

**Law initiative for adding a second paragraph to the 4th article of the
Constitución Política de los Estados Unidos Mexicanos¹, referring to the
deaf communities**

Exposition of rationale

In our country, many deaf or hard of hearing persons are tired of being considered as linguistically and socially handicapped. The truth is that they have a linguistic and cultural background that has a lot to offer to the rest of the Mexican society. Therefore, they demand that their individual and collective rights be respected, as the capable and integral persons that they are. To that end it is essential to fully and legally acknowledge their collective identity, in accordance with the following considerations:

The communities of deaf persons possess Mexican sign languages and cultural heritages that have been an integral part of Mexican society, and they have supported the multicultural composition of the Mexican nation. These communities seek a dignified integration with the social life of the majority, with the majority's language that surrounds them, but without the impairment of their own sign languages and their own collective identities.

A great number of deaf persons define their identity within and with reference to one of these deaf communities, their sign languages and their cultural heritages.

The full recognition of sign languages will also benefit deaf persons who are not members of a deaf community, for they will go on enjoying the freedom to use the language of the majority in their social environment, but they will also have the option to enter deaf communities and enhance their social life with them, if they so desire or need to do so.²

The users of sign languages may be conservatively estimated at about 0.05 per cent to 0.2 per cent of the total population, that is, between 45 000 to 180 000 individuals. Additionally, many hearing persons are in regular contact these languages: within the family (more than 95 per cent of the deaf persons have hearing relatives), work, school, etc. Since in the last census it is estimated that the average size of the Mexican family is 4.8, between 162 450 to 649 800 hearing people have siblings or parents that communicate in a sign language.³

Scientific research has proven that the deaf communities' sign languages have the same potential as any other human language, be it for communication, as well as to share a social identity and to inherit a cultural heritage.

For those children who are born deaf or become deaf in the early years of their life, scientific research proves that those who learn a sign language during these early years will have a linguistic development that follows the same time lapses and stages as a hearing child does when learning an oral language. Scientific research has proven that the children that have a better global linguistic development and a better academic achievement are those who have grown in a deaf culture and have acquired a sign language.

For those who become deaf during or after adolescence, deaf communities, their sign languages and their cultural heritages constitute an invaluable resource to reconstruct their lives.

For the integration of mostly hearing families but with deaf members (parents, children or siblings) the acceptance and the knowledge of sign languages is irreplaceable:

- So that parents who belong to a deaf community are not looked upon with ambivalence and disdain by their own hearing children.
- So that hearing parents and deaf children can have a better communication among themselves, allowing these children to express themselves with less restrictions.
- So that deaf children are not scolded by their hearing parents, neither when they express themselves in a sign language, nor when they show interest in learning it.

If the Mexican society and State do not acknowledge the deaf community as a linguistic community, with its own collective identity, than they foster the segregation of deaf people from the hearing majority, as much as the disintegration of their corresponding families.

Deaf people have a handicap: they do not hear enough to fluently and naturally converse in any oral language. However, through their collective history, they have faced this handicap with languages and cultures that are built upon the senses that they do possess, in particular the visual sense.

With the establishment of the Escuela Nacional de Sordomudos⁴ that was meant to prepare educators for deaf persons –by a Benito Juarez's presidential decree on November 28th, 1867, which has not been revoked so far-, the Mexican State *de facto*

recognized the role of the language and the culture of the deaf community in the federal education system and in the national culture.

It is necessary to stop the persecution and denigration of Mexican deaf communities, since very often their sign languages are forbidden in public spaces (schools, hospitals, doctor offices) as well as in private spaces (family), and their institutions have been unfairly closed down (Escuela Nacional de Sordomudos⁵).

Among the deaf communities and the different sign languages that exist in the Mexican territory, the Comunidad Mexicana de Sordos⁶ with its Lengua de Señas Mexicana⁷ constitutes a majority (doubtlessly more than 35 000) and it can be found in all the urban areas nationwide.

Up to now, public and private education for deaf persons has been centered in oral Spanish. As a result, deaf persons who have little or no domain of spoken Spanish has been denied access to education. From a different standpoint, the recognition of the Comunidad de Sordos Mexicana⁸ will serve as a support for a bilingual educational system structured primarily around the Lengua de Señas Mexicana⁹ and Spanish. In such a system deaf children will be introduced to both languages as soon as possible and will be provided with good quality normal education, equivalent in content to the education of hearing children.

The recognition of Mexican Sign Language will also serve as a foundation of, among other things, a program to instruct and certify bilingual interpreters and professionals, whom are indispensable so that the deaf community may have access to different services and sources of information (trials, hospitals, media, cultural activities, higher education, etc.).

By raising to a constitutional level the acknowledgment of the deaf communities as part of the multicultural composition of the nation, and by acknowledging deaf and hard of hearing persons right to speak a sign language, a process will be launched to restore to them their full dignity and to contain the oppression and abuses they have been subjected to for so long.

For all that has been aforementioned and by the right conferred to us in the 71st. article, fraction 2 of the Constitución Política de los Estados Unidos Mexicanos,¹⁰ we the signing legislators submit to the plenary session of the Cámara de Diputados¹¹ the following initiative:

Artículo único.¹² That a second paragraph be added to the 4th article of the Constitución Política de los Estados Unidos Mexicanos, as follows:

Artículo 4º¹³ The Mexican nation has a multicultural composition which is originally supported by its indigenous people.¹⁴ The law shall protect and promote the development of their languages, cultures, usual practices, customs, resources and specific forms of social organization, and it shall guarantee their members the effective access to the jurisdiction of the State. In the trials and the agriculture legal proceedings where they participate, their judiciary practices and costumes will be taken into consideration according to the terms established by the law.

The deaf communities are also part of the nation's multicultural composition with their sign languages and their own cultural heritage. The law will guarantee to all deaf the effective access to the jurisdiction of the State, be it those who speak a sign language as well as those who speak an oral language.

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Transitory Article.

Transitorio único.¹⁵ The present decree will be enforced the day after it is published in the Diario Oficial de la Federación.¹⁶

Chamber of sessions of the Cámara de Diputados,¹⁷ March 18th, 1999.

Dip. Gilberto López y Rivas	[signature]
Dip. Pablo Gómez	[signature]
Dip. David Cervantes P.	[signature]
Dip. Benito Mirón Lince	[signature]
Dip. Demetrio Sodi	[signature]
Dip. María Mercedes Maciel D.	[signature]
Dip. Juan Cruz Martínez	[signature]
Dip. Gustavo Pedro Cortés	[signature]
Dip. Ricardo Cantú Garza	[signature]

¹ Political Constitution of the United States of México.

² It is estimated that with the increase in longevity, during the following 50 years people with deafness might surpass 10% of the total population. Jerome D. Schein. 1987. "The Demography of Deafness". In Paul C. Higgins y Jeffrey E. Nash, **Understanding Deafness Socially**. Springfield: Charles C. Thomas Publisher.

³ This estimate is based upon data from the Censo Nacional de 1990 —1990 Mexican national census— and the aforementioned international research by Schein (1987). On another hand, Thomas C. Stark calculated that on 1980 there must have been around 87 000 speakers of the Lengua de Señas Mexicana —Mexican Sign Language— (**La Lengua Manual Mexicana**. Unpublished manuscript. Centro de Estudios Lingüísticos y Literarios. El Colegio de México. México: 1986).

⁴ National School of the Deaf and Mute.

⁵ National School of the Deaf and Mute.

⁶ Mexican Deaf Community.

⁷ Mexican Sign Language.

⁸ Mexican Deaf Community.

⁹ Mexican Sign Language.

¹⁰ Political Constitution of the United States of México.

¹¹ Lower chamber of congress.

¹² Single or sole article.

¹³ Fourth Article.

¹⁴ Pueblos indígenas.

¹⁵ Single or sole transitory article.

¹⁶ Official Diary of the Nation.

¹⁷ Lower chamber of congress.