

Austrian Association of the Deaf – Individual UPR submission – Austria – January 2011

The Austrian Association of the Deaf (ÖGLB)<sup>i</sup> appreciates the chance to comment on the Universal Periodic Review in Austria. The present report confines itself to the issues that are most important for deaf people. One representative of the ÖGLB joined the national forum<sup>ii</sup> on issues for implement the UN Convention on the Rights of Persons with Disabilities (CRPD). Following member organizations of the ÖGLB were consulted and they contributed statements to the present report: Association of the Deaf in Lower Austria, Association of the Deaf in Upper Austria, Association of the Deaf in Salzburg, Association of the Deaf in Styria, Association of the Deaf in Tyrol, Association of the Deaf in Carinthia.

### **A. Participation of deaf people**<sup>iii</sup>

1. Currently only one of the 183 members of the Austrian parliament (National Assembly) is deaf and communicating in sign language. In regional parliaments (Regional Assembly) not one elected member is deaf or able to communicate in sign language. Accordingly, the concerns of deaf people are underrepresented concerning political issues.<sup>iv</sup>
  2. Human Rights Education and Civic Education does happen only scarcely for deaf people.
  3. There are province organizations for deaf people in only six (Lower Austria, Upper Austria, Salzburg, Tyrol, Styria, Carinthia) of nine Federal Provinces. Deaf people and their representations of interests are in fact invited to bring in their written comments in case of amendments or other measures, but often their comments are not taken up.
  4. For the formation of the curriculum and the examination rules for the university course concerning the education of deaf and hearing impaired children and young people, the Ministry of Education did not invite deaf experts and representatives of the ÖGLB to join sessions in the past, and in addition, they often rejected their requests to participate. One reason for this is the resistance from school principals of special schools for the Deaf, who are very influential in Austria.
  5. Early involvement does scarcely happen. For example, no deaf person was considered as representation of people with disabilities for the election of the viewers' council of the ORF (public TV-broadcast in Austria).<sup>v</sup>
- Early involvement of representatives of the ÖGLB and its provincial associations in all kinds of measures concerning deaf people on federal and provincial level, and obligatory attention to their concerns.<sup>vi</sup>
- Thorough Human Rights Education and Civic Education for all deaf, hearing impaired and deafblind persons.

### **B. Accessibility**<sup>vii</sup>

#### **General remarks**

6. A national concept for the creation of comprehensive accessibility does not exist. Various barriers make it harder for deaf and signing persons, or even hinder them, to participate equally and self-determinedly<sup>viii</sup> in all areas of life. Only individual measures add to the advancement of accessibility.

#### **Social barriers**<sup>ix</sup>

7. The change of paradigm from the medical model of hearing-impairment to a social model (recognition of linguistic and cultural rights of the Deaf) is hardly noticeable. Campaigns which signify the respect for sign language, Deaf Culture and the acceptance of deaf people as part of human diversity and humanity are rare.<sup>x</sup>

8. The perception of sign language is first of all characterized by comments from the areas of special education and medicine. They use negative stereotypes and confirm stigmas, leading to fewer equal opportunities. The discourse tends to present that the use of sign language during the early intervention process interferes and blocks the learning of hearing and speaking, etc.<sup>xi</sup>
9. In the course of diagnosing deaf children and counseling their parents, professionals from HNO<sup>xii</sup>-clinics and speech-language therapy either do not openly speak about the possibility of sign language, or they disapprove of the use of sign language e.g. during the early intervention process.
  - Politically responsible persons and the media must actively work on improving the image of and about deaf people, sign languages and Deaf Culture in society.
  - There must be thorough and objective information about the social model of hearing impairment. Deaf people and their representation of interest must be actively involved in the development of extensive information campaigns.<sup>xiii</sup>

### **Communication barriers**

10. The ORF (public TV broadcast in Austria) provides only 33% of its television program with subtitles (as of December 2009).<sup>xiv</sup>
11. The ORF daily airs multiple news programs with information value, but only one ("Zeit im Bild", 7:30 p.m.) includes an interpretation to Austrian Sign Language.<sup>xv</sup>
12. No private television broadcast in Austria provides its program with subtitles or on-screen display of Austrian Sign Language.
  - Legally binding step-by-step plan including a concrete time frame within the ORF-act and the private television-act, with the aim to gradually provide all programs with subtitles, and all programs with information value in sign language.
  - A regular program presented by deaf people in Austrian Sign Language, which is dedicated to interests of deaf people and Deaf Culture.
  - All digital media, e.g. Austrian DVD film-productions, have to provide German subtitles. Federal- and provincial support for the production of these media should be linked to the facilitation of accessibility.
  - Deaf, hard of hearing, deafblind and speech-impaired people claim that the relay service, including emergency service, which allows barrier-free telecommunication via sign language and writing, should be established as a necessary part of the universal service.<sup>vi</sup>

### **C. Sign language Interpretation**<sup>xvii</sup>

13. There is shortage of interpreters (all hearing) for Austrian Sign Language (ÖGS). Only 80-90 interpreters are supposed to cover 10.000 deaf people. More and more deaf people begin to fight for their rights which results in a bigger need for interpreters.<sup>xviii</sup>
14. The quality of the interpretations of active interpreters for ÖGS is often insufficient, particularly in specialized areas.
15. Autonomous agencies for interpreters, which deaf people can turn to if they need sign language interpreters for appointments, only exist in four Federal Provinces (Upper Austria, Styria, Tyrol and Salzburg).
16. A state-run registry for certified sign language-interpreters (including those for court and police), showing their training and qualifications, does not exist in Austria.
  - Deaf, hard of hearing and deafblind people claim their human right to access information and communication in Austrian Sign Language.<sup>xix</sup> In the long run there is need for about 1.000 hearing interpreters (including those who are deaf), for ÖGS and also personal translation-assistance for deafblind people.<sup>xx</sup>
  - Nationwide standardized regulations and legal right to cost absorption of sign language

interpreters.

- Right to interpretation for all ages<sup>xxi</sup> and an regulation which ensures that deaf, hard of hearing and deafblind people can freely choose their interpreter in civil, criminal and notarial cases.
- In order to ensure that interpreters for Austrian Sign Language (including those for court and police) are qualified and that their interpretations are of high quality, deaf experts, who have not been equally involved in establishing the testing rules so far, have to be included in the testing procedures and the board of examiners. They should also pay attention to mandatory further training for Austrian Sign Language interpreters.
- Measures to create the necessary framework conditions involving deaf people and their representation of interests.

#### **D. Education**<sup>xxii</sup>

17. Despite the revision of the education acts in 1993, concerning the integration concept, deaf, hard of hearing and deafblind children, adolescents and adults are faced with structural discrimination as well as linguistic and pedagogic barriers<sup>xxiii</sup> in the Austrian school and educational system<sup>xxiv</sup>. Austrian Sign Language (ÖGS) as a language of instruction and education is extremely rare. The usual learning process for deaf and hearing-impaired children and young people with no sign language takes place in integration classes.
18. The Ministry of Education does not officially require teachers working in kindergartens or schools for deaf children and adolescents to have language skills in Austrian Sign Language.<sup>xxv</sup>
19. About 10.000 people in Austria are deaf. Only a very small percentage estimates their own knowledge in German as sufficient<sup>xxvi</sup>. Only about 100 deaf people have passed their school leaving exam. Only about 30 deaf people have finished their studies at university. It is difficult for deaf people without adequate language skills in German (reading and writing), to pass the school leaving exam, to achieve higher education or to assert oneself on the job market.
20. No apparent assistance measures in the field of education and research have been made, to promote knowledge of Deaf Culture, Deaf History and Austrian Sign Language. Within the educational program, it is still an obvious concern to assimilate deaf children and adolescents.<sup>xxvii</sup>

#### **Early childhood education, care and education (0 – 6 years)**

21. For parents of deaf children, no state promoting and funding measures for language classes in ÖGS, which would allow them to communicate as early as possible with their children, exists.
22. There is no vocational and further education for early intervention pedagogues (including those who are deaf) in baby-signing (so-called Baby-Signs) and ÖGS.
23. For parents of deaf infants, no early intervention institute, who offer sign language and the bilingual approach, are available and located nearby.<sup>xxviii</sup>
24. Because nursery places in kindergartens with sign language and the bilingual approach are not available and located nearby everywhere in Austria, it is up to the parents of deaf children themselves to organize and call for such a service.
25. With only one exception, there is no integrative kindergarten in Austria, which employs a deaf kindergarten teacher who is able to communicate in sign language. Deaf children are therefore not able to communicate with any deaf adult in the kindergarten in order to maintain their own culture and use sign language.<sup>xxix</sup>
26. There are only a few places in special kindergartens for deaf and hard of hearing children. These employ almost exclusively hearing staff, who might have taken a language class in ÖGS, but the state had not provided an examination, which would prove their language skills.
27. As a result, many deaf children start school with inadequate knowledge of skills in sign language and a lack of linguistic and cultural identity.

## **Compulsory school (6 – 14 years)**

28. Since 1993<sup>xxx</sup> parents of children with disabilities have the opportunity to choose between following kinds of schools for their children: primary school, school of general education (lower grade), secondary school, Cooperative Middle School, "New Secondary School" and special school. Regardless of the choice of school, parents of deaf children who prefer bilingual education<sup>xxxii</sup> are often forced to become active and to organize bilingual classes for their children themselves.
29. Since September 2008, for the first time, the ÖGS is established in curriculum for special schools for deaf children. It has no effect, because there are not enough human resources (teachers with sign language skills) for bilingual education available. It also fails due to a lack of willingness of the school-management – this concerns both regular schools and deaf-schools.
30. Teachers can take part in an extra-occupational ÖGS class, which only last for 75 hours, and they do not have to take an exam to prove their language skills. Also, it is not even obligatory for them to take ÖGS classes. As a consequence it is possible that in schools and classes, where deaf children are taught and where a big need for the use of ÖGS exists, teachers without any knowledge of ÖGS or Deaf Culture can be employed.
31. The curriculum and the examination regulations for the university-course "Hearing-impaired-education" (since 2008) of PH NÖ<sup>xxxiii</sup> do not consider ÖGS as language of instruction<sup>xxxiii</sup> in education programs and puts a clear emphasis on the auditory-verbal method (German as the only language of instruction). Within the training program, which lasts five semesters, only one week of sign language is scheduled. Knowledge in grammar of ÖGS is not being taught at all. As mentioned in the qualification profile of the university-course: "The acquisition of basic skills is not enough to conduct bilingual education."<sup>xxxiv</sup>
32. The Ministry of Education has recognized that the Austrian Sign Language has to become the language of instruction<sup>xxxv</sup>. However, it is not yet established in education policy.

## **Equal access to general higher education, vocational training, adult education and lifelong learning (from 14 years)**

33. The access is hindered due to missing legal basics as well as e.g. admission criteria, individual assistance measures or internal attitude of managing and teaching persons in school and university education towards capabilities of deaf people and sign languages, etc.
34. There is no equal access to university education; the majority of the fields of studies are riddled with communication barriers.
  - Reform of the educational system to ensure inclusion, especially the right of deaf, hearing impaired and deafblind children, adolescents and adults to have access to high quality education in sign language in all Federal Provinces.
  - Implementation of Article 8 (3) B-VG<sup>xxxvi</sup>: Establishing ÖGS as language of instruction and German as second language (§ 16 School Education Act).
  - Conversion of Schools for Deaf and Hearing-impaired into Bilingual Schools.
  - Bilingual education as standard from the beginning of compulsory school.<sup>xxxvii</sup>
  - Reform of the examination regulations and curriculum to empower bilingual education: Attendance of ÖGS-classes should amount to a total of at least 510 hours instead of 75 hours, as currently requested. Basic sign language skills are an admission requirement and must be tested in advance. Based on a well-established ÖGS competence, an advanced course to the extent of 150 hours has to be attended, in order to qualify for the conduct of bilingual and bicultural education.
  - Sign language(s) and Deaf Culture as separate subjects.
  - Funded Austrian Sign Language classes for parents of deaf children.
  - Early intervention measures for deaf infants (Baby Signing, ÖGS).
  - Barrier-free offers for the subsequent acquisition of different kinds of educational

achievements (compulsory school, vocational qualification, completion of training, school leaving examination) and for the permission to access higher education.

- Individual assistance measures (e.g. human and material resources, assignment of teachers (including those who are deaf), who are able to communicate in sign language in kindergarten and school equipments; sign language interpreters, people taking notes, tutors etc.)
- Free choice of the language in which the examination is conducted (including ÖGS or other sign languages in within foreign languages classes) and of the examination modality.
- Selective support of deaf scientists.
- Involvement of deaf people and their representation of interests in all measures in the field of education.

#### **E. Labour and Employment**<sup>xxxviii</sup>

35. A predominantly large group of deaf and hearing impaired people has only slim chances to live a satisfactory working life due to of the deficiencies in the educational system. Unemployment among deaf and hearing impaired people is far higher than among other people. Their promotion prospects are generally quite low.
36. For nearly all employers the main reason for not recruiting or dismissing deaf employees is the fact that they cannot express themselves auditory-verbally and cannot communicate via telephone.
37. Deaf and hearing impaired people are severely discriminated<sup>xxxix</sup> in education (compulsory and further education) and measures of retraining. Only very few have the opportunity to access training.
38. Most relevant laws and regulations for studies and work require the skills "speech and vocal performance" (German language), "physical" fitness, "mental" and "sanitary" applicability from the affected candidates. The word "language" means spoken languages only. Sign language(s) are not considered as an admission criterion.<sup>xl</sup> These regulations affect the fields of healthcare and social professions, such as nurses, geriatric nurses, midwives, graduated nurses, masseurs, home helpers, child care workers, pedicurists and professions in the educational field in kindergarten and school, but also areas of studies in the artistical field like acting and stage direction (Performing Arts) etc.
  - All regulations regarding the access to higher education and vocational training, which discriminate hearing impaired people based on their disability and their language, the Austrian Sign Language (ÖGS), must be amended or repealed.<sup>xli</sup>
  - Comprehensive support services such as accompanying aids (work assistance, clearing, job coaching, vocational training assistance and personal assistance at work) and targeted services (personal assistance at work, business services, measures to raise awareness, prevention management, mentoring) as well as intervention in case of crisis if problems at work occur, with supporters who are able to communicate in ÖGS in all Federal Provinces.
  - Deaf people and their representation of interests have to be involved in all fields of operation.<sup>xlii</sup>

**The Austrian Association of the Deaf calls upon the Federal Government and Provincial Governments to put the recognition of Austrian Sign Language<sup>xliii</sup> into practice.**

**The Austrian Association of the Deaf recommend the governments to introduce the right on using Austrian Sign Language as language of education and teaching deaf people in early intervention, kindergartens, schools, institutions of educations and lifelong learning.**

**The Austrian Association of the Deaf recommend the governments to realize full human rights through Austrian Sign Language and foreign sign languages. Associated with this also equal opportunities for all deaf people and equal access to information, communication, education, employment and above all to participation rights and involvement in society, and the removal of social and communication barriers.**

- <sup>i</sup> As an umbrella organisation, the Austrian Association of the Deaf (ÖGLB) represents seven regional associations for deaf people, with a total of more than 2.000 members. The Austrian Association of the Deaf was founded on August 14, 1913 and supports and advocates the needs and interests of deaf people in Austria, who use Austrian Sign Language (ÖGS). Its mission is to ensure legal protection of the Deaf Community's linguistic and cultural heritage, to increase the quality of Deaf Education, to guarantee deaf individuals true access to all civil rights and the ability to participate fully in society. For more information see [www.oeglb.at](http://www.oeglb.at)
- <sup>ii</sup> The national forum on issues about CRPD is an open forum which currently consists of 25 members – experts in the field of people with disabilities (including people with disabilities themselves) and experts in the field of human rights. The forum was founded in 2008 (the year when the ratification of the UN Convention on the Rights of Persons with Disabilities was signed in Austria) on the initiative of the Austrian National Council for Disabled Persons (ÖAR) for the purpose of involving civil society in all areas that relate to the UN Convention on the Rights of Persons with Disabilities.
- <sup>iii</sup> cf. Art. 29 CRPD.
- <sup>iv</sup> cf. Art. 29 CRPD.
- <sup>v</sup> cf. the press release of the Austrian Association for Rehabilitation (ÖAR), "Keine Vertreter von Menschen mit Behinderungen im ORF-Publikumsrat!", 22<sup>nd</sup> of February 2010, [www.oear.or.at](http://www.oear.or.at)
- <sup>vi</sup> Bundeskanzleramt und Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft (Hg.) (2009). Standards der Öffentlichkeitsbeteiligung – Empfehlungen für die gute Praxis. Wien [www.partizipation.at](http://www.partizipation.at); Mitteilung der Europäischen Kommission COM (2002) 704: Hin zu einer verstärkten Kultur der Konsultation und des Dialogs – Allgemeine Grundsätze und Mindeststandards für die Konsultation betroffener Parteien durch die Kommission; [http://eur-lex.europa.eu/LexUriServ/site/de/com/2002/com2002\\_0704de01.pdf](http://eur-lex.europa.eu/LexUriServ/site/de/com/2002/com2002_0704de01.pdf)
- <sup>vii</sup> Accessibility is an principle (Article 3) and a right (Article 9) of CRPD.
- <sup>viii</sup> cf. Art. 1, 3, 4 CRPD.
- <sup>ix</sup> cf. Preamble (e) CRPD.
- <sup>x</sup> cf. Art. 3 (d) CRPD.
- <sup>xi</sup> Furthermore for example "No integrative schooled (note: hearing-impaired) child needs sign language", "Comparisons with other countries is illegitimate, because there is a ghetto, where hearing-impaired people cannot communicate without an interpreter". Krausneker, V. (2006): taubstumm bis gebärdensprachig. Die österreichische Gebärdensprachgemeinschaft aus soziolinguistischer Perspektive, S. 114 ff; Stellungnahme des Bildungsministerium zur Bürgerinitiative des ÖGLB (2003) und gesammelte Stellungnahmen zur BürgerInneninitiative für Chancengleichheit gehörloser Menschen im österreichischen Bildungssystem (2003); quotes the Ministry of Education and the responsible persons of special education for deaf.
- <sup>xii</sup> HNO means ENT (ear, nose and throat)
- <sup>xiii</sup> cf. Art. 4 (3) CRPD.
- <sup>xiv</sup> cf. ORF-Support Teletext for the hearing impaired, [kundendienst.orf.at/service/technik/untertitel.html](http://kundendienst.orf.at/service/technik/untertitel.html)
- <sup>xv</sup> cf. ORF-Support for hearing and visually impaired, [kundendienst.orf.at/programm/behinderung/](http://kundendienst.orf.at/programm/behinderung/)
- <sup>xvi</sup> Universal service in Austrian Telecommunications Act of 2003 (TKG 2003).
- <sup>xvii</sup> cf. Art. 9 (2) (e) CRPD.
- <sup>xviii</sup> Source from Association of the Deaf in Upper Austria, [www.gehorlos-ooe.at](http://www.gehorlos-ooe.at)
- <sup>xix</sup> cf. Art. 21 (b) CRPD.
- <sup>xx</sup> cf. Art. 2, Art. 9 (2) (e) and Art. 19 (b) CRPD.
- <sup>xxi</sup> cf. Art. 28 (b) CRPD.
- <sup>xxii</sup> cf. Art. 24 CRPD.
- <sup>xxiii</sup> cf. Art. 28 (1) CRC and Art. 21 (e) CRPD.
- <sup>xxiv</sup> Diskriminierungsberichte der Österreichischen Gebärdensprachgemeinschaft, Österreichischer Gehörlosenbund (Hg.) (2004, 2005, 2007/2008)
- <sup>xxv</sup> Sprache macht Wissen. Zur Situation gehörloser und hörbehinderter SchülerInnen, Studierender und ihrer LehrerInnen, sowie zur Österreichischen Gebärdensprache in Schule und Universität Wien. Abschlussbericht des Forschungsprojekts. Krausneker V., Schalber K. (2006/2007).
- <sup>xxvi</sup> In 2002 60% of 30 questioned women denote their knowledge of German as an insufficient and stated that they had problems at reading and writing. This is a direct result of the school, because all the deaf women said that they would have preferred to get education in sign language in order to be able to properly learn German; Projekt VITA, Erkundungsstudie zur beruflichen Lebenssituation von gehörlosen Frauen im Raum Wien und Umgebung, Breiter M. et al., 2002, S. 66
- <sup>xxvii</sup> cf. Art. 5, Art. 12, Art. 13, Art. 14 Framework Convention for the Protection of National Minorities.
- <sup>xxviii</sup> cf. Art. 26 (1) (b) CRPD.
- <sup>xxix</sup> cf. Art. 3 (h), Art. 24 (3) (b) and Art. 30 (4) CRPD; Art. 29 (1), Art. 30 CRC; Art. 27 CCPR; Art. 2 (3), 10, 11 Convention for the Protection and Promotion of the Diversity of Cultural Expressions.
- <sup>xxx</sup> In 1993, the School Organisation Act (SchOG) was amended such as the connected federal laws like Education Act (SchUG), Compulsory Education Act (SchPflG) and the public services law for teachers.
- <sup>xxxi</sup> In terms of additive bilingual and balanced learning and practicing a language, both in Austrian Sign Language and in German.
- <sup>xxxii</sup> College of Education in Lower Austria, [www.ph-noe.ac.at](http://www.ph-noe.ac.at)
- <sup>xxxiii</sup> refers to <sup>32</sup>.

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- xxxiv The office of the OSCE High Commissioner on National Minorities developed the most relevant principles of which in the context of education: The Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note (October 1996). In this document, *mother-tongue-medium education* is recommended at all levels, including secondary education and this includes *bilingual teachers* in the dominant language as a second language (Art. 11-13). In its Explanatory Note, the following comment is made about subtractive education: "[S]ubmersion-type approaches whereby the curriculum is taught exclusively through the medium of the State language and minority children are entirely integrated into classes with children of the majority are *not in line with international standards* (para. 5)" Skutnabb-Kangas, T., Dunbar, R. (2010).
- xxxv Federal Minister for Education, Mrs. Claudia Schmied in *Ö1-Morgenjournal*, February 14, 2009.
- xxxvi Austrian federal constitution.
- xxxvii According to basic principles in a position paper and guideline about language and education, the UNESCO supports *mother-tongue-medium education, bilingual and/or multilingual education* at all levels of education as a means of promoting both social and gender equality and as a key element of linguistically diverse societies. Education in a Multilingual World, UNESCO Guidelines on Language and Education (2003).
- xxxviii cf. Art. 27 CRPD.
- xxxix cf. Comment of the Independent Monitoring Committee on Education, 2010.
- xl cf. Art. 2 CRPD.
- xli cf. Art. 4 (1) (b) CRPD.
- xlii cf. Art. 4 (3) CRPD.
- xlili cf. Art. 8 (3) Austrian Federal Constitution: "The Austrian Sign Language is recognized as independent language. Details are regulated by the laws." (in force since September 1, 2005)  
[http://www.ris.bka.gv.at/Dokumente/Erw/ERV\\_1930\\_1/ERV\\_1930\\_1.pdf](http://www.ris.bka.gv.at/Dokumente/Erw/ERV_1930_1/ERV_1930_1.pdf)