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Deaf Children in Canada: The Case of Carter Churchill

Alternate Report Submission to State Report (Canada)

Committee on the Rights of the Child

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This report provides information about the ongoing case of Carter Churchill and considerations for the implementation of the Convention in Canada. The following commentary was developed with reference to Snoddon (2020), Snoddon and Paul (2020), Paul and Snoddon (2017), the World Federation of the Deaf's Position Paper on the Language Rights of Deaf Children, and the Statement of Facts for the Case of Carter Churchill vs. Department of Education and Early Childhood Development and the Newfoundland and Labrador English School District.

Background:

Carter Churchill was born on February 8, 2011. He is profoundly deaf, and American Sign Language (ASL) is his first language. He received bilateral cochlear implants in December 2011. Carter had inconsistent access to itinerant teacher of the deaf services from the Newfoundland and Labrador English School District, and itinerant teachers of the deaf often did not have the ASL proficiency needed to communicate and teach in ASL. In kindergarten and grades 1, 2 and 3, he did not have a classroom teacher or peers who knew ASL. In 2019, Global News reported that Carter received one-and-a-half to two hours of instruction in ASL every seven school days. During school closures due to COVID-19, Carter often did not have access to online ASL learning support. Thus, Carter has not had the opportunity to learn in his own language, the opportunity to be fully educated, or the opportunity to communicate and interact with peers.

Points for consideration:

Article 2. Deaf children such as Carter, who benefit from a national sign language such as ASL or Langue des signes québécoise (LSQ), experience discrimination due to disability in Canada and do not receive an education equal in quality to that received by nondeaf students. There is a lack of standards and mechanisms at the national and provincial level for monitoring the implementation of the Convention in the case of signing deaf children and to ensure services are provided in consideration of the best interests of the child who benefits from a national sign language. For most deaf children in Canada, placement in regular schools with minimal support for sign language learning is the only option available.

The right to sign language requires more than accessibility accommodations such as sign language interpreters. This right entails supporting deaf children's language acquisition and development in a national sign language by means of ASL and LSQ programming and instruction. Government-funded early intervention and educational programming for deaf children have the stated aim of supporting language development, but often intervention and programming do not adequately support deaf children's learning of a national sign language.

Articles 5 and 13. Because Carter has not had the opportunity to learn in his own language or be fully educated, his right to freedom of expression and access to information has not been honored. Carter has experienced language deprivation, which is defined as the persistent lack of access to a natural language in early childhood. Language deprivation has a cascade of negative effects on deaf children's health and education.

Deaf children like Carter who attend regular school settings without access to ASL or LSQ are at risk of communication neglect, or ongoing exclusion from indirect communication and incidental learning. This exclusion leads to gaps in world knowledge and social and academic skills, and to psychological distress.

Article 23. Because Carter has not had the opportunity to learn in ASL, be fully educated, or communicate and interact with peers, he has been deprived of opportunities to enjoy a full and decent life in conditions that facilitate his active participation in the community. Carter and his parents have lacked access to evidence-based early intervention services for deaf children who benefit from ASL. Carter has not had effective access to education in a manner conducive to his receiving the fullest possible social integration and individual development, including his cultural development as a member of Deaf communities.

Article 29. Due to Carter's lack of opportunity to learn in ASL, education has not been accessible to him, and he has not had the opportunity to develop his personality, talents, and abilities to their fullest potential. Carter's education has not respected or allowed him to enjoy his cultural identity or language as a Deaf individual.

Article 31. Due to lack of opportunity to communicate and interact with signing peers, Carter has lacked opportunities to engage in play and recreational activities, and to participate in the cultural life of Deaf communities.

Article 34. Language deprivation leaves deaf children like Carter more vulnerable to exploitation. Lack of access to language and communication in childhood leaves deaf individuals at greater risk of physical, emotional, and sexual abuse and poor mental health as well as poorer health literacy and health outcomes.

Further considerations:

The Convention needs to be read holistically and in light of the rights outlined in the Convention on the Rights of Persons with Disabilities, which recognizes the unique status of deaf children and their right to education in sign language in Article 24.

The World Federation of the Deaf reiterates the need for deaf children to have full access to a quality education in their native sign languages, regardless of any technological devices they may use.

Similar human rights complaints have been filed by other families with deaf children in Canada which illustrate further breaches of the Convention. In 2016, the Saskatchewan Human Rights Commission published a report that described inequities in deaf children's access to education, health care, social services, and justice. However, many of the issues to be addressed have not been resolved. In 2016, the Saskatchewan child advocate tabled a special report regarding Dylan Lachance, an Indigenous deaf youth who died in custody and was unable to communicate with staff responsible for his care. Dylan had not had the opportunity to learn in ASL.

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