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Deaf communities and Minority Rights at the EU level

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Executive Summary

Deaf communities occupy a distinctive position in the European legal and political order. They are simultaneously persons with disabilities and members of cultural and linguistic minorities, a dual identity that the EU political and legal framework has consistently failed to reflect. In practice, EU legislation and policies approach deaf communities almost exclusively through a disability and accessibility lens, systematically neglecting their status as users of national sign languages and members of cultural minorities.

At the international level, this dual identity is increasingly well recognised. The various UN human rights protection mechanisms have explicitly acknowledged deaf communities as linguistic minorities and called on States to protect their cultural and linguistic rights alongside their disability rights. The EU, as a State Party to the CRPD, has been directly subject to this scrutiny, most recently by the CRPD Committee in the Concluding Observations to the EU, which found its implementation incomplete on these grounds.

This position paper advances a complementary minority rights narrative alongside the disability framework. It does not seek to displace or diminish disability rights, which remain essential; it seeks to correct a structural imbalance that has concrete legal and policy consequences. The minority rights of deaf communities to preservation, promotion and transmission of their culture and languages cannot be addressed through accessibility and reasonable accommodation alone.

The paper traces the normative architecture from international legislation and frameworks, from Article 27 ICCPR, Article 30 CRC, Article 15 ICESCR, and the 1992 UN Declaration on Minority Rights through to the EU's constitutional framework, identifies structural gaps in existing European minority rights instruments, and examines the practical costs of the dominant disability narrative through the case of Petition 1056/2016. It concludes with targeted recommendations to EU institutions calling for recognition of national sign languages as official EU languages, integration of minority rights into EU funding instruments, EU accession to the FCNM and ECRML, and the establishment of a coordination mechanism for linguistic minority issues explicitly including deaf communities.

1. Introduction

In January 2026, the United Nations Special Rapporteur on minority issues, Prof. Nicolas Levrat, made an official visit to the European Union, in which he had a meeting with the European Union of the Deaf. In his end-of-mission statement, he included an entire paragraph on the situation of deaf people in the European Union:

“When it comes to the rights of deaf and hard-hearing people, in the EU, their rights are mainly protected through disability-related legislation and policies such as the European Strategy for the rights of persons with disabilities 2021-2030, the European Accessibility Act, the European Electronic Communications Code, the AudioVisual Media Services Directive, and the directive establishing a European Disability Card and European Disability Parking Card. However, very little has been done, at the EU level, to safeguard the linguistic rights of deaf people from a minority perspective, in line with article 2 of the TEU. The EU lacks the competency to recognize national sign languages as full languages. Deaf communities face increased challenges and barriers when willing to impart information from and interact with EU institutions in their national sign languages. » (Levrat, 2026)

This statement captures with precision an existing reality within deaf communities at global, regional and national levels: deaf people are both persons with disabilities and members of cultural and linguistic minorities. This dual identity has been documented and articulated in the World Federation of the Deaf's position paper "Complementary or Diametrically Opposed: Situating Deaf Communities within 'Disability' vs 'Cultural and Linguistic Minority' Constructs" (WFD, 2018). Yet in practice, this duality is largely ignored by policymakers, who approach deaf communities either through a disability lens, neglecting the cultural and linguistic dimension, or, more rarely, through a cultural and linguistic minority lens that fails to account for the disability realities of those communities. The result is that deaf communities rarely take full ownership of the policies and legislation nominally designed to address their situation, precisely because neither framework, applied in isolation, represents them adequately. This phenomenon is called the Deaf Duality Paradox (Bloxs, in preparation). The United Nations Convention on the Rights of Persons with Disabilities (hereafter, CRPD) and the African Protocol on the Rights of Persons with Disabilities are notable exceptions: it successfully encapsulates both dimensions of deaf communities within a single binding instrument, recognising sign languages as full languages and deaf culture as a living cultural identity deserving of protection and promotion, in addition to the status of deaf communities as persons with disabilities.

The present position paper seeks to expand the cultural and linguistic minority dimension of the rights of deaf communities and deaf persons within the European legal and political framework. While the disability component has been the subject of substantial attention, the cultural and linguistic minority dimension has received far less consideration at the EU level (Arnadottir & Quinn, 2009; Reuter, 2017; Waddington 2005). The present paper provides that analysis. It does not seek to displace the disability rights framework, which remains essential; it seeks to correct the structural imbalance that results from the absence of a complementary minority rights framework, and to demonstrate that EU primary law already requires the EU to address both dimensions.

The paper is structured as follows. Section 1 sets out the purpose, scope and terminology of the paper, establishing the definitions and conceptual distinctions on which the subsequent argument rests. Section 2 develops the conceptual framework: it advances the claim that deaf communities constitute a distinct type of cultural and linguistic minority, one that existing European frameworks were not designed to accommodate. Section 3 examines the international normative framework, tracing the legal architecture from Article 27 of the International Covenant on Civil and Political Rights (hereafter, ICCPR) and Article 30 of the United Nations Convention on the Rights of the Child (hereafter, UNCRC) through the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (hereafter, 1992 Declaration) and the CRPD. This section identifies the three normative gaps that defines the challenges at the European level. These gaps stem from the Framework

Convention for the Protection of National Minorities (hereafter, FCNM), the European Charter for Regional and Minority Languages (hereafter, ECRML), and the lack of ratification of international and regional legal instruments by the EU. Section 4 turns to the EU's own constitutional framework, developing the argument that Article 2 of the Treaty on European Union (hereafter, TEU) combined with the EU Charter of Fundamental Rights, read as a bidirectional constitutional architecture and interpreted through the CRPD as a binding international obligation, indirectly require the EU to recognise and protect the linguistic and cultural rights of deaf communities. This section also directly challenges the Commission's narrow reading of its competence in this area. Section 5 provides an overview of the consequences of the dominance of the disability narrative and the cost of ignoring the minority narrative by using the case of Petition 1056/2016 introduced by the EUD to the European Parliament as primary evidence of the consequences of the absence of a minority rights framework for deaf communities. Ultimately, Section 6 sets out recommendations to EU institutions and to Member States respectively.

2. Purpose, scope and terminology

2.1 Purpose

This position paper advances a complementary narrative to the dominant disability framing that currently governs EU policy on deaf people. It does not seek to replace or diminish the disability rights framework, which remains essential to addressing the barriers deaf people face in accessing services, employment, education and public life. Rather, it seeks to correct a structural imbalance: EU law and policy have, to date, approached deaf communities almost exclusively through a disability and accessibility lens, systematically neglecting the cultural and linguistic minority dimension of their identity.

This imbalance has practical consequences. Policies designed solely around accessibility and reasonable accommodation cannot address language transmission, cultural participation, minority-language media, or the collective political representation of deaf communities as linguistic minorities. The European Union's own founding values, as enshrined in Article 2 of the Treaty on European Union (TEU), explicitly include "the rights of persons belonging to minorities." Deaf communities, as users of national sign languages and members of distinct cultural communities, fall within the scope of this value. Yet, to date, EU policies have not reflected this reality.

The present paper therefore serves three purposes: first, to establish the conceptual and legal basis for recognising deaf communities as cultural and linguistic minorities within the European normative framework; second, to identify the gaps in existing EU law and policy that result from the absence of this recognition; and third, to set out concrete recommendations for EU institutions and Member States to address those gaps in a manner consistent with their existing legal obligations.

2.2 Scope

This position paper focuses on deaf communities whose primary language is a national sign language (hereafter, NSL). This is not a homogeneous population. Deaf communities are plural, varying across and within Member States in terms of language, history, institutional infrastructure, and relationship with hearing societies (Woll & Ladd, 2003).

The paper also explicitly recognises that deaf communities are internally diverse in ways that compound the challenges identified here. Deaf migrants may face the additional barrier of unfamiliarity with the NSL of the country in which they reside, while simultaneously being excluded from both the host country's majority language and its deaf community's linguistic infrastructure (Sivunen, 2019; Holmström et al., 2025). Deaf Roma people face the intersection of ethnic minority status and linguistic minority status, often without institutional support from either framework — a situation acknowledged in

intersectionality frameworks for deaf communities (EUD, 2024) but which remains insufficiently studied and addressed in both research and policy. Deafblind people, while sharing elements of the deaf community's linguistic and cultural identity, face additional barriers to access that require tailored responses (EUD, 2024). These situations of compounded minority status – being a minority within a minority – are acknowledged throughout this paper. Where EU and Member States' policy responses are discussed, the specific marginalisation of these sub-groups should be understood as requiring additional, targeted measures beyond the general recommendations set out here.

The geographic scope of this paper is the European Union and its Member States, with reference, where relevant, to the broader Council of Europe framework. Given that the EU has not ratified instruments such as the Framework Convention for the Protection of National Minorities (FCNM) or the European Charter for Regional or Minority Languages (ECRML), and that the EUD already published a report on the ECRML (EUD, 2024), the analysis focuses on the legal tools available within the EU's own constitutional and treaty architecture, supplemented by international standards that inform the interpretation of those tools.

2.3 Terminology

The following definitions apply throughout this paper. Where definitions are drawn from binding legal instruments, this is indicated. Where they reflect EUD's own position, this is stated explicitly.

Deaf communities refers to communities of people who use a national sign language as their primary or preferred language and who share a common cultural identity and collective history. The concept of “own language” used throughout this paper draws on the framework established by Article 27 ICCPR, which protects the right of members of linguistic minorities “to use their own language,” and is consistent with the Universal Declaration of Linguistic Rights (1996), which recognises the right of all language communities to use their language in all areas of public and private life. At the national level, several EU Member States have given legal expression to this concept in the context of deaf communities: the Maltese Sign Language Recognition Act, for instance, defines the “deaf community” as “the distinct linguistic and cultural group of people who have a hearing impairment and who use Maltese Sign Language as their first or preferred language.” This paper uses the term in a comparable sense, grounded in linguistic identity rather than audiological status. The plural form is used throughout to reflect the reality that there is no single, monolithic deaf community, as they vary across countries, regions, and social contexts. Deaf communities are also internally diverse: their members hold intersecting identities comprising racial or ethnic origin, religion, gender identity, disability, socio-economic status, sexual orientation, age and other dimensions of identity (EUD, 2024).

National sign languages (NSLs) are the natural, full languages used by deaf communities in a given country or territory. They are not derived from spoken languages, not systems of manual coding, and not international in scope. Each NSL has its own grammar, syntax, phonology and lexicon, developed organically within deaf communities over generations (Wheatley & Pabsch, 2010). Article 2 CRPD explicitly includes sign languages within its definition of language, placing them on an equal footing with spoken languages for the purposes of the Convention. The term “national” is used throughout this paper as a shorthand for sign languages with a recognised presence in a given State, and does not imply that only one sign language exists per Member State, as several EU Member States have more than one sign language in use within their territory. It is also important to distinguish between the concept of a linguistic minority, referring to a group of people, and a minority language, which refers to the language itself. A linguistic minority does not automatically imply the existence of a formally recognised minority language, and a language may function as a minority language without its speakers having been formally recognised as a linguistic minority. This paper uses “national sign languages” to refer to the languages themselves, and “deaf communities as linguistic minorities” to refer to the groups who use them. Both concepts are engaged, and they are treated as legally distinct but mutually reinforcing.

Cultural and linguistic minority refers to a group that is numerically smaller than the majority population of a State, that shares a distinct language and cultural identity, and that seeks to maintain and transmit that identity across generations. This definition draws on the framework established by the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which recognises linguistic minorities as a distinct protected category alongside national and ethnic minorities. It is further informed by the UN Special Rapporteur on minority issues, who clarified that “a linguistic minority exists objectively regardless of constitutional or legal status or recognition. Languages include non-verbal languages, such as sign languages” (de Varennes, 2020). For comparative purposes, it is also useful to note the approach of the European Charter for Regional or Minority Languages (ECRML), which defines regional or minority languages as languages “traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State’s population” (Art. 1(a) ECRML). The ECRML belongs to the Council of Europe legal system and does not bind the EU. The EUD’s 2025 preliminary report on sign languages and the ECRML examines in detail the relationship between national sign languages and this framework (EUD, 2025). Deaf communities meet the criteria of a cultural and linguistic minority: their members are numerically smaller than the majority population of a State; they use a distinct language, the national sign language, which is not derived from the dominant spoken language; and they share a distinct cultural identity transmitted across generations.

Disability rights framework refers to the body of law, policy, and jurisprudence that addresses the barriers faced by persons with disabilities in participating fully in society. Crucially, this framework is not about disability as such, but about removing the barriers, discriminatory practices, and structural exclusions that prevent persons with disabilities from enjoying their rights on an equal basis with others. The rights it provides are instrumental as they serve to ensure that persons with disabilities can access the same opportunities, services, and freedoms as everyone else, rather than defining those persons by their impairment. At the international level, the CRPD provides the foundational normative framework. At the EU level, the CRPD has been ratified both by the European Union and its Member States. While the EU does not have a general legislative competence in the field of disability rights as such – disability policy being primarily a Member State responsibility – it has adopted a body of implementing legislation in its areas of competence. Some of the main legislation includes the European Accessibility Act (EAA), the European Electronic Communications Code (EECC), and the Audiovisual Media Services Directive (AVMSD). At the policy level, the European Strategy for the Rights of Persons with Disabilities (ESRPD) 2021–2030 sets out the EU’s overarching framework for advancing disability equality. The European disability rights framework also encompasses a growing body of CJEU jurisprudence, including *Chacón Navas* (C-13/05), *Coleman* (C-303/06), *HK Danmark* (C-335/11 and C-337/11), and *Glatzel* (C-356/12).

Language rights refer to the rights of members of linguistic minorities to use their language in private and public life, to access education in their language, to receive public services and official information and communication in their language, and to participate in cultural and political life through their language. This definition draws principally on the 1992 UN Declaration and the Universal Declaration of Linguistic Rights (Barcelona, 1996), which establishes that all language communities have the right to use their language in all areas of public and private life (Art. 15 UDLR). In international law, language rights are understood as having both individual and collective dimensions. Individual language rights allow a person to use their language in dealings with public authorities and in private life. Collective language rights require States and public institutions to create and maintain conditions in which a minority language can be used, transmitted, and developed as a living language, rather than merely refraining from suppressing it. The extent to which collective language rights are recognised as such varies across legal systems. Language rights and reasonable accommodation are conceptually distinct, though they may interact in practice: language rights are grounded in linguistic identity and require proactive State measures, while reasonable accommodation is an individualised, reactive measure rooted in disability law designed to remove a specific barrier for a specific person in a specific context. Language rights also encompass linguistic human rights, on the premise that the systematic removal of

languages leads to the removal of human rights (Skutnabb-Kangas, 2012; Skutnabb-Kangas & Phillipson, 2022).

Reasonable accommodation refers, consistently with Articles 2 and 5 CRPD, to “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” (Art. 2 CRPD). The denial of reasonable accommodation constitutes discrimination under the CRPD and under Article 5 of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation. Reasonable accommodation is an individual-level, case-by-case obligation: it responds to the specific needs of a specific person in a specific context. It is reactive rather than proactive. The exercise of linguistic rights may in some contexts involve what could be described as reasonable linguistic adaptations – situations where a State or public institution adapts its services to accommodate the linguistic difference between sign language users and spoken language users. While such adaptations may resemble reasonable accommodation in form, they are better understood as partial expressions of a language rights obligation, since they respond to a systemic linguistic barrier rather than an individual circumstance. This paper treats reasonable accommodation and language rights as conceptually distinct but potentially overlapping in practice: where a State provides sign language interpretation as a reasonable accommodation measure, this does not satisfy the proactive, structural obligation to recognise and promote national sign languages as minority languages.

Deaf culture refers to the shared values, traditions, history, artistic expressions, social norms and community practices of deaf communities. Deaf culture is inseparable from the use of sign languages: it is transmitted primarily through those languages and within the institutions, such as schools, associations, cultural organisations, that deaf communities have built around them. Recognition of deaf culture as a living culture is a precondition for any meaningful minority rights framework applicable to deaf communities, as highlighted in Article 30.4 CRPD.

The normative basis for the protection of deaf culture also encompasses the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), the Universal Declaration on Cultural Diversity (UNESCO, 2001), and the African Protocol on the Rights of Persons with Disabilities (2018)

3. The Concept: Deaf Communities as Cultural and Linguistic Minorities within a Disability-Rights Framework

3.1 A dual identity: disability and minority as complementary frameworks

Deaf communities occupy a distinctive position within both disability rights discourse and minority rights discourse. They are, simultaneously and inseparably, a disability constituency and a cultural and linguistic minority (WFD, 2018). These two dimensions of identity are not in tension with one another, nor does the primacy of one diminish the validity of the other. They are complementary frameworks that, taken together, provide a more complete and accurate account of the situation of deaf people than either framework can offer alone. The disability dimension of deaf communities reflects the reality that deaf people face substantial barriers to participation in hearing-majority societies. These barriers are not inherent to deafness itself but are produced by environments, institutions and communication systems designed exclusively around a hearing-normative model. This structural exclusion is shared with members of other linguistic minorities, who similarly face barriers when the dominant language of public life is not their own, and when public institutions fail to accommodate linguistic difference. This understanding draws on the social model of disability, which locates disability not in the body of the individual but in the failure of society to accommodate human diversity. Building on this foundation, Degener (2017) advances a human rights model of disability, which goes further by positioning persons with disabilities not merely as beneficiaries of barrier-removal, but as rights holders, agents of change,

and full participants in public and political life. While this model represents a significant and progressive step forward for the disability rights movement, it does not fully capture the situation of deaf people as members of a linguistic and cultural minority. The human rights model of disability offers important tools, but must be complemented by a linguistic rights framework to adequately reflect the full scope of deaf people's rights and identities. The cultural and linguistic minority dimension reflects a different but equally real aspect of deaf communities. Deaf communities have developed, across generations and across countries, distinct natural languages — the national sign languages — and a distinct culture — deaf culture — transmitted through those languages and through the spaces and structures that deaf communities have built around them. In practice, these two dimensions are difficult to separate, as the barriers deaf people face are simultaneously disability-related and linguistic in nature, and the solutions required engage both frameworks at once.

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The cultural and linguistic minority dimension reflects a different but equally real aspect of deaf communities. Deaf communities have developed, across generations and across countries, distinct natural languages, the national sign languages, and a distinct culture, deaf culture, transmitted through those languages and through the institutions that deaf communities have built around them.

The World Federation of the Deaf (WFD) articulated this complementarity directly in its 2018 Discussion Paper "Complementary or Diametrically Opposed: Situating Deaf Communities within 'Disability' vs 'Cultural and Linguistic Minority' Constructs", which established that the two constructs need not be, and should not be, treated as mutually exclusive.

3.2 The nexus: language, culture and community as the grounds for minority qualification

Three interconnected elements ground the claim that deaf communities qualify as cultural and linguistic minorities: the use of a distinct natural language; identification with and participation in a distinct culture; and the existence of deaf spaces through which language and culture are collectively sustained and transmitted (Kusters & Friedner, 2015). The first element — the use of a distinct natural language — refers to languages that have emerged organically within a human community through spontaneous use and social transmission, as opposed to being artificially constructed or systematically derived from another language. National sign languages are natural languages as they developed independently within deaf communities, are acquired by deaf children as first languages in signing environments, have full grammatical complexity, and vary across countries and communities in the same way that spoken natural languages do. This understanding is reflected in an increasing number of national legal frameworks such as the Constitution of Finland, the Maltese Sign Language Recognition Act, and Article 2 CRPD. The second element — a distinct culture — is elaborated below and grounded in the concept of deaf culture as a living cultural identity recognised under Article 30(4) CRPD. The third element —

collective transmission across generations — is what distinguishes a linguistic minority from a mere group of language users. It requires the existence of mechanisms, whether formal or informal, through which the language and culture are passed on. For deaf communities, this transmission takes place through deaf schools, deaf associations and clubs, deaf media, deaf cultural events, and, as scholars increasingly emphasise, through the broader and more dynamic concept of deaf spaces (Kusters & Friedner, 2015; Kusters, 2017). Remove any one element of this nexus and the others are weakened: without language, culture has no medium; without culture, language loses its living context; without transmission, neither language nor culture can survive across generations.

The infrastructure through which both language and culture undergo generational transmission extends beyond formal institutions such as deaf schools, deaf associations, deaf sport clubs, deaf media, and deaf museums. Increasingly, scholars point to the broader and more dynamic concept of "deaf spaces" – the physical, social, and digital environments where deaf people gather, interact, and create community (Kusters & Friedner, 2015). Deaf spaces are not limited to established organisations; they emerge wherever deaf people come together, whether in everyday commutes, community events, online groups, or transient encounters, and they play a vital role in sustaining sign language use and cultural transmission across generations (Kusters, 2017). Remove any one element of this nexus and the others are weakened: without language, culture has no medium; without culture, language loses its living context; without spaces, neither language nor culture can be transmitted to the next generation.

Each element of the nexus carries its own policy implications. Language gives rise to language rights, which must be understood across three distinct spheres. In private life, these include the right to use a national sign language within one's family, in one's immediate environment, and in one's communities. In public life, they encompass the right to use sign language in education, in interactions with public services, during legal proceedings, and when exercising one's right to political and public participation. In the digital sphere, they extend to the right to use and access national sign languages across internet platforms, audiovisual and streaming services, augmented, virtual and extended reality environments (AR/VR/XR), as well as the rights to the linguistic and cultural integrity in AI-generated content, including avatars. This also encompasses the protection of the signing identity under data protection regulation, intellectual property, and digital privacy frameworks (Venade, 2025).

Culture gives rise to cultural rights. The normative basis for cultural rights is found across several international instruments. Under Article 15(1)(a) ICESCR, everyone has the right to take part in cultural life, a provision elaborated by the Committee on Economic, Social and Cultural Rights in General Comment No. 21 (2009), which identifies access, participation and contribution to cultural life as three distinct and equally essential components. The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), to which the EU is a party, further affirms that cultural diversity is a defining characteristic of humanity and that the protection and promotion of cultural expressions is a shared obligation of States and supranational bodies. The Universal Declaration on Cultural Diversity (UNESCO, 2001) likewise affirms that cultural diversity is as necessary for humankind as biodiversity is for nature, and recognises the right of all persons to participate in the cultural life of their choice. Taken together, these instruments establish a robust normative framework for the cultural rights of deaf communities that extends well beyond the disability rights framework. As Venade de Sousa (2023) has argued, the cultural rights of sign language communities are grounded in these instruments and require engagement with both the disability and the minority rights dimensions of deaf communities. The cultural rights of deaf communities encompass the right to access, participate in, and contribute to deaf cultural life; the right to have deaf cultural expressions recognised as intangible cultural heritage; and the right to have national sign languages protected and promoted as the living cultural medium of deaf communities. While the EU has undertaken some initiatives in relation to sign languages, these measures have been framed primarily within a disability paradigm, through Article 30 CRPD, rather than as a response to the language, cultural, and participation rights of deaf communities as a linguistic and cultural minority.

This recognition is illustrated by the work of the then UN Special Rapporteur on Minority Issues, Fernand de Varennes, who in his 2017 report to the Human Rights Council explicitly identified deaf people as members of linguistic minorities, and acknowledged that sign languages, recognised as languages by an increasing number of States, can be the languages of such minorities (de Varennes, 2018). While the Special Rapporteur did not formally characterise national sign languages as minority languages in the technical sense of the 1992 Declaration, his recognition that deaf people constitute a linguistic minority within the meaning of international minority rights law is a foundational point of departure of this paper.

3.3 A distinct type of linguistic minority: non-territorial communities formed through shared language and experience

Deaf communities are not simply one linguistic minority among others. They are a genuinely distinct type of linguistic minority, and understanding this distinctiveness is essential to applying minority rights frameworks to them accurately.

Most linguistic minorities recognised in existing European frameworks — Welsh speakers, Catalan speakers, Frisian speakers — are defined by a combination of language and territory. They inhabit a geographic area in which their language has historically been spoken, and the protection of their language is, in part, a protection of a regional linguistic ecosystem. The FCNM and the ECRML are both, in their design and their application, oriented primarily towards territorially concentrated communities. This territorial orientation has historically been one of the reasons why deaf communities have not been formally included within the scope of those frameworks — not because they fail to meet the substantive criteria of a linguistic minority, but because the instruments were designed around a territorial model that does not correspond to how deaf communities are organised. Political factors and the persistent dominance of the disability framing have reinforced this exclusion. It is important to note, however, that non-territoriality does not disqualify a community from minority status under international law. Minority rights operate under two distinct organising principles: the principle of territoriality, which links rights to a geographic area, and the principle of personality, which links rights to the individual regardless of where they reside. The latter principle is precisely what is required to protect non-territorial minorities such as deaf communities. The ECRML itself anticipates this through its concept of non-territorial languages under Article 1(c), which covers languages “traditionally used within the territory of a State” but which “cannot be identified with a particular area thereof.” Several EU Member States have already explored whether national sign languages qualify as non-territorial languages under the ECRML, most notably Finland, which included Finnish Sign Language and Finland-Swedish Sign Language in its ECRML reporting, precisely on the basis that they are used nationally rather than regionally (EUD, 2025). A further complexity is that several EU Member States have more than one sign language community within their territory. Spain recognises both Spanish Sign Language (LSE) and Catalan Sign Language (LSC); Belgium has three sign languages, namely Langue des Signes de Belgique Francophone (LSFB), Vlaamse Gebarentaal (VGT), and Deutsche Gebärdensprache (DGS); and Finland recognises both Finnish Sign Language and Finland-Swedish Sign Language. In each case, the sign language community in question has its own distinct linguistic and cultural identity. The rights framework must be capable of accommodating this internal plurality without collapsing all sign languages into a single national category.

Deaf communities do not form geographically, but through a shared sensory experience and around the natural language that emerges from and serves that experience (Kusters, 2017). They are present in every country, in every region, in every city and rural area, dispersed across the full geographic territory of every Member State. This non-territorial character has profound implications for the design of rights protections. Protections designed around regional language ecosystems do not translate straightforwardly to the situation of deaf communities. Deaf communities have the right to language rights that are portable: access to national sign language education and interpretation wherever a deaf

person lives, not only in areas of high deaf population density; broadcast media in national sign languages accessible across the full national territory; and the right to interact with public authorities in their national sign language regardless of geographic location. The shift from “need” to “right” is deliberate: framing these as needs places deaf communities within a disability and accommodation paradigm; framing them as rights locates them within a minority rights framework where the obligation falls on States proactively, not reactively.

The recognition of deaf communities as a distinct type of linguistic minority has direct consequences for the design of the policy responses that this paper recommends. Existing European minority rights instruments were not designed with non-territorial linguistic minorities in mind. This is one of the structural gaps that the EU and Council of Europe frameworks must address.

4. International Normative Framework

4.1 Recognition of the cultural and linguistic dimension of deaf communities by the UN Special Rapporteur on Minority Issues

In 2017, the then UN Special Rapporteur on Minority Issues, Dr Fernand de Varennes, made an explicit and authoritative recognition that national sign languages are full languages and that deaf communities, as their users, are members of linguistic minorities under the 1992 Declaration (de Varennes, 2018, 2020, 2022).

This recognition establishes the foundational premise of the normative argument developed in this section. It means that the rights set out in international minority rights apply to deaf communities. It also means that the failure of States and supranational bodies to address deaf communities within a minority rights framework is assimilated to a failure to implement the rights that minorities are already entitled to within existing international legal provisions.

4.2 The foundational instruments of international minority rights law

4.2.1 Article 27 of the International Covenant on Civil and Political Rights

The primary binding norm of international minority rights law is Article 27 of the International Covenant on Civil and Political Rights (ICCPR), which provides that:

"In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

Three features of Article 27 are particularly significant in this context. First, the provision is explicitly inclusive of linguistic minorities, extending protection to any person belonging to a linguistic minority without limiting its scope to ethnic or national minorities. This stands in notable contrast to EU legal instruments, which invoke "linguistic diversity" rather than "linguistic minorities" — most notably Article 22 of the EU Charter of Fundamental Rights, which commits the Union to respecting cultural, religious and linguistic diversity. This framing addresses language as a dimension of broad cultural pluralism rather than as a source of enforceable rights for members of specific linguistic minorities, and does not confer the kind of explicit, justiciable entitlements that flow from Article 27 ICCPR and the 1992 Declaration. It is this gap that makes the UN minority rights framework the more legally robust foundation for the claims advanced in this paper.

This principle of complementarity establishes that minority rights are not a substitute for universal human rights, but a further layer of protection that exists precisely because the universal framework is insufficient to address the specific situation of persons belonging to minorities. This principle is further reflected in Article 4(4) CRPD, which provides that the Convention should not serve as an excuse to diminish the level of protection at the national level, in cases where the national legislation has an increased protection of human rights than what is foreseen by the CRPD. Universal human rights, stemming from both the ICCPR and the ICESCR, and disability-specific human rights protected by the CRPD, are necessary but not sufficient. Minority rights are the additional layer that addresses what disability rights alone cannot reach, such as the cultural and linguistic minority rights of deaf communities.

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4.2.2 Article 30 of the Convention on the Rights of the Child

Article 30 of the Convention on the Rights of the Child (CRC) extends the minority rights framework of Article 27 ICCPR to children specifically, providing that a child belonging to a linguistic minority "*shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture [...] or to use his or her own language.*" The provision is substantively equivalent to Article 27 ICCPR, with the additional dimension that it applies specifically for children, including deaf children.

As around 95% of deaf children are born to hearing families who do not use national sign languages (Hall et al, 2019; WFD, 2021; WFD 2023), it means that, unlike most linguistic minority communities where there is a sign language environment, language is transmitted within the family from birth, deaf children frequently do not encounter their natural language until they enter educational or community settings where sign language is used.

The right under Article 30 CRC to use one's language in community with other members of one's group therefore has a specific and urgent content for deaf children: it is a right that can only be realised if educational and social environments actively support the acquisition and use of the national sign language(s) – with or without the learning of the the spoken language – , rather than treating spoken language acquisition as the default or exclusive goal. Failure to provide a sign language-based environment, including education, family and informal settings, is a denial of the right established by the CRC.

4.2.3. The Committee on the Rights of the Child (CRC committee) framework on linguistic minority children and deaf children

The Committee on the Rights of the Child (CRC Committee) has developed a substantive body of guidance on the linguistic rights of minority children, centred on Article 30 CRC which mirrors Article 27 ICCPR but applies specifically to children. Through two key General Comments, namely General Comment No. 1 (2001) on the aims of education and the General Comment No. 11 (2009) on indigenous children, the Committee has articulated language rights as both individual and collective. More specifically, the Committee highlighted that the language rights of children, including deaf children requires not merely a non-interference stance from its States Parties, but rather active positive measures to foster these rights. A defining approach of the Committee work is the way it connects language to identity at a deeper level. Language is not seen as an instrument, but as constitutive of personhood, community belonging, and psychological integrity. Compulsory education should not undermine this principle, and the obligation to protect the identity of linguistic minorities extends to both

State Parties and private actors.

Yet, the Committee has not addressed the linguistic and cultural rights of deaf children primarily through Article 30, but through its General Comment No. 9 (2006) on children with disabilities. The Committee has situated them within the disability framework under Article 23 CRC, rather than through the cultural and linguistic framework foreseen in Article 30. This structural gap means that the doctrine and jurisprudence on linguistic and cultural rights, including the positive State obligations developed for linguistic minorities has not been explicitly extended to deaf children as sign language users.

The Committee brought some further nuances to its initial framing of deaf children as children with disabilities through its Concluding Observations. In the 2017 Concluding Observations to Denmark (CRC/C/DNK/CO/5), in its paragraph 29, the Committee required the State to ensure deaf children could learn and communicate in Danish Sign Language regardless of medical treatment undergone, a direct challenge to the practice of withdrawing access to sign language following cochlear implantation. More recently, in the 2023 Concluding Observations to Ireland (CRC/C/IRL/CO/5-6), its paragraph 27 pressed for the implementation of the Irish Sign Language Act in services, including educational settings and early detection and early intervention. Both paragraphs invoke the General Comment No. 9 and the disability framework under Article 23 CRC rather than the cultural and linguistic minority one set by Article 30 CRC.

The World Federation of the Deaf, in its Position Paper on the right to sign language to family/carers of deaf children (WFD, 2023), highlights these two paragraphs, combined with the General Comment No. 9 as the legal ground for family members and/or carers of deaf children to learn the national sign language.

The overall approach of the Committee is one of progressive but structurally incomplete recognition. The Committee has acknowledged the access to sign language as children rights under the disability framework through its General Comment No. 9 and its Concluding Observations practice. Yet, the Committee has not consolidated this right within a cultural and linguistic minority framework either through a distinct General Comment, or through its Concluding Observations practices under Article 30.

4.2.4 The 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The 1992 Declaration represents the most comprehensive articulation of minority rights in the UN human rights architecture. Adopted by consensus by the UN General Assembly on 18 December 1992, it recognises four categories of minorities, namely national, ethnic, cultural and linguistic, and sets out the rights associated with each. This Declaration establishes several rights of direct relevance to deaf communities.

Article 1 requires States not only to protect the existence of minorities but to "encourage conditions for the promotion" of their identity. It is a positive obligation that goes beyond non-discrimination and requires active support for minority languages and cultures. Article 2 affirms the right of persons belonging to minorities to enjoy their culture, use their language in private and in public, freely and without interference or any form of discrimination, and to participate effectively in cultural, religious, social, economic and public life. Article 4 requires States to take measures to ensure that persons belonging to minorities have adequate opportunities to learn their mother tongue or to receive instruction in it.

The 1992 Declaration is not a binding treaty. As a UN General Assembly resolution, it constitutes a political commitment and an authoritative statement of international standards, but it does not carry the

legal force of a ratified convention. However, it does not diminish the Declaration's importance as the reference document against which international minority rights practice is measured, or as the framework within which the UN's recognition of sign language communities as linguistic minorities was made.

4.2.5 The mandate of the UN Special Rapporteur on minority issues and the UN Forum on Minority Issues

The mandate of the UN Special Rapporteur on minority issues was established by the UN Commission on Human Rights in its resolution 2005/79 of 21 April 2005, following the adoption of the 1992 Declaration, with the purpose of promoting the implementation of the Declaration and identifying emerging issues in the field of minority rights.

The recognition by de Varennes in his 2017 report that deaf people constitute linguistic minorities carries significant normative weight. While Special Rapporteur reports are not formally binding, they represent the authoritative interpretation of international minority rights standards by the UN's designated expert in the field, and are regularly relied upon by States, treaty bodies, and courts as interpretive guidance (de Varennes, 2018).

The UN Forum on Minority Issues has reinforced this position by recognising deaf people as members of linguistic minorities. At the 12th Session of the Forum on Minority Issues, in 2019, dedicated to the theme of education, language and the rights of minorities, the Forum explicitly called on States to recognise deaf children as members of linguistic minorities and ensure their access to education in their sign language from early childhood (Recommendations of the Forum on Minority Issues at its 12th session, A/HRC/43/63 (2020), paras. 11, 23 and 24).

Most significantly, de Varennes subsequently proposed a legally binding Convention on the Rights of Minorities, submitted to the Human Rights Council at its 52nd session in 2023 as an annex to his thematic report on mainstreaming minority rights (A/HRC/52/27). The draft Convention explicitly includes sign language users within its definition of linguistic minorities. Article 1(4) provides that a linguistic minority "*includes persons who share any natural language, including sign languages, who are not a majority in a state.*" This is the first time a proposed legally binding international instrument has explicitly incorporated sign language users within the definition of a linguistic minority, representing a significant step towards formal recognition of deaf communities within the international minority rights framework.

The current mandate holder, Prof. Nicolas Levrat, reinforced the significance of this framework during his official visit to the European Union in January 2026. His end-of-mission statement explicitly identified the gap in EU-level minority rights protection for deaf people and called for a more comprehensive approach consistent with the values enshrined in Article 2 TEU (Levrat, 2026).

4.3 The CRPD: Operationalising minority rights within a disability framework

The UN Convention on the Rights of Persons with Disabilities (hereafter, CRPD) occupies a unique position in the normative landscape relevant to deaf communities. It is the only international human rights convention that explicitly recognises sign languages as full languages, and that establishes the right of deaf people to their linguistic and cultural identity.

Article 2 CRPD defines "language" to include "spoken and signed languages and other forms of non-spoken languages," thereby establishing the legal equivalence of sign languages and spoken languages within the convention's framework. This definition brings substantive consequences throughout international legal frameworks, wherever language rights are at stake.

Article 21(b) CRPD requires States Parties to take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including by accepting and facilitating the use of sign languages by deaf persons in official interactions. The implications of Article 21 for the linguistic rights of deaf communities have been examined by Wilks and De Sousa (2025) and by Venade de Sousa (2022), who argues that Article 21, read in conjunction with Article 2 CRPD, gives rise to an obligation on States Parties to grant national sign languages official status as a necessary condition for the effective operationalisation of the linguistic rights laid down in the Convention.

Taken together, these provisions operationalise minority rights for deaf communities within the disability rights framework. They do not use the language of minority rights, as the CRPD is not a minority rights instrument and does not formally grant deaf people minority status. What they do is give practical legal content, within a binding convention, to the rights that minority status entails: the right to use one's language, to enjoy one's culture, to be educated in the national sign language, and to have them recognised and supported by public institutions.

The authoritative interpretation of these obligations is provided by the CRPD Committee. In its Concluding Observations to various States Parties, the Committee has consistently clarified that States must recognise the right of all deaf children and their families to learn and communicate in sign language (CRPD/C/SAU/CO/1, para. 12), to participate in deaf culture (CRPD/C/FRA/CO/1, para. 16), and to take effective measures to promote sign language in their interactions (CRPD/C/DNK/CO/1, para. 45). States Parties are further required to set up mechanisms, allocate resources and provide funds for families of deaf children to learn sign language (CRPD/C/FRA/CO/1, para. 16; CRPD/C/GBR/CO/1, paras. 47 and 49). At the thematic level, General Comment No. 7 of the CRPD Committee further affirms the centrality of sign languages and deaf culture to the full participation of deaf people in society (para. 21).

The EU implementation of the CRPD that ignores this minority rights logic is an incomplete one. It addresses the disability dimension of the CRPD while leaving its cultural and linguistic dimension unrealised.

4.4 The normative gaps: a three-part analysis

The international normative framework described above – Article 27 ICCPR, Article 30 CRC, Article 15 ICESCR, the 1992 Declaration, and the CRPD – provides a coherent and mutually reinforcing basis for the recognition and protection of deaf communities as cultural and linguistic minorities. However, when this framework is examined from the perspective of its applicability and enforceability at the European level, three structural gaps emerge. These gaps, taken together, define the normative challenge that EU and Council of Europe institutions must address.

4.4.1 The FCNM gap: enforceable minority rights, but not for deaf communities

The Framework Convention for the Protection of National Minorities (FCNM), adopted under the auspices of the Council of Europe in 1994, is the only multilateral treaty in the European context that deals specifically with minority rights and that establishes a monitoring mechanism. It is therefore the instrument through which minority rights are, in practice, rendered enforceable in Europe.

However, as its title indicates, the FCNM applies specifically to national minorities. The Advisory Committee of the FCNM has interpreted this scope to include, in principle, certain non-national minorities, but the convention's application to linguistic minorities that are not also national or ethnic minorities has been inconsistent and contested (Ferri et al., 2024). Deaf communities, whose identity is defined by language and culture rather than by national or ethnic origin, fall outside the established scope of the FCNM's application. No Member State of the Council of Europe has formally included deaf

communities within the scope of its FCNM commitments (Ferri et al., 2024). The consequence is stark: the only binding and monitored minority rights framework at the European level does not apply to deaf communities (Tupi, 2019).

This is the first and most fundamental normative gap. Deaf communities are de facto recognised as linguistic minorities under the 1992 Declaration, a non-binding instrument, but excluded from the FCNM, the binding and monitored instrument. The recognition exists without enforceable content.

4.4.2 The ECRML gap: language protection designed for territorial minorities and non-territorial languages

The European Charter for Regional or Minority Languages (ECRML), also adopted under Council of Europe auspices in 1992, provides a detailed framework for the protection and promotion of regional and minority languages in the fields of education, justice, public authorities, media, cultural activities and economic and social life.

The ECRML was designed primarily with territorially concentrated linguistic communities in mind, and its core protective measures are tied to geographic areas where a regional or minority language is used. However, the Charter is not rigidly territorial in all respects. Article 1(c) ECRML explicitly provides for non-territorial languages – those used by nationals of a State which cannot be identified with a particular area – and several States have included such languages in their reporting. As the EUD's 2025 preliminary report on sign languages and the ECRML documents, the Charter's territorial architecture creates practical limitations for geographically dispersed communities, but those limitations are not absolute: they depend significantly on national political decisions as to which languages to include and under which provisions, giving States considerable flexibility in how they apply the Charter's framework (EUD, 2025). The question of whether national sign languages can be accommodated within the ECRML's existing framework, including through the non-territorial languages provision, therefore remains legally open, and depends more on political will than on legal impossibility.

Furthermore, the application of the ECRML to sign languages has been limited and inconsistent (EUD, 2025). The Parliamentary Assembly of the Council of Europe has on several occasions called for greater recognition of sign languages within the Council of Europe's minority rights architecture, most notably in Recommendation 1492 (2001) on the rights of national minorities and Recommendation 1598 (2003) on the protection of sign languages in the member States of the Council of Europe, the latter explicitly urging member States to recognise national sign languages and consider their inclusion within the scope of the ECRML. Despite these calls, progress has remained limited. While some States Parties have included national sign languages within the scope of their ECRML commitments, most notably Finland and Spain, which respectively included Finnish Sign Language, Spanish Sign Language and Catalan Sign Language in its in its reporting procedure, this has been the exception rather than the rule, and even where sign languages are included, the territorial design of the Charter's protective measures creates significant practical limitations on the protection it can provide to non-territorial linguistic communities (Wilks & Sousa, 2025).

The ECRML gap is therefore twofold: sign languages are not systematically included in States' ECRML reporting procedure, and even where they are, the Charter's territorial architecture limits its effectiveness for geographically dispersed communities.

4.4.3 The EU ratification gap: a supranational actor without minority rights obligations

The third gap relates to the fact that the EU has not ratified the FCNM, the ECRML, the ICCPR or the CRC. It is therefore not directly bound by any of the international minority rights instruments discussed in this section, with the sole exception of the CRPD, which the EU ratified on 23 December 2010.

This creates a significant structural asymmetry. The 27 EU Member States are, individually, parties to most or all of these instruments and bear corresponding obligations under them. But the EU itself, which legislates, funds and governs in ways that directly affect the rights of linguistic minorities, including deaf communities, operates outside the normative framework that governs its Member States' minority rights obligations. Consequently, the EU can design and implement policies that undermine minority rights without those policies being subject to review under the international minority rights framework.

The CRPD is the only exception, and it is a consequential one. As the EU is a State Party to the CRPD, its institutions are legally bound by the CRPD's provisions in all areas within EU competence. The monitoring of EU compliance with the CRPD by the Committee on the Rights of Persons with Disabilities provides the one available international accountability mechanism for EU-level minority rights obligations towards deaf communities. This is both an opportunity and a limitation. An opportunity because it gives a binding legal anchor within the EU's own legal order. A limitation because it confines that anchor to the disability rights framework, leaving the fuller minority rights framework outside the EU's international legal obligations.

5. The EU Constitutional Framework for Minority Rights

5.1 The constitutional ensemble: a bidirectional architecture with an interpretive framework

The European Union's legal framework for the protection of minority rights, including the rights of deaf communities as cultural and linguistic minorities, rests on a constitutional ensemble composed of three mutually reinforcing instruments: the Treaty on European Union (hereafter, the TEU), the Treaty on the Functioning of the European Union (hereafter, the TFEU), and the Charter of Fundamental Rights of the European Union (hereafter, the Charter). In addition, the CRPD has a sub-constitutional status and only serves as an interpretative instrument (Ferri, 2020). For the sake of this paper, we will only focus on the TEU and the Charter.

The Treaty on European Union and the Charter of Fundamental Rights are instruments of EU primary law. They occupy the highest tier of the EU's legal order and bind all EU institutions, bodies, offices and agencies, as well as Member States when they implement EU law. They are not hierarchically ordered in relation to one another: the TEU establishes the foundational values upon which the Union is built, while the Charter translates those values into specific, enforceable fundamental rights (De Schutter, 2010). Each instrument gives meaning to the other. The values declared in Article 2 TEU are not merely aspirational statements, they acquire legal force and operational content through the rights codified in the Charter. Equally, the Charter's rights derive their constitutional weight and their interpretive context from the values framework within which they sit. The TEU and the Charter are therefore best understood as a bidirectional constitutional architecture: a values dimension and a rights dimension of the same legal order, each reinforcing and giving content to the other.

The CRPD operates within this constitutional architecture as an interpretive framework of sub-constitutional status. Under Article 216(2) TFEU, international agreements concluded by the EU are binding upon its institutions and Member States, and take precedence over secondary EU legislation. The CRPD was concluded by the EU by Council Decision 2010/48/EC, pursuant to Article 218 TFEU, which also required the EU to deposit a declaration of competence specifying the matters governed by the Convention in respect of which competence has been transferred to it by its Member States (preamble, paras. 7–8). The Court of Justice confirmed in *HK Danmark* (Joined Cases C-335/11 and C-337/11, para. 30) that the CRPD forms an integral part of the EU legal order, and that EU secondary legislation must, to the extent possible, be interpreted in a manner consistent with it. However, as the Court also clarified in *Z v A Government Department* (Case C-363/12, paras. 84–90), the provisions of

the CRPD lack direct effect in EU law, meaning they cannot in themselves be used to assess the validity of EU secondary legislation. The Convention therefore functions not as a freestanding source of enforceable rights, but as a normative lens through which EU primary law, including the TEU and the Charter, must be interpreted (Ferri, 2020; Venade de Sousa, 2019). It does not add new competences to the EU, but gives substantive and authoritative content to the obligations the EU already has.

5.2 Article 2 TEU: the values foundation and its legal consequences

Article 2 of the TEU defines the foundational values of the European Union in the following terms: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."

The explicit inclusion of "the rights of persons belonging to minorities" in this provision is not incidental. It reflects a deliberate constitutional choice by the drafters of the Treaty to place minority rights among the foundational values defining the European Union. This constitutional status has two distinct legal consequences, which operate through two complementary routes.

The first is the interpretive route. As a foundational values provision, Article 2 TEU functions as a reading lens for the entirety of EU law. Every legislative act, every policy instrument, every administrative decision of EU institutions must be interpreted and implemented in a manner consistent with the values it declares. This means that EU disability legislation, EU education policies, EU cultural programmes and EU digital regulation, all areas in which deaf communities have a direct stake, must be read in a manner consistent with the rights of persons belonging to minorities. The interpretive route does not require new legislation, it requires EU institutions to apply existing law through the lens that Article 2 TEU already mandates.

The second is the legislative route. Article 2 TEU, read in conjunction with Article 3 TEU, establishing that the Union "*shall combat social exclusion and discrimination, and shall promote social justice and protection [...] as well as economic, social and territorial cohesion and solidarity among Member States*" provides a constitutional basis for EU action to give effect to the values declared in Article 2. It means that where the EU acts in areas within its competence, the values of Article 2 TEU provide a constitutional mandate to integrate minority rights considerations into that action.

Article 2 TEU also has an enforcement dimension, through Article 7 TEU. Where the EU institutions determine that there is a clear risk of a serious breach by a Member State of the values set out in Article 2, the procedure under Article 7 TEU may be activated. The existence of this provision is legally significant: it confirms that the rights of persons belonging to minorities are not merely programmatic commitments but values whose systematic violation carries consequences. Member States that fail to protect and promote the linguistic and cultural rights of their deaf communities risk exposing themselves to the sanctions foreseen in Article 7.

5.3 The EU Charter of Fundamental Rights as the anchor for the minority dimension of deaf communities

The EU Charter of Fundamental Rights, which has had the same legal value as the two EU Treaties – the TEU and the TFEU – provides a set of specific fundamental rights provisions that are directly relevant to the situation of deaf communities as cultural and linguistic minorities. The specificity of the Charter is that its provisions do not apply to EU Member States, only to the EU, and only in areas where the EU has competences to act. Bearing this in mind, four provisions are of particular importance.

Firstly, Article 21 of the Charter prohibits discrimination on various grounds, including language and membership of a national minority. Read in conjunction with the CRPD, this provision requires that deaf people are not discriminated against on the ground of their language in access to all spheres of life. The prohibition is not limited to direct discrimination: structural issues that systematically disadvantage sign language users relative to speakers of majority languages constitute indirect discrimination within the meaning of Article 21.

Second, Article 22 of the Charter requires the Union to respect cultural, religious and linguistic diversity. This provision has been applied primarily in the context of the EU's official languages and of regional minority languages recognised in Member States (Pasilowska-Schnass, 2016). Read through the CRPD and through the minority rights framework established by the 1992 Minorities Declaration and the mandate of the Special Rapporteur on minority issues, Article 22 must be understood to encompass national sign languages and the cultural diversity they represent. A Union that respects linguistic diversity but excludes the EU national sign languages is applying that provision in a manner inconsistent with the CRPD, which constitutes the authoritative interpretative framework for the obligations of the EU towards deaf communities.

Third, Article 26 of the Charter affirms the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community. This provision is explicitly disability-specific and confirms that participation in the life of the community, for deaf people, necessarily includes participation through their language, in their culture, and within their community institutions.

Ultimately, Article 1 of the Charter establishes the inviolability of human dignity and provides the foundational value from which all other Charter rights derive. National sign languages are more than natural languages for deaf communities; they are the only languages they can use and understand that require no additional effort. It is a case of linguistic human rights (Skutnabb-Kangas, 2012; Skutnabb-Kangas & Phillipson, 2022) as the lack of provision of national sign languages leads to the prevention of the enjoyment of all human rights by deaf communities. Thus, as it is developed *infra* in Section 6; the lack of promotion, protection and respect of national sign languages by the EU directly breaches the human rights and the dignity of deaf communities. In extension, the failure to recognise deaf communities as cultural and linguistic minorities is a failure touching the constitutional core of the fundamental rights framework of the EU.

Read together and interpreted through the CRPD, these four provisions form a coherent constitutional basis for the recognition and protection of deaf communities as cultural and linguistic minorities within the EU legal framework. They do not exist in isolation from Article 2 TEU, but in conjunction with the latter.

5.4 The CRPD as interpretive framework giving substantive content to EU constitutional obligations

The EU's ratification of the CRPD incorporated the Convention into the EU legal order as a binding international agreement (Uldry, 2016). Following the jurisprudence of the Court of Justice cited above (*HK Danmark* and *Z v A Government Department*) the CRPD lacks direct effect in EU law, meaning its provisions cannot in themselves be invoked to assess the validity of secondary legislation. The CRPD therefore operates as an interpretive framework rather than as a freestanding source of directly enforceable rights (Ferri, 2020).

Articles 2, 21, 24 and 30 CRPD provide a binding legal framework for what the protection of linguistic and cultural rights of deaf communities requires in practice. The Commission has frequently cited the limits of EU competence in the field of minority rights as a reason for the absence of its action (Levrat,

2026). The CRPD, as an instrument ratified by the EU itself, operates wherever EU law applies. Where the cultural and linguistic rights provisions of the CRPD are engaged, and where the EU has competences, the requirements set by the CRPD inform and constrain the interpretation of EU law by EU institutions, regardless of whether minority rights are considered to fall within EU competence.

The 2025 Concluding Observations of the CRPD Committee to the EU provides evidence that the implementation of its obligations in relation to the cultural and linguistic rights of deaf communities is incomplete. On freedom of expression and access to information under Article 21 CRPD, the Committee expressed concern that national sign languages are not considered part of the EU's multilingualism framework, and that deaf persons consequently lack equal access to information and communication within EU institutional life. The Committee recommended explicitly that the EU amend the Rules of Procedure of its institutions to reflect the rights of deaf persons, and that it recognise the 29 national sign languages of the EU as official EU languages (CRPD/C/EU/CO/2-3/para. 53(a))

This recommendation echoes the earlier findings of the UN Special Rapporteur on the Rights of Persons with Disabilities, Gerard Quinn, following his official visit to the EU in March 2022. In his report to the Human Rights Council, Quinn identified the granting of official EU language status to sign language as an obvious issue of law reform that ought to be contemplated and put on the agenda, noting that sign language already has official status in all EU Member States (Quinn, 2023, A/HRC/52/32/Add.1). The convergence of the CRPD Committee's Concluding Observations and the recommendations of the Special Rapporteur confirm the EU's failure to act on the cultural and linguistic minority dimension of deaf communities. That failure is inconsistent with its CRPD obligations.

This recommendation is a ripple effect of the 2024 EUD position paper « National Sign Languages as EU Official Languages» (EUD, 2024). This paper establishes that a specific reading of the CRPD, combining Articles 2, 21(b) and 21(e), entails States Parties, including the EU, to grant national sign languages official status in order to effectively operationalise the linguistic rights laid down in the Convention. The pathway for this officialisation runs through the reform of Regulation 1/1958 governing the language use in EU institutions, and the Rules of Procedures of EU institutions. On participation in cultural life under Article 30 CRPD, the Committee expressed concern that the recognition of the cultural and linguistic identity of deaf people within the EU is insufficient, and recommended that the EU include and promote deaf culture as part of the cultural and linguistic landscape of the Union (CRPD, 2025, paras. 70(d) and 71(d)). These Concluding Observations reaffirm the hypothesis that the current approach of the EU towards deaf communities fails to give effect to the linguistic and cultural dimension of the CRPD.

5.5 Challenging the narrow reading of the Commission: Towards a horizontal application of Minority rights in EU policies

The main argument advanced by the European Commission to justify its lack of action in the area of minority rights resides in its lack of competencies. This is a narrow reading of its competences that we deem to be legally unsound and that produces outcomes inconsistent with the values laid in Article 2 TEU.

The Commission's position treats minority rights as a freestanding policy domain for which no specific EU competence exists. This is not totally inaccurate as there is no Title of the Treaty of the Functioning of the EU (hereby, TFEU) that grants explicit legislative competence to the EU over minority rights as such. However, this formal observation does not support the conclusion that the EU has no obligations in relation to minority rights, nor that it has no competence to act, since Article 2 TEU explicitly recognises the right of persons belonging to minorities to be a founding value of the Union. The absence of a freestanding minority rights competence does not exempt EU institutions from integrating minority rights considerations into the exercise of every competence they do have. Rather, minority rights must

be mainstreamed across EU policies in the same way that gender equality, environmental protection and fundamental rights are mainstreamed: as horizontal obligations applying across all areas of EU action.

6. The Dominance of the Disability Narrative and the costs of ignoring the Minority narrative

6.1 The state of play today: a disability framework without a minority rights complement

Across the full range of EU legislation and policies adopted in the last decade that affect deaf communities, the dominant framing is one of disability and accessibility. The European Strategy for the Rights of Persons with Disabilities 2021–2030 and the European Accessibility Act (EAA) are two illustrations of this trend, as the names of these two instruments speak for themselves. In addition, there is also the Audiovisual Media Services Directive (AVMSD), the European Electronic Communications Code (EECC), and the Directive establishing the European Disability Card (EDC) and the European Parking Card (EPC) for persons with disabilities. In 2025, the European Union of the Deaf released three reports examining the implementation of the three accessibility legislations, namely the EAA (EUD, 2025a), the AVMSD (EUD, 2025b), and the EECC (EUD, 2025c). The findings of these three reports converge towards the same conclusion: the three instruments only partially address the challenges faced by deaf communities, and when they do so, it is exclusively through a disability rights lens. None of these instruments addresses the linguistic and cultural minority dimension of deaf communities, and none of them is designed to do so.

A symbolic but telling recent development illustrates the limits of this framing. Following the adoption by the Employment, Social Policy, Health and Consumer Affairs (EPSCO) formation of the Council of the EU of a motion originating from Hungary establishing 17 June as the European Day of Sign Languages (Council of the EU, ST-13453-2025-INIT), the EU is on its way to have a dedicated day of national sign language, remnant of the International Day of Sign Languages established on 23 September, stemming from a resolution of the UN General Assembly. However, at the time we are writing those lines, the European Commission is yet to endorse the initiative from the Council of the EU.

The present section focuses on the dimensions of EU practice where the gap between the disability narrative and the minority rights narrative is most democratically consequential and most immediately within the EU's own institutional control: the access of deaf citizens to EU democratic processes and to EU public consultations.

6.2 Petition 1056/2016: a language rights gap dressed as an accessibility problem

The democratic legitimacy of the European Union rests on the ability of its citizens to engage with its institutions in their first languages. For deaf citizens, this capacity is structurally constrained by the inability of EU institutions to enable interaction in the 29 EU national sign languages (EUD, 2024).

This structural gap was highlighted by the CRPD Committee in its 2025 Concluding Observations on the EU. The Committee expressed concern that national sign languages are not considered part of the EU's multilingualism framework and that deaf persons consequently lack equal access to information and communication with EU institutions. It recommended that the EU amend the Rules of Procedure of its institutions to reflect the rights of deaf persons and recognise the 29 national sign languages of the EU as official EU languages (CRPD, 2025, paras. 52(a) and 53(a)).

The practical consequences of this gap are most clearly illustrated by Petition 1056/2016, submitted by EUD to the Committee on Petitions of the European Parliament (PETI Committee) in 2016. The petition requested that deaf people be permitted to submit petitions to the European Parliament in a national sign language, independently of a written version in one of the 24 official EU languages. Nearly a decade

after its submission, the petition remains unresolved.

The substance of the petition is straightforward. The European Parliament's petitions portal is technically capable of receiving audiovisual submissions. EUD and the PETI Committee Secretariat have jointly established a list of freelance translators covering all 29 EU national sign languages, who would translate video submissions into the relevant written national language, after which the Parliament's Directorate-General for Translation and Clear Language (DG TRAD) would proceed with translation into all official EU languages following standard procedure.

The legal dispute turns on the interpretation of Rule 226 of the European Parliament's Rules of Procedure, which governs petition submissions. Paragraph 6 of Rule 226 establishes that petitions must be written in an official language of the EU, but provides that "the Bureau may decide that petitions and correspondence with petitioners may be drafted in other languages which, in accordance with the constitutional order of the Member States concerned, enjoy official status in all or part of their territory." Since all 27 EU Member States have legally recognised their national sign language as full languages, and some of them enjoy official status, a broad reading of this provision supports the conclusion that national sign languages fall within its scope and that the Bureau has the authority, under the CRPD and the EU Charter, to extend petition rights accordingly.

An inter-service working group was established in 2023 to develop a technical solution for sign language video submissions. In 2025, it confirmed the technical capacity of the petitions portal to receive audiovisual files. However, two challenges have been identified as outstanding. The first is the development of an AI-based filtering tool capable of verifying that submitted videos are genuinely in a national sign language, a content moderation requirement that EP services consider necessary to protect the integrity of the portal. The second is the automatic transcription of sign language video content into written text, which DG TRAD has confirmed falls outside its current capacity and which no available AI tool yet performs with sufficient accuracy (PETI Committee, personal communication, 16 March 2026).

Following a technical meeting with EUD and the inter-service working group on 3 February 2025, the Committee on Constitutional Affairs (AFCO) confirmed that the current Rules of Procedure are unambiguous in requiring petitions to be submitted in writing and leave no room for derogation or exceptions. DG TRAD further confirmed that the written form of the petition is the legally relevant document and that European Parliament services cannot accept responsibility for content derived from a sign language video. As of the most recent update received in March 2026, DG ITEC has been mandated to continue work on the technical filtering solution and to monitor AI transcription developments, while the legal question, which requires either a Bureau decision under paragraph 6 of Rule 226 or a formal amendment of the Rules of Procedure, remains unresolved (PETI Committee, personal communication, 16 March 2026).

EUD therefore identifies two routes forward. The first is a formal amendment to Rule 226 of the European Parliament's Rules of Procedure, explicitly broadening the linguistic scope of petition submissions to include the 29 EU national sign languages on a basis of equal authenticity with written submissions, requiring AFCO to establish a working group for this purpose. The second route is a Bureau decision under paragraph 6 of Rule 226, asserting that the official status of national sign languages at the national level brings them within the existing provision.

Petition 1056/2016 is not an isolated procedural dispute. It is the symptom of the EU's mischaracterisation of the dual identity of deaf communities. The European Parliament frames it as an accessibility issue rooted in the disability dimension, neglecting the cultural and linguistic minority dimension. This case study illustrates how the European Parliament fails to respect the linguistic diversity that Article 22 of the Charter requires it to uphold, while maintaining a situation of language-based discrimination within the scope of Article 21 of the Charter.

6.3 Public consultations: a parallel exclusion

The petition case is not an isolated instance. The same structural exclusion characterises the approach of EU institutions to public consultations more broadly. EU public consultations are conducted exclusively in the 24 official written languages of the Union, with no provision for submissions in one of the EU national sign languages. This means that deaf citizens who communicate primarily in a national sign language are systematically excluded from direct participation in EU consultative processes, a form of language-based discrimination that is inconsistent with both Article 21 of the EU Charter and Article 21 CRPD.

This gap was brought into sharp relief during the Commission's public consultation on the EU Strategy for the Rights of Persons with Disabilities, conducted between November 2025 and February 2026. Despite the consultation's subject matter, the rights of persons with disabilities, it was not accessible in sign language on the Commission's homepage. In February 2026, the Patriots for Europe group of the European Parliament, led by MEP Szekeres, submitted a written parliamentary question to the Commission (E-000693/2026), asking whether any technical facility had been provided to enable deaf persons using sign language to submit feedback, how the Commission justified the absence of sign language accessibility for a consultation specifically on disability rights, and what timeline had been established to ensure full accessibility of the EU's main homepage, including for sign language users. As of the date of this paper, no response from the Commission has been recorded.

6.4 National sign language in EU institutional proceedings

The question of sign language access within EU institutional life extends beyond written communications and formal consultations. The European Parliament has to date provided International Sign interpretation for its plenary debates on an ad hoc basis, and access to proceedings in national sign languages remains unavailable as a systematic matter. In its resolution of 27 November 2025 on the EU strategy for the rights of persons with disabilities post-2024, the European Parliament called on the EU institutions to ensure accessibility of their proceedings and interactions in International Sign and to strengthen their engagement with deaf citizens through sign language (European Parliament, 2025, P10_TA(2025)0308). While this resolution represents a step forward in political recognition, it falls significantly short of what the CRPD Committee required in its 2025 Concluding Observations, which called for the recognition of the 29 national sign languages as official EU languages and for the amendment of the Rules of Procedure of EU institutions accordingly (CRPD/C/EU/CO/2-3, para. 53(a)). The gap between what the Parliament has endorsed and what the CRPD Committee has required illustrates the structural limitation of approaching sign language access as an accessibility measure rather than as a language right.

7. Recommendations and Conclusion

Deaf communities are entitled, simultaneously and without hierarchy, to the full protection of both the disability rights and the cultural and linguistic minority rights frameworks. It is a demand for the implementation of cultural and linguistic minority rights that already exist under the CRPD, under the TEU, and the EU Charter of Fundamental Rights, and whose incomplete implementation has been confirmed by the CRPD Committee in its 2025 concluding observations on the EU.

The recommendations that follow are organised in two layers reflecting the structure of responsibility in the European legal order. The first layer addresses EU institutions directly – the European Parliament, the European Commission, and the Council of the EU – as the main institutions in charge of the legislation and policies shaping the cultural and linguistic minority rights framework of deaf communities. The second layer addresses Member States, whose primary responsibility for education, culture, public

services and democratic participation makes them the principal site at which minority rights are either realised or denied in practice.

7.1 Recommendations to EU institutions

Deaf communities are entitled, simultaneously and without hierarchy, to the full protection of both the disability rights and the cultural and linguistic minority rights frameworks. The recommendations that follow aim to implement cultural and linguistic minority rights existing under the CRPD, the TEU, and the Charter.

The recommendations that follow are addressed to the three main EU institutions, namely the European Parliament, the European Commission, and the Council of the EU. Member States, as the primary site at which minority rights are either realised or denied in practice, remain indispensable actors in this framework; however, a full articulation of Member State obligations falls outside the scope of this paper, and might be addressed in an ulterior publication.

7.2 European Parliament

Resolve Petition 1056/2016 in favour of full sign language petition rights. The European Parliament should adopt a Bureau decision under paragraph 6 of Rule 226 of its Rules of Procedure recognising the official status of national sign languages at the national level as the basis for enabling petition submissions in all 29 EU national sign languages, on a basis of equal authenticity with written submissions. Failing a Bureau decision, the Committee on Constitutional Affairs (AFCO) should establish a working group to amend Rule 226 accordingly.

Provide systematic sign language interpretation of parliamentary proceedings. Sign language interpretation of European Parliament plenary sessions and committee meetings should be provided as a systematic language rights measure, not on an ad hoc accommodation basis in International Sign and the national sign language(s) of the country holding the EU presidency. This applies to public proceedings, public hearings and citizens' events.

7.3 European Commission

Issue a Communication recognising deaf communities as cultural and linguistic minorities. The European Commission should set out a roadmap for integrating the minority rights dimension into EU law and policy, in line with the recommendations made by both the UN Special Rapporteur on minority issues, and the UN Special Rapporteur on the rights of persons with disabilities on their visit to the EU, the 2025 CRPD Committee Concluding Observations to the EU, the framework established by Article 2 TEU, and the EU Charter. This roadmap should fall under the multilingualism and linguistic diversity framework, and should explicitly include deaf communities as cultural and linguistic minorities.

Mainstream minority rights perspectives of deaf communities within EU policies and legislation. The Commission should integrate minority rights for deaf communities into the design of the next Multiannual Financial Framework (2028–2034), and specifically into the successor programmes to Erasmus+, Creative Europe and the Citizens, Equality, Rights and Values programme. Their design should explicitly recognise sign language communities as linguistic and cultural minorities eligible for support on those grounds, not solely as disability groups requiring accessibility measures.

Amend public consultation design to reflect sign language rights. EU public consultations should be designed from the outset to be accessible in national sign languages, including the option to submit

contributions in sign language video format. This is a language rights obligation grounded in Article 21 of the EU Charter and Article 21 CRPD, and consistent with the CRPD Committee's 2025 recommendations.

Launch a flagship initiative for the European Day of Sign Languages on 17 June. Following the adoption by the Employment, Social Policy, Health and Consumer Affairs (EPSCO) formation of the Council of the EU of a motion originating from Hungary establishing 17 June as the European Day of Sign Languages (Council of the EU, ST-13453-2025-INIT), the European Commission should develop a flagship initiative to give this date political substance that goes beyond symbolic recognition. The event should serve as an annual moment for the Commission to report on progress towards the recognition of national sign languages as official EU languages, to showcase EU-funded programmes supporting deaf cultural and linguistic life, and to engage directly with EUD and National Associations of the Deaf on the implementation of the recommendations set out in this paper.

Establish a coordination mechanism on minority issues including linguistic minorities. The UN Special Rapporteur on minority issues, in his end of mission statement to his visit to the EU, called on the Commission to adopt a more comprehensive minority rights framework addressing all minority issues across the EU. Along the line of this recommendation, the Commission should establish a visible internal focal point or coordination mechanism for minority issues that explicitly includes linguistic minorities and sign language communities. This mechanism should be resourced to monitor implementation across policy areas and to engage structurally with EUD and National Associations of the Deaf.

7.4 Council of the European Union

Integrate sign language rights into Council conclusions on minority rights and multilingualism. The Council should adopt conclusions recognising deaf people as linguistic and cultural minority and grants minority rights under EU primary law. Furthermore, the Council should call on Member States to take concrete measures to protect and promote the linguistic and cultural rights of deaf communities in line with their obligations under the CRPD, the 1992 UN Minorities Declaration, and, where applicable, the FCNM and the ECRML.

Support EU accession to the FCNM and ECRML. The Council should examine the legal and political conditions for EU accession to the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, which would bring deaf communities within the scope of the most operationally developed minority rights frameworks in Europe. The case for accession is reinforced by the fact that both instruments have already been ratified by a large majority of EU Member States: 23 out of 27 have ratified the FCNM, and 16 out of 27 have ratified the ECRML. The EU accession to these instruments would not introduce fundamentally new obligations for most Member States, but would ensure coherence between the minority rights commitments Member States have already undertaken individually and the obligations stemming from EU membership through Article 2 TEU. In the interim, the Council should ensure that EU policy is developed in a manner consistent with the standards established by those instruments.

Recognise national sign languages as official languages of the European Union. The Council should take the necessary legislative steps to grant the 29 national sign languages of the EU the status of official EU languages, placing them on an equal footing with the 24 spoken official languages currently recognised under Regulation No 1/1958 of the Council determining the languages to be used by the European Economic Community. This may be achieved either through the amendment of Regulation 1/1958 to include national sign languages within its scope, or through the adoption of a distinct legislative instrument specifically addressing the status and use of national sign languages within EU institutions and bodies. Both pathways would require a unanimous decision of the Council acting under Article 342

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Annex

Annex I: Status of EU Member States, Iceland, Norway, Switzerland and United Kingdom under the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML)

	FCNM		ECRML	
	Signed	Ratified	Signed	Ratified
Austria				
Belgium				
Bulgaria				
Croatia				
Cyprus				
Czechia				
Denmark				
Estonia				
Finland				
France				
Germany				
Greece				
Hungary				
Iceland				
Ireland				
Italy				
Latvia				
Lithuania				
Luxembourg				
Malta				
Netherlands				
Norway				
Poland				
Portugal				
Romania				
Slovak Republic				
Slovenia				
Spain				
Sweden				
Switzerland				
United Kingdom				

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