

Shadow Report by Interessengemeinschaft Gehörloser Jüdischer Abstammung in Deutschland e.V. (IGJAD), written by Mark Zaurov, IGJAD president

Article 30 section 4 „Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.“

With section 4 in article 30 of the UNCRPD the World Federation of the Deaf (WFD) has taken into account the fact that deaf people are a linguistic-cultural minority. Since their languages are based on the visual-spatial modality, they have been thriving, wherever used, shaping Deaf culture. The UN CRPD mainly aims at the removal of barriers by applying technical or constructional equipment so that whoever is held back by barriers can participate actively and self-determinedly in shaping society. The aspect of Deaf culture is explicitly mentioned in this context. The WFD insisted on the introduction of this passage fearing that the necessity to reduce linguistic-cultural barriers would otherwise evade the context of disability. In their position paper¹, the WFD identifies as a linguistic-cultural minority and attributes the origins of barriers to the respective national legislations which allocate the provision of sign language interpreters and other compensations on the condition of a diagnosed disability. The Article intends to draw the focus of institutions concerned about reducing barriers to the active promotion of the collective property of an independent, intergenerational culture.

The knowledge of the existence of such a culture is, however, not widespread, especially since speaking a written language is assumed to be the prerequisite of civilization. In the face of such engrained social prejudice, the formulation of this paragraph has proven too abstract for implementation.

Culture & Science

The German government funds institutions, such as the Goethe Institute, with a mission to cherish and disseminate German language and culture. For language and culture are interwoven, bearing the history and self-image of a nation. Accordingly, the federal budget grants millions for commemorative culture. For Deaf culture, however, no funds are made available, perhaps for a lack of knowledge. This knowledge could be provided by scholars of Deaf History and Deaf Studies, if only their research be funded. As yet, no independent research center for Deaf History or Deaf Studies in Germany exists. In the USA, however, there are. Only if the German federal government establishes research for Deaf Studies and Deaf History, we can speak of diversity according to the UNCRPD article 30 section 4.

Deaf Culture

Deaf Culture is much more profound than just sophisticated theater plays with Deaf actors. It includes the narrative of collective memory, known as Deaf History and the phenomena brought about by Deaf communities, the subject of Deaf Studies. It is the entire array of Deaf cultural experience. Deaf, everyday lived experience happens within protected spaces only. These spaces have been established by Deaf persons against the odds of discrimination. For outsiders, this flourishing cultural life is invisible. Hearing persons assume that it is only themselves who own a culture worth having and inclusion must thus mean to endow unfortunate Deaf persons without any culture with human dignity by letting them learn hearing culture. The assumption is that Deaf persons have no cultural contributions of their own. Making Deaf culture visible to the hearing majority challenge these assumptions of hearing superiority. Therefore, there is

¹ <https://wfdeaf.org/wp-content/uploads/2018/07/LM-and-D-Discussion-Paper-FINAL-11-May-2018.pdf>

little change by itself. Sign language interpreters and Deaf hosted shows, for example are hidden in niches of television and internet channel. Instead, targeted measures for more visibility, on, for example, mainstream television channels on prime time, are necessary. Deaf history and culture should not just be researched for Deaf persons but made available as general knowledge to the whole of society, in order to realize the vision of inclusion.

The Situation in Germany

To date, there has been no formal attempt such as the introduction of action plans in Germany on federal or state level for the implementation of article 30 section 4 of the UNCRPD. The German Federal government also blanks on the convention's Second and Third State Report. Neither is article 30 mentioned in the 2018 publication of the federal cultural and media policy boldly announcing its alliance with culture in its title "Im Bund mit der Kultur. Kultur und Medienpolitik der Bundesrepublik" on the occasion of the 20th anniversary of the Federal Government Commissioner for Culture and the Media.²

For both world wars and the aftermath of the NS-era in particular, Germany's culture of remembrance is, highly relevant. Various institutions are established and entertained by the Ministry of Culture to cover a wide spectrum of post-Nazi German memory such as German History Museum (Deutsches Historisches Museum, DHM) or the Information Center of the Foundation Memorial to the Murdered Jews of Europe, including Jewish museums in the cities of Berlin, Frankfurt, Munich and others. There is, however, not a single space dedicated to Deaf persons and Deaf Jews and their particular infrastructure, i.e. schools, associations, retirement homes etc. There is not a single space representing the German Deaf Jewish community's collective lived experience especially with regard to the Holocaust. If German Holocaust historiography and research were indeed inclusive, Deaf Holocaust would have to be a central academic subject.

So far, the Culture Committee has been ignoring this issue. Often, political representatives refer to the responsibility of the German Federal Ministry of Labour and Social Affairs (BMBF) social ministry, since the UNCRPD is allocated there. Deaf culture, however, at the level of implementation of the UNCRPD, falls into the responsibility of the cultural ministry, especially with regard to funding.

The Entanglement of Mainstream History and Deaf History

In the German and European historical sciences, there are no major studies shedding light on the interconnections between historical mainstream events and Deaf history. Such studies would, however, be very useful to tackle present day issues of marginalization and discrimination. The German pedagogical method of banning manual signs in favor of speech in Deaf schools, called Oralism, for example, cannot be underrated in terms of its impact on present-day language deprivation, entailing dire consequences such as illiteracy and poverty. In Europe, German Oralism dominated while the rivalling French approach of using manual signs, called manual method. All over Europe, using signed languages and even gestures were prohibited in schools under corporal punishment well into the 1990s. Within the paradigms of Deaf History, such pedagogical methods are considered linguistic colonialism. German institutions dealing with colonial history, however, such as the Humboldt Forum, are oblivious to the Deaf colonial and postcolonial experience. As long as Deaf History is kept in its isolated niche, this will not change. Once, however, the interplay of minorities and the mainstream is

² <https://www.bundesregierung.de/resource/blob/992814/735324/1f0c56735fecb2745648fbe4a0327e4e/im-bund-mit-der-kultur-26-08-2016-download-bkm-data.pdf?download=1>

scrutinized, exposing the social distortions of multicultural societies, possibilities of diversity open up.

For this, a deliberate government push for interdisciplinary research in the spirit of the UNCRPD to promote Deaf culture would be necessary.

Deaf Culture and Deaf History between Audism and Antisemitism

Ever since the 1880 Milan Declaration prohibited teaching Deaf persons their own languages, the institutional absence of sign language in education is a given. It was not until 2010, at the International Congress on the Education of the Deaf (ICED) in Vancouver that this ban was officially declared to be misled. The deficit view however, informing the oralist method is still intact and common practice of hearing pedagogues and medical experts. Hearing colonialism prioritizes fixing auditory deficiency by teaching spoken languages. During the Nazi era measures went as far as forceful sterilization, actively promoted by teachers, physicians and clerics. Deaf persons, however, have not only been victims. During the Nazi era, there were Deaf National Socialists who took anti-Semitic action against Deaf Jews and even threatened Deaf „Judenfreunde“ („friends of Jews“, Biesold 1988). Some even volunteered or sterilization so as not to pass on hereditary ‘defects’. If one was not allowed to fight for one’s country, serving the common good with this personal sacrifice was considered an honor. Nowhere in the government funded institutions are such biographies to be found, nowhere there is a memorial. As a consequence of this silence, Deaf persons continue to be represented as victims only, disabling the Deaf communities’ to deal with their own past as the agents of history. Today’s rampant anti-Semitism within Deaf communities is one consequence of this stereotyping.

An exceptional beacon, the city of Berlin’s 2013 digital information board is standing tall on a busy, central former location of a Deaf association, powered by solar energy. Written in German and English, the board includes a narration of the association’s history, in German Sign Language, as well as International Sign. Soon after its erection, it suffered from poor electrical supply due to continuing technical problems and weather conditions, it will finally be cabled after 10 years. Unless there is fierce public indignation involving the majority and their media, memorials like this one, no matter how ground-breaking, are neglected. This neglect is also evident in the memorial for “Aktion T4”. One of two monitors containing the signed translation of the texts is broken. Further initiated digital information boards for Deaf-Jewish historic locations in Berlin have not been realized as yet.

Essentially, Deaf Jews as a group is categorized as belonging to the hearing Jewish community. This, however, is misled, considering the high degree of discrimination Deaf persons experience committed by the Jewish community on the one hand, and by the Deaf community on the other. Just like other suppressed groups like the LGBTQIA and the Sinte and Romani, Deaf Jews have their own history of persecution. For the latter, however, no memorial services are offered.

With reference to article 30 section 4 of the UNCRPD, the Jewish Museum in Berlin rejected the request to include space for the representation of Deaf Jewish experience in the course of their recent reconception of their permanent exhibition. The question arises, how the German government relates to this incident of discrimination informed by linguistic colonialism and audism. Only with due representation Deaf Jewish and Deaf non-Jewish persons can obtain equal status in the nation’s commemoration culture and identify with the democratic agency the inherent in being a member of a minority group instead of happening to be some individual with the same disability as another. Deaf persons have been and still are represented in one single image in the Jewish Museum. It shows Jewish pedagogues teaching, in the Oralism

method mentioned above, vocal articulation to Deaf children, reducing them to sensory defective, helpless creatures in need of salvation.

A further problem is posed by loopholes in the UNCRPD's force and effect. The state contract between the German federal government and the Central Council of the Jews (ZdJ). As a consequence, Deaf Jews within the Jewish community are not provided access to various Jewish events on an obligatory basis, they are not being included. What specific measures are planned by the German government in order to change this unbearable situation?

Implementation to Date by Other Federal Ministries

Nowadays, the ministries regulate imminent discrimination on the basis of gender, „race”, and further categories in the run-up procedures to funding. Even though Deaf culture is explicitly mentioned in article 30 section 4 of the UNCRPD, occurrences of discrimination of Deaf culture are being ignored without any kind of sanction, although they are clearly a violation of human rights. It is urgently necessary to change this status quo. Following the example of Deaf History, basic research, for example, cannot be funded and consequently cannot be conducted. Research is key to arguing for funding. The Federal Archive (Bundesarchiv) have just been learning about Deaf Culture would be ready to add fitting search categories if only there was funding.

The Federal Ministry of Education and Research (BMBF) and the “German Research Foundation” (Deutsche Forschungsgemeinschaft, DFG) actually do fund their projects according to non-discriminatory criteria. These also apply to the application selection processes. The selection committees, however, are staffed with scholars who are neither familiar with Deaf History, nor Deaf Studies, let alone the existence and meaning of article 30 section 4 of the UNCRPD. How diverse can science be if allegedly irrelevant Deaf contributions or projects are weeded out.

The same goes for film funding, financed by the federal ministry of culture (BKM). Their criteria do not include the promotion of Deaf culture. Film as a medium has become an essential part of collective awareness, the impact of what is screened and what is not is of equal social significance.

The Impact on Accessibility and Access to Information as well as Accessible Media

Cultural aspects are also included in articles 9 and 21 of the UNCRPD. Deaf culture is, among other things, rooted in “peer-to-peer” communication. When privileges are involved, however, hearing persons take the place of Deaf peer communicators. In order to provide the appearance of inclusion, they somewhat sign, but are far from fluent, let alone native signers. A critical reflection of privileges concerning the appropriation of Deaf culture and its language is illuminating. „Hearing privilege“ refer to power differentials between the non-Deaf social majority and the Deaf minority. In the case of Deaf Jews this differential is exacerbating intersectionally. The following gesture hits the spot: When requested to include material on Deaf Holocaust and National Socialist experience in their exhibitions, the executive director of the Foundation Memorial to Murdered Jews of Europe replied they would consider the request for material handed out free of charge.

In principle, the little knowledge about the German Deaf culture at hand should be available to Deaf, as well as hearing persons. Inclusion makes no sense, if only the individuals oppressed know about themselves. Funded educational material about Deaf people in sign language, for example, should also be endowed with subtitles for a hearing audience. One of the projects of the IGJAD concerning Deaf Holocaust, co-financed by the German Federal Agency for Civic Education (Bundeszentrale für politische Bildung, bpb), was refused captioning because it was considered irrelevant. The satisfactory degree of inclusion is determined by those in power.

Follow-up projects expanding on the subject were not supported. Cultural education carries with it the obligation to never let Nazi rule happen again. For this reason, the Interessengemeinschaft Gehörloser Jüdischer Abstammung in Deutschland e.V. (IGJAD) designed this material: The present-day implications of the past from a diverse lived experience must be disseminated in mainstream society. Inclusion may not be comfortable, when well-kept categories and stereotypes are oozing, but only then it can take effect. An appreciation of equality is quite different.

The prerequisite to any discourse about the application of article 30 section 4 of the UNCRPD is the statement that any omission to promote of Deaf Culture is an incident of discrimination and, in consequence, make it sanctionable.

Usually, the federal authorities refer to the constitution, Article 5 [Freedom of expression, arts and sciences] section 1 and 3 prohibiting intervention of government bodies into freedom of research or museum autonomy to follow requirements of the UNCRPD. Article 3 [Equality before the law] section 3, however, states: “No person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith or religious or political opinions. No person shall be disfavoured because of disability.” The fact that article 3, related to human rights, is above Article 5 is being ignored.

The final question is thus, which approach or what measures the German government puts into place to remedy all these grievances and expand diversity in our democracy by implementing article 30 section 4 of the UNCRPD.