

The proposed British Sign Language (Scotland) Bill and children's rights



Scotland's Commissioner
for Children & Young People

Introduction

British Sign Language (**BSL**) was recognised as an official language by the UK Government in 2003 and the Scottish Government in 2011, but progress in securing equal rights for Deaf people has been slow. As such, the Commissioner welcomes the [proposed British Sign Language Bill \(Scotland\)](#), which he believes would have both symbolic importance and practical benefits if passed into law.

BSL and children's rights

Specific UNCRC rights relating to BSL include:

- **Article 29**, which has implications for teaching children in their own language. Children whose main or only language is BSL have the right to access quality education from someone who signs it proficiently and is a fully qualified teacher of the Deaf.
- **Article 30**, which underlines a child's right to use their own language to participate fully in community life.

Additionally, the **UN Declaration on the Rights of Persons Belonging to National or Ethnic Religious and Linguistic Minorities** says linguistic minorities have the right to:

- enjoy their own culture without discrimination
- get good enough opportunities to learn their own language or to be instructed by people who use their own language.

The Bill would be a small but important step in meeting these requirements.

The Bill's importance

Deaf BSL users currently rely on disability discrimination legislation to access information and services in their own language. The Commissioner believes that, like all other people, members of the Deaf community should not have to declare themselves disabled to exercise their right to linguistic access. He believes the proposed Bill would be an important step towards these linguistic rights being respected, particularly for children and young people.

He also believes the Bill would:

- help raise awareness of BSL across the hearing population
- lead to a better public understanding and appreciation of BSL
- help reverse the decline of diversity in BSL.

The development of BSL action plans by public authorities would also be required in legislation. The Commissioner believes that this would heighten authorities' awareness of BSL users, and that this will provide a first step to dealing with the lack of service provision such users face.

Responses to specific proposals

A designated Minister

The proposed Bill would require the Scottish Government to designate a Minister

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with lead responsibility for BSL. The Commissioner believes it would be important for this Minister to build up an understanding of Deaf issues and to identify with the Deaf Community.

A Performance Review process

The Bill proposes a Performance Review process that allows:

- the Scottish Parliament to hold its Ministers to account
- Ministers to hold listed public authorities to account.

This process does not guarantee that public authorities will meet their commitments. However, the Commissioner believes the process should provide BSL users with some level of scrutiny. It should also allow them to raise questions if commitments are not being met, particularly if other authorities provide examples of best practice.

The Commissioner believes such an approach would also allow authorities to try out new approaches without fear of sanctions should they fail to deliver. This may lead to creative and ambitious activities that would not happen if authorities felt a heavy level of scrutiny.

However, the Commissioner believes more information is needed on the structure of the review process in terms of monitoring and evaluation, and that it must contain some element of accountability.

A consultation framework

The Commissioner is concerned about the challenges public authorities may face in carrying out consultations around their BSL plans, consultations, due to the limited support available to BSL users. In particular, the Commissioner is concerned about how public authorities will make sure Deaf children and young people's opinions and views are considered when creating their BSL plans.

Concluding remarks

The Commissioner sees many interconnected benefits to the proposed Bill. He believes it should:

- improve educational provision for Deaf children, leading to increased educational attainment
- increase awareness of BSL, perhaps leading to more hearing people considering a career as an interpreter, more teachers qualifying in BSL and greater inclusion in schools
- enhance the status of BSL, and so help address ignorance and discrimination

However, he also believes that there are issues around BSL the proposed bill does not address. As their parents are often unfamiliar with BSL, native signers currently tend to be more dependent on formal education to develop their language than users of spoken languages. The earlier consultation on the Bill contained proposals for free BSL classes for parents, and the Commissioner believes these would be supportive when parents make an informed choice to bring up their child with BSL as their first language.

Further information

For further information on any issues raised in this briefing, please contact Maire McCormack, Head of Policy:
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For more detail on the Commissioner's position on this issue, [*read his full consultation response.*](#)