**The World Federation of the Deaf submitted an outline for General Comment No. 9 on Article 11 to the CRPD Committee.**

1. **Introduction**

1. The World Federation of the Deaf (WFD) is honoured to submit its insights on the draft General Comment No. 9 on Article 11 of the Convention on the Rights of Persons with Disabilities (CRPD), as prepared by the Committee on the Rights of Persons with Disabilities (CRPD Committee).

1. As stated in Article 11 CRPD, States Parties to the Convention shall take all necessary measures to ensure the protection and safety of persons with disabilities, including deaf people, in situations of risk, including situations of armed conflict, humanitarian emergencies, and the occurrence of natural disasters.

1. The World Federation of the Deaf is an international non-profit and non-governmental organisation of deaf associations from 132 countries. The WFD has consultative status with the United Nations and is a founding member of the International Disability Alliance (IDA). We promote the human rights of deaf people in accordance with the principles and objectives of the United Nations Charter, the Universal Declaration of Human Rights, the UN Convention on the Rights of Persons with Disabilities (CRPD), the 2030 Agenda and Sustainable Development Goals (SDGs), and other Human Rights Treaties. As the representative body, the WFD strives to ensure that deaf people across the world are equipped with the knowledge, tools, and strategies to advocate for, achieve, and defend their rights.

1. The present submission aims to highlight the specific requirements and rights of deaf people in situations of risk and to provide recommendations to state parties on how to meaningfully include and engage deaf people in their responses to situations of risk and humanitarian emergencies.

**B. Overview of the situation of deaf people and their communities in situations of risk**

1. As a general comment, the WFD would like to emphasise that deaf people face a unique situation compared to other persons with disabilities due to their specific cultural and linguistic identities and their use of their own languages, their national sign languages. As highlighted in the [WFD Position Paper “Complementary or diametrically opposed: Situating Deaf Communities within ‘disability’ vs ‘cultural and linguistic minority’ constructs](https://wfdeafnew.wpenginepowered.com/wp-content/uploads/2018/07/LM-and-D-Discussion-Paper-FINAL-11-May-2018.pdf),” deaf people and their communities belong to both the disability movement and the cultural and linguistic movements. The adhesion of deaf people to their deaf communities is not based on their degree of hearing loss but rather on their shared experiences of living in a society that is inaccessible to them as well as the use of their common languages, their national sign languages. National sign languages are minority languages,

within a given country, whereas spoken languages constitute the dominant language. Deaf communities are interconnected to the disability movement by their right to access as citizens of a broader dominant language culture.

1. As the majority of information circulating in the country is inaccessible to deaf individuals through national sign languages, they incur additional intersectional discrimination in accessing information and communication. In situations of risk and humanitarian emergencies, these discriminations are further exacerbated.

1. [The WFD Guidelines for the Protection and Safety of Deaf People in Armed Conflicts](https://wfdeafnew.wpenginepowered.com/wp-content/uploads/2022/03/Guidelines-for-the-protection-and-safety-of-deaf-people-in-armed-conflicts.pdf) highlight that life-saving information and response services are not always made accessible to deaf people through professional and accredited national sign language interpretation in a timely manner. It places deaf people and their communities at increased risk of marginalisation, abandonment, violence, and death while perpetuating a lack of access to safety, relief, and recovery support, including in humanitarian settings such as refugee camps. With crucial information on safety, evacuation, and support services not being accessible in national sign languages, deaf people are constantly left behind.

1. In addition, the [WFD Statement on the Right of Deaf People to Equal Treatment in the Context of the Global Covid-19 Pandemic](https://wfdeafnew.wpenginepowered.com/wp-content/uploads/2022/01/Statement-on-the-right-of-deaf-people-to-equal-treatment-in-the-context-of-the-Global-Covid-19-pandemic-ENGLISH-Version.pdf) reaffirms the rights of deaf people to equal treatment in the context of Covid-19 and beyond. The right to equal treatment has a two-fold approach. Firstly, it covers the right to impart Covid-19 related accessible information in the national sign language. Such coverage is crucial as national sign languages are the primary languages deaf people can access without facing any barriers. Secondly, this right covers the rights of deaf people to access Covid-19 related health care and services on an equal basis with people without disabilities. This principle of equal treatment - in line with the General Principle of equality and non-discrimination outlined in the CRPD - should be transposed to any context of risk and humanitarian emergencies.

1. [The WFD and the World Association of Sign Language Interpreters released a Guideline on Access to Information in National Sign Languages During Emergency Broadcasts](http://wfdeaf.org/news/resources/guidelines-on-providing-access-to-public-health-information/) to guide public authorities in providing all information in the national sign language through professional and accredited national sign language interpreters.

**C. Relationship with other provisions of the CRPD**

1. To ensure State Parties to the CRPD include deaf people in their responses to situations of risk and humanitarian emergencies fulfil their obligations to respect the linguistic human rights of deaf people in situations of risk and humanitarian emergencies, Art. 11 CRPD must be read in conjunction with Articles 5.1, 5.2, 5.3, 9.2(e), 21(b) and 25(d) CRPD.
2. The principle of equality and non-discrimination laid out in Article 5 paragraphs 1 and 2, recognises that all people with disabilities, including deaf people, are equal before and under the law and are entitled to equal protection on all grounds. The obligation of States Parties to provide reasonable accommodation measures is recognised in paragraph 3. This principle applies to all and at all times, including in situations of risk and humanitarian emergencies. When viewed in conjunction with Article 11 of the CRPD, the principle of equality and non-discrimination must be carefully upheld and applied in high-risk situations. The exceptional characterisation of a situation of risk, or the emergency of a situation, should not serve as an excuse to place this principle on hold and allow inequalities to manifest during these times; and the unpredictability of an event should not be a pretext not to ensure reasonable accommodations are provided to persons with disabilities.
3. States Parties to the Convention must facilitate the use of sign languages in official interactions with deaf individuals, under Article 21(b). To protect the safety of all individuals, including those who are deaf, it is vital that life-saving information is given in a timely manner during situations of risk and humanitarian emergencies, where it must be communicated immediately.
4. The facilitation of sign languages in government interactions with deaf individuals shall be accomplished, *inter alia*, with professional and accredited national sign language interpreters. Article 9.2 (e) of the CRPD highlights the obligation of States Parties to take appropriate measures to provide sign language interpretation services to facilitate accessibility. The use of “professional sign language interpreters,” as stated in 9.2, has been interpreted to mean sign language interpreters are properly trained with deaf community participation, certified according to an independent certification mechanism in which deaf people are represented, and paid in accordance with their professional status.
5. In addition to the provision of professional and accredited national sign language interpreters, States Parties must also translate written information into their national sign language(s) to sustainably implement Art. 21(b). Important amounts of information related to situations of risk and humanitarian emergencies, such as guidelines, facts sheets and recommendations, are only shared in written form. This places deaf people at a further disadvantage and risk of marginalisation. Thus, these materials must also be translated into the national sign language with the involvement of the deaf community through their representative organisation, in line with Art. 4.3 CRPD.
6. Article 25(d) requires that, in accordance with the principles of equality and non-discrimination, States Parties provide health care of the same quality to individuals with disabilities at all times.. This means that deaf people have the fundamental human right to be able to interact with health care practitioners in their national sign languages. In situations of risk and humanitarian emergencies, persons with disabilities, including deaf people, should not be discriminated against on the ground of their disabilities and linguistic preferences when requiring the benefit of health care.
7. Ultimately, it falls under the general obligation of the State Parties to foresee and prepare for any forthcoming situation of risk and humanitarian emergencies to safeguard the human rights of persons with disabilities, including deaf people, at any time. In line with Article 4.3 of the CRPD and the Committee’s General Comment 7 on the participation of persons with disabilities through their representative organisations, persons with disabilities must be meaningfully engaged in emergency preparednesses and responses to situations of risk and humanitarian emergencies.

**D. Relationship with other international legislation and policies**

1. The Convention on the Rights of Persons with Disabilities is a living instrument operating with a dynamic and evolutive interpretation. The Convention must be interpreted in conjunction with other relevant legislation, policies, strategies, and programmes. More specifically, Article 11 must be construed in accordance with the following international instruments:
* The 2015 Sendai Framework for Disaster Risk Reduction, more particularly paragraphs 7, 19(d), 30(c) and 36(d) on the inclusion of deaf people in humanitarian crisis responses by providing accessible information and communication in media, as well as in humanitarian infrastructure such as refugees camps, hospitals and schools.
* The 2030 Agenda for Sustainable Development with these new Goals that universally apply to all countries will mobilize efforts to end all forms of poverty, fight inequalities and tackle climate change while ensuring that no one is left behind including deaf people.

Link for your info: <https://www.internationaldisabilityalliance.org/sites/default/files/resources/documents/15/12/2030_agenda_for_sustainable_development_web.pdf>

* The 2016 Charter on Inclusion of People with Disabilities in Humanitarian Action fosters the rights of deaf people to protection, safety and respect for dignity as well as being humanitarian agents of their own rights.
* The 2019 UN Security Council Resolution 2475 on Protection of Persons with Disabilities in Conflicts, more specifically Articles 5 and 7 fostering the rights of deaf people to have access on an equal basis with others to basic services provided in the context of armed conflicts, including accessible education and information and communication in the national sign language to ensure meaningful participation of deaf people through their representative organisation(s) in humanitarian actions.
* The 2019 UN Disability Inclusion Strategy (UNDIS) mainstreaming disability inclusion throughout all UN agencies. This includes the obligation of providing humanitarian-related information in both International Sign and national sign languages.
* The 2019 IASC practical recommendations for inclusion of people with disabilities and their participation and leadership in disaster and humanitarian contexts - including specifically mentioning sign languages. International Humanitarian Law and Humanitarian Principles

If you have any questions or queries, do not hesitate to contact the WFD Human Rights Officer, Mr Alexandre Bloxs at alexandre.bloxs@wfdeaf.org

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