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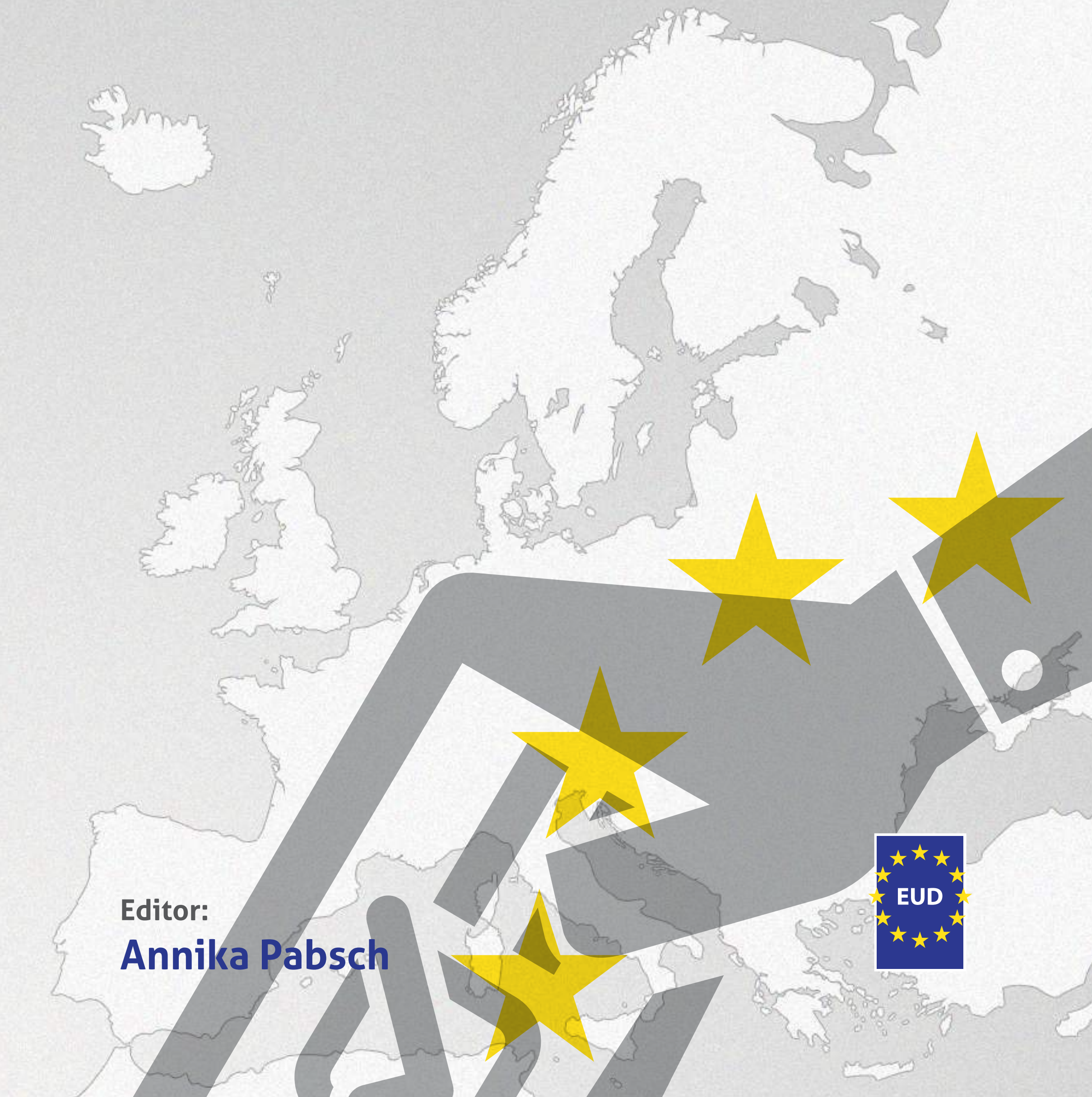
UNCRPD IMPLEMENTATION IN EUROPE - A DEAF PERSPECTIVE

Article 29: Participation in Political and Public Life



Editor:

Annika Pabsch

EUD

UNCRPD Implementation in Europe – A Deaf Perspective

An EUD Series

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Article 29: Participation in Political and Public Life

Annika Pabsch (Editor)

European Union of the Deaf
Brussels, Belgium

European Union of the Deaf (EUD)

Based in Brussels, Belgium, the EUD is a not-for-profit European non-governmental organisation (ENGO) comprising National Associations of the Deaf (NADs). It is the only supranational organisation representing Deaf people at European level, and is one of the few ENGOs representing associations in all 28 EU Member States, including Iceland, Norway, and Switzerland.

The primary aim of the organisation is to establish and maintain EU level dialogue with European Union institutions and officials, in consultation and co-operation with its member NADs. EUD has participatory status with the Council of Europe (CoE), operates as a full member of the European Disability Forum (EDF) as well as being a Regional Co-operating Member of the World Federation of the Deaf in tackling issues of global importance. The organisation is supported by the Equality Unit, operated by the Directorate General Justice at the European Commission.

EUD's aim is to achieve equality in public and private life for Deaf people all over Europe, so that they can become full citizens. The organisation's main objectives are; the recognition of the right to use an indigenous sign language, empowerment through communication and information, and equality in education and employment.

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1. Introduction

The Series – Remarks by the Editor

Annika Pabsch

This publication series is a new approach to further the implementation of the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Each contribution in this series explores a specific article of the Convention, with the first article focusing on the right to political and public participation, as enshrined in Article 29 UNCRPD. The novel series tackles the Convention from a new angle, with explicit reference to sign language users.

Each series is divided into two main parts, both with several sub-themes. The first section covers academic discourse about the Convention in general. The series then goes on to explore the particular article, both in broad and in more specific terms, in relation to the sign language community. The second section of the book demonstrates best practice examples from all levels, European to national, as well as regional.

The diverse chapters represent a range of disciplines and professionals. Their backgrounds span from political stakeholders, to academic scholars, to NGO representatives. The authors of the articles have amongst themselves produced a collaborative and detailed effort to ensure that the human rights of all, including deaf and disabled people, are granted without distinction.

I hope that you find the contributions informative and thought provoking reading. In particular, with reference to the various discourses and best practice examples in enabling understanding of, and implementing the Convention, at all levels.

Welcome

Dr Markku Jokinen, EUD President

I have been the President of the only organisation representing deaf sign language users at European level since May 2013, having previously served as Board Member and Vice-President. Since my election, I have been able to witness the effectiveness of the Board and staff researching and conveying relevant and accessible information, to both political stakeholders, members, the National Associations of the Deaf (NADs), as well as the Deaf Community at large.

I am exceptionally proud to be launching this publication at the European Parliament, enabling a diverse range of stakeholders to gain deeper understanding of the ways in which the Convention can, and must be interpreted for a particular group. I have been a personal advocate of the UN Convention for many years and had the pleasure of working with UN Human Rights Prize holder Dr Liisa Kauppinen; she is the first deaf person to have been awarded such honour. Liisa was the main catalyst in securing the inclusion of references to sign languages in the final text. While Liisa was the official World Federation of the Deaf (WFD) delegation leader for all UN ad hoc meetings, I was able to be part of the drafting process of the UNCRPD in my capacity as former WFD President. The number of deaf leaders of national delegations grew gradually towards the end of the process, and included other notable members such as the current WFD President Colin Allen. Together, we contributed to an advanced international human rights instrument, in many ways previously only open to privileged groups and individuals.

This publication will contribute to academic and practical discourse surrounding the implementation of the Convention. I welcome analysis that enables policymakers, UNCRPD Committee Members, scholars, and Deaf representatives alike, to overcome obstacles in adequately realising the rights enshrined in the first human rights instrument of the 21st century.

Foreword

MEP Dr Ádám Kósa & MEP Werner Kuhn

MEP Ádám Kósa, is the first Deaf MEP who uses sign language. He is also the President of the European Parliament's oldest Intergroup, the Disability Intergroup. Adam has been a particularly keen advocate for the full implementation of the UN Convention at European and national level.

MEP Werner Kuhn was inspired during this project, by contributions from colleagues and the school for deaf and hard of hearing students in Güstrow, Mecklenburg West-Pomerania. His constituency strongly supports the notion of an inclusive Europe accessible to all.

As Members of the European Parliament (MEPs) we are very pleased to be hosting an event to publish the first book of this innovative and informative series on the UN Convention on the Rights of Persons with Disabilities. We were involved from the start, initiating the joint proposal for a pilot project to improve the communication between deaf and hard of hearing people and the EU institutions. We both have a special interest in political participation, for both the general public and disabled citizens in particular.

It is our belief that a strong and united Europe can only gain increased legitimacy, if elected representatives have the full support of as many voters as possible, including those who are currently denied the right to vote, or who do not vote due to a lack of accessible information. We encourage this publication to be utilised, to ensure that the right to political and public participation is granted to each and every citizen alike.

Acknowledgements

I am very pleased to be presenting this first book of a new publication series. I would also like to express my gratitude to all authors of the numerous and varied articles, demonstrating clearly that political participation for Deaf sign language users and hard of hearing citizens transcends national borders, and that it has a place in many countries at European, as well as UN level.

The EUD Board has unconditionally supported the publication and I am exceptionally proud to be launching the book together with EUD President Dr Markku Jokinen at the European Parliament.

EUD Executive Director, Mark Wheatley made this book possible, relentlessly fighting for the much needed funding that enabled all EUD staff and Board to contribute to this book in man different ways. Furthermore, he was able to use his skills to magically transform the many documents into a readable book. Thank you!

Thank you goes to David Hay, EUD Communication & Media Officer who has always helped us see the bright side of a tight deadline.

In particular, I would like to thank the recent EUD Policy, Media, Event, and Interpreting Assistants (also known as EUD's 'interns') who have greatly helped with the many campaigns and the articles in this publication:

Sigríður Vala Jóhannsdóttir (Iceland)
Jana Havlová (Czech Republic)
Marsha Linnartz (Germany)
Leyre Subijana Casado (Spain)
Claudia Gawlas (France, Poland)

Special credit goes to Sally Reynolds who tirelessly proofread almost all of the articles at very short notice, without ever losing her humour.

Simon Bak's quick design, days before the printing deadline enabled us to publish the book on time. Many thanks!

The co-operation with our umbrella organisation was – as always – very fruitful. Thanks especially to European Parliament Officer Etienne Cuche and Human Rights Officer An-Sofie Leenknecht.

Very special thanks go to my friends and family (especially Bruno De Maeyer) who were extremely patient throughout this busy period, I promise to see more of you all after the launch!

Executive Summary

The current publication is the first of a new series, exploring the implementation of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) with regards to deaf citizens, including sign language users and hard of hearing persons. This first book has a particular focus on Article 29 of the Convention: Participation in political and public life. Participation is explored from different angles, allowing a broader definition of political participation, away from the narrow understanding of voting rights, allowing for full political participation.

The varied articles in this publication give an academic account of political participation on the one hand, and best practice example on the other. The UN Convention is examined further, in relation to deaf people, in particular political participation as a fundamental right. Professional sign language interpreters are stipulated as one of the main enablers of political participation for Deaf sign language users. The second part concentrates on concrete examples from all levels, European, national, and regional, in a number of European countries. In addition, the publication gives a brief outlook on what deaf organisations could do to better to contribute to the implementation of the Convention in the future.

This innovative series UNCRPD Implementation in Europe – a Deaf Perspective is a contribution to a Europe that wants to include and provide access for all its citizens. It aims to enable deaf associations and individuals alike to understand the ramifications of specific articles of the Convention, and to work together with policymakers in implementing these adequately and equally.

Article 29: Participation in political and public life United Nations Convention on the Rights of Persons with Disabilities

The full text is available on the UN website (in PDF and accessible Word format, as well as in several sign languages): http://www.un.org/disabilities/

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

(a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

(i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

(ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

(iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

(b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

(i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

2. The UNCRPD and Sign Language Peoples

Maartje De Meulder, University of Jyväskylä (Finland)

Introduction

On 13 December 2006, the General Assembly of the United Nations adopted the Convention on the Rights of Persons with Disabilities (UNCRPD) and its associated Optional Protocol, the first human rights treaty to be adopted in the 21st century. The UNCRPD opened for signature on 30 March 2007 and entered into force on 3 May 2008. The Convention has over 150 signatories and more than 140 State Parties have ratified it.

The UNCRPD is a group-specific treaty in that it caters to a specific group of people: persons with disabilities[1], a group of about 1 billion people worldwide (WHO 2011), often referred to as the world's largest minority. Deaf people are included in the Convention; all articles are applicable to them. Specific reference to sign languages and Deaf culture is made in 5 different articles.

This article posits that while the inclusion of Deaf people in the Convention provides opportunities for potential benefit, it also obscures some crucial differences between Deaf people and persons with disabilities. To highlight these differences, the concept of Sign Language Peoples (SLPs) is used throughout the text[2]. The SLP concept and the ideas, which it embodies, are beginning to gain acceptance following its emergence in Deaf Studies literature (Batterbury, Ladd & Gulliver 2007). The concept represents the notion that sign language-using Deaf people are collectivities and need to be recognised as culturo-linguistic minorities requiring legal protection akin to what is granted to other linguistic and cultural minorities. This differs from the UNCPRD's notion of Deaf people and the Deaf community as a group of individual rights holders with disabilities. This is not to say that the UNCPRD's notion of SLPs is not useful for them to claim some of their linguistic and cultural rights. In some ways, it is. At the same time however, the UNCRPD's understanding of SLPs has some inherent limitations. Both the possibilities and the limitations of the Convention will be explored in the present article.

Firstly, the UNCRPD's rationale, purpose and key concepts will be described, along with the reasons that the World Federation of the Deaf (WFD) chose to become involved in the negotiations.

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[1] The UNCRPD uses the term "persons with disabilities" but this people first-language is not uncontested both within the larger disability movement and Disability Studies where some people prefer to use "disabled people" (Meekosha & Soldatic 2011). Also, the UN uses "DPOs" (Disabled People's Organisations) which seems to contradict with the language use in the UNCRPD.

[2] Except for some cases when e.g. quoting from the UNCRPD.

Rationale, purpose and key concepts of the UNCRPD

a) Rationale and purpose

The UNCRPD is often promoted as 'the missing piece' of human rights legislation, since prior to its development persons with disabilities were not mentioned as a protected category in any of the *binding* instruments of international human rights law. Disability was not seen as a human rights or equality issue but instead as an individual's medical problem. While persons with disabilities have always theoretically been entitled to human rights and each of the core UN treaties theoretically applies to them, they have often been denied these rights, both in law and in practice (Mégret 2008; Stein 2007). People with disabilities were thus in effect invisible as subjects of human rights and equality law. Instead of active agents they continued to be treated as objects of welfare or charity with minimal rights. The UNCRPD is the first international convention to explicitly recognise disability as a fundamental human rights issue (Kayess & French 2008, Lawson 2007) and creates a new category of "disability human rights" (Stein 2007). Its purpose is "to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity" (Article 1).

People involved in promoting the Convention often assert that the UNCRPD does not create any new rights, but only applies existing human rights to people with disabilities. This downplaying of the novelty of the UNCRPD is contested however (Mégret 2008; Kayess & French 2008): while the UNCRPD indeed reaffirms the applicability of existing human rights to persons with disabilities and stands in affirmation of "the right to have rights" (Mégret 2008:500) it goes further than that. It also enriches and modifies existing rights when it comes to people with disabilities, by thoroughly reformulating them and highlighting how the rights it proposes are to be implemented and guaranteed. It further creates new categories of rights that depart from the traditional emphasis of human rights on the relationship of the individual with the State, and focuses on the societal dimension of the rights experience by also taking into account the oppressive acts of the private sphere and society (and not only the State). Finally, the UNCRPD comes close to creating new rights specific to persons with disabilities for example regarding the concept of "autonomy" (see Article 3 General principles) (Mégret 2008).

The general obligations to which States must comply (Article 4) are presented at three different levels: promote (foster recognition), protect (prevent interference with) and ensure (enable realisation of). These obligations are supplemented by the duty on States to raise awareness of the contribution and potential of people with disabilities, to counter stereotypes and promote positive images of disability (Article 8).

b) Implementation and Monitoring

The UNCRPD contains very specific measures on national implementation (Article 33), and international monitoring (Article 34 and 35). State Parties are required to establish one or more focal points within their government and develop a coordination mechanism to facilitate action (33.1). They further need to establish, maintain, strengthen or designate a framework, including one or more independent mechanisms, to protect and monitor implementation of the Convention (33.2). Civil society and in particular persons with disabilities themselves and their representative organisations need to be involved and participate fully in this monitoring process (33.3).

Concerning international monitoring, a Committee on the Rights of Persons with Disabilities has been established. This Committee has several important functions. Firstly, it receives and considers the regular reports by State Parties detailing the progress they have made in implementing the UNCRPD (and the parallel reports by representative organisations of people with disabilities which often accompany them), engages in constructive dialogue with the State Parties and issues concluding observations and recommendations for follow-up action to improve implementation. These reports need to be submitted by State Parties two years after the entry into force of the Convention for the State Party concerned, with subsequent reports at least every four years thereafter. Article 35.7 invites State Parties to engage in this reporting "in an open and transparent process" with "due consideration" to the provision in Article 4.3, namely the close involvement of and consultation with, people with disabilities through their representative organisations.

The second task of the committee is to hold days of general discussion, open to the public, during which it discusses issues of general interest arising from the Convention. Thirdly, the Committee issues general comments to clarify specific provisions in the Convention or specific issues arising in the implementation of the Convention. For example, articles 9 (Accessibility) and 12 (Legal Capacity) have recently been subject to a general comment. The Committee issues a draft of the comment based on extensive input and comments from a broad range of stakeholders[3]. The fourth responsibility of the Committee is that it has – through the Optional Protocol – the authority to receive complaints from individuals or groups of individuals who are subject to the jurisdiction of States that have ratified the Optional Protocol. Further, the Committee has the authority to conduct inquiries into the possible occurrence of grave or systematic violations of the Convention (UN 2010).

Members of this Committee "shall be of high moral standing and recognised competence in the fields covered" by the Convention (Article 34.3) and will be elected by State Parties with due regard to equitable

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[3] EUD for example has provided feedback on the draft of general comments on Article 9 while WFD has provided feedback on the draft of general comments on Article 12: http://www.ohchr.org/EN/HRBodies/CRPD/Pages/DGCArticles12And9.aspx.

geographic distribution, representation of different forms of civilization and the principle legal systems, balanced gender representation and participation of experts with disabilities (Schulze 2010). Significantly, there is no absolute requirement for persons with disabilities to sit on this body but State Parties are "invited to give due consideration" to the provision set out in Article 4.3 and thus closely consult with persons with disabilities and their representative organisations when deciding whom to nominate. Currently, 17 of the 18 members of the Committee are themselves persons with disabilities (p.c. Eeva Tupi 18/02/14). The role and composition of this committee in relation to SLPs will be further discussed in chapter 3.3.3 of the present article.

c) Some key concepts of the UNCRPD

From a medical model to a social model of disability

The question whether or not to include a definition of 'disability' or 'persons with disabilities' was one of the most controversial issues for the Ad Hoc Committee (the committee in charge of drafting the CPRD). In the end, it was decided not to include a definition but rather provide guidance on the concept of 'disability' and its relevance to the Convention (UN 2010) through elements of the Preamble and Article 1. Article 1 states: "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others". The taxonomy is not exhaustive[4] and paragraph e) of the Preamble clearly endorses a social approach to disability by recognising that disability is an "evolving concept" which may vary between societies (Kayess & French 2008).

The Convention thus marks a paradigm shift within UN legal drafting from a medical model to a social and human rights based model of disability by recognising that disability is not an individual medical problem but "results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others" (Preamble, (e)). The UNCRPD thus urges State Parties to take action to remove societal barriers to the participation and inclusion of persons with disabilities. It does not expect the individual to change, going as far as the UNCRPD not referring to prevention or treatment of impairment at all. This is one of the most remarkable differences from the UNCRPD and the UN's prior work in the area of disability and human rights (Kayess & French 2008). It is crucial since it confirms that even people who cannot or do not want their impairment to be 'cured' nonetheless have rights and do not need to rely on charity or goodwill.

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[4] But it does nevertheless limit the application of the UNCRPD to persons who have 'long-term' impairments and apart from the impairment categories listed, is it not self-evident what other impairment groups fall within the boundaries of the UNCRPD. This will be determined domestically, possibly depriving some impairment groups of protection (Kayess & French 2008).

Substantive equality

The principle of substantive (or difference-aware) equality acknowledges the fact that treating people equally does not necessarily mean simply ensuring that they have equal rights; rather that in some cases a differential treatment of people facing different circumstances is justified. The UNCRPD contains key substantive equality measures including positive action measures such as the designation of quotas, the instituting of affirmative action policies (Article 27.1(h)) and the obligation to provide reasonable accommodation (Article 5.3.).

'Nothing about us without us'

Negotiations for the UNCRPD are said to have involved "the highest level of participation by representatives of civil society, overwhelmingly that of people with disabilities and disabled persons organisations, of any human rights convention in history" (Kayess & French 2008:3-4). WFD has consultative status with the UN and as a member of the International Disability Alliance (IDA) participated in the UNCRPD Ad Hoc meetings and negotiations. The involvement of WFD will be further detailed in part 3.1.

During the negotiations, the disability movement played a crucial role under the slogan "Nothing about us without us". The UNCRPD, although not using the slogan as such in its text, has recognised this role must continue and persons with disabilities must be consulted and involved in all stages of the implementation and monitoring process of the Convention. The "Declaration of Madrid" (2007) establishes priorities in this regard and contains recommendations to the UN Member States on priority areas of action to ensure the participation of civil society in the implementation and follow-up of the Convention (UN 2008).

The most explicit reference to the principle is in Article 4.3 which states "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 organisations". Further reference to the principle is made in the Preamble, Articles 33.3, 34.3 and 35.3.

Non-discrimination and the provision of reasonable accommodation

In order to promote equality and eliminate discrimination, State Parties are obliged to take all appropriate measures to ensure reasonable accommodation is provided (Article 5.3.). Reasonable accommodation is defined in Article 2 (Definitions) as "necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms"[5]. Emphasis is on the individual rather than on a group; it is the individual who must be protected against discrimination and is entitled to reasonable accommodation.

The State has the positive obligation to identify and remove barriers. However, the reasonable accommodation duty is subject to a defence of "disproportionate or undue burden" which means that the practical manifestations are likely to differ from State to State and situation to situation, depending on financial means (Lawson 2007). Under the UNCRPD, a failure to provide reasonable accommodations is seen as discrimination on the basis of Article 2.

The UNCRPD and Sign Language Peoples

a) Rationale for WFD participation in this Convention

It is important to understand why the World Federation of the Deaf decided to become involved with a human rights treaty regarding persons with disabilities. Prior to the development of the UNCRPD, WFD was looking for opportunities to protect and promote sign languages at EU level following the European Parliament resolutions on sign languages in 1988 and its reiteration in 1998. But the two organisations intended to support and work for minority languages at EU level, The European Bureau on Lesser Used Languages (EBLUL) and Mercator failed to include any sign languages in their remit and databases (Krausneker 2003). Sign languages were further excluded from the European Charter on Minority Languages (1992) based on false arguments, for example that sign languages are created artificially, that they do not have a long historical background, that they are not different from the official language of the State and are a means of communication within any language (Krausneker 2000).

Thus when WFD was informed of the development of a UN human rights convention on persons with disabilities, they decided to join the negotiations. This was because they saw a different opportunity to achieve their culturo-linguistic goals. Initially, the disability movement did not understand their decision since they had come to believe that SLPs saw themselves only as linguistic minorities (H3 2011).

The sustained involvement of WFD representatives during the drafting stages of the UNCRPD led to the Convention being the first international human rights treaty to include sign languages in their own right, mentioning them in 5 different articles (Article 2, 9, 21, 24, and 30) and to make reference to Deaf culture (Article 30.4). Indeed, "[…] no other disability group and their needs are mentioned overtly as precisely and often in the convention as the Deaf/Deafblind group" (Wilcox, Krausneker & Armstrong 2012:14).

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[5] While a general definition of the concept of "reasonable accommodations" is included in the UNCRPD, a definition in relation to Deaf people would require a whole new article.

After the adoption of the UNCRPD, WFD continued to influence the view of the UN towards sign languages and their users. Former WFD President and current EUD President Markku Jokinen attended the first UN Forum on Minority Issues in 2008 emphasising in his statement that 'deaf sign language users' [sic] should be recognised as linguistic minorities along with spoken language minorities (Haualand & Allen 2009). However, WFD's – so far – on-off presence in the UN Forum on Minority Issues did not counterbalance their six years of attendance of the UNCRPD Ad Hoc meetings, this proved to be an excellent opportunity to raise the disability movement's awareness about the status of SLPs. Raising awareness within language minorities will probably take as much time (p.c. Markku Jokinen 3 May 2012). It remains to be seen what effect being included in the UNCRPD has on other advocacy efforts to recognise SLPs as linguistic and cultural minorities.

b) Reception of the Convention by SLPs

SLPs' self-identity (as either a culturo-linguistic minority group and/or a group of persons with disabilities) is a very complex issue. Responses to the question of self-identity are in most cases biased by external factors (such as the fear to lose benefit payments and the influence of internalised oppression) and seldom addressed from an ontological point of view. There is thus no conclusive evidence on the view of SLPs on their disability status, although preliminary research points (also) to an underlying group identity and culture unrelated to disability categorisations (Batterbury 2012).

Because of this complex question of identity, reactions of SLPs to the adoption of the UNCRPD were equally varied. Some SLPs perceived it as an offence that they were included, whilst others appreciated the benefits of the treaty, but expressed reservations about whether the treaty would cover all the issues, which they knew arose from being a culturo-linguistic minority. This crucial issue is explored further below.

Some SLP associations apprehended that forming part of the UNCRPD meant that all their efforts to make their national governments understand the culturo-linguistic model had been jeopardised. They believed that WFD should have continued to pursue the linguistic minority pathway, and that WFD's energies might now be deflected to the disability direction.

In addition, other SLP associations, particularly those in the developing world, have not been able to develop opinions on this, as a result of lack of access to information on the UNCRPD, either because they do not have any information or the content of the information available is not understandable or legible (p.c. Michele Friedner 21 February 2014).

c) The UNCRPD articles and SLPs

Articles in the UNCRPD, which mention sign languages or Deaf culture

All articles of the UNCRPD can be applied to SLPs but here only those mentioned will be those that include sign languages or Deaf culture.

1) Recognition of sign languages
    - The UNCRPD is the first international human rights treaty that recognises sign languages as languages on an equal par with spoken languages (Article 2).
    - The UNCRPD guarantees the right to interact, obtain information, and express oneself in sign language, also in official interactions. As a means to guarantee this right reference is made to “accepting and facilitating the use of sign languages” and “recognizing and promoting the use of sign languages” (Article 21).

2) Education
    - The UNCRPD urges State Parties to employ teachers who are qualified in sign language and deliver education in the most appropriate learning environment and the most appropriate languages (Article 24).

3) Interpreting
    - The UNCRPD guarantees the right to professional sign language interpreters to facilitate accessibility (Article 9).

4) Deaf culture
    - The UNCRPD states persons with disabilities are entitled to recognition and support of their specific cultural and linguistic identity, including sign languages and Deaf culture (Article 30).

Implementation of the articles

Implementation of the Convention very much depends on how State Parties interpret each of the articles, and on the extent to which SLPs national representatives can explain appropriate reading of the articles. In this regard, it is a huge challenge for both those representatives and their national governments to interpret and legally implement the articles, in particular the innovative ones in terms of UN human rights legislation, e.g. the right to recognition and support of cultural and linguistic identity.

Batterbury (2012; 2013) states that apart from the question of interpretation and implementation, the inclusion of sign languages and Deaf culture in the UNCRPD nevertheless gives transnational approval to the Deaf political agenda (especially in the absence of other binding international instruments that include sign languages). Indeed, one of the key issues on this international Deaf political agenda is the recognition of sign languages and the UNCRPD has effectively been catalytic in this regard. In Hungary, ratification of the UNCRPD was one of the triggers for the legislative process leading to the passing of Act CXXV of 2009 on Hungarian Sign Language and the use of Hungarian Sign Language (EUD 2009). The terms of reference of the inquiry into the recognition of New Zealand Sign Language were closely informed by requirements of the UNCRPD (Human Rights Commission 2013). UNCRPD ratification or national governments' intention to ratify has been the impetus for the development of sign language recognition legislation in Russia, Finland, and Japan.

The 'Nothing about us, without us' principle

Although SLPs continue to face global exclusion from policymaking and subsequent legislative decisions, the UNCRPD used a different approach concerning development, implementation and monitoring. It became the first international human rights treaty to be negotiated in direct dialogue with official national SLPs representatives. WFD, together with the Russian, Chilean and Korean SLPs associations were involved at the drafting stages of the UNCRPD from 2004 to 2006 (Batterbury 2012).

Currently, one of the 18 members of the Committee on the Rights of Persons with Disabilities is a hard of hearing person but the Committee does not include any SLPs. Half of the current members will end their term at the end of 2014, and the 7th Conference of State Parties will elect nine new members in June 2014. WFD have called on their member organisations to nominate "deaf experts" [sic] as committee members (WFD 2014).

The level of involvement required for monitoring and implementing the UNCRPD represents a challenge for SLPs in most countries because of the very issues the UNCRPD was established to ameliorate: lack of access to information and education, lack of access to sign language interpreters, lack of capacity building, and others.

d) Weaknesses and challenges of the UNCRPD related to SLPs

Although the mention of sign languages and Deaf culture in the UNCRPD is certainly unique, there is a risk that significant weaknesses of the UNCRPD will be overlooked. These will therefore be addressed below.

Dominant individualist human rights framework

By aligning themselves with the disability movement, SLPs are restricted by the perspectives, priorities, and vocabulary of this movement. The most notable example of this is education. The concept of "inclusion" for example is a priority for the disability movement (Lawson 2007) and is enshrined as a core principle of the UNCRPD, but has been perceived with much caution and criticism by SLPs because it has led to the widespread closure of Deaf schools in favour of mainstreaming policies which have isolated Deaf children from each other and from their adult communities (Brennan 2003; Ladd 2003).

However, the main conceptual weakness of the UNCRPD is not only the disability framework but the fact that UN human rights instruments in general and thus also the UNCRPD are rooted in a dominant *individualist* human rights framework[6]. Although the UNCRPD appears to be an example of a group-specific treaty (Mégret 2008), the protected group is that of persons with disabilities, whose priorities differ in some cases from SLPs' priorities (see 3.4.3). Moreover, the "community" as used in the UNCRPD refers to the able-bodied group in which people with disabilities are expected to participate and integrate. The UNCRPD is externally and individually focused, on preventing individuals' discrimination by State Parties and ensuring individuals' access to majority societies by *individual* measures such as reasonable accommodation. The UNCRPD only uses the term "Deaf community" in Article 24.3(b): "Facilitating the learning of sign language and the promotion of the linguistic identity of the Deaf community". Even so, its use is still situated within an individualistic human rights framework, i.e. rights held by individuals within the group (the deaf community) and not by the group as a whole.

This individualist framework does not offer opportunities for a group-based rights approach for SLPs and for a deeper understanding of the crucial differences between SLPs as linguistic and cultural minorities and groups of persons with disabilities (Batterbury, Ladd & Gulliver 2007). This is especially relevant when considering educational issues, as well as the protection of SLPs from harmful medical practices and the safeguarding and promotion of sign languages and SLPs' cultures, customs and traditions (Emery 2010; 2011). The next section will illustrate this further.

Absence of cultural dimensions

The CPRD's intrinsic external focus is not concerned with the quality of lives *within* a group, despite the fact that the quality of individuals' lives is very much dependent on the quality of the collective lives of a group. SLPs, whose languages and cultures have been damaged by centuries of oralism and who face continuing threats, are seeking much-needed internal reconstruction and revitalisation of their communities (Ladd 2003). This includes the right of SLPs to be born, to acquire and maintain their languages[7], to establish and control their own schools, to practice, develop and safeguard their cultures, to set up national heritage museums, Deaf TV programming and Deaf Studies departments, and so on. In this respect documents such as the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) which explicitly deals with a wide range of ways in which minority cultures should be protected and promoted, and the UNESCO Convention

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[6] This weakness is also identified by Disability Studies scholars who state the hegemonic North determines the constitution of human rights and who perceive the UNCRPD as part of this hegemony because of its adoption of Northern conceptualisations of disability rights (Meekosha & Soldatic 2011).

[7] While the UNCRPD does not overtly restrict this, it provides this right from an individualist human rights framework and not as a right, which is held by SLPs as a group.

for the Safeguarding of the Intangible Cultural Heritage (2003) might offer a model nearest to SLPs' requirements (Ladd 2007; 2013).

Interpretation and implementation of the UNCRPD

1) Article 24 (Education)

Article 24 is probably the most controversial article of the UNCRPD for SLPs, given that education has long been the primary battleground in the fight for their rights. As for any linguistic and cultural minority, the quality of education is crucial for the future health of the community as a whole.

The article on education must be read in two parts. 24.1. states "State Parties recognise the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, State Parties shall ensure an inclusive education system at all levels […]".

Article 24.2. focuses on the measures to realise this right and emphasises "reasonable accommodation of the individual's requirements" (24.2(c)), "effective individualised support measures" in environments that "maximize academic and social development, consistent with the goal of full inclusion" (24.2(e)).

During the negotiations, the World Federation of the Deaf lobbied extensively for the rights of SLPs to maintain the existence of Deaf schools, for bilingual education in sign language environments and for ensuring that Deaf children were not isolated in mainstream education and prevented from learning sign language (Batterbury 2012; UN Enable 2005a; b). They also argued that "the Deaf" [sic] are a minority group and Deaf children and adults suffer linguistic and cultural genocide every day all over the world (Jokinen 2005). For these efforts, some disability groups criticised WFD. In the end, the need for two more separate paragraphs was acknowledged by the State Parties, although the formulation turned out not to be as precise as WFD had originally desired because the negotiating parties saw their demands as exceptional to the general principle of educational 'inclusion' (Batterbury 2012). Also, because of the international character of the treaty the paragraphs had to be written in generalised language to allow State Parties to develop their own legislation (p.c. Markku Jokinen 6 March 2013)[8]. These paragraphs became parts 3 and 4 of Article 24.

Article 24.3(a) therefore states that State 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 (24.3). To this end, State Parties shall take appropriate measures to facilitate "the learning of sign language and the promotion of the linguistic

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[8] Upon ratification, the UK government entered a reservation on the education clause to be able to carry on having 'special' schools. This might facilitate the continuance of specialist Deaf schools despite the on-going UK trend for their closure (Batterbury 2012).

identity of the Deaf community" (24.3(b)) and ensure "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" (24.3(c)).

Thus, while parts 1 and 2 emphasise the right to full inclusion based on individualised support measures, parts 3 and 4 come closer to SLP communities' requirements by leaving some room to develop policies other than those promoted by inclusive education. Also, if article 24 is used in conjunction with articles 3, 21 and 30 it could be made clear that the articles are interrelated, thus offering the opportunity for a 'Deaf-friendly' reading of article 24.

However, the implementation of the UNCRPD will very much depend on how it is interpreted by State Parties and in this respect SLPs' concerns about 'loaded' interpretations of the article by governments and policy makers are very much justified. For example in Flanders (Belgium) Article 24 of the UNCRPD was the impetus for the Flemish government to allow sign language interpreters in kindergarten, while the demands of the Flemish SLP community to structural bilingual education from kindergarten have not yet been met.

The responsibility lies with SLPs representative organisations to explain the different readings and parts of Article 24, and try to influence government policies. However, given that these are already heavily entrenched in the ideologies of inclusion (which for deaf children in most cases means individual mainstreaming) means that there is a real possibility that article 24 will simply enshrine these policies in law.

2) Absence of Bioethical Protection

Article 10 states that "[…] every human being has the inherent right to life" and that State Parties shall take all necessary measures to ensure its effective enjoyment by persons with disabilities. Traditionally, law applies the 'right to life' to humans already born (e.g. the right not to be killed), rather than to an embryo not yet born (i.e. the right of this embryo to be born). Using the 'right to life' of the unborn raises moral questions as to whether a foetus has rights over that of the woman carrying it. However, the right to be born raises questions as to when a foetus becomes 'human'. Traditionally, law has not afforded foetuses human rights because they are not human (Bryan 2008), and as to whether anybody really has a 'right' to be born. The current state of the law is an effective minefield when it comes to genetics and the selection on the basis of screening out disability, and the UNCRPD does not touch on this. Indeed, its silence on bioethical issues, Pre-Implantation Genetic Diagnosis (PGD) and genetic interventions may "come to be regarded as its greatest failing" (Kayess & French 2008:29). This silence is all the more striking given one of the nine general principles of the UNCRPD is "Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity" (Article 3 (d)).

The issue of PGD and genetic intervention is crucial for SLPs communities because it can be said to have as its ultimate aim the elimination of SLPs as part of human diversity (EUD 2012). In the UK the Human Fertilisation and Embryology Act (HFEA) was adopted in 2008. Clause 14(4) can be interpreted as the prohibition of the selection of a Deaf embryo over a non-Deaf one. Activism in and outside the UK attempted to amend the Bill but in the end they only achieved a reference to Deafness to be removed in the explanatory notes and the Act passed with clause 14(4) intact (Bauman & Murray 2010). The Act was adopted before the UK ratified the UNCRPD (2009), but after signature (2007).

3) Interpretation of Article 15 (Freedom from torture or cruel, inhuman or degrading treatment or punishment) and 17 (Protecting the integrity of the person)

Article 17 reads: "Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others". During the 8th session of the Ad Hoc Committee, attempts were made to expand this article to include regulations about the treatment of persons with disabilities against their will[9]. The concern of the disability movement however, was that in attempting to regulate involuntary treatment[10], it authorised such interventions, which would be against the very spirit of the Convention. In the end it was decided not to expand the article and limit it to the one paragraph it consists of now (Lawson 2007). The article can be read together with Article 15, which states that "[…] no one shall be subjected without his or her free consent to medical or scientific experimentation". Still, the language of articles 15 and 17 again leaves room for interpretation and implementation of the articles will highly depend on this.

Conclusion

Sustained involvement of the World Federation of the Deaf in the UNCRPD's negotiations led to the UNCRPD being the first international human rights instrument delivering some of the main priorities on SLPs' political agenda. In practice, though, its implementation will very much depend on the interpretation of the specific articles by State Parties and the extent to which SLPs are (equipped to be) involved in the national implementation and international monitoring process. Therefore, it is crucial to invest in SLPs capacity building so that the 'nothing about

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[9] An example of this would be forced cochlear implants on children who are Deaf or hard of hearing, the fitting of leg braces for people who prefer a wheelchair, or the forced administration of anti-depressant or sedative drugs or the use of electro-convulsive therapy on people with various kinds of psychological or neurological conditions (Lawson 2007).

[10] E.g. minimise it through the active promotion of alternatives, undertake it only in exceptional circumstances in accordance with procedures established by law and with the application of legal safeguards, undertake it in the least restrictive setting possible with the best interests of the person taken fully into account.

us without us' principle, which was instrumental in developing the Convention, does not remain hollow.

This article highlighted some of the possible weaknesses and challenges of the UNCRPD for SLPs, mainly the dominant individualist human rights framework and the absence of cultural dimensions. This leads to a lack of opportunities for a group-based rights approach for SLPs and does not allow for a deeper understanding of the crucial differences between SLPs and groups of persons with disabilities. SLPs representative organisations are burdened with the difficult task of guiding their national governments towards meaningful implementation of the UNCRPD, while at the same time continuing their struggle for legal recognition as linguistic and cultural minorities.

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Biography

Maartje De Meulder is a Deaf PhD researcher at the Department of Languages of the University of Jyväskylä (Finland). Her research is situated at the crossroads of Deaf Studies, (critical) language policy and political theory, explores what it can and should mean to legally recognise Sign Language Peoples' identity, languages and cultures, and what the potential barriers are in achieving this legislation. Prior to starting her research she obtained an MA in Pedagogical Sciences option Disability Studies from the University of Ghent (Belgium) and an MSc in Deaf Studies from the University of Bristol (UK). Maartje previously worked as an advocate for the Flemish Deaf Association for five years.

3. No human rights based democracy without the right to vote for all - what are the challenges of Article 29 UNCRPD?

Dr László Lovászy, UNCRPD Committee Member (Hungary)

Introduction

Before exploring the title in detail, it is important to bear in mind, that the right to vote is not an old and fundamental right, in terms of legal history and human rights. In many countries, it still remains a relatively new institution, even after the Second World War. The right to vote stems from the suffrage movement led by courageous women at the beginning of the 20th century.

Only few counterexamples are known. For example, in Finland female members of the public, who were taxpayers, were able to exercise the right to vote between 1718 and 1772 under the reign of the Swedish Kingdom (during the so-called Age of Liberty). This led to the first universal suffrage in Europe in 1906: Finnish women were the first in the world to have full rights, both to vote and to stand for parliament seats. After this revolutionary bill was adopted, 19 female MPs were elected. Only several hundred kilometres away from Finland, many European countries did not experience similar changes at all, until the end of the Second World War. Many European countries, especially those who lost the First World War saw as a consequence of the war, people in despair who demanded more freedom. This led to wider suffrage in Europe, in particular in the more developed countries.

However, even among the most developed countries this phenomenon was not fully successful. For example, in Switzerland, where the United Nations' headquarters is situated and the sessions of the Committee of the CRPD are held, women with Swiss citizenship were denied to exercise their right to vote until 1971. So, the universal right to vote was not developed everywhere at the same time. Neither in the United States where at federal level women could not vote until 1920, nor in Australia where, although the suffrage movement succeeded in achieving the universal right to vote for women, the aboriginal people were legally denied to vote in elections until the mid-1960s[11].

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[11] In 1962, the Menzies Government (1949-1966) amended the *Commonwealth Electoral Act 1918* to allow all Aboriginal Australians to enrol to vote in Australian federal elections. See more here: https://www.vec.vic.gov.au/Education/education-programs-aboriginal-history.html.

Now, let's turn to the Convention on the Rights of Persons with Disabilities and begin the journey into the realms of human rights together!

Article 29 CRPD in a nutshell

Article 29 deals with two general topics; participating in elections specifically and public decision making processes in general. The first part of the article covers the right of people with disabilities to vote and stand for elections as a candidate. This is done on an equal basis with others with special regards to accessible voting procedures and materials, including the protection of secret ballot in elections and referendums, as well as providing assistive and new technologies where appropriate (Article 29(a) i and ii). However, within the framework of accessible voting procedure, there is a very specific and, in a way, unusual exception to secret ballot, which allows assistance in voting by a trusted person selected by the disabled voter (Article 29(a)iii).

The second part of the article touches on the involvement of people with disabilities in public affairs. There is reference to being involved in the lives of NGOs which might be considered unnecessary; however, the activities and administration of political parties are also considered as important and compulsory in this regard (Article 29(b)i). The last notion of the article speaks for itself by declaring the right of forming and joining NGOs of/for/with people with disabilities (Article 29(b)ii). This right cannot be taken seriously if the other rights such as; the right to education, the right to access information or the right to accessible transportation are not respected and promoted completely because these are all complex preconditions to the full right to vote. According to the legal literature, human rights are *indivisible*, *interdependent* and *interrelated* (Lord et al 2007).

In order to understand the gravity of this situation, it is important to have an overview of the (r)evolution of the rights of women, since this can be considered as an antecedent to the rights of persons with disabilities at EU level.

The importance of the evolution of women's rights in the EU with regard to Article 29 CRPD

As noted in the introduction, the rights of women started to evolve after the Second World War on a greater scale. It was only in the 1970s that the world acknowledged a woman's equal right to stand for elections in the same way as men in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW[12]). This Convention was adopted in 1979 and identifies the right to vote as a basic right. After comparing the

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[12] For the full text see: http://www.un.org/womenwatch/daw/cedaw/.

relevant texts, it can easily be noted that even though the structures of the relevant wordings are different, the text of CRPD regarding the right to vote appears to be akin to Article 7 of CEDAW.

However, the CEDAW does not contain an explicit reference to political activities in contrast to the CRPD. This is because disabled people may encounter serious obstacles in becoming active members of political parties. In modern democracies political parties play the most important role, even though grass-root movements and labour unions can also participate in public debates and discussions.

Therefore it is important to highlight the importance of eliminating barriers that people with disabilities face because political parties can efficiently influence public opinion as well as the adopted programmes and applied policies of the elected government. With regard to the evolution of the rights of women, in the European Union law the famous decision made by the Court of the European Union, the Defrenne case[13] was a milestone. Based on the argument related to equal pay for equal work, both the Directive 76/207/EC[14] and later the Directive 2006/54/EC[15] applied the same notion which eventually led to full equal rights for women before EU law (Article 157 TFEU[16]). This is in accordance with the EU Charter of Fundamental Rights (Article 23[17]) since the Lisbon Treaty has entered into force. This also led to today’s many written guarantees regarding the equality of women before the law. It is of course a different story whether and how these rights and guarantees work in reality. The issue of women’s rights, or in other words ‘gender mainstreaming ‘has remained a political and controversial issue, and still unsolved in many aspects. Even in the European Parliament there is a full committee on the rights of women equal to other committees covering fields ranging from of transport to internal market. Based on the achievements of the gender legislation, Directive 2000/78/EC[18] introduced a new type of ‘positive, affirmative’ action: reasonable accommodation (Article 5 for the disabled people in particular),

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[13] 43/73 Defrenne v. Sabena (1976) ECR 455.

[14] Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

[15] Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

[16] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0047:0199:EN:PDF.

[17] “Equality between women and men must be ensured in all areas, including employment, work and pay.” More here: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:EN:PDF.

[18] Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

which is partly the prerequisite to the universal design concept. However, this reasonable accommodation was only applied to limited areas of life such as employment and training until 2014. From 2014 onwards, due to the adoption of the new cohesion package at the end of 2013 which includes the regulation governing the new structural and investment funds,[19] there are further improvements regarding the requirements of accessibility to be achieved. This is now an obligation not only at EU level but also within member states when planning and implementing projects co-financed by the EU under the so-called "partnership agreements" concluded between the European Commission and member states. Moreover, in contrast to the previous regulation, the new one has at least 10 new strict rules for strengthening and ensuring a higher level of accessibility for each and every EU-financed project and programme. This is promising and may lead to further improvements in the field of public life such as voting as an example.

What does international law specifically state about participation and public life?

Although the Universal Declaration of Human Rights (UDHR[20]) is not part of the international human rights legislation since it was a 'simple' declaration, the UDHR eventually became law through the jurisdiction of the International Human Rights Court, which declared this as a fundamental instrument in the realm of human rights since the 1980s.

The UDHR states in Article 21:

"(3) The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

In addition, Article 25 of the International Covenant on Civil and Political Rights (ICCPR[21]) underlines that:

"Every citizen shall have the right and the opportunity (...) without reasonable

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[19] REGULATION (EU) No 1303/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006.

[20] The full text can be found here: http://www.un.org/en/documents/udhr/.

[21] The full text can be accessed here: http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx.

restrictions to vote and to be elected at genuine periodic elections which shall be universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors."

Here, we can note that international law acknowledges the right to vote and to be elected with *reasoned restrictions*. The question is what kind of restrictions can be justified? Even though the CRPD is clear about the right of people with disabilities to vote, and in most international law instruments regarding anti-discrimination-related fields there are firm objections to discrimination based on for example sex, race, nationality, etc. and specifically age, it is also widely accepted that children (mostly under the age of 18) cannot have or exercise their right to vote, not even in the most developed democracies however smart and clever the children may there be. The case of children can be used as an analogy in understanding the importance of equal rights and their possible consequences as well as challenges.

To put it simply, in the case of children, there is an objective and universal exception for human beings not to exercise the right to vote based on an objective condition (a certain age), regardless of the given child's mental or any other condition. The justification for denying the right to vote from children is based on the general notion of "immaturity". Immaturity legally means being under the age of majority, which is typically characterised by recognition of control over oneself, as well as one's actions and decisions in principle. The most common age threshold is 18 years of age in Europe; however, the age of 14 in this field is not unknown either (especially in matrimony). In some countries in South America people as young as 16 can vote. This leads us to the issue of legal capacity or incapacity.

In professional literature and academic arguments, one of the most frequently used disqualifications on the basis of disability is disenfranchisement of persons with disabilities. Exclusion from voting can occur due to an official declaration of legal incapacity by a local doctor, for example. Even though there are countries where this declaration can be made by institutionalised bodies like official and unbiased courts and in accordance with strict rules and guarantees, several believe that even constitutionally set courts consisting of qualified people who may make a decision with official experts within independent teams, should not declare any person incapable of voting due to mental disability. It is an interesting question, since history shows us that sign language users were refused the right to exercise their civil and fundamental rights due to the general assumptions that they were "dumb" and therefore incapable of making responsible decisions. Just to quote one example: at the beginning of the 20th century[22] deaf people were

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[22] The first major immigration law, the Immigration Act of 1882, established the standard for discriminatory practices by officially making it legal to exclude immigrants with mental

not allowed to emigrate to the U.S. due to their disability.

Bearing in mind what the ICCPR states that there are reasonable exceptions in voting, the European Court of Human Rights unanimously agreed that an automatic and therefore an unconditional ban on voting for a person under guardianship violates the right enshrined in Article 3 of Protocol 1 of the European Convention on Human Rights. Although the Court also added that: "*only citizens capable of assessing the consequences of their decisions and making conscious and judicious decisions should participate in public affairs*."[23] Some believe that everyone regardless of their mental disability and the extension of their disability are citizens legally fully capable of assessing the consequences of their decisions, and that they are able to make conscious and judicious decisions. This poses a challenge in terms of interpreting the notion of "capable citizens" and denying the legal and *reasoned restrictions* of mentally disabled people regardless of their (in) capacity in making conscious decisions.

This ruling means on the other hand that, in accordance with the CRPD Committee's Concluding Observation of Spain (19 May, 2011[24]), that a universal disenfranchisement cannot be justified. It cannot be a rule, only an exception. Each and every case needs to be measured and justified by a competent court legally responsible for dealing with civil and fundamental rights of citizens based on the constitution. It is also important to ensure that the existing and established constitutional guarantees in line with international law obligations. In this regard, some argue that children capable of making responsible decisions due to their maturity are legally deprived of their right and their participation or representation in public life and discussions (even via their parents' vote) remain unreal if their possible right to vote cannot be acknowledged by neither a court nor law. This follows that legal systems in general are able to legally deny their rights by declaring them incapable of voting or taking part in public affairs solely based on their age regardless their personal skills and maturity. In a democracy everyone shall have the same and fair conditions to be applied and everyone's right to be heard and represented shall also be respected equally, especially in decisions in which their own present and future are at stake.

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and/or physical defects. The decision on whether a disability existed was left to the discretion of medical examination officers at the venue without any possibility to appeal at all. The legislation was updated in 1917 by providing additional and more precise examples. See more in article of Baynton (2001) at http://www.disabilitymuseum.org/dhm/edu/essay.html?id=70.

[23] Alajos Kiss v. Hungary, Eur. Ct. H.R. Application No. 38832/06 (20 May 2010).

[24] The Concluding Observations can be viewed here: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fESP%2fCO%2f1&Lang=en.

What kinds of obstacles can be encountered by people with disabilities in terms of the right to vote?

Disabled people themselves cite many examples of inaccessible practices of elections. Many mention a long list of unacceptable solutions found out by officials responsible for organising elections who actually forgot to ask the people touched upon. Apart from the conception of universal design is enshrined in the Convention, organising elections belongs to national competency and the practices of elections differ in almost every aspect in Europe. Even the European Parliament election is organised and performed at national level. Without EU legislation it is almost impossible to set up a minimum standard because it would also create discrimination between EU citizens at European Parliament elections in terms of providing accessibility for all. If we set up a required technological standard, then this has to be a full exploration, and have unquestionable quality in terms of accessibility fulfilling the universal design. To put it simply: reasonable accommodation is a requirement in voting. However, I doubt that it simplifies at all. Since disability in society is basically perceived mostly as a physical and not a linguistic challenge, therefore a kind of unification or standardisation (with the clarification of the role and differences of national sign languages) is a must for providing the same accessibility for all disabled people, at least at the European Parliament elections in every five years. (Just to mention an interesting fact based on my experience: not even professional interpreters at the European Parliament were aware of the fact that there are different sign languages in each and every member states in the EU.)

Until then, we can only focus on legal issues. Article 29 of the CRPD, basically states that there are two parts dealing with rights or guarantees. This is regarding the right to vote and the right to stand for elections for public office and participating in public affairs. The first part relates to political life. The state Party has a direct responsibility to adopt relevant legislation guaranteeing people with disabilities' right to vote and to be elected by

"[e]nsuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate".

The notions of being allowed to be elected and to vote are not only inseparable from one another but also *indivisible*, *interdependent* and *interrelated* as Article 29 (a) declares after stating "*to ensure that persons with* *disabilities can effectively and fully participate in political and public life on an equal basis with others"* as follows:

"(…) including the right and opportunity for persons with disabilities to vote and be elected"

Even though the most important feature of democracy is the right to cast a ballot in a secret way, these abovementioned rules relate to 'passive obligations' of the State which provide an anti-discriminatory approach at State level and do not mean further and additional rights. However, there is an 'active responsibility' which requires further exceptions in terms of basic and fundamental principles, of for example, casting secret ballots as follows:

'Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;'

This follows that in the CRPD an existing right (the right to vote) can only be guaranteed if an additional right (or 'exception' if you like) is applied for ensuring a given fundamental right available for all people. This may be considered as 'positive discrimination'; however, this exception belongs to a condition that provides the disabled person with the additional incentive approved by society to their capacity as a given person as a citizen. Hence, an active approach is needed from the government to achieve the obligation enshrined in the CRPD, inter alia, which means that forming and joining any NGOs or political parties representing by, for and with the people living with disability should be a natural right of everyone. This can be carried out in the following ways:

"b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels."

In addition, people without formal education are not able to exercise their right adequately. People without sound and accessible information are not aware of their rights, either. People with disabilities without relevant education face real and everyday obstacles to information and they are in a much more difficult and challenging position compared to other members of society without disabilities. As a result, CRPD pays a greater attention to education and public information in terms of exercising the right to vote, in order to take part in not only accessible, but also effective and responsible elections, see Articles 9, 21 and 24 in particular.

What does the CRPD Committee say about Article 29 and how can this be interpreted?

The Committee is currently developing its 'case law'; it has been interpreting the Convention since its first session via the so-called Concluding Observations (CO). It is the most important tool for not only influencing, but also helping State Parties to understand and fulfil the obligations enshrined in the Convention. Many countries, such as Paraguay, Argentina, China, Hungary, Peru, Spain, etc., have received COs pointing out the importance of Article 29. All of them have promised to change their existing and criticised practices and many of them have already changed them accordingly. Within the next 4 years, their commitments and deeds will be observed again when researching the country respective reports. In some countries deaf people are still discriminated by imposing restrictions on their right to vote. Some countries in the world still maintain general disenfranchisement and ban people with mental disability on the right to vote due to their mental capacity. Being at an institution cannot justify the disenfranchisement of a disabled person because disability itself in general cannot be a (decisive) factor in terms of incapacity for voting. The Committee also observes that one judge alone cannot make an individualised decision regarding the denial of the right to vote either.

Conclusion

Ensuring the right to vote for all is a State obligation. To provide reasonable accommodation is not only a State obligation. It is also the responsibility of the disabled people's NGOs to inform the public of their needs. Only effective and responsible NGOs can contribute to the State's task to make sure every citizen has an accessible way to perform the right to vote, as well educating their members about their rights and opportunities. It means a challenging grass root activity and preparedness; otherwise the State will not know what is important for its disabled citizens. Or it can even neglect their needs without vibrant and effective organisations and without political consequences. NGOs have to motivate people to take part in public life in order to make them understand that the needs of people with disabilities are not isolated. Due to an ageing population people will face similar challenges as disabled people do now. This is a big task and an especially difficult one to change public perceptions. More and more elderly people will vote and they will also require similar or even the same assistance as disabled people.

It follows that, in accordance with the CRPD, responsible and motivated State officials must be trained and receive disability awareness to allow disabled people, as many of them as possible, to take an active part in public life via their organisations as well. That is why the leaders and experts of disabled people's organisations are very important figures in the fighting for a better implementation of the Convention at national level. And therefore is this book you are holding now is so important, in this journey.

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Biography

Dr László Lovászy is 40 years old and was born with 80% hearing loss. He received his law degree in 2000 and his Ph.D. in 2007 and he has been publishing papers in various reviews and journals since 1998. He acted as a representative of the Committee on Rehabilitation and Integration of People with Disabilities (CD-P-RR) at the Council of Europe (Strasbourg, France) between 2003 and 2005. Previously, he lectured at Bárczi Gusztáv College of Special Education at Eötvös Loránd University (ELTE) between 2001-2010 in Budapest. More recently he has been teaching at University Pécs as a guest lecturer. He is the first disabled adviser with a hearing impairment to Ádám Kósa, the first deaf member of the European Parliament since 2009. He serves within the UNCRPD Committee until 2017.

5. The role of representative organisations in implementing political participation

Yannis Vardakastanis, EDF President

Historically, the right to form or join an association was has been recognised historically as part of modern democracies body of civil and political rights. This is a tool to channel, express and defend individual's contributions to community life. The right to vote, or to be elected is a fundamental right that should be enjoyed by each individual, who have often found collective bodies useful in organising their contributions to political and public life. Associations are one of those collective bodies.

One of the main functions of organisations that represent persons with disabilities (DPOs) is to enable those with disabilities to be involved in the political and public life, giving them the opportunity to voice their concerns.

The European Disability Forum (EDF[25]) was created in 1996 by several DPOs, as the European umbrella organisation representing all persons with disabilities at European level, at national and European platforms. The 100 members are represented across all EU Member States and represent the whole spectrum of disability. One of EDF's main functions is to enable persons with disabilities' participation in public and political life, as well as involvement in decision-making processes more generally at European level.

Persons with disabilities have the right to fully participate in the political process on an equal basis with other citizens. Article 29 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) guarantees the right to full participation in political and public life of persons with disabilities, including the right and opportunity to vote and be elected. Art. 12 UNCRPD recognises the full legal capacity of persons with disabilities and requires the respective States to take appropriate measures and to organise adequate support to enable them to exercise it. The UNCRPD promotes in other words, for the right to political participation for all persons with disabilities without exception.

EU and the Council of Europe law and policies reflect these UNCRPD core values: The right to vote and the right to stand as candidate is a fundamental right of every European citizen according to Article 39 of the Charter of Fundamental Rights of the EU. Article 21 of the Charter adds, "any discrimination based on […] disability […] shall be prohibited". The

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[25] Further information can be found here: http://www.edf-feph.org/.

Venice Commission's Code of Good Practice in Electoral Matters on the participation of persons with disabilities in elections[26] refers to Article 29 of the UNCRPD.

The European Disability Forum, like other civil society organisations, plays a key role in voicing the concerns of European citizens with disabilities to public authorities, facilitating their involvement in EU policy-making and to work towards enabling their participation in public and political life. Representative organisations actively involve citizens to participate in the development of EU policies that affect them. Through this empowerment, both at local and European level, they foster active citizenship and thus contribute to bridging the gap between EU institutions and citizens. This strengthens the democratic legitimacy of public institutions as well as the decisions taken. This quality of civil dialogue is an indicator of the health of our democracies.

EDF therefore works to stimulate and enable the active participation of European citizens with disabilities.

Article 29 of the UNCRPD recognises this essential role of representative organisations in facilitating disabled people's participation in public life. The article makes a connection between this participation and the role of representative organisations: 'States parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to […] promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including […] forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels".

EDF is committed to enabling Europeans with disabilities to; exercise their right to political participation in the European elections 2014. For this reason, we have launched a very important and wide-ranging campaign around the European elections, in partnership and in interaction with our members.[27]

Our campaign includes several objectives. A major objective is to campaign for the accessibility of the European elections. Without this the fundamental human rights - right to vote and right to political participation cannot be a reality for persons with disabilities. This concerns not only the elections themselves (accessible polling stations and voting procedures) but also the

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[26] See: http://www.venice.coe.int/webforms/documents/CDL-AD(2011)045.aspx.

[27] The full campaign can be accessed here: http://www.edf-feph.org/Page_Generale.asp?DocID=13854&thebloc=33369.

election campaign. These include dissemination of information through the news, programmes of the political parties and of the candidates, debates, electoral meetings and more generally ensuring that all information is accessible to all persons with disabilities. Otherwise, how are persons with disabilities able to be aware of their rights and make an informed choice?

Accessible elections and election campaign remain a huge challenge. Data, when available, shows that only from 2% to 50% of polling stations across EU are accessible. Governments, electoral authorities, political parties and candidates, parties hold responsibility in addressing this exclusion of persons with disabilities from participating in political and public life.

Another important objective of our campaign is to inform citizens with disabilities – as well as all citizens – on the impact of the European elections on their lives. We highlight the role of the European Parliament in the development of EU disability policy. By doing this, we challenge misrepresentations of the EU and demagogic ideas. We analyse the programmes of the political parties from the disability angle. We stress the opportunities for MEP candidates to listen to individuals with disabilities' concerns during the election campaign.

EDF also strives to promote the exchange of information between our members, this enables comparison of and inspiration from the different realities on the ground, across Member States. In particular attention is paid to measures taken in favour of the accessibility of the elections and in terms of political participation of persons with disabilities. We do not focus on the gaps and discriminatory practices but also on positive practices. For instance, the French disability movement in 2007 obtained the possibility to access the Parliament (both National Assembly and Senate) during all sessions, including night sessions. As the plenary chambers were not fully accessible, special « salons » were opened with large screens and sign language interpretation. This allowed persons with disabilities to follow the discussions and votes in real time. This innovation also opened the possibility for parliamentarians to meet and have direct discussions with disability organisations. This demonstrates that it is possible to involve persons with disabilities in political debates, even when the accessibility proves to be a challenge.

Finally, in the framework of the EU elections, EDF urges political parties to improve the participation and involvement of persons with disabilities in their jobs and activities of political representation.

Persons with disabilities want to engage and participate but they do not have equal opportunities. This results in under-representation in government and public offices. Participation of persons with disabilities in political parties and as candidate's remains anecdotal.

To change this situation, the prerequisite is to abolish all discriminatory laws and practices that restrict the right to vote, to stand as candidate and to hold public office for persons with disabilities. These discriminations remain a reality in many countries in XXI century's Europe. Laws that deprive persons with disabilities from their legal capacity are in place in almost all EU countries. Often these substitute decision-making systems do not allow for an individual to take cases to court and to ask for the review or removal of the deprivation of legal capacity. The individual with disability is depersonalised since he or she is no longer deemed to be a full and equal citizen in society. The United Nations CRPD Committee calls upon States Parties to replace these substitute decision-making systems by supported decision-making systems. Reasonable accommodations must be provided and fully implemented. Positive actions and measures need to be encouraged.

Prejudices are another strong obstacle. Parties need to promote a positive representation of persons with disabilities in their discourse. They also need to change their own practices, attitudes and be more open to disabled peoples' participation. Political parties need to engage with persons with disabilities, promote their representation as candidates to public offices and contribute to a more inclusive society.

The European Disability Forum will not stop advocating, loudly and clearly, for a removal of all discriminatory measures. Not just in elections periods but also afterwards. We will continue to call for better involvement of citizens with disabilities in the EU decision-making processes. Participation in public and in political life is intertwined. The UNCRPD addresses this in the same article 29. Active citizens who feel that public institutions listen to them are more likely to be willing to vote or to be politically engaged.

It is essential that EU institutions promote civil dialogue with citizens and with representative organisations to improve the transparency of EU decision-making. Representative organisations can enable the political participation of persons with disabilities, provided that structural mechanisms for civil dialogue are in place. EU institutions need to recognise and support the role of civil society, notably by supporting their capacity to participate in the decision-making process. Strong guarantees to a sustained EU financial support to organisations must be given. Cuts to EU financial support threatens DPOs' survival and this of course affects their capacity to enable the political participation of persons with disabilities. Finally, consultations processes, information, official meetings and official documents must be accessible to persons with disabilities. How are citizens with disabilities able to answer digital consultations when websites are not accessible?

The European disability movement has demonstrated that it is ready to take on the challenge and responsibilities linked to participation, during a difficult time for Europe. In many EU countries, the disability movement has shown very strong unity and has proactively engaged with governments and political parties to propose measures in order to pull out of a crisis.

It is the responsibility of decision makers to improve the involvement of citizens in policy-making and in decisions. Persons with disabilities must be part of decisions concerning their present and future. The motto "nothing about without us" is a key principle enshrined in the UN Convention on the Rights of Persons with Disabilities – this is a recipe to restore both legitimacy and trust in the EU.

Biography

Since 1999, Yannis Vardakastanis is the President of the European Disability Forum and chairs different Commission and Committees in several European and international disability NGOs. From 2002 to 2007, he was actively involved as EDF representative in the negotiations on the UN Convention on the Rights of Persons with Disabilities. Since 2007, he is the EDF representative in the International Disability Alliance (IDA) and since July 2012, he is also the chair of IDA. He has been a member of the European Economic and Social Committee since September 2010 and is the President of the National Confederation of Disabled People in Greece (N.C.D.P.).

5. Political participation for all citizens

Claudia Gawlas & Jana Havlová (EUD Policy Assistants)

Introduction: Who can participate in politics? Political participation as an expression of citizenship

There are many definitions of political participation, they vary according to the extent as to which the definition of political participation should include voluntary or involuntary participation; or they disagree on the border between conventional or unconventional political participation. However, many definitions acknowledge that political participation is an "activity by private citizens designed to influence government decision-making" (Huntington & Nelson 1976). Political participation is an instrument used by the citizen, so it is inevitably linked to the notion of citizenship since the citizen is recognised as a member of a nation State. This citizenship gives to the citizen the right to participate in its political life.

Citizenship includes three features:

1. Nationality: only national citizens can exercise their rights since the nationality is considered as a proof of the wish of belonging to the national community in exchange of the citizen gaining the right to participate in the political process
2. Rights and the duties: the citizens have the right to vote, right to be eligible, right to express their political opinion. In contrast they have duties such as paying taxes and respecting the law
3. Civil participation: to vote during elections, participate in political decisions etc.

The citizen participates in public policy by giving the power to the State, yet still having influence in form of a vote and choosing by whom they want to be represented. From this perspective, the citizen is represented thanks to this transfer of power. The issue is evident: there is the challenge in the accuracy of being well represented. The equation is explicit: the more people participate the better they are represented. This is the significant core of access to political participation. The third feature, civil participation is linked to the democratic and idealist theory where the citizen is considered as a rational, independent and interested political person capable of expressing their opinion, also being competent in electing certain persons. In reality, only a small part of the population is concerned because of the cost – in time and information – of this effort/rallying, since participation requires an understanding of the issues. Here we cannot underline how much this is disproportionate for disabled people, who cannot access information.

Political participation, a necessary tool for democracy and a stable State

"Political participation affords citizens in a democracy an opportunity to communicate information to government officials about their concerns and preferences and to put pressure on them to respond". Verba (1995) gives a more precise definition of political participation and underlines how much democracy is linked to political participation. Democracy is understood as a representative government, where citizen participate freely in the political process where political acts and process are transparent. Four features of democracy have to be underlined: representative, citizen participation, freedom and transparency. Citizen participation is also the basic feature of an effectively functioning civil society. From this perspective, we can understand why political participation is one of the important points of a democratic system where the citizen can express himself. This is because it is a way to ensure the legitimacy of the political authority, as well as enhancing the stability and the order of the political system, seen as evidence of an accurate and safe government.

The vote: the most symbolical political participation, but not the only one

The 1940s saw the emergence of electoral studies, and this has reduced political participation to the ballot. Nowadays the definition is broadened to all activities capable of influencing government decision-making. The full process surrounding the elections and other political participation tools are included. Even if some of them qualify as unconventional political participation – in opposition to the conventional one.[28] Demonstration protest is an example of unconventional political participation but cannot be ignored since in democratic systems, people have the right to express their discontent. For a long time, demonstration was even not considered political participation because citizens were not considered as rational individuals. It was considered that only elites should decide the political process. The reversal of this situation came from the recognition of the urge to consider the place of civil society in the political process in order to gain stability: rethinking the citizens' place and role in the democratic and political process.

If the vote is the most symbolical act of political participation, it is merely because we live in a representative and democratic system, in which we decide who will be our representative by voting. Through the voting system, politicians are eager to respond to citizen's needs and expectations,

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[28] Distinction and borders between conventional or unconventional political participation may vary according to time and place. That is why many authors disagree on a universal definition and advice to avoid such "categorisation" between conventional and unconventional action.

or they will be not elected. This form of agreement between the representative and the represented is implicit, but visible during election campaigns where politicians have to convince citizens to vote for them. From this perspective, citizens have the power to decide. Apart from this power, the vote contribute to integration of citizens into the community, it embodies political equality between citizens – in contrast to the past where only owners had the right to vote[29]. From this perspective, the vote is an instrument of social pacification since it replaces direct confrontation thanks to the arbitration of universal suffrage.

As mentioned above, political participation should not be reduced to the vote alone. To live in a democratic community, where the freedom of expression and information is achieved, is also considered political participation. Although this is categorised as a passive one, since the citizen participates in the political process by collecting information.

Memmi (1985) classifies several levels of political participation:

1. Registration on the electoral list which represents "zero degree of political participation";
2. Researching political information;
3. Discussing about politics with peers;
4. Participating in an organisation dealing with a collective problem such as a trade union or association;
5. Register as a member of a political party;
6. Attending political meetings'
7. Giving a financial contribution during an election campaign;
8. Participating actively in an electoral campaign.

Individual and collective political participation can also be identified in the following ways, as Charles Tilly has outlined:

- Individual action categorised as conventional: vote, membership, financing a party, meet elected people, to be a candidate
- Individual action categorised as unconventional: own a political blog, hunger strike, write graffiti on the wall, to give back honours, civic disobeyance
- Collective action categorised as conventional: organize a campaign,

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[29] Indeed, in the past only few people where qualified as citizen since citizenship was restricted to the elite (e.g. men, or owners etc.) because the rest of the population were considered as not being able to vote. This restriction prevented a major part of the population to vote and to participate in politics, which explicitly caused distinction between voters and non-voters. Non-voters who have no equal right were not integrated in the community. Since equality between all citizens was recognised (with the Declaration of Human Rights for instance), criteria for citizenship broadened to allow all national of a country to be a citizen and vote.

to attend to meetings, to put posters, distributing flyers, going door-to-door.

- Collective action categorised as unconventional: demonstration, strike, destruction of public goods, building occupation, sit-in.

Boundaries between acceptable and unacceptable political action are changing in western democracies as a result of shifts in political values influenced by the political culture (Barnes & Kaase 1979). While the richness of political behaviour is more recognised in political science, it is also legally defined through universal official statements.

Political participation: A right recognised universally

The right to political participation is defined in two fundamental texts: the Universal Declaration of Human Rights in 1948 (Article 21) and the International Covenant on Civil and Political Rights in 1976 (Article 25). The first is a symbolic statement without any binding norms, which defines the right to take part in the government (1); with an equal access to public service (2); and with universal and equal suffrage through elections (3). Therefore, this declaration has a symbolic meaning since it is the foundation not only for later legally binding international treaties but also for most national constitutions. International laws, national laws, treaties take the Declaration as a model. It is often used as a tool to apply diplomatic and moral pressure to governments.

The Covenant relies on the Declaration, but enjoys the status of an international law and imposes obligations on signatory states, which includes some compliance mechanisms. Rhe Declaration reminds the right of the citizen to take part in the conduct of public affairs (a) and to vote and to be elected through universal and equal suffrage elections (b).

The right of “everyone” in the Declaration is narrowed to the right of the “citizen”. This implies the existence of political institutions of citizenship and a government; it also presupposes criteria of the citizenship according to different political systems. Therefore, if the Covenant acknowledges that “every citizen” shall have the right to political participation, it also adds “without unreasonable restrictions” which, implicitly recognises the possibility and the existence of such restrictions. These three words, are not specific and clear, can lead to different interpretations whether restrictions imposed could be reasonable or not.

Political participation is also more precise with the mention of “public affairs”, understood as activities of civil society associations, neighbourhood groups, social movements, and social clubs, as well as formal procedures of governments. Elections are here recognised as the common form of political participation in the Declaration as well as in the Covenant, in both texts. The elections are assigned a special importance and symbolise the equality and the freedom of choosing representatives.

The United Nations Human Rights Committee monitors the Covenant and is in charge of the review on regular reports of the States regarding the implementation. All the signatories States must submit a report to this Committee[30]. Public sessions are held, three times per year, where NGOs can attend. The Committee gives a critical review to the reports and issues its own comments. These comments are not legally binding, but they can bring public attention to States practices, and therefore can have an influence on pressure regarding any negative implementation.

If all the international instruments protecting the right to political participation are acknowledged, it then belongs to each State to fulfil and implement this right according to their respective national legislation.

We now ask how such thing can be possible at supranational level such as at European level.

Political participation: A challenge at European level

Political participation rights or habits differ depending on the EU country. In some States the right of demonstration is fully acknowledged as a legal right, whereas in others it is less easy to demonstrate. How to demonstrate at European level can be problematic for some citizens, in some cases it will be legal, whereas for some others illegal.

Despite differences in national legislations between EU Member States – which symbolises their sovereignty, they all signed the international Declaration and the Covenant recognising the right to political participation. The right to free elections is guaranteed by Article 3 of Protocol N°1 to the European Convention on Human Right (1950), which was also based on the Universal Declaration of Human Rights. The supervisory body is the European Court of Human Rights. The Charter of Fundamental Rights of the European Union (Article 39 & 40) and the EU Treaties (Article 10 of the TEU and Article 22 of the TFEU) also guarantee the right to vote Members of the European Parliament and at municipal elections, when residing in another Member State. With the Treaty of Lisbon, the EU Treaty has a legal basis; it aims to improve the legal protection of EU Citizens by extending the protection that they enjoy from each Member State to acts of the EU. International and European instruments legally protect the right to political participation. To be a European citizen, national citizenship from an EU Member State is required. One cannot be a European citizen without

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[30] Initially one year after acceding to the Covenant and then whenever the Committee requests, usually four years.

national citizenship. Both citizenships are tightly linked, but do EU citizens participate in EU politics to the same extent as at national level?

The majority of political participation is more visible at national level leading to what has been coined a "democratic deficit". This reflects the low outcomes of voter participation during European elections or feeling of being less involved in the European process. The EP Elections is the only direct way to exercise European political participation, there is a need to emphasise the importance of elections and European political participation to make European citizen more involved in the European process. To reduce the gap between Brussels and European citizens, one tool has been created with the enactment of the Lisbon treaty (Article 11): the European Citizens' Initiative (ECI)[31]. This is an invitation to the European Commission to propose legislation on matters where the EU has competence to legislate. A number of at least one million EU citizens, coming from at least 7 out of the 28 Member State, is required. To be valid an ECI must fulfil certain conditions such as EU values as set out in Article 2 of the TEU. The overall objective of the ECI is to comply with the need of involving European citizen in the European political system: to give them the capacity to act and to participate directly in the European project and not through (elected) representatives. For instance, one successful ECI is "Right 2 Water" this has been accepted by the European Commission[32]

Political participation of persons with disabilities

Though the cost is higher for disabled people, the right to political participation is guaranteed in the UN Convention on the Rights of Persons with Disabilities (Article 29), which states that disabled people have not only the right but shall be given the opportunity to enjoy political and public participation. This Article also underlines the equality of disabled citizens' rights with other citizens. The right is not only stated, but also defined as to be effective and given in full. Such precisions refers implicitly to specific needs, which are explicitly mentioned with the use of words such as "appropriate", "accessible", "easy to understand and use" "facilitating". It emphasises that this right should be not only be recognised, but also effective in its application. States should provide tools to implement this right, and to provide the capacity for disabled citizens to participate fully in the political process, just as any other citizen.

Political participation for disabled citizens is fundamental since they need to be well represented. This representation can be effective and possible only through active political participation, one of the most relevant steps

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[31] See: http://ec.europa.eu/citizens-initiative.

[32] More information about ECI or "Right 2 Water" can be found here: http://ec.europa.eu/citizens-initiative/public/welcome.

in the process of enjoying other human rights. This right is protected under EU law and the European Union Agency for Fundamental Rights (FRA)[33] is in charge of this issue. Though this Agency has no legislative or executive power, it aims to evaluate the rights of people with disabilities to political participation with indicators. This evaluation leads to classify countries through their practice; FRA aims to influence EU Member States to improve their policies regarding this topic. As for other EU Agencies without "direct" power, they count on the "shaming and naming" strategy: countries will be pointed out as "bad pupils" could change their policies under this pressure. The most progressive EU Member State in this field will be taken as a model of "best practices". To ensure the sharing of best practice, and to recall the responsibility of each States to implement this right, the Human Rights Council in 2012 asked the Office of UN High Commissioner for Human Rights to initiate a thematic study[34] on the participation of persons with disabilities in political and public life. This was prepared by Inclusion Europe, an organisation of people with intellectual disabilities and their families in Europe[35], with recommendations for governments to fulfil. There is also an on-going project led by FRA, which started in June 2013, to develop indicators, across all EU Member States, on the right of people with disabilities to political participation. The project findings will be published before the EP elections in May 2014[36].

Under international and European standards, all citizens have an equal right to participate fully in all aspects of the political process. In practice, however, it is often harder for disabled people to exercise this right because of additional barriers to their participation. This is because all forms of political participation were traditionally made for non-disabled people. Indeed, previous FRA research[37] shows that many disabled citizens face obstacles to participation in community life, which affects the fulfilment of their rights. Non-participation of some citizens may be the result of their free choice or contentment to the political system, and not imposed or endured because of the lack of access to this participation. Sen (2002) recalls that participation has an intrinsic value for the quality of life, and the link between participation and policy outcomes. Active participation from people who are the most in need could improve the quality of their life, as this outcome could mean that they would be well represented.

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[33] Further information can be found here: http://fra.europa.eu/en.

[34] The study can be found here: http://www.ohchr.org/EN/Issues/Disability/Pages/ParticipationPoliticalAndPublicLife.aspx.

[35] Further information can be found here: http://inclusion-europe.org/.

[36] Further information can be found here: http://fra.europa.eu/en/project/2013/political-participation-persons-disabilities.

[37] See: http://fra.europa.eu/en/project/2013/political-participation-persons-disabilities.

Political participation of Deaf and Hard of Hearing citizens

The lack of adequate representation is an issue for Deaf people and Hard of Hearing (HoH) citizens since their needs are not well known and acknowledged. Indeed, the recognition of sign language, access to education, empowerment through communication and information are the three major issues for the Deaf community. The level of education for Deaf and HoH children is lower compared to the education levels of other children; but this result not from a lack of money or politics to change, but from lack of information about specific needs of Deaf and HoH children. This lack of information leads politicians to think that they need more tools, whereas they just need an adapted education. *Adapted* education does not mean *more* tools. This misunderstanding comes from the miscomprehension of a visual vision of the world with its own logic guided by sign, faces' expression and not by the voice – the normative and traditional way. From this perspective, to gain more visibility and to overcome this misunderstanding, Deaf and HoH citizens must have access to political participation. This can be possible and effective only if political systems are accessible to them, that is to say speaks their language. Indeed, since Deaf people have difficulties to access information – because of the lack of any translation – the results speak for themselves: there is a majority of Deaf people (see EUD UNCRPD survey[38]) who express their confusion about for who to vote for or they feel that Deaf issues are pushed aside. Deaf people need information, which should be given in their national sign language or in International Sign. Each Deaf and HoH citizen has the right to choose their communication method, and each Deaf citizen shall be given the right to have information and access to their preferred method of communication.

These are the aims of EUD regarding the EP Elections in 2014. The focus is to achieve equality in public and private life for Deaf people in Europe. With this in mind, EUD drafted a Manifesto; this encourages MEP to use Sign Language, subtitles and speech to text reporting to improve the accessibility of Deaf and HoH people to MEP campaign. With all this information, Deaf and HoH people will get the chance to be aware and able to vote fully, and not restricted by lack of access and information. This will also give Deaf and HoH citizens the opportunity to feel more integrated in the EU if information has been given in their own language, their interest will increase. Such efforts should not be effective during elections but anytime. EUD works on this objective: empowerment through communication and information to give the power and the opportunity to Deaf and HoH citizens to be more visible. This visibility will raise curiosity about what has always been defined as "invisible world" (Bertin 2010).

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[38] The full survey can be accessed here: http://www.eud.eu/UNCRPD_Survey-i-693.html.

Overcoming this "invisibility" will raise people and politics awareness about Deaf and HoH people's real need; it will debunk any misconceptions and popular opinion about Deaf people. The political participation is one way to achieve this.

Deaf people and HoH persons have the same right as disabled people guaranteed by the Convention on the Rights of Persons with Disabilities (Article 29). In addition, Article 21 focuses on freedom of expression and opinion, and access to information. The preferred modes and formats of communication of Deaf and HoH people are recognised and shall be provided, in addition the recognition and the promotion of sign languages are stated. Thus it belongs to States to recognise the Sign Language as urged by the European Parliament twice (1988, 1998). However, recognition and theoretical rights are not enough. They should be followed by effective results, this could be realised through a process of progressive integration of Deaf issues in society. Political participation can be a conveyor and a growth factor for this integration.

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Biography

Claudia Gawlas is French and Polish; she studied European Politics in a Franco-Polish Double Degree Programme at Jagiellonian University in Cracow and at the Strasbourg Institute of Political Studies. She is the current EUD Policy Assistant and is writing her master thesis about sign language legislation in Europe and its impact for the education of Deaf children.

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6. On the importance of professional sign language interpreting to political participation

Graham H. Turner & Jemina Napier (Heriot-Watt University, Edinburgh, Scotland)

Making sense of nonsense

Sometimes, the moment for political change comes when we least expect it. Watching the memorial service for the late former President of South Africa and world statesman, Nelson Mandela, nobody expected to observe the catalyst for a global shift towards the professionalisation of sign language interpreting services. But Thamsanqa Dyantyi, the South African who appeared on the platform at the event in Soweto on 10 December 2013, inadvertently did more to advance this cause than anyone could possibly have anticipated. As yet, the explanation for Dyantyi's behaviour remains clouded: what is certain, though, is that he was not interpreting, merely moving his hands in a poor, incomprehensible imitation of real signing.

Sign language interpreting is not an easy task as such. Even the best interpreter cannot produce perfect output at every moment in their career. Dyantyi, however, was producing utter nonsense. His 'signing' had no meaning whatsoever. Unbeknownst to the world's media, they were broadcasting an insult to Deaf viewers live to a vast international audience. In this era of pervasive social networking, it took no time at all for Deaf South Africans, and their allies abroad, to raise the alarm: unfortunately, no-one in authority on the day was paying any attention. They are now.

The tale of the 'fake interpreter' brought a number of issues to public attention in a very startling and visible way. It created an opportunity to educate the world about the difference between improvised gestures and the richly expressive, fully grammatical and conventionalised structures of full, natural sign languages. It showed that effective interpreting is a necessary feature of civil society, and that Deaf sign language users will no longer accept inadequate services. It placed squarely before relevant authorities the fact that their complacency or disregard for Deaf citizens will be exposed if they do not properly shoulder their responsibility to distinguish effective from ineffective provision, and to ensure corresponding interpreting supply. And it demonstrated in the most transparent way that the impulse to appear 'politically correct' without actually taking the implications seriously – to provide "cosmetic interpreting" (Turner & Pollitt, 2002: 39) that is primarily motivated by a desire to put on a good show, rather than to enable profound communication to occur – can backfire to spectacular effect.

The 'fake interpreter' episode stands as a cautionary tale to public authorities all over the world. The most unwise response would be to say ‘it could never happen here’. Sadly, whilst out-and-out disasters on this scale may be rare, every Deaf person knows that there are hordes of ‘unconsciously incompetent’ signers out there making a living by accepting interpreting work that is way beyond their capability. It is true all around the globe. What is worse is that it happens under the noses of the authorities, which may unwittingly be paying the bills for wholly unacceptable levels of interpreter competence. In this paper, therefore, we reflect upon Deaf citizens’ participation in wider society, and the part to be played by sign language interpreters in promoting and permitting fruitful interaction between Deaf and hearing people in the public sphere.

Citizenship and the multilingual public sphere

Citizenship has been described by John Hoffman (2004) as a ‘momentum concept’ that is never static, but changes shape and is adjusted as its meaning is negotiated and re-negotiated by social participants. Perhaps as a result of their ‘negotiated’ nature, momentum concepts, confirms Ruth Lister (2010), unfold to reveal increasing egalitarian potential, providing tools for groups seeking to enhance social justice. A key change in the unfolding of contemporary citizenship has been the development of supranational political entities, of which the European Union (EU) – operating through a system of independent institutions and intergovernmentally negotiated decisions by the Member States – is probably the most familiar and fully-elaborated example. At any level, citizenship refers to the “set of practices (juridical, political, economic and cultural) which define a person as a competent member of society, and which as a consequence shape the flow of resources to persons and social groups” (Turner, 1993: 2).

Whereas human rights are intended to be universal, citizenship rights have historically been premised on an individual’s membership of a nation-state, and are therefore socially constructed. The same applies to EU citizenship. The project of European political harmonisation has been constructed and sustained through the creation of a new public sphere. For Jürgen Habermas, the public sphere evolved to be defined as “a network for communicating information and points of view [… in which] streams of communication are, in the process, filtered and synthesised in such a way that they coalesce into bundles of typically specified public opinions” (Habermas, 1996: 360). The successful functioning of the public sphere depends upon a fundamentally social form of communicative rationality, manifesting itself through diverse forms of debate and argumentation, in which actors attempt to “discursively redeem validity claims” (Habermas, 1984: 75) about truth, truthfulness or the rightness of norms.

A socially constructed, supranational polity, however, requires correspondingly framed multilingual and multicultural political and communicative processes. Here, the members of the EU have presented themselves with a colossal challenge – one which undoubtedly problematises Habermas' aspiration for the public sphere as "a medium of unrestricted communication" (1996: 308) – for there are 24 official EU languages, with numerous additional regional and minority languages used within European territories. The EU aims to protect this linguistic diversity and tries to promote the learning of languages in all Member States. As an EU citizen, one has the declared right to communicate with the EU institutions in any of these 24 languages, and to receive a reply in the same language. All EU regulations and other legislative documents are published in each of these languages (with the current exception of Irish). Meanwhile, in the European Parliament, the people's elected representatives are also fully entitled to speak in any of the EU official languages.

Plainly, this regime of linguistic pluralism is designed to serve a number of functions, which can be summarised under two major headings. Firstly, the principle – that it is legitimate to use any one of a wide range of languages – is intended to be communicatively functional: any citizen should be able to participate fully in the democratic processes of the Union if he or she can comprehend its messages and can express him or herself comprehensibly to the Union's representatives, its officials and to citizen-peers. Secondly, it is vital to the effective political functioning of the EU that there is no hierarchical structuration amongst its members, their representatives within EU institutions, and their citizens. The symbolic value of the EU's level linguistic playing field is critical to its democratic wellbeing (Gazzola, 2006: 398). It is, as Gazzola concisely states, "necessary to avoid having a limitation in the use of languages which could translate into an unjustified reduction of the political weight of those who cannot discuss issues in the language that they prefer" (ibid). In the context discussed in this paper, the question must therefore be asked: what is the 'political weight' of Europe's Deaf communities?

The European Union as a multilingual, interpreted public sphere

Since it is self-evidently not the case that every citizen of every EU Member State can use all of the languages spoken within its boundaries, the effective functioning of the Union depends in significant part upon the practice of interpreting. Inevitably, the presence of interpreters within key European fora is freighted with linguistic and cultural nuance marking a shift (whose nature is both temporal and paradigmatic) in the patterns of 'languaging' (Pietikäinen et al 2008) in the European public sphere. Even within the European Parliament itself, where simultaneous interpreting is an entirely routine occurrence, Stephanie Jo Kent observes the "ritual effects of jockeying for voice" (Kent, 2012:95), whilst individual Members – making 'acts of identity' very much along the lines established by Robert

Le Page and Andrée Tabouret-Keller (1985) – establish co-identification through linguistic choices at the same time as looking to the interpreters to "alleviate status inequality by levelling linguistic differences" (Kent, 2012:95).

It is not easy to adduce unequivocal evidence either for or against the existence of a unitary European or Europeanised public sphere (Koopmans & Erbe, 2003). Nevertheless, at the multilingual, supranational level, it is predictable that the socio-political developments, which are increasing complexity in all public spheres, will result in "greater diversification of publics and of their deliberation practices… [which] poses an enormous challenge to communicative processes in the public sphere" (Strani in press). On the individual level, language is deeply implicated in one's ability to claim and maintain rights and in affective connections with others i.e. mutual identification: "As such linguistic minority groups need to have space to live their language" (Valentine & Skelton, 2007: 122). In the multilingual public sphere, though, the individual also needs to be able to cross language borders and interact in 'third spaces' (Bhabha, 2004) within which new socio-cultural constellations can be produced and re-produced.

Though much is made of its potential to encourage social inclusion (Lister, 2007), citizenship, as Will Kymlicka noted, can be an exclusionary concept (Kymlicka, 1995). In the case of the EU, the right of the residents of Member States to fully enact their citizenship depends, in part, upon effective interpreting and translation between constituents' languages. Where provision is not adequate, not only is mutual understanding between EU citizens denied, but also decision-making authority becomes unbalanced, and outcomes lose legitimacy even as dialogue is impoverished through the stifling of unrepresented voices. It is to just such an instance – the under-representation of sign language users' perspectives in this context – that we turn for the remainder of this paper, beginning with a review of the emergence and professionalisation of sign language interpreting.

Sign Language Interpreting: what is it?

Sign language interpreting is the facilitation of communication between people who do not share the same language and whereby the interpretation occurs between a sign and a spoken language, for example English and British Sign Language (BSL) or Dutch and Dutch Sign Language (NGT). Traditionally, sign language interpreting has been carried out by non-deaf ('hearing') people, and is offered across the spectrum of everyday life and human interaction in the community and at sites of communication in public service institutions.

Sign language interpreting is provided in business, medical, mental health, legal, educational, social services, religious, and performing arts contexts (Turner, 2007a), and depending on the country in question, services are often funded by government. The level of service provided is contingent on the status of recognition of the sign language in that country, and can be considered as a human rights issue (Haualand, 2009). Sign language interpreters are not present to assist or to advise, but only to enable communication. In the various community contexts outlined above, sign language interpreters engage in dialogic interpreting, bilaterally interpreting interactions between deaf and hearing people as they converse, and participate in interviews, meetings and discussions. Interpreters also work in other contexts where they engage in monologic interpreting, working in one language direction at a time for an extended presentation to interpret speeches or lectures for example in university lectures, publicity events and – to the surprise of many – in conferences (Turner, 2007a).

When interpreting for dialogic or monologic interactions, spoken language interpreters operate consecutively (whereby the interpreting process relies on a delayed interpretation of each piece of the message, and requires speakers/ signers to pause to allow for interpretation). They can only work simultaneously (where the interpreter renders the interpretation almost immediately with only a slight delay and the originator of the source text continues to deliver their message without pausing) when performing 'whispered interpreting' (chuchotage) or when simultaneous interpreting equipment (such as conference interpreting booths) is available. Sign language interpreters, however, can work simultaneously in dialogic or monologic contexts as one of their working languages is silent and there is no conflict between two languages being vocalised one over the top of another (Napier, 2011).

For this reason, sign language interpreting can also be referred to as bimodal interpreting (Brennan & Brown, 1997) as the process involves working between two languages with different modalities. Sign language interpreters work bimodally in that they typically operate between a sign language (using a visual-gestural modality) and a spoken language (using an aural-oral modality). Spoken language interpreters on the other hand operate unimodally, whereby both working languages are perceived by the same sensory system (audition). Deaf people can also function unimodally as interpreters, by working interlingually between different sign languages, for example Langue de Signes Français (LSF) and British Sign Language (BSL), or intralingually by re-structuring the message in a different way within the same sign language (Napier, in press). There are increasing numbers of deaf people working professionally as interpreters, which "invites us to re-appraise the landscape of professionalism in the field, specifically with reference to frameworks of training, assessment and 'occupational standards' criteria; it invites us to re-think assumptions and emerging understandings of power relations between Deaf and non-Deaf (signing and non-signing) communities as experienced and expressed through linguistic and cultural mediation and mediators" (Turner, 2006a: 292).

In the public and political spheres, sign language interpreters have long been provided for conferences, such as the General Assembly of the European Union of the Deaf (EUD), the world congress of the World Federation of the Deaf (WFD), and conferences organised by national associations of Deaf people. These conferences require complex arrangements, especially when the conference is a multilingual environment (Supalla et al, 2010; De Wit, 2010). Increasingly, with improved provision of interpreters in higher education, deaf people are achieving professional qualifications and taking on professional or leadership roles (Hauser, Finch & Hauser, 2008), which require interpreters in the workplace to adopt a different approach to their work and cooperate more closely with their Deaf consumers (Dickinson & Turner, 2008). Thus deaf people also need to attend work-related conferences, which prototypically require interpreters to work from a spoken into a sign language and place demands on interpreters to work in these contexts where they have little background knowledge (Turner, 2007a). However, Deaf people are also increasingly taking on leadership roles, and therefore are the ones presenting at conferences or other high level public and political events. Therefore, there is greater pressure for sign language interpreters to operate at a higher level in providing 'voice-over' for deaf leaders, who are engaging in political, persuasive discourse and need to have their articulate sign language presentations matched in the spoken language equivalent (Bontempo et al, 2014).

Professionalisation of Sign Language Interpreting

"There is now a body of scholarship and social action which testifies to the establishment of sign[ed] language interpreting as a defined occupational and academic field; from the formation of professional associations and the codification of guidelines for practitioners, via the publication of doctoral theses on the subject and the launch of higher educational courses for student interpreters, to the development of international patterns of engagement and exchange" (Turner, 2007b: 2).

Even those who understand the nature of interpreting can be surprised by the pattern of similarities and differences between interpreting between spoken languages and between spoken and sign languages (see Wilson et al, 2012). The field of sign language interpreting, as we know it today has its roots in the Deaf community. More than 100 years ago, Deaf organisations or institutions that were initially established to address the social and welfare needs of deaf people. Often these early institutions had a religious focus and were led by hearing people that organised a range of services, including interpreting (Napier, McKee & Goswell, 2010).

For example, in the UK from 1928, the Deaf Welfare Examination Board included an interpreting task as part of its examination procedures (Stone, 2010). Initially, interpreting was often provided on an informal basis by the hearing children of deaf adults, teachers of the deaf, ministers or members of the clergy, and other relatives and friends of deaf people. Those with the community seal of approval would take on the role of interpreting at meetings, or community events and gatherings, so they 'evolved' from the community (Cokely, 2005). Over time, the need for the role of a welfare/ community worker versus the role of an interpreter became more apparent, and eventually these jobs were split. Training became available, and deaf people no longer functioned as gatekeepers of who could become an interpreter. People could self-select to become interpreters and be 'schooled' into the Deaf community (ibid.). This has led to the academicisation of sign language interpreting (Monikowski, 2013) with the establishment of university training programmes at undergraduate and postgraduate level; and an exponential increase in research on sign language interpreting and interpreting pedagogy:

The first professional sign language interpreting association was established in the USA in 1964 in recognition of the need to formalise the work that many people were doing in the Deaf community. This served to provide an infrastructure for the development of sign language interpreting as a profession. Since 1964, professional sign language interpreting associations have continued being established worldwide, for example in Sweden (1969), Canada (1980), Finland and Scotland (1982), England, Wales and Northern Ireland (1987), Australia and Japan (1991), Austria (1998), Kosovo (2006) (Napier & Goswell, 2013). The sign language interpreting profession is still emerging in many countries, which is why associations are still being established. The European Forum of Sign Language Interpreters (efsli)[39] was established in 1993, but the World Association of Sign Language Interpreters (WASLI)[40] was only constituted in 2005.

The move towards professionalisation of sign language interpreting has occurred at a rapid pace. The impact of legislation and social change has dramatically shifted the landscape for sign language interpreting (along with the relationship between practitioners and the community – see Harrington & Turner, 2001; Turner, 2007; Cokely, 2005), culminating in specific mentions of the need for professional sign language interpreting provision in the United Nations Convention on the Rights of People with Disabilities (2007). In the USA there are over 150 sign language interpreter training programmes at community college and university level, and there are increasing developments in relation to interpreter education across the

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[39] See: http://efsli.org/.

[40] See: http://wasli.org/.

world (Napier, 2009). In Europe, efsli launched its curriculum guidelines for 3-year undergraduate training programmes in December 2013, and the newest sign language interpreting association in Europe is Iceland, which was established in 2014.

International Sign and interpreting

One common form of sign language interpreting in the political sphere is the provision of 'International Sign' interpreting. International Sign (IS) is a "type of signing used when deaf signers communicate across mutually unintelligible language boundaries" (Supalla & Webb, 1995: 334) and is used for restricted purposes. Deaf individuals who interact with each other, primarily at international gatherings (such as the Congress of the World Federation of the Deaf), use IS for communication. Essentially, IS is a form of 'foreigner talk' (Quinto-Pozos, 2007), where different sign languages come into contact. In some respects, IS resembles spoken language pidgins, but researchers have suggested that it is more structurally complex than spoken pidgins as features of IS are systematic and rule governed; with a complex grammatical system but a limited lexicon which borrows heavily from other sign languages (Allsop, Woll & Brauti, 1995; Supalla, 1991; Suppalla & Webb, 1995; Hiddinga & Crasborn, 2011).

Rachel Rosenstock (2004, 2008) conducted an analysis of IS used by deaf presenters and interpreters at an international conference, and found that whilst IS may be more easily understood than natural sign languages (by people who do not know those particular languages), a significant amount of information is nevertheless not necessarily apparent to the viewer. Additionally, Rosenstock reports that there seem to be differences between how interpreters and presenters produce IS.

Typically IS interpretation is provided at international conferences for deaf delegates from countries that cannot afford to bring their own sign language interpreters. Thus, IS interpreters have to convey the crux of a message to a mixed audience of different sign language users (Moody 2002). Based on a comparative linguistic analysis of several IS interpreters working at international events, Rachel McKee and Jemina Napier (2002) describe some characteristics of IS interpretation as a product in formal settings, and identified a number of strategies which interpreters use in managing their task. They found that the production of IS in these contexts is slower and more deliberate than other sign language interpreting, which may reflect aspects of foreigner talk, but mainly the complexity of the task of transferring messages into a non-standard language form. Linguistic features of the interpretation in their study are consistent with previous descriptions of IS, and they identified that the interpreters used the following interpreting strategies in order to make the message salient: (a) utilised grammatical structures and non-lexical resources to the maximum;

(b) maintained a long lag time; (c) unpackaged propositions in the message; (d) expressed abstract or general concepts in more concrete or specific ways; (e) enacted information through role-shift and pantomime wherever possible rather than describing or reporting; (f) emphasised selected parts of the message by extenuating signs, such as important noun referents and numbers; (g) added details of visual information, temporal sequence, and contextual information to bring it closer to the audience's experience; (h) deleted details, such as proper nouns, numbers or examples where which were not essential to understanding the basic message; and (i) incorporated of local contextual references to places, events, and people.

National sign language interpreters often ask how they can become an IS interpreter, as there is no formal training program, testing or accreditation system. As a consequence, IS interpreters are perceived as being an elite group, which IS practitioners do not necessarily perpetuate themselves (Moody, 2002; 2008). At present the system is ad hoc, with national conference sign language interpreters volunteering to try IS, developing experience and then working formally as part of formal conference IS interpreting teams. One international programme guides students – who must, on entry, have at least three years' experience as a practitioner beyond completing an interpreting degree or equivalent – through early encounters with IS and its use for interpreting (Hessmann et al, 2011). WASLI and WFD have recently constituted an IS Interpreting Task Group in an attempt to regulate the training, provision, and monitoring of IS interpretation for use in international and EU contexts.

Receiving and producing Deaf citizenship

The last half-century has produced a powerful shift in the fortunes of Europe's Deaf people. Steadily advancing recognition of the linguistic nature of sign languages has led to improvements in their legal status (Turner, 2003; Timmermans, 2005; Wheatley & Pabsch 2012) and greater appreciation of Deaf experiences by the hearing majority (Turner, 2009). The deficit model of deafness has been overturned (Lane, 2008) and replaced by a new 'Deafhood' paradigm (Ladd, 2003), which has begun to foreground not only the linguistic legitimacy of Deaf communication, but the positive economic and cultural contribution Deaf citizens make to the wider community (Davis, 2008). But what of the Deaf European as an active citizen?

Deaf people have certainly been engaged in campaigning and protest for many years. Early examples include the formation of the radical National Union of the Deaf (Lee, 1992) in London in 1976. In many respects, the NUD could be compared to a liberation movement in any developing country. It chose to challenge the establishment in uncompromising terms. NUD's members were simply determined to be heard. They presented their messages in an emotional (if sometimes naïve) way, adopting tactics, which were outside of the system. In part, this outsider perspective reflects the political reality the NUD faced: its members were a small group, largely misrepresented by the hearing population as pitiable social incompetents, seeking to address public authorities in a language in which the hearing-led educational system had ensured they lacked fluency (Conrad, 1979; Ladd, 2003).

Perhaps it was the greater chance of educational achievement for deaf children in the USA that meant Deaf political protest there was relatively demure until somewhat later. Nevertheless, the moment arrived in 1988 in the shape of the 'Deaf President Now!' protest at Gallaudet University in Washington DC in 1988. Deaf Americans at this time found a cause, a shrewd set of popularity-building, media-savvy tactics, and powerful forms of rhetoric with which to convey their communicative rationality (Jankowski, 1997). The sense of Deaf people entering the political arena with their own terms and conditions began to build over the next decade. Lacking an extended history of political socialisation (Roots, 1999), and inevitably struggling to be viewed primarily as a linguistic minority rather than analogous in a facile way to other disabled populations (Kymlicka, 1998; Corker, 2000; Beckett, 2006), Deaf people sometimes struggled to impart their views to wider audiences, but it was clear that explorations of the distinct nature of Deaf citizenship and political participation were developing (Ladd, 2003; Turner, 2003; Emery, 2006).

For all the advances generated by this groundswell of engagement with the latent authority implied by full assumption of the mantle of citizenship, one key barrier to unfettered political participation continued to face Deaf people. In the terms of Keith Faulks' (2002) analysis of the facets of citizenship, it might be argued that, during this millennial period, Deaf people advanced their circumstances in relation to four out of five features – rights, responsibilities, recognition and respect. As Steven Emery (2009: 40) argues, just one of Faulks' "five Rs" remained resolutely out of reach: resources. Above all, if Deaf people were to be afforded full access to national and supranational public spheres – so that they could both 'receive' meaning from the political messages presented to other citizens, and 'produce' meaning, i.e. inject their own socio-culturally distinct contributions into public discourse – then they would need the resources either to be granted more effective educational opportunities (so that they could acquire literacy in the majority languages of their polities); or robust and communicatively efficient interpreting services; or – most likely – some combination of the two.

Creating an effective Deaf-hearing public sphere

Emery (2009) articulates well the fundamental barriers that need to be overcome in order to create a public sphere that is equally accessible to Deaf and hearing citizens for both receptive and productive purposes. (In describing these barriers as 'fundamental', we certainly mean to imply that addressing them would entail profound and challenging reform.) Firstly, Emery (2009: 38) notes that the "social contract rests on an assumption that to be speaking and hearing is an essential norm… [C]itizenship is itself phonocentric…To address phonocentrism is to understand that there was no inevitability that speech should be dominant". Emery ties closely to the problem of phonocentrism that of 'audism' (Lane, 1999) – further refined by Turner (2006b), who notes that *institutional* audism, which refers to the enshrining in collective or cultural policy of expectations that discriminate adversely against Deaf people, should be the primary target of public bodies.

What this means in practice, of course, is that rendering the public sphere penetrable through the vehicle of sign language is a *sine qua non* for meaningful active citizenship on the part of Deaf people. As we have seen above, however, it is imperative that the resources required to deliver this shift effectively are not underestimated. Interpreters of unfailingly high quality will be required to mediate political interaction, forging an effective 'third space' between Deaf and hearing citizens and their (Deaf and hearing) public officers and elected representatives. Reliable technologies will be needed to support such interaction, especially across a public forum as extensive as the European Union.

Emery (2009: 39) also notes "that Deaf people are very much part of a transnational community, since the language they use [can cross] national boundaries far easier than spoken languages". The phenomenon permitting this sociolinguistic permeability is, of course, the very same International Signing to which we referred above. Thus, Deaf people's linguistic adaptability allows for the possibility – unverified at the time of writing – that the resources required for sufficient interpreter-mediation across the European public sphere will primarily be delivered in the shape of high-quality IS interpreting provision. To reiterate however: it is clear that questions about the semiotic capacity of IS have been raised, particularly in the context of interpreting services (McKee & Napier, 2002; Rosenstock 2004, 2008; Hiddinga & Crasborn, 2011), Questions have also been raised as to the true level of comprehension of IS interpreting (Whynot, in preparation); so it remains to be seen whether IS has a part to play in constructing political discourses that will be *fully* open to Deaf as well as hearing citizens.

Europe sign and spoken

We return in the final analysis to the 'fake interpreter' with whom we began. In the context of all that we have explored above, it should be clear that we could not for one moment condone the South African authorities' actions in employing Thamsanqa Dyantyi as the interpreter at Nelson Mandela's memorial event. What emerged when the dust settled on that episode, however, was a very strong and highly visible argument for the provision of *professional* sign language interpreting in the public sphere. In this paper, we have sought to underscore that conclusion through evidence and analysis. Whether we are talking about national sign languages or International Sign, there should be no question that the target – one that should be attained as quickly and as comprehensively as realistically possible – is to ensure that interpreters within any part of the political process should be fully trained, assessed for competence in all respects at the highest possible levels, regulated by a competent authority which has a mandate from the relevant community, and governed by a code of ethical practice that underpins the trust of commissioning and procurement agents, public or private funders, and above all, service users.

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Biography

Graham Turner has worked in the academic field of sign language studies since 1988. Since 2005, he has been Chair of Interpreting & Translation Studies and Director of the Centre for Translation & Interpreting Studies in Scotland at Heriot-Watt University, pursuing research interests in social and applied areas of sign linguistics with special reference to translation and interpreting. Graham's research in Interpreting Studies and Sign Language Studies has produced many academic publications and presentations exploring domains including the law, education, sport, the theatre, mental health and social care, and the workplace.

Jemina Napier is an interpreter researcher, educator and practitioner. She has practiced as a signed language interpreter since 1988, and works between English and BSL, Auslan or International Sign. She is Professor and Chair of Intercultural Communication in the Department of Languages and Intercultural Studies at Heriot-Watt University in Edinburgh. Her research focuses primarily on signed language interpreting as a situated social practice and interpreting pedagogy, and she has published widely on these topics.

7. Enabling European citizenship for persons with disabilities

Johan ten Geuzendam (Head of Unit for Rights of Persons with Disabilities, Directorate General for Justice, European Commission)

Holding the nationality of an EU country automatically also makes us EU citizens. EU citizenship is additional to our nationality, and does not replace it, as laid down in the Lisbon Treaty. EU citizenship gives us a number of important rights, including the right to move freely and settle anywhere in the EU.

Freedom of movement means the freedom to travel, live, work, study and retire in any other Member State. As EU citizens, we are entitled to look for a job in another EU country, work there without needing a work permit, reside there for that purpose, and stay there after employment. We can enjoy equal treatment with nationals in access to employment, working conditions and all other social and tax advantages[41]. In addition, EU citizens may have certain types of health and social security coverage transferred to another Member State allowing them to exercise the right to move.

As full citizens, people with disabilities have equal rights and are entitled to dignity, equal treatment, independent living and full participation in society.

The Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States[42] means that EU citizens who are resident in another Member State are entitled to treatment that is equal with nationals within the scope of the Treaty. Member States must implement the Directive without any discrimination on grounds such as, among other things, genetic characteristics or disability. Member States are not obliged to grant social assistance to non-economically active EU citizens during the first three months of residence in the country.

If EU citizens lawfully reside there for a period longer than three months, they are entitled to social assistance benefits on an equal footing to nationals of the Member State concerned. However, in specific cases where authorities have a reasonable indication that the EU citizens concerned may become an unreasonable burden on their social assistance system, they may assess the individual situation taking into account all relevant

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[41] See: http://ec.europa.eu/social/main.jsp?catId=457.

[42] [2004] OJ L 158/77.

circumstances and the principle of proportionality, and could, on this basis, end the right of residence of the persons concerned[43]. After five years of legal residence, EU citizens are entitled to social assistance in the same way as nationals of the host Member State.

The European Disability Strategy 2010-2020[44] recognises that there are still many obstacles preventing people with disabilities from fully exercising their fundamental rights - including their right to free movement and residence within the EU. As part of its list of actions for 2010-2015, the Academic Network of European Disability experts (ANED[45]) completed a study on 'Disability Benefits and Entitlements in European Countries'[46]. Based on the findings of this study, the Commission has promoted an exchange of information and mutual learning among Member States, notably within the Disability High Level Group (DHLG).

In the 2013 EU Citizenship Report[47] the Commission put forward twelve actions in six key areas to lift obstacles that EU citizens encounter in their daily life, in particular in cross border situations. One of these actions was to support the development of a mutually recognised EU disability card. The aim is to tackle the problems related to intra-EU mobility and to ensure equal access within the EU to certain specific benefits, mainly in the areas of transport, tourism culture, and leisure. A Project Working Group gathering representatives of interested Member States and civil society has been dealing with the practical details of issuing and managing such a card.

EU legislation provides a legal basis to enable European citizenship for persons with disabilities. Yet these rights need to be accompanied by actions which aim for consistent implementation. Such actions are listed in the European Disability Strategy. The European Commission is currently carrying out a review of the implementation of the various actions and in 2014 will report on the progress made on the basis of a study, which gathers more comprehensive implementation data.

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[43] Articles 14(1) (3) and 15 of the Directive and Case C-140/12 Brey, paragraph 72.

[44] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:EN:PDF.

[45] Further information can be found here: http://www.disability-europe.net/.

[46] http://www.disability-europe.net/content/aned/media/ANED%202010%20Task%207%20-%20Disability%20Benefits%20and%20Entitlements%20-%20Report%20-%20FINAL%20%282%29.pdf and an annotated database of examples http://www.disability-europe.net/content/aned/media/ANED%202010%20Task%207%20-%20Report%20Annex%201%20-%20database%20summary%20FINAL.pdf.

[47] http://ec.europa.eu/justice/citizen/files/2013eucitizenshipreport_en.pdf.

Removing obstacles for persons with disabilities

Beyond legislation, the European Commission supports the participation of disabled persons in society through concrete actions. Two examples are the Access City Award and a project providing access for deaf and hard of hearing citizens to the EU institutions.

Access City Award

Established in 2010, the annual Access City Award rewards cities across Europe for their efforts to remove barriers in key aspects of everyday life. The Award is an opportunity to share best practices across Europe and promote successful initiatives on accessibility. It highlights achievements that allow people with disabilities to participate fully in society and to enjoy their fundamental rights on an equal footing with others.

Gothenburg, Sweden was the winner of the Access City Award 2014. The Award recognises Gothenburg's outstanding work in increasing accessibility for disabled people and the elderly. Gothenburg successfully increased accessibility to transport, housing, work and employment, representing a good example that other European cities could follow in the future. Priority is also given to people with disabilities when accessible homes become available.

Second and third Access City Award 2014 prizes went to Grenoble, France and to Poznan, Poland respectively. Both cities exhibited remarkable progress in terms of accessibility to transport, education, accommodation, shopping, culture, sports, tourism and employment.

In 2013, 102 cities from 23 Member States took part in the Access City Award 2014 competition. The Award was organised together with the European Disability Forum (EDF[48]), and was presented in Brussels on the 3rd of December 2013 during the event 'Accessible Tourism in Europe' on the occasion of the annual European Day of People with Disabilities and the European Tourism Day.

Access to EU Institutions - part of the right to participation in political and public life

There are numerous practical hurdles that prevent persons with disabilities from exercising their right to participate in political and public life. For people who are deaf or hard of hearing, communicating with the EU institutions can be problematic. In December 2013, the Commission

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[48] For more information on EDF see: http://www.edf-feph.org/.

launched a pilot project to develop a web-based service platform[49] that can be used by any citizen who is deaf or hard of hearing within the EU to communicate with the EU institutions.

A consortium led by the European Union of the Deaf (EUD) carries out the project. The aim is to allow more deaf and hard of hearing people to participate in the European Parliament elections. The plan is to test the platform before the elections in May 2014. If the pilot project is successful, the resulting service platform could also serve as an example for the communication between the deaf and other public bodies in the EU.

Biography

Johan ten Geuzendam joined the European Commission in 1983 to work in a variety of policy areas such as management training, industrial policy, industrial relations, labour law and working conditions. From 1996 to 2001 he worked on Enlargement negotiations in DG Employment's unit for International Cooperation. In 2001 he became Head of the Employment Services Unit (with responsibility inter alia for the management of the EURES network) and in 2006 of the Employment Services Unit and Mobility Unit. Since January 2008 he is Head of the Unit for the Rights of Persons with Disabilities first in DG Employment, Social Affairs and Equal Opportunities, and since January 2011 in DG Justice.

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[49] Further details on the project can be found in chapter 10 c) of this publication. See also http://www.eu-insign.eu.

8. Lessons from the 2013 EUD UNCRPD Survey

Annika Pabsch (EUD Policy Officer)

Filling the data gap

Although the UN Convention on the Rights of Persons with Disabilities (UNCRPD) entered into force globally several years ago[50], the implementation and national interpretation of the articles appear to be less than clearly defined for each country and its cultural context.[51] An overarching problem for policymakers and civil society organisations alike is the absence of harmonised data in all areas[52]. Heterogeneous statistics across countries, as well as intra-country create obstacles that can inhibit funding. Whereas well-researched and well-presented data can be a catalyst for more successful grant applications and for negotiations with policymakers (Community Research Institute 2004).

Traditionally, EU level data[53] has been reliant on the information provided by the European Union Member States (through their National Agencies), this merely gives an overview of disabled people in general, and no reference is made to specific disabilities. For example, statistics from the Erasmus programme, the former European student exchange programme[54], lists only the number of students with 'special needs' who received funding and participated[55]. It does not provide for disintegrated data, as has been called for by EDF, the European Disability Forum, in their statement regarding the European Year of Citizens (EDF 2013). The European Platform on Deafness, Hard of Hearing, and Deafblindness[56] has made similar calls. At their 2011 conference[57] a request was made for the

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[50] It entered into force on 3 May 2008 after the 20th Convention ratification and the 10th Optional Protocol ratification in accordance with article 45 UNCRPD.

[51] As has become clear in the UNCRPD Committee Concluding Observations and the need General Comments on specific articles (see: http://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx).

[52] See article 31 UNCRPD: Statistics and data collection.

[53] As provided by for example Eurostat, the statistical office of the European Union: http://epp.eurostat.ec.europa.eu/.

[54] Now replaced by Erasmus+ (see: http://ec.europa.eu/programmes/erasmus-plus/).

[55] The number of 'students with special needs' represented 0.13% of the total number of students in the academic year 2011/2012, reflecting the low number of disabled students entering higher education in general (European Commission 2013).

[56] The Platform is a collaboration of five European-level NGOs: EURO-CIU: European Association of Cochlear Implant Users; EDbN: European Deafblind Network; EFHOH: European Federation of Hard of Hearing; FEPEDA: European Federation of Parents of Hearing Impaired Children; and EUD: European Union of the Deaf (see also: http://eud.eu/The_European_Platform-i-432.html).

[57] Further conference information (in International Sign and English): http://eud.eu/European_Platform_Conference-i-498.html.

European Union to issue calls for surveys in a manner, which would allow for further analysis of data by disability.

There is great uncertainty related to the number of Deaf sign language users in individual countries[58]. For instance, the Scottish 2011 census has released statistics of 0.2% or 13,000 Scottish residents who used British Sign Language at home (National Records of Scotland 2014). The UK census however, concluded that there were 22,000 usual residents in the United Kingdom using sign language, and 15,000 using British Sign Language.[59] The situation regarding data on deaf children is similarly problematic. FEPEDA, the European Federation of Parents of Hearing Impaired Children[60] took the first step by launching a survey[61] for parents of children with 'hearing disabilities' in 20 European countries regarding education, social integration, and advocacy work. One of the most striking findings in this survey was that 87% of parents[62] disagreed with the level of Deaf awareness being sufficient. Although FEPEDA's data provides a very good insight into the parents' situation and to some extent, the child's situation, it cannot replace figures and facts gathered by collecting data that directly involves children. In its Concluding Observations the UNCRPD Committee has repeatedly made its position clear to State Parties regarding data on children, urging policymakers to involve children in the policymaking process, and in particular to express their own views.[63] This exemplifies the challenges that the Deaf Community and the wider disability community face, when trying to make their case with policymakers, health professionals, and other responsible parties.

Due to the ambiguous data situation across the Union, EUD made a decision to fulfil at least a small part of the data gap and as a result re-launched its EUD survey on the Convention. The detailed survey aims to make a contribution to article 31 of the Convention on statistics and data collection. This requires State Parties to collect 'appropriate information', including statistics, and to design the data collection to be disseminated in accessible formats. Within the scope of this article, the only data analysed will be those that relate to public and political participation.

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[58] There are about 1 million Deaf sign language users in Europe, according to the National Deaf Associations (de Wit 2012, Wheatley & Pabsch 2012).

[59] The BDA, the British Deaf Association, welcomes the Scottish figures and therefore estimates 156,000 BSL users in the UK, unlike the 15,000 figure produced by the UK census (BDA 2013).

[60] Further information is available at: http://www.fepeda.net/.

[61] All data is preliminary (FEPEDA Survey 2014).

[62] The survey was primarily filled out by the mothers (74%).

[63] See for example Concluding Observations on Australia, Argentina, or Spain.

EUD Survey background

EUD first initiated a small-scale survey in 2011; this was featured on the EUD website and promoted through all its social media channels. After consultation with the members at a workshop held at the General Assembly in Copenhagen in 2012, EUD took the decision to significantly improve the survey. This was re-launched as a more detailed and accessible version shortly thereafter.

The current 2013 EUD survey on a wide range of UNCRPD articles covers many areas of public life and was disseminated in International Sign[64]. The survey was online for five months; this gave members and individuals sufficient amount of time to answer appropriately. The survey consisted of a combination of three separate surveys, directed at three distinct target groups, tackling UNCRPD issues from three different angles; this was to ensure that balanced and comprehensive data could be obtained.

- National Associations of the Deaf (NADs)

The NADs answered questions in relation to the inclusion of their organisation in the ratification and the parallel reporting process, as well as the implementation of the UNCRPD. In essence, an attempt was made at understanding the relationship of the national Deaf association with the Convention and other disability organisations. The survey also questioned what role EUD could be of assistance in, in order to achieve defined goals.

- Deaf individuals from all EUD member countries

Targeted at Deaf individuals, the survey explored the implementation of the Convention with reference to Deaf people's everyday life. Questions ranged from sign language interpreting services, to television, accessible websites, participation in the election process, and accessibility issues in the workplace.

- European-level organisations and Deaf individuals with European-wide experience

The last of the three surveys centred on the accessibility of the EU institutions, as well as access to the UNCRPD Committee session. Questions focused on the barriers in place, possible and ideal reasonable accommodations,

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[64] For EUD's position regarding International Sign at European level, please see: http://www.eud.eu/International_Sign_Disclaimer-i-206.html.

and the process of booking sign language interpretation. Underpinning the survey was one of the four freedoms proclaimed in the Treaties: the freedom of movement of and in particular workers and students. Again, the main barriers and ideal reasonable accommodations were covered in order to document better in-depth understanding of the needs of Deaf sign language users.

EUD UNCRPD Survey (2013)

Over 90% of the Deaf Associations answered the survey, of this figure only 28.1% claimed that they had not been involved in the UNCRPD ratification process. With regards to implementation, over 80% had met with politicians or other political stakeholders, and over 70% had co-operated with other DPOs (Disabled People's Organisations) and/or the National Disability Council.

18 European-level organisations and EU-level experienced individuals answered the survey, showcasing the difficulties faced in accessing the European Union institutions.

There were more than 300 individual respondents from almost all EUD full member countries, most of whom were deaf or hard of hearing sign language users (85%). The remainder of this article will focus on the individual results with regards to political participation and voting behaviour, giving a more detailed account of the barriers faced at all levels.

Voting behaviour, government relations, and beyond

The right to vote

The survey primarily focused on the right to vote, as promoted in article 29 UNCRPD. Respondents were asked whether they usually voted and at what level. Most of the respondents voted (almost 70%). Only 15% never or rarely voted.

> *"I vote but I don't have the information who I am voting for."*
>
> Individual respondent, UK

> *"I am strongly interested in politics because it is very important to remind those lawmakers and politicians not to ignore those deaf and hard of hearing people."*
>
> Individual respondent, Iceland

A second follow-up question specifically asked why the respondents did not vote:

Reasons for not voting	
I would like to vote but do not have enough accessible information (e.g. in sign language).	34.1%
I do not think politicians care enough about 'Deaf issues'.	30.8%
I am not interested in politics.	6.5%
I do not know how to vote.	2.7%

Forming of political and public opinion

Traditionally, shaping of public opinions was monopolised by print media. However, with the emergence of the Internet and widespread television, in particular for audiovisual sources accessibility has become less than ideal, preventing a large number of deaf and hard of hearing citizens taking part in political processes and following public debates.

When asked what accessible TV meant for them, over 90% of the respondents stated that accessible TV meant subtitling, and over 50% asked for sign language interpretation to be provided. According to the EUD survey, the subtitling situation across Europe is far from homogenous. Data ranges from 100% subtitling in the UK to 0% in Bulgaria[65].

> *"No subtitling (or not enough) of all politically-related TV transmissions."*
> Individual respondent, Italy

Website accessibility across Europe is 10%, according to the European Commission. The EUD survey showed that over 65% of respondents wanted subtitles as an accessibility feature, and over 75% wanted national sign language translations (multiple answers possible).

> *"These steps [applying for a passport or social benefits] are not accessible through the website: no video SL, no subtitles, no easy text."*
> Individual respondent, Spain

European level participation

At European level, the biggest barrier is the non-provision of sign language interpreters for over 70% of the respondents. 50% believed that there was not enough national sign language provision (multiple answers possible).

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[65] The 2011 EFHOH (European Federation of Hard of Hearing People) Report on the State of subtitling access in the EU comes to a similar conclusion.

Over 55% of European-level respondents believe that interpretation into a national sign language is an ideal reasonable accommodation, whereas only 33% believed that International Sign is ideal. A number of respondents preferred a combination of a national sign language (or International Sign) and speech-to-text reporters.

Most strikingly, almost 90% of all respondents want to be informed of who the sign language interpreters are at a conference.

Government relations

The EUD survey asked individuals regarding hurdles to accessing their regional government services.[66] Contact with regional governments can be particularly difficult, although in contrast, about 50% report no problems at all.

> *"Always use with papers to write."*
>
> Individual respondent, France

Prejudices about Deaf people and deaf awareness of front line staff are recurrent themes. Also the provision of qualified sign language interpreters, especially regarding the payment and pre-ordering policies, can be problematic. Although some regional governments offer services via email, those are not reliable and there is a considerable time gap.

> *"No sign language interpreting services and the staff are usually rude to us for not understanding what they are talking about and/or not pleased when we ask for [written] communication."*
>
> Individual respondent, Bulgaria

Lessons

Legislation empowering deaf and hard of hearing citizens is focused on the accessibility of websites or television and other audiovisual media, not in particular on voting or other political participation (Wheatley & Pabsch 2012). In contrast the survey shows that political participation, in particular also voting rights and the provision of sign language interpreters at institutions is of high importance to Deaf sign language users.

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[66] The full question was: When you are in contact with your regional government – what are the problems you are faced with (e.g. contact when trying to apply for a new passport, moving house, applying for benefits, etc)?

Regarding voting rights the results do not reflect the general population's apathy to vote. It is possible though that due to the limited dissemination channels (EUD own media channels and the information channels of the Deaf Associations in Europe) those who answered are knowledgeable above average in matters of political participation. Furthermore, countries such as Belgium have a compulsory voting system[67].

When it comes to exercising their citizenship rights and accessing regional governments, barriers across the Union are similarly high. Although almost half of the respondents are not reporting any difficulties, this must be seen with caution, as some answers show unawareness of unacceptable practices ("I ask help to my mother and she helps me in every step (she calls.)" Individual Respondent, France).

Wanting to be informed who sign language interpreters are at a conference reflects a clear understanding of persons who are involved at European level that the choice of sign language interpreters can have an impact on the quality of information conveyed.[68] Furthermore, although International Sign interpretation is more and more promoted at European and international level, respondents indicated a preference for their national sign language, much as can be seen with spoken languages for example at the European Parliament, that offers translations and interpretations in all 24 official EU languages.

> *"I believe that no Deaf awareness is the cause of the lack of provision of IS or SL interpretation and/or speech-to-text service in many situations also at EU level."*
> European-level respondent

The 2013 EUD Survey provides valuable insights into the situation of deaf people across the Union. Further in-depth research is necessary to understand the full ramifications and possible (legislative) changes at all levels. A trend can be seen with regards to political participation, whereby deaf and hard of hearing citizens are more and more interested in becoming full members of a society that continues to exclude them systematically. Political information and participation thereby becomes a right that is for a highly educated elite only, diminishing the diversity the European Union so vividly promotes.

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[67] Answers from Belgium accounted for about 7% of the total answers of individual respondents.

[68] This is also promoted by the joint efsli (European Forum of Sign Language Interpreters) and EUD Sign Language Interpreter Guidelines For international/European level meetings (Available at: http://www.eud.eu/videos.php?action=view&news_id=198).

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Biography

Annika Pabsch has been working for EUD since 2010; she has been the leader of a number of lobbying campaigns at European level. She is also the co-author of the first comprehensive publication on sign language legislation in the EU. Annika previously majored in Deaf Studies, EU constitutional law, and UN Human Rights law.

9. European Level

a. Exercising the right to stand as candidates in elections to the European Parliament (Art 20 TFEU)

MEP Dr. Ádám Kósa (Hungary)

Legal Basis

The European Parliament (EP) is composed of representatives of the Union's 500 million citizens (Art 14(2) TEU). Members of the EP can be elected for a term of five years by direct universal suffrage in a free and secret ballot (Art 14(3) TEU). This is the biggest direct election in the world! As a principle, European citizens enjoy the right to vote and to stand as candidates in elections to the EP under the same conditions as nationals of their state (Art 20(2b) TFEU). This means that for example Hungarian citizens can be candidates for the European election if they are able to be candidates in the Hungarian parliamentary elections. The rules are different in each Member States (MS) due to the diverging constitutional and electoral traditions. For example the minimum age of a candidate is 25 years in Cyprus, or 23 in Romania. In most of the Member States 18 year-old citizens are considered legally mature to stand for the elections. Only one requirement is universal in each MS: the candidate must be a citizen of the European Union (although there exists an exception since 2006, in regard to Commonwealth citizens).

The right to stand as candidate is a fundamental right of every European citizen according to Art 39 of the EU Charter of Fundamental Rights. However, it is up to the legal regulations of the Member State to decide whether a citizen is eligible, i.e. whether they fulfil all of the legal requirements necessary for a candidate. These requirements may vary in each Member State. According to the principles of equal treatment, residents of a country who are not nationals of that Member State have the right to vote and stand as candidates under the same conditions as the citizens of that country in which they are residents (Art 22(2) TFEU). The arrangements for implementing this right were adopted in Directive 93/109/EC[69].

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[69] Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals.

The European Parliament encourages national parties to include on their lists of candidates, EU citizens residing in Member States other than their own (2013/2102(INI)).

In each Member State, members of the EP can be elected on the basis of proportional representation, using the list system or the single transferable vote. Member States may authorise voting based on a preferential list system as well. In accordance with the specific national situation, each Member State may establish constituencies for elections to the EP, or subdivide its electoral area in a different manner, without generally affecting the proportional nature of the voting system (Art 1-2 of the Act concerning the election of the Members of the European Parliament by direct universal suffrage, Act of 20 September 1976).

A member of the European Parliament (MEP) cannot bear certain other offices, which are incompatible with the role of a MEP, such as being a member of national government, national parliament, and member of the European Commission, European Ombudsman or judge of the Court of Justice, to cite a few examples.

2014 Elections

In 2014 the elections will be held between 22 and 25 May in accordance with the national electoral procedures of the Member States. It is important however that Member States do not officially make public the results of their count, until after the close of polling in the Member State whose electors are the last to vote (Art 10(2) of the Act of 20 September 1976).

For the very first time in 2014 European citizens will decide not only the members of the EP, but political parties will also nominate their candidate for the position of the President of the Commission for the first time ever in history before the elections. European electors will have the opportunity to have some, though minor, impact on the European Commission as well.

Personal Experience

I was elected as a Member of the European Parliament (MEP) in 2009. Before my arrival, no one ever imagined that a signing deaf person could be an MEP. No one knew how to deal with me. Some people tried to speak louder or others started to write everything down on pieces of paper. No one even knew that different sign languages could be found in each and every EU Member State. No one realised that there had been existing obligations and needs to be met in terms of reasonable accommodation. This had been in force since 2007, enforced by the new UN Convention on the Rights of Persons with Disabilities. The EU itself has also been a State Party to the Convention since 2010; this means that the EU is obliged to provide disabled people with reasonable accommodation. In my case with sign language interpretation.

Reasonable accommodation for my situation, as defined in Article 2 of the Convention is partly provided, because the European Parliament covers the travelling and accommodation costs of my two Hungarian sign language interpreters. However, they have not been regarded as de facto interpreters but personal assistants. This has created some problems. Moreover, the interpreters use spoken Hungarian and Hungarian Sign Language. Regarding international events and conferences or official discussions, the EP still does not readily provide International Sign interpreters for my work.

Spontaneous meetings with other MEPs speaking in English or French therefore remain difficult for me. My colleagues regularly have to explain this situation several times a day to people asking me for an interview or a meeting. This is an additional administrative burden for my team, one that makes it more difficult for them to concentrate on their professional and legislation-related work.

Hard of hearing people are even less accommodated in the European Parliament– there is no captioning or subtitling at any meeting at all except when my team organises one with the support from outside contributors. Subtitling is very expensive because we have to finance skilled personnel to come and type for us. The hard of hearing still remain excluded in EU institutions, their disability is less visible in a way, but certainly not easier to deal with.

The good news is that the InSign pilot project[70] will have a major impact, not only for my colleagues in the European Parliament, but for every deaf or hard of hearing citizen in the EU.

Biography

Ádám Kósa was born in Budapest, Hungary of Deaf parents, and Magyar Jelnyelv (Hungarian Sign Language) is his first language. He studied law at the University of Pázmány Péter, qualifying as a lawyer in 2005. He became a lawyer because he wanted 'to do away with discrimination', but did not have interpreters for his university classes, and had to borrow notes from his classmates. As President of the Hungarian Association for the Deaf and Hard of Hearing (SINOSZ), he was approached by FIDESZ (Hungarian Civic Party) to stand as a MEP and became a Member of the European Parliament in 2009. He is the president of Disability Intergroup in the European Parliament and has got important reports and opinion

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[70] Further information on the project can be found in chapter 9b) of this publication.

on people with disabilities such as European Disability Strategy (2011), general regulation on European funds and instruments in terms of employment and social affairs (2012) as well as the implementation of the anti-discrimination directive in the field of employment and training (2013). Kósa, who is also the Vice-President of the Hungarian Council of Persons with Disabilities has been awarded with the Deaf Nations Inspiration Award in 2012 and elected as MEP of Year in 2013.

9. European Level

b. Best Practice Example: Insign Project – improving communication between deaf and hard of hearing persons and EU institutions

Mark Wheatley (Insign Project Leader)

The Insign project aim is to develop a web-based service platform, enabling European deaf and hard of hearing citizens to communicate independently with the European institutions (www.eu-insign.eu). This platform will offer assistance from a certified sign language interpreter and/or a real-time captioning service with representatives of the European Institutions. It will empower deaf and hard of hearing individuals from all Member States, to make direct calls from their home country or on location, from a European institution. These will allow them to make a more active contribution to the political process. Based on the concept of Total Conversation, and with the innovative use of djanah technology[71], this platform will deliver comprehensive communication experience covering: voice, video, and Real Time Text.

Insign intends to respond to the European Parliament's decision No 113 of 13 from December 2012 for the implementation of a Real-Time Sign Language Application, this service was originally proposed by MEP Dr Ádám Kósa (Hungary) and MEP Werner Kuhn (Germany).[72]

The Insign Project is funded by the European Commission, DG Justice, Unit JUST/A4, the programme runs from 5 December 2013 to 5 December 2014.[73]

The Insign project platform aim is to facilitate communication; this is based on four key areas:

1. Video Relay Service (VRS)

Video Relay Service (VRS) is a form of Telecommunications Relay Service (TRS) that enables deaf people who use their national sign language to communicate with voice telephone users through video equipment, rather than through typed text. Video equipment links the VRS user with a video sign language interpreter (VI) – so that the VRS user and the VI can see and communicate with each other in signed conversation. The conversation

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[71] For further information on the djanah technology see: http://www.djanah.com/en-US.

[72] See: http://www.europarl.europa.eu /sides/getDoc.do?type=TA&reference=P7-TA-2012-0500&language=EN.

[73] See: http://ted.europa.eu/udl?uri=TED:NOTICE:198947-2013:TEXT:EN:HTML.

between the VRS user and the VI flows much more quickly than with a text-based TRS call. As a result VRS has become a preferred and/or natural form of communication for deaf sign language users.

2. Video Remote Interpreting (VRI)

Video Remote Interpreting (VRI) allows deaf people to be empowered in communicating with hearing people, in the same room where the Video Interpreter (VI) can be accessed through a video-conferencing device. The VI is not physically in the room, but is connected on the screen from a remote location. The VI listens and interprets through a headset, and the deaf person views the interpreting on the screen. Likewise, the VI is able to see the deaf person via the video camera.

Another way to use VRI services is to have the VI in the same room with the deaf person, while the hearing person is in another location with video conferencing equipment.[74]

3. Speech Recognition based captioning

Speech Recognition based captioning is called "next generation" captioning. The service is similar to the VRI service outlined above, the main difference is that it utilises the latest technology in voice/speech recognition, so that the operator, instead of typing out the audio, repeats the audio word for word ('respeaking') into a microphone. This then uses speech recognition software, puts the speech into context and produces text which is then transmitted to the deaf person's screen over the internet, using the platform.

4. Total Conversation (TC)

The project also has to meet the criteria of Total Conversation. Every day on a daily basis, citizens, EU administrators and MEPs participate in bilateral meetings, make remote phone calls and take part in events where interaction between deaf and hard of hearing people, including those that choose to who use voice communication is very important. For communication with deaf or hard of hearing people, sign language interpretation, real-time text and relevant relay services to facilitate the communication are needed. "Total Conversation" is a platform that is able to meet diverse communication needs.

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[74] Although at first glance they may look the same, there is a difference between Video Relay Services (VRS) and VRI. The key difference is that with a VRS call, the VI is interpreting a normal telephone call made by one party to the other. A VRI VI is a substitute for a live, physically present VI. VRI is works best for short, one-on-one settings or for small group meetings.

The term Total Conversation is defined by the ITU-T recommendation F.703[75] as *"An audio-visual conversation service providing bidirectional symmetric real-time transfer of motion video, text and voice between users in two or more locations"*. Total Conversation is an extension of the voice telephony concept; this is enabled by adding video and real time text media. At the same time it still meets the needs of standardised implementation that enables global interoperability between of different manufacturers and service providers. This extended conversational service concept suits a wide range of conversational settings over distance. It is especially useful for situations that appear when one or both communicating parties has a communication related disability, and a need to communicate in other modalities, other than speech, or complementing speech with other modalities.

Insign Project Consortium

The Consortium consists of f six well-established organisations from four European Member States working in co-operation. Each organisation offers relevant skills, experience and expertise in their field, which positively complements each other, and benefits the development of each task within the Insign project.

The **European Union of the Deaf[76] (EUD, Belgium)** is a not-for-profit ENGO comprising several National Associations of the Deaf (NADs). It is the only organisation representing Deaf sign language users at European level (the target group). It has an extensive network of sign language users who will act as the target audience.

dnextep consulting s.l.[77] (Designit, Spain) this is a global strategic design firm, who make innovation happen for the world's most ambitious companies. They have extensive experience in international project management and will act as administrative coordinators, supporting EUD in the day-to-day management tasks and implementing the service design approach.

Interactivité Vidéo et Systèmes[78] (IVèS, France) is the first total conversation software supplier for VRI, VRS, captioning, they also cover e-health and videoconferencing. **IVèS** developed the djanah technology in which Insign is based, they have a proven track record in several countries (UK, USA, France, The Netherlands, Belgium, Sweden, and Japan). The company recently took the technology lead for the French pilot for an

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[75] See full definition here: http://www.itu.int/rec/T-REC-F.703-200011-I/en.

[76] For further information see: http://www.eud.eu/.

[77] For further information see: http://designit.com/.

[78] For further information see: http://www.ives.fr/.

accessibility project. REACH112[79] (Total Conversation).

Significan't (UK) Limited[80] (SignVideo, United Kingdom): is a British company acting as a VRS/VRI service provider at national level and complementing IVèS expertise. As a Deaf led company, it has a proven track record in providing immediate access to online video BSL/English interpreters for local and national governments, health services, private sector companies and financial institutions. It is the UK's leading company in both remote captioning and online video interpreting services.

Heriot-Watt University[81] (HWU, United Kingdom): participating through the *Department of Languages and Intercultural Communication,* the University provides the academic foundation of knowledge required for developing such a service in relation to the Deaf community in all EU Member States. They are able to offer expertise on video-mediated communication and delivering the empirical evaluation of the demonstration of the platform and service. HWU has an extensive academic network of interpreters, lecturers and researchers.

European Forum of Sign Language Interpreters[82] (efsli, Belgium). a not-for-profit ENGO with 31 full members (national associations of sign language interpreters) and many individual members (interpreting practitioners) from all of the EU Member States. efsli is the only organisation representing sign language interpreters at a European level, able to draw on an extensive network of sign language interpreters, interpreting organisations, training centres and research academics. Their input will be to ensure that the interpreting service developed by the project is of the highest quality possible.

Project Setup

The pilot project is divided into four key areas, to be achieved within the framework of the one-year contract.

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[79] The REACH112 project established a model for implementation of conversational services focusing on Total Conversation access to emergency services as well as person-to-person communication in modalities that suit persons with varying capabilities and preferences. See also: http://www.reach112.eu/view/en/index.html.

[80] For further information see: http://www.signvideo.co.uk/.

[81] For further information see: http://www.sml.hw.ac.uk/departments/languages-intercultural-studies.htm.

[82] For further information see: http://efsli.org/.

Review of current relevant communication practices, VRS / VRI technologies and service provision

Led by Herriot Watt University (HWU), this main objective is to gather data about the current communication situation and needs of deaf or hard of hearing (HoH) citizens within European and national public institutions in the Member States. A review of existing relevant state of the art communication solutions and technologies will also be conducted.

Description of the platform

Led by IVèS, this objective will describe how the platform can provide Total Conversation services (video, audio and real time text), by allowing the use of remote sign language interpretation and captioning services in a multi-lingual environment. It will also acknowledge the specific aspects of the service detected in the review. Designit will also take active part in this task, applying the concept of User Centred Design.

Demonstration of the platform

During the duration of the Insign project, the platform will be demonstrated during two sessions and evaluated, in addition to user research. The demonstrations will use eight selected languages:

- For the VRS and VRI services, the following six sign languages:
    - International Sign (IS)
    - British Sign Language (BSL)
    - French Sign Language (LSF)
    - Hungarian Sign Language (MJNG)
    - Dutch Sign Language (NGT)
    - Spanish Sign Language (LSE)

- For Speech Recognition based captioning, the Insign platform will initially include two spoken languages, often used in EU institutions:
    - English
    - French

The first demonstration will be held on 9April 2014 at the European Parliament, this will allow Designit and HWU to collect the users' feedback. After this demonstration, IVèS will work on the development for the following five months, in order to enhance the solution. Modifications and improvements of the platform will then be presented in September in an event held at the European Commission. The finished version will be completed by the end of the project.

The first demonstration will present all the features defined in the previous paragraph. The second demonstration will aim to present the final version of the prototype that will prove the functionality of the system. The second version will take into account all the feedback and suggestions from the users after the first demonstration.

Demonstrations will involve connecting the users and the interlocutors via the platform to sign language interpreters and/or captioners based in three different Member States (initially UK, Belgium, and France). The individuals will be selected and trained by the contractor for these demonstrations.

Conceptualising a sustainable EU Platform

Designit will provide a cost benefit analysis of the Insign platform, addressing its maintenance and sustainability. The analysis will also include requirements of the network, data centres and video services in all member states and EU institutions. It will provide a cost estimate for five years operation, after the pilot action has been completed. Under this task, partners will explore the main proposals and solutions to potential problems that are likely to occur. An exceptional "Ambassador's demonstration" will be held on 15 May 2014 in Athens for deaf European representatives, during EUD's annual Workshops, Seminar and General Assembly.

This is one of the most vital aspects of the project, as it will ensure that the technology will be used by all deaf and hard of hearing in the EU Member States. It aims to avoid one of the common pitfalls of recent projects, where everything stops at the end of the project, and there is no continuation thus, depriving the most accessible model to the communities.

Political Participation

One of the key aspects of the project is to encourage members of the deaf and hard of hearing communities to be involved in the political sphere. Historically, activities at governmental level, may it be European, national, regional, or local, has been out of reach information-wise, to the members of the deaf communities. At the time, it was accepted that this was the 'norm' for deaf people to be apathetic to the political process. The communication barriers prevented their active involvement.

This lack of awareness, mean that the ability to offer an accessible model to the community, went untapped in the past. One of the tenents of EUD is: "empowerment through communication and information"[83]

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[83] The other two aims are: a) recognition of the right to use an indigenous sign language,

EUD's involvement in the project is crucial; it is at the very core of the organisations ethos, to deliver results to the members. It also encourages members of deaf and hard of hearing communities to be empowered through accessible political participation, the Insign project will play a crucial part in ensuring that this will happen.

Whilst the project is a very important step in making political participation possible, the ultimate responsibility lies with the National Association of the Deaf (NADs) roles of informing and encouraging their communities to take part in this process, one that was out of reach to them previously.

Shattering the political participation glass ceiling?

The apathetic state of the members of the deaf and hard of hearing communities was mainly due to the lack of accessible models for them to learn and actively participate. This was one main reason to set up an innovative project such as Insign. The 'glass ceiling' for political participation has been firmly entrenched in the minds and actions of the deaf community. The Insign project therefore, will act as a catalyst, in making more deaf people more active in the political sphere. They will gain greater accessibility and awareness of political institutions.

EUD is very much aware of the pitfalls maintaining sustainability, mainly due to the fragile economic cost for each Member States in terms of training and maintaining sign language interpreters. These serve as the nucleus for the model of sustainability, especially with the lack of legal protection at national level.

It is important to mention EUDY (European Union of the Deaf Youth)[84] and IFHoHYP (International Federation of Hard of Hearing Young People)[85], they are our future. Due to the political participation aspect of the project, they will grow up without prejudice, and will not hold the mentality of the 'glass ceiling'. Political accessibility will be expected as a norm. The seeds of political participation will be planted in their fertile minds. The next generation will reap the rewards of possible political achievements, preserving basic human rights for all of the members of deaf and hard of hearing communities. This is a solid example of best practice; we set up the access to political participation for individuals to take advantage of this opportunity.

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and b) equality in education and employment. See: http://eud.eu/About_us_-i-600.html.

[84] For more information see: http://eudy.info/.

[85] For more information see: http://www.ifhohyp.org/.

Due to the accessible nature of the project, we have the right to envisage that there will be more deaf and hard of hearing people becoming more active in the political field, no matter which level.

Biography

Mark Wheatley (UK) has operated as the Executive Director of the European Union of the Deaf (EUD) since 2007. Under his leadership EUD has grown to be a more visible organisation, both in terms of its external (social) media coverage and its internal member communication. The Executive Director is co-author of the EUD book *Sign Language Legislation in the European Union*. He is the former Managing Director of Red Lizard Ltd; a Deaf-led media design company, participated as a member of the World Federation of the Deaf (WFD) Expert Group on Human Rights. Mark was also involved as an expert in the WHO and World Bank 2012 World Report on Disability, to ensure that sign language users were adequately included both in terms of terminology and accuracy of information.

9. European Level

c. *Act. React. Impact.: 2014 EUD Election Manifesto*

David Hay & Annika Pabsch (EUD)

Background

The European Union of the Deaf (EUD) launched its extensive awareness raising and lobbying campaign in November 2013 with an Election Manifesto, the aim was to make the European Parliament elections more accessible for deaf sign language users and hard of hearing citizens. Until the European elections take place, the EUD Board, staff, and volunteers meet Members of the European Parliament (MEPs) on a regular basis, encouraging them in their role as the only directly elected representatives, to sign the manifesto and pledge to implement the five EUD key demands. These concrete priorities enable deaf and hard of hearing citizens to participate actively in the elections, thereby improving the minimum standard of accessibility. At the same time, the political representative benefits, gaining greater credibility with a considerable amount of potential voters.

The theme of the manifesto is based on the European Parliament campaign '*Act. React. Impact.*' and follows from the European Year of Citizens 2013[86]. The manifesto is a contribution towards reducing the feelings of democratic deficit within the European Union, in particular for deaf and hard of hearing voters. It also reflects on the European countries' interdependence regarding the need for common accessibility standards. EUD fully supports European Parliament and all European Union institutions in constructing a united and diverse Europe, which includes all its citizens equally. Consequently, EUD's manifesto aim is to create positive and lasting impact by placing pressure on MEPs to comply with five very tangible measures:

- Translate at least one page on the campaign website into sign language (national or International Sign);
- Subtitle at least one video that contains spoken content on the campaign website;
- Hold at least one conference or event that provides sign language interpretation and speech-to-text reporting;
- Organise at least one open citizens session in the home constituency that allows deaf persons to participate fully using their preferred method of communication;
- Make use of the Commission's pilot project video sign

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[86] Further information on the year can be found here: http://europa.eu/citizens-2013/en.

language interpreting service[87] at least once to communicate with a Deaf citizen.

The EUD manifesto was founded and devised through a Declaration[88] by the European Disability Forum (EDF), of which EUD is a full member. This Declaration was jointly signed by the Presidents of political Groups of the European Parliament and EDF, it points out the importance of ensuring full accessibility for the European elections:

> "We stress that it is imperative that all citizens with disabilities are able to take part in the European elections and to access the campaign information on an equal basis with others. […] we commit to make every effort to ensure the accessibility of our documents and information, with particular emphasis on our websites. We call on electoral authorities in the Member States to remove all obstacles to the accessibility of EP elections."

The Declaration resulted in the publication of the EDF manifesto on the elections[89], promoting a vision of an inclusive, sustainable and, democratic Europe for all European citizens with disabilities to fully enjoy their civil, political, social, economic and cultural rights. EUD fully endorses this document, and calls on all MEPs to include EDF's priorities into their electoral programmes for the European elections. The priorities include for instance; legislative demands, such as the long-awaited European Accessibility Act, the proposed EU Directive on the accessibility of public websites, the adoption of the general non-discrimination directive, and the removal of barriers to the freedom of movement of persons with disabilities. Furthermore, it asks the EU to ratify the Optional Protocol of the UN Convention on the Rights of Persons with Disabilities. These key priorities pay particular attention to Article 29, and consider that the EU has a pro-active role to play in the implementation, as well as the reviewing, modification, and enactment of legislation discriminating against persons with disabilities.

The EUD election manifesto is a long-term commitment by MEPs to ensure that Deaf and hard of hearing citizens are enabled to participate fully in the election process and access political information on an equal footing with others. In comparison to other manifestos and proposals, the EUD paper is concrete and achievable. It is directly aimed at MEPs' media channels that

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[87] The Insign project is a two-year project aimed at making the EU institutions accessible for deaf and hard of hearing citizens. See: http://insign-project.djanah.com/.

[88] The full EDF Declaration can be accessed here: http://www.edf-feph.org/Page_Generale.asp?DocID=13855&thebloc=32597.

[89] The full manifesto is available here: http://www.edf-feph.org/page_generale.asp?docid=33367.

are accessed by voters. The five objectives directly benefit the Deaf and hard of hearing citizens and guides the politicians towards including all voters in their political agendas.

Website & Social Media

Given that the manifesto's aim is to make the MEPs' campaign media channels accessible, EUD has made a concentrated effort to enhance its website accessibility even further, in order to provide a good example to politicians and other stakeholders. The full election campaign, as well as a sample letter to MEPs, and up-to-date statistics is available on the EUD website in accessible formats, including sign language, and subtitling. The website informs a large audience of over 1,000 visitors per day about the latest campaign developments. It regularly features videos and statistical updates on the current progress of signatories, lobbying efforts, as well as other relevant news and information of the day.

The EUD Facebook page has over 21,000 fans, serves as a hub to interactively inform the Deaf Community, along with wider society with regard to the EUD campaign. With more than 16,000 views per day, fans from over 45 countries, its presence on Facebook provides an ideal platform to showcase real time videos and photos from the on-going campaign. Users can interact with the content and share the results, this increases the audience figures to several hundred thousand per day.

Twitter has become an additional important social media platform; this has so far gathered around 1,200 followers. The campaign follows the EU hashtag for the elections #EP2014 and the audience continues to grow. Twitter as a platform is more reactive, and allows up-to-date information, compared to the EUD website and the Facebook site. This allows EUD to reach MEPs directly after signing a manifesto. Re-tweets are common among MEPs that are not (yet) familiar with Facebook or are not keen on updating their website regularly. Twitter is also a more accessible tool for those preferring shorter sentences and less complicated content.

The latest addition to EUD's social media strategy is Instagram. It is less political and acts more of a social tool, showing the human side of EUD. The photos show work behind the scenes and are not as serious in content, compared to the ones on other platforms. We have so far gathered 250 followers and the figures continue to grow steadily, opening our communication to a much larger and different audience that might not otherwise usually be exposed to political information.

Lobbying process

EUD has previous expertise with large trans-European campaigns[90] and has learnt from experience that support from its members, Board, and volunteers is crucial to ensure success not only in Brussels, but also across the EU and Europe.

The current campaign has been strongly supported by the Finnish[91] and the Spanish Deaf Association[92], as well as the Spanish Deaf Youth Commission[93]

The Board has been of great assistance in achieving a large number of signatures from MEPs all across Europe. In particular, President Dr Markku Jokinen and one of the Board Members, Alfredo Gómez Fernández managed to accomplish the majority of the signatures in their respective countries (Finland and Spain). Board Member Dr Humberto Insolera was also able to contact many Italian MEPs to raise awareness of the Manifesto and the accessibility of elections.

Furthermore, EUD staff and in particular interns[94] made this campaign highly successful, further ensuring that Deaf sign language users and hard of hearing citizens could fully take part in the European elections.

EUD expresses grateful thanks to MEP Dr Ádám Kósa in gaining the support of all of the Hungarian MEPs from the EPP group.

So far, 77 MEPs from five different political parties and a number of non-affiliated members have signed the manifesto. 26 of these originate from the Disability Intergroup[95]. This large range shows that there is support for accessible elections from across political parties, in many Member States. Furthermore, we also have support from MEP candidates who are not (yet) at the EP but who have expressed willingness in signing the manifesto as a

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[90] See for example Written Declaration 35/2011 campaign on accessible 112 emergency services: http://www.eud.eu/Written_Declaration_35_2011-i-332.html.

[91] Further information on the Finnish Deaf Association can be found here: http://www.kl-deaf.fi/.

[92] Further information on the Spanish Deaf Association can be found here: http://www.cnse.es/.

[93] See the campaign update video here: http://eud.eu/videos.php?action=view&news_id=312. Information on the Youth Commission can be viewed here: http://www.cnse.es/presentacion.php?id_seccion=9.

[94] A special thanks goes to: Sigríður Vala Jóhannsdóttir, Jana Havlová, Marsha Linnartz, Leyre Subijana Casado, and Claudia Gawlas, current and past EUD interns.

[95] The Disability Intergroup at the European Parliament is an informal grouping of MEPs wishing to be more involved in the disability agenda. More information can be found here: http://www.edf-feph.org/Page_Generale.asp?DocID=18390.

pledge, for when they become elected officials, with accessibility in mind.

Percentage of MEPs who signed from each political group	
Group of the European People's Party (EPP)	25
Group of the Progressive Alliance of Socialists and Democrats in the European Parliament (S&D)	38
Alliance of Liberals and Democrats for Europe in the European Parliament (ALDE)	15
Group of the Greens/European Free Alliance	12
Confederal Group of the European United Left - Nordic Green Left	3
Non-affiliated	3

Dissemination

In order to ensure high dissemination and to increase awareness of the needs to make elections accessible, EUD organised an exhibition at the European Parliament in Brussels, showcasing all of the signed Manifestos. The exhibition was hosted by MEP Jutta Steinruck (S&D, Germany)[96] who was one of the first MEPs to sign the Manifesto at the EUD UNCRPD survey launch event in November 2013[97]. The event took place during the Brussels Plenary in order to guarantee maximum exposure.

EUD Board Member Alfredo Gómez Fernández opened the exhibition, along with MEP Steinruck. Both signed a symbolic Manifesto, formally ending the lobbying process. EUD used the exhibition to meet more MEPs, and to disseminate further information on its campaign website and other media channels.

Outlook

Although the signature process is now officially closed, EUD does not intend to stop lobbying for accessible elections. As mentioned above, the Manifesto is not a one-off commitment; the aim is to ensure that MEPs continuously work on making their websites and events accessible to Deaf sign language users and hard of hearing citizens. EUD will follow up this up with the newly elected MEPs after the elections in May, by resuming its accessibility efforts. This will be aimed not only at European Parliament events, but also websites, bearing in mind that recently the proposal for a

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[96] See: http://www.europarl.europa.eu/meps/en/96831/JUTTA_STEINRUCK_home.html.

[97] More information on the survey: http://www.eud.eu/UNCRPD_Survey-i-693.html.

Website Accessibility Directive[98] was approved by the plenary.

The campaign not only encourages MEPs to improve their accessibility but also demonstrates a positive example to EUD's member Deaf Associations to start similar work in their own countries. EUD's work at European level can be easily translated at national level, and this used to lobby political stakeholders and other responsible parties.

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Biography

David Hay joined EUD in 2013 as the Media and Communication Officer. He ensures that accessible information reaches as many members of the deaf community as possible. He is skilful in production; previously he worked for the BBC as a director for the Daytime programme.

Annika Pabsch has been working for EUD since 2010; she has been the leader of a number of lobbying campaigns at European level. She is also the co-author of the first comprehensive publication on sign language legislation in the EU. Annika previously majored in Deaf Studies, EU constitutional law, and UN Human Rights law.

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[98] Full title: Proposal for a Directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites. More information on this proposal can be found in chapter 9e of the current publication.

9. European Level

d. *Greens/EFA in the European Parliament as frontrunners in making participation in political life possible for people with disabilities*

Verena Pinzer (Assistant to the Deputy Secretary General
of the Greens / EFA group and Coordinator of the group's
Accessibility Project for Deaf and Hard of Hearing People)

The Greens / European Free Alliance (EFA) group is the first of the current seven political groups in the European Parliament to take significant steps towards improving its communication for deaf and hard-of-hearing citizens. Over the past year we have provided an improved and more accessible group website, 50 videos in International Sign and with English subtitles, as well as three conferences with simultaneous sign language interpretation and live speech-to-text facilities. We Greens are proud to be THE frontrunners in the European Parliament when it comes to making political information accessible for members of the deaf and hard-of-hearing communities. This has been a long-term project, launched at the end of 2012. The project has demonstrated the Greens commitment to views on society and equal participation.

The Greens / EFA is currently the fourth largest political group in the European Parliament, constituting of 58 MEPs from 15 countries. One of the group's priorities is to ensure gender balance: there are 28 female and 30 male MEPs. In addition to this, the group always has a man and a woman as co-presidents.

In 1984, Green members were part of the Rainbow group but by July 1989 were numerous enough to be able to establish the first Green group. Then in 1999, the Green group and another progressive European Parliament political grouping agreed to merge forces and built the Greens / EFA group.

The Greens / EFA group wants to:

- Build a society that is respectful of the environment and of fundamental human rights, such as the rights to self-determination, to shelter, to good health, to education, to culture, and to a high quality of life;
- Increase freedom within the world of work, not only by tackling unemployment, but also by widening people's choices, releasing human creative potential;
- Build a European Union based on the principle of subsidiarity and whose free peoples believe in solidarity with each other and all the

peoples of the world;

- Reform the European Union, which currently prioritises economic concerns at the expense of social, cultural and ecological values;
- Deepen democratic processes through decentralisation and direct participation of people in decision-making that concerns them.

For us Greens democracy means participation - and therefore access to information. Every citizen should have the same rights and opportunities to participate in society and politics irrespective of religion or belief, gender, age, sexual orientation, or disability.

This was and remains our motivation for the accessibility project, on which we have been working on for the past two years.

Project background

In June 2012 we were approached by EUD and its German member organisation (Deutscher Gehörlosen-Bund e.V., German Deaf Federation[99]) making us aware of the fact that our group's website http://www.greens-efa.eu should be made not only accessible to persons with visual disabilities (which was already the case) but that the content format should also be adapted for accessibility for deaf and hard-of-hearing citizens.

This was the starting point of our pilot project. Throughout the following months, a working group composed of the group's audio-visual and web teams was created under the supervision of the Deputy Secretary General. Information was gathered on hearing impairment and on the specific requirements of deaf and hard-of-hearing people. The group's Bureau decided to allocate significant financial means to the launch of this project. Our partners, EUD and EFHOH, the European Federation of Hard of Hearing People[100], were always ready to provide advisory support and share their expertise. They also helped us to define the first steps for enhancing access to all our communication channels for deaf and hard-of-hearing people.

Concrete actions

Thus, on 5 December 2012, we organised our very first conference[101] with

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[99] More information can be found here: http://www.gehoerlosen-bund.de/dgb/.

[100] See: http://www.efhoh.org/.

[101] "Bloggers for Democracy" Please watch the recorded stream here: http://greenmediabox.eu/archive/2012/12/05/blog4dem/.

live interpretation into International Sign and speech-to-text facilities (in English). It was also web streamed accessibly, allowing people who were unable to come to Brussels to follow the event online.

This first conference was a great experience for us and the positive feedback we received from participants and stakeholders motivated us to continue our project and to extend it to other activities.

We felt ready to take on a more challenging project: offering sign language translation for the videos on our website. We created a network comprising a captioner, who ensured the video subtitling, plus four deaf people who assisted us in signing the content. Our group's audio-visual team (supported by a sign language interpreter) filmed the signers and edited the videos afterwards as well.

We realised that this was quite an additional workload for our team so we decided to outsource this part of the project to three companies specialised in this kind of work. The workflow between them and our teams was clearly defined, allowing us to react quicker and to promptly offer sign language videos on hot topics on the political agenda.

So far, around 50 accessible videos can be found on the Greens/EFA website[102].

When the first videos were ready, we understood that we also needed to improve the presentation of this new content on our website. With this in mind, our website underwent some technical developments which make the accessible information easier to find and more prominent. Specifically, we added filtering buttons for "Sign Language" and "Closed Captions" in the language bar. This means visitors can go directly to the relevant content. In addition to this, a signed "welcome" visible in the header of the website's homepage is an immediate signal that there is accessible content.

In 2013 we continued the subtitling and translation process of more and more videos and organised two additional accessible conferences[103]. The pilot project became an inherent part of our group's work.

At this stage, we had the idea of using an online tool to not only offer information on our political message for deaf and hard-of-hearing people,

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[102] Including recorded streams of accessible conferences and videos announcing our events. For all videos see http://www.greens-efa.eu/isl.html.

[103] "Unfracked: why shale gas should stay in the ground" on 5 September (http://greenmediabox.eu/archive/2013/09/05/unfracked/) and "2 years left to reach an ambitious climate deal: What role for Europe?" on 13 November (http://greenmediabox.eu/archive/2013/11/13/2-years-left-to-reach-an-ambitious-climate-deal/).

but also to listen to their concerns. We decided to try an innovative format: a Question & Answer session exclusively for deaf and hard-of-hearing people.

On 4 December 2013, our Co-President Rebecca Harms replied to questions, which were either sent to us beforehand (as a video clip or email) or live during the session (video or written chat). It was exciting to see that there was much interest in our politics within these communities, and that such an interactive platform was well received.

Professional and Personal Challenges

When I started telling family, friends, and colleagues about the project I noticed one important thing in particular: hearing people usually have little to no understanding of the daily challenges faced by deaf and hard-of-hearing people. Of course, people inevitably tend to see the world from their own perspective, but this also shows that there is still a lot more that needs to be done in terms of raising awareness.

I also learnt, for example, that there is one sign language per national spoken/written language, and that French Sign Language differs from French-Belgian Sign Language. In conversation I frequently encountered the reaction that subtitling should be sufficient to provide access to audio-visual information - until I explained what I had learned: that sign language has to be recognised as a fully fledged language and as the mother tongue of deaf people, and that for a deaf person, learning to read means learning another "foreign" language.

All these things seem so obvious now, but I - and many people around me – did not think of them and were ignorant of the reality of a minority, which actually numbers almost one million citizens all over Europe.

Of course, budgets are tight everywhere and finding or keeping funding is always a challenge, and so it was for us over the past year. 2013 was also the year of the crisis, of austerity measures all over Europe and within the EU itself and of the negotiations on a Multiannual Financial Framework for the EU until 2020. Greens wanted more money for Europe, not for unsustainable spending but to strengthening social solidarity and promoting equal opportunities. It was therefore logical for us to grant part of our group's budget to our accessibility project and its different strands.

It is very important for us to offer good working conditions for the sign language interpreters and palantypists that we hire for our accessible conferences. The "Sign Language Interpreter Guidelines For international/

European level meetings"[104] produced jointly by EUD and efsli (European Forum of Sign Language Interpreters), as well as our regular exchanges with IS interpreters help us on questions such as the number of interpreters needed or where best to place them.

I am happy to see that with every conference we organise at the European Parliament, and with every video we subtitle and translate into sign language we show that the hearing and deaf worlds can be brought together and that they are compatible. We hope that by creating a space that can be shared by different communities we can contribute to bringing down barriers and in particular those between the hearing and deaf or hard-of-hearing communities.

What Lies Ahead: to the European Elections - and beyond!

We are very proud to be able to say that with the actions we have taken in 2013, we lived up to the expectations of the EUD 2014 Election Manifesto[105], which asks Members of the European Parliament to widen the accessibility of their communication channels to deaf sign language users.

However, in terms of timeframe, this project goes well beyond the European Elections in May 2014. We intend to continue those projects, in which we have gained experience (accessible conferences, video translation, Q&A sessions) and to improve them in response to the feedback from our project partners and from every citizen who would like to share his/her views.

Furthermore, we are constantly reviewing our actions and developing new ideas in close cooperation with different stakeholders, whilst involving our target groups as much as we can, sticking to the credo 'nothing about us without us'.

Last, but not least we would like to sincerely thank our partners, EUD and EFHOH for the continuous support for our project and for being always available for questions and advice! We are looking forward to future cooperation together.

Biography

Verena Pinzer, originally from Germany, joined the Greens/EFA group in September 2010 as assistant to the Deputy Secretary General. Before that, Verena was working for an INTERREG cross-boarder cooperation

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[104] The full paper can be accessed here in both International Sign and written English: http://www.eud.eu/videos.php?action=view&news_id=198.

[105] The full manifesto can be accessed here: http://www.eud.eu/Election_2014-i-612.html.

programme for 2.5 years. She has a Bachelor′s degree in German-French Studies and a Master′s in European Studies and has been spearheading the on going programme to make the work of the Greens accessible to as many people as possible.

9. European Level

c. *Website Accessibility & E-government as a Political Participation Tool*

MEP Jorgo Chatzimarkakis (Germany/Greece)

The proposal for a directive on the accessibility of public sector bodies' websites[106] is an extremely important piece of legislation for citizens with disabilities and our increasing ageing population.

As the European Parliament's rapporteur on this directive, I worked closely and diligently with my colleagues and all stakeholders concerned to produce a report acceptable by all. As it stands, this directive covers all of the EU public sector bodies' websites and websites providing public services. This scope, along with an enforcement mechanism and monitoring system, reflects the binding obligations set out in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the commitments made in the Digital Agenda for Europe[107]. In addition, with the implementation of a harmonised European approach, making these websites accessible also has the potential to be a profitable business
The EU Parliament, by enforcing compliance to specific - de facto – web accessibility standards (Web Content Accessibility Guidelines 2.0) to a broader scope of services makes them more accessible to most people with disabilities. It includes, but is not limited to, blind people, those with low vision, deaf sign language users and hard of hearing citizens. It is also worth mentioning that from the implementation of the directive, significant benefits emerge, even for young people utilising the latest mobile gadget.

There is no doubt that the directive makes one step forward towards facilitating access to the web for European citizens experiencing functional limitations, namely disabled people. We should not forget that vision declines, hearing loss and motor skill diminishment are limitations that arise during the normal ageing process. Thus, interaction with critical – or even all – public services must, flexibly meet the different user needs, preferences, and situations. It also benefits people in certain environmental situations, such as people using a slow Internet connection, or people with temporal disabilities, such as a broken arm. Notably, in several Member States, specific national legislation is already in force (e.g., France, Italy, Germany, Greece, and others) as a specific example (e.g. UK) web accessibility provisions, however the legislation, with minor exceptions, are far from being horizontally applied.

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[106] http://ec.europa.eu/digital-agenda/en/news/proposal-directive-european-parliament-and-council-accessibility-public-sector-bodies-websites.

[107] See: http://ec.europa.eu/digital-agenda/.

Focusing primarily on our fellow Europeans with disabilities, there is still a lot of work to be done in order to achieve compliance with article 9 of the UN's "Convention on the Rights of Persons with Disabilities". We acknowledge that the measures introduced are not fully appropriate for all the specific needs of people with disabilities. For example, for deaf people who face difficulties in understanding written text and use sign language as their first language, to this end CRPD includes targeted actions. This is only the beginning. The harmonised monitoring methodology introduced will not only act as a catalyst for uniform implementation across all Member States, but also as an active force for the practical improvement of the provisions. The participation of representatives from disability organisations will ensure that this path is followed.

The policies towards accessible e-government have already proven its value in several countries (i.e., UK). However, in the majority of situations, the plethora of European e-government services offer little promise for disadvantaged or chronically excluded groups e.g. the unskilled, the disabled, the elderly, low-income individuals, families, and minorities. In this context, the prerequisite for Universal Access in e-government services gives higher priority to the broadest possible user population. However, it is critical to offer a technological environment that can be accessed by all people, including disadvantaged groups. By offering universally accessible e-government services, as promoted under the Directive, all citizens share equal opportunities for participation in public, social and economic environment that affects their lives.

Throughout, the web accessibility directive's progress in the Internal Market and Consumer Protection (IMCO) Committee[108], there has been consensus and cooperation across all parliamentary groups. Not only has the IMCO committee voted overwhelmingly in favour of this report, when it was brought to plenary for a first reading, it was passed with a majority of 593 to 40. This demonstrates the commitment of the European Parliament and its recognition that accessibility is a human right. All people are entitled to use the Internet in order to exercise their fundamental rights; I hope it will not be long before the European Council adopts its position, for the legislative process to be concluded.

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[108] Further information on the Committee can be viewed here: http://www.europarl.europa.eu/committees/en/imco/home.html.

Biography

Jorgo Chatzimarkakis has been an MEP for Germany in the ALDE group since 2004. In January 2014, he established his own political party, the Hellenic European Citizens, with which he will be standing for in the European Parliamentary Elections- this time for Greece. He is a member of the Committee for Internal Market and Consumer Protection (IMCO) as well as the Committee on Budgetary Control (CONT). Chatzimarkakis has been actively involved in developing directives on a wide range of subjects, most notably innovation issues (CIP), education and research policies (EIT), and CO2 emission reductions for the automotive industry (CARS 21). Most recently within his committee work, he was the Rapporteur on the Proposal for a directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites.

10. National & Regional Level

a. *Effective Participation as a Deaf Sign Language User in Mainstream Politics*

MP Helga Stevens (Belgium)

Introduction

I have been a member of the Flemish Parliament since 2004 and a member of the Belgian Senate since 2007. During those ten years, we have witnessed the rise and broad deployment of information and communication technology. Back then the Internet and e-mail were already in use. But Facebook was something that did not yet exist in 2004! The same is true for Twitter. The Nokia Communicator and Blackberry were the must haves. Now Apple iPhones, iPads and iOS rule the world. And one cannot escape from Facebook, Twitter and Apps such as WhatsApp, Messenger etc. The digital world has become much more accessible to us.

In contrast politics has not undergone the same transformation, in the sense that there is a lot of interaction with the public in general and deaf citizens in particular. When I was running for a seat in the Belgian Senate in 2003 and a seat in the Flemish Parliament in 2004, there were no specific provisions to enable deaf citizens to run for a seat, or to enable them to interact with parties and would-be parliamentarians. I was one of the few candidates in 2003 and 2004 to have a personal website and the only one to have information in written form and Flemish Sign Language.[109]

Plenary sessions and commission meetings continue to be inaccessible for deaf citizens even though they are open to the public. In other words, sign language interpretation is still not being used as a structural tool to make politics accessible to deaf citizens. This places, deaf people into a disadvantaged position since we are unable to inform ourselves first hand. Since I started working in politics 10 years ago, not much has changed in Belgium.

Of course, providing sign language interpretation alone will not close the gap between the political world and the deaf community, it is important to look at the gap that exists between ordinary citizens and politicians. This gap can be seen in all EU countries, and politicians are struggling to find answers to help bridge the gap. Access to political proceedings and information alone is not enough. We must search for much more opportunities for interaction and participation. In addition, it should be kept in mind that many deaf people are oriented towards information

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[109] See: http://www.helgastevens.be/.

provided in and through sign language. They often prefer to receive information and interact in their own preferred language: sign language. Information in written form can supplement information in sign language, but can never replace it. This does not mean that the deaf community rejects written information. This information is not always accessible to deaf people, due to the fact that their reading and writing skills are not on par with those of their hearing counterparts. This poses a great challenge to the political world to take into account that the Deaf community needs to be represented at political level.

Political Participation in Belgium

Now let us look at whether the Belgian political world is accessible to deaf citizens and sign language users. In the Belgian House of Representatives and the Senate all of the political sessions are interpreted between Dutch and French since the Belgian federal entities are always bilingual. These parliamentary institutions are familiar with the concept of translation. It would be easy to think that since they are familiar with the notion of interpretation, they would think of structurally providing sign language interpretation at the same time. This is however not the case. In Flemish Parliament interpretation into Flemish Sign Language is also not structurally provided.

To network and readily make myself understood, Flemish Sign Language interpreters accompany me during the day (and evening). But these interpreters only work for me and thus not for the general deaf audience. This is illustrated by the fact that when I leave the session in plenary or commission, my interpreters go with me. If deaf people visit the parliament and want to follow a session, they must contact the parliament in advance to request a sign language interpreter.

In other words, access for deaf citizens and sign language users to parliamentary proceedings and the political world continue to be problematic. Notwithstanding the fact that Belgian federal law on non-discrimination was adopted back in 2003, implementing the EU directive 2000/78/EG[110] at Belgian level. However, the scope of our law is broader than the EU directive: it goes beyond the field of employment and vocational training. Flanders adopted similar legislation much later, in 2009. Notwithstanding these laws, both the federal and the Flemish Parliament have never really considered the need to make the parliamentary proceedings structurally accessible for people with a disability in general, and in particular for deaf citizens and sign language users. The Flemish

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[110] The full text can be accessed here: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:NL:NOT.

and the French-speaking Deaf Associations[111] should place more pressure regarding this issue, together with disability-related organisations. It is important in a democracy, to keep the whole public, including deaf people, duly informed about the political process and the issues that are being decided in parliament, considering that these issues have an impact on their daily life.

In addition, having access to written information on the parliamentary websites is not enough. Deaf people must demand access to information in their preferred language: sign language. It should be noted that two regions[112] in Belgium have recognised their respective sign languages: French-Belgian Sign Language in Wallonia and Flemish Sign Language in Flanders. But once again, it is up to the Deaf Associations and their members to put pressure on their parliaments, i.e. both at federal as well as the regional level, to become more accessible to sign language users. I have a role too but I alone cannot do it. I need the help of the Deaf community help to convince my fellow MPs. Political parties and colleagues are insufficiently aware of the lack of access that the Deaf community sees itself confronted with. It does not help that many hearing people, including politicians, do not realise that the use of sign language is vital in the lives of deaf people and that sign language is often the only way through which deaf people can interact with the world that surrounds them. They all believe that since deaf people are visual people, they all can read well and thus have easy access to written language. The reality is however not that simple. Many deaf people have poor reading and writing skills – for a variety of reasons. It would take us too long to explain these reasons in this paper. The consequence is that they often struggle with written information, and they lack access to important and useful information. This has to be kept in mind. Therefore, information available through newspapers and magazines is not always fully accessible to them.

Accessibility and Audio-visual Media

Add to this the fact the audio-visual media is far from being accessible to the deaf community. So it comes as no surprise that many deaf people are, and feel left out of the audio-visual world. Access to radio is completely out of the question, access to TV programmes is problematic and providing subtitling alone is not sufficient. Until two years ago Flemish political TV programmes were not accessible for deaf viewers at all. This, of course, led

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[111] Belgium has two Deaf Associations: Fevlado for the Flemish part (http://www.fevlado.be/) and FFSB for the Walloon region (http://www.ffsb.be/).

[112] Belgium is divided in three regions (Flanders, Wallonia, and Brussels-Capital). Both Flanders and Wallonia are home to two distinct sign languages. See also Wheatley, M. & Pabsch, A. (2012). Sign Language Legislation in the European Union - Edition II. Brussels: EUD.

to much frustration among deaf citizens and sign language users who felt that they were unable to join in the political debate and discuss politics with family, friends and colleagues since they had no part at all in what was being discussed in audiovisual media. Nevertheless, over the past years deaf citizens have steadily been gaining access to the audiovisual media with regards to politics. Progress in this field remains very slow.

For example, the Flemish TV programme 'Villa Politica'[113] broadcasts live from both the Flemish Parliament (on Wednesdays) and from the House of Representatives (on Thursdays). The programme is subtitled via teletext 888. Various Flemish Deaf people have contacted me, requesting that this programme be sign interpreted into Flemish Sign Language simultaneously. Some sign language users have also requested the plenary sessions to be sign interpreted in real time, since these sessions are video streamed live on the homepage of the Parliament. So far these requests have not been met and financial reasons are often the problem. Parliament is not making reasonable accommodation in order to enable all deaf citizens and sign language users to fully take part in the political process. This could easily be done if strategies and plans are in place, as seen in the Bavarian Parliament.[114]

According to the UN Convention on the Rights of People with Disabilities (UNCRPD), deaf people and sign language users enjoy the same rights as anyone else, but in reality this is not true.

It should be noted that all parliamentary proceedings are recorded, if the meetings are public. Last year the Flemish Parliament decided that all commission sessions would be video streamed live. This is now being implemented gradually as not all commission rooms are suitable yet for videotaping. Plenary sessions are already video streamed live on the Internet. These video streams should also be made accessible for Deaf citizens and sign language users. They have the same right of access to these proceedings, in the same way as hearing citizens have.

It should not be forgotten that hearing citizens often receive more information on the subject from the media: newspapers and TV. However, deaf SL users do not have full access to these additional sources of information. Newspapers provide written information. Until recently political TV programmes were not subtitled such as the daily '*Terzake*'[115] ('To the Point') and the weekly '*De Zevende Dag*'[116] ('The Seventh Day').

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[113] Further information can be found here: http://www.een.be/programmas/villa-politica/.

[114] See chapter 10d of this publication.

[115] See: www.canvas.be/terzake.

[116] See: http://www.een.be/programmas/de-zevende-dag.

They are not yet sign interpreted even though there is great demand for this. Only the Flemish 7 o'clock news is sign interpreted live which is transmitted through the Internet. This results in a so-called 'gap' between politicians and the ordinary deaf citizen. This gap is already a serious problem between hearing citizens and politicians. Politics has become very complicated, too complicated sometimes. Hence it is important to provide clear, supplementary and background information to the public. But once again, here deaf people miss out since this information does not reach them in accessible formats. Therefore, many deaf people tend to think and reason in black and white. They can not be blamed for such limited thinking and arguing since the information they actually receive is very limited.

Back then in 2004, the Internet and social media were not as omnipresent as they are now. Website information was text-based and not accessible to deaf citizens whose preferred language was/is (Flemish) sign language. We have made some progress, but not enough to satisfy the needs of deaf citizens. Internet-based information is mainly written and if there are films then these are often not subtitled or sign interpreted. So they are not fully accessible to sign language users.

For example, our Flemish public TV 'VRT' has an excellent online news platform[117] which also features short film trailers. But while these films are subtitled when broadcasted on TV, the same ones are not subtitled on the online platform. There are technical reasons for this, but I am sure that if they really want to do it, they can. Deaf sign language users have to show that it is important for them to have subtitles and sign language interpretation on an online platform. They have a legal right to demand for this kind of access but their request is falling on deaf ears.

Personal Political Participation

As a deaf Member of Parliament with regard to provisions for me: my party, the N-VA,[118] wrote a letter in 2004 to the President and Bureau of the Flemish Parliament informing them that they had a deaf candidate and that chances were likely I would be elected. The President answered that in case I got elected, they would of course do everything necessary to enable me to exercise my role as an elected Member of Parliament (MP). After my election, there was no real discussion about my using sign language interpreters in my parliamentary work. We had to experiment with where to locate the interpreters in both the commission and plenary sessions. For the interpreters to be allowed to enter the plenary, special permission was needed from the Bureau of the Parliament. First we tried to do it through

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[117] Available at: http://www.deredactie.be.

[118] For further information see: http://www.n-va.be/.

distance interpreting, with the interpreters working on the side of the plenary. I would watch them on a flat screen, but that was not comfortable for me so after a month we cancelled this method. As from that time, the interpreters were put in front in the plenary, at the bottom of the speaker's chair so that I could clearly see both the speaker and the interpreter.

Both the Flemish Parliament and the Senate fully cover the costs of the sign language interpreters who are self-employed and paid by the hour. I work with a team of 5 interpreters who work in teams of 2 on fixed days. They receive a better hourly rate compared to other Flemish sign language interpreters due to the fact that they work on a flexible basis and never know exactly in advance when their day will end as plenary or commission sessions can run late. In addition, I can also use the interpreter for party related meetings such as national or local party meetings, lectures, gatherings, meetings with citizens groups or individuals, etc. In short, all meetings, which I attend in my capacity of Member of Parliament / Senator are covered.

So for me personally everything has gone rather smoothly. What I did notice, however, is that it is not always evident to join a group of colleagues, be it from my party or just any group, for a chat, e.g. during coffee break. It is hard to participate since often various people speak with some other people so that two conversations are running at the same time. How should my interpreters judge which conversation to follow? In addition, people often leave after I join the group. Is it because of the interpreters, or are there other reasons? Or is there something about the interpreters, which people unconsciously do not like? Other Deaf colleagues have similar experiences. In one-to-one conversations there are no problems. But groups, that is another matter! So, deafness somehow remains as an invisible barrier between my hearing colleagues and myself. There is a certain distance. I also cannot be reached easily by phone since there is no telephone relay service in Belgium. This is really a handicap in politics! On the other hand, some people may see this as an advantage in the sense that I am rarely bothered by phone calls.

It is also interesting – and frustrating – to note that such a gap remains in the structural provisions made for me as an MP to accommodate my needs and those for 'ordinary' deaf citizens / sign language users who have similar needs. This means that the political establishment perhaps has missed the whole point in this view that they are not yet understanding nor realising that behind me there is a large group of deaf citizens and sign language users who are eager to join and participate in the political process like any other citizen can in Belgium. Perhaps they think that deaf citizens only constitute a small group, not important enough to be taken into account? This perhaps also says something about the deaf community itself which has since long been 'represented' and 'taken care of' by hearing educators.

The process of emancipation within the Flemish Deaf community is still on going and this is hindered by the lack of sign language interpreters and the fact that we live in a hearing society, which is globally inaccessible to deaf people.

To conclude, since deaf people are full-fledged citizens, they have the same right of access to what happens at the Parliament. But having access alone is not enough. People, deaf and hearing, need to be made politically aware and this requires on going input and sensitisation which many deaf people do not receive, once again because they have trouble in accessing our society in general, and the media in particular, due to the fact that the world around us is 'hearing', i.e. oriented towards passing on oral/auditive information. So there lies a responsibility, a role for our government to facilitate the empowerment of the Deaf community by providing extra guidance and support, so that Deaf people can fully exercise their political rights.

Furthermore, providing access through sign language interpretation as way of reasonable accommodation is too often seen as an extra cost, which the Parliament, just like any other organisation or institution tries to escape from or try to pass on to others. But deaf people and sign language users are citizens with full political rights; there is in fact no excuse to exclude this minority group! But if they do not stand up for their rights and demand full and equal access, nothing will happen. So here I launch an appeal to my fellow Flemish Deaf citizens to send e-mails, letters, and films to the President and Bureau of the federal and regional parliaments in Belgium, demanding full access to parliamentary proceedings so that they can monitor our work just like any citizen in this country can do.

Biography

Helga Stevens is a Belgian politician and a member of the Nieuw-Vlaamse Alliantie (N-VA). She has been a Member of the Flemish Parliament since 2004 and as a member of the Belgian Senate since 2007. As the first Belgian Deaf lawyer and the first female Deaf candidate for the European Parliament, she was previously the director and president of EUD and is actively involved in the Flemish Deaf Association (FEVLADO) as a Board Member.

10. National & Regional Level

b. *Being a local council representative: challenges and opportunities*

David Buxton, Liberal Democrat (UK)

When did I start to become more interested in the political world? I was brought up in a loyal Conservative family; we often talked about politics, government, current affairs and international issues. Born Deaf, I often felt like the 'black sheep' of the family. I was educated under the oral philosophy[119] until I was about seventeen years old. I left a strict oral deaf school to go to a college for the deaf, which allowed total communication[120]. My own attitude and views towards politics were limited to what I had heard around the family dinner table. I often met well-known politicians of the time, at private dinner and drinks parties via my family connections. Up until 1983, I was aware that I was not being given fair access to further and higher education. I was struggling to follow what lecturers had said. My spare time was limited to what I could watch on TV; there were very few subtitled programmes. Around that time, the Conservative Government kept turning down the Disability Rights Private Member's Bill. This made me angry and as a result I decided that I had to become active in campaigning for my own rights. This led to me becoming involved in the Deaf Broadcasting Council campaign, the Disability Rights campaign and other groups.

An MP (Member of Parliament) saw in me an energised young man with real passion in politics and community campaigns. He invited me to meet him at the House of Commons in 1986. He suggested that I should consider getting involved in mainstream politics and asked me to think about which political party I would like to join. Eventually, I joined the Liberal/SDP Alliance party; this certainly upset my family who thought I was wasting my time. They thought that I would never win anything with them! What really hit me at the time was that I could not participate and contribute equally to local party events, simply, because there was no communication provision for me. Luckily, I had three good hearing friends from my local church who could sign reasonably well, although they were not qualified BSL interpreters. I took advantage of their 'free' service in exchange for supporting them in learning more BSL. It took me two years to be fully involved in local party events and ward meetings.

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[119] I was not allowed to use sign language at school and home. I was taught to listen, lip read, and to use speech.

[120] The college did not actively promote sign language but supported all modes of communication such as lip reading, speech, sign language, note taking, etc. The Deaf student chose which one suited him/her.

Eventually I was invited to stand at the Borough Council elections in 1990. I was fortunate again, to rely on my friends who were willing to volunteer their time communicating for me when I was out canvassing local voters. I could not afford to pay a qualified BSL interpreter, this was because I did not earn well during these days as a young 25 year old. Nine months of hard work leading up to the May 1990 elections finally paid off, when I gained the Dockyard ward from Labour who had held it for decades. I was over moon! The London Borough of Southwark was shocked to find out that their new councillor was Deaf and needed BSL interpreters at council meetings. This had never happened before in British political history. I still had to continue to fight, with the help of the Chief Whip, to convince the Council that they had to provide BSL interpreters for all the council meetings that I attended. I required BSL interpreters, not just my friends, to be able to hold formal councillor surgeries with local residents discussing their concerns over re-housing, housing repairs, family disputes, social services, schools, and road or pavement damages.

The Council believed that it was not their responsibility to pay for the BSL interpreters; they felt the local political party should pay! How could a local party afford to do this when its members were all volunteers! It took about two months to reach an agreement. They offered 10 hours a month, this was not enough but better than nothing. I continued to use my friends if I needed more than 10 hours. There was no specific law to protect my rights as a deaf BSL user, to help me to be an effective councillor, equal to all others. I decided to raise this issue with MPs and peers in Parliament, arguing that deaf and disabled councillors or election candidates should be allowed access to public funding to support them. I submitted my evidence to the House of Common's Home Affairs Select Committee, but they came up with no recommendations. I did not like having to constantly refer to myself as; Britain's only Deaf BSL user elected as a Borough Councillor, the first Parliamentary Candidate in British political history in 1997 and then again in 2001. I carried on and I also stood for the Greater London Assembly in 2000 (Greenwich and Lewisham) and I was again elected as a Borough Councillor in 2007 (Epsom and Ewell).

Many deaf friends, who tried to stand for other political parties, expected their local parties to pay for BSL interpreters. This made local parties afraid of the associated costs of accepting deaf candidates. I chose to improve my own skills, experience and abilities, out of my own pocket. In this way I could prove to local party members and officials that I knew what I was doing. I was enthusiastic and I was worth backing. This helped them to build confidence and trust in me and paid off in the end! I know we should not have to pay costs out of our own pockets, but we have to be smart to find ways around these barriers, winning respect, support and admiration from local party officials and members. Very hard work indeed! I also had to remember that I was amongst everyone, not just deaf people. I had to convince the local party that I wanted to represent all the local residents, not just deaf or disabled people.

At Council meetings I sometimes felt uncomfortable because some BSL interpreters were providing awful voiceovers; this was due to the fact that they did not know much about local politics or residents issues. I didn't book them, the Council did. In the end, I had to advise the Council who they should book. Some of my own preferred interpreters did not want to work evenings and, of course, Council meetings were held in the evening! This really frustrated me.

I was also an elected representative for the local party at national and regional conferences. However, they didn›t have enough funds to pay for BSL interpreters to allow me to network and meet key representatives, elected politicians and members of the House of Lords. BSL interpreters were just provided on the conference platforms. Therefore again, I had to pay out of my own pocket for BSL interpreters to accompany with me. It was hard for me to be there, a lonely experience and difficult to get through. In particular when interpreters needed breaks and were too tired for evening socials at the conference hotel bars. These were frustrating and sometimes depressing times for me. I often wished that I had the funding to empower me to be more active from the bottom to the top, enabling me to share specialist knowledge with key people. I was lucky enough to be one of Paddy Ashdown's disability advisers. I co-wrote the General Election Disability policy and sat on the national party policy group, set up by the Liberal Democrats Disability Association. These activities helped to raise my profile within the party.

In 2011, the Government finally recognised that Parliament lacked diversity and equality. They agreed to implement my original idea of an Elected Fund for Disabled People; this provides disabled and deaf election candidates with the appropriate support[121]. This has further helped me in my fight for a parliamentary seat, but so far I haven't been selected. I know that some local parties have been afraid to select me as their PPC (Prospective Parliamentary Candidate). It has not been easy for me to try to convince them, when I have to rely so heavily on BSL interpreters. On one occasion I chose two interpreters that I trusted but they were not available for the selection meeting. That decision cost me, as the other interpreters seemed unprepared. It was not their fault but in these circumstances I needed to be assured that I had BSL interpreters who knew my style, my thoughts and were able to correctly interpret my speeches. I wish that I have the opportunity, by law, to be able to book my own preferred BSL interpreters

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[121] More information can be found here: https://www.access-to-elected-office-fund.org.uk/.

well in advance and to be able to meet local party members and local residents before the selection process. This would give them more chance to get to know the real me, and allow them to build up confidence and trust in me. Then it would not matter whether I am deaf or unable to speak clearly.

The Equality Act 2010 does not protect the deaf BSL user at all. I am grateful to now have the Elected Fund. However this is still not enough for me, I have to be able to sell myself well and I rely heavily on BSL interpreters. Very few BSL interpreters have political knowledge; understanding of jargons, policies, sound bites, public speeches, Q&A sessions, and key community issues. A solution around this could be to offer politics training to a number of BSL interpreters.

In conclusion, after being an elected Borough Councillor twice, I can look back and say:

- It has been incredibly hard work as a Deaf BSL user, being out of pocket and I still struggle to convince local party members of my skills, abilities and experience.

- I paid a heavy price trying to break into the inner circle of politics, by not demanding payment for BSL interpreters from the start. That said, I have say it was worth the 25 years of effort.

- I enjoyed attending council meetings, debates and surgeries and visiting resident's homes. However, I have been limited by the lack of communication, access and funds. I have often tried to find ways around it to prove I was a competent councillor and community campaigner.

- It has been frustrating to experience both direct and indirect discrimination within the local party and the Borough Council, still I kept fighting.

- The law has not helped me to become a community campaigner or politician. Attitudes need to change. The current law does not enable me to fight on an equal basis alongside other hearing candidates. The Access to Elected Office Fund does help me to fight. The question remains whether the Fund will continue. Stronger laws are needed to enable deaf people be treated equally and to have access to funding.

Biography

David Buxton has been working for the British Deaf Association (BDA) as its Chief Executive since 2011. David used to work for SCOPE as Regional Operations Manager to oversee care homes, disability domiciliary care and disability support services in the Greater London and South East area for four years, previously Senior Strategic Commissioning Manager for Disabilities and HIV / AIDS for West London Local Authority for five years. Before that, he was director of fundraising and marketing for a number of years. He is one of 42 candidates on the Liberal Democrat's Leadership Candidates Programme, Federal Executive Representative on the Equality Group and Diversity Engagement Group, founder of Liberal Democrats Disability. He was also one of the founding members of GO! SIGN (Deaf Christian charity) and is a member of other campaigning groups.

12. National & Regional Level

c. *Best Practice Example: Citizens' Hour Dublin*

MEP Emer Costello

In Ireland, European, national and local politicians hold regular advice centres or "clinics" where they are accessible to their constituents. Members of the public or representatives of particular groups or organisations can come and raise issues about their own situation or concerns about policy issues at regional, national, or European level.

Through my work as a public representative over the past twelve years, I was aware of the vibrant and active deaf community in Dublin. But I also realised that the deaf community does not have the opportunity to engage with public representatives in the way that other constituents can.

The difficulty, of course, for deaf and hard of hearing people is that these clinics are of little value in the absence of a sign language interpreter. Last year when EUD, the European Union of the Deaf, approached me about their manifesto for the EU elections[122], I was delighted to confirm to them that I had already put in place the proposed "*citizens' hour*" for the deaf community, on a quarterly basis. The "*citizens' hour*" is based on the principle of ensuring the democratic engagement of the deaf community with their public representatives.

I chose Deaf Village Ireland (DVI) as the ideal venue for my advice centres. The Deaf Village Ireland serves the deaf community both nationally and locally as a central location for community activities. The DVI is a place where Irish sign language is especially recognised and used. Indeed, it is the only such site in Ireland.

One of the unexpected benefits of holding the advice centre for the deaf community was that it put people in contact with the Deaf Village[123] and the services that it provides. While the Deaf Village is widely known and provides excellent services, I encountered a number of people whose first encounter with it was via attending one of my advice centres.

My advice centres are open to and serve the whole deaf community on local, national and European issues. I wanted them to be as open and accessible as possible, and I wanted to ensure that people who may need help with an issue knew that there was somewhere they could go. To raise awareness

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[122] See: http://www.eud.eu/Election_2014-i-612.html.

[123] For further information on the Deaf Village Ireland see: http://www.deafvillageireland.ie/.

of the clinics, I advertised them widely in local newspapers and on social media. It was interesting to note that the social media advertisements did have an impact as several attending reported to have found about the advice centre from Facebook.

For the duration of my advice centre I communicate through ISL using a registered sign language interpreter. This follows the Irish Deaf Society's[124] recommendations on quality provision of sign language interpreting services. In this way, we recognise and support the Irish deaf community's first or preferred language of communication: Irish Sign Language. Follow-up on clinic work is done through letters, email, and sometimes text messaging. Text messages are an important means of communication for many in the deaf community, and so it was always important to look for a phone number from the people attending the clinic.

I am well aware that deaf and hard of hearing citizens face more obstacles than the rest of the population, even in times of growth. These obstacles are compounded in times of economic crisis. Attendees at my advice centres have been individual deaf people, representatives of community organisations, and parents of deaf children.

Perhaps unsurprisingly, the issues raised by the people attending the advice centres are mostly not very different to the issues encountered at other advice centres. The most common concerns are related to housing, social welfare, and employment. However, the deaf community can face particular difficulties in these areas. For example, in one case, there were concerns that a Dublin City Council apartment that had been specifically adapted for deaf people might not be allocated to a deaf person. Through contacting the relevant authority, I was able to help these individuals to resolve their problem or clarify the situation.

Unemployment is without doubt the greatest challenge facing Ireland and the EU as a whole. While in Ireland we have managed to stem the growth of unemployment and are moving from a situation where we lost 250,000 jobs between 2008 and 2011, to a situation where we have created 61,000 new jobs in the last year, unemployment levels are still unacceptably high. Disabled and deaf people are still disadvantaged when it comes to seeking employment.

The impact of the crisis on disabled people has certainly been disproportionate to the overall population. The Irish Deaf Society points out that deaf people are four times more likely to be unemployed. Moreover, those in employment are often under-employed in workplace – taking jobs and positions where they cannot reach their true potential. On

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[124] The Irish Deaf Society's website can be found here: http://www.irishdeafsociety.ie/.

one occasion I was dismayed to meet a talented and skilled deaf person who could only find work packing bags in supermarkets when clearly they had so much more to contribute to society. My role is not so much to find them employment, but to listen to their issues and to see if I can help resolve them by either making representations on their behalf or putting them in contact with the relevant services.

Mobility is a cornerstone of EU policy, yet again deaf can people face many obstacles. In the course of my work as a public representative I come across many migrants from EU and non-EU countries alike that have difficulties in regularising their status or ensuring they obtain their full entitlements. Deaf migrants can face even more obstacles than others in regularising their status. The Irish Habitual Residency requirement applies to EU citizens in the same way as it does to all non-EU citizens. The Habitual Residency requirement can curtail people's entitlements to social protection, housing and education. The problem is compounded when the citizens are deaf and find it very difficult or impossible to communicate with officials. Indeed, they often need interpretation from their own national sign language into International Sign or Irish Sign Language and this in itself presents major obstacles. While, in certain instances I was able to mediate with State agencies on behalf of deaf people, I am now keenly aware of the necessity for the recognition of sign language to ensure that members of the deaf community have equal access to officials in state and local authority agencies.

As well as people's individual concerns, the advice centres are also an opportunity for wider policy issues to be raised. During our "*Citizens' Hour*" at the Deaf Village we also meet with organisations and groups campaigning on behalf of deaf citizens in Ireland.

Specific issues raised with us by some of these groups include the protection and continued care of residents in a nursing home for vulnerable deaf people and the campaign for double cochlear implants to be provided as standard. Recurrent policy issues include the campaign for the recognition of Irish Sign Language (ISL), the status of ISL during court proceedings and, most importantly, the Irish Government's delayed ratification of the UN Convention on the Rights of Persons with Disabilities.

Indeed, through my engagement with the deaf community, I am supporting the campaign to ensure that ISL receives legal recognition and I am working to find an appropriate method of drawing up this recognition. The Programme for Government contains a commitment to examine different mechanisms to promote the recognition of Irish Sign Language, and consultations have taken place with the Deaf Society in Ireland. I will continue to work with the Irish Government to ensure that progress is made on these issues.

Based on the concerns raised at the advice centres, I would like to point to some issues that are on or which are coming on to the European Parliament's agenda and that are priorities for European disability activists as we approach this year's European elections.

Firstly, the European Union is a member of the UN Convention on the Rights of Persons with Disabilities. The EU was in fact the first 'supra-national' entity to become an official party to the Convention, thereby assuming the duties and obligations it entails. Not all Member States have yet followed through on their commitment to ratify the Convention. Regrettably, my own country – Ireland - is among the three countries that have yet to do so and this has been brought to my attention on numerous occasions. The Irish Minister for Disability, Equality and Mental Health, Kathleen Lynch TD, has told the Irish Parliament that it is the Government's intention to ratify the UN Convention once the Assisted Decision Making (Capacity) Bill is enacted. I will continue to campaign on this at European level and domestically. Moreover, the EU and a number of Member States, also including Ireland, have yet to sign and ratify the Optional Protocol of the UN Convention on the Rights of Persons with Disabilities, which strengthens the implementation of the Convention.

Secondly, at the end of February, the European Parliament adopted the proposed EU Directive on the accessibility of public sector websites. Almost 170 million EU citizens currently have difficulty accessing the 750,000 public sector websites across Europe that offer access to information and services, only one third of which currently meet international web-accessibility standards, such as by ensuring accessibility through videos in sign language. This proposed Directive would require EU Member States to ensure that all public websites are fully accessible, within a number of years. I want to see this Directive covering not just the 12 categories proposed by the European Commission (e.g. social security, enrolment in higher education etc.) but also applying to websites provided by private entities that perform services of a general or public interest (e.g. electricity, heating, transport, health etc.). In our increasingly digital world, accessibility is very much a human right. All citizens must be able to use the Internet fully.

Thirdly, the Commission is currently finalising legislative proposals for the long-awaited European Accessibility Act, which was originally promised in 2012. This Act is an important part of the European Disability Strategy (2010-20). Freedom of movement is one of the fundamental freedoms of the EU but persons with disabilities cannot exercise this right fully and freely. These proposals, which will be legally binding, will be aimed at improving the market for goods and services that are accessible for persons with disabilities and elderly people, based on a "Design for All" approach, as defined in the UNCRPD. MEPs will have a joint and equal say with

Member States' Ministers over this legislation, which must take a holistic approach and cover as many goods and services as possible.

Fourthly, in mid-January, the Commission produced its report on Member States implementation of the 2000 equal treatment directive (Directive 2000/78/EC). This directive seeks to combat discrimination in the workplace, including on the grounds of disability. The Commission's report is being scrutinised by the European Parliament, which has already called on the Commission and the Member States to ensure the effective enforcement of this legislation.

Fifthly, we must continue to press for progress within the Council on the draft directive tackling discrimination beyond the workplace.[125] Existing EU legislation, such as the 2000 directive mentioned above, only covers discrimination against persons with disabilities (and others) in the workplace. We need to extend the protection afforded by this framework to social protection and access to and supply of goods and other services available to the public, including housing and education. It is not acceptable that the draft directive proposed by the Commission in 2008 and strengthened by the European Parliament in 2009 has been blocked in the Council for the past four years.

Finally, over the course of the past year, the European Parliament has adopted several reports and resolutions examining the impact of the crisis on vulnerable individuals and groups, including deaf people. I have contributed to those reports and debates. From my experience, I have argued that while the EU has detailed rules for the monitoring and coordination of economic and budgetary policies, it must now do the same for our social policies - we must place the same emphasis on investing in people as we do on stabilising our public finances. To this end I very much support the European Disability Forum's (EDF) call for the reform of the European Semester process to ensure more coherence between EU macroeconomic policies and objectives of inclusion and poverty reduction. Incidentally, the Irish Constitutional Convention has recently made a far-reaching proposal to the Government for social rights to be enshrined in the Irish Constitution. Commissioner Reding recently informed me (EP question E-013273/2013[126]) that the European Commission's 2013 report on the application of the EU Charter of Fundamental Rights, which it intends to produce before the summer, will analyse measures undertaken

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[125] Full title: Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation. The draft text can be accessed here: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0426:en:NOT.

[126] The question and full answer can be accessed here: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2013-013273+0+DOC+XML+V0//EN&language=en.

to comply with the different articles under Chapter IV 'Solidarity', such as the right to access services of general economic interest and the right to healthcare, etc.

These are all issues that should be taken up by the incoming European Parliament as a matter of urgency. We must work together to improve the enforcement of EU legislation all across Europe and to urge the Commission to bring forward whatever changes are necessary to improve legislation.

Political parties in Ireland and all across Europe are now finalising their policy platforms for the upcoming May European Parliament elections. All citizens, and particularly those with a disability, should engage strongly with all parties in this process so that your concerns and the concerns of the European citizens you represent are reflected in these programmes and that they form a significant part of the debate during the election campaign.

Moreover, to facilitate this dialogue now and in the future, public representatives should be encouraged to hold regular citizens' hours with sign language interpretation. It is important that deaf community realise the power and influence they can bring to bear by exercising their right to vote and that organisations working with deaf people help them to ensure that they are on the register of electors.

It is only by meeting and communicating with deaf people that we as public representatives can hope to gain an understanding of the problems and challenges that they face. I believe that the "*Citizens' hour*" is central to achieving this.

Biography

Emer Costello is the Labour Party MEP for Dublin and a member of the Socialists and Democrats Group in the European Parliament. She is a member of the Employment and Social Affairs Committee. She is the Parliament's Rapporteur for the new €3.5 billion 'Fund for European Aid to the Most Deprived' (2014-20). She was a member of Dublin City Council from 2003 until early 2012 and served as Lord Mayor of Dublin in 2009-10. She is also a former member of the Council of Europe's Congress of Local and Regional Authorities. She has served on a number of national and local boards in Ireland on a variety of issues covering community involvement, education, health, tourism and justice. Emer was formerly a Programme Manager with Leargas, the Irish National Agency for European and bilateral Programmes in Education, Youth and Vocational Training, and served as Manager of the Dún Laoghaire Heritage and Genealogical Centre.

10. Regional Level

d. *Inclusive State Parliaments – live streaming on the Internet as an instrument for transparency and accessibility*

Rudolf Gast, Honorary Chairman Deaf Association Bavaria & Michaela Nachtrab, CEO VerbaVoice (Germany)

How can deaf people keep track of political processes? What options are there to create simple and effective solutions for inclusive online access?

The Bavarian State Parliament (Bayerischer Landtag[127]) has taken on a pioneering role in inclusive live streaming, working in co-operation with VerbaVoice. This is a remote accessibility service that will start a test phase unique in Europe. This is an inclusive web player, showing live sign language interpretation and live speech to text. This will enable deaf and hard of hearing citizens to participate live in the Parliament's plenary sessions:

> "I think we need to set a good example. The Federal Republic of Germany shouldn't just sign a CRPD – Convention on the Rights of Persons with Disabilities but also comply with it," Barbara Stamm, President of the Bavarian State Parliament (Bayerisches Fernsehen (2013)).

In April 2014, the UN Committee on the Rights of Persons with Disabilities will evaluate the implementation of the UNCRPD in Germany for the first time. Since 26 March 2009 Germany has been bound under the Convention under international law (Aichele & Litschke 2014). All of the institutions and public authorities are required to implement measures that provide inclusive access. This also includes providing equal access to information, most notably to web-based content related to transparency and participation. In addition to ratifying an international treaty, Germany has also put in place national legislation for its implementation, which will be explored further below.

The Convention stresses the aspect of independent living and the importance of practical implementation. Political participation means all disabled, deaf, and chronically ill people "can effectively and fully participate in political and public life" (Article 29). This means that measures have to be taken to remove barriers, and support and assistance has to be provided.

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[127] Further information (in German): http://www.bayern.landtag.de/.

Current situation in Germany

The rights of disabled persons and their participation began to become public domain in Germany after World War I. The amount of soldiers injured in battle made physical impairments much more visible. In the 1970s, the disabled people's movement gained particular momentum. Organisations, self-help groups and working committees claimed their rights: important milestones were the so-called cripple tribunals against the violation of human rights during the International Year of Disabled Persons (1981) and achieving anti-discrimination legislation (Bösl 2010). The Disability Equality Act[128] has been binding since May 2002; this enshrines equal opportunities for disabled and deaf people in law[129].

Separate legislation has been passed to deal with internet-based content. According to the Disability Equality Act a by-law for the creation of accessible information technology (BITV 2.0)[130] requires public authorities and institutions to make their web-based information accessible to disabled people. For deaf and hard of hearing people, the following two paragraphs are especially important:

Requirement 1.2
Alternatives for time-based media have to be provided.

1.2.2 Captions
For recorded audio content of synchronised media, captions are to be provided. This does not apply to alternative media for text that is clearly labelled as such.

1.2.4 Live subtitles
When transmitting synchronised media live, all audio content has to be provided as captions.

These requirements are required to be implemented by 22 March 2014. All of the Government offices are thus required to evaluate their services and conduct adaptations.

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[128] Bayerisches Gesetz zur Gleichstellung, Integration und Teilhabe von Menschen mit Behinderung und zur Änderung anderer Gesetze (Bayerisches Behindertengleichstellungsgesetz und Änderungsgesetze - BayBGG und ÄndG) vom 9. Juli 2003 (GVBl S. 419); (in German) http://www.gesetze-bayern.de/jportal/portal/page/bsbayprod.psml?showdoccase=1&doc.id=jlr-BehGleichGBYrahmen&doc.part=X.

[129] The law is part of the realisation of the Prohibition of Discrimination article 3(2)(2) of the constitution of the Federal Republic of Germany "No one may be disadvantaged because of their disability".

[130] Verordnung zur Schaffung barrierefreier Informationstechnik nach dem Behindertengleichstellungsgesetz (Barrierefreie-Informationstechnik-Verordnung - BITV 2.0); (in German) http://www.gesetze-im-internet.de/bitv_2_0/BJNR184300011.html.

The situation in Bavaria & the Bavarian State Parliament

On 12 March 2013, the Bavarian State Ministry for Work and Social Affairs, Families and Women launched an action plan outlining the main areas for the implementation of the UN Convention in Bavaria. The Bavarian Disability Equality[131] Law states that local authorities and boroughs are required to re-design their websites in order to provide fully accessible information for all disabled and deaf citizens.[132]
Many political institutions still face the problem of how to make information accessible to disabled and deaf people, even after the ratification of the UN Convention. All too often, options and potential partners for the practical implementation are not known to those responsible within these institutions.

However, accessibility only needs a few willing people to take action: in case of the Bavarian State Parliament, the President, Barbara Stamm, introduced an initiative for more accessibility to Parliament. She urged her team to improve the current situation and an innovative solution was found. The Bavarian State Parliament cooperated with organisations and private social businesses to support the practical implementation of this piece of legislation. This cooperation ensures the effective use of all resources. As a State institution, the Bavarian State Parliament is continuously implementing by-laws and other legal documentation for accessibility. As a result, accessible events for deaf and hard of hearing people are organised.

Initial contact with the remote communication service VerbaVoice was established in 2011 via speech-to-text reporters (STTRs) working in the Bavarian State Parliament. In 2005 transparency in the political domain was already taken further by giving the hearing population access to plenary sessions of the State Parliament (Bayerisches Fernsehen 2013). The live streaming of the debates meant that citizens now could follow the debates at the Bavarian State Parliament, giving transparent access to political processes. At that time the service was only accessible to citizens who were able to access audio transcripts. Real transparency and access to information for all citizens was not provided. The Bavarian State Parliament

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[131] Bayerisches Gesetz zur Gleichstellung, Integration und Teilhabe von Menschen mit Behinderung (Bayerisches Behindertengleichstellungsgesetz - BayBGG) Vom 9. Juli 2003* http://www.gesetze-bayern.de/jportal/portal/page/bsbayprod.psml?showdoccase=1&doc.id=jlr-BehGleichGBYrahmen&doc.part=X.

[132] On 12 March 2013 the core areas of the action plan for Bavaria were determined—see 3.9 of the action plan as well as the Act on Mainstreaming Persons with Disabilities (Behindertengleichstellungsgesetz). The Bavarian Act on Mainstreaming Persons with Disabilities already arranges for communities and public authorities to design their websites in a way "so that persons with disabilities can use them without any restrictions". That has to be realised at the latest until the end of 2013.

thus faced the question of how to make their institution accessible for deaf and hard of hearing people on a broader scale.

Accessible live streaming as a web-based tool for participation

Adequate visualisation of spoken content is crucial for the full participation of deaf and hard of hearing people. This means that sign language interpretation as well as live captions have to be provided at all times. The already existing live streaming provided an ideal basis to improve accessibility. A wide audience can then access the streaming on a public website. Therefore, more people can be reached rather than by providing help for just a few citizens via on site solutions.

Online media has not been chosen to provide better access in the political arena. German-wide research has shown that disabled Internet users on average access the web more often than their non-disabled peers: 6.5 days per week. In comparison the average for all German citizens amounts to 5.1 days. For deaf and hard of hearing people the World Wide Web is not only a source of information but also acts as a communication tool and therefore an essential part of daily life.

The Internet offers a wide range of opportunities for communication and interaction to deaf and disabled people. New media can overcome barriers that in daily life often remain intact. For deaf people sign language-based tools, such as video chat, text-based chats and forums offer unique new opportunities for networking, and sharing information. Having been excluded from live transmissions, deaf people are now provided with innovative possibilities for participation.

These opportunities allows for political participation with online solutions and remote technologies being used to take inclusion further. The number of disabled and deaf Internet users is expected to rise over the next few years, not least because legislation puts a duty on politicians to make their web-based information and services accessible. The Bavarian State Parliament is thus merely implementing current legislation.

The technical and public relations teams of the State Parliament to took a bold step in 2010 due to the dissatisfying situation concerning accessibility. They followed President Stamm's initiative for more accessibility at the Parliament, making reference to past experience with using STTRs on site.

In order to develop an innovative idea and realise accessibility on a broader scale the technical team of the Bavarian State Parliament teamed up with the VerbaVoice GmbH - a company providing inclusive technologies as well as remote live-visualisation via text and sign language. Various Deaf and hard of hearing people organisations supported the initiative and gave feedback in the test phase. The Bavarian Deaf Association[133] was particularly excited to see their State Parliament take this important step:

"Bavaria is making progress in accessibility. We are excited to see that now political debates are being broadcasted accessible. This is an important step towards political participation for everyone," Rudolf Gast, honorary chairman of the Bavarian Deaf Association.

Live streaming proved to be the ideal tool to provide inclusive access, the original video allowed transparency and access to political discourse without citizens having to be present on site. Now inclusive access had to be provided. Live captions and sign language videos were already being used on television, this concept is not unusual. The plan now was to design and integrate these elements into the live stream, adding the element of live participation.

Discussions between the project partners enabled their vision in making live stream accessible to deaf people. The envisaged inclusive web player had found its makers. The two technical teams came up with the first drafts for the implementation of the first pilot phase in Europe, for inclusive live streaming of the plenary sessions on the Internet.

Technical basis of the web player

It quickly became obvious that a dynamic solution had to be found to match deaf people's needs and to take into account the situation at the State Parliament.

For an accessible live stream, the combination of three elements is crucial. The original video from the plenary hall, the video of the sign language interpreter, and the live text. Therefore, a system was needed that was able combine all these different elements without depending on an inflexible system.

VerbaVoice's system for remote communication support had the technical knowledge for this project. The system is already internet-based with the combination of interpreting services. Speech-to-text reporters worked for Parliament with this system before the project had started. The experience from these sources was utilised while developing the live stream.

The social enterprise VerbaVoice developed the system for remote communication support in 2009 as a solution for providing deaf people with sign language interpreters and speech-to-text reporters. VerbaVoice

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[133] Information in German about the Bavarian Deaf Association: http://www.lv-bayern-gehoerlos.de/.

provides a cloud-based system that allows sign language interpreters and speech-to-text reporters to support their deaf and hard of hearing clients online. The transmission takes place via computer or different mobile devices (e. g. smartphone, tablet) or can be projected on screen or via live streaming online.

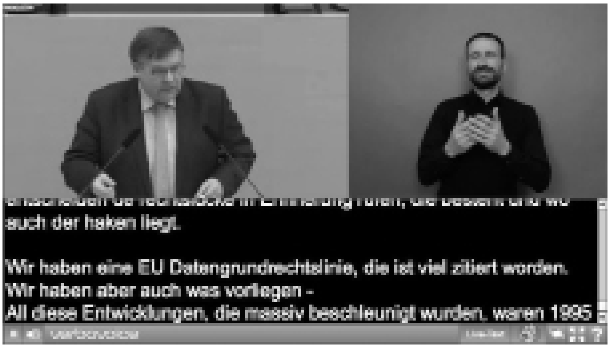
The basic remote system of VerbaVoice connects deaf and hard of hearing people with their sign language interpreter or speech-to-text reporter via a virtual room. The client can read the text or see the video of the interpreter and they know what is being said. This service is location-independent, provides a flexible solution and allows equal access to information.

On the basis of this system VerbaVoice's remote interpreting web player was developed. All services of the company have been developed by, or with the feedback of deaf and hard of hearing people. The close cooperation and inclusive workspace ensures that the new developments are based on user's demands from everyday life, allowing them to improve the usability of technical solutions.

The development of the accessible web player

This same approach guided the project of the accessible web player: User feedback was used during the project to improve the system and close attention was paid to the specific needs of deaf and hard of hearing people.

Easy usability was a main focus: The web player can be used via a standard web browser – as seen in the screenshot below**.** The user has to click on the link provided by the host website. An interface opens inside the browser showing the three elements of; original video, live subtitles, and sign language interpreter video.



auch der haken liegt.

Wir haben eine EU Datengrundrechtslinie, die ist viel zitiert worden.
Wir haben aber auch was vorliegen -
All diese Entwicklungen, die massiv beschleunigt wurden, waren 1995

[screenshot webplayer in browser

In 2011 the team worked on concepts to include all of the requirements from the users and the onsite demands of the Parliament itself. During the development process various stages of prototypes were developed. At first a prototype based on a fixed system was invented. It became obvious very early in the development stage that the system had to be easily embedded into an existing system. The smooth interaction between the technology of Parliament and the interpreter platform had to be secured. Therefore, the goal shifted to a flexible and interactive system. One year later the modular web player that incorporates the needs of deaf and blind people (via a screen reader) was developed. The web player can be individually adjusted to the individual needs of the user. All of the modules of the web player can be adjusted and modified such as; layout, contrast, and text size.

[screenshot]

Execution of the testing phase

After the development of the first prototype there was an internal testing phase. Only employees of the State Parliament were able to receive the link to the player. A small user group was used to test the capacity, the interaction of the different elements, and the practical use. The next step was a test link that was sent to deaf and hard of hearing people organisations. The feedback from the community during the testing phase was especially useful and important for all participants in the project. The feedback was used for further improvement from the target group involved.

After all of the participants of the first testing rounds had given their proposals for modification and their feedback, the prototype was improved. In June 2013 the first public testing was carried out. Since then viewers have been able to choose between two links on the website of the Bavarian State Parliament: one without subtitles and one with subtitles and sign language interpreter video.

Results and Feedback

"The innovative collaboration with the Parliament was a great pleasure for us. It shows that the Parliament is willing to use the opportunities of new technologies and media for accessibility. The positive exchange of experiences during the development process was essential for both sides", says Michaela Nachtrab, CEO of VerbaVoice, about the collaboration.

The first testing phase was now successfully concluded. With the collaboration of the technical department of the Parliament and the external company VerbaVoice tasks could be shared reasonably. This combination of public institutions and private companies meant both could mutually benefit: Technical knowledge was exchanged between two partners with different experiences and points of view. This mean that there was less time consumed booking and organising interpreters, could be managed, along with contact with social organisations that could be established by two channels

Feedback from the community of deaf and hard of hearing people

The easy usability of the web player through a regular Internet browser was positively accepted by the deaf and hard of hearing community. Many deaf and hard of hearing people organisations working at a regional level in Bavaria were very interested and sent positive feedback.

Overall, the users felt that an accessible live stream was very important for deaf people. These tools enabled them to gather knowledge, and allowed them to play an active part especially in discussions about disability policy.

The opportunity to choose between subtitles and sign language interpreters provides an important choice. This was emphasised by all questioned associations and their members. The choice to communicate in their mother tongue or to choose subtitles is essential for developing an educated and empowered citizenship among deaf people.

The audience for political discussion and politics has yet to be developed. Political education among deaf people remains inadequate due to the on-going exclusion from political discussions, and limited access to inclusive education systems. Over the next years a whole new generation with access to political content will learn to use these rights, they will become more active and involved. The accessible web stream provided many deaf people with access to political discussions for the first time.

Relevance of an accessible broadcast in order to provide political education

The research conducted shows how important it is to offer a wide range of accessibility options in the political area. On this basis more and more citizens will form an interest in becoming a part of political processes; they will be able to inform themselves about structures and processes that are important for social life.

During the first testing phase the Bavarian State Parliament received letters from schools for the deaf, welcoming the new innovation. Some schools use the live stream for the education of political systems during class. The live report from the Bavarian State Parliament provides a good opportunity for the pupils to follow the political process. Self-determination and active equal participation of persons with disabilities is the fundamental idea of the UN Convention on the Rights of Persons with Disabilities. This goal can only be reached when pupils from the experience and realise that they can be part of political processes. This enables them to form an individual opinion on those processes. With the live stream they have a chance to do exactly this.

Besides the educational benefit for the community the project also helps to make the public aware of people with disabilities. The Bavarian action plan, as well as the UNCRPD, emphasises increased awareness. The public image of persons with disabilities has to be changed in all areas of social life and their rights and dignity has to be respected as well as their abilities boosted.[134]

The publicity of the live streaming shows in public the needs of deaf and hard of hearing citizens. It shows the existing barriers, and at the same time it shows the available solutions. It therefore does not just focus on the negative feedback and needed improvements, but also on possibilities and willingness of change.

Videos of sign language interpreters clearly show that sign language is an independent language, one that deals with complex contents. This will in the long run improve the public opinion about sign language as a natural language, and raise the profile of sign language users.

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[134] The implementation of awareness raising for a positive understanding for persons with disabilities according to the action plan of the Bayerische Landtag (Drs. 16/8605 and 16/8606) also profit from the project. The State government is requested to implement actions in public relations for awareness building actions in the context of the realisation of the UNCRPD. In all resorts of business life there is a need to raise awareness for persons with disabilities and the respect for their needs and their dignity but also to support their abilities.

Deaf sign language interpreters in service: double inclusion

Awareness of deaf sign language users improves employment opportunities. VerbaVoice is so far the only company in Europe that uses deaf sign language interpreters for accessible live streaming, using the provided technological possibilities. These deaf sign language interpreters work collaboratively in a team with hearing sign language interpreters.[135]

Deaf sign language interpreters read the live text provided by the speech-to-text reporters and communicate it directly in sign language. All of the interpreting has minimal delay, but the service is well accepted because of the native speaker competence of the deaf sign language interpreters. As soon as the sign language interpreters have completed a learning phase, they can work with the technology without problems.

Furthermore, people with reduced mobility can work with a remote interpreter service, as well as deaf sign language interpreters. They get the chance to set up their studios and their work places in their homes according to their needs. Deaf sign language interpreters as well as blind speech-to-text reporters and wheelchair users work with the online system. This makes their workplace more inclusive. .

Summary

The first testing phase concluded successfully, and this led the way to further exploration. Initial technical problems were able to be solved. The stream has a solid basis and contains leading technology. However, to ensure that it meets the user's needs as close as possible, there will be continue to be further testing, evaluation, development and adjusting.

"It was very encouraging to see a vision come to life," concludes Benedikt Hain, technician at the Bavarian State Parliament. For the team it was especially rewarding to see their visions realised, that at the beginning were merely ideas and seemed impossible to implement. The acceptance in the community shows that there is support for the service to continue.

The vision: All political events with accessible live streaming

The Bavarian State Parliament has played a pioneering role in giving access to political discussions to deaf and hard of hearing citizens. This

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[135] efsli report: New skills and professional profiles required for the sign language interpreter profession in Europe, http://efsli.org/efsliblu/wp-content/uploads/2011/03/R1201-New-skills-and-professional-profiles-required-for-the-sli-profession-in-Europe.pdf.

first test phase has led the way towards the development of an inclusive solution for all deaf and hard of hearing people. Other State Parliaments are currently testing the web player, its service of speech-to–text reporters and sign language interpreters for their live-stream. Other European organisations continue to use VerbaVoice technology and service for conferences and other (political) events, small or big, or in various spoken and signed languages.

VerbaVoice has also developed a web player app. People can use the system for remote interpreting service from their smartphones or tablet PCs. Accessibility is therefore not limited to fixed systems, such as only in the home, but now can be accessed everywhere.

This project is an excellent example of how to implement accessibility with new technological solutions. At the same time it encourages deaf and hard of hearing people to demand their rights for political participation. Since the start of the project, people from deaf and hard of hearing organisations have reached out to politicians and event organisations for equal access to information and discussion. Hopefully this project will encourage other institutions and organisations to implement solutions in order to give deaf and hard of hearing people access to all areas of social and political life.

"The project of the Bavarian State Parliament encourages deaf people to be actively part of the political life. The State Parliament enables them to obtain full political information. We really hope that many public institutions will see this project as a role model and use it to improve their accessibility."

Rudolf Sailer – President, German Association of the Deaf (Deutscher Gehörlosen-Bund e.V.).

[Mobile solution]
(photo copyright: Bildarchiv Bayerischer Landtag, Photographer: Rolf Poss)

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Verordnung zur Schaffung barrierefreier Informationstechnik nach dem Behindertengleichstellungsgesetz (Barrierefreie-Informationstechnik-Verordnung - BITV 2.0) http://www.gesetze-im-internet.de/bitv_2_0/BJNR184300011.html.

Biography

Rudolf Gast is the honorary Chairman of the Deaf Association in Bavaria and has been awarded the Bavarian Order of Merit as the only Deaf person for his outstanding contribution to the Deaf Community. He was the founder of sign language interpreting services in Bavaria and initiated sign language interpreting training for over 80 interpreters in the Free State.

Michaela Nachtrab is the founder and CEO of VerbaVoice. Previously a sign language interpreter and teacher for deaf, she was awarded her MBA in 2008, focusing her thesis on social entrepreneurship. She founded VerbaVoice in order to overcome the lack of interpreters and speech-to-text-reporters by using innovative technologies. For the social business concept and her private engagement she received the highest granted Entrepreneurs prize for women in Germany (Darboven Idee Foerderpreis) and was awarded as an Ashoka Fellow in 2011.

13. The Way forward

A Reflection on what has been done so far in terms of political participation of Deaf and hard of hearing citizens and an outlook for further improvement

Caroline Harvey (Human Rights Officer, OHCHR)[136]

Participation in political and public life is primarily seen from the angle of elections. In Europe and throughout the world, legal frameworks regulating electoral participation (Constitutions, electoral laws, laws on persons with disabilities, etc.) are scrutinised and amended in order to eliminate obstacles to the participation of persons with disabilities, including Deaf and hard of hearing persons. Formal restrictions to the right to vote for illiterate Deaf or Deafblind persons (IDA 2011) are challenged. However, there is increased awareness that the recognition of formal voting rights alone is not sufficient; States are required to ensure that persons with disabilities have the opportunity to vote - an "equal opportunity for participation" - and are truly able to make use of their right to vote (Waterstone 2011).

Lack of accessibility and accommodation for Deaf persons' right to vote is widespread during the electoral cycle, from the pre-election period to the post-electoral period, and barriers are not only just legal but also informational, physical and attitudinal (e.g. no attention to persons with disabilities in election context). Those barriers have been brought to light. Voter education through mass media remains largely inaccessible (AGENDA 2013). In its report, IDA (2011) notes general lack of information about elections in sign language - information on candidates for instance; inaccessible electoral campaigns for Deaf persons (e.g. election discussions or television debates); as well as the small amount of information supplied through sign language interpreters. When available, free electoral advertising on television mostly uses captioning, however it is important to highlight that some deaf people are unfamiliar with writing. There is lack of sign language support at polling stations, the mechanisms put in place to facilitate voting assistance are not developed in close consultation with associations of Deaf citizens, and therefore do not necessarily suit their needs. In addition, polling assistants are not trained to accommodate voters. Finally, when booking a sign language interpreter free of charge, Deaf citizens need to book them in advance and stick to an agreed schedule. Bringing one's own sign language interpreter could be an alternative, but fees would have to be covered by the Deaf person him/herself.

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[136] The views expressed in this article are those of the author and not necessarily those of the OHCHR.

An important body of good practices in the electoral area has been developed to allow for full participation of Deaf sign language users in elections. Organisations promoting the rights of persons with disabilities have identified these such as IDA (2011) and AGENDA (2013).[137] National electoral commissions also undertake initiatives to improve the accessibility of electoral systems. In North America and Canada the U.S. Elections Assistance Commission tries to make their electoral systems more accessible to Deaf sign language users.[138]

While States, the major actors of the electoral systems become aware of these good practices, often their application is lacking, mainly for budget reasons. Providing fully accessible elections for Deaf and hard of hearing citizens requires further work, and should be the subject of important efforts in the near future. However, elections are just one aspect of political participation - even if one of its key dimensions - and political participation must be considered in its much broader sense.

The United Nations Human Rights Committee has outlined the scope of participation in public affairs in General Comment 25. Participation in public affairs covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels (Schulze 2010). The Convention on the Rights of Persons with Disabilities (UNCRPD) builds on this approach and goes even further; article 29 encompasses a broad notion of political participation comprising all aspects of political and public life. Under the Convention, States must promote an enabling environment in which Deaf and hard of hearing citizens can effectively participate in the conduct of public affairs. In addition, they must adopt positive measures to encourage the active

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[137] To name a few: Electoral commissions collaborate with Deaf sign language users organisations in the organisation of the electoral process; Political parties translate their electoral programme in sign language, and make them available on their websites; Sign language interpretation is provided for the news as well as some extra interpreting during the election period; Debate evenings and coffee tables debates are organised in Deaf clubs where candidates can be questioned by Deaf sign language users; Information on voting is provided in sign language; The manuals developed by central authorities in charge of election procedures describe obligations and procedures regarding accessible voting; All polling stations are required to facilitate accommodation; The national Constitutions provide for the right to interpretation for Deaf sign language users; Persons who are elected members of Electoral Boards on the day of elections can have support such as sign language interpretation (IDA 2011).

[138] Examples of such practices: Indication of accessibility on the voter's information card sent to the registered elector; sign-language DVDs on elections process are made available and sign language interpreter services are available upon request; and toll-free information lines are set up for those with a hearing impairment (Elections Canada Online). Payments are allocated by the state for the purpose of election administration improvements; grants are provided for research on accessibility improvements, pilot programmes, and for the establishment of a protection and advocacy system; and voting systems standards (e.g. accessibility standards) are established (Help America Vote Act).

involvement of persons with disabilities (OHCHR 2011).

According to the Canadian Association of the Deaf (2012), the ultimate goal of making Deaf citizens knowledgeable and active political players can be achieved through the provision of training, and providing information and opportunities, starting first with teaching political participation. The Association proposes various recommendations based on its survey and study of political participation of Deaf persons. The recommendations include: compulsory courses in politics in all schools taught by teachers trained and qualified in politics; enactment of pro-active legislation requiring fully accessible political broadcasting, employment equity practices, better representation in the media and the integration of Deaf programming and issues; as well as greater representation of Deaf citizens in government, civil service, business and unions, regulatory agencies and commissions.[139] More broadly, making governments accessible through websites, public information, captioning of parliamentary procedures or sign language interpretation of the news is a prerequisite in order for Deaf and hard of hearing citizens to achieve political participation (IDA 2011).

One of the pathways to full and effective Deaf citizens participation in political and public life, and one that will test it, will be the change of policies that affect the availability and funding of interpreting services and resources for Deaf sign language users. These are major environmental barriers that severely limit the potential for communication between Deaf and hearing communities (Murray 2007). The Convention prompts an examination of Deaf citizen's political participation, the transformation of societies to include them, and to empower them. Empowerment comes with the provision of resources to enable Deaf persons to be competent members of the political community; with control over social policies affecting them and having a say on how resources are allocated (Emery 2009). This would help transform an adverse experience of citizenship, one that is marked by exclusion from political processes and marginalisation, into a positive one.

The Committee on the Rights of Persons with Disabilities can further work towards contributing to Deaf and hard of hearing citizens' greater participation in political and public life, and to a more inclusive Europe. Benefiting from its unique position as the monitoring body of the Convention, the Committee offers many points of entry supporting Deaf

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[139] Other recommendations include: give real power to student councils with participation being worth academic credits; full accessibility of political party organisation meetings and information; provision of 100% reimbursement of extra expenses undertaken during an election campaign by candidates who are Deaf; training programmes for Deaf persons in fields of self-awareness, self-assertion, empowerment, independence, participation, leadership, networking, information analysis and implementation (Canadian Association of the Deaf 2012).

and hard of hearing communities initiatives.

Since April 2011 the Committee has reviewed State Parties' reports and held dialogues with them, they have adopted 7 observations where they concluded there were factors that impacted on Deaf and hard of hearing persons participation in political and public life, notably: Tunisia, Spain, Peru, China, Argentina, Hungary and Paraguay. Concluding observations on Argentina and Paraguay, in particular, have raised issues in relation to Deaf persons. The Committee noted a range of concerns in relation to participation of persons with disabilities in political and public life, the main ones being the number of persons with disabilities denied of their right to vote and the low number of persons with disabilities holding public offices. It made some recommendations that supported Deaf person's political participation, from voting procedures to political participation in its broader sense.[140]

The follow-up to the Committee's Concluding Observations in relation to their respective countries could provide an important cornerstone for Deaf and hard of hearing communities to advance their rights to political and public participation. Indeed, the recommendations for improvements in their countries could form a good advocacy tool.

The submission of alternative reports by DPOs, includes more data on Deaf and hard of hearing citizens, these put forward concrete ways to improve participation in political and public life in order to strengthen the initiatives. In addition, the Committee allocates time, during its private meetings, to interact with organisations of persons with disabilities willing to provide information on countries under the consideration of the Committee; this is an excellent way to exchange with Committee members.

More data on Deaf and hard of hearing citizens participation in political and public life need to appear in State reports, based on the Committee's Guidelines on Reporting. The Guidelines advise State Parties on the form and content of their reports. It has identified five issues that should appear in relation to political and public participation:

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[140] Recommendations: Ensure accessibility of all voting stations; Restore voting rights to all persons with disabilities who are excluded from the voter registry; Ensure that all persons with disabilities who are elected to a public position are provided with all required support, including personal assistants; Repeal the provisions restricting the rights of persons with disabilities of any kind to vote; Devising and implementing a national plan ensuring that people are able to exercise their right to participation in political life or other alternative solutions; Ensure all persons with disabilities have the right to participate in political and public life on an equal basis with others; Enhance active participation of persons with disabilities in politics through affirmative action; Reach out to vulnerable individuals and protect persons with disabilities from [human rights] violations, including through relevant training.

1. Legislation and measure to guarantee political rights, including existing limitations;
2. Measures taken to ensure the right to vote;
3. Measures taken to ensure the full accessibility of the voting procedures, facilities and materials;
4. Indicators measuring the full enjoyment of the right to participate in political and public life; and
5. Support provided for the establishment and maintenance of organisations to represent their rights and interests (CRPD Reporting Guidelines).

Deaf and hard of hearing persons could clearly benefit from other approaches that have not yet been used, to promote their participation in political and public life. General Comments: the Committee has organised to date three Days of General Discussion on legal capacity (2009), accessibility (2010), and on the situation of women and girls with disabilities (2013). This led to the establishment of working groups mandated to prepare General Comments[141]. In view of the importance of political rights to advance the cause of persons with disabilities the Committee may, at some point, consider important to undertake an analysis and to give further guidance to States on its interpretation of these rights. Views and decisions on communications: the Committee has the possibility to adopt Views on individual complaints from State parties, and to make recommendations under the Optional Protocol rules and procedures. Additionally, through doing so, the Committee increases its interaction with key partners and builds up partnerships with regional bodies dealing with disability-rights related matters, this offers a potential channel for Deaf and hard of hearing advocacy actions.

The Committee's membership provides yet another, however immediate, opportunity for Deaf communities[142]. The next annual Conference of State Parties to the Convention (COSP) will take place on 11-13 June 2014 and will see elections for the renewal of 9 of its seats. Representative organisations can campaign with their own State to introduce more candidates with recognised competence and experience on the rights of Deaf and hard of hearing persons;

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[141] Both WFD and EUD have taken position regarding the General Comments on Accessibility and Legal Capacity: http://www.ohchr.org/EN/HRBodies/CRPD/Pages/DGCArticles12And9.aspx.

[142] For an analysis of the current membership see chapter 2 of this publication.

> candidacies are accepted until 10 April 2014. The COSP offer an additional opportunity: they consist of a three-day annual conference focusing on the implementation of the Convention by States parties, and involve expert panel discussions. The Bureau of the COSP chooses every year new topics for discussions, while the conferences themselves are organised by the Department of Economic and Social Affairs (UNDESA) in New York.

The next European elections in May 2014 provides a rare occasion for Deaf and hard of hearing persons to take stock of their communities' level of participation in political life, whilst also identifying challenges and obstacles ahead. With this up to date information, DPOs are invited to prepare their alternative reports on implementation of the Convention in the European Union and present them for the Committee to review the European Union report.

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Biography

Caroline Harvey is a lawyer working in the field of human rights and peace-building for the past 15 years. From 1998 to 2006, Caroline worked in human rights field missions in the Antilles and the Balkans for the Organisation for Security and Cooperation in Europe, OXFAM and the Office of the High Commissioner for Human Rights. She dealt with civil and political rights, as well as economic and social rights, and with numerous individual complaints; organised fact-finding missions, and conducted assessments and analyses of human rights situations in her countries of assignment. Since 2006, Caroline has held different positions at the Office of the High Commissioner for Human Rights in Geneva, and she was appointed to the Committee on the Rights of Persons with Disabilities Secretariat in 2010.

The series

The EU's ratification of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in 2010 means that there is now an obligation to implement the enshrined rights in a timely manner. The legal implications of the convention have been widely discussed at institutional level. As a result, it has become increasingly evident that this is a new and complex area, where international, European and national orders of law overlap.

This publication aims to contribute to, and provide possible interpretations of the implementation of the Convention with regards to deaf citizens, including sign language users and hard of hearing persons. Each contribution in the series will explore a specific UNCRPD article, from both an academic and best practice perspective, at all levels, from European to regional.

Article 29: Participation in political and public life

This first book in the series focuses in particular on article 29 of the Convention. Public and political participation are explored from various angles, allowing for a broader definition of the article, moving away from the narrow understanding that merely just takes into account the right to vote.

The diverse chapters represent a range of disciplines and professionals; their backgrounds span from political stakeholders, to academic scholars, and NGO representatives. Further examination is also made as to how the rights enshrined in article 29 are applicable to deaf citizens, and how this has been ensured by State Parties and other political stakeholders.

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