

Societal Impingement on Linguistic Human Rights of the Kenyan Deaf People: Pitfalls in Integrating the Deaf in National Development.

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Abstract

The article analyzed ways society impinges upon the linguistic human rights of the Kenyan deaf people and how these impede their integration in national development. A short description of the notion of linguistic human rights was given which formed the basis of the perspective of the Kenyan deaf sign language users taken in this article. Data was collected through a review of secondary sources including newspaper articles, journal articles and deaf people organizations' publications. The findings revealed that the society has disabled the deaf people by not creating favourable conditions for the deaf to exercise their linguistic human rights which could enable them access basic human rights encapsulated in education, employment and social systems. As a result, the deaf have not been fully integrated into the national development. This article also gave recommendations meant to secure the linguistic human rights of the Kenyan deaf sign language users which include parental counselling, easy access to sign language for families and making Kenyan sign language a compulsory subject in schools in order to integrate the deaf in national development.

Keywords: Linguistics human rights, Kenyan Sign Language, deaf, integration, education, opportunities, disability, impingement.

1. Introduction

Sign language enables the deaf to communicate among themselves as well as with the non-deaf community. To sign is to use the hands in a conscious, conventional "verbal manner" as would be achieved by speech (Crystal, 2010). This results in a language called sign language, a visual-gestural language consisting of movements and configurations of the hands and arms, face and upper torso (Wilson & Keil, 1999). Through sign language, the deaf qualify for linguistic human rights (LHR) which at individual level, as Skutnabb-Kangas and Phillipson (1995) outline, mean: The right to positively identify with one's language(s) and have others respect this identification whether it is majority or minority language,

- i. The right to learn it,
- ii. The right to have it developed in formal schooling by being taught through it,
- iii. The right to use it in official contexts (school, hospital, police and court),
- iv. The right to learn one of the official languages of the state.

According to Skutnabb-Kangas and Phillipson (1995), at the collective level, the rights mean:

- i. Of minority group to exist (the right to be "different"),
- ii. To enjoy and develop the language and create educational settings in which one can influence/control the curricula,
- iii. To teach the language,
- iv. To be represented in a political context as a group,
- v. To be able to independently and autonomously handle and decide on community matters with regard to culture, education, social affairs and religion,

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vi. To have financial resources to achieve such aims.

Mazrui and Mazrui (1998) summarize the individual and collective LHR as the right to a language and of a language respectively. According to Skutnub-Kangas and Phillipson (1995), LHR and basic human rights are intertwined and depriving people of their LHR may prevent them from enjoying the aforesaid rights. In fact, the 1948 United Nations Universal Declaration of Human Rights recognizes these rights (United Nations, 1948).

Chapter 4 of Constitution of Kenya (2010) gives the deaf the rights to use sign language to express their culture and access other freedoms and rights including freedom from discrimination, freedom of expression, freedom of association, right to life, access to information and justice. It is against this backdrop that the LHR of the Kenyan deaf was interrogated to understand the place of the deaf in national cohesion and development.

2. Theoretical conceptions

2.1 Deafness and sign language

The definition of Deafness is duo-pronged: based on hearing loss and sociolinguistics. In the former, also known as medical view, deafness is a disability, deficit and a medical abnormality that can be cured or eliminated; consequently, the deaf people may be integrated into the hearing world and do not therefore need to use sign language. In the latter definition, the deaf are a linguistic minority, their challenges are more linguistic and therefore they need a visual language that can be acquired and used easily (Krausneker, 2008; Mweria, 2016). This language is sign language. Sign language is acquired the same way auditory-vocal languages are acquired. Deaf children who are exposed to sign language learn it in stages parallel to those of hearing children learning oral language (Fromkin, Rodman & Hyams, 2003). Thus, the ability to hear or produce sounds is not a prerequisite for language learning. If the parents of a deaf child do not discover early enough that their child is deaf, then they may not expose him/her to sign language. Instead, such children develop their own gestures to express their thoughts and desires (Fromkin et al, 2003).

The deaf people can be grouped as a linguistic minority. They are fewer than the rest of the population in Kenya and the world. They have linguistic features different from those of the rest of the population, and as Rogers, Pilling, Belk, Nassimi-Green and Young (2016) put it, the deaf culture includes sign language, values, behaviour and traditions. The population of people with disabling hearing loss in the world according to the World Health Organization (WHO) is 360 million. Most of these have learnt sign language; some speak loudly but cannot hear themselves. In 2007, Kenya was estimated to have 600,000 deaf people, out of these 340,000 were Kenyan sign language (KSL) users begging the question what mode of communication is used by the remaining 260, 000. In Kenya, two varieties of KSL are distinguished- the Kisumu dialect (found in western regions of Kenya) and the Mombasa dialect (found in Coast, Nairobi and surrounding regions).

2.2 Social model of disability

The connection between LHR and other human rights as attested by Skutnub-Kangas and Phillipson (1995) is a sum total of education, social and economic rights. However, structures, the environment and people's attitude may impinge upon the lives of the disabled people and potentially impede their inclusion in socio-economic progress (French & Swain, 2013). According to the social model of disability, disability is a socially constructed phenomenon (Retief & Letsosa, 2018). Disability is located not within the individual disabled person, but within society (French & Swain, 2013). It is the society which disables people with impairments and therefore any meaningful solution must be directed at society change rather than individual adjustment and rehabilitation (Barnes, Mercer & Shakespeare, 2010).

In the social disability model, structural barriers include underlying norms, ideologies of organization based on judgment of normality and which are sustained by hierarchies of power. Environmental barriers are physical and include steps, holes and lack of resources for the disabled people. Attitudinal barriers include adverse attitudes and behavior of the people towards disabled people. Therefore, the social aspects of disability, especially the physical and social environment should be focused more as they impose limitations upon certain categories of people (Oliver, 1981). Using the social model of disability, the article analyzed how society impinges upon the linguistics human rights of the deaf.

3. Methodology

The research was qualitative and employed analytical research design. In this design, the researcher uses facts already available and analyzes them to make critical evaluation of the material to reveal trends (Kothari, 2004).

Data was collected through an extensive review of secondary sources including newspapers, journal articles and deaf people associations' publications. Using document analysis, 24 newspaper articles covering the education and socio-economic aspects of the Kenyan deaf between January 2015 and December 2018 were identified. 14 of these were in *Daily Nation* newspaper while 10 were in *The Standard* newspaper. These newspapers were purposively sampled because they are mainstream in Kenya and have a wider daily circulation: 250,000 and 150, 000 respectively. From these articles 10 (6 from Daily Nation and 4 from The Standard) were further purposively sampled because they contained key thematic words and phrases related to the linguistic human rights of the Kenyan deaf people. In addition to the newspaper articles, five journal articles between 2007 and 2016 whose titles and abstracts were a close match to linguistic human rights of the Kenyan deaf were purposively sampled. Articles from Kenya National Association of the deaf (KNAD), Global deaf Foundation (GDF) and Kenya Association for the deaf Children (KSDC), referred here as deaf people associations publications, were also reviewed. Issues relating to the linguistic human rights of the deaf were grouped into the themes of education, social and economic linguistic human rights. The following key terms were indicative of the themes: education, performance, communication, language, tertiary studies, teachers in deaf schools, integration (education); social barriers, religion, health, justice, marginalized, abuse (social) and opportunities, employment and information (economic). Data was analyzed within the social model of disability framework while focusing on societal issues impinging upon linguistic human rights of the deaf. The results were presented in a narrative form.

4. Results and Discussion

Using social model of disability, this section analyzed the pitfalls of societal inclusion of the deaf in national development. The results were organized according to the ways society has impinged upon education, social and economic linguistic human rights of the deaf.

4.1 Linguistic human rights and the education of the deaf

Many deaf people experience severe education disadvantage resulting in low literacy rates, underemployment and lower than average uptake to tertiary studies (World Federation of deaf). Over 98% of deaf children in the world never receive education in their most fluent language, sign language which is the language of their group. One physical barrier to attainment of education in Kenya is shortage of teachers in schools for the deaf. According to the National chairman of deaf children, the ratio of teachers to pupils is 1:24 against the recommended 1:12 (Omulo, 2018). Adoyo (2007) establishes that teachers of the deaf are either holders of diploma in special needs education (SNE) from Kenya Institute of Special Education or degree holders of SNE from Kenyatta or Maseno University or those trained in general education. Of these only 20 are deaf as reported by Global deaf Connection. Since most deaf students do not proceed to secondary school, chances of having deaf teachers teaching the deaf or hearing students are minimized. This leaves them with hearing teachers, some of whom do not sign and have to rely on interpreters while teaching. In such a situation, in the social disability model, it will appear that the structures put in place to help the deaf achieve their educational goals are an impediment.

According to Kenya Institute of Curriculum Development (KICD), the number of children living with hearing impairment is 200,000. However, only 8,000 of these are able to attend deaf schools (Omulo, 2018). This situation can be attributed to the mismatch between the increasing number of deaf children and the number of teachers and schools the government offers to cater for their needs. In 2006, there were 41 residential primary schools for the deaf and 75 units for the deaf (MOE, 2009 in Kimani, 2012). The International deaf Children's Society reveals that there are only 3 secondary schools for the deaf in Kenya: one for late starters, one technical/vocational in Nairobi (Karen Technical School for the Deaf) and another one in Siaya (Nyang'oma Technical School for the Deaf).

The foregoing exemplifies a physical barrier where the government cannot put up adequate structures for the deaf, thereby impeding the deaf from national integration and development. Such a barrier situates deafness within the society. Consequently, the transition rate of the deaf to secondary school to learn the same subjects as their hearing counterparts or to tertiary institutions and universities is low. In fact, there is only one Doctor of Philosophy (PhD) deaf graduate, less than eight deaf people with master's degree and close to thirty with bachelor's degree (Kimani, 2012; Adhiambo, 2015 & Kinuthia, 2017).

The Global deaf Connection also points out that most deaf children start schooling later than their hearing counterparts (UNESCO, 2010). This is attributed to late diagnosis of Deafness by parents or stigma which prevents children from being identified at an early age (Kinuthia, 2017). Such an adverse attitude toward the deaf children means that their linguistics needs are not attended to early and their education onset is delayed.

The situation is aggravated by the fact that the deaf are examined alongside their hearing peers in the Kenya Certificate of Primary Education (KCPE). Kimani (2012) observes that the wording and phrasing used in questions work to their disadvantage as they do not understand the vocabulary and grammar used. Kimani (2012) adds that even the adapted KCPE papers, especially in English Subject, do not better their chances of passing. As a result, the few who take KCPE do not perform comparably with their hearing peers as they may score as low as 100 marks out of 500 marks (Kinuthia, 2017). In such a case, their LHR of being examined in the language they understand best, KSL, are impinged upon by the examining body which not only sustains the abnormality but also closes advancement avenues to secondary schools and consequently, to better jobs or business opportunities. Many schools for the deaf have therefore, opted to enroll their students for vocational or technical exams at primary school.

In schools, as one deaf student reports, shortage of learning materials including dictionaries and story books written in KSL work to their disadvantage (Omulo, 2018). Parents are also less bothered with the performance of their deaf children (Kinuthia, 2017). This is aggravated by the high cost of hearing devices which most parents of the deaf pupils cannot afford. Consequently, parents' attitude and their limited financial resources prevent the deaf children from pursuing better education.

4.2 Linguistic human right and social life

Lack of knowledge of the sign language by non-deaf people results in an attitudinal barrier starting from home environment, religion, health and justice systems. Deaf children feel different, locked out and marginalized when their parents and siblings talk and laugh together without anyone making an extra effort to include them in communication (Omulo, 2018). Consequently, when they return to school, their teachers report that they display anger that can be traced back to lack of communication by their parents (Gikandi, 2014). According to French and Swain (2013), in such a case the parents and the immediate family disable the deaf children. Thus, any meaningful change must be directed to the parents rather than the deaf children.

Another instance in which the society disables the deaf is through sexual abuse. Some girls, for instance, are not only sexually violated by the teachers supposedly taking care of them, but they are also impregnated. Joshua project (2014) reports a girl who was abused in the same manner in Rongo, Migori County and whose path to justice was obstructed by the Ministry of Education officials and the school which denounced her. A deaf teacher in the same school who blew the whistle was transferred and the Teacher Service Commission did not protect him. The police and the court have also been reported of denying the deaf justice as the knowledge of sign language is scanty or lacks completely. Joshua project (2014) reports an arrest of a deaf boy for allegedly raping a girl. The police did not understand sign language or ignored it altogether and his pleas were ignored. These two cases impinge upon LHR of the deaf who cannot be protected by social or justice systems. Consequently, the inclusion of the deaf people in national development is impeded.

In court, there are very few interpreters of sign language and this has resulted in a huge backlog of cases involving the deaf hence infringing upon their right to speedy justice. Wilson (2006) in a report from a visit to Kenya to study the situation of the deaf remarks that there is a danger of misinterpreting the deaf people's evidence adduced in court, which can land them in problems. At the same time, the deaf miss most of the court proceeding as not everything is interpreted to them. The alienation of the deaf spills over to the area of worship. Many churches and mosques conduct their services without an interpreter leaving the deaf uninformed of the goings on in the religious service. Additionally, not any part of the scripture is translated using KSL and there are no films or videos in KSL with religious messages. In short, access to justice system is impeded by the already violated LHR occasioned by attitude formation towards the deaf sign language users as minority linguistic groups and therefore, few resources are allocated to aid in interpretation.

Deaf people also face barriers to health care system because of communications problems (Ngugi & Mwiti, 2018). In Kenya, there are no sign language interpreters stationed in hospitals to interpret for the deaf patients and doctors. Consequently, Ngugi and Mwiti (2018) note that this leads to deaf patients not understanding the diagnosis, treatment, medication use or side effects. At times, misdiagnosis and mistreatment result. There is also difficulty in booking appointments via telephone as the patients must go physically to hospitals even when there are alternatives. Lack of proper diagnosis, treatment and wastage of time may impact negatively on a deaf person's productivity at work. This is because, there is already discrimination based on linguistic minority as hospitals have not put in place structures that aid in effective treatment of the deaf people.

4.3 Linguistic human rights and economic opportunities for the deaf

The deaf people are disadvantaged from accessing economic opportunities and when they do, they hardly have progress. One form of economic opportunity that was analyzed in this article was employment. The deaf people struggle to find jobs, are underemployed and have low prospects of advancing while in them (Parness & Richardness, 2007). This is attributed to a number of factors including lack of communication access and lack of exposure to soft skills (etiquette, team working and problem solving with their colleagues) which have led to segregation from their hearing colleagues, and limited them from networking, camaraderie and learning (Parness & Richardness, 2007; Omulo, 2010). Just to show how challenging it is for the deaf, Helen Keller, born blind and deaf says: "I am just as deaf as I am blind. The problems of Deafness are deeper and more complex, if not more important than those of blindness. Deafness is a much worse misfortune because of the loss of the most vital stimulus- the sound of the voice that brings language, sets thoughts a stir and keeps us in the intellectual company of man" (You Tube, 2013). The rights of the deaf people to get themselves into gainful employment need to be re-examined. Part of hindrance from attaining jobs is the community's judgment of the deaf people's linguistic skills based on reading and writing skills, yet the deaf people's language proficiency is in sign language which is elusive to most hearing people. Looked at this way, society is the main impediment to the deaf people's economic development through attitude formation and denial of requisite resources for advancement.

Deaf people, perhaps more than most other people living with disabilities lack information on prospective job avenues and other information relevant to secure for them better livelihood (UNESCO, 2010). If a job is advertised on the radio or television and there are no KSL interpreters, they cannot hear about it. On television for example, the subtitles run fast, are obstructed by pictures or are totally missing, so they do not get complete information. This begs the question how the deaf enjoy their right to information as stipulated in Constitution of Kenya (2010). Furthermore, it is rare or almost impossible to find deaf people who are nurses, doctors, police officers, information science technology experts, lecturers and even teachers. Most of them are relegated to menial work, an inequity that can be traced to their primary education which limited chances of honing their skills at tertiary levels of education. This view is supported by WHO (2011) that people with disabilities experience worse educational and labour market outcomes making them more likely to be poorer than others. In fact, 20% of global population of people living in poverty is people with disability (UNESCO, 2010).

5. Conclusion and recommendations

The Kenyan deaf live in the same environment as the hearing Kenyans and are supposed to be protected by the rights and fundamental freedoms encapsulated in Constitution of Kenya (2010). However, this article revealed a delicate web of inadequate education opportunity intertwined with discrimination and lack of employment opportunities among the deaf. The article concluded that the communication, language and information barriers the deaf face have contributed to the societal pitfalls in integrating the deaf in national development. This supports the view that disability is located not within the individual disabled person, but within society (French & Swain, 2013). In the view of the present article, the society has aggravated the situation of the deaf by denying them access to basic human rights accrued from education, employment and other societal systems. This way, rather than KSL being a tool for national cohesion, it has ironically been used by the society to disable the deaf. It is imperative, therefore for the society to secure the education and socio-economic rights of the Kenyan deaf sign language users. This can be done through creating awareness and having respect for the existence of sign language users, parental counselling and easy access to sign languages for families. In education, subsidized basic education for the deaf, free hearing devices, accessible higher education and special teacher training for the deaf needs will improve the deaf education. Teaching of sign language in schools as a core- subject in all schools will improve the attitude of the general public towards the deaf. There is also need for access to information and news through provision of sign language interpreters for all television programmes, or setting up a television station to exclusively cater for the deaf people's education, information and entertainment needs. Other ways of improving the lives of the deaf include self-representation and affirmative action in the training of the deaf in professional fields such as education, law and medicine. Lastly, there is an urgent need to intensify research in sign language and to provide information and support for deaf associations countrywide.

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