning departments in question are represented on

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<sup>2</sup> DCAL (2016): *Sign Language Framework*, paragraph 1.9, page 10.

<sup>3</sup> OFMDFM (2013): *A Strategy to improve the lives of disabled people 2012 -2015*. Available at: [https://www.communities-ni.gov.uk/sites/default/files/publications/ofmdfm\\_dev/disability-strategy-2012-2015.doc](https://www.communities-ni.gov.uk/sites/default/files/publications/ofmdfm_dev/disability-strategy-2012-2015.doc). The Strategy has since been extended to 2017.

<sup>4</sup> DEL (2016): *A Strategy for improving the job prospects and working careers of people with disabilities in Northern Ireland*.

<sup>5</sup> Department of Health, Social Services and Public Safety (2012): *Physical and Sensory Disability Strategy and Action Plan*. Available at: <https://www.health-ni.gov.uk/publications/physical-and-sensory-disability-strategy-and-action-plan>

the sign language partnership group (SLPG). The Commission further notes that a DCAL briefing to the Committee for Culture, Arts and Leisure on the Sign Language Review<sup>6</sup> highlighted that:

*‘The key to the delivery of the road map<sup>7</sup> is obviously in getting other Departments to play their part. We can only encourage cross-departmental cooperation<sup>8</sup>. We can encourage, persuade and influence, but that is all that we can do. When you do not have any kind of stick or the incentive of a pot of money that Departments can access, it is a difficult task... when the partnership group was set up in 2004, the infrastructure was not there. We have arrived at a stage where it is a lot better, but now we are stocktaking to see how we can improve this and how we can invite or encourage other Departments so that we can bring them into more of a partnership and, in addition to DCAL’s resources, bring more resources to the table<sup>9</sup>.*

The Commission **recommends**, therefore, that the final Framework should include the explicit identification of governance and delivery mechanisms to enable a joined up approach to implementation across Departments, in order to give effect to commitments given in other relevant strategies including *A Strategy to improve the lives of people with disabilities*, to be brought to the Northern Ireland Executive for approval.

14. An international comparative study (2011) undertaken to determine critical success factors for the effective delivery of national disability strategies, identified the requirement for government to have a clear

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<sup>6</sup> Committee for Culture, Arts and Leisure (13 November 2014): *Sign Language Review: DCAL Briefing* (Hansard) Available at: <http://data.niassembly.gov.uk/HansardXml/committee-10170.pdf>.

<sup>7</sup> In 2010, DCAL commissioned the ‘Consultation Report on the SLPG Strategic Direction’ Report through the interdepartmental Sign Language Partnership Group. This report included a 10 year ‘Roadmap’ which outlined the steps necessary to build the infrastructure of support for ISL and BSL users and their families and has informed the Sign Language Framework.

<sup>8</sup> Committee for Culture, Arts and Leisure (13 November 2014): Op cit, page 2.

<sup>9</sup> Ibid, page 10.

understanding of the resources available to implement a disability strategy<sup>10</sup>.

15. Professor Ron McCallum, former Chair of the UN Committee on the Rights of Persons with Disabilities, in his foreword to the above-mentioned study, observes that “...*a successful national disability strategy must harness both appropriate legislative measures and sufficient funding to enable the plan to be implemented. In my view, no matter how well intentioned policy makers may be, without adequate funding such programmes will remain aspirational*”<sup>11</sup>.
16. The Commission **recommends**, therefore, that the Northern Ireland Executive should give consideration to allocating adequate resources to enable the effective implementation of the Framework.

### **Specific comments**

17. The Commission welcome the commitment set out under Objective 1 of Aims 1, 2 and 3, to introduce a legislative framework by the end of the next Assembly Mandate and under Objective 2, to develop sustainable and quality Departmental ISL/BSL Plans in consultation with the Deaf community.
18. The implementation of the proposed legislation would be consistent with Article 4, General Obligations, (a)<sup>12</sup> and Article 5, Equality and

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<sup>10</sup> Flynn, Dr E. (2011): *From Rhetoric to Action – Implementing the UN Convention on Human Rights for Persons with Disabilities* - Chapter 4 ‘Critical Success Factors in Delivering A National Disability Strategy Lessons from International and Comparative Experience’, pages 197-286, (Centre for Disability Law, National University of Galway).

<sup>11</sup> Flynn, Dr E.(2011): Op Cit., pages xvii and xviii.

<sup>12</sup> 1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

non-discrimination, (2-4)<sup>13</sup> of the CRPD whilst the development of Departmental Plans accords with the requirements of Article 21, (b) of the Convention<sup>14</sup>.

19. It also accords, at least in part, with the recommendation of the Independent Mechanism for Northern Ireland that the Executive give consideration to adopting strategic approach to addressing the requirements of people with speech, language and communications needs<sup>15</sup>.

20. The Commission acknowledges that a BSL / ISL Bill, if enacted, would empower Deaf people and improve their lives by addressing aspects of direct and indirect discrimination.

21. The Bill would also complement the duties on Departments to take into account the rights of people with disabilities under existing legislation, and in particular the Disability Discrimination Order 1995<sup>16</sup>, as amended, and Section 75 (1) of the Northern Ireland Act 1998<sup>17</sup>.

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(a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention.

<sup>13</sup> 2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

<sup>14</sup> (b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions.

<sup>15</sup> <sup>15</sup> Independent Mechanism NI (July 2012): *Response to OFMDFM consultation on 'A Strategy to improve the lives of disabled people'*, paragraph 55, page 21. Available at:

[http://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2012/OFMDFM\\_Disability\\_Strategy-IMNI\\_Response.pdf](http://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2012/OFMDFM_Disability_Strategy-IMNI_Response.pdf).

<sup>16</sup> Available at: <http://www.legislation.gov.uk/ukpga/1995/50/contents>

<sup>17</sup> Available at: <http://www.legislation.gov.uk/ukpga/1998/47/part/VII>

22. However, it is disappointing to note that the Draft Programme for Government (PfG)<sup>18</sup> does not make reference to the legislative framework as an outcome. The Commission **recommends** that the Executive give consideration to including the implementation of Framework as an action under an appropriate indicator in the Draft PfG.
23. We note that the BSL Scotland Act 2015<sup>19</sup> requires Scottish Ministers to prepare a National Plan setting out arrangements for the promotion and facilitation of BSL, including setting out what relevant public authorities should or could do to promote BSL. Under the Act each listed public authority should publish a BSL Plan and a timescale for implementation of measures and consult on the plan with BSL users and their representatives. The Commission **recommends** that the Department for Communities consider adopting a proactive approach by public authorities to engagement with stakeholders, including Deaf people, in drawing up BSL/ISL Plans in Northern Ireland. Such an approach would be consistent with the requirements of Article 4.3 of the CRPD<sup>20</sup>.
24. In our response to the consultation on '*A Strategy to improve the lives of disabled people*' we recommended that Government consider resourcing initiatives to promote positive attitudes, challenge negative stereotypes and raise awareness reflecting the range of disability issues. We pointed out that research shows that people with disabilities

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<sup>18</sup> Northern Ireland Executive (26 May 2016): *Draft Programme for Government Framework*.

<sup>19</sup> Available at: <http://www.legislation.gov.uk/asp/2015/11/contents/enacted>

<sup>20</sup> 3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

continue to face prejudicial attitudes in various aspects of their lives<sup>21</sup>. Although the Disability Strategy identifies awareness raising as one of its themes under two strategic priorities<sup>22</sup> there were no targets for these and it was unclear how these would be met whilst no resources were specifically allocated to secure the realisation of these priorities<sup>23</sup>.

25. We therefore welcome the inclusion in the Framework of a proposal that the legislation will, inter alia, provide for: 'Promoting of respect and understanding of ISL and BSL across all sections of our community', in recognition that 'It is only by promoting Deaf culture that the hearing community and service providers can understand the sense of identity that Sign Language brings to a Deaf person'<sup>24</sup>. It would increase knowledge of BSL / ISL and raise awareness of the issues affecting the Deaf community, ensuring that Deaf people across Northern Ireland are given better access to services.

26. The Framework provides an opportunity for the Department, and the other Departments in the Northern Ireland Executive, to consider, in line with the **recommendation** of the Independent Monitoring Mechanism for Northern Ireland, 'developing, in partnership with the disability sector, a central database of information and awareness materials which can assist public authorities to promote positive

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<sup>21</sup> Independent Mechanism NI (July 2012): *Response to OFMDFM consultation on 'A Strategy to improve the lives of disabled people'*, page 18-19. Available at: [http://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2012/OFMDFM\\_Disability\\_Strategy-IMNI\\_Response.pdf](http://www.equalityni.org/ECNI/media/ECNI/Consultation%20Responses/2012/OFMDFM_Disability_Strategy-IMNI_Response.pdf).

<sup>22</sup> Office of the First Minister and the deputy First Minister (2013): *A Strategy to improve the lives of people with disabilities*, page 16. Available at: <https://www.executiveofficeni.gov.uk/publications/strategy-improve-lives-people-disabilities-2012-2015>

<sup>23</sup> Byrne, B., Harpers, C., Irvine, R.S., Russell, H. and Fitzpatrick, B. (2014): *Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD*, pages 66-67. Available at: <http://www.equalityni.org/uncrpd>

<sup>24</sup> DCAL (2016): *Sign Language Framework*, paragraph 3.58, page 36.

attitudes/practices and challenge negative stereotypes regarding people with disabilities'<sup>25</sup>.

27. We also welcome the inclusion of Objective 3, to provide a sustainable supply of Sign Language Teachers, Sign Language Interpreters and Translators. In our Parallel Jurisdictional Report on the implementation of the UNCRPD in Northern Ireland, we pointed out that there remains a shortage of qualified BSL and ISL Sign Language Interpreters in Northern Ireland<sup>26</sup>. The Commission considers that the realisation of this objective would be congruent to the securing CRPD rights under Article 24, Education, [1 (a-c)<sup>27</sup>; 2 (a), (c-e)<sup>28</sup>; 3 (b)<sup>29</sup>; 4<sup>30</sup>;

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<sup>25</sup> Independent Mechanism NI (July 2012): Op cit., paragraph 46, page 18. Available at:

<sup>26</sup> Independent Mechanism for Northern Ireland (July 2014): *United Nations Convention on the Rights of Persons with Disabilities Jurisdictional 'Parallel Report on Implementation' (draft working paper)*, page 33. Available at: <http://www.equalityni.org/uncrpd>

<sup>27</sup> 1. States Parties recognize the right of persons with disabilities to education with a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

- (a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- (b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- (c) Enabling persons with disabilities to participate effectively in a free society.

<sup>28</sup> 2. In realizing this right, States Parties shall ensure that:

- (a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
- (c) Reasonable accommodation of the individual's requirements is provided;
- (d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- (e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

<sup>29</sup> 3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

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

<sup>30</sup> 4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille,

5<sup>31</sup>], Article 21, Freedom of expression and opinion, and access to information, [(b), (e)]<sup>32</sup>; and Article 9, Accessibility, [2 (e)]<sup>33</sup>.

28. With respect to Objective 5, the Commission considers that, the establishment of Deaf Cultural and Linguistic Centres in Belfast and Derry will assist in the realisation of a number of Article 30 (Participation in cultural life, recreation, leisure and sport) rights, including 30.2<sup>34</sup> and 30.4<sup>35</sup> of the CRPD.

29. The Commission considers that Objective 5 of the framework, ‘to ensure that all public information, guidance and services are available at no additional expense to the Deaf individual’, would contribute to the realisation of the relevant obligations of Articles 9<sup>36</sup> and 21<sup>37</sup> of the CRPD and that the particular commitment to public health information to redress Deaf people’s poorer health and wellbeing compared to the

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and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

<sup>31</sup> 5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

<sup>32</sup> (b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;

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

<sup>33</sup> 2. States Parties shall also take appropriate measures:

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

<sup>34</sup> 2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

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

<sup>36</sup> Accessibility.

<sup>37</sup> Freedom of expression and opinion, and access to information.

general population' maps onto the relevant obligations of Article 25 of the CRPD<sup>38</sup>.

30. Objective 6 of the Framework concerning family – centred early intervention, accords with the requirements of Article 23[ 2 and 3]<sup>39</sup> and article 24.3 (b) of the CRPD<sup>40</sup>.

31. Objective 7 of the Framework, focusing on education requirements, is consistent with the obligations under Article 24 of the CRPD, including 2 (a) – (e), 3 (b), 4 and 5<sup>41</sup>.

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<sup>38</sup> Health.

<sup>39</sup> 2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

<sup>40</sup> 3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

(a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;

(b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

(c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, 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.

<sup>41</sup> 2. In realizing this right, States Parties shall ensure that:

(a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

(b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;

(c) Reasonable accommodation of the individual's requirements is provided;

(d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;

32. The Audit of Inequalities for 2011-2015 published by the Education and Library Boards in Northern Ireland<sup>42</sup> found that 41% of people with disabilities in Northern Ireland have no qualifications, and reported that evidence shows that the inclusion of children with a disability, especially where the disability includes deafness, is crucial to the development and integration of children with a disability.
33. However, a recent report on Educational Inequalities in Northern Ireland reported that whilst statistics show that attainment for disabled children generally is rising, deaf children's attainment is actually falling<sup>43</sup>.
34. The Commission therefore welcomes the acknowledgement in the Framework that 'Education plays a pivotal role in both the academic achievement of children and young people but also the development and production of essential service providers across all professions and

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(e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

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

- (a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- (b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

<sup>42</sup> <http://www.selb.org/equality/Documents/AuditofInequalities2ndEditionJune2012.pdf>

<sup>43</sup> Burns, S., Leitch, R. and Hughes, J. (March 2015): Educational Inequalities in Northern Ireland, page 240 (School of Education, Queens University Belfast for the Equality Commission for Northern Ireland)

sectors of society'<sup>44</sup> and that it is vital that ...sign language support and development is continued through pre-school in to primary school and secondary school and in to third level education where appropriate'<sup>45</sup>.

35. Finally, the Commission acknowledges that objective 9 of the Framework, which relates to the provision of personal and social development programmes to address educational under-achievement of Deaf people, aligns with Articles 24 (1, 3 and 5)<sup>46</sup> and 30.2 of the CRPD<sup>47</sup> and may also contribute to the realisation of Article 27<sup>48</sup> rights.

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<sup>44</sup> DCAL (2016): Sign Language Framework, paragraph 3.11, page 22.

<sup>45</sup> Ibid, paragraph 3.13, page 22.

<sup>46</sup> 1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

- (a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- (b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- (c) Enabling persons with disabilities to participate effectively in a free society.

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

- (a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- (b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
- (c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, 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.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

<sup>47</sup> State Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilise their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

<sup>48</sup> Work and employment.

## **Appendix A**

### **Relevant UNCRPD Articles**

#### *Preamble*

- (i) Recognizing further the diversity of persons with disabilities,

#### *Article 3: General Principles*

- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility;
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

#### *Article 4 General obligations*

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:
  - (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;

- (c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
  - (e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
  - (i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights.
2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.
  3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

#### *Article 9 Accessibility*

2. States Parties shall also take appropriate measures to:
  - (e) Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

### *Article 21 Freedom of Expression and opinion and access to information*

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

- (a) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
  
- (d) Recognizing and promoting the use of sign languages.

### *Article 24 Education*

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:

- a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
2. In realizing this right, States Parties shall ensure that:
- (c) Reasonable accommodation of the individual's requirements is provided;
  
  - (d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education.

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

- (b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
- (c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, 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.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

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

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