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Comments on the sixth periodic report by the Government of Finland on the implementation of the International Covenant on Economic, Social and Cultural Rights

Finnish Association of the Deaf is submitting issues of concern from the perspective of the rights of our constituency, regarding the sixth periodic report of Finnish Government on implementing the CESCR (E/C.12/FIN/6), and regarding the list of issues (E/C.12/FIN/Q/6) the Committee on Economic, Social and Cultural Rights has prepared relating to the report of Government of Finland.

The main concerns of Finnish Association of the Deaf, on which we wish to draw the attention of the distinguished committee of CESCR, are:

- Finnish Constitution Article 17 para 3, states the national languages of Finland being Finnish and Swedish, and the minority languages of which users' linguistic rights are to be protected by law being Sámi, Roma, and Sign Language. *The Government report should in accordance with it pay attention and cover the implementation of the CESCR rights equally of all three minority language groups mentioned in our Constitution.* Now the Deaf sign language users are not included in the report.
- *Articles 13 & 14 Right to education:*
For most deaf children sign language is a mother tongue, their first language. These children must have access to education in sign language but that is not the case at the moment. To guarantee equal and quality education for them these children need to be seen not only as a group of disabled but as a linguistic and cultural group (see CRPD, art. 2).

Education in sign language includes sign language as a language of instruction, teachers qualified in sign language, and a possibility to study sign language to create a solid base for learning other languages (both signed and spoken languages). At the moment the former special school system (deaf schools) is diminishing and the deaf pupils attend the local mainstream schools which seem to have too little knowledge about deafness and sign language.

Finnish legislation needs to be revised and amended according to the requirements of articles 2 and 24 of Convention on the Rights of Persons with Disability. A monitoring system is needed to be established to secure the implementation of the laws mentioned afore. The linguistic approach needs urgently to be emphasised in every decision concerning education. The more suitable and appropriate educational solutions are to be found rather from the educational field of linguistic minorities than from the framework of special education.



Secondary and higher education should be available equally also for deaf sign language users without any discrimination based on language or deafness. Unfortunately, only a week prior sending these comments to the committee, a deaf student, who had been accepted to a private graphic design school, received a message in which the school informed the student that his acceptance to the school has been cancelled due to the fact that he is deaf and will need to use sign language interpreters in his studies, and because he hadn't informed this in his application. The student has no duty to inform about his deafness and school has no right to ask this in the application. The said student has already a university degree, a proof of his capability for higher level studies. Also, there will be no financial burden to the school, as the State provides interpreting services for the deaf.

▪ *Article 15 Cultural rights*

Finland has two national sign languages Finnish Sign Language and Finland-Swedish Sign Language. The Finland-Swedish Sign Language is highly endangered and it needs urgent actions to be revitalised by the state. One of the most urgent issues is to start educating sign language interpreters in Finland-Swedish Sign Language. The enactment of sign language law, which is now under process, should begin vast programme to further develop language rights for both national sign languages.

Deaf children (using cochlear implant or not) and their families should have a real opportunity to learn sign language. This right should be not relying on doctor's suggestions or medical reviews on the level of hearing. These practises should be urgently further developed, because the right to receive a language, but also cultural identity is a very basic right that should have strong protection.

There is need for more programmes produced in sign language, as well as for programmes that are interpreted for sign language, in order for the right to equal access to information and culture to be implemented. Especially programmes (in sign language) for deaf children are needed urgently.

Articles 13 and 14: The right to education

A national survey concerning the basic education of deaf/Deaf and sign language using children (aged 7–16) was carried out in Finland in 2014 by the Finnish National Board of Education, HUMAK University of Applied Sciences, and The Finnish Association of the Deaf. The focus of the study was on the implementation of the linguistic rights, so CODAs (Children of Deaf Adults) were also included. The reasonable accommodations were also investigated. It was reported that deaf and signing pupils, as well as pupils with varying degrees of hearing loss (appr. 500 pupils) were enrolled in 304 schools: deaf pupils in 16, hard of hearing in 218 and pupils with a cochlear implant in 71 schools.

The majority of Deaf children have special education status automatically on the basis of their sensory disability – their linguistic status is often ignored. Enrolling is still based on medical reasons, and the terminology of linguistics and cultural identity seemed to be confusing according to the study. Most deaf pupils are integrated in mainstream schools (with sign language interpreter) and



others in school for special education students. However, there were only three schools with more than five signing and/or deaf pupils.

Children who use sign language are often placed in mixed groups with children who have difficulties learning language or speech. Special education classes function on the terms set by the other children in the classroom and, therefore, may use signed speech, supporting signs and signed Finnish or Swedish language. This approach is limited for children who require native language instruction in sign language.

The situation concerning the linguistic, cultural and, above all, social development of those pupils not enrolled in these schools can be considered extremely challenging. School and municipalities have expertise in relation to hearing impairment, but not so much in relation to sign language and the associated culture. The use of experts as a support for cultural growth is scanty. In addition mainstream schools and their deaf children do not always receive support from so called resource centres because of their high service fees.

Deaf children who are studying in mainstream schools with an interpreter might not have a qualified interpreter working with them, but school might appoint any person to "interpret" deaf child at the classroom. These "interpreters" might not know sign language or signs at all. There is a problem that the deaf child is provided with the interpreter services only for some part of the studies and not all classes and school activities. In addition, interpreters cannot serve as linguistic or cultural identity models or conveyers of cultural traditions of the deaf for the deaf children.

The measures recommended on the basis of above mentioned study concern a) amending the Basic Education Act and the accompanying Government Decrees and regulations in regards to sign language, and b) solving the present problems in implementation, especially in regard to Finland-Swedish sign language. On the basis of the information obtained, it is recommended that a separate project for developing the education of sign language users shall be initiated in order to obtain more detailed data on the various forms of teaching arrangements and best practices, promote the arrangement of updating and supplementary training for the teaching staff, and as a result develop the teaching of sign language as a mother tongue and advance the preparation of study materials in sign language.

In addition to recommendations above, there is an urgent need for the municipalities immediately instigate language support activities (such as language nests and language immersion) to support the learning of sign language as a native language for sign language users (both deaf and hearing) and growth into bilingualism.

According to Deaf and sign language using parents, equal right to choose the school of education is not an actual possibility for deaf children, which often does not support the child to maximize its full potential. The opportunity to choose the school or to change it is highly dependent on the home municipality of the deaf pupil and these practises varies between municipals due to economic reasons. As there are only a few state run schools that provide sign language settings (these are classified as special education schools), deaf pupils and their parents should have a real possibility to choose these schools or between these schools if they want and not only the mainstream settings where deaf pupils are integrated in regular schools near their homes.



Article 15 Cultural rights:

Question number 24 in list of issues asks the information on the availability of media outlets in languages other than Finnish. Yet again, the government response to the question mentions only passingly the access to information in media or authorities provided in sign language. At the moment the Finnish Broadcasting Company is providing 5 minutes daily broadcasting of News in sign language in television. In addition it has online "news in brief" in sign language. The online service does not serve all the deaf people, such as the seniors and others who are not able or capable to use ICT for one reason or another. In spring 2014 The Finnish Broadcasting Company and Finnish Association of the Deaf coproduced four children's' programmes in sign language. This cooperation is continuing for the time being. But there is need for more programmes in sign language for Deaf children.

There is need for more programmes produced in sign language, as well as for programmes that are interpreted for sign language, in order for the right to equal access to information and culture to be implemented.

For any further information needed, we are at your disposal.

Our contact person: Ms. Virpi Thurén, Special Advisor (virpi.thuren@kuurojenliitto.fi)

With best regards,


Markku Jokinen
Executive Director
Finnish Association of the Deaf

Finnish Association of the Deaf (FAD) is a non-profit, non-governmental organisation advocating the rights of the Deaf and sign language using persons in Finland.