

# MINORITY LANGUAGES IN EUROPE. SIGN LANGUAGE, FROM EUROPEAN REGULATIONS TO NATIONAL DECISIONS

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**Abstract.** *Sign languages are an important part of Europe's multilingual diversity. They are visual languages, expressed through the placement and movement of the hands, facial expressions or body movements, all of these actions representing important steps in forwarding information. This is the language used by about 71 million adults, aged between 18 to 80 years, in Europe and more than 55 million citizens of the European Union as a mother tongue. They constitute a linguistic minority of the Member States and their language is often recognized in the Constitutions of the States accordingly. However, not all the countries in the European Union have already implemented legal decisions about this minority language, even if the European Charter for Regional or Minority Languages was signed. Thus, this article tries to look over the most important European documentation and national decisions regarding the sign language and to give an objective answer to the question: should the sign language be recognized by every country in the European Union as a minority language?*

**Keywords:** *minority language, sign language, European regulations, national decisions*

The regional and minority languages are part of the cultural heritage of Europe and their protection and promotion contribute to the construction of a Europe based on democracy and cultural diversity. Moreover, the right to use a regional or minority language in private and public life is an absolute right of persons, according to the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms. Conforming to the European Charter for Regional or Minority Languages, a minority language is a language traditionally used within a territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population and who use a different language from the official language of that State. A minority language does not include the dialects of the official language of the State or the languages of migrants. The territory in which the minority language is used is represented by the geographical area in which the said language is the mode of expression of a number of people (Council of Europe, 1992).

Sign language has supposedly existed as long as spoken languages. There is no answer about who invented it, but it is most likely that the people themselves, who needed this type of language created a variety of gestures in order to communicate, because the action of communication happens instinctually. There is no doubt that the sign language is used by a certain minority of people. The exact number of users cannot be defined, but the European Union of Deaf estimates that there are approximately 0,1% of the population of

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every country using this language as mother tongue (European Center for Modern Languages of the Council of Europe, 2014). Therefore, the sign language is considered to be the mother tongue for this minority of people, due to the fact that this is the language that they use for expressing their needs, feelings, ideas, etc. This is the reason why there are many voices who sustain the idea that the sign language should be introduced in the official documentation of each State and considered as a minority language for the people who use it. Many countries have already adopted this approach in their Constitution and assumed the reality of this minority language on the territory. Others are about to introduce the sign language in the official documentation. There are international and European organizations created in order to protect and to promote this language. The European Commission, by its Education and Training Directorate, sustain all countries to promote and to protect the sign language as a minority language (European Commission, 2015), because the sign languages are an important part of Europe's multilingual diversity. Therefore, there are countries in the European Union which have another point of view, even if each spoken language in Europe has a counterpart sign language.

### **1. General considerations**

According to the MerriamWebster Dictionary, the Sing Language is “a formal language employing a system of hand gestures for communication”, or “an unsystematic method of communicating chiefly by manual gestures used by people speaking different languages” (MerriamWebster Dictionary, 2018). The sign language must not be confused with pantomime or gesturing. Sign languages are languages that are conveyed by means of hand shapes, the movements of the hands and body, and the use of facial expressions and lip patterns. Whereas spoken languages use units of sounds to form words, sign languages use visual-gestural units of form, composed of four basic hand forms: hand shape, hand location, hand movement, and hand orientation (Timmermans, 2005: 9).

The sign language is not an international language, but there are universal features in sign languages. They are natural languages in their own right, rule-based and systematic, with distinct lexicons and grammatical structures, certainly not less complex than spoken languages. As spoken languages, sign languages have a structure that can be further analyzed and divided into smaller segments: sentences, signs and even smaller units, being used according to grammars that can be described with the help of rules. Each country has its own national sign language. Some countries have more than one sign language. For example, in Spain, Catalan Sign Language is used in Catalonia, and Galician Sign Language in Galicia; in Belgium, Flemish Belgian Sign Language, Belgian French Sign Language, and German Sign Language are used; in Switzerland, Swiss-German, Swiss-French and Swiss Italian Sign Language(s) are used; in Finland, Finnish Sign Language and Finnish-Swedish Sign Language are used. Most sign languages are mutually unintelligible (Timmermans, 2005: 10). Also, there are language families between sign languages, like in the case of oral languages. As for example, the Austrian Sign language or Dutch Sign language can be understood by someone who uses German Sign language, but cannot be understood easily by someone who uses Italian Sign language (European Center for Modern Languages of the Council of Europe, 2014). So, exactly like the spoken languages, the sign languages have the same type of variations: in function of the region, the social or ethnic group, the social situation, the age or gender. At the same time, they are not fixed languages, but they evolve as every language. Of course, the sign language is preferred specially by deaf people, but also by hearing people who have in their family deaf members.

There is a wrong conception to think that the sign languages are dependent on the spoken languages. Sign languages are, without no doubt, independent of spoken languages, following their own way of development. Also, the grammars of sign languages have very few rules in common with the spoken languages used in the same geographical area. Moreover, there are cases in which a country has only one official spoken language and more sign languages, whereas an area that contains more than one spoken language might use only one sign language (Translation Directory, 2016).

Over the time, the users of the sign language taught about an international form of sign language which could be used by all and seen as *Lingua Franca*,<sup>1</sup> and so, they created Gestuno, an international communication system often called International Sign Language or IS and use it during meetings and international conferences with participants who do not share a common sign language. However, it should not be compared with Esperanto, the most widely spoken constructed international language, because Gestuno only brings together about 1500 signs and it does not have a concrete grammar or lexicon, so it's not a real language (Hand Speak, 2014). The name Gestuno comes from Italian and means the unity of sign languages.

## **2. Decisions at European level about Sign Language**

Over the time, different Decisions and Resolutions concerning the Sign language have been taken at European level. The most important will be mentioned in this part of the article. The first European institution who proposed legislation in the issue regarding the Sign Language was the European Parliament. The first Resolution from 1988 can still be considered actual in many aspects, due to the lack of progress in this domain. The European Parliament stressed the importance of the official recognition of the sign language in the member states, but also the importance of the recognition of sign language interpreter as a profession. At the same time, the European Parliament proposed to the broadcasting authorities to include translation into sign languages, or at least subtitles of those programs considered of political interest but also to extend the translation to the programs of cultural and general interest. It was established as well a minimum level of provision of sign language interpretation and sub-titling. Not less important was the decision of the European Parliament to support projects aimed at teaching sign languages to hearing children and adults in order to a better integration and communication of deaf people. Also, the European Parliament asked the member states to support the research and the publication of up-to-date dictionaries of their national sign language, but also multilingual dictionaries of the sign languages. These are considered to be the most important resolutions of the "European Parliament Resolution on Sign Languages from 1988", adopted on 17 June 1988 (European Parliament, 2002).

In 1998, the European Parliament proposes the second Resolution regarding the Sign Languages, taking into consideration the previous one, but also the resolution on equality of opportunity for people with disabilities and the article 13 of the Amsterdam Treaty on non-discrimination. This second Resolution marks, first of all, 10 years of interest for the sign languages and also some evolution made in this aspect. At that moment, for the European Parliament it was still important to have qualified and professional sign languages interpreters, it was still important to give opportunities for employment for the users of sign languages and to give them an education and training.

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<sup>1</sup> It is a language used in common by people not having the same mother tongue, but able to use a bridge language in order to understand between them

On the other hand, the European institutions are already prepared to receive sign languages users within (European Parliament, 2016).

The situation of regional or minority languages has been one of the biggest concerns at European level during many years. In this context, in 1992, the European Charter for Regional and Minority Languages is adopted as a European instrument for the protection of languages. In this Charter, the emphasis is put on the cultural dimension and the use of a regional or minority language in all aspects of life, so the role of this Charter is to protect and promote regional or minority languages and not linguistic minorities. Even if is not mentioned explicitly, the sign language should be considered protected by this Charter. There are not specified in the Charter any individual or collective rights for the speakers of these languages. Nevertheless, the commitments of the parties concerning the status of these languages and the internal legislation which is due to be introduced in compliance with the Charter will have a clear effect on the situation of the communities concerned and their individual members (European Center for Modern Languages of the Council of Europe, 2014). Thereby, the European Charter for Regional or Minority Languages is a basic instrument in the field of international law due to the fact that it focuses on the languages themselves, rather than on the rights of the minorities.

The Recommendation 1492 from 2001 of the Parliamentary Assembly of the Council of Europe concerning the Rights on National Minorities, in its paragraph 12.13 states that the Assembly recommends that the Committee of Ministers should “give the various sign languages utilized in Europe a protection similar to that afforded by the European Charter for Regional or Minority Languages, possibly by means of the adoption of a recommendation to member states” (Council of Europe, 2001). The text of the Recommendation was examined by the Committee of Ministers who assigned terms of reference to the Committee on the Rehabilitation and Integration of People with disabilities to draw up an opinion about the text of the recommendation. The official opinion was that sign languages can be regarded as a non-territorial language, so they can be placed under the protection of the European Charter for Minority or Regional Languages. Furthermore, sign language users are a cultural and linguistic minority, which, in accordance with the Council of Europe Declaration on cultural diversity member states should develop and/or maintain measures to sustain, to protect and promote linguistic and cultural diversity, in order to enhance pluralism and multi-cultural societies in Europe. Nevertheless, sign languages should be recognized as an expression of cultural wealth, seeing that they constitute an element of Europe’s linguistic and cultural heritage (Timmermans, 2005: 20-21). On the other hands, the Committee of Experts of the European Charter for Regional or Minority Languages points out that the protection provided by the Charter is designed for other type of languages, included in Article 1 of the document and the Charter was not conceived to meet their specific needs. They also mention that sign languages should be the subject of a special international instrument addressed to their particular needs and it would be welcomed this kind of initiative.

On 1 April 2003, the Parliamentary Assembly of the Council of Europe adopted another Recommendation on the protection of sign languages in the member states of the Council of Europe, the Recommendation 1598. The Assembly recognizes sign languages as the expression of Europe’s cultural wealth and as a feature of Europe’s linguistic and cultural heritage, as a complete and natural means of communication for deaf people and takes the view that official recognition of these languages will help deaf people to become integrated into society and gain access to education, employment and justice (Council of Europe, 2003). The Committee of Ministers concluded that sign languages deserve special consideration and protection. As to the question of a possible future Council of Europe

instrument, the reply states that a study of the needs of sign language users should be conducted first.

The last European document regarding the sign languages is the Brussels Declaration on Sign Languages from 2010 and it is a document supporting the rights of Deaf people and equality of the users of sign languages. It was signed at the end of a conference entitled “Implementation of Sign Language Legislation” which was organized by the European Union of the Deaf (EUD). The most important regulations were: the recognition of national sign language on an equal footing with the respective spoken language of the Member state; the right of users to learn a sign language; the access to public services in their national sign languages; the same opportunities by providing accessible educational options for sign language users; the support of the use of sign languages; the existence of sign language interpretation service (European Union of the Deaf, 2010).

In conclusion, the European institutions were involved in the process of legal recognition of the sign languages as a minority language in the Member states of the European Union. The progress is obvious in all documents, even if it’s a slow one. It is now the duty of each member state to adopt their own legislation and to promote the real use and the recognition of the national sign language. In the end, this is all about democracy and the recognition of rights.

### **3. Decisions at National level about Sign Language**

The European Union of the Deaf, the EUD, is a nonprofit European non-Governmental organization based in Brussels and representing associations of the 28 EU Member States and other countries like Iceland, Norway and Switzerland. It represents the interests of deaf in the European Union from 1985 and its purpose is to establish and to maintain the dialogue between the European Union and the associations of deaf persons from the 28 Member states. Throughout the time, the countries of the European Union have made progresses by recognizing the sign languages in their official documents, with the support of the European Union of Deaf.

Overall, there are four countries who have introduced the sign language in their Constitutions: Austria, Finland, Portugal and Hungary; there are nine countries that have a separate legislation for sign language: Belgium, Cyprus, Czech Republic, Hungary, Lithuania, Romania, Slovakia, Slovenia and Spain; there are four countries that have a language legislation: Estonia, Finland, Latvia and Sweden; there are twelve countries that have a legislation in the field of education of people who use sign languages: Belgium, Denmark, Estonia, Finland, France, Greece, Iceland, Lithuania, Netherlands, Portugal, Slovakia and Sweden; there are six countries that have a media legislation: Belgium, Denmark, Finland, Greece, Hungary and UK; there are nine countries that have an interpreting legislation for sign languages: Denmark, Finland, Germany, Greece, Lithuania, Netherlands, Portugal, Sweden, UK (Insolera, 2016).

A synthesis of the most important resolutions regarding the national decisions about national sign language is presented in the following lines. The Austrian Sign Language is one of the four sign languages within Europe which is mentioned in the Constitution of the country in Article 8 of the Constitution from 2005: “Austrian Sign Language is recognized as an independent language. More shall be regulated by further laws” (Insolera, 2016). An important institution to be mentioned in Austria is the University of Klagenfurt who has started a scientific research into sign language in 1990. Today, the University has a special Department called Center for Sign Language and Deaf Communication and has an intense research activity in the field (Center for Sign

Language and Deaf Communication, 2014). Belgium is one of the countries that have a separated legislation for the sign language, apart for the French Community and for the Flemish Community. As sign language is different from a language to another, it is obvious that in a country with two official languages we had two sign languages recognized by two laws. As for the Czech Republic, it was in 1998 when the Parliament adopted the Sign Language Act according to which the right of the Deaf to communication and education through sign languages was recognized. The Czech users of sign language have their own television program. As for the education, the children who use sign language attend classes together with normal students, because they have the right to interpreters or deaf assistants (Timmermans, 2005: 85-87). In Denmark, the Danish Sign Language is recognized on equal footing with the oral and written form of the Danish. The most interesting project in Denmark was, beyond a doubt, a Dictionary of Danish Sign language (Timmermans, 2005: 40). In Finland, the Finnish Sign Language is one of the four languages included in the Constitution of the country. By adopting this law, Finland has become one of the countries who recognize a sign language as a natural language and the right to use it as a mother tongue (De Meulder, 2015: 500). At the same time, Finland has interpretation services and interpreters for sign languages, TV programmes and even a church where the program is translated also into sign language. In Finland, the persons who want to learn the Finnish Sign Language have more possibilities. There are studies of: Sign language instructor, Sign language interpreter or Basic studies in Sign language opened to everyone through the University of Jyväskylä or even MA studies with the possibility to choose Finnish Sign language as major subject (University of Jyväskylä, 2015). As for France, the country gives a great importance in the Sign Language, because in France was founded the first public school for deaf people. The school was established by Charles-Michel de l'Épée, considered as well the father of the deaf. In time, the researches in the academic field proved that the French Sign Language is a complete language with its own grammar, lexicon and vocabulary and even adopted the law from 11 of February 2005 by which the French sign language is considered a "langue à part entière" (Signeset Formations, 2005). Being strongly supported by German universities, the German Association of the Deaf reached success on 2002 when the German Sign Language was first legally recognized in the Federal Disability Equality Act which "*Guarantees disabled people the right to access to public places and buildings, public transport, the internet and political elections. It guarantees the right to communication, and acknowledges sign language as an official language*" (ANED, 2009:3). In Greece, the Greek sign language, under the law 2817/2000 has been recognized as an official language for the deaf but not yet as a minority language (Kassapi, Polatoglou, Dourouma, Kouzelis, 2008:2).

After Finland, Hungary has the second act stipulating in it that the Deaf community represents a linguistic minority. In the renewed Constitution of 2011, the Article H3 states that: "*Hungary shall protect Hungarian Sign Language as a part of Hungarian culture*" (Constitute, 2011: 5). In Romania, it was after June 1999 when, through an Amendment of the Romanian Government, the Romanian Sign Language gained an official recognition. It states in its Article 15 that "*De la data intrării în vigoare a prezentei ordonanțe de urgență limbajul mimico-gestual se bucura de recunoașterea oficială din partea statului*" [From the effective date of the present amendment the sign language will enjoy legal recognition from the state] (Guvernul României, 1999). In Sweden, the Swedish Sign Language was officially recognized since 1981 through an official Commission which states that the people with hearing disabilities have to be bilingual to function in society. Bilingualism on their part, according to the commission, means that

they have to be fluent in their visual/gestural sign language, and in the language that society surrounds them with, Swedish (Timmermans, 2005: 75-80). Even though the United Kingdom does not have a written constitutional document, it regulated the use of sign languages through a series of Acts of Law which are passed in the Parliament. As it is their preferred language for participation in everyday life for more than 70 000 people, the British Sign Language has been recognized as one of the official languages of the UK on March 2003 (Timmermans, 2005: 82-84).

There are different levels of recognition, as presented above, in different Acts and Laws. During the time, all European countries tried to introduce in a certain measure legal recognition of Sign language in the official documentation of the state. In this paper we have just presented some measures that seemed important and relevant for this stage of the research. It is certain that the national recognition of sign language in every country could be a research on its own and could constitute an independent article. Maybe we could take into consideration to present in the future the presence of sign language in the national law in some specific countries.

#### **4. Conclusions**

As a conclusion, it can be stated that every country should take measures to protect, promote and support the fields of research, use, teaching and learning of the national sign language/s. Furthermore, the education for the users of sign language should be offered in a bilingual mode with the national spoken language and the national signed language as both the subject and means of communication. The focus of policy concerning sign language should lie on securing equal opportunities by providing equal educational options, primarily by training fully bilingual teachers, preferably native sign language users. Finally, it will be necessary that states come up with specific action plans to secure civil and human rights for the users of sign languages (Krausneker, 2008: 28-34).

According to the Linguistic Human Rights, the sign language users have the natural right to identify themselves with a national language. Thus, the countries should recognize this right of the people. As we could see, that there are differences between the states regarding their perspective towards sign languages and their legal recognition. While some of them like Austria, Finland, Hungary and Portugal included laws in their national constitutions regarding the legal official recognition of sign languages, others are barely having some legislation. Including the sign language in the national Constitution is an act of respect of human right and thus the basis of democracy. As the right to communicate is directly connected to access to education, employment, enjoyment of citizenship rights, culture, media, free time and others, a state with a legal recognition of sign language means a society without excluded people. Sometimes, even if there are countries which have legislation on sign languages, their legal recognition is not enough and, therefore, governments should have a global approach and take accompanying measures in order to improve the social inclusion.

Lately, at European level, important conferences and meetings were held in order to support the importance of recognition of sign language. The most important was the conference titled "Multilingualism and equal rights in the EU: the role of sign languages" from September 2016, held in Brussels, where the speakers tried to attribute the same importance to the sign language as to a spoken language. Maybe this conference will be a starting point to the legal recognition in all countries of national sign language as a minority language. It would be part of human rights and a democratic system.

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