'Recognition' Status of Ethiopian Sign Language and the Deaf in Key Legislations: A Critical Review from Linguistic Human Rights Perspective

Elizabeth Demessie[22]

Abstract

The main objective of this study is to explore the status of the Ethiopian Sign Language (EthSL) in key legal and policy documents in a country where the recognition status of the language and its users have been debatable. To identify, in detail, implicit and explicit recognitions granted and/or missed in the documents, interpretive policy analysis is used as a method. Using Linguistic Human Rights (LHRs) approach as a framework, the purposely selected documents were examined critically. It is found from the review, there is no explicit recognition granted for EthSL as a language in its own rights at Federal or Regional constitutions and other policies, including the new FDRE Language Policy. None of these official documents also determined EthSL to be a working language, language of education, Mother Tongue/primary language of Deaf children, or community language. The educational and disability policies and plans recommend using sign language, however not EthSL, in various contexts primarily as an assistive mechanism and communication tool. Further, language rights as a human right issue in the case of the Deaf is not promoted and protected in the documents adequately. Lack of recognizing the linguistic identity of EthSL users and their human rights have a negative effect on their dignified life, which requires attention in future policy formulations.

Keywords: *Ethiopian Sign Language (EthSL), Recognition, Linguistic Human Rights (LHRS), Deaf, Linguistic Identity, Language Policy and Planning*

Introduction

Sign languages (SLs hereafter) are visual-spatial languages primarily used by Deaf [23] people. It has been more than half a century since linguistic studies accepted SLs as 'full-fledged' languages with similar

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[22] Elizabeth Demissie is a Ph.D. Candidate of Applied Linguistics and Communication at Addis Ababa University, Ethiopia. she is also a researcher at the Academy of Ethiopian Languages and Cultures; a lecturer (home-base) at Ethiopian Sign Language and Deaf Culture Program Unit, Department of Linguistics, Addis Ababa University. She can be reached at elizabeth.demissie@aau.edu.et

[23] The common trend of using Deaf (with a capital 'D') to refer to the sociolinguistic community whose preferred language is sign language and *deaf* (with small 'd') to refer to persons with hearing impairment but not members of the language community is followed in this paper.

complexity, comparable structural features, and function with spoken languages (Stokoe 2005). Yet, the long due misconceptions and doubts to accept it as 'real' language persist (Johnston and Schembri 2007). Many do not recognize the difference in SLs across countries or within a country. There is also a wide misconception of SLs as the manual representations of spoken languages, even though they are independent languages in their own rights. Others also assume SL as a communication system full of pantomime and gestures with less expressive potential than spoken languages. Despite these, the number of natural SLs discovered by linguists is growing (Ibid). The known online database on languages of the world, Ethnologue (2021) lists 150 distinctive SLs used by different Deaf communities. World Federation for the Deaf (WFD) also claims the existence of more than 300 SLs used by more than 70 million Deaf people worldwide. Ethiopian Sign Language (EthSL) is one of these natural SLs, primarily used by the Deaf community in Ethiopia (Johnston and Schembri 2007). In a multilingual Ethiopia, with 70 plus languages, EthSL is the only signed language; there is no other natural signed language identified in the country (Eyasu 2015).

EthSL users are found interspersed within diverse speech communities. Regardless, except for a few lexical variations, EthSL used by the Deaf community at different corners of the country is mutually intelligible (i.e. users can understand each other) (Eyasu 2015). In terms of the number of speakers (users), EthSL, the *De facto* vernacular language of more than five million Deaf people (WHO 2021),[24] can be counted among major languages spoken by millions in the country, such as Afar, Gurage Cluster, and Gamo languages (FDRE CSA 2007), to mention few. Those languages are currently serving as regional or special zone and *woreda* working languages, medium of instruction in primary education, and have official recognition in Federal and/or Regional Constitutions or other legislations at special zone/*woreda*[25] levels. On the contrary, EthSL, the *De facto* vernacular language of millions of Deaf people, its *de jure* or official status is still contentious.

Researches indicate SLs are the least recognized minority languages compared to spoken ones in many parts of the world (De Meulder, Murray and McKee 2019). In 2021, World Federation for the Deaf reported only 71 countries acknowledged their national SLs, though in different manners. Cognizant of the purposes official status can serve in legitimizing SLs as true human language and protecting their LRs, recognition has been one of the core concerns of the Deaf community internationally (Reagan 2010:157). The details of the demand, priorities, and approaches, however, differ in each country as their specific

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[24] According to the 2021 WHO Fact Sheet on Deafness and Hearing loss, over 5% of the world's population has hearing impairment. In Ethiopia, it is estimated more than five million people live with a hearing loss out of 115 million total population.
[25] a level of administration lower than zones.

sociolinguistics situation, as well as the existing status of each SLs, differ significantly (De Meulder 2015:498).

Similarly, recognition of EthSL is among the long due concerns of the Deaf community in Ethiopia, though understanding its details and nature requires further examinations. The community has been expressing its demands for recognition in different ways for years. Pieces published on the Magazine of the Ethiopian National Association of the Deaf (ENAD), known as 'Birtat' (means Courage), are among the shreds of evidence.[26] The importance of formal recognition of the language, its practical effects on everyday lives of the Deaf people, and related matters have been issues discussed in the magazine. The annual Deaf Week celebrations are other occasions where the community reflects its pressing demands for official recognition. In 2019 Deaf Week celebration, for instance, 'Constitutional recognition for the Right to EthSL' was one of the motos used to show their aspiration. Discussions on social media about recognition also reflect the importance of the issue for the Deaf community in Ethiopia.

On the contrary, it has become common to hear from experts in the area of disability and educational studies and some Deaf people, that EthSL has official recognition in Ethiopia. The growing appearances of sign interpretation in some public domains, including education, is taken as evidence.[27] Some also argue EthSL is recognized in the 1995 FDRE Constitution, referring to Article 5 that states "*All Ethiopian languages shall enjoy equal state recognition*", which embraces EthSL too (Pawlos 2017). Eyasu, on the other hand, stating the importance of official recognition and the community's demands, argues the actual status of EthSL is contestable (2015:207).

The arguments on the recognition status of the EthSL therefore need attention and requires critical examination. Thus, this study explored, in detail, officially granted and/or missed recognition for EthSL and its users to resolve the debate and provide direction for future language policy formulation. To that end, it answers the following key research questions: (1) What is stated and/or missed about EthSL and the Deaf, in contrast with other languages and linguistic communities, in the selected legislations? (2) For which functions and domains is EthSL determined? (3) How is EthSL (SL in general) and the Deaf acknowledged? (4) Which LRs are acknowledged officially through the documents and how? (5) What is the implication of the recognition given and/or missed in the LHRs of the Deaf?

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[26] There are many pieces of stories that deal with demands for official recognition of EthSL and its importance for the Deaf community in Ethiopia in Birtat Magazine published in 2000, 2001, 2003 and 2012 (i.e. till the last edition).
[27] Researches indicating the use of SL in various domains including education and media are inadequate, and have several reservations on the inappropriateness of language selection and approaches (Sewalem and Aynie 2016; Eyasu 2015; Elizabeth 2011)

Research Methodology

To scrutinize the actual recognition given for EthSL and its users in detail, a qualitative research approach was employed. Key legal and policy documents on languages in Ethiopia were purposively selected based on a general review conducted on various documents in the area. The selected documents were taken as important because of their significance in language status decisions and practices of the country in the education and disability sectors. Accordingly, the national and regional [28] constitutions were reviewed because they are supreme laws and highly influence decision making on language and related matters. In addition, the exclusive guiding document on language, the FDRE Language Policy (2020), was reviewed in this research. Since education is one of the key issues in LHRs and implicit recognition can be granted in related legislations, FDRE Education and Training Policy (1994) and A Master Plan for Special Needs Education/Inclusive Education (MPSNE/IE) in Ethiopia (2016-2025) was examined. To explore if there is any recognition granted for EthSL and its users in disability-related policies, the National Plan of Actions of Persons with Disabilities (2012-2021) was also scrutinized in the research.

From international human rights instruments, the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) (2006), which Ethiopia ratified in 2010 as part of the law of the land, was selected to compare the national trend with international standards. This legislation was specifically chosen for it is the only binding international law that overtly deals with rights related to SL and language rights of the Deaf, regardless of its disability-orientation, against the paradigm of this study.

Following, Linguistic Human Right (LHRs) is the theoretical framework of the study. It helps put Language Rights (LRs) in the Human Rights (HRs) framework. As Skutnabb-Kangas (2006:273) describes there are LRs that are necessary to attain people's basic needs and live a dignified life. Those language rights should be considered as part of fundamental HRs or taken as LHRs. Unlike other LRs, therefore, no State (or individual or group) is supposed to violate those rights. Most LRs, including rights to exist and be identified as SL users, should be considered as LHRs for the Deaf because it has important implications in their HRs. Trovato also argues the right to SL is the right to have a language, which is fundamental as our thoughts and communication is primarily carried out by our language (2013:410). The importance of SL in access to education, employment, information, and communication are additional reasons that relates with HRs of the Deaf (Haualand and Allen 2009).

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[28] Currently, the number of Regional States is elven, following the establishments of, through a referendum, Sidama and Southwest Ethiopia Regional State out of SNNPR. However, the constitutions of these two newly established Regional States are not examined because of lack of accessibility.

Further, the study primarily adopts the Sociocultural Paradigm, which regards Deafness primarily as difference than as deficit or disability. Lane, one of the proponents of this view, states "*Deaf refers to a member of a linguistic and cultural minority with distinctive mores, attitudes, and values and a distinctive physical constitution*" (2008:284). Reagan also argues SL can get a legitimate status to play all functional roles a language can play for its community, beyond means of communication, including shaping their worldview, because it aims at exploring the status of EthSL as a language and LHRs of its users as a language community (2002:51). Following this paradigm, like any sociolinguistic study on languages, this study examined EthSL as a fully-fledged minority language and the Deaf as a linguistic community with distinctive language. It is presumed disability is one aspect of Deaf people's identity while linguistic identity is among other identities the Deaf community can possess at a time.

Interpretive policy analysis is also preferred as a method of analysis to help uncover hidden meanings and assumptions in the legal and policy statements (Moore and Wiley 2015:154). The interpretation is done considering the sociolinguistic context of EthSL, ideologies about Deafness as well as the general legal, political, economic, and social trends in the country.

Results and Discussions

EthSL in the National and Regional States Constitutions of Ethiopia

Constitutional recognition is one type of explicit legal recognitions for SLs, which is usually considered prestigious and has important symbolic value (Meulder 2015:498). In Ethiopia, the 1995 Federal Democratic Republic of Ethiopia (FDRE) Constitution is the supreme law of the country that gives general direction on key issues. Language, as one of the important issues in multilingual Ethiopia, is exclusively discussed under Article 5 of the Constitution. It determines *De jure* status of languages, prescribes functions in key domains, and gives direction on how to manage language use at regional and national levels. Equal State recognition is granted for all Ethiopian languages (FDRE Constitution 1995: Article 5(1)). Amharic is considered as the working languages of the Federal government while Regional States[29] determine their respective working languages through their councils.

As explicitly stated in the Constitution, the Federal government acknowledges all Ethiopian languages in equal terms regardless of their minority or majority status. As one of the languages in Ethiopia, EthSL enjoys this recognition, as some argue (Pawlos 2017). However, it is a

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[29] The Regional States included in this review are Regional State of Afar, Amhara, Benshangul-Gumuz, Gambela, Harari, Oromia, Somali, Southern Nations, Nationalities and People, and Tigray.

common trend to associate the term 'language' with spoken languages. Regardless, interpreting the term language in connection with SLs in mainstreamed contexts is rare. What Eyasu (2015) indicates in his research on the sociolinguistics of EthSL substantiates this argument. He explains many people in Ethiopia fail to recognize EthSL as a language. This is also shared by many policymakers (Elizabeth 2011). As a result, EthSL has not mostly been included in language-related discourses and researches.

The generic name 'language', in national language surveys, also does not automatically include SL. In the latest National Census report, 70 plus languages are listed as mother tongues of nationals all over the country (CSA 2008:91-92); the list however excluded EthSL. In view of these, it is hard to assume the constitutional article prevails from such pre-eminence and has taken EthSL into consideration in its recognition. On top of that, such covert statements in the Constitution are up for interpretation and hardly promote EthSL vis-à-vis its insecure sociolinguistic status as a language, which comes out of historical discrimination, misconceptions, incorrect attitude, and lack of knowledge.

Cognizant of the widespread assumption on what language means and exclusion of SLs, Article 2 of UNCRPD (2006) states language *"includes spoken and signed languages"*, which legitimizes the inclusion of SLs in language discourses. In the same way, the FDRE Constitution (1995) is supposed to indicate the inclusion of SLs in the term 'language' and contextualize the international direction. This may imply continuation of the status quo and exclusion of SLs, which is against the intention of the Constitution to safeguard historically marginalized languages and people.

There are countries that use constitutional recognition to promote their national SLs to challenge the norm. Uganda is one of the few countries in Africa that grant symbolic status for SL and its right to development along with other Ugandan languages (Constitution of the Republic of Uganda 1995:XXIV). Kenya also distinctively recognizes Kenyan Sign Language (KSL) as an official language of the parliament besides Kiswahili and English and symbolically confirms the equality of SL with spoken languages (The Constitution of Kenya 2010: Article 120). The Kenyan government's responsibility to develop KSL is further declared in the Constitution (Article 54(1)). This makes it a good example of promotion-oriented recognition. In Zimbabwe, SL is one of the 16 official languages, which have high symbolic value (Zimbabwe Constitution 2013: Article 6(1)). All these experiences implicate constitutional recognitions can be granted for SLs in a way that challenges the common trends of exclusion, which is absent in the FDRE Constitution.

Regarding determination of functions, Amharic is the sole working language of the Federal government (FDRE Constitution 1995: Article 5(2)). Accordingly, official communication of the government at the

national level and among regions is carried out in Amharic. At this important statutory language determination statement, a parallel working language with Deaf SL users, who cannot comprehend spoken languages, is not set. Lack of this functional status inhibit access to information and communication for the Deaf in important government activities, besides disregarding the identity attached with EthSL. In contrast to this gap in the Constitution, it is observed, in some government activities, there are attempts to use SL on few occasions. However, as they are not planned and guided, lack of consistency is observed. More importantly, the absence of legislative ground hinders the claim of getting services with own and preferred language officially.

The common counterargument on this constitutional provision is the Deaf can use Amharic for official communication in the same way other non-Amharic language speakers do. The fact that Amharic or any other spoken languages in their primary forms (i.e speech form) can hardly be comprehensible for Deaf people's physiology looks unnoticed. Some also argue they can use written Amharic for communication, overlooking the low literacy rate of the Deaf in Ethiopia because of lack of access to appropriate education (Haualand and Allen 2009). On top of that, writing is not a primary form of language that can fully replace speech or signing. Therefore, it was imperative to select at least one SL that can function as a working language for more than five million Deaf nationals found in Ethiopia.

Lack of clear direction on EthSL at the Federal level further influences the regional Constitutions. While these regional constitutions grant status to certain languages as mandated to make important decisions on languages within their provinces (FDRE Constitution, 1995: Article 5(3)), none of them clearly recognize the existence of EthSL. Based on dominance in the provinces or neutrality to be a common language for various ethnic groups, among other factors, six languages were determined to be working languages in the Regional Constitutions. These are Amharic in Amhara, Gambela, Benishangul-Gumuz and Southern Nations, Nationalities and Peoples Regional State; Afar Af in Afar Regional State; Afan Oromo in Oromia Regional State; Somali in Somali Regional State, Tigregna in Tigray Regional State and Harari along with Afan Oromo in Harari Regional State. Besides, several minority languages are determined to be working languages in special *woredas*. In parallel with the abovementioned languages and others, EthSL or any other SL is not officially defined as a working language, taking no notice of EthSL can function as a working language for Deaf people. This may also imply the doubts regarding the languageness of EthSL still persists.

Accepting SL as a language, recognizing its existence, and promoting its use for official functions, are among the obligations of State parties (UNCRPD 2006: Article 21(b and e)). Accordingly, countries are expected to show a pledge to realize this in national legislations and practices.

Article 30(4) of the Convention also declares the importance of explicitly recognizing the linguistic identity of SL users and the Deaf culture. These articles, however, are not translated to national and regional constitutions. The purpose of legitimizing SLs through official recognition failed to be achieved in the case of EthSL.

One of the collective LHR is the right to recognize and exist as a distinctive community as well as maintain own language (Skutnabb-Kangas 2000). Nonetheless, all the FDRE and Regional States Constitutions do not recognize EthSL as a language and the existence of a signed form of human language in general. EthSL also does not determine to serve in an official function including as working and educational language unambiguously. The working language for the Deaf is also an issue left unsettled in these key documents.

EthSL in the FDRE Language Policy

The FDRE Language Policy (2020) is the first written exclusive policy that gives general direction in language use, development, language rights, and other language-related issues based on the contemporary sociolinguistic context of Ethiopian languages. This policy mentions SL in different sections of the document, unlike the Federal and Regional Constitutions.

Most policies in Ethiopia drive their objectives from the 1995 FDRE Constitution. Despite the absence of direction in the case of EthSL in the Constitution, the Language Policy incorporates an objective on SL. One of its specific objectives indicates preserving, developing, and using languages for development purposes, including sign language (FDRE Language Policy 2020:9). The statement ultimately endorses the existence of a signed form of language in Ethiopia. Despite this remarkable indication, however, there are no tangible activities incorporated in the strategies and implementation plans of the Policy for the achievement of this objective.

As an exclusive document on languages, this policy was supposed to define the term 'language' and what it refers to in the country's context. However, no precise definition is given other than inferring it implicitly in few statements. None of these statements explicitly show that SL is a full-fledged language capable of addressing the common misconceptions. In this regard, De Meulder (2015b:498) suggests granting explicit recognition in language-related legislations to supplement what it missed in other legislations and policies, though this policy hardly serves this purpose.

The policy promoted four additional languages (namely Afan Oromo, Tigrigna, Somaligna and Afar Af), besides Amharic, as official working languages at the federal level (FDRE Language Policy 2020:14); EthSL is

not included again. Consequently, millions of EthSL users are left without explicitly acknowledged working language. The unique sociolinguistic situation of the Deaf community including living in a scattered geographic region and existence of a single sign language across the country should be taken into consideration in this Federal level decision. The statements regarding Regional States' working language are also without direction on EthSL. These are against the international agreement Ethiopia ratified, particularly the UNCRPD (2006 Article 21(b and e), which obliges recognition and promotion of SL use in official settings.

Such omission of EthSL from crucial status determination statements may enrich the argument that EthSL is not actually considered a legitimate language in Ethiopia. Failing to unambiguously determine the only SL in the country, in a Policy that aims at empowering marginalized languages may be seized as confirmation to maintain inequitable language practices regarding EthSL. The constant quest for recognizing EthSL to be a working language accordingly left unanswered, if not ignored. The Ethiopian National Association of the Deaf (ENAD), among other demands, requested the EthSL to be a working language through a letter sent to the House of Federation.[30]

In a section that dealt with language of education in the Policy, recognition to the right of all nations, nationalities, and people to use their Mother Tongue (MT) or preferred language in education was pronounced (FDRE Language Policy 2020:20-23). In this important section, no policy direction was given regarding EthSL use in education. The framework given is also unlikely to accommodate EthSL as MT of the Deaf since no evidence is found yet to consider the Deaf as a subgroup of nations, nationalities, and people.

Literature indicates the right to MT education is one of the core LHRs, as it is highly linked with the proper linguistic, social, and cognitive development of a Deaf child (Trovato 2013:411; Skutnabb-Kangas 2000:498). To safeguard EthSL as an MT or primary language, explicit enforcing statements are essencial in the Policy. Ethiopia has an obligation in this regard as UNCRPD (Article 24(2b)) clearly states the importance of "*facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community*" in the education domain.

On the other hand, the policy mentions SL in relation to mass media and the entertainment industry, as a strategy to maintain multilingualism. It states, "*an appropriate system shall be set up to make the language use of the mass media and the entertainment industries promote multilingualism, including sign language*" (FDRE Language Policy 2020:18). This statement therefore makes an implicit indication of SL as part of the linguistic diversity of the country.

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[30] An informal conversation with manager of ENAD on March 21, 2021.

However, the doubts reflected about EthSL's position as a language, and the use of the generic term SL rather than EthSL in this statement leads one to believe it is still hardly enclosed as a full-fledged language. Lack of clear direction on how SL shall be incorporated, whether in a form of interpretation or captioning and how to deal with similar topics, reflects there is still a gap in identifying important policy issues related to SL use. These guidelines are critical since SL interpretation have been reported to be poor, and a recent trend in Ethiopia that needs to be addressed (Eyasu 2015). Enforcement and control systems are not indicated, which can address the common problems of lack of maintaining SL interpretation services in the media. As a member State of the UNCRPD, the government has an obligation to make information and communication timely and freely accessible to Deaf citizens via SL (UNCRPD 2006: Article 21).

In the FDRE Language Policy (2020), SL issues are discussed repeatedly in relation to interpretation. Throughout the section dealing with the profession of translation and interpretation (FDRE Language Policy 2020:27), SL got mentioned, though inconsistently as 'Ethiopia's sign language', 'Ethiopian sign language', and 'sign language'. Such inconsistency implies that either no specific SL has been identified in the policy formulation or no language of the Ethiopian Deaf community is assumed. This is among the common pitfalls observed in various policies on language (Wilcox, Krausneker and Armstrong 2012). It is also common to notice that many people and experts in the field are unaware that the proper name of the natural language of Ethiopia's Deaf community is Ethiopian Sign Language; the internationally accepted abbreviation of it is EthSL. Besides, in the statements, more emphasis is placed on the profession and professionals when it comes to translation and interpretation. The importance of providing appropriate training, professional accreditation, and job grading in the civil service are strategies designed to develop the profession. The policy justifies their contribution in knowledge dissemination, language development, and promotion of justice. Though SL gets attention here, important practical concerns such as where, how, for whom, and to what end SL interpretation should be provided are left unaddressed. It should be noted that interpretation is only useful when SL users communicate with non signing interlocutors. It is not, however, always a feasible method of communication, nor is it a perfect substitute to direct SL communication. Interpretation, as indicated in the UNCRPD (Article 9(2e)), primarily ensure accessibility. However, SL serves extra symbolic and identity-related functions for Deaf people, which should be given due consideration (Trovato 2013:410).

The name EthSL appears again in the part dealing with implementation strategies. The need for establishing systems to design programs and measures to train experts who can study and develop the language with modern technologies is stressed in the Language Policy. While this is

noteworthy, there is no explicit mentioning of EthSL on language planning and development.

In general, the FDRE Language Policy (2020), which mentions SL numerous times, is more proactive than the Constitutions. Despite the drawbacks, the implicit indication of SLs can serve as a foundation for better policy formation. The recognition in the existing legislation hardly addresses its dubious status as a language and the misconceptions. Explicit recognition and promotion-oriented legistlations are essential for effective protection. Unambiguous determination of the language as official working language and language of education (as MT) are the other important declarations expected from such policies to safeguard LHRs of the Deaf in Ethiopia.

The Status of EthSL in Education and Disability-Related Policies

Granting implicit recognition for SLs in disability and education-related legislation is among the common trends (Muelder 2015). Accordingly, this research examined key policy documents known as FDRE Education and Training Policy (1994), A Master Plan for Special Needs Education/Inclusive Education (MPSNE/IE) in Ethiopia 2016-2025 (2016) and Ethiopia National Plan of Action of Persons with Disabilities (2012-2021), to learn about the status granted and missed for EthSL.

The FDRE Education and Training Policy (1994), the leading policy document in the education sector, is one of the documents expected to recognize EthSL use in the education sector. Yet, the Policy does not indicate SL use in the section that exclusively deals with the language of education (Article 3.5) as well as in the section on students with special needs (Article 3.2.9). Recognizing and promoting EthSL as MT of Deaf children and its value in their education does not receive the same level of attention as it does for other minority languages. In this critical domain, nothing is said about SL use or distinctive linguistic demands of Deaf learners or promotion of their linguistic identity. Obligation Ethiopia agreed to in the UNCRPD (Article 24), which includes using appropriate language in the education of Deaf learners, facilitating SL learning, promoting the linguistic identity of the Deaf, and training appropriate teachers qualified in SL, are not translated to the Ethiopian context in the Education and Training Policy.

Though The FDRE Education and Training Policy provides no national policy guidance, there are few documents that suggest SL employment in the education sector, albeit with weak enforcement. One of those documents is the Master Plan for Special Needs Education/Inclusive Education (MPSNE/IE) in Ethiopia 2016-2025. The Master Plan is an important guiding document that focuses on how to handle the education of learners with various types of special needs, including the Deaf, in order to create an inclusive educational environment. Most

statements mentioning SL indicate that it is a support mechanism to ensure educational access for the 'hearing impaired', rather than a full-fledged language with diverse functionalities (MPSNE/IE 2016:45-48). As a result, no specific SL (such as EthSL) is determined, and the linguistic identity of the users is not recognized (since they are described in terms of hearing impairment rather than users of a language). Furthermore, EthSL is not included in MT education provisions (MPSNE/IE 2016:56). As key document in the domain, it was intended to clarify this issue, though no pronouncement made to protect the LHRs of Deaf children to receive MT education. As a matter of fact, the author has not yet come across any legal or policy document in Ethiopia that explicitly recognizes MT of Deaf children in Ethiopia and related right.

Statements regarding providing access to quality education for all learners bolster the preceding argument (MPSNE/IE 2016:57). They promote the use of undefined SL as a medium of teaching to make education more accessible to 'hearing impaired' students who are classified as learners with special needs due to their preference for SL over spoken language. Except for the Deaf, no other language speakers are recognized as learners with special needs due to linguistic differences and are required to be put in a class alongside speakers of other languages under the guise of Inclusive Education. Of course, the Deaf, like any other student, may have special educational demands that are not related to language. Despite this, treating SL usage as 'special' may imply policymakers' doubts over EthSL as a full-fledged language and disregard for the linguistic identity of the Deaf, whilst other linguistic communities are regarded 'normal'. This is one of the arguments used by opponents of the Sociocultural concept of Deafness to criticize such policies.

The assertion of the Sociocultural Paradigm in this regard is that the norm reference that places Deafness outside of 'normal' cannot be acceptable in this multicultural world since it goes against the norms and values of the Deaf community (Lane 2008). This is a violation of language and cultural rights, as well as LHR (Skutnabb-Kangas 2006) and is frequently observed among many experts who participated in formulating this and other policies.[31]

The Master Plan was intended to provide better policy direction and recognition on EthSL use in Deaf education as a document prepared following the ratification of the UNCRPD and lessons learned from previous strategies in the area. However, it not only lack recognition of EthSL, but also disregards it by implying that there is no distinctive SL in Ethiopia and that the Deaf lack a distinct linguistic and cultural identity.

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[31] This is a regular occurrence to observe; many SNE specialists in Ethiopia express their serious doubts about the languageness of EthSL, for the simple reason that its structure has not been thoroughly studied. However, the fact that it has not been researched has no bearing on its genuine languageness.

Its determination as a language of education is likewise incomplete, as seen by the general tendency of letting the decision without stating when, where, when, and how SL should be used (Hult and Compton 2012). Such approach can lead to inappropriate treatment of the language and negatively affects its employment in education. The orientation of the document can also lead to overlooking the linguistic element, which requires professional interventions, including training of EthSL teachers who have the linguistic knowledge and SL teaching methodologies (i.e. different from Special Needs Education (SNE) teachers) and teaching materials required such as EthSL textbooks (not EthSL Dictionary as it is indicated in the Master Plan).

The Ethiopia National Plan of Action for Persons with Disabilities (2012-2021) is another key document on disability that is formulated as an implementation guide that contextualizes the UNCRPD by the FDRE Ministry of Labor and Social Affairs, a government agency that is legally responsible for implementing the UNCRPD. [32] There are certain statements in the Plan that use the term SL, but it is difficult to interpret them as neither explicit nor implicit acknowledgment. Most of the statements with the term SL focuses on determining functions in various domains.

One of the domains associated with SL use is health. Based on the UNCRPD (Article 25 and 26), the Ethiopia National Plan of Action for Persons with Disabilities prescribes employing SL mainly as a rehabilitation and assistive mechanism. SL use accordingly have been contrasted with physical therapy, mobility orientation, other medical treatment, and rehabilitation services. In relation to ensuring access to HIV/AIDS information (Article 23 and 24) as well as for cultural and recreation opportunities (Article 43) for the 'hearing impaired', SL is cited in the document, but not as a language. In the provision related to education and training, again, the use of SL is cited. However, in this important domain, the provisions are unparalleled with Article 24 of the UNCRPD. Its use as a medium of education and promoting the linguistic and cultural identity of the Deaf are core issues in the UNCRPD, while nothing is proclaimed in the Plan, except dissemination of an official dictionary of EthSL and expand special schools for the 'deaf or hearing impaired'. Making SL interpretation and sub-titling are other related statements.

In all statements of the Plan that mention SL, no explicit intent of recognizing EthSL is evidenced, except acknowledging the existence of a sign form of communication. This hardly can endorse and promote EthSL as a legitimate language. Its determination for the functions focuses on ensuring accessibility and accommodating persons with 'hearing

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[32] UNCRPD Ratification Proclamation No. 676/2010

impairment', not acknowledging the language as a full-fledged language, and promoting the collective linguistic and cultural identity of the Deaf.

Language Rights of EthSL Users

Language Rights (LRs) have emerged as one of the most significant factors in current nation-state language policymaking (Spolsky 2004). Countries can grant either collective or individual rights in their legislations to use, develop, and maintain own language, based on their distinct political settings. While western countries, for example, prioritize individual rights, African countries prioritize collective rights (Skutnabb-Kangas 2006:284).

Most language-related rights granted in Ethiopia are collective rights that can be exercised mainly within a certain territorial area known as Territorial LRs/LHRs (i.e. LRs that are protected within certain territory or within the regions) (Skutnabb-Kangas 2006). Those rights are incorporated as part of democratic rights of the people. The FDRE Constitution (1995:39(2)) explicitly states *"every Nation, Nationality and People in Ethiopia has the right to **speak** [emphasis added], to write and to develop its own language; to express, to develop and to promote its culture; and to preserve its history"*. In this statement, there is a tacit notion that language is spoken, as the term 'speak' implies. Consequently, the rights granted are hardly inclusive of EthSL users as they are not speakers of certain spoken languages. On the contrary, the Deaf can be and should be considered, in such provisions, as they fulfill most of the criteria in the definition of the nation, nationality, and people indicated in the FDRE Constitution (1995: Article 39(5)),[33] except not living in a predominantly contiguous territory. As anecdotal evidence and literature prove, the Deaf in Ethiopia has shared language, culture, history, and group solidarity like other nation, nationality, and people (Pawlos 2014:21-55). Accordingly, legislations formulated with a similar view can help to properly address their key issues, as they are mostly related to EthSL. Scholars, in line with this, suggest SL rights and related issues such as its planning and development should be accommodated properly in linguistic studies, then in disability (Hult and Compton 2012:611; Jokinen 2000:210). Therefore, framing the Deaf as a language community can help to better promote their right. In most of the legal documents in Ethiopia, including the Constitution, however, there is no evidence that can confirm they are considered as a language community and their LRs is protected accordingly.

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[33] "A "Nation, Nationality or People" for the purpose of this Constitution, is a group of people who have or share large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory" (FDRE Constitution 1995: Article 39(5)).

The Regional States Constitutions similarly do not grant any proper collective LRs that can incorporate EthSL users in their provinces. Some even contain articles that can lead to more discrimination in various domains. For instance, the Amhara and Benishangul-Gumuz Regional State Constitutions (Article 33 and 34 respectively) oblige residents to understand the working language of the Regions to obtain government positions and jobs. This means, since EthSL is not determined as a working language and the Deaf can hardly use Amharic as their primary language, they can be devoid of employment rights in government offices.

The FDRE and Regional States Constitutions also grant indirect individual LRs, as a part of safeguarding a person's human rights in certain areas. Article 19 (1 and 2), 20(7), 25 and 38 of the FDRE Constitution and corresponding articles of the Regional States Constitutions promote the rights of nationals to be informed in a language one can understand through interpreters during arrest and in court, to be protected from uneven treatments before the law, and enjoy equal right to vote and to be elected. Subsequently, Deaf persons are protected from discrimination that results from their preference of SL over spoken languages. However, since protection in these articles is not adequate, clear directions with proper interpretation are required to show this declaration subsumes EthSL users.

The FDRE Language Policy under the section that deals with LRs, states the following about the rights of 'hearing impaired' nationals under 'other related rights':

> Nationals with **hearing impairment** *[emphasis added]* have the right, in their place of habitation, to use the Ethiopian sign language, develop it, communicate and receive information in it from the government, become beneficiaries of appropriate technology for the language, and become entitled to special support from the government to exercise this right (FDRE Language Policy 2021:12).

The good point in the Policy is that it acknowledges the rights to use and develop SL and access information through it from the government. But EthSL users are not granted the right as language community but as persons or people with disabilities. This is a disregard for their collective linguistic identity. The right to SL is also designated as 'other related rights' in parallel with the right to use Braille by the blind. This is influenced by the paradigm, which considers the Deaf primarily as PWDs. The basic problem with LRs granted with this orientation is that it cannot support LRs claims properly, as Skutnabb-Kangas (2006) argues. Protection of their LRs in a way that can address their particular concerns is still a problem. However, the attempts observed to recognize

their rights in the recent Language Policy (2021) are remarkable, despite its orientation.

Implications of the Status of EthSL in LHRs of the Deaf

Linguistic human rights (LHRs) are a combination of Language Rights (LRs) with human rights (HRs). LRs that are considered as LHRs are those rights necessary to fulfill one's basic needs and live a dignified life (Skutnabb-Kangas 2006:273). Not all LRs are LHRs. In the case of Deaf (Sign Language Users), however, most LRs should be seen as HRs or LHRs. Trovato (2013), Ladd, Gulliver and Batterbury (2003) and others argue the Deaf can get proper protection as a linguistic community when their right to SL is enforced as LHRs. This is because SL is a central element in Deaf people's collective identity and it is the only language Deaf people can acquire easily with their physiological condition or hearing status. As Trovato puts in plain words, "*the right to sign language is not about the right to USE one's language. It is about the right to HAVE one's language, one's first language*" (2013:410). The decision regarding EthSL as MT or primary language in the legislation consequently is a decision on basic LHRs of the Deaf to have and learn their main language or let them without a language.

Unlike hearing children, "*because of their biological differences, Deaf communities do not have the luxury of replacing their own visuo-gestural languages by auditory-based ones. These can only be learned effectively as second, written languages*" (Ladd, Gulliver and Batterbury 2003:14). In relative terms, other minority language speakers have a chance to replace their language (even MT) with another spoken language, unlike the Deaf. Particularly pre-lingual Deaf persons, who become deaf before acquiring a language, can hardly shift from sign to spoken languages. Researchers confirm without sign language acquisition, most Deaf are obliged to live without a language, which has destructive consequences in their life and HRs (Ladd, Gulliver and Batterbury 2003:15). Empirical research (Trovato 2013:411) also indicate that delay or absence of first language acquisition may negatively affect language-related skill developments. Since having a language is crucial for having normal linguistic, social, and cognitive progress, those who are left without it are left from all those. The effect, consequently, is not only on the personal development and HRs of the individual but also on society as a whole. Accordingly, the absence of policies and legal documents, that determine EthSL as MT or primary language of the Deaf can have the consequences mentioned above, though further research is required.

One of the LHRs' concerns is being identified as a linguistic community and accepted positively with that identity (Skutnabb-Kangas 2000:498). The majority of identifications are deficit-oriented and fail to recognize their unique language and cultural identities of the Deaf in Ethiopia.

Hearing impaired, deaf, or Persons with Disablities are terms used in official documents. Because more focus is given for the impairment than the different linguistic identity, LRs have received little consideration. Lack of such protection may therefore lead to forced linguistic assimilation, which is in violation of their LHRs (Skutnabb-Kangas 2000:498). This can also be a breach of their collective right to exist as a separate linguistic group. For instance, a born Deaf child may be forced to attend a school that does not employ EthSL, unless the child is identified as an EthSL user in the first place. Similar incidents are common and demonstrate practices against LHRs of Deaf children to get access to MT education and maintain their language and distinctive linguistic identity.

Conclusions

EthSL, a vernacular language of the Deaf in Ethiopia, does not get explicit recognition in key official legislations and policies, namely FDRE Constitution (1995), the Regional States Constitutions, and FDRE Language Policy (2020). The policies on education and disability that can grant implicit recognition to EthSL, also do not acknowledge it as a full-fledged language, except for partially bringing SL into policy attention. SL is predominantly considered as a support mechanism that can secure accessibility, not as a distinct language. Accordingly, the legislations fail to serve the purpose of legitimizing EthSL as a true language and addresses problems related to language, which is expected from such documents. Despite the growing concern on the issue, the manner it is referred with the generic term SL, rather than its proper name EthSL, particularly in recent policies, further demonstrates the persisting misconception on its true languageness and its distinctiveness. Lack of clarity and influential official recognition also lead existing trends to continue.

In terms of domain and function determination, lack of statements that can properly enforce EthSL use in key areas, such as MT education, make the legislations insufficient for LHRs protection. Most documents, with disability orientation, focus on, promoting accessibility through signing. These disregards EthSL and its users as a language and language community, respectively. Lack of such recognition, in turn, negatively affects the use of the language in various domains. HR violations Deaf people face partly could be connected to such gaps in the legislations. Though there are issues of the Deaf that should be treated from a disability point of view, it is also useful to prioritize language-related needs of the Deaf for better protection of their HRs through LRs.

Recommendations

Though many people thought that EthSL was officially recognized in Ethiopia, a comprehensive review of major regulations shows otherwise. Lack of understanding the gap between what is assumed and what is occurring at the ground may lead to continuing exclusion of the language and its users from future policy decisions. Thus, putting forward sufficient attention to EthSL and incorporating language specialists in policy formulations is critical. Based on the inadequacies identified, the author suggests, as a vital first step, granting explicit, promotion-oriented recognition of EthSL as a full-fledged language and the Deaf as a linguistic community in all official documents, including the Constitution(s). Protection as a linguistic community is believed to have a better effect in protecting HRs of the Deaf than as PWDs. Besides, devising effective strategies to promote and protect LHRs of the Deaf is the other vital step.

Keeping in mind EthSL and its user's sociolinguistic condition, the sort of recognition required should have the strength and clarity to correct existing concerns and misconceptions, as well as a strong effect on the language practices. As a result, a language policy enforced by binding laws and explicit guidance and determination on where, when, how, and for what domain SL should be used will be important. Certain LHRs, such as the use of EthSL in MT education, should also be prioritized in order to disrupt the current statusquo.

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