

# UNTAPPED POTENTIAL? INCORPORATION OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES AND SIGN LANGUAGE JUSTICE: LESSONS FROM NORTHERN IRELAND

BRONAGH BYRNE

School of Social Sciences, Education and Social Work,  
Queen's University Belfast

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## **Abstract**

This article explores the extent to which making the United Nations Convention on the Rights of Persons with Disabilities (CRPD) (2006) part of domestic law, that is, incorporation, can act as a supportive mechanism in the pursuit of sign language justice. Despite parallel developments in incorporation of human rights treaties and sign language recognition, these legal processes have largely been explored in isolation of each other. Using Northern Ireland as a case study, the article argues that making the CRPD part of domestic law, in some form, provides a strategic vehicle to hold states parties to account in their actions around sign language rights.

**Keywords:** sign language recognition; UNCRPD; incorporation; language justice; rights.

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## [A] INTRODUCTION

The United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD) was the first human rights treaty of the twenty-first century, adopted by the UN in 2006. The premise of the CRPD is “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity” (Article 1 CRPD). In this context “persons with disabilities” is given particular but non-exclusive meaning and “includes those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others” (Article 1 CRPD). This can be read as including those who are deaf. Indeed, the CRPD makes specific reference to those who are deaf, deafblind, to the deaf community, and to sign language; the first time this has been the case in an international human rights treaty of

this type. For this reason alone, the CRPD is of huge significance, not least given that 185 of the 193 UN member states have ratified the CRPD at the time of writing.

This significance is somewhat disjointed by the fact that many deaf people do not view themselves as “disabled” but as part of a cultural and linguistic minority (Batterbury 2012). Across law and policy, however, deaf people can be understood to have “dual category status” (De Meulder & Murray 2017: 139), due, on the one hand, to their disability group status and, on the other, their minority language status as sign language users. Rob Wilks (2022) refers to this as the “Deaf-disabled and language minority dichotomy”, noting that the law recognizes “Deaf-disabled rights” and offers protections if deaf people in turn accept that classification (Wilks 2025). In contrast, while language-minority rights exist, predominantly in the form of sign language recognition law, these generally provide fewer substantive protections (De Meulder 2015; De Meulder & Ors 2019; Wilks 2022). In practice, however, the decision of whether or not to occupy a disability category status or language minority status is not a binary one (Wilks 2022). The consequence of this disconnect is that the legal protection of sign languages remains uneven and situated at the intersection of disability rights and linguistic rights (Ferri & Ors 2024).

At the time of writing, 81 countries across the world have recognized sign language in some form (WFD 2025). In parallel, there has also been a global general trend towards incorporation of international human rights treaties into domestic law, including those where there is explicit reference to disability, that is to say, the UN Convention on the Rights of the Child 1989 (CRC)<sup>1</sup> and the CRPD. Incorporation refers to the legal process through which international treaties are made part of domestic law in some form, either in full or in part (Denza 2006). These legal processes, incorporation of the CRPD and the development of sign language law, have been largely explored in isolation from each other despite their complementarity and strategic transformative potential as a holistic body of work.

Transformative potential in this regard can be understood as the desire to harness existing learning to foster a move towards transformative equality. Transformative equality, as Wilks (forthcoming) notes, seeks to change societal attitudes and eliminate deeply entrenched structural inequalities that emanate from the taken-for-granted rules of everyday practice(s). In the same way that claiming Deaf-disability rights and

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<sup>1</sup> The CRC was the first treaty to make explicit reference to disability. Article 2 includes disability as a ground for non-discrimination while Article 23 sets out the rights of children with disabilities.

language-minority rights at the micro level do not need to be a binary choice, neither does their analysis at doctrinal level. As Sarah Batterbury argued (2012: 253), the CRPD “provides the best hope for sign language policy notwithstanding its disability framing”. Article 24(3) of the CRPD, for example, requires states parties to “facilitate the learning of sign language and the promotion of the linguistic identity of the deaf community”, while Article 30 establishes that “persons with disabilities” are entitled to recognition and support of their specific cultural and linguistic identity, including sign languages and Deaf culture. These entitlements can be found, in varying forms, in standalone sign language legislation in different jurisdictions.

This article seeks to confront the existing disconnect by exploring the extent to which international legal protections offered on the basis of deaf-disabled status (specifically the CRPD) that are incorporated into domestic law can contribute to the development of a supportive architecture for language-minority rights, and ultimately to achieving sign language justice. To do so, the article, for the first time, explores the specific role of CRPD incorporation for achieving sign language justice. The focus, therefore, is less on the CRPD generally, and more on the untapped potential that the legal process of *incorporation*—that is, what making the CRPD part of domestic law (whether in full or in part)—offers sign language law. It applies the author’s extensive work around incorporation of the CRC, and more recent work on incorporation of the CRPD,<sup>2</sup> as a framework to identify the potential benefits and challenges of this process for sign language justice.

Using Northern Ireland as a case study, where both a Sign Language Bill, and, separately, a proposed Private Member’s Bill (PMB) on incorporation of the CRPD, are in progress at the time of writing, it is argued that direct legal incorporation of the CRPD whether in full, or in part (in respect of sign language provisions), provides a strategic vehicle to hold states parties to account in their actions around sign language rights by promoting greater opportunities for enforceability and justiciability of sign language rights at a domestic level as well broader cultural change on the ground. This is not to say that the CRPD is without its limitations (Byrne 2022; Sousa 2023; Ferri & Ors 2024), but that its realization does indeed have something to offer sign language justice given its almost uniform ratification across the globe.

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<sup>2</sup> A body of work does not yet exist on incorporation of the CRPD to the same extent as the CRC. This is due in part to the CRC’s long-standing status and the time it takes post ratification for countries to develop legislation that integrates it into its domestic law where applicable.

The article begins by outlining the methodologies employed before moving on to briefly examine the key concepts of sign language justice and incorporation that underpin the discussion. The article then explores the incorporation of human rights treaties in more depth, situating this within the context of the CRC and CRPD. The focus then moves on to sign language law, with a discussion of what this looks like in the United Kingdom (UK) before exploring the proposed Sign Language Bill for Northern Ireland specifically. The final substantive section examines the proposed PMB in Northern Ireland on incorporation of the CRPD before exploring the untapped potential that this might offer for sign language law. While initially discussed through the lens of Northern Ireland, it has clear applicability for how incorporation of the CRPD could support—or indeed, transform—the development and implementation of sign language law in states that have either ratified the CRPD and are considering taking a more formal approach of incorporation, and in states that have already ratified the CRPD and wish to strengthen existing or proposed sign language law. The article concludes by summarizing the main findings and presenting recommendations for the way forward.

## [B] METHODOLOGY

A multi-method approach to exploring the potential benefits of CRPD incorporation for sign language law is utilized in this article. It draws, firstly, on the author's existing body of research on the legal implementation of the CRC in selected countries across the world. This comparative analysis included both empirical research and documentary analysis on the actions of states parties in this regard (see below for further discussion). Secondly, it uses critical content analysis of selected and relevant international human rights treaties, domestic law and related policy documents.

In adopting a critical analysis approach, it is important to be mindful of the social and political contexts in which texts and documents are produced, and the ways in which they can either create, challenge or reaffirm social inequalities (Holland & Novak 2017). Critical content analysis of texts aims to uncover taken-for-granted or normalized assumptions, looking both at what is there, but also what is not there that should be there (Diem & Ors 2014).

As Alysia Blackham (2025) notes, content analysis can act as a critical component to doctrinal analysis, with Mark Hall and Ronald Wright (2008) contending that this method brings the rigour of social science methods to legal research. These methods are adopted in the context of

a case study approach to Northern Ireland where moves are currently being taken both to adopt sign language law and legal incorporation of the CRPD. As Aikaterini Argyrou (2017) notes, a case study approach aims to provide in-depth exploration and detailed descriptions of a phenomenon, helping to answer questions of “how” and “why”.

## [C] CONCEPTUAL FRAMEWORK

The concepts of incorporation and sign language justice form the overarching framework for this article. This section sets out their meaning for the purposes for the present discussion. Human rights treaties impose duties on states parties to respect, protect and fulfil the rights contained therein (Bantekas & Oette 2024). In general, treaties impose duties on states parties to take all appropriate measures to implement them. This includes both legal and non-legal measures. Given the implementation gap that exists across many treaties in practice, growing attention has been paid to the measures of legal incorporation; in other words, making a treaty part of domestic law. This has been a particular feature in so-called dualist jurisdictions where human rights treaties do not automatically become part of domestic law upon ratification as is usually the case in monist states (see, for example, Denza 2006). Despite the transformative potential of incorporation, there is a limited body of published work that explores this in practice, particularly in relation to the CRPD. However, work that has begun to emerge is beginning to show the significant impact that legal incorporation can have on the covered population group’s experiences of their rights (see, for example, Lundy & Ors 2013; Kilkelly & Ors 2021).

A distinction can be made between different types of incorporation. Direct incorporation occurs when the treaty, either in full or in part, is incorporated directly into the domestic legal system. This may be at constitutional level or in a statute, or similar legal instrument (Lundy & Ors 2013). Indirect incorporation occurs when measures are taken to give the treaty some effect in national law, but they stop short of making substantive rights part of the domestic legal order. An example of full and direct incorporation is the UNCRC (Incorporation) (Scotland) Act 2024 (see, for example, McCall-Smith & Kirk 2025).

This article uses the term “sign language justice” to situate the desired outcome of sign language law, whether alone or as supported by incorporation of the CRPD. It builds upon Batterbury’s (2012) use of the term “language justice” which views language access and legal recognition of language as a means of achieving social justice. As Alison Cardinal and

colleagues (2021) highlight, however, access can be understood as a social construction that predominantly focuses on translation and interpreting only when requested rather than seeking to disrupt entrenched forms of oppression and taken for granted spoken language-oriented day-to-day practices. The concept of sign language justice is therefore here understood to be about more than language access and the availability of information in signed languages. Rather, it is understood here as about the overcoming of language “injustice” (Fraser 2012), through challenging the subordination of sign language, and as a key component of transformative approaches to equality, alongside challenging attitudes and dismantling the root causes of the structural inequalities that deaf people experience (Wilks forthcoming).

## [D] INCORPORATION OF HUMAN RIGHTS TREATIES

In 2012, a major study was undertaken by Lundy and colleagues for UNICEF UK, exploring legal implementation of the CRC in 12 countries (Lundy & Ors 2013).<sup>3</sup> This took the form of a comparative empirical and documentary analysis of how a number of states parties to the CRC had approached the legal implementation of the Convention, and based on the obligation under Article 4(3) of the CRC that states parties:

undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources.

While legal measures are not the only way of implementing the CRC, the Committee on the Rights of the Child (the CRC Committee), the associated treaty-monitoring body, has also highlighted the importance of this approach. According to the CRC Committee (2003), incorporation occurs when “the provisions of the Convention can be directly invoked before the courts and applied by national authorities”. The findings from the study illustrated that higher levels of legal implementation were associated with greater levels of respect for children’s rights. A follow-on study in 2021 built on this research, exploring the legal landscape of the CRC in a further 12 countries with a mix of legal traditions, including the United States which has not ratified the CRC (Kilkelly & Ors 2021). The findings from both studies highlighted that there is no single way to

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<sup>3</sup> The 12 countries chosen for inclusion in the study were: Australia, Belgium, Canada, Denmark, Germany, Iceland, Ireland, New Zealand, Norway, South Africa, Spain, and Sweden.

achieve legal incorporation of a human rights treaty and that there are different forms of legal incorporation.

While there remains limited evidence about the cause and effects of incorporation, research points to greater implementation of children's rights in countries that have achieved greater levels of legal incorporation (Kilkelly & Ors 2021), contributing to a culture where children are visible and viewed as rightsholders.

While the research discussed relates to the CRC, similar principles apply when exploring incorporation of the CRPD, in that each country will find itself at different points along the incorporation journey, and the ultimate aim is for the greatest level of implementation possible. This provides us with a useful starting point in exploring the implications of legal incorporation for contributing to achieving or at least progressing language justice in the absence of a similar body of knowledge that explores the effects of CRPD incorporation. Similarly to the CRC, Article 4(1) CRPD requires states parties to:

To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention.

Uniquely, Article 4(3) of the CRPD further requires that:

In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

The CRPD Committee has consistently called on states parties to incorporate the Convention across its Concluding Observations (see, for example, CRPD Committee 2024; 2019; 2017—in respect of Sweden, Cuba and the UK). It is here that the discussion around measures of implementation takes on renewed import for the area of sign language law and policy. Where a state fully and directly incorporates the CRPD, this should, in theory, provide strong(er) protections and justiciability for sign languages in domestic law and contribute to the development of a culture where sign languages are respected on the same basis as spoken languages. As noted earlier, Articles 21 and 30 of the CRPD place duties on states to facilitate the learning of sign languages and promote the linguistic identity of the deaf community. There are also other relevant provisions in the CRPD which need to be considered for the holistic achievement of language justice.

Article 9(2e) of the CRPD requires states parties to provide forms of “live assistance and intermediaries” including sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public. Article 21 requires states parties to take all appropriate measures to ensure “persons with disabilities” can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information on an equal basis with others, including by “accepting and facilitating the use of sign languages ... in official interactions”. (Article 21(b)), and “recognizing and promoting the use of sign languages” (Article 21(e)). Elsewhere, Article 24(3) also requires that states parties ensure that education for children who are deaf, blind or deafblind is delivered in the “most appropriate languages and modes and means of communication for the individual”. To realize this right, states parties are obliged to take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language.

There are also other general references to communication through the CRPD which can be taken to include sign languages. While imperfect, and more frequently highlighted as a gateway to accessibility of an identity or cultural issue (Bantekas & Ors 2018), the CRPD does provide a minimum set of standards against which countries that have ratified the CRPD can be held to account. It is important to emphasize that the rights contained in any human rights treaty reflect the minimum standards and entitlements, not the maximum, yet these tend to be provided, presented, or perceived, as aspirational and in a way that implies, however subtle, that the rightsholder should be grateful if or when these entitlements are made real in domestic law or policy. While ratification of the CRPD provides a broad framework that the deaf community can use to negotiate and lobby for change, its incorporation via legal measures, based on the explicit duties placed on states, provides potential for strategic progression towards language justice. No other international human rights treaty is as extensive in its references to sign languages. Research indicates that ratification of the CRPD has in fact shone a greater spotlight on recognition of sign language in jurisdictions such as Korea, Chile and Malta (De Meulder & Ors 2019).

This does not mean the CRPD is without its limitations or concerns. Annelies Kusters and colleagues (2015) describe the CRPD as posing limitations on the right to be different. Core to this is the language of Article 24 of the CRPD on “inclusive” education and the vagueness associated with the opportunity for deaf, blind and deafblind children to be educated in “environments which maximize academic and social development”. It could be argued that this opens the possibility for deaf

children to be predominantly educated in normalized spoken language systems rather than recognizing and prioritizing the development or maintenance of deaf schools where sign language is the norm. As such the CRPD does not provide an explicit right for deaf children to be educated in deaf schools. How this will be implemented in practice will be primarily subject to interpretation of the provision by duty bearers across states. Joseph Murray and colleagues (2018) have rightly noted that deaf people's interpretation of Article 24 is distinct from that of other groups of people with disabilities. However, individual rights are not standalone rights and, in line with the Vienna Law of Treaties 1969, should be read in conjunction with other relevant rights across the CRPD. Rights are inalienable, interdependent and indivisible (Bantekas & Oette 2024).

In the same way that educational provision for deaf children plays a key role in both the implementation and achievement of language justice, sign language rights should not (and cannot) be read in isolation from education rights. Thus, the obligation on states parties under Article 24(3) to ensure that education for children who deaf, blind or deafblind is delivered in the "most appropriate languages and modes and means of communication for the individual" and in "environments which maximize academic and social developments" must be read in conjunction with the obligation to "facilitate the learning of sign language and the promotion of the linguistic identity of the deaf community". This would imply that sign language provision for deaf children in education settings is key and that if this cannot be provided in mainstream schools, then this should be in deaf schools. Similarly, Article 24(3) should be read in conjunction with Article 30 which establishes that "persons with disabilities" (in this context deaf children) are entitled to recognition and support of their specific cultural and linguistic identity. By implication then, deaf schools would appear to provide the most appropriate environment for sign language users, which can maximize academic and social development in a way that supports their specific cultural and linguistic identity.

Attention should also be paid to the general principle, and substantive right, of non-discrimination under Article 5 CRPD. Read in conjunction with the right to inclusive education under Article 24, deaf children should not be discriminated against in their educational provision. Such discrimination could potentially include a situation where deaf children are sent to mainstream schools without meaningful inclusion, whereby inclusion could be understood as being educated directly in the first or preferred language, rather than through a third party. Article 5(4) allows for the concept of positive discrimination and states that "[s]pecific measures which are necessary to accelerate or achieve

*de facto* equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention”. Indeed, the CRPD Committee (2016: paragraph 65) has noted in its General Comment on inclusive education that:

To ensure equality and non-discrimination for deaf children in educational settings, they must be provided with sign language learning environments with deaf peers and deaf adult role models. The lack of proficiency in sign language skills of teachers of deaf children and inaccessible school environments exclude deaf children and are thus considered discriminatory.

Crucially, whilst the focus thus far has been on how the CRPD could be interpreted by duty bearers, and, in general, this would largely be the case, the CRPD does give people with disabilities a role to play in what implementation could or should look like in practice. As noted above, Article 4(3) CRPD requires states parties to “closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations”. The CRPD Committee has made clear this extends to all rights including Article 24 (CRPD Committee 2018b). It also includes all provisions noted above where sign languages are specifically mentioned. Such involvement should extend across legal and regulatory frameworks and procedures across all levels and branches of Government (CRPD Committee 2018b).

In the context of this article, Article 4(3) should provide a clear route for deaf people to work directly with states parties in determining how implementation of sign language provisions should be translated into law, policy and practice. Thus, the CRPD gives the deaf community a clear role to play in interpretation of the relevant rights at national level since determining what implementation should look like brings with it some degree of interpretation in light of a state party’s unique legal, political, social and cultural contexts.

## [E] SIGN LANGUAGE LAW

The recognition of sign languages in domestic law has garnered growing attention and analysis globally (De Meulder 2015; De Meulder & Ors 2019). In her 2015 article, Maartje De Meulder identifies five categories by which sign languages can be recognized at national level. These are: constitutional recognition; recognition by means of general language legislation; recognition by means of a sign language law or act; recognition by means of a sign language law or act including other means of communication; and recognition by legislation on to the functioning of the national language council. She further describes three categories

of implicit (legal) recognition. The first comprises those countries that have mentioned their sign languages only in legislation on disability, equality, or education; the second category consists of countries that have granted recognition by a declaration or government decision (no explicit legal recognition); while the third comprises the United States and Canada whereby sign languages are recognized in some state or provincial legislation. These layers or levels of recognition provide a useful framework against which progress in individual states can be examined.

In the UK, the British Sign Language Act 2022 recognized British Sign Language (BSL) as a language of England and Wales and Scotland. This did not extend to Northern Ireland (NI). In contrast, Scotland's BSL Act was adopted in 2015, and, *inter alia*, aims to promote the use of BSL, including by making provision for the preparation and publication of BSL plans (De Meulder, 2016; Lawson & Ors 2018; Wilks 2026). Sign language in Northern Ireland was given formal recognition 21 years ago in March 2004 by the then Northern Ireland Secretary of State. This did not provide any kind of legal protection, however, playing merely a symbolic role, yet it was an important starting point for further progress. Northern Ireland is distinct from the rest of the UK in that it has two sign languages, BSL and Irish Sign Language (ISL), a fact that reflects its complicated history, the legacy of the conflict, and cross-border educational trajectories for deaf children and young people during that time to access deaf schools in Ireland and the rest of the UK (see also O'Connell 2022).

The Sign Language Bill (Northern Ireland) 2025 was approved by the Northern Ireland Executive on 23 January 2025 and introduced to the Northern Ireland Assembly on 10 February 2025. The second stage was completed on 18 February 2025. At the time of writing the Bill is at Committee stage and is expected to complete in late 2026. The purpose of the Bill is to recognize and promote both BSL and ISL as official languages of Northern Ireland. As the lead government department, the Department for Communities is responsible for promoting: the "greater use and understanding of BSL and ISL", the "general entitlement of individuals in the deaf community to use BSL and ISL as necessary or convenient in the course of everyday activities", and the "further development ... of the deaf community's culture". The Department is also required to ensure the availability of sign language classes for deaf children and their families/guardians/carers. The Bill further requires prescribed organizations to take reasonable steps to ensure their services and information are as accessible to the deaf community as they are to the hearing community with the Department for Communities required to provide guidance

outlining best practices for named organizations in that regard (see also Wilks 2026).

The Sign Language Bill is in contrast to the dominant legal discourse in Northern Ireland whereby deaf people have been required to identify as “disabled” to access, or have recourse to, the provisions outlined by the Disability Discrimination Act 1995 (and Disability Discrimination Order 2016).<sup>4</sup> Deaf people in Northern Ireland also have protections under section 75 of the Northern Ireland Act 1998 as part of the protected disability grouping. Section 75 places an obligation on public authorities to have “due regard” to equality of opportunity between those with a disability and those without (Equality Commission for Northern Ireland 2010).<sup>5</sup> Neither piece of legislation acknowledges or makes provisions for deaf culture or for sign language more generally (McCallion & Stennett 2025). This approach is not unique to Northern Ireland, having been a feature of states across the globe, with a focus on “impairment”, medical discourse and diagnosis and qualifiers of “reasonableness” and “available resources” (see, for example, Batterbury 2012).

This tension has been noted as a consequence of deaf people occupying what has been referred to as a dual identity status (De Meulder and Murray 2017; Wilks 2022) as discussed earlier, irrespective of whether or not the identity ascribed at a particular moment in time is the one the individual aligns most closely with or agrees with. To this end, deaf people in Northern Ireland have not had the opportunity to benefit from rights associated with their cultural and linguistic identity as a minority language group. The Sign Language Bill provides both sign language rights and cultural rights, something which de Meulder notes is not always the case. The Bill also makes provision for language acquisition through provision of sign language classes for children, their parents and close family, and guardians/carers. At the time of writing, however, no mention has been made of supporting language acquisition beyond the age of 18—an issue for those who may not have the opportunity to acquire sign language until adolescence, or indeed to deaf adults who have not had the opportunity to acquire sign language during childhood due to a predominantly oralist educational stance (Hill & Hall 2025). Nor is there specific reference to education; a stark omission given that the majority

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<sup>4</sup> The Equality Act 2010 which consolidates equality law in England, Scotland and Wales, does not apply to Northern Ireland, which still retains separate equality legislation.

<sup>5</sup> Section 75 of the Northern Ireland Act 1998 requires public authorities to have due regard to the need to promote equality of opportunity: between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; between men and women generally; between persons with a disability and persons without; and between persons with dependants and persons without.

of deaf children are now educated in mainstream settings (Oppong & Ors 2024; CRIDE 2025) and may have few opportunities to use sign language outside the home.

While the road to sign language rights in Northern Ireland has been a long one, in part due to a protracted political process and hiatus in government, Wilks (2026) likens the deaf community to a steady elk (Wilks 2026); its importance gained renewed impetus with the adoption of the Identity and Language (Northern Ireland) Act 2022. This Act officially makes provision for Irish language rights, for the creation of an Irish Language Commissioner and Ulster Scots Commissioner, and for the establishment of the Office of Identity and Cultural Expression (see Costello 2024). Significantly, proposals for sign language legislation were included in the “New Decade, New Approach Agreement” of 2020. New Decade, New Approach laid out an ambitious agenda for investment and reform in public services in Northern Ireland, to address both short- and long-term economic and social challenges. It restored the Government of the Northern Ireland Executive following a three-year hiatus.

## [F] IN UNISON OR DISACCORD? SIGN LANGUAGE LEGISLATION AND INCORPORATION OF THE CRPD IN NORTHERN IRELAND

In December 2024, Danny Donnelly, a Member of the Northern Ireland Legislative Assembly (MLA) from the Alliance political party, launched a consultation process into a proposed PMB: United Nations Convention on the Rights of Persons with Disabilities (Obligation on Public Authorities) Bill. At the time of writing the aim of the PMB was to introduce a statutory duty on public authorities in Northern Ireland to have due regard to the CRPD. The meaning of “due regard” is here taken to mean that:

public authorities must give proper and conscientious consideration to the aims of the CRPD when making decisions. It is not enough to merely be aware of equality issues; authorities must actively think about and incorporate these considerations into their decision-making processes (NIA 2024: 3).

The proposed legislation is intended to strengthen public policy and services in Northern Ireland as they apply to people with disabilities. While the original intention had been to incorporate the CRPD both in full and directly, the parameters in terms of what could be achieved through private member’s legislation means that what is being proposed falls short of that and could be understood as a form of indirect incorporation

of the CRPD. The proposals do not aim to make substantive rights in the CRPD part of domestic law in Northern Ireland, but rather to introduce a procedural right whereby the CRPD is required to be considered in decision-making processes alone. While direct and full incorporation of the CRPD is to be preferred, the proposals can still be understood as something of a stepping stone in the incorporation journey (Kilkelly & Ors 2021). The concept of due regard in Northern Irish legislation is a fraught one given its inclusion in section 75 of the 1998 Northern Ireland Act and perceived as a tick-box exercise (O'Neill & Murtagh 2022; Carmichael & Knox 2024). It is not surprising therefore that response to the PMB as it currently stands has been one of resistance.

It is beyond the scope and intention of the article to unpack the challenges of the due regard duty. What is interesting and of direct relevance here is to consider whether this form of indirect incorporation could have anything to contribute to progressing sign language rights in Northern Ireland. At first glance and considering the Sign Language Bill progressing through the Northern Ireland Assembly, it would appear not. The Sign Language Bill as it currently stands requires the lead Department to publish guidance and to report on the impact of the Bill every five years. Mapping the PMB around the sign language provisions has the potential to allow for greater accountability there, also by placing a requirement on all public authorities in Northern Ireland to have due regard not just to the CRPD generally but to the provisions in Articles 9, 21, 24 and 30 highlighted above. While the monitoring mechanisms under the proposed PMB have yet to be discussed at the time of writing, ideally public authorities would be required to demonstrate precisely *how* they have demonstrated due regard across each of these areas. Thus, despite its disability framing, forms of indirect incorporation such as this do have potential to strategically complement sign language legislation. While not providing substantive rights, it does have the potential to contribute to the scaffolding and development of a supportive architecture around sign language rights.

The Sign Language Bill can be understood as a direct, but partial incorporation of the CRPD in respect of Articles 21(e), 24(3) and 30(4) in particular. This framework provides a useful way of understanding how the CRPD can act as a supportive vehicle for sign language justice. It should not be understood as a standalone endeavour. Cross-discussion between areas perceived to be the focus of the CRPD and sign language law and policy appear to be scant in practice despite their complementarity and the possibilities that CRPD incorporation provides for justiciability of sign language rights. This potentiality should not be underestimated.

While the Bill in Northern Ireland and similar sign language legislation in other jurisdictions do not directly refer to the educational provision for deaf children in respect of “sign language learning environments” (UN CRPD Committee 2018a: paragraph 65) as outlined in Article 24(3c), the absence of such can be understood and unambiguously named as an “implementation gap” (Fraser 2020). Thus, the CRPD also provides us with a lens through which to conceptualize legal and policy shortcomings. As Michael Freeman (2011: 21) argues, “the language of rights can make visible what has too long been suppressed”. Framing sign language justice as a set of set of existing entitlements moves beyond any legal doubt and philosophical debate that the deaf community are rightsholders and members of a cultural and linguistic minority. In a purely legal sense, there is no need to “prove” the benefits of sign language access or justify what this might incur in terms of outcomes—it is an entitlement and must be respected, protected and fulfilled.

## [G] CONCLUSION

The aim of this article was to explore the extent to which the legal incorporation of the CRPD can act as a supportive mechanism in the pursuit of sign language justice. In contrast to other human rights treaties and soft law international declarations adopted by the UN, the Council of Europe and the European Union (Krausneker 2008; Tupi 2019; Sousa 2022), the CRPD remains the only legally binding instrument that, firstly, explicitly mentions sign language and, secondly, provides a clear mechanism by which state actions in implementing its obligations can be systematically monitored. This provides a clear benchmark for *minimum* standards to be put in place and built upon.

The parallel growth in incorporation of the CRPD, on the one hand, and sign language laws, on the other, have tended to be treated as distinct entities despite their transformative potential as a holistic body of work to advance sign language justice across the globe. Direct legal incorporation of the CRPD, whether in full or in part (in respect of sign language provisions), provides a strategic vehicle to hold states parties to account in their actions around sign language rights by promoting justiciability of sign language rights at domestic level and broader cultural change on the ground. It would be useful to systematically explore the impacts and untapped potential of CRPD incorporation across the globe in practice with regards to sign language recognition, implementation and monitoring. Further still, naming the absence of sign language provisions in domestic

laws and policies as a human rights failure, a form of discrimination, or a violation offers a powerful language through which entitlements can be claimed.

The CRPD's recognition of sign language reaffirms its status (of sign language recognition) as a legitimate moral principle that contributes to the inherent dignity, equality, autonomy and freedoms of deaf people. This article also suggests that there are opportunities for the deaf community to challenge framing under the CRPD, particularly given the clear duty on the state under the CRPD to consult "persons with disabilities", including deaf people, in the development and implementation of laws and policies. Having (and claiming) a seat at the table of law and law and policy-making is pivotal in shaping discussions on incorporation of the relevant sign language provisions in domestic law. It is hoped that this article will provoke discussions around the untapped potential of the CRPD in promoting sign language justice, both broadly and specifically in relation to its incorporation.

### **About the author**

*A deaf academic, **Bronagh Byrne** is Professor of Disability and Children's Rights, and Director of the Centre for Children's Rights at Queen's University Belfast. Her research expertise focuses on the implementation of the UN CRPD and the UN Convention on the Rights of the Child with respect to the rights of deaf and disabled children and young people. She has a particular interest on the right to inclusive education. She is a member of the editorial board for the International Journal of Disability Studies and Social Justice.*

*Email: [b.byrne@qub.ac.uk](mailto:b.byrne@qub.ac.uk).*

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## Legislation, Regulations and Rules

British Sign Language Act 2022 (England and Wales and Scotland)

British Sign Language Act 2015 (Scotland)

Disability Discrimination Act 1995

Disability Discrimination Order 2016

Equality Act 2010

Identity and Language (Northern Ireland) Act 2022

New Decade, New Approach Agreement 2020

Northern Ireland Act 1998

Sign Language Bill (Northern Ireland) 2025

United Nations Convention on the Rights of the Child 1989

United Nations Convention on the Rights of the Child (Incorporation)  
(Scotland) Act 2024

United Nations Convention on the Rights of Persons with Disabilities  
2006

United Nations Convention on the Rights of Persons with Disabilities  
(Obligation on Public Authorities) Bill 2024

Vienna Law of Treaties 1969