



REPUBLIC OF SLOVENIA
ADVOCATE OF THE PRINCIPLE OF EQUALITY

The Situation of the deaf in the Educational System

SPECIAL REPORT

Abbreviations

SATD	The Slovenian Association of Teachers of the Deaf
NA	National Assembly
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
EP	European Parliament
MLFSAEO	Ministry of Labour, Family, Social Affairs and Equal Opportunities
MESS	Ministry of Education, Science and Sport
MC	Ministry of Culture
CRPD	Convention on the Rights of Persons with Disabilities
UN	United Nations
PACE	Parliamentary Assembly of the Council of Europe
RS	Republic of Slovenia
SSL	Slovenian Sign Language
UMC Ljubljana	University Medical Centre Ljubljana
Constitution	Constitution of the Republic of Slovenia
Advocate	Advocate of the Principle of Equality
DHHCAS	Deaf and Hard of Hearing Clubs Association of Slovenia
PAA	Personal Assistance Act
PADA	Protection against Discrimination Act
VREPDA	Vocational Rehabilitation and Employment of Persons with Disabilities Act

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SUMMARY OF THE SPECIAL REPORT

In accordance with Article 22 of the Protection against Discrimination Act (PADA)¹, the Advocate of the Principle of Equality (hereafter: the Advocate) shall use special reports to report to the National Assembly of the Republic of Slovenia about its work and findings on the existence of discrimination of particular groups of people with certain personal grounds.

With this Special Report, the Advocate would like to draw public attention to the situation of persons who are deaf in the process of their inclusion in education, including when seeking the highest attainable levels of education. Equal treatment and equal opportunities of deaf in the realisation of their full potential in the field of education and thus their integration into social life is explored in detail. In accordance with Article 2 of the PADA, education is explicitly listed among areas of social life where discrimination (of groups) of persons with a particular personal ground is prohibited.

The purpose of this Special Report is to raise awareness among decision-makers and the general public about the importance of formulating, adopting and consistently implementing regulations and measures preventing discriminatory treatment and addressing the less-favourable situation of the deaf. Due to disability as a personal ground – deafness and their (sign) language, these people are in a disadvantaged situation when exercising their right to education (and other rights). The Advocate is committed to ensuring the full and equal enjoyment of these rights by all deaf in the educational system which should be as inclusive as possible.

In preparing the Special Report, the Advocate focused on a group of persons with deafness, who primarily use the Slovenian Sign Language (SSL) for their communication. They have specific needs and face particular problems in the area of education. According to the umbrella organisation Deaf and Hard of Hearing Clubs Association of Slovenia (DHHCAS) it is estimated that around 1,500 deaf people live in Slovenia, out of which around 1,000 use the SSL.²

In 2011, a survey was conducted by the DHHCAS. It included 800 people who are deaf and revealed their achieved levels of education. Its results came under special attention of the Advocate: only ten percent of deaf have obtained secondary level of education and only one percent of these people have obtained higher or tertiary (university) education.³ In contrast, in 2011, 17 percent of the overall population of Slovenia had at least higher education.⁴

In comparison to the entire population in the country, there is a significant difference or disproportion in the obtained level of education of the deaf. This suggests the actual inequality of this group of people in the field of education, which can be attributed to disability as a personal ground related to these people. On the other hand, for those who speak the SSL, the personal ground that puts them into a disadvantaged situation is also their language.

¹Protection against Discrimination Act (Official Gazette of the RS, No. 33/16 and 21/18 – Non-Governmental Organisations Act).

Available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7273>. The English translation is available at http://www.zagovornik.si/wp-content/uploads/2019/02/PADA-ZVarD_EN.pdf.

²The data is available on the website of DHHCAS: <http://zveza-gns.si/o-zvezi/o-gluhoti/>.

³Deaf and Hard of Hearing Clubs Association of Slovenia (2011): 80 let organiziranega delovanja odraslih gluhih in naglušnih na Slovenskem: (1931–2011), p. 33.

Available at: <http://www.zveza-gns.si/uploads/datoteke/ZDGNS%20monografija.pdf>.

⁴Data available by the Statistical Office of the Republic of Slovenia (from the population census: "Ljudje, družine, stanovanja", 2011, p. 30.

Available at: https://www.stat.si/doc/pub/Ljudje_druzine_stanovanja.pdf.

For some people who are deaf, SSL is not only their mother tongue but their primary and the only language used for communication. Under PADA, both personal grounds – disability and language – are explicitly listed among protected grounds.⁵

In the Slovenian legal system, legal protection of the right to education and protection against discrimination are both included by the Constitution of the Republic of Slovenia (Constitution) and various sectoral laws and by-laws as well as national strategies.

In this respect it is important to note and welcome the promising developments. The initiative of the community of the Deaf to enshrine the SSL in the Constitution was supported by both the Government of the Republic of Slovenia and members of the National Assembly of the Republic of Slovenia.⁶

The Advocate also draw its attention to a concern expressed by the Slovenian Association of Teachers of the Deaf regarding the free choice of work and profession of teachers who are deaf. They pointed out that teachers who are deaf do not have sufficient support or access to SSL interpreters, when performing their work. In this regard, the Advocate points to the obligation of employers to ensure reasonable accommodation for people with disabilities in the workplace.

The key landmark case in protection of the right to use SSL in higher education is the decision of the Supreme Court stipulating that (public) faculties are obliged to provide every deaf student an SSL interpreter for lectures and tutorials if such a method of communication is most appropriate.

The importance of the content of the rights to equal treatment and de facto equality, to education and to the highest attainable level of education as well as the right to use one's own language is underlined in international legislative documents of the European Union, the United Nations and the Council of Europe.

At European Union level, four countries have explicitly enshrined sign language in their constitutions so far (Austria, Finland, Hungary and Portugal). By this, sign language becomes recognised as a constitutional right. In this respect, it is important to realise that it is necessary to regulate this constitutionally guaranteed rights in more detail by legislation and other regulations. I.

In line with the principle of "nothing about the Deaf without the Deaf" and with the aim to deepen the understanding of the challenges faced by this group in education, the Advocate addressed several open-ended questions to key government departments, the community of the Deaf and the profession. He asked for their opinion and clarifications regarding the situation of the deaf in education. 27 out of 40 addressees responded to the Advocate's written query and five individuals from the community of Deaf additionally presented their opinion at their own initiative. The key observations arising from the responses of these stakeholders are structured in this report according to the thematic clusters covered by the questions from the Advocate's query.

⁵ Under PADA, discrimination is prohibited on any personal ground (the list of protected grounds is open-ended).

⁶ Proposal for the commencement of proceedings for the amendment of Chapter II of the Constitution, together with the draft Constitutional Act amending Article 62a, was presented to the National Assembly by the former government on 18 April 2019. On 17 February 2021, the Constitutional Commission of the National Assembly unanimously adopted the proposal and proposed to the National Assembly the initiation of the proceeding for amending the Constitution. Subsequently, after the publishing of this Special report, the National Assembly on May 27 2021 amended the Constitution and thus enshrined the right to use Slovenian sign language and the language of the deafblind. For more detail see below under 2.1.1.

The key pressing issues faced by the deaf in the area of education, include: lack of knowledge, understanding and acceptance of the differences and deafness and needs and wishes of the deaf as demonstrated by the pedagogical profession and society in general. The challenge faced by the deaf at all levels of education is the accessibility of education in their own language, notably SSL. Teachers often have a lack of understanding of the Deafness and inappropriately or insufficiently adapt the learning process to deaf pupils and high school or university students. The major problem is a limited access to SSL interpreters and insufficient number of these professionals. At the same time, deaf students often have poorer access to information compared to hearing pupils and high school or university students.

Among the key reasons, why the deaf are among the groups with the lowest educational attainment, their long-standing discrimination stands out. As noted by inputs of the pedagogical profession, the use of sign language in the education of the deaf used to be prohibited in our region in the past. The education system is still not sufficiently tailored to meet the needs of the deaf. In addition, the applicable regulation restricts access to an SSL interpreter, as the regulation includes such support among any other possible forms of additional professional assistance to deaf children. Any form of professional assistance is generally limited to a maximum of five hours per week, which is not enough for deaf children, who want to participate fully in the learning process (by using SSL).

The Advocate's was presented with several proposals for improving the education of the deaf at the level of regulations, policies and practices. The addressees of the query underline the call to adhere to the needs of the deaf and to take into account proposals of the institutions and organisations working with them in the field of care, education and research of their situation. At the systemic level, it should be made possible for the deaf to learn sign language as early as possible in their life. As regards education of the deaf, it would seem reasonable to ensure flexibility when providing inclusive practices. An amendment to the administrative regulation is necessary, which would ensure the right to an interpreter to the extent actually needed by a particular pupil or student.

The epidemic of COVID-19 has made the education of the deaf very difficult at all levels. Distance learning, especially use of online communication tools, was an aggravating factor for them. Face masks represent a major barrier in communication for the deaf, as they make lip reading (speechreading) impossible.

Based on responses to the query and other available information, the Advocate made several recommendations for changes in the legal framework and proposals for systemic actions of the executive branch and educational institutions with deaf pupils and high school or university students. The recommendations address key issues presented above.

With the special report, the Advocate made recommendations to the Ministry of Education, Science and Sport, to take in cooperation with the community of the Deaf, the profession and researchers, inter alia, the following measures:

- ensure the effective exercise of the right to SSL to all deaf;
- support the system of inclusive education of deaf pupils and high school students in regular primary and secondary schools;
- ensure equivalent standards of education for the deaf;
- amend the implementing regulation to ensure the right to a SSL interpreter would be provided to the extent actually needed by a particular pupil or student;
- adopt an implementing regulation, which would ensure that deaf students would enjoy their rights to a more favourable treatment as embedded in legislation, and provide for a sufficient number of SSL interpreters.

The Advocate recommends to the Ministry of Labour, Family, Social Affairs and Equal Opportunities, to take in cooperation with the community of the Deaf, the profession and researchers, inter alia, the following measures:

- adopt an implementing act laying down a minimum standard for the accessibility of goods and services, including those relating to education and training; and
- introduce special, targeted scholarships for students with disabilities.

The Advocate recommends to institutions specialising in primary and secondary level of education of the deaf, regular primary and secondary schools that ensure the integration of deaf pupils and students, and higher or post-secondary institutions, to commit to, inter alia, :

- provide for a full inclusion of pupils and high school or university students in the school or academic community;
- equip educational facilities with all technical aids to ensure the accessibility of the educational process to the deaf.

The Advocate recommends to the faculty implementing the study programme of surdopedagogy to:

- introduce amendments to the study programme of surdopedagogy to enable that at the end of the studies, all graduates of this programme would master the SSL to the extent which would enable them to actively communicate with the deaf.

1 INTRODUCTION

"The biggest problem that we, the Deaf, have, is a low level of education and, as a result, a poorly paid job.

*Usually, the deaf work as low skilled labourers. And with little money, you cannot afford much."*⁷

Leja Bijol

1.1 Legal basis and purpose of the Special Report

In accordance with Article 22 of the Protection against Discrimination Act (PADA)⁸, the Advocate of the Principle of Equality shall use special reports to report to the National Assembly of the Republic of Slovenia (NA) about its work and findings on the existence of discrimination of particular groups of people with certain personal grounds.

In autumn 2019, the Advocate began to scrutinise the issue of rights of the deaf to education and to the highest attainable level of education in terms of protection of their human rights or equal opportunities in the field of education, as provided for in Article 21 of PADA.

The Advocate's decision to focus on the issue of poorer safeguarding of the rights of the deaf to education and to the highest attainable level of education was based on the fact that only ten percent of the deaf in Slovenia have completed at most secondary vocational education and only one percent of the deaf have obtained higher or tertiary education.⁹

For comparative purposes, we can refer to the 2005 survey on the achieved level of education of the deaf in Sweden. The latter showed that as many as 77 percent of members of the Swedish National Association of the Deaf who were included in the survey had completed secondary school education, and 10 percent had a university degree. Nevertheless, when comparing the Deaf with the hearing population, significant difference in terms of education can still be observed.¹⁰

The key objective of preparing this Special Report is to obtain basic information, which would reveal:

- barriers and difficulties faced by the deaf in education;
- reasons for the considerably poorer average level of education among the deaf population in comparison to the entire population;
- the impact of lower levels of attained education of deaf on their lives and on integration into society;

⁷From the introductory speech of Leja Bijol, a 5th year high school student at the Institute for the Deaf and Hard of Hearing in Ljubljana, at the International Conference on Rights of Children and Protection against Violence in the National Assembly, 6 October 2009.

Available at: <https://www.varuh-rs.si/projekti/projekt/mednarodna-konferenca-o-otrokovih-pravicah-in-zasciti-pred-nasiljem/>.

⁸See footnote 1.

Available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7273>. The English translation is available at http://www.zagovornik.si/wp-content/uploads/2019/02/PADA-ZVarD_EN.pdf.

⁹Deaf and Hard of Hearing Clubs Association of Slovenia (2011): 80 let organiziranega delovanja odraslih gluhih in naglušnih na Slovenskem: (1931–2011), p. 33.

Available at: <http://www.zveza-gns.si/uploads/datoteke/ZDGNS%20monografija.pdf>.

¹⁰Rydberg, E., Gellertstedt, L.C. in Danemar, B. (2009). Toward an Equal Level of Educational Attainment Between Deaf and Hearing People in Sweden? Journal of Deaf Studies and Deaf Education 14(3), p. 312–332.

Available at: <http://jdsde.oxfordjournals.org/content/14/3/312.full>.

- the situation of deaf teachers;
- possible improvements and measures to ensure protection against discrimination and promote equal opportunities for the deaf in education;
- the international and legal context of education of the deaf;
- good practice examples from other countries;
- the impact of the COVID-19 epidemic on the education of the deaf.

With this Special Report, the Advocate strives to draw attention to the importance of the rights of the deaf to (inclusive) education and the highest attainable level of education, equal treatment and equal opportunities as well as the full realisation of their potentials in the area of education and training.

The purpose of this Special Report is also to raise awareness of decision-makers and the general public on the importance of formulating, adopting and consistent implementation of regulations and measures to preventing discriminatory treatment or less favourable situation of the deaf. They are disadvantaged as regards their right to education (and other rights) when compared to others, due to their personal ground of disability (deafness) and their (sign) language. The Advocate is committed to ensuring the full and equal enjoyment of these rights by all persons in an educational system which shall be as inclusive as possible.

Moreover, it should be noted that the epidemic of COVID-19, including its consequences, has and will necessarily negatively affect all people, although not everyone to the same degree. As early as in the summer of 2020, the Advocate took note of the consequences of the epidemic, as regards the community of the Deaf, as perceived by their civil society organisations. The Deaf and Hard of Hearing Clubs Association of Slovenia (DHHCAS) reported on how important it is to provide up-to-date information on the state measures to contain the spread of infections for the deaf and hard of hearing in the Slovenian Sign Language (SSL) and with subtitles. The association commended the Government of the Republic of Slovenia for providing real-time interpretation to the SSL at press conferences during the epidemic. However, the DHHCAS also pointed out that the obligatory use of face masks made life even more complicated for the deaf and hard of hearing, as it makes lip reading during a conversation impossible. Long-lasting distance learning also posed many challenges for deaf pupils and high school or university students.

1.2 Advocate's activities aimed at the deaf or carried out with them

In accordance with the PADA, the Advocate performs the following key tasks:

- providing information, advisory assistance and advocacy;
- receiving complaints and identification of discrimination; and
- research, monitoring, making recommendations and awareness-raising initiatives.

In accordance with the Advocate's competences, the following activities were carried out for the deaf or with them:

- **In 2018, the Advocate made a recommendation to a competent authority for the adoption of special measures or accommodations.**

The Advocate was approached by a person who was deaf, who wanted to take the theoretical part of the driving test during the morning hours. This was not made possible for him, as the exam with the SSL interpreter was only possible at another time. The Advocate made a recommendation to the Slovenian Traffic Safety Agency for special measures or accommodations to be taken regarding the schedule of the exams for candidates needing the help of a SSL interpreter, so that the exams would be available at different hours in the same way as for candidates without an interpreter.¹¹

- **In 2018 and 2019, the Advocate provided advisory assistance in particular to two individuals.**

One person drew the attention of the Advocate to a publication on a web portal, where an otorhinolaryngology specialist allegedly discriminated against deaf by describing them as "emotionally retarded and incapable of perceiving the sounds of nature and music". The Advocate found that the indicated statement was part of a broader discussion on when it is appropriate to implant a cochlear implant to deaf children to help them hear and develop spoken language skills. Hence, the Advocate concluded, that it was primarily a matter of professional medical assessment of possible emotional deficits of deaf children and adolescents and not a question of discrimination.

The Advocate was approached by a client who claimed that a lecturer giving lectures for teachers inappropriately responded to a request from an audience member who was deaf to slow down the pace of her speech, as the SSL interpreter was unable to follow her. The Advocate assessed that in the case described the element of interference with rights, legal interests or benefits of the individual was lacking, therefore the situation was primarily a question of inappropriate communication of the lecturer.

- **In 2019, the Advocate attended a consultation entitled "Sign Language for All".**

On 23 May 2019, the Head of the Advocate, Miha Lobnik, attended the conference "Sign Language for All", hosted by the National Council and the DHHCAS. The consultation on the position of the SSL was important while a debate was opened on a proposal to amend the Constitution of the Republic of Slovenia (Constitution) in such a way as to protect the use of this language.

¹¹A summary of the case where discrimination was established in the Advocate's proceedings is available at: <http://www.zagovornik.si/opravljanje-izpita-iz-cestno-prometnih-predpisov-s-tolmacem-za-gluho-osebo/>.

The Community of the Deaf stressed that by including the SSL in the Constitution, a guarantee would be provided for, so that all deaf children will be able to learn in their own language and about this language. On this occasion, the Head of the Advocate expressed his support for the entry of the SSL into the Constitution.¹²

- **In 2019, the Advocate conducted an analysis of the situation of the deaf in higher education.**¹³

The analysis addressed structural, systemic, legal, and political causes of the poor situation of the deaf in higher education. The subject of the analysis was the marginalisation of the deaf as a linguistic minority in general and particularly in higher education. The causes of such an imbalance are both structural and social. It often seems that the disproportionately less favourable situation could be caused by discriminatory behavioural patterns of other people in society.¹⁴

- **In 2019, the Advocate carried out a query on ensuring the right to use the SSL in health care.**¹⁵

The Advocate was made aware of cases when hospitals failed to ensure the right to use the SSL. Some cases of unequal treatment allegedly occurred at individual clinics of the University Medical Centre in Ljubljana (UMC Ljubljana). Within the query, the Advocate reminded the University Medical Centre Ljubljana, that the failure to ensure the effective use of the SSL represents a suspected breach of the prohibition of discrimination on account of providing poorer treatment in exercising human and other rights related to medical treatment.

In a written reply, UMC Ljubljana explained that some additional measures were adopted at the systemic level aimed at informing patients about their rights. Moreover, an initiative was addressed to the line ministry to amend the Patients' Rights Act in such a way as to ensure explicit and clear emphasis on the rights of deaf patients to information and communication in the SSL.

- **In 2019, the Advocate conducted an assessment of the discriminatory character of a regulation.**

The Advocate was approached by two deaf-blind clients who, due to their visual impairment, were entitled to the assistance and care allowance. With the enactment of the Personal Assistance Act (PAA), they also acquired the right to personal assistance in the amount of 30 hours per month. However, as a result they had to start paying half of the allowance for the assistance and care to the selected personal assistance provider. They considered that the Personal Assistance Act is discriminatory towards deaf-blind people in comparison to deaf people. In the process of assessing the discriminatory character of this regulation, the

¹²A summary of the Report on participation in the consultation is published in the Annual Report of the Advocate of the Principle of Equality for 2019, p. 220.

Available at: http://www.zagovornik.si/wp-content/uploads/2020/07/Redno-letno-porocilo-2019_splet-1.pdf.

¹³A summary of the Analysis of the Situation of the Deaf in Higher Education is published in the Annual Report of the Advocate of the Principle of Equality for 2019, p. 205–207.

Available at: http://www.zagovornik.si/wp-content/uploads/2020/07/Redno-letno-porocilo-2019_splet-1.pdf.

Information in English version of the report is on p. 72 available at <https://www.zagovornik.si/en/reports/>

¹⁴A summary of the analysis is published in Annual Report of the Advocate of the Principle of Equality for 2019, p. 205–207. Available at: http://www.zagovornik.si/wp-content/uploads/2020/07/Redno-letno-porocilo-2019_splet-1.pdf.

¹⁵A Summary of the content of the query and response is published in the Annual Report of the Advocate of the Principle of Equality 2019, p. 213.

Available at: http://www.zagovornik.si/wp-content/uploads/2020/07/Redno-letno-porocilo-2019_splet-1.pdf.

Advocate found that pursuant to the PAA, the deaf are not even entitled to the care allowance and therefore do not have to pay half of the amount to the provider if they are granted the right to personal assistance. The Advocate assessed that the regulation is not discriminatory, as it does not constitute a poorer treatment of deaf-blind people compared to deaf people.

- **In 2020, the Advocate cooperated with representatives of the Deaf and the deaf-blind community.**

In January, the Advocate hosted two representatives of the Deaf for a debate on audism.¹⁶ They presented their experiences with audism in the labour market, employment relationships and in education.

In February, a representative of the Advocate attended a conference entitled "Language of People with Deafblindness" organised by the Slovenian Association of the Deafblind DLAN on the occasion of the International Mother Language Day.

In July, a representative of the Advocate attended the opening of the exhibition of works of art by members of the Slovenian Association of the Deafblind DLAN entitled "Feelings of the Deafblind" and addressed the audience.

In November, a representative of the Advocate participated in an online event organised by the Slovenian Association of the Deaf 14 11 on audism – discrimination against the deaf.

Within a general query of the Advocate on challenges related to discrimination in Slovenia as perceived by civil society organisations in 2020, responses by the DHHCAS and the Slovenian Association of the Deafblind DLAN were received.

- **In 2021, the Advocate issued a decision in one discrimination investigation proceeding.**

A client approached the Advocate alleging a systemic, long-term and severe form of discrimination against persons with a more serious or less serious visual impairments or reading disorders in access to information provided by public and commercial television. The Advocate issued a decision in the case under consideration stating that no discrimination was found as public television already provides access to numerous contents for people with sensory disabilities, and as regards commercial television and cable operators, no standards exist in applicable regulations on what contents and what part of the entire content must be accessible to persons with sensory impairment. Consequently, the Advocate also addressed a recommendation to the Government of the Republic of Slovenia that such standards be adopted.¹⁷

The Advocate was approached by a SSL interpreter on behalf of a deaf person due to an issue regarding the housing of a young Roma woman, a young mother living in a caravan on a municipal public land. The municipality wanted to demolish the caravan as well as the cabin where her father lives. The case is still pending.

¹⁶Audism means ignoring or failure to involve deaf or hard of hearing persons, making it impossible for them to participate equally in social situations.

¹⁷The recommendation is available at:

http://www.zagovornik.si/wp-content/uploads/2021/03/Priporocilo_Zagovornika_nacela_enak_P.pdf.

- **In 2021, the Advocate provided advisory assistance in one case.**

The Advocate was approached by a SSL interpreter on behalf of a deaf person, due to an issue related to the housing of a woman who was deaf and arranging the situation regarding her existential matters. The case is still pending.

1.3 Deafness as a socially conditioned phenomenon

In preparing this Special Report, the Advocate primarily focused on a group of the Deaf, who primarily use the SSL for their communication. They face specific problems and needs in the area of education and training. By doing so, the Advocate does not in any way neglect the problems faced by other deaf and hard of hearing persons in the educational process, who have learned the Slovenian language, as well as other groups of people, e.g., deaf-blind people, persons with communication barriers who need alternative and augmentative methods of communication, and other groups of people with sensory impairments.

The World Health Organization (WHO) considers the deaf to be individuals with loss of hearing or persons, who are not able to hear as well as someone with normal hearing. It can be a mild, moderate, moderately severe or severe condition up to complete deafness in one or both ears.¹⁸

Deafness can also be defined as the inability to hear and understand speech with the hearing organ. Most of the deaf can hear some louder sounds from the environment, including speech, however, this is not enough for verbal communication as they cannot understand these sounds.

More than five percent of the world's population faces hearing loss to such an extent that they are unable to live their life to the fullest.¹⁹ They often use sign languages for communication, which are their natural and mother tongues. A community of the Deaf, who use a particular sign language, e.g., SSL, can also be referred to as a linguistic minority. According to the DHHCAS, around 1,500 the deaf live in Slovenia, of which around 1,000 use the SSL.²⁰

For a comprehensive understanding of the deaf, it is important to pay attention to all the effects of deafness, even those that go beyond the medical concept of deafness (as hearing impairment). It also makes sense to consider the consequences of deafness for the different dimensions of people's everyday life. Moreover, differences between deaf persons need to be taken into account, as some are deaf from birth or the first years of life, while for many this condition occurs later, especially during latter stages of life, when they have already developed speech and learned the spoken language (e.g., Slovenian).

A holistic development of personality in the emotional, cognitive and social area crucially depends on the use of language necessary for sufficient communication with other people. An integral part of the communication barrier is also the incapacity (or unwillingness) of other people to communicate directly with the deaf by learning the sign language or through intermediaries, who are bilingual, e.g., interpreters.

This is especially relevant in terms of learning a language when deaf children are born to hearing parents. People, who are deaf from birth can most naturally and easily communicate with other people by using sign language. Their language is perceived visually based on hand and finger movement, facial expressions, eyes and lips, as well as body posture and movement.

Parents have the right to decide on the upbringing and education of their children. They have the right to decide whether their children will learn the SSL, Slovenian language or both. With regard to this decision, it is important to consider that for a particular group of the deaf some consequences of their condition can be mitigated with the assistance of technical aids, including cochlear implant.

¹⁸Available at: https://www.who.int/health-topics/hearing-loss#tab=tab_1.

¹⁹Available at: <https://www.who.int/news-room/fact-sheets/detail/deafness-and-hearing-loss>.

²⁰The data is available on the website of DHHCAS: <http://zveza-gns.si/o-zvezi/o-gluhoti/>.

Technical aids can partially enable listening and thus speech perception. It is crucial that all parents have the opportunity to freely choose the language of their children, also by providing them with impartial information on deafness. At the same time, all deaf children must have the opportunity to exercise the right to learn, maintain and develop language, including sign language, and with that to develop their identity.

The use of sign language is not only a form of rehabilitation or alternative communication method (e.g., in the process of learning the Slovenian language). While deafness is not only a medical condition, but also a socially conditioned phenomenon. It also refers to the society's attitude towards the deaf, with deafness in itself should not be perceived as a problem. A problem can occur if effective communication is not possible. However, it is important to emphasise in this regard that communication is a two-way process and therefore requires the efforts of all, not just the deaf.

Disability in the form of hearing impairments or deafness is relevant especially in the specific contexts or life experiences, so in the first place it describes, not marks (e.g., groups of people). The human rights-based model of disability, advocated by the Convention on the Rights of Persons with Disabilities (CRPD), acknowledges that disability is only one layer of a persons' identity and that discrimination on the basis of such disability is often associated with intersectional discrimination. Such a perception of disability helps to point out that disability prevention e.g., in the processes of upbringing and education, in medical and other rehabilitation, can lead to stigmatisation and discrimination.²¹ Namely, people with disabilities also have the right to an identity, including the acknowledgement of the individual's disability. This means that they must not be denied diversity in general, including the right to choose their language and cultural affiliation.

1.4 The needs of the deaf in education

The DHHCAS conducted a survey on the basis of a sample of 800 people who were deaf and revealed their educational structure, the findings are as follows:

- 32 percent of the deaf have completed at most primary school;
- 57 percent of the deaf have completed at most vocational school;
- ten percent of the deaf have completed at most secondary technical education;
- one percent of the deaf have obtained higher or tertiary education.²²

In the comparable year 2011, 17 percent of the overall population of Slovenia had some degree of higher education.²³ In comparison to the entire population of the country, a significant difference or disproportion as regards educational attainment of the deaf can be observed. This points to the actual inequality of the deaf in the field of education, which can be attributed to disability as a personal ground of the deaf. One of the key findings of this study is that, although organised education for the deaf has been provided for over 110 years, major differences and problems in the field of education of the deaf can still be observed.

²¹Compare with Theresia Degener in the editorial of the publication European human rights report issue 3 – 2019, Ensuring the rights of persons with disabilities to equality and non-discrimination in the European Union, European disability forum, p. 12.

Available at <http://www.edf-feph.org/other-publications>.

²²Deaf and Hard of Hearing Clubs Association of Slovenia (2011): 80 let organiziranega delovanja odraslih gluhih in naglušnih na Slovenskem: (1931 – 2011), p. 33.

Available at: <http://www.zveza-gns.si/uploads/datoteke/ZDGNS%20monografija.pdf>.

²³Data available by the Statistical Office of the Republic of Slovenia (from the population census): "Ljudje, družine, stanovanja", 2011, p. 30.

Available at: https://www.stat.si/doc/pub/Ljudje_druzine_stanovanja.pdf.

According to DHHCAS, these problems are most visible in integrated education,²⁴ especially in higher education.²⁵ Deaf people are considered to be the worst educated among all people with disabilities.²⁶

Such imbalances in the educational structure and in the representation of this group in higher education cannot be considered a "natural" consequence of a sensory impairment or loss of hearing. The causes of such a disproportion are both structural or social. They raise concerns and pin-point the need for a careful analysis of the causes. Such imbalances often and as a rule indicate, that the disproportionately less favourable situation may be conditioned by discriminatory behavioural patterns of other people in society.

In the past few years, the community of the Deaf has noted positive trends in the education of the deaf in kindergartens, primary and secondary schools. However, the situation of the deaf in higher education needs to be considered too, otherwise it can be expected, that the deaf will remain among the least educated people with disabilities in general. The Community calls for the absolutely necessary comprehensive reorganisation of all levels of education.²⁷

²⁴Integrated education is when the deaf are included in regular educational programmes or in so-called regular schools.

²⁵Deaf and Hard of Hearing Clubs Association of Slovenia (2011): 80 let organiziranega delovanja odraslih gluhih in naglušnih na Slovenskem: (1931 – 2011), p. 33.

Available at: <http://www.zveza-gns.si/uploads/datoteke/ZDGNS%20monografija.pdf>.

²⁶Deaf and Hard of Hearing Clubs Association of Slovenia: Iz sveta tišine Year XLI, No. 7, November 2020, Discrimination against Deaf Students in Regular Schools, p. 8 and 9.

Available at: <http://zveza-gns.si/wp-content/uploads/2021/01/IST-nov-2020.pdf.pdf>.

²⁷Association of the Disabled – Forum of Slovenia, Sporočevalec online newspaper written by Slovenian disabled people for the disabled and the general public, No. 04/2017, p. 2.

Available at: <https://www.zifs.si/wp-content/uploads/2016/03/Sporo%C4%8Devalec-04-2017.pdf>.

2 THE RIGHT OF THE DEAF TO EDUCATION AS A HUMAN RIGHT

Human rights are inalienable, indivisible, interdependent and interrelated. This means that it is not permissible to consider them separately from each other, that in principle they have the same validity and must not be hierarchically prioritised in advance. It is necessary to understand, the protection of the rights of the deaf in this context. Numerous provisions pertaining to individual human rights are mutually supportive and complementary.

2.1 Constitutional regulation

The Constitution of the Republic of Slovenia (the Constitution) protects and partly regulates the right to equal treatment as an independent human right. The prohibition of discrimination in relation to the enjoyment of human rights is protected as the right to non-discriminatory treatment under paragraph 1 of Article 14 of the Constitution. The right to equality before the law under paragraph 2 of Article 14 of the Constitution protects against discrimination with regard to the enjoyment of other rights, obligations and legal interests.

An integral part of the right to equal treatment are also procedural guarantees providing for equal protection of rights (Article 22 of the Constitution). In other provisions, the Constitution also regulates particular aspects of the prohibition of discrimination (e.g., equal voting right, equality between spouses, prohibition of discrimination in access to employment).

The right to equal treatment requires systematic prevention and elimination of discrimination, as well as the pursuit of equal opportunities and equal treatment. Article 14 of the Protection against Discrimination Act stipulates that (all) state authorities, local communities, self-governing national communities and holders of public authorisations shall, in their respective fields, provide conditions for the equal treatment of all people, irrespective of any personal ground, by raising awareness and monitoring the situation in this field and with measures of a normative and political nature.

Protection against discrimination is a fundamental element of human rights law. The state is obliged to:

- ensure that this right is respected, which means that state authorities must refrain from discriminatory practices through their own conduct;
- actively and effectively protect this right through infringement prevention and protection mechanisms in the event of infringements; and
- ensure the effective and de facto exercise of this right.

In Article 57, the Constitution further defines the freedom of education laying down that primary education is compulsory and shall be financed from public funds and that the state must create opportunities for citizens to obtain a proper education. The right to a proper education produces an obligation for the state to provide each individual with equal access to existing programmes and levels of education and to offer everyone a uniform education quality standard.

Article 52 of the Constitution stipulates that, among other things, "physically or mentally handicapped children and other severely disabled persons have the right to education and training for an active life in society", which shall be financed from public funds.

Article 62 of the Constitution stipulates that everyone has the right to use his language and script in a manner provided by law in the exercise of his rights and duties and in procedures before state and other authorities performing a public function. This means that the legislator is obliged to regulate the manner of exercising this right (paragraph 2 of Article 15), and may only exceptionally restrict its substance (paragraph 3 of Article 15).

The Advocate points out that the Deaf in Slovenia represents a linguistic minority. Its members may use the Slovenian Sign Language (SSL) in the manner regulated by the Act Regulating the Use of Slovenian Sign Language²⁸ (ARUSSL). As for everyone else, the possibility of using sign language as one's (own) mother tongue is extremely important for the deaf, since it is an inseparable component and an important precondition for the effective exercise of most of their human rights.

The Advocate considers the situation of the deaf in the area of education, in particular the right to use the SSL as a broader issue relevant for the protection of the deaf against discrimination based on personal grounds of disability and language. In this context, special attention must also be devoted to the question how poorer education of the deaf affects their enjoyment of all other rights in a modern knowledge-based society, including their professional careers and consequently also their social status.

2.1.1 Proposal of the Deaf to enshrine the Slovenian sign language in the Constitution

In April 2019, the Government of the Republic of Slovenia (Government) submitted to the National Assembly (NA) a Proposal for the commencement of proceedings for the amendment of Chapter II of the Constitution, together with the Draft Constitutional Act amending Article 62a of the Constitution (CA62a, EPA 538-VII), to regulate the right to use the SSL. The proposal was prepared at the initiative of DHHCAS. On 17 February 2021, the Constitutional Commission of the National Assembly unanimously adopted the proposal and proposed to the National Assembly the initiation of the proceeding for amending the Constitution.

One of the key expectations stressed by the community of the Deaf is enhanced protection, in particular, in terms of providing for more effective education in the sign language. Following a debate and detailed studies by an expert group supporting the work of the Constitutional Commission of the NA, a new text of the proposal for the amendment of Article 62a of the Constitution was prepared in February 2021.

The proposed text reads as follows: "The free use and development of the Slovenian sign language is guaranteed. In municipalities where the official languages are also Italian or Hungarian, the free use of the Italian and Hungarian sign language is guaranteed. The use of these languages and the situation of their users shall be regulated by the law. The free use and development of the language of the deaf-blind shall be regulated by the law."²⁹

On the basis of Article 21 of the PADA, the Advocate made a recommendation to the National Assembly on 19 March 2021, which referred to the procedure of amending the Constitution.

²⁸The right to use the Slovenian language is granted by the Act Regulating the Use of Slovenian Sign Language (ARUSSL) (Official Gazette of the Republic of Slovenia, no. 96/02).

Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1713>

²⁹The language of the deafblind is the so-called tactile language, where the means of communication is tactile signing (communication by palm, hand or other means of touch) and not visual communication (unlike sign languages) or voice/hearing (as in the case of spoken languages). The method of communication in the deafblind is very special and as a rule very individualized, so that many methods of communication are used, including in augmentative and other alternative forms and methods of communication. The peculiarity of this language is its exceptional variability and flexibility. The Association of the Deafblind of Slovenia DLAN uses more than 20 methods of communication.

By means of this recommendation, the Advocate supported the proposal to amend the Constitution and recommended the adoption of a new Article 62a of the Constitution. This way, linguistic minorities of the deaf and the deaf-blind that is persons with certain forms of sensory disabilities would be explicitly granted the right to use their language. In addition, the Advocate also recommended that the legislator should adopt adequate and sufficient legislation to regulate the right to use these languages.

In this way, constitutionally guaranteed rights would not exist only in principle but would be brought into practice in all areas of life, especially in the area of education.³⁰

In its 67th extraordinary session on 26 March 2021, the National Assembly adopted a decision approving the Government's proposal to initiate the procedure for amending Chapter II with the Draft Constitutional Act amending Chapter II of the Constitution and giving a position on the draft Article 62a of the Constitution. In this way, the conditions for the initiation of the second phase of the constitutional review procedure were fulfilled. On 30 March 2021, the expert group submitted a working text of the Draft Constitutional Act amending Chapter II of the Constitution of the Republic of Slovenia to the Constitutional Commission of the NA. At its meeting on 15 April 2021, the Constitutional Commission of the NA unanimously approved the working text of Draft. Additionally, a decision was unanimously adopted proposing that the President of the NA should include the detailed reading of the Draft Constitutional Act amending Chapter II of the Constitution on the agenda of the National Assembly meeting in May 2021.

Following the adoption of this Special report, the National Assembly on May 27 2021 amended the Constitution³¹. Slovenia has become the fifth European country, which enshrined the right to use Slovenian sign language into its constitution and possibly the first one, which enshrined the right to use the language of the deafblind on this legal level.

³⁰The recommendation by the Advocate is available at:

<http://www.zagovornik.si/wp-content/uploads/2021/03/Priporocilo-Zagovornika-nacela-enakosti-glede-predloga-za-zacetek-postopka-za-dopolnitev-Ustave-RS-z-62.-a-clenom.pdf>.

³¹ Constitutional Act Amending Chapter II of the Constitution of the Republic of Slovenia (UZ62a), Official Gazette of the Republic of Slovenia, no. 92/21, available at <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2021-01-1970?sop=2021-01-1970>. English translation is available at <https://www.us-rs.si/legal-basis/constitution/?lang=en>.

2.2 Sectoral national regulation

Article 2 of the Organisation and Financing of Education Act³² sets out the objectives of education, which are, inter alia:

- "guaranteeing optimum development to individuals regardless of their sex, social and cultural background, religion, national origin and physical and mental handicaps";
- "providing quality education";
- "promoting choice at all levels of education";
- "guaranteeing equal educational opportunities to children, youth and adults with special needs"; and
- "enabling to obtain the highest possible level of education without lowering the level of difficulty to the largest possible percentage of population".

Article 3 of the Kindergarten Act³³ sets out, among one of the key principles of pre-school education in kindergartens, the principles of "equal opportunities for children and parents, taking into account the differences between children" and "the right to free choice and being different".

Article 12 of the Act Regulating the Integrated Early Treatment of Preschool Children with Special Needs³⁴ regulates individual plans of assistance to families, "in which appropriate medical, social and pedagogical assistance for each child and family is specifically identified". It must contain "an assessment of each child's current physical development, development of understanding and communication, and social and emotional development", but may also include "ensuring a method of communication and learning in sign language in kindergartens, institutions or other appropriate establishment".

The objectives of primary education, as set out in Article 2 of the Basic School Act,³⁵ include "education for respect and cooperation, acceptance of difference and mutual tolerance, respect for human rights and fundamental freedoms".

Article 2 of the Placement of Children with Special Needs Act³⁶ identifies "children with special needs" as, inter alia, "deaf and hard of hearing children, children with speech and language disorders .../ who need adapted implementation of education programmes with additional professional assistance, adapted education programmes or special education programmes".

³²Organisation and Financing of Education Act (Official Gazette of the Republic of Slovenia, No. 16/07 – official consolidated text, 36/08, 58/09, 64/09 – amended, 65/09 – amended, 20/11, 40/12 – ZUJF, 57/12 – ZPCP-2D, 47 / 15, 46/16, 49/16 – corr. and 25/17 – Apprenticeship Act).

Available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO445>.

³³Kindergartens Act (Official Gazette of the RS, No. 100/05 – official consolidated text, 25/08, 98/09 – Intervention Measures due to Economic Crisis Act, 36/10, 62/10 – Exercise of Rights from Public Funds Act, 94/10 – Intervention Measures Act, 40/12 – Fiscal Balance Act, 14/15 – Act Regulating Measures Aimed at Fiscal Balance of Municipalities and 55/17).

Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO447>

³⁴Act Regulating the Integrated Early Treatment of Preschool Children with Special Needs (Official Gazette of the Republic of Slovenia, No. 41/17).

Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7681>.

³⁵Basic School Act (Official Gazette of the RS, No. 81/06 - official consolidated text, 102/07, 107/10, 87/11, 40/12 - Fiscal Balance Act, 63/13 and 46/16 - Organisation and Financing of Education Act).

Available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO448>.

³⁶Placement of Children with Special Needs Act (Official Gazette of the Republic of Slovenia, No. 58/11, 40/12 – Fiscal Balance Act, 90/12, 41/17 – Act Regulating the Integrated Early Treatment of Preschool Children with Special Needs and 200/20 – Act on the Intervention for Children and Youth with Emotional and Behavioural disorders in Education).

Available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5896>.

Article 30 grants to "deaf and hard of hearing individuals who communicate in the Slovenian Sign Language and are directed to programmes for education and training of children with special needs the "right to an interpreter into Slovenian Sign Language". The right is granted by an individual administrative decision.

Article 8 of the Vocational Education Act³⁷ defines that "vocational and professional education of high school students with special needs" shall be also organised and carried out in accordance with this Act and special regulations due to "deafness, hard of hearing or speech and language disorders /.../".

Article 69 imposes obligations on schools to "adjust the implementation of educational programmes, ensure the implementation of hours of additional professional assistance and use the necessary additional equipment and in line with norms and standards form smaller classes." This accommodation must be provided to supporting high school students holding a status of "students with special needs who are directed to educational programmes with adapted implementation and additional professional assistance by a special education needs guidance decision";

Article 70 stipulates that in the "adapted educational programmes intended for students with special needs to acquire equivalent educational standard adapted curriculum, organisation, duration and method of testing and assessing knowledge, progress and scheduling lessons may be provided".

Article 5 of Higher Vocational Education Act³⁸ stipulates that "students with special needs are provided with the necessary additional equipment and professional assistance in accordance with the standards for financing higher vocational schools, and that the organisation of studies and evaluation may be accommodated also according to the rules adopted by the school's teaching staff."

Article 69a of Higher Education Act³⁹ sets out that deaf, hard of hearing and students with speech and language disorders" are included among "students with special needs". This group is "entitled to more favourable treatment in the selection procedure in case of restricted enrolment" and to "accommodated implementation of study programmes and additional professional assistance in studies, where they can progress and complete their studies in a longer period than provided by the study programme and benefit from other rights and methods of facilitation."

Article 1 of the Act Regulating the Use of Slovenian Sign Language⁴⁰ (ARUSSL) sets out "the right of deaf persons to use Slovenian Sign Language" and "to be informed in techniques adapted to their capacities".

It also regulates "the scope and manner of exercising the right to a sign language interpreter in the equal integration of deaf persons into the living and working environment and all forms of social life in accordance with the same rights and conditions and with the same opportunities as the deaf."

³⁷Vocational Education Act (Official Gazette of the RS, No. 79/06, 68/17 and 46/19).
Available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4325>.

³⁸Higher Vocational Education Act (Official Gazette of the RS, No. 86/04 and 100/13).
Available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4093>.

³⁹Higher Education Act (Official Gazette of the RS, No. 32/12 – official consolidated text, 40/12 – Fiscal Balance Act, 57/12 – Act Amending the Road Transport Act, 109/12, 85/14, 75/16, 61/17 – Act Regulating the Situation of Students, 65/17 and 175/20 – Act Determining the Intervention Measures to Mitigate the Consequences of the Second Wave of COVID-19 Epidemic).

Available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO172>.

⁴⁰Act Regulating the Use of Slovenian Sign Language (Official Gazette of the RS, No. 96/02).
Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1713>.

Article 3 defines a deaf person as someone who is "completely deaf or uses sign language as their natural language due to communication difficulties".

Article 10 stipulates that a deaf person "has the right to use sign language in proceedings before state and local authorities, public service providers and operators" and "also in any other situations in life in which hearing impairments would represent an obstacle to satisfying his needs". Besides that, such a person has "the right to be presented information using techniques adapted to their capabilities and in line with special regulations". This right is "exercised by claiming the right to a sign language interpreter".

Article 13 grants a deaf person the right to a sign language interpreter which "may be exercised by such persons at their own discretion within the scope of 30 hours per year, while a deaf person who has the status of a pupil or student is entitled to a larger number of hours, due to the additional needs related to education, up to a total of 100 hours per year". The deaf pay for the services of a sign language interpreter using "a voucher issued by a competent Social Work Centre on the basis of a decision on rights under this Act".

At the time of drafting this Special Report,⁴¹ a Draft Resolution on the National Programme for Language Policy 2021-2025 was in the phase of consideration and adoption by the National Assembly.⁴² According to the Ministry of Culture, drafting the aforementioned act, the main goal is to ensure a quality language life for all.

In chapter "2.2 Language education" and in particular in subchapter "2.2.3 Slovenian Sign Language" it is stated that this language "... is the first natural language of the deaf, therefore it is the language of the community of the Deaf and it is classified among minority languages in Slovenia". The objective pursued is to "develop communication skills in Slovenian Sign Language (SSL)".

The projected effects are: "coordinated planning and development of various forms of language education in this field, improving the attitude of society towards the needs of users of SSL, eradicating prejudices against SSL, increasing communication opportunities for users of SSL and thus achieving greater active involvement of this group in society."⁴³

Subchapter "2.2.4 Adapted communication methods" sets out the priority objective of language policy for persons with special needs, including the deaf, to "fully develop their communication skills".⁴⁴

In chapter "2.3 Language equipment" and in particular in subchapter "2.3.8 Persons with special needs and adapted methods of communication", the SSL is also highlighted as a special area. "Equipping people with special needs with adapted language and language technology aids and tools" is put forward as a target.⁴⁵

⁴¹ March 2021.

⁴² Available at: <https://www.gov.si/drzavni-organi/vlada/seje-vlade/gradiva-v-obravnavi/show/6507>.

⁴³ Resolution on the National Programme for Language Policy 2021–2025 (ReNPJP21-25), p. 28 and 29 Available at: <https://www.gov.si/drzavni-organi/vlada/seje-vlade/gradiva-v-obravnavi/show/6507>.

⁴⁴ Ibid, p. 29.

⁴⁵ Ibid, p. 55 and 56.

Article 3 of Equalisation of Opportunities for Persons with Disabilities Act⁴⁶ stipulates that "persons with disabilities" include those who have long-term sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Article 11 defines their right of access to inclusive education. It stipulates that "persons with disabilities must be guaranteed inclusion in education programmes at all levels and life-long learning in the environment where they live, as in the case for other citizens".

The second paragraph of the named Article further sets out that people with disabilities have "the right to appropriate accommodations as regards their inclusion in the educational, schooling or study process and the right to appropriate accommodations of the school or study process to the individual needs of the disabled person".

2.3 Case law of the Supreme Court

In the landmark case of assessing the protection of the right to use SSL in higher education, Slovenian courts reviewed the decisions of the Novo mesto Higher school of medicine, which in 2013 rejected a deaf student's application for an SSL interpreter during organised forms of study (lectures, seminars and laboratory and clinical practice) within the study programme of Nursing.

In this case, the key question was whether the higher education institution is obliged to bear the costs of providing interpretation in the SSL in the context of performing public service or whether the study process should be understood as another "life situation" within private life sphere, for which vouchers for 100 hours per year are granted.⁴⁷

At first instance, the Administrative Court of the Republic of Slovenia (Administrative Court) rejected the student's action against the named public higher education institution.⁴⁸ In the appeal on the point of law, the Supreme Court of the Republic of Slovenia (Supreme Court) overturned this judgement.⁴⁹

⁴⁶Equalisation of Opportunities for Persons with Disabilities Act (Official Gazette of the Republic of Slovenia, No. 94/10, 50/14 and 32/17).

Available at: http://www.pisrs.si/Pis_web/pregledPredpisa?id=ZAKO4342.

⁴⁷Article 13 of the Act Regulating the Use of Slovenian Sign Language grants a deaf person the right to a sign language interpreter which "may be exercised by such persons at their own discretion within the scope of 30 hours per year, while a deaf person who has the status of a pupil or student is entitled to a larger number of hours, due to the additional needs related to education, up to a total of 100 hours per year". Deaf persons pay for the services of a sign language interpreter using "a voucher issued by a competent Social Work Centre on the basis of a decision on rights under this Act".

⁴⁸A summary of Judgement IV U 164/2013 is available at:

[http://www.sodnapraksa.si/?q=id:2012032113065972&database\[SOVS\]=SOVS&database\[IESP\]=IESP&databas\[e\]\[VDSS\]=VDSS&database\[UPRS\]=UPRS&_submit=išči&page=0&id=2012032113065972](http://www.sodnapraksa.si/?q=id:2012032113065972&database[SOVS]=SOVS&database[IESP]=IESP&databas[e][VDSS]=VDSS&database[UPRS]=UPRS&_submit=išči&page=0&id=2012032113065972).

⁴⁹A summary of Judgement X Ips 362/2013 of July 2015 is available at:

[http://www.sodnapraksa.si/?q=id:2015081111383504&database\[SOVS\]=SOVS&database\[IESP\]=IESP&databas\[e\]\[VDSS\]=VDSS&database\[UPRS\]=UPRS&_submit=išči&page=0&id=2015081111383504](http://www.sodnapraksa.si/?q=id:2015081111383504&database[SOVS]=SOVS&database[IESP]=IESP&databas[e][VDSS]=VDSS&database[UPRS]=UPRS&_submit=išči&page=0&id=2015081111383504).

The position of the Supreme Court was that the provisions of the Act Regulating the Use of Slovenian Sign Language⁵⁰ should be understood from the perspective "... that in the provision of public services (which undoubtedly includes the implementation of study programmes and the entire process of study), higher education institutions are obliged in each individual case to provide deaf students a method of communication tailored to their needs (according to their specific personal grounds, needs and abilities) on the basis of a personalised plan (with the help of an SSL interpreter or in other ways agreed upon by the deaf students). Funds to cover the costs of interpreters shall be provided from the fund for study activities."

It is clear from the judgement of the Supreme Court that faculties carrying out public service are obliged to provide every deaf student with a SSL interpreter for lectures and exercises, if such a way of communication is most appropriate. The community of the Deaf welcomed this decision.⁵¹ The decision of the Supreme Court protecting the deaf their right to education in their own language at the higher education level can represent a decisive factor for these people when considering enrolment in tertiary studies. This measure only can fully ensure that they can follow the educational process as effectively as their hearing peers.

2.4 Equal opportunities for deaf teachers

Deaf teachers can pass on not only knowledge, skills and abilities, but also valuable personal experience and motivation, and can set an example for the deaf students, thus helping them to progress more successfully in the educational process.

Article 24 of the Convention on the Rights of Persons with Disabilities⁵² (CRPD) requires the setting up of "appropriate measures for the employment of teachers, including persons with disabilities, who are qualified in sign language". The purpose of these provisions is to ensure successful and inclusive education of the deaf students.

In 2020, The Advocate also draw his attention to a call of the Slovenian Association of Teachers of the Deaf (SATD) that deaf teachers often do not have sufficient support or access to interpreters for SSL at their work. Vocational Rehabilitation and Employment of Persons with Disabilities Act⁵³ (VREPD) namely stipulates in Article 73 that the Fund for the promotion of employment of persons with disabilities finances support services in the amount of up to a maximum of 30 hours per month.

The DHHCAS estimates that 30 hours of interpretation a month is not enough to ensure full and equal enjoyment of employment rights by all deaf employees. Moreover, the need for interpretation for the deaf in management positions, highest-ranking public officials or persons in elected positions at the state and local levels was recalled. The current limit on the number of hours of support, in their view, represents their discrimination with regard to free choice of work and profession. According to their assessment, the appropriate scope would be 40 hours of support by an SSL interpreter per week or 120 hours per month, with the possibility of individual exemptions (additional accommodations).

⁵⁰These are the provisions of Articles 10, 11, 12 and 13 of the Act Regulating the Use of Slovenian Sign Language (Official Gazette of the Republic of Slovenia, No. 96/02).

Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1713>.

⁵¹ Weekly TV programme on national TV Prislunimo tišini o izobraževanju gluhih, 13 May 2018.

Available at: <https://4d.rtvslo.si/arhiv/prislunimo-tisini/174538321>.

⁵²Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006.

Available at: <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2008-02-0045?sop=2008-02-0045>.

⁵³Vocational Rehabilitation and Employment of Persons with Disabilities Act, (Official Gazette of the Republic of Slovenia, No. 16/07 – official consolidated text, 87/11, 96/12 – ZPIZ-2 and 98/14).

Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3841>.

In October 2019, DHHCAS sent a petition to the Ministry of Labour, Family, Social Affairs and Equal Opportunities (MLFSAEO) proposing changes to the VREPDA in order to allow a larger scope of support by SSL interpreters for deaf teachers and other employees who are deaf. MLFSAEO did not support the proposal. Following queries with employers and providers of vocational rehabilitation, it established that the current number of hours of support services for deaf or hard of hearing people is satisfactory.

The Human Rights Ombudsman of the Republic of Slovenia considered the MLFSAEO's reply to be convincing and found no violation of the prohibition of discrimination or the right to work and the free choice of profession. At the same time, the Ombudsman emphasised, that in line with the obligations arising from Article 27 of the CRPD, a lever for overcoming the lack of access to interpreters can also be reasonable accommodation of the workplace, which is primarily the responsibility of any individual employer. The state is obliged to provide the necessary financial and technical assistance to employers in the employment of persons with disabilities, which however does not mean that (all) costs for the comprehensive accommodation of the workplace must be covered by public funds.

The same applies to the provisions of Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation⁵⁴, which, in order to avoid discrimination in employment and occupation, also prescribes an obligation of employers to ensure reasonable accommodation for people with disabilities. CRPD is in force and directly applicable (takes effect) only in relation to employers which are state or local authorities or bodies exercising public authority. As regards private employers, it has no direct effect.

The CRPD Committee drew the attention of the Slovenian side to insufficient recognition of the need to establish the institute of reasonable accommodation and its refusal as a special form of discrimination. It also addressed a failure to provide for effective implementation of reasonable accommodation enabling the inclusion of persons with disabilities in the labour market.⁵⁵ The Advocate directed special attention to these deficiencies by giving its recommendation in the process of the preparation of a new Action Programme for Persons with Disabilities 2022–2026.⁵⁶

⁵⁴Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, see Article 5 (in relation to point (b) (ii)), indent 2, paragraph 2 of Article 2. Available at: <https://eur-lex.europa.eu/legal-content/SL/TXT/PDF/?uri=CELEX:32000L007>.

⁵⁵See Observations and Recommendations under Equality and Non-Discrimination (Article 5), paragraphs 6 and 7 and Labor and Employment (Article 27), paragraphs 45 and 46.

⁵⁶See pt. 3. Available at <http://www.zagovornik.si/priporocila-2021-2/>.

3 VIEWS OF INTERNATIONAL INSTITUTIONS, REGULATION AND MEASURES IN OTHER COUNTRIES

A summary follows of the views of some international institutions on the exercise of the following rights of the deaf in education:

- the right to equal treatment and de facto equality;
- the right to education and the highest attainable level of education; and
- rights to use one's own language.

The importance of the material content of rights is reflected mainly in international legal documents, while the Republic of Slovenia has committed itself to respecting these rights. Particular emphasis is put on ensuring the widest possible accessibility of free education at all levels of education and on efforts to prevent any discrimination in the enjoyment of these rights on the grounds of material status. One of the key focuses is also to enable everyone to participate effectively in a free society and pursue one's self-realisation, especially in terms of the development of individual's potentials and personality.

3.1 Views at the EU level

One of the fundamental values of the European Union is respect for linguistic diversity. Article 2 of the Treaty on European Union (TEU)⁵⁷ attaches great importance to respecting human rights and ensuring non-discrimination, Article 3 states that the Union respects its rich cultural and linguistic diversity.

Article 21 of the Charter of Fundamental Rights of the European Union⁵⁸ prohibits discrimination, which includes discrimination on the basis of language, while Article 26 imposes the obligation of inclusion and participation of persons with disabilities in community life. Article 14 stipulates that everyone has the right to education and to have access to vocational and continuing training. This right includes the possibility to receive free compulsory education. Article 22 contains a commitment to respecting linguistic diversity.

In 2016, the European Parliament (EP) adopted a Resolution on sign languages and professional sign language interpreters.⁵⁹ With this document, the EP called on Member States to make sure that the rights of the deaf related to the use of sign languages is respected. The EP highlighted the need to take appropriate measures to provide qualified sign language interpreters with the aim of ensuring equal access to education, training and employment.

In order for parents to make informed decisions that are in the best interests of their children, balanced and comprehensive information on sign language must be made available as well as information on what deafness actually means. Deaf, deaf-blind and hard of hearing schoolchildren and their parents should be given the opportunity to become acquainted with the sign language of their environment.

⁵⁷Treaty on European Union (TEU).

Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M%2FTXT>.

⁵⁸Charter of Fundamental Rights of the European Union 2012/C 326/02.

Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012P%2FTXT>.

⁵⁹European Parliament resolution of 23 November 2016 on sign languages and professional sign language interpreters (2016/2952(RSP)), see in particular points 18 to 28.

Available at: https://www.europarl.europa.eu/doceo/document/TA-8-2016-0442_EN.html.

With a view of raising awareness on the sign language and increasing its use, this language needs to be included in school curricula. Measures should also be taken to recognise and promote the linguistic identity of the community of the Deaf and to promote sign language learning in the same way as foreign language learning.

Qualified sign language interpreters and teachers trained in the use of sign language and capable of working effectively in an inclusive bilingual educational environment are needed to foster academic achievements of deaf children and adolescents, resulting in better long-term educational outcomes and lower unemployment rates.

In 2018, the EP adopted a Resolution on minimum standards for minorities in the European Union.⁶⁰ The Resolution clearly calls on the Member States to protect the rights of persons belonging to minorities in preserving, protecting and developing their identity, and to take the necessary measures to ensure an effective participation of minorities in social, economic and cultural life and in public affairs. The EP notes that members of minorities fall into a special category with regard to the right to legal remedies and have special needs that have to be met in order for them to enjoy an equal situation. Their rights must be respected and promoted, this includes the right to freedom of expression as well as preserving and developing cultural or linguistic identity. The Resolution devotes particular attention to people who use sign language and have the right to participate in education using sign language as a minority language, while continuity of education in the mother tongue is central to preserving cultural and linguistic identity.

The new European strategic document, the Strategy for the Rights of Persons with disabilities 2021–2030,⁶¹ will ensure that all people with disabilities are able to participate fully in society inside and outside the EU, like everyone else. The situation of the deaf is mentioned in several places, including the recognition of the need to provide interpretation into sign languages, among other things, to ensure full and equal mobility between countries, participation in political life and access to information. In Chapter 5, "Equal Access and Non-Discrimination", the European Commission (EC) points out that people with disabilities are more likely to leave school prematurely than the general EU population and that among them, the share of persons with tertiary education is lower.

European Disability Forum (EDF) is the European umbrella organisation of people with disabilities, which strives for a full inclusion of people with disabilities in European society and the elimination of obstacles preventing equal treatment and equal opportunities for people at different levels of society. EDF's position is that education enables active integration of individuals into society and into the labour market as well as the development of their potential to the greatest extent possible. It has been pointed out that children with disabilities leave school prematurely due to various barriers, such as physical barriers, legal restrictions and the attitude of society towards them.⁶²

European Union of the Deaf is a non-profit non-governmental organisation whose members are European national associations of the deaf. It promotes recognition of the right to use sign languages and equality of the deaf in education and employment.

⁶⁰European Parliament resolution of 13 November 2018 on minimum standards for minorities in the EU (2018/2036(INI)), see points 14, 21 and 50.

Available at: https://www.europarl.europa.eu/doceo/document/TA-8-2018-0447_EN.html.

⁶¹The document was published on 3 March 2021 and is available in English at: <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=9938&furtherNews=yes>.

⁶²European Disability Forum.

Available at: <https://www.edf-feph.org/>.

In its observations on the education of the deaf, the organisation argues that deaf children must be ensured access to the use of national sign language in schools, including access to written and spoken national language when needed.⁶³

The position of this organisation is that for the deaf, knowledge of sign language is crucial for access to information. Early education programmes should make it easier for deaf children, children with hearing aids or cochlea implants to learn sign language. Studies have shown that bilingualism does not harm a child's development. If the child learns sign language in the first place and later decides to use spoken language, the organisation believes this is only represents an advantage for the child.⁶⁴

3.2 Opinions and recommendations of the United Nations

Article 26 of the Universal Declaration of Human Rights⁶⁵ sets out that everyone has the right to education and that higher education shall be equally accessible to all on the basis of merit. The Declaration on Human Rights Education and Training stipulates similarly.⁶⁶

Article 13 of the International Covenant on Economic, Social and Cultural Rights⁶⁷ lays down that everyone has a right to education, which shall enable all persons to participate effectively in a free society.

Article 28 of the Convention on the Rights of the Child⁶⁸ recognises the right of all children to education on the basis of equal opportunities. It emphasises in particular the provision of compulsory and accessible primary education for all, the development of various forms of secondary education and access to higher education on the basis of personal merits.

Convention on the Rights of Persons with Disabilities (CRPD)⁶⁹ represents a milestone in understanding the prohibition of discrimination on the grounds of disability. With it the human rights-based model of understanding disability was introduced in practice together with the concept of so-called inclusive equality. Article 9 imposes an obligation on States Parties to provide professional sign language interpreters. Article 19 imposes an obligation to facilitate equal access to services while Article 21 stipulates the obligation to provide persons with disabilities with information in accessible format and without additional costs.

Article 24 of the Convention sets out that states are obliged to provide all persons with disabilities with access to an inclusive education system at all levels. This includes:

- full development of human potential and sense of dignity and self-worth;
- development by persons with disabilities of their personality, talents and creativity; and
- effective participation in a free society.

⁶³European Union of the Deaf.

Available at: <https://www.eud.eu/about-us/about-us/>.

⁶⁴European Union of the Deaf, Education.

Available at: <https://www.eud.eu/about-us/eud-position-paper/education-position-paper/>.

⁶⁵Universal Declaration of Human Rights, adopted on 10 December 1948.

Available at: https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/slv.pdf.

⁶⁶Declaration on Human Rights Education and Training, adopted on 19 December 2011 (66/137).

Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/467/04/PDF/N1146704.pdf?OpenElement>.

⁶⁷International Covenant on Economic, Social and Cultural Rights, adopted on 16 December 1966 (2200 A (XXI)).

Available at: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

⁶⁸Convention on the Rights of the Child, adopted on 20 November 1989 (44/25).

Available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

⁶⁹Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006.

Available at: <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2008-02-0045?sop=2008-02-0045>.

Pursuant to Article 24, States Parties shall ensure:

- inclusion in a quality and free general education system;
- reasonable accommodation of the individual's requirements;
- effective education; and
- effective individualised support measures to maximise academic and social development, consistent with the goal of full inclusion.

Among other things States Parties shall take appropriate measures, including:

- facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
- ensuring that the education of persons, who are deaf is delivered in the most appropriate modes and means of communication for the individual;
- employment of teachers who are qualified in sign language; and
- equal access for persons with disabilities to general tertiary education, vocational training, adult education and lifelong learning.

In its General comment on the Rights of Persons with Disabilities, United Nations (UN) Committee introduces a new model of equality – inclusive equality.⁷⁰ The latter goes beyond both formal (substantive and procedural) and material (substantive, compensatory) equality. All people have the right to be recognised and empowered, not be exposed to socioeconomic disadvantages, stigmatisation, exclusion from the community or denial of their diversity. In the General comment, the course of systemic education reforms of education is explained with the aim of creating inclusive education, which also emphasises the employment of deaf teachers.

In the concluding remarks of the 2018 Report on Slovenia, the Committee highlighted the following key shortcomings of Slovenia in ensuring equal rights of the deaf:

- insufficient use of sign language, which should be provided by public authorities at state and municipal level; and
- deficient implementation of the Act Regulating the Use of Slovenian Sign Language.⁷¹

The Committee recommended that Slovenia develops standards for the use of sign language and recognises the Slovenian Sign Language as an official language, as well as ensures sign language training for interpreters and teachers, public authorities and parents.

⁷⁰United Nations Committee on the Rights of Persons with Disabilities (2018). General comment No. 6 (2018) on equality and non-discrimination.

Available at:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhnsbHatvuFkZ%2bt93Y3D%2baa2qtJucAYDOCLUtyUf%2brfiOZckKbzS%2bBsQ%2bHx1IyvGh6ORVZnM4LEiy7ws5V4MM8VC4khDI ZJSuxotVgfulsdtPv>.

⁷¹The Slovenian translation of the Concluding observations of the Committee on the Rights of Persons with Disabilities regarding the introductory report of Slovenia on the implementation of the Convention on the Rights of Persons with Disabilities is published in the Annual Report of the Advocate of Equality for 2018.

Available at: <http://www.zagovornik.si/wp-content/uploads/2019/10/Redno-letno-poro%C4%8Dilo-2018.pdf>, from p. 216 ff. The document in English is available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhnsbHatvuFkZ%2bt93Y3D%2baa2qtJucAYDOCLUtyUf%2brfiOZckKbzS%2bBsQ%2bHx1IyvGh6ORVZnM4LEiy7ws5V4MM8VC4khDI ZJSuxotVgfulsdtPv>.

Article 1 of the Convention against Discrimination in Education⁷² stipulates that inflicting on any person or group of persons conditions which are incompatible with the dignity of man must be prevented. Under Article 4, States Parties undertake to formulate, develop and apply a national policy which, by methods appropriate to the circumstances, will tend to promote equality of opportunity and of treatment in the matter of education.

In a Report on Slovenia from 2018, the UN Special Rapporteur on Minority Issues emphasised that the country has a positive and constructive approach to the use of sign language. At the same time, he called the Government to take measures to strengthen and effectively protect the human rights of members of the Slovenian community of the deaf, including recognising sign language as the language used by members of this community, namely by amending or adopting appropriate regulations recognising sign language as an official language. The Special Rapporteur identified these problems as one of the main issues in the field of minority rights regulation in Slovenia.⁷³

Within the last Universal Periodic Review at the end of 2019, the Republic of Slovenia received several recommendations to strengthen its efforts for a more inclusive education, inter alia, for children with disabilities. Moreover, an explicit recommendation that the Slovenian Sign Language should be entered into the constitution was given. Slovenia accepted the recommendation.⁷⁴

3.3 Opinions and recommendations of the Council of Europe

Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms⁷⁵ or the so-called European Convention on Human Rights (ECHR) states that the enjoyment of the rights and freedoms shall be secured without discrimination on any ground such as language. The right to education is safeguarded in particular by Article 2 of the First Protocol to the Convention, which stipulates that no person shall be denied the right to education.

Article 15 of the European Social Charter⁷⁶ sets out the right of disabled persons to independence, integration into society and participation in the life of community. To this end, States Parties undertake to provide advisory assistance, education and vocational training to promote access to employment and accommodation of the working environment, as well as to support integration into society using technical aids.

Article 17 sets out the right of children and adolescents to social, legal and economic protection. Herewith, States Parties undertake to provide the necessary care, assistance, education and training for children and adolescents and free primary and secondary education.

⁷²Convention against Discrimination in Education, adopted on 14 November 1960.

Available at: http://portal.unesco.org/en/ev.php-URL_ID=12949&URL_DO=DO_TOPIC&URL_SECTION=201.html.

⁷³The Slovenian translation of the Report of the UN Special Rapporteur on minority issues is published in the Annual Report of the Advocate of the Principle of Equality for 2018.

Available at: <http://www.zagovornik.si/wp-content/uploads/2019/10/Redno-letno-poro%C4%8Dilo-2018.pdf>, from p. 199 ff. The original document is available in English at: <https://digitallibrary.un.org/record/1664453?ln=en>.

⁷⁴Review of decisions of the Government of the Republic of Slovenia on 157 recommendations received by the Republic of Slovenia in an interactive dialogue within the framework of the Universal Periodic Review of the Human Rights Situation on 12 November 2019 in Geneva.

Available at: <http://www.zagovornik.si/wp-content/uploads/2020/02/Odlo%C4%8Ditev-Vlade-Republike-Slovenije-o-157-priporo%C4%8Dilih1.pdf>. Original document in English is available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/Slindex.aspx>.

⁷⁵European Convention for the Protection of Human Rights and Fundamental Freedoms.

Available at: https://www.echr.coe.int/Documents/Convention_ENG.pdf.

⁷⁶European Social Charter (revised).

Available at: <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=163>.

In Recommendation 1492 (2001) on the rights of national minorities, the Parliamentary Assembly of the Council of Europe (PACE)⁷⁷ called on individual countries to introduce similar protection of sign languages used in Europe as provided for in the European Charter for Regional or Minority Languages.⁷⁸

In Recommendation 1598 (2003) on the protection of sign languages in the member states of the Council of Europe⁷⁹, the PACE recognises sign languages as an expression of Europe's cultural wealth and argues that formal recognition of these languages will help promote the integration of the deaf into society and grant them access to judicial protection, education and employment. In Resolution 2155 (2017) on political rights of persons with disabilities: a democratic issue,⁸⁰ another call for the official recognition of sign languages is given.

With Resolution 2247 (2018) on protecting and promoting sign languages in Europe,⁸¹ PACE encourages countries to provide inclusive education, offer sign language education to deaf children and, if necessary, provide sign language interpretation, train sign language teachers, offer sign language courses for parents and siblings of deaf children, support training and employment of sign language interpreters to help deaf persons and support teaching of sign languages outside the communities of deaf persons, including in kindergartens.

Under priority area No. 3 relating to "Accessibility", the Council of Europe Disability Strategy 2017–2023 Human rights: a reality for all⁸² imposes an obligation on all independent control mechanisms of the Council of Europe to ensure accessibility of sign language in their work, activities and documentation.

The hoped-for result of accessibility efforts is that sign languages be legally recognised, that their use be promoted in all Member States and in the Council of Europe, and that practices be monitored by appropriate Council control mechanisms.

In the *Kacper Nowakowski v. Poland* Case, the European Court of Human Rights⁸³ ruled in a case of a family whose members were all deaf or hard of hearing. After the parents divorced, the child lived with his mother and learned to communicate only orally. The father, who no longer lived with him, however, used only sign language. The court's decisions limited the father's communication and contact with the child to two hours a week only with the assistance of the child's mother, who was able to use both languages due to a cochlear implant. The court unanimously ruled that this arrangement violated the father's right to private and family life under Article 8 of the ECHR, due to his inability to establish relations with his son. The appellant alleged prohibition of discrimination was also breached, however the Court did not rule on the violation of Article 14 of the ECHR in connection with his right to private and family life.

⁷⁷PACE Recommendation 1492 (2001) Rights of national minorities, point 12.13.

Available at: <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=16861&lang=en>.

⁷⁸European Charter for Regional or Minority Languages.

Available at: <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatyid=148>.

⁷⁹ PACE Recommendation 1598 (2003) Protection of sign languages in the member states of the Council of Europe, Available at: <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17093&lang=en>.

⁸⁰ PACE Resolution 2155 (2017) The political rights of persons with disabilities: a democratic issue,

Available at: <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=23519&lang=en>.

⁸¹ PACE Resolution 2247 (2018), Protecting and promoting sign languages in Europe, points 5.3. to 5.6 and 5.8.

Available at: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=25211&lang=en>.

⁸² Human Rights: A Reality for All, Council of Europe Disability Strategy 2017-2023. p. 23 and 24.

Available at: <https://www.coe.int/en/web/disability/strategy-2017-2023>.

⁸³Case No. 32407/13, 2017.

A summary of the judgement is also available in Slovenian at: <http://hudoc.echr.coe.int/eng?i=001-189260>.

This was criticised by one of the judges in the Senate in her concurring opinion. She stressed that the national authorities should impose an obligation on the mother to use her best effort to ensure that the child can learn sign language for the purpose of ensuring communication with his father.

The European Court of Human Rights has also considered other cases where preventing persons from use of sign languages led to social isolation and gross violations of individual rights of detainees and prisoners⁸⁴ or persons to be expelled from the country.⁸⁵

3.4 Regulations in other countries

At European Union level, four countries have explicitly enshrined sign language in their constitutions so far.⁸⁶ Constitutional provisions differ depending on whether they relate to:

- rights of persons using sign language to their own language (Finland);
- recognition of sign language as an independent language (Austria);
- developing sign language as part of national culture (Portugal and Hungary); and
- sign language as the means of access to education and a way of achieving equal opportunities by persons using sign language (Portugal).

The following is a brief overview of the regulation of sign language in the aforementioned European countries.

Finland was the first European country to enter a provision on the rights of persons using sign language and those needing interpretation or translation due to their disability in the Constitution as early as 1995. Following the adoption of the constitutional provision, rights were regulated in more detail in a number of laws.⁸⁷ In 2015, the Finnish Sign Language Act was adopted, reaffirming the existing rights of sign language users who have the status of a language and cultural group. Among other things, special regulation grants them the right to be taught in sign language and the right to learn sign language as a school subject, the right to use sign language and to be provided with interpretation by the authorities.⁸⁸

Since 1997, sign language has been included in Article 74 of the Portuguese Constitution, which addresses education and sets out that the state must protect and develop Portuguese sign language as an expression of culture and as the means of access to education and equal opportunities in the implementation of education policy. The Special Assistance in Preschool, Primary and Secondary Education Act stipulates that children may opt for bilingual education, with sign language being their first language of instruction.⁸⁹

⁸⁴In case No. 45744/08 *Jasinskis v. Latvia*, 2010, a deaf detainee died because he was prevented from communicating in sign language or in writing with which he could apply for medical assistance. Available at: <http://hudoc.echr.coe.int/eng?i=001-102393>. In the second case No. 60429/12 and 72760/12 *Ābele v. Latvia*, 2017, the case involved violations in the treatment of a deaf prisoner.

Available at: <http://hudoc.echr.coe.int/eng?i=001-177351>.

⁸⁵Case No. 19465/92 *Nasri v. France*, 1995.

Available at: <http://hudoc.echr.coe.int/eng?i=001-57934>.

⁸⁶Križaj, M. (2019). Recognition of Sign Languages – Comparative Review, National Assembly, p. 18.

Available at: https://fotogalerija.dz-rs.si/datoteke/Publikacije/Zborniki_RN/2019/Priznanje_znakovnih_jezikov.pdf.

⁸⁷Križaj, M. (2019). Recognition of sign languages. Comparative Review, National Assembly, p. 10.

Available at: https://fotogalerija.dz-rs.si/datoteke/Publikacije/Zborniki_RN/2019/Priznanje_znakovnih_jezikov.pdf.

⁸⁸European Union of the Deaf (2015). What is Finnish Sign Language Act?.

Available at: <https://www.eud.eu/news/what-finnish-sign-language-act/>.

⁸⁹Križaj, M. (2019). Recognition of sign languages. Comparative Review, National Assembly, p. 15.

Available at: https://fotogalerija.dz-rs.si/datoteke/Publikacije/Zborniki_RN/2019/Priznanje_znakovnih_jezikov.pdf.

Austria regulated the status of sign language in the Constitution in 2005. The third paragraph of Article 8 stipulates that Austrian sign language shall be recognised as an independent language. This should be regulated in more detail by laws. In July 2018, the community of the Deaf's expressed their concerns in the media stating that legislative amendments lag behind, which is especially pressing problem in the areas of education, administration and the media. Since the provision in the Constitution has come into effect, no regulation was adopted to support the new rights granted to the deaf as users of sign language. The Austrian community of the Deaf wished that the constitutional provision be made further applicable in terms of providing the right to education in sign language and the right to accommodated education without barriers.⁹⁰

Hungary amended its Constitution in 2011 and added a provision in Article H stating that the state shall protect Hungarian sign language as part of Hungarian culture. Prior to this amendment, the Hungarian Sign Language Act was adopted in 2009 which states that the state recognises this language as an independent natural language, and that those who use it have the right to use, develop and preserve it and to nurture, spread and promote the culture of the Deaf.

Deaf children are educated in sign language or bilingually, and educational institutions must organise sign language courses for their parents.⁹¹

By enshrining the sign language in the constitution, the right to use it becomes a constitutional right. Moreover, this has a great symbolic significance in terms of recognising the needs of the community of the Deaf in the general public. It follows from the experiences in some countries which already enshrined the sign language in their constitutions, that it is crucial to adopt sufficiently precise legislation to secure implementation of rights related to sign language users.

3.5 Examples of good practice in other countries

Below, a brief overview of examples of good practice in implementing measures for inclusive education for deaf is presented.

Austria – use of sign language also during school breaks

An example of good teaching practice is a bilingual model introduced in the Pfeilgasse regular school, where classes are given in both German and Austrian sign language. Students themselves decide which language they will use for certain tasks. Deaf students have access to additional lessons after school if they need them. One third of students uses sign language. This language is also used during breaks between classes, where both deaf teachers and hearing teachers, able to communicate in sign language are always present.⁹²

Czech Republic – Parents of deaf children are entitled to a free sign language course

In the Czech Republic, the deaf have the right to learn sign language and be educated in Czech sign language. In secondary schools, such students have the right to a free interpreter, including during examinations.

⁹⁰Ibid, p. 8.

⁹¹Ibid, p. 13.

⁹²Reuter, K. (2017). UNCRPD implementation in Europe – a deaf perspective (p. 167—168). Available at: https://www.eud.eu/files/2615/6213/9186/EUD_UNCRPD_IV.pdf.

At the same time, parents of deaf children are entitled to a free sign language course,⁹³ while the competent ministry determines the scope and content of the course, provides interpreters for students and finances all the aforementioned services.⁹⁴

France – to ensure inclusion, there is never just one deaf child in the class

The 2LPE organisation, together with the Poitiers Public School, provided the first bilingual lecture. In the following years, such lectures have become available in cooperation with other schools across the entire country. There is never just one deaf child in a regular class, but there are at least two and up to five. In this way, they primarily learn sign language together with their peers, which gives them a sense of inclusion. For children over the age of three, a cooperation of professionals with kindergartens is provided, for children over the age of 15, bilingual education is ensured. In college, the deaf are granted interpreters, events for parents of deaf children are organised and additional sign language interpreters for political and cultural events are provided. The organisation primarily emphasises the importance of bilingual education, but also assumes a mayor role in the field of integration of the deaf into society.⁹⁵

Canada – ensuring accessibility in the school environment for the deaf

The Canadian community of the Deaf has identified five key factors for removing barriers for the deaf and hard of hearing and ensuring accessibility in the school environment, namely: a built environment adapted to the needs of the deaf (e.g., light adaptation, colour system for various emergencies); access to information (e.g., school screens, interactive whiteboards); language accessibility (e.g. provision of sign language interpreters, teaching material in writing); the use of technology to support learning and training of teachers and to establishing a dialogue with students on various topics related to the culture of the Deaf.⁹⁶

The Netherlands – a special school subject on the cultural identity of the Deaf

In the Netherlands, a special government programme for the inclusion of deaf children in regular primary schools has been in place since 2014. In addition to the regular teacher, there is also a teacher with special qualifications depending on the number of deaf students. A teacher with special qualifications is present from five to 16 hours per week and is also available outside of this time frame. Additionally, other students have the opportunity to learn sign language, and everyone can opt for a special subject on the cultural identity of the Deaf. Under this programme, schools work with the deaf, who can be an example and inspiration to students, and there is also a great emphasis on building a positive self-image and cultural identity.⁹⁷

⁹³ Wheatley, M. and Pabsch, A. (2012). Sign Language Legislation in the European Union (p. 51—52). Available at: https://www.eud.eu/files/1715/6213/8803/EUD_SL_II.pdf.

⁹⁴ Act on sign language and amending other laws (1998).

Available at: <https://www.epravo.cz/top/zakony/sbirka-zakonu/zakon-ze-dne-11-cervna-1998-o-znakove-reci-a-o-zmene-dalsich-zakonu-1831.html>.

⁹⁵ Reuter, K. (2017). UNCRPD implementation in Europe – a deaf perspective (p. 216—228).

Available at: https://www.eud.eu/files/2615/6213/9186/EUD_UNCRPD_IV.pdf.

⁹⁶ Canadian Hearing Society (2015). Classroom Accessibility for Students who are Deaf and Hard of Hearing.

Available at:

https://www.chs.ca/sites/default/files/mhg_images/CHS003_AccessibilityGuide_EN_APPROVED.PDF.

⁹⁷ Canadian Hearing Society (2015). Classroom Accessibility for Students who are Deaf and Hard of Hearing, p. 231—240.

Available at:

https://www.chs.ca/sites/default/files/mhg_images/CHS003_AccessibilityGuide_EN_APPROVED.PDF.

Portugal – interdisciplinary group of experts available to the deaf

With the integration of the deaf into mainstream schools, certain "special education schools" in Portugal have been transformed into "integration centres" where support and personalised assistance is provided to deaf students. Teaching such students is not only the responsibility of special pedagogues and other specialised staff, but requires the participation of an interdisciplinary group or the entire school community.⁹⁸

Spain – social skills development workshops in small groups

The Ponce de Leon Education Centre was primarily dedicated to teaching deaf children; however, nowadays it represents a general education centre with two approaches. The first one represents the regular education of students with the inclusion of the deaf and the second represents a special education programme intended for deaf students and other students with disability status.⁹⁹ The education is provided for children from the age of three to 20 and takes place in Spanish and in Spanish Sign Language, which all students have the opportunity to learn. Moreover, regular workshops in small groups are conducted, the main purpose of which is to get to know the culture of both groups of students and develop social skills.¹⁰⁰

Sweden – sign language as an optional foreign language

In Sweden, schools are obliged to provide teaching in the mother tongue, so children whose primary language is sign language learn Swedish as the second language. In high schools and colleges, hearing students can learn sign language as an optional foreign language. Parents and siblings of deaf children are entitled to a free state-funded sign language course.¹⁰¹ The course is conducted by the state education agency and consists of 240 hours¹⁰² while it must be completed by the child's seventh year of age.¹⁰³

⁹⁸Alves, I., Campos, P. and Pinto, T. (2020). Developing inclusive education in Portugal: Evidence and challenges. Available at:

https://www.researchgate.net/publication/344774538_Developing_inclusive_education_in_Portugal_Evidence_and_challenges.

⁹⁹ Among 417 students, there are 99 deaf and 252 students without a disability status.

¹⁰⁰Reuter, K. (2017). UNCRPD implementation in Europe – a deaf perspective (p. 244—260).

Available at: https://www.eud.eu/files/2615/6213/9186/EUD_UNCRPD_IV.pdf.

¹⁰¹Križaj, M. (2019). Recognition of Sign Languages – Comparative Review (p. 16).

Available at: https://fotogalerija.dz-rs.si/datoteke/Publikacije/Zborniki_RN/2019/Priznanje_znakovnih_jezikov.pdf.

¹⁰²Sveriges Riksdag (1997). Ordinance (1997: 1158) on state subsidies for sign language education for certain parents.

Available at: https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/forordning-19971158-om-statsbidrag-for_sfs-1997-1158.

¹⁰³Wheatley, M. and Pabsch, A. (2012). Sign Language Legislation in the European Union (p. 98—99).

Available at: https://www.eud.eu/files/1715/6213/8803/EUD_SL_II.pdf.

4 ADVOCATE'S QUERIES ON CHALLENGES FACED BY THE DEAF IN EDUCATION

Following the implemented activities for the deaf and with them and following a study on the situation of the deaf in higher education¹⁰⁴ from 2019, the Advocate came to the conclusion, that the issue of rights of the deaf to education shall be addressed more broadly, namely at all levels of education. Article 2 of the PADA includes education and training among areas of social life in which discrimination (of groups) of persons with a certain personal ground is prohibited. Article 21 of the PADA gives the Advocate the power to monitor the situation in the area of protection against discrimination and the situation of persons with certain personal grounds. This task is implemented also by making inquiries.

And in line with the principle of "nothing about the Deaf without the Deaf" and with the aim to deepen the understanding of the challenges faced by this group in education, the Advocate invited the community of the Deaf and the profession to cooperate. To this end, the Advocate requested information from them in the form of a written query. In it, several open-ended questions about the challenges of the deaf in education were posed.

4.1 Purpose and methodological remarks

With the written inquiries, the Advocate wanted to find out how the community of the Deaf and the profession see and evaluate the following:

- challenges and problems faced by the deaf in education;
- reasons for the markedly poorer education among the population of the deaf compared to the rest of the population;
- the impacts of lower educational attainment of the deaf on their life;
- what measures and legal arrangements should be implemented to prevent discrimination and ensure equal opportunities for the deaf in education; and
- the impacts of the COVID-19 epidemic on the education of the deaf.

By the query, the Advocate's ambition was to contribute to the understanding of reasons for difficulties faced by the deaf in accessing education; and to help find the best solutions to improve the current condition.

On 29 January 2021 and 2 February 2021, the Advocate sent written inquiries to 40 addresses, including:

- non-governmental organisations working towards the realisation of rights and improvement of the situation of persons with hearing disabilities;
- professional associations;
- ministries;
- state institutions;
- public educational institutions;
- public scientific and research institutions.

¹⁰⁴A summary of the Analysis of the Situation of the Deaf in Higher Education is published in the Annual Report of the Advocate of the Principle of Equality for 2019, p. 205–207.

Available at: http://www.zagovornik.si/wp-content/uploads/2020/07/Redno-letno-porocilo-2019_splet-1.pdf. For short Information in English version of the report is on p. 72 available at <https://www.zagovornik.si/en/reports/>

Within the requested deadline, the Advocate received responses from 15 institutions, hence on 16 February 2021, the Advocate resent the requests for information to all those who had not yet responded to the query. Until and including 12 March 2021, 27 institutions responded, which is slightly below two thirds (67.5 percent) of all addressed institutions, moreover, five other individuals who responded on their own initiative responded with answers.

The Advocate sent written inquiries to 18 NGOs representing the communities of deaf persons. These are (given in alphabetical order):

- Auris – Intermunicipal Association of the Deaf and Hard of Hearing for Gorenjska Region;
- Association of the Deaf and Hard of Hearing for Southern Primorska Region;
- Association of the Deaf and Hard of Hearing for Carinthia Region;
- Association of the Deaf and Hard of Hearing Ljubljana;
- Association of the Deaf and Hard of Hearing for Podravje Region and Maribor;
- Association of the Deaf and Hard of Hearing for Pomurje Region – Murska Sobota;
- Association of the Deaf and Hard of Hearing of Posavje Region and Krško;
- Association of the Deaf and Hard of Hearing for Northern Primorska Region;
- Association of Persons with Hearing Loss for Dolenjska and Bela Krajina;
- Association of Persons with Hearing Impairments for Celje Region;
- Culture and Education Association of the Deaf MAVRICA;
- Intermunicipal Association of the Deaf and Hard of Hearing for Slovenske Konjice Municipalities;
- Intermunicipal Association of the Deaf and Hard of Hearing Velenje;
- City Association of the Deaf Ljubljana;
- Youth Association for Persons with Hearing Impairments Vkllop/Izklop;
- Sports Association of the Deaf "Herkul";
- Association of the Deaf of Slovenia 14 11 and
- Deaf and Hard of Hearing Clubs Association of Slovenia.

The Advocate addressed a query to the listed non-governmental organisations for the following reasons:

- these organisations are linked to the umbrella Deaf and Hard of Hearing Clubs Association of Slovenia (13 associations);¹⁰⁵
- as non-governmental organisations they are entered in the publicly accessible register of the Agency of the Republic of Slovenia for Public Legal Records and Related Services and a particular form of the word "deaf" is part of the organisation's name (four associations);¹⁰⁶
- they were proposed by the Association of the Deaf of Slovenia 14 11 on its own initiative (one association).¹⁰⁷

¹⁰⁵As can be seen from the list on the website of the Deaf and Hard of Hearing Clubs Association of Slovenia, on 27 January 2021.

Available at: <http://zveza-gns.si/drustva/>.

¹⁰⁶The list was created on 27 January 2021 using the website <https://www.ajpes.si/>.

¹⁰⁷On 31 January 2021, in response to the Advocate's query, the Association of the Deaf of Slovenia 14 11 proposed that the Advocate shall invite four more organizations to participate, three of which the Advocate had previously identified as relevant stakeholders in this field, and subsequently invited another organization to participate.

The Advocate choose to cooperate with those organisations based on Article 15 of the PADA, which sets out that the Advocate cooperates with non-governmental organisations, social partners and other civil society organisations working in the field of equal treatment, protection of human rights and fundamental freedoms, protection of vulnerable people against discrimination and legal or social assistance to discriminated persons to formulate solutions and proposals to achieve the purpose of this Act.

Furthermore, the Advocate also sent a written query to 22 ministries, professional associations, state institutions, public education institutions, scientific and research institutions operating in the field of education of the deaf or in other relevant fields. These are (in alphabetical order):

- Centre for Communication, Hearing and Speech Portorož;
- Centre for Hearing and Speech Maribor;
- Association of the Deafblind of Slovenia DLAN;
- Association of Special and Rehabilitation Educators of Slovenia, SURDO section – for training of the deaf and hard of hearing persons;
- The Slovenian Association of Teachers of the Deaf;
- Social Protection Institute of the Republic of Slovenia;
- Ministry of Labour, Family, Social Affairs and Equal Opportunities;
- Ministry of Education, Science and Sport;
- Ministry of Culture, Slovenian Language Service;
- NSIOS National Disability Council;
- Educational Research Institute;
- The Association of Slovenian Training Organisations for Persons with Special Needs;
- Council of Slovenian Sign Language;
- University of Primorska, Faculty of Education;
- University of Ljubljana, Faculty of Social Work;
- University of Ljubljana, Faculty of Arts;
- University of Ljubljana, Faculty of Law;
- Institute of the Republic of Slovenia for Education.
- Institute for the Deaf and Hard of Hearing Ljubljana;
- Institute for Deaf Studies, Education, Interpreting and Coaching Lingua Signans;
- Association of Slovenian Sign Language Interpreters Institute; and
- ZRC SAZU Fran Ramovš Institute of the Slovenian Language.

The Advocate addressed a query to all the above institutions, which include:

- specialised institutions for holistic treatment of deaf and hard of hearing children (three institutions);
- ministries performing tasks related to the education of the deaf (three institutions);
- the Council of Slovenian Sign Language (one institution);
- a public institution in the field of education (one institution);
- public institutes researching the field of education (three institutions);
- faculties carrying out research and study projects in the field of education of the deaf (four institutions);
- an umbrella disability organisation (one institution); and
- specialised non-governmental organisations bringing together experts in education of the deaf (six institutions).

4.2 Subject matter of the queries

The questions addressed to the community of the Deaf and professional institutions by the Advocate within the inquiries differed slightly depending on the roles and responsibilities of the stakeholders as regards education of the deaf.

The Advocate put the following questions to NGOs as a community of the Deaf:

1. What are the biggest problems faced by the deaf in primary and secondary education?
2. What are the biggest problems faced by the deaf when studying in college and at the level of higher education?
3. What are the key reasons that the deaf are among the least educated social groups?
4. What is the impact of lower educational attainment of the deaf on their lives?
5. What changes would you recommend to improve the educational attainment of the deaf?
6. Please briefly describe examples of good practice (also from abroad) to improve the educational attainment of the deaf.
7. How did the epidemic of COVID-19 affect the education of the deaf?

The questions posed to ministries, professional associations, state, educational, scientific and research institutions were as follows:

1. What is the role of your institution in supporting the deaf in education or any other area that has an impact on their education?
2. What are the key problems faced by the deaf in education (in primary, secondary and higher education)?
3. What are the key reasons that the deaf are among the least educated social groups?
4. What changes would you recommend on the regulatory and policy level as well as in practice to improve the educational attainment of the deaf?
5. What initiatives did you put forward to competent state authorities in the past five years aimed at improving the educational attainment of the deaf and what were the responses?
6. What legislative amendments, measures or activities to improve the educational structure of the deaf did you implement in the last five years and what were the effects thereof? Are you still planning any such measures (please specify)?
7. Please briefly describe examples of regulatory solutions and good practice (also from other countries) to improve the educational attainment of the deaf.
8. How did the epidemic of COVID-19 affect the education of the deaf?

4.3 Summaries of responses to queries

Based on the inquiries, the Advocate received nine responses from non-governmental organisations representing the community of the Deaf, 15 responses from professional associations, public educational, scientific and research institutions, and three responses from the competent ministries. In addition, it also received responses from five individuals from the community of the Deaf. The latter responded to the Advocate's query on their own initiative, since they work together with the associations of the deaf and hard of hearing who were the recipients of the inquiries.

The answers to individual questions from the Advocate's query are presented in the form of summaries below. These are merely sets of statements from responses of individual organisations and individuals, hence they do not necessarily express the opinion of all members of the community of the Deaf or the profession. Summaries are presented by content sets according to individual questions from the query.

4.3.1 Summaries of responses by relevant ministries

A response to the query was received from the Ministry of Education, Science and Sport (MESS), the Ministry of Culture (MC) and the Ministry of Labour, Family, Social Affairs and Equal Opportunities (MLFSAEO). Since those ministries are key stakeholders in the field of guaranteeing the rights of the deaf to education, their responses are summarised below.

4.3.1.1 Responses by the Ministry of Education, Science and Sport

In response to the Advocate's query, the Ministry of Science, Education and Sports explained its role and responsibility in financing and formulating education policies. The Ministry assumes the role of the founder of institutions for the education of children and adolescents with special needs.

The holistic early treatment of children with special needs is regulated by the Act Regulating the Integrated Early Treatment of Preschool Children with Special Needs.¹⁰⁸ If the child's doctor considers it necessary, a multidisciplinary team prepares an individual plan of assistance to the family, which, among other things, sets out pedagogical assistance to a deaf or hard of hearing child.

Based on instructions given by the multidisciplinary team, expert group in the kindergarten formulates an individualised programme of education and training of the individual deaf or hard of hearing child, in which the following shall be determined in more detail:

- methods of work and the manner of providing additional professional assistance;
- providing physical assistance;
- participation of a communication specialist for Slovenian Sign Language (SSL);
- accommodations as well as forms and methods of advisory assistance to educators and parents.

In line with the opinion of the expert group, the kindergarten provides the child with the assistance of a communication specialist for SSL. The volume of assistance shall be a maximum of 15 hours per week.

¹⁰⁸Act Regulating the Integrated Early Treatment of Preschool Children with Special Needs (Official Gazette of the Republic of Slovenia, No. 41/17).

Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7681>.

In our country, deaf and hard of hearing pupils and high school students are included in educational programmes with adapted implementation and additional professional assistance in regular schools or in adapted educational programmes specially designed for the deaf and hard of hearing.¹⁰⁹

In accordance with the Placement of Children with Special Needs Act,¹¹⁰ deaf and hard of hearing pupils and high school students are identified as children with special needs. The adequacy of a particular educational programme and the type of assistance are individually assessed by the orientation commission at the National Education Institute of the Republic of Slovenia, and a special education needs guidance decision is issued.

For those students who attend in regular schools, the Ministry of Education, Science and Culture provides additional professional assistance and interpretation in SSL with the help of professionals from institutions for the education of deaf and hard of hearing children. In addition to SSL qualifications, they also have special pedagogical knowledge, which ensures the quality and development of their professional work. Expert group at the child's school shall prepare an individually formulated programme which shall determine how many hours of interpretation the child needs. Where necessary, the child will be provided with additional hours of interpretation. The assistance of a SSL interpreter in regular schools was arranged by the Ministry of Education, Science and Culture in the 2014/2015 school year.

In the school year 2020/2021, 169 deaf and hard of hearing students were enrolled in primary schools, who were directed to primary school educational programme with adapted implementation and granted additional professional assistance.¹¹¹ The number of these students decreases slightly every year, which is attributed to the type of support to which students are entitled based on the decisions, as it focuses mainly on supporting the learning process, while deaf and hard of hearing children more and more often overcome the barrier by using technical aids (cochlea implant, hearing loop, etc.).

The share of deaf and hard of hearing students decreases significantly in the upper grades, as the number of decisions issued increases, especially due to various deficits in individual areas of learning, which are usually perceived later in the schooling process.

In the school year 2020/2021, 89 deaf and hard of hearing students were enrolled in secondary schools, who were directed to the educational secondary school programme with adapted implementation and granted additional professional assistance.¹¹² The number of deaf and hard of hearing students recorded by the Ministry of Education, Science and Culture has also been declining for the past ten years, and the reasons are attributed to the increased number of decisions issued to individual high school students. The majority of students enrol in professional secondary education programmes (almost 40 percent) and grammar school programmes (almost 35 percent), a somewhat lower number of high school students enrol in secondary vocational education (almost 24 percent).

¹⁰⁹Institutions for the education and training of deaf and hard of hearing children are: Institute for the Deaf and Hard of Hearing Ljubljana, Centre for Hearing and Speech Maribor and Centre for Hearing and Speech Correction Portorož.

¹¹⁰Placement of Children with Special Needs Act (Official Gazette of the Republic of Slovenia, No. 58/11, 40/12 – Fiscal Balance Act, 90/12, 41/17 – Act Regulating the Integrated Early Treatment of Preschool Children with Special Needs and 200/20 – Act on the Intervention for Children and Youth with Emotional and Behavioural disorders in Education).

Available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5896>.

¹¹¹This is the situation on 30 September 2020.

¹¹²This is the situation on 30 September 2020.

In the school year 2020/2021, the three institutions that implement adapted programmes for deaf and hard of hearing children and adolescents recorded the following number of enrolled students:

- 10 deaf children in preschool programmes;
- 23 deaf pupils in primary school programmes with an equivalent or lower educational standard; and
- 13 deaf students in secondary education programmes.

Below are given summaries of the responses by the Ministry of Science, Education and Sports to the questions from the query:

- **Key problems faced by the deaf in education**

The Ministry of Science, Education and Sports explained that the description of the current state and possible improvements was prepared by a working group at the National Education Institute of the Republic of Slovenia in 2017. The created document *Elaborate – Concept of introduction of Slovenian Sign Language in Slovenian schooling* ¹¹³ was presented to the Expert Council of the Republic of Slovenia for General Education. At the time of drafting this Special report, ¹¹⁴ a working group is operational at the Ministry of Science, Education and Sports, which aims to prepare a proposal of activities for the implementation of improvements.

At the beginning of 2021, the Ministry of Science, Education and Sports published a public call for the implementation of a national evaluation study, oriented to the determination whether the current model of teaching and interpreting SSL enables deaf children, pupils and students to develop their capacities in SSL and the Slovenian language, ensure social inclusion and success in the educational process.

- **Key reasons why the deaf are among the least educated social groups**

The MESS explained that such data are not being recorded; however, every child with special needs in the Slovenian school system is granted assistance in accordance with the expert opinion of the orientation commission, a relevant education needs guidance decision and individually formulated programme to develop their potential.

- **Proposals to improve the education of the deaf at the regulatory and policy level as well as in practice**

Based on practice, the MESS pointed to an inadequate solution from the Rules on additional professional and physical assistance for children with special needs, ¹¹⁵ within which the right to a SSL interpreter is exercised through additional professional assistance for overcoming deficits, obstacles or disruptions.

The MESS is currently focusing on issues related to the acquisition of knowledge of SSL and changes in teaching materials for better understanding and consequent improvement of knowledge.

¹¹³National Education Institute (2019) *The Concept for Positioning the Slovenian Sign Language in the Slovenian Schooling Area – Elaborate*.

Available at: <https://www.zrss.si/pdf/slovenski-znakovni-jezik.pdf>.

¹¹⁴March 2021.

¹¹⁵Rules on additional professional and physical assistance for children with special needs (Official Gazette of the Republic of Slovenia, No. 88/13).

Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV11835>.

- **Initiatives put forward to improve educational attainment of the deaf**

Action programme for Persons with Disabilities 2014–2021 also includes the task of "Promoting sign language learning and bilingual education of the deaf", and the MESS also supported the entry of the SSL as one of the official languages in the Constitution.

- **Implemented legislative amendments, measures and activities to improve the educational structure of the deaf**

The MESS explained that a new Act Regulating the Integrated Early Treatment of Preschool Children with Special Needs and the document Positioning the Slovenian Sign Language in the Slovenian Schooling Area had been drafted. The implementation of both is planned as well as revision of system solutions to help children with special care and education needs.

- **Examples of regulatory solutions and good practice to improve the educational attainment of the deaf**

As part of the De-Sign Bilingual project under Erasmus+ programme (2014–2016), the project partner states conducted a survey in 39 European countries on the use of national sign languages for educational purposes, including a list of legal bases for the implementation of bilingual education (in the teaching language and sign language).¹¹⁶

The education system for the deaf in individual European countries is described on the Eurydice website. Descriptions of education systems for children and adolescents with special needs are given in Chapter 12 (subchapter 12.1 Education of children with special needs in majority kindergartens and schools and 12. 2 Education of children with special needs in special schools and institutions).¹¹⁷

More information on the education of pupils with special needs can be found on the website and in publications of the European Agency for Special Needs Education and Inclusive Education.¹¹⁸

- **The impact of the COVID-19 epidemic on the education of the deaf**

The MESS reply was that deaf pupils and high school students were forced to take part in distance learning during the epidemic. It was pointed out that all those who are involved in programmes in institutions for the education of children and adolescents with special needs returned to school at the earliest date, in early January 2021.

4.3.1.2 Responses by the Ministry of Culture

In response to the Advocate's query, MC initially explained that monitoring of the development of SSJ is ongoing at the Ministry; and projects are supported that approximate the community of the Deaf to SSL. The Ministry is well aware of the considerable importance of the SSL development. Regarding the efforts to enter the SSL in the Constitution, the Ministry of Culture emphasised that the efforts of the deaf and hard of hearing community for widespread establishment of SSL, supporting a more equal participation of deaf users in public life, enjoy the support of the Ministry.

¹¹⁶Available at: <https://map-designbilingual.univie.ac.at/?l=en>.

¹¹⁷Available at: https://eacea.ec.europa.eu/national-policies/eurydice/national-description_en.

¹¹⁸Available at: <https://www.european-agency.org/>.

MC has been supporting the development of SSL for many years, the Ministry even participated in the upgrading of the SSL dictionary. It provides an opportunity for children to get acquainted with sign language using quality picture books. However, a need for grammatical characterisation of sign language emerged. With the support of MC, a handy video grammar guide for the Slovenian language was created, which represents the first description of the language of the deaf and hard of hearing not prepared in Slovenian, but communicated using sign language and freely accessible online. It is intended mainly for the deaf who use SSL and want to become familiar with their language, at the same time, the grammar guide is also useful for independent learning and teaching in schools and courses, both for the deaf and the hearing.

Below are given summaries of the responses by the Ministry of Culture to the questions from the query:

As far as key problems of the deaf in education are concerned, Ministry of Culture denies competence in relation to this matter, due to which no data is available to answer the question about the key reasons why the deaf are one of the least educated social groups. Among regulatory amendments for the improvement of the educational attainment of the deaf, MC mentioned its efforts to include SSJ in the Constitution. During the past five years, MC did not submit any initiatives to the competent state authorities aimed at improving the educational structure of the deaf

Among measures to improve the educational structure of the deaf, MC cited the Resolution on the National Programme for Language Policy 2021-2025¹¹⁹, which is being prepared and is currently in inter-ministerial coordination. A special chapter is dedicated to the SSL in the Resolution. Developing the communication skills of the deafblind is included in the chapter Adapted communication methods. The MC does not give proposals on legal solutions and good practices for improving the education of the deaf, as this is not within its competence. The MC also stated that it could not provide an answer to the question regarding the effects of the covid-19 epidemic on the education of the deaf, as the matter does not fall within its competence.

4.3.1.3 Responses from the Ministry of Labour, Family, Social Affairs and Equal Opportunities

In response to the Advocate's query, the MLFSAEO initially explained that the Act Regulating the Use of Slovenian Sign Language (ARUSSL) was adopted in 2002,¹²⁰ which was the first step in the direction of ensuring that the deaf are subject of integration and are guaranteed equal life. With the adoption of this Act, the Republic of Slovenia became the 25th country in the world to recognise sign language as the natural language of the deaf.

In line with this Act, the institute of SSL interpreter, who interprets Slovenian spoken language into sign language for the deaf; and interprets sign language into Slovenian spoken language for hearing people. The aforementioned Act granted the deaf the right to use SSL in proceedings before state and local authorities as well as public service providers and operators. In all such cases, the authorities are obliged to provide funding to pay for the interpreter's services.

¹¹⁹Available at: <https://www.gov.si/drzavni-organi/vlada/seje-vlade/gradiva-v-obravnavi/show/6507>.

¹²⁰Act Regulating the Use of Slovenian Sign Language (ARUSSL) (Official Gazette of the Republic of Slovenia, No. 96/02).

Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1713>.

Any deaf person has the right to a sign language interpreter which may be exercised by such persons at their own discretion within the scope of 30 hours per year, while a deaf person who has the status of a pupil or student is entitled to a larger number of hours, due to the additional needs related to education, namely 100 hours per year. The services of an interpreter are paid for by a deaf person using a voucher issued by a competent Social Work Centre, the costs are then borne by the MLFSAEO.

Based on the ARUSSL, the deaf are entitled to information in adapted techniques, whereby this Act sets out "the scope and manner of exercising the right to a sign language interpreter in the equal integration of the deaf into the living and working environment and all forms of social life in accordance with the same rights and conditions and with the same opportunities as the hearing."

In its response to the Advocate's query, the MLFSAEO explained that the Government of the Republic of Slovenia supported the initiative of DHHCAS to enter the right to use SSL in the Constitution and formally tabled it to the National Assembly, where the procedure for amending the Constitution is still pending.

4.3.2 Summaries of the responses by representatives of the community of the Deaf

The following stakeholders responded to the Advocate's query: Auris – Intermunicipal Association of the Deaf and Hard of Hearing for Gorenjska Region; Association of the Deaf and Hard of Hearing Ljubljana; Association of the Deaf and Hard of Hearing for Pomurje Region – Murska Sobota; Association of the Deaf and Hard of Hearing for Northern Primorska Region; Association of Persons with Hearing Impairments for Celje Region; Intermunicipal Association of the Deaf and Hard of Hearing Velenje; City Association of the Deaf Ljubljana; Association of the Deaf of Slovenia 14 11; Deaf and Hard of Hearing Clubs Association of Slovenia and five individuals.

Below is given a summary of their answers to questions from the Advocate's query.

- **Key problems faced by the deaf in education**

Teachers often have a lack of understanding of deafness and adapt the learning process to deaf pupils in an inappropriate way. They do not check often enough if the pupils can follow and they fail to prepare materials in advance. Some teachers refuse to use the FM system.¹²¹ Teachers often walk around the classroom during classes making lip reading difficult. Too little attention is paid to the development of reading habits by deaf pupils.

The subject of Slovenian Sign Language should be compulsory at all levels of education. The main problem is poor knowledge of SSL upon the student's transition from primary and secondary schools, as the material is not taught in sign language, which leads to poorer general knowledge upon enrolment in faculty.

Ideally, the teachers should know sign language. Otherwise, an SSL interpreter should be available to the pupil throughout the entire learning process. The problem of lack of interpreters is observed, and, in some cases, the quality of their interpretation is also questionable.

¹²¹Radio System of Frequency Modulation or FM-system is an auditory technical device that enables direct transmission of sound through the microphone from the transmitting to the receiving unit so that it reaches the listener without disturbing elements such as noises, beeps and bangs. Taken from: Ministry of Education, Science and Sport (2018) Deaf and hard of hearing young people – Accommodations in the learning environment and career guidance, p. 3.
Available at: http://tukajsem.splet.arnes.si/files/2018/03/GN_prilagoditve-in-KO.pdf.

Without an interpreter, pupils and high school or university students cannot fully understand the teacher's explanation, especially in the case of more difficult subjects. Moreover, faculties tend to avoid paying the cost of an interpreter. Deaf students in particular are granted insufficient number of hours of interpretation, which deprives them of the opportunity to follow lectures and take exams. During lip reading or following an interpreter, a deaf person cannot take notes at the same time. It is alarming to learn that some private schools do not exercise the right to interpreters.

A deaf person who attends school in an institution for deaf children can only attain a lower level of education there. Curricula in such institutions are shorter and less difficult compared to regular schools. Children attending school for the deaf and hard of hearing have low literate skill, poor vocabulary, do not read books, do not have the opportunity to participate in Reading Badge, have too little knowledge, a lack of support and are therefore in a disadvantaged situation. In the integrated school system in regular schools, the problem is that the interpreter is present and helps the pupil only to a limited extent, i.e. not throughout all classes.

Pupils do not have the opportunity to learn sign language, as a result they have low literate skills and poor vocabulary. At the faculty level, the biggest problem is communication and the consequent inaccessibility of information, as there are not enough accommodations for deaf students.

Access to information for deaf persons is not always granted to the same extent compared to hearing students. A problem may also be the noisy environment in the classroom, in hallways and in the dining room. The biggest problem for people with a cochlear implant is listening to comprehension and listening to English sound recordings. Those who use gestures have difficulties in understanding the material if there are no transparencies or other written materials available. Those who wear hearing aids need to sit in the front row so they can hear the professors well. In cases of large numbers of students, it is sometimes difficult to get a free seat in the lecture hall that is close enough to the professor.

Deaf people tend to feel isolated and lonely, find it difficult to establish relationships, which greatly affects their performance in the educational process and everyday life.

Deaf parents find it more difficult to help deaf children learn at home. Hearing parents find it easier to help a deaf child or a child with a cochlear implant, as they can, for example, practice speech more easily with them. Speech exercises with a speech therapist alone are not enough for deaf children.

- **Key reasons why deaf persons are among the least educated social groups**

Society at large is not sufficiently acquainted with hearing loss and related problems

The education system for the deaf is different now than it used to be. In the past, sign language was prohibited; nowadays, a model of education with limited access to interpreters is set up, with SSL not being a special school subject.

The education system is not sufficiently tailored to deaf persons. With more and more children receiving cochlea implants and attending regular schools as they are able to gain more knowledge there, the programme of the Institute for the Deaf and Hard of Hearing changed. Now children with autistic, mental and speech disorders attend school together, which is very bad for deaf children. Deaf pupils acquire more knowledge in regular primary school, as those deaf pupils who attend school in institutes attain a lower educational standard.

Concentration time is shorter for deaf students, as it is harder for them to follow the teacher and they get tired more quickly.

The main reasons for the lower educational attainment of deaf persons are poor communication skills, poor language skills, insufficient prior knowledge and limited educational attainment, which undermines their progress in the educational process.

At the state level, there are no appropriate educational and employment levers for equal treatment of deaf persons. Some educational institutions refuse to cover the costs of SSL interpreters.

- **The impact of lower educational attainment of the deaf on their lives**

Due to unsatisfactory literacy skills and poor understanding of official texts, lower educational attainment negatively affects the lives of deaf persons. They receive incorrect information (if any at all), which can lead to wrong life decisions.

And even with higher education, it is harder for these people to find a job in their field because employers avoid them. They mostly work in less demanding and underpaid workplaces without any chance of promotion, which leads to poorer social status, low self-esteem, less independence, greater health problems, depression and isolation.

The social circle of the deaf is limited to their families, which leads to exclusion and social isolation, and as a result to psychological problems. They feel unequal and often experience depression.

- **Proposals for the improvement of education of the deaf**

More emphasis should be placed on raising public awareness of deafness. It is important to build an inclusive society in which different needs are supported. Prejudice that deaf persons have lower capacities and capabilities needs to be overcome as well as the belief that communication can be a barrier.

Deaf, hard of hearing and people with cochlear implants should be able to attend regular schools with accommodations according to their individual needs. The educational process should provide flexibility in implementing inclusive practices, such as individualised approach, schooling close to home, accommodation of programmes and curricula as well as learning support.

Teaching staff should use more gestures, facial expressions, visual material, pictures and video content when delivering the lessons. For hard of hearing pupils and those with a cochlear implant, the teacher should be turned towards them the whole time to enable lip reading. More material should be presented in writing, allowing notes to be taken. Teachers should receive appropriate training in this area. Additional assistance from teachers or speech therapists should be available to deaf pupils.¹²²

Educational institutions must establish conditions for a safe environment in terms of language and equivalent educational standards for deaf persons. Deaf people must receive education in their own language, be taught about their language¹²³ and be part of an environment where they can also express themselves in their own language. The deaf should start learning SSL and the Slovenian language at the earliest possible age. SSL should be a Syllabus subject in schools attended by deaf pupils or students.

¹²²A speech therapist – surdopedagogy professional is an expert who works with people with speech and language disorders and deaf and hard of hearing people. He helps them overcome communication problems.

¹²³Meaning the SSL.

Moreover, it would seem reasonable to reform the system at the Institute for the Deaf and Hard of Hearing or perhaps direct deaf students to regular schools which offer a better standard of education. Informal forms of education (e.g., various camps) is also important for deaf pupils and students, where deaf children can additionally identify with their peers.

Interpreters could be included in the school staff of teachers, where their opinions would be taken into account. It would be important to provide an interpreter and note taker¹²⁴ in school for as long as the deaf pupil or student needs them. Private schools should be included in the voucher system for interpreter cost recovery.¹²⁵ Public schools should always accept vouchers for interpreters.

The primary family of a deaf child is important, as it is supposed to foster the child's healthy attitude towards education. Parents of deaf children should cooperate with the school. Hearing parents should learn sign language, which is the mother tongue of deaf children.

- **Examples of good practice to improve the educational attainment of deaf persons**

In northern Europe, the education of deaf persons is more developed, and equality is also ensured in the field of their employment. Bilingual education is implemented in practice in Germany, the USA and Sweden. It would seem reasonable to organise a panel discussion or conference of representatives of associations, institutions, clubs and deaf people, who would present their experience.

An example of good practice is a 15-year-old girl from Austria who wears a cochlear implant. She is assisted by two personal assistants who have been with her since the beginning of school. The assistants communicate with her in sign language. Usually, the assistants are students from a University where sign language is taught.

- **The impact of the COVID-19 epidemic on the education of the deaf**

The epidemic of COVID-19 significantly affected the education of the deaf. It is very difficult for deaf students to follow the learning process via the Zoom application. Due to poor internet connection, the interpreter is sometimes poorly visible. A poor connection leads to poor transmission, this way some of the gestures might be completely lost. Sound transmitted via computer is distorted, hence a large amount of data can easily be lost. Interpreters were not always available in the distance learning process.

A further problem arose in helping pupils with deaf or hard of hearing parents. Most of them do not have adequate education, so they were not able to provide sufficient assistance to children in distance learning.

Masks represent a major barrier in communication. When masks are worn by teachers or professors, deaf people cannot hear them nor practice lip reading.

¹²⁴The task of a note taker is to make written notes of the subject matter during the lesson or lecture, as a deaf person who follows a lesson or lecture with the help of an interpreter for SZJ cannot communicate with the interpreter and take notes at the same time. Notes are an important tool for learning and repeating the subject matter.

¹²⁵According to Article 13 of the Act Regulating the Use of Slovenian Sign Language, deaf persons pay for the services of a sign language interpreter using "a voucher issued by a competent Social Work Centre on the basis of a decision on rights under this Act". A voucher is a means of payment for interpretation costs. The interpreter is also entitled to reimbursement of travel expenses. According to the currently applicable act, this right is not limited to a certain legal form of an educational institution.

Such problems with distance learning can plunge a deaf child into mental distress, followed by poor grades and poor conditions for growing up. Due to the limitations of distance education for deaf students, the educational process can be by as much as 80 percent worse.

One positive factor is that distant classes can be recorded remotely. An example of good practice is the situation in Austria, where schools for children from 1st to 4th grade opened after the New Year for children whose parents could not stay at home and for children with special needs. In this way, deaf children were able to attend classes, where they were provided all the necessary assistance in learning.

4.3.3 Summaries of responses by the profession

Responses to the Advocate's query were received from the following stakeholders: Centre for Hearing and Speech Maribor; Association of the Deafblind of Slovenia DLAN; Association of Special and Rehabilitation Educators of Slovenia, SURDO section – for training of deaf and hard of hearing persons; The Slovenian Association of Teachers of the Deaf; Social Protection Institute of the Republic of Slovenia; The Association of Slovenian Training Organisations for Persons with Special Needs; Council of Slovenian Sign Language; University of Primorska, Faculty of Education; University of Ljubljana, Faculty of Social Work; University of Ljubljana, Faculty of Arts; University of Ljubljana, Faculty of Law; National Education Institute; Institute for the Deaf and Hard of Hearing Ljubljana; Institute for Deaf Studies, Education, Interpreting and Coaching Lingua Signans and Association of Slovenian Sign Language Interpreters Institute.

Below is given a summary of their answers to questions from the Advocate's query.

- **Key problems faced by the deaf in education**

The key issues faced are ignorance, lack of understanding and non-accepting diversity, needs and desires of the deaf community, both on the part of society and the profession. This is also reflected in the planning and implementation of the educational process for the deaf as, e.g., curricula and working methods are not adapted to the needs the deaf, since they are prepared by hearing people without having own experience, knowledge or information about the history and culture of the deaf, nor do these people follow examples of good practice from other countries. The lack of understanding towards the needs of the deaf by the general public is demonstrated by the fact that many people do not understand that the mother tongue of the deaf is the Slovenian Sign Language and not the Slovenian language.

Regarding the learning process, there is a lack of understanding that language development in case of deaf persons is different compared to the hearing, which is also related to the different development of thinking and learning. Many deaf people have problems with the development of speech, the acquisition of spoken and written Slovenian and expressing their thoughts which is caused by a limited or different reception of linguistic information. The key problem for the deaf in education at all levels is access to education in their own language – the SSL. Deaf children do not attend the subject of SSL in kindergartens or primary and secondary schools in the same way as hearing children have the subject of Slovenian as their mother tongue.

If deaf people do not use the SSL, but only communicate orally, their spoken and written communication may be deficient. If they use SSL as their first language, spoken and written Slovenian is their second language (as in case of the first foreign language). In practice, this means that they are forced to constantly "switch" between the two languages, both in everyday life and in the context of their studies. Due to grammatical and other differences between the languages, their Slovenian may also be deficient.

The biggest problem is the language competence of the deaf when entering the school system; later on, during the schooling process, the language gap with their peers only deepens.

Due to lack of knowledge or unfamiliarity with the spoken language, they cannot be as successful in the school system as their hearing peers. Even some deaf students with cochlea implant lag behind in their language skills, if they did not learn SSL in the first years of their life, by which they missed the key years for language skills formation.

The system of assistance and accommodation is not sufficiently established, which is true (especially) for high school and university students; this leads to numerous communication issues faced by the deaf. Functional literacy of this group is poor. Deaf people often remain uneducated, poorly informed and enrol in two- or three-year vocational programmes.

Their ability to follow lectures is limited while direct communication with pedagogical and professional staff is rendered more difficult. Other key concerns include the absence or lack of adapted lectures and other methods of transmitting knowledge and content of courses (e.g., recordings are often without subtitles or interpretation).

There is a lack of adapted teaching materials, literature about the deaf and sign language. Another problem is also shortage of educational materials accessible in SSL or adapted for the deaf. Among people with disabilities, deaf (and hard of hearing) students represent the least percentage; at the same time, they are also in a worse situation due to insufficient professional support in their studies.

An interpreter is not always provided in regular schools, in practice this means that pupils and students do not receive interpretation throughout the entire course (of classes) within the pedagogical process. Due to insufficient number of interpreters for whom pupils and students can use vouchers, i.e. the right to free interpretation, they are forced to pay for interpretation at the market price.

Deaf pupils and students can only follow the interpreter once during the class, later they have to manage themselves on the basis of written and other educational material; however, the hearing can find support in many other ways. When interpreting, the problem is often the speed of lectures, as well as the lack of highly qualified interpreters. When following an interpreter or teacher, deaf persons cannot take notes on a regular basis, so there is a need for a note taker.

School models with programmes that include a group of children with speech and language disorders, autistic disorders, and deaf and hard of hearing children do not provide a sufficiently supportive environment for deaf and hard of hearing children. Bringing together children with different special needs does not promote learning, self-confidence and a positive self-image of deaf pupils, also because they receive unfavourable messages from the school environment.

If deaf children receive education in SSL, they can reach a secondary vocational education at most, whereby they have only a few programmes to choose from.

The programme for the inclusion of deaf children in regular schools does not enable achieving the objectives that deaf children are supposed to achieve. There are no actual programmes that would be more effective and address all deaf children. Deaf pupils and high school students in regular schools are lonely in spite of the integration, as they do not have the same experience with peers; moreover, they do not identify with other deaf peers.

The social space in school institutions is not adapted to the deaf, their culture and SSL users. Once the premises in schools for the deaf were significantly richer with the culture of the deaf, the pupils could see and follow sign language everywhere; nowadays, deaf children are not familiar with the culture of the Deaf, nor sign language. Moreover, their identity is often undefined, or they might take the identity of the hearing person, sometimes their identity is vaguely defined or they get frustrated.

Another problem is the lack of financial support or incentives for deaf children from deaf families, who are often economically vulnerable due to their parents' situation.

The learning habits of deaf children are under-developed, they lack support at home or in the afternoon hours. Due to communication barriers or additional costs, they do not have sufficient opportunities to engage in various forms of non-formal education available to their peers.

The study programme of speech therapy and inclusion do not provide sufficient knowledge needed for the work with deaf children. At the university level, there is no study programme of SSL intended for interpreters. Deaf people are the only linguistic group in Slovenia without the possibility of studying their own language (SSL) and a study programme on the history and culture of the Deaf.

- **Key reasons why the deaf are among the least educated social groups**

Today's problems are the result of years of discrimination across Europe and around the world. In 1880, at a conference of teachers of the deaf in Milan, a resolution was passed banning the use of sign language in education which led to dismissing deaf teachers from schools. Due to the recommendations of the profession given the past, sign language was banned in our region in educating deaf persons. Such a model of education for deaf people has contributed to great social hardship, poor socioeconomic situation and worse employment prospects of the deaf. Due to poorer education, they are not competitive on the labour market, they are engaged in the worst forms of work with no promotion prospects.

The adoption of the Act Regulating the Use of Slovenian Sign Language in 2002, brought us to the starting position in terms of working with sign language. In almost 20 years since the passing of the Act, things have changed only a little, except that SSL is recognised as the language of the deaf and used in school environment. Only with the 2019/2020 school year, SSL was first included in school curriculum as a compulsory elective subject.

Under the national law, a deaf person who has the status of a pupil or student is entitled to free interpretation to SSL in the form of vouchers granted for a maximum of 100 hours per year. Under the current regulation, the right to an SSL interpreter in the field of education is granted on the basis of an expert opinion of a competent commission, which limits additional professional assistance for children with special needs to a maximum of five hours per week, of which one hour must be devoted to advisory assistance. This is not enough for all the educational needs of deaf children.

Hearing parents of deaf children opt for oralism for various reasons,¹²⁶ hence these children grow up without knowledge of sign language. Deaf parents of deaf children, on the other hand, use sign language, which means that these children learn this language spontaneously and informally throughout their childhood.

¹²⁶Oralism means a system of teaching deaf people about communication using speech and lip reading instead of sign language.

For lack of financial support and insufficient number of scholarships, which are not adapted to the specifics of deaf students, there is only a small number of students and doctoral candidates.

- **Proposals to improve the education of the deaf at the regulatory and policy level as well as in practice**

In designing solutions to improve the education of deaf persons, adherence to the opinion of those persons is necessary as well as following directions of institutions working in the field of care, education and research of the situation of this group.

Some see the entry of SSL in the Constitution as crucial step also in view of improving the educational attainment of deaf persons. They propose the transposition into the Slovenian regulation of the positive practice of Swedish regulatory framework, which grants the community of deaf persons the status of a linguistic and cultural minority.

An amendment to the Rules on additional professional and physical assistance is needed, which would extend the right to receive interpretation to the extent needed by a particular pupil or student, making it clear that interpretation should not be equated additional professional assistance. An SSL interpreter is a licensed expert who makes it possible for the given group to exercise their right to use their own language, which is protected under the Constitution.

The educational attainment of deaf persons would be improved also through the consistent implementation of the existing legislative solutions. A change is necessary in the regulation of the procedure for obtaining a decision on the use of SSL, so that every new-born deaf child automatically acquires the right to assistance and immediate professional support. The provision should apply to all children and adolescents who lose their hearing later in their lives.

It should be made possible within the system that deaf people acquire language skills as early as possible in life through the process of training and education, so that they can begin using their language, regardless of whether it is the SSL or the Slovenian language. Deaf people should receive educations in their language, be taught about their language and be a part a social and pedagogical environment where they can also express themselves in their own language. Conditions must be provided which enable the attainment of the highest possible level of knowledge of the Slovenian language.

At the level of primary education, programmes should be launched to enable the inclusion of all deaf children in one school, including those children who would later decide to attend regular schools in terms of integration. In this way, these children could benefit from greater mutual encouragement, competition and thus the development of higher ambitions. It would seem reasonable to introduce a foreign sign language (e.g., German sign language) as a special subject in specialised primary and secondary schools.

At the level of higher education, a university study programme for SSL and studies of the deaf with deaf researchers should be introduced. Moreover, funding should be provided for research conducted by deaf researchers and doctoral candidates and visiting professors. An independent study programme of surdopedagogy (education of the deaf) should be introduced, within which at the end of the studies, all students would master SSL at a level, which would enable them to actively communicate with deaf persons.

It would seem reasonable that linguistic competencies in the area of sign languages should improve, this applies to teachers of the deaf as well as interpreters. Moreover, it would be worthwhile to consider transposition of the positive educational practice from Scandinavia, especially from Norway and Sweden.

Producing literature should be supported, especially textbooks for SSL, literature on the history and culture of the Deaf, as well as supporting translations of foreign literature on the education of deaf persons. Funding should be provided for scholarships intended specially for deaf students. Deaf persons should be able to choose from several educational programmes adapted to their needs (both at secondary and tertiary level). More interpreters and note takers should be provided to assist deaf students in colleges.

It would seem reasonable to provide additional resources and incentives for parents of deaf children as to help them acquire language skills in the sign language.

Individually formulated programmes for school children should be consistently implemented, unlike the current practice, where the later represent merely an administrative paper. Ideally, teachers should master the SSL, otherwise an SSL interpreter should be provided, who would be available to the pupil or student during all the necessary classes or lectures. The deaf need to be guaranteed a safe school environment where sign language is used as a first and official language, both among students and employees. The school premises should be equipped with all technical aids and optical warnings, where it would be clear as soon as you enter the premises that this is a place intended for educating deaf people.

Literature needs to be adapted, general textbooks for all primary and secondary school students should include additional content introducing the community of the Deaf in Slovenia, their history, so that both the hearing and deaf can get clear messages.

Deaf students would benefit greatly from material prepared in advance of notes from teachers or professors, otherwise it is difficult for them to follow the lectures. Students should be able to use a hearing loop which they could borrow. During the lectures, the lecturers should address deaf students directly by facing them. This could significantly improve their ability to follow lectures and engage in discussion. Deaf students should be assisted by tutors, professors and assistants for any further explanations or consultations necessary.

- **Initiatives put forward to improve educational attainment of the deaf**

The following is a summary of responses of those institutions that answered the Advocate's question regarding initiatives for the improvement of the educational structure of deaf persons that were launched.

The Maribor Centre for Hearing and Speech is implementing the SEM Project – Social Inclusion, Equality and Opportunity for All, within which a model of a long-term (from primary school onward) and needs-oriented training programme for young people with special needs is developed which would empower and mobilise them to enter the labour market.

On 11 November 2020, the Department of Translation at the Faculty of Arts of the University of Ljubljana organised a consultation on the possibility of studying SSL with the aim of including SSL in the set of languages in the Master's programme of interpreting as to give consideration to the actual needs of the community of the Deaf and connect with key decision-makers in the government sector and stakeholders relevant in terms of including interpretation in SSL among human right.

In the past five years, the secondary school at the Institute for the Deaf and Hard of Hearing in Ljubljana has been implementing four new programmes with an equivalent educational standard, which are adapted to deaf and hard of hearing children. In this way, they the possibilities of secondary vocational education for the deaf were extended. Moreover, activities within the ESS project Promoting social inclusion of children with special needs in the local environment are ongoing.

Among other things, the Association of Slovenian Sign Language Interpreters has drawn the attention of the MESS towards particular inconsistencies between the Placement of Children with Special Needs Act and the Rules on additional professional and physical assistance for children with special needs. The said Act stipulates that deaf and hard of hearing people who communicate in Slovenian sign language are also granted the right to a SSL interpreter based on a special education needs guidance decision. However, the rules stipulate that integrated deaf and hard of hearing children included in integrated education are granted the right to an interpreter, but within the framework of additional professional assistance, which may not exceed five hours per week, of which at least one hour must be in the form of advisory assistance. In practice, this means that pupils and students do not receive interpretation throughout the entire course of the pedagogical process.

In the school year 2014/2015, the MESS partially took into account the initiative and enabled four deaf students of regular primary schools to attend classes with a sign language interpreter, in the amount of 4.5 pedagogical hours per week for each individual child. The effects in terms of performance were considered as excellent, as the children's performance improved as well as the degree of socialisation.

- **Implemented legislative amendments, measures and activities to improve the educational structure of the deaf**

The following is a summary of responses of those institutions that answered the questions in the Advocate's query.

Since 2016, a working group has been preparing a proposal for including SSL in adapted programmes and in programmes with adapted implementation; and for providing additional professional assistance in kindergartens, as well as primary and secondary school.¹²⁷ The Maribor Centre for Hearing and Speech actively cooperated in this effort, namely in creating the elaborate "The Concept for Positioning the Slovenian Sign Language in the Slovenian Schooling Area".¹²⁸

The Institute for the Deaf and Hard of Hearing in Ljubljana expanded the selection of secondary education programmes, employed a larger number of interpreters, introduced the possibility of interpreting in regular schools and helped co-design the contents of the compulsory elective subject SSL in primary schools.

On 18 December 2020, the MESS appointed a special Working Group to prepare a proposal for the placement of SSL in the system of pre-school education, as well as primary and secondary education, with one of the members being the director of the Association of Slovenian Sign Language Interpreters.

During the renovation of the premises of the Faculty of Social Work of the University of Ljubljana, all lecture halls were equipped with hearing loops, which enable deaf people to attend and follow lectures. The Faculty of Arts of the University of Ljubljana has a well-developed tutoring system. It is intended to help students with special needs, including deaf students in terms of access to information, note taking, coordinating with professors on exams, support and advisory assistance.

¹²⁷At the initiative of Ministry of Education, Science and Sport and DHHCAS and within the National Education Institute, a working group was established for the purpose of including SSL in adapted programmes and in programmes with adapted implementation and additional professional assistance in kindergartens, elementary and high schools.

¹²⁸National Education Institute (2019) The Concept for Positioning the Slovenian Sign Language in the Slovenian Schooling Area – Elaborate.

Available at: <https://www.zrss.si/pdf/slovenski-znakovni-jezik.pdf>.

At the same time, the management of the faculty strives to improve the conditions in terms of removing physical barriers and adjusting the study process and knowledge examination.

The online classroom of the National Education Institute of the Republic of Slovenia includes some examples of practice in the area of working with children with special needs. A workbook has been published (in two parts) for a systematic acquisition of SSL and the Slovenian language, which also includes a manual for teachers, while part three is in the process of being prepared. In 2019, an Elaborate for Positioning the Slovenian Sign Language in the Slovenian Schooling Area was prepared. In the same year, a curriculum for the compulsory elective subject of SSL was designed, which is implemented in two regular primary schools (attended by 26 hearing pupils in the school year 2020/2021) and two institutes for the deaf and hard of hearing in Ljubljana and Maribor (attended by 13 pupils in the school year 2020/2021).

- **Examples of regulatory solutions and good practice to improve the educational attainment of the deaf**

Examples from other countries show that note taking during real-time lectures in the classroom can be made possible, which is most relevant in terms of secondary and higher education. Examples of good practice refer to hearing loops, tutors for students with special needs, the involvement of students with special needs in the study process as active representatives of "experts from their world" who can tell much about their situation in terms of own experience.

Examples of good practice from educational institutions in other countries that implement programmes for the deaf include:

- The American Gallaudet University, where studies are conducted in American Sign Language with the help of note takers and interpreters.
- Frank Barnes School in London, England, which provides education for deaf children from kindergarten to the age of twelve. Great emphasis is placed on sign language and professional assistance to pupils at home. The entire school uses sign language as the official language, which is mastered by all employees, regardless of whether they are deaf or hearing.
- The National School for the Deaf and Hard of Hearing Orebro in Sweden.
- The English Adult Education College City Lit from London, which provides non-formal education to deaf young people or adults and migrants, with the emphasis on making all courses accessible and free for the deaf.

Examples of good practice from other countries can be found in the publication of the European Union of the Deaf on the implementation of the Convention on the Rights of Persons with Disabilities in the field of education.¹²⁹

¹²⁹Available at: https://www.eud.eu/files/2615/6213/9186/EUD_UNCRPD_IV.pdf.

- **The impact of the COVID-19 epidemic on the education of the deaf**

The epidemic has made the education of deaf persons very difficult at all levels. Distance learning, especially using online communication tool (e.g., Zoom, Microsoft Teams) represent an additional obstacle. Therefore, in order for applications to be adapted to the needs of the deaf, recording should be enabled as well as real-time subtitling, a clearer picture of the interpreter and teacher and a better picture when sharing written materials on the screen is also necessary. The problem is the loss of eye contact between the teacher or interpreter and the student, interruptions in communication and worse audibility and as a result difficulties in comprehension. It was also pointed out that students cannot use hearing aids and headphones at the same time, so during distance classes they look on the screen and try to read from the speakers' lips.

Distance learning for the deaf also requires specific teaching methods, which not all educators understand, and particular practices, e.g., switching too quickly between teaching materials, speaking while sharing a screen, jumping from one topic to another, pointless comments make the situation of deaf students even more difficult. Sitting in front of the screen for too long is also a problem, as concentration decreases also because students cannot navigate well using their notebooks and do not see all the instructions.

The experience of interpreters in interpreting distance learning was not optimal either, as it was especially difficult for them to direct the students' attention to the interpretation via computer, as well as, for example, to direct them at a certain page in the textbook.

The motivation of deaf students is low and their work habits are worse. Another problem is poor accessibility of books in libraries and educational videos with no subtitles or sign language interpretation. While reactions of the deaf may be slower, another problem was highlighted, namely that it is hard for them to engage in discussion as the hearing often take the floor.

Masks classrooms make it impossible for the deaf to practice lip reading, and those who have little hearing are unable to get good understanding of the subject matter. The problem can be alleviated by using a visor and keeping a sufficient distance from each other.

Communication between professors and students via e-mails and written documents was regarded as positive, which, assuming that a suitable study working relationship has already been established with a deaf or hard of hearing students, can lead to a suitable study environment for deaf and hard of hearing students.

5 KEY OBSERVATIONS AND RECOMMENDATIONS BY THE ADVOCATE

5.1 Key observations based on the Advocate's query

The following is a synthesis of key observations arising from responses of all stakeholders who responded to the Advocate's query. This sub-chapter contains concerns, positions and assessments put forward by stakeholders: state administration (competent ministries), civil society, i.e., the community of the Deaf and independent profession dealing with the situation of the deaf in education. Key observations are divided into thematic sets, according to the questions posed within the Advocate's query.

Key problems faced by the deaf in education

- The key issues are ignorance, lack of understanding and non-acceptance of diversity and deafness as well as the needs and desires of the deaf community, both in the professional sphere and society. This is also demonstrated by the fact that many people do not understand that the mother tongue of the deaf is the Slovenian Sign Language and not the Slovenian language.
- The key challenge faced by the deaf at all levels of education is the accessibility of education in their own language, notably Slovenian Sign Language.
- Teachers often have a lack of understanding of deafness and inappropriately or insufficiently adapt the learning process to deaf pupils and high school or university students. There is a lack of adapted teaching materials and literature about the deaf.
- Another major problem is a limited access to SSL interpreters and a general shortage of these professionals. Without an interpreter, deaf pupils and high school or university students cannot fully understand the teacher's explanation, especially in the case of more difficult subjects.
- The deaf who attend school in institutions for the deaf can only attain a lower level of education there. Curricula in these institutions enable a lower level of knowledge compared to regular schools.
- At the same time, deaf students often have poorer access to information compared to hearing pupils, high school or university students. In the process of education and training, deaf people tend to feel isolated and lonely, find it difficult to establish relationships, which greatly affects their performance in the educational process and everyday life.

Key reasons why the deaf are among the least educated social groups

- Today's problems in education of the deaf are the result of years of discrimination across Europe and around the world. Due to recommendations by the profession, the use of sign language in the education of the deaf has been prohibited in our region.
- The education system is not sufficiently tailored to meet requirements of the deaf. Deaf pupils acquire more knowledge in regular primary school, as those deaf pupils who attend school in institutes for the deaf and hard of hearing attain a lower educational standard due to a particular arrangement of the system in these institutions.

- The applicable regulation restricts access to additional professional assistance for deaf children to maximum five hours per week. This is not enough to fulfil all the needs of deaf children and adolescents at all levels of education.
- Lack of financial support and insufficient number of scholarships, which are not adapted to the specific needs of deaf students, are amongst the reasons why deaf students rarely opt for higher or tertiary education.

Proposals to improve the education of the deaf at the regulatory and policy level as well as in practice

- In designing solutions to improve the education of the deaf it is necessary to take into account their own opinion as well as the opinions of the institutions and organisations working in the field of care, education and research of the situation of this group.
- More emphasis needs to be placed on raising awareness of society at large about deafness. Deliberate and well-planned building of an inclusive society which supports different needs is necessary.
- It should be made possible within the system that the deaf acquire language skills as early as possible in their life and choose for themselves whether they want to use the SSL or/and the Slovenian language.
- The educational process of the deaf should in a reasonable manner provide for flexibility when implementing inclusive practices, such as individualised approach, accommodation of programmes and curricula as well as appropriate and adapted learning support.
- An amendment to the implementing regulation is necessary, which would ensure the right to an interpreter to the extent actually needed by a particular pupil or student.
- Educational institutions must establish conditions for a safe environment in terms of language and equivalent educational standards for the deaf. More teaching materials should be prepared in writing and note taking by other persons for the benefit of the deaf pupils or students should be enabled.
- It is necessary to improve linguistic competencies in the area of sign languages; this applies to teachers of the deaf as well as to interpreters.
- Funding should be provided for special scholarships for deaf students.
- Additional measures should be taken and resources provided to encourage parents of deaf children to acquire and strengthen their sign language skills.

The impact of the COVID-19 epidemic on the education of the deaf

- The epidemic has made the education of the deaf very difficult at all levels. Distance learning, especially using online communication tools, was an aggravating factor for them.
- Difficulties were encountered also in assistance to pupils with deaf or hard of hearing parents. Most of them do not have adequate education, so they were not able to provide sufficient assistance to their children during periods of distance learning.

- Distance learning for the deaf also requires specific and adapted teaching methods, which were not applied by all professionals in education.
- Face masks represent a major barrier in communication. When masks are worn by teachers or professors, the deaf cannot hear them or practice lip reading (speechreading).
- Such problems with distance learning can plunge a deaf child into mental distress, followed by poor grades and poor conditions for growing up.
- One positive aspect is that distant learning classes can be recorded. The communication between professors and students via e-mails and written documents appears to be a step in the right direction.

5.2 Recommendations by the Advocate

The Advocate of the Principle of Equality recommends the following measures to ensure equal opportunities for the deaf in education:

The Ministry of Education, Science and Sport shall take the following measures in cooperation with the community of the Deaf, the profession and researchers:

- Prepare targeted awareness-raising activities on the significance of early learning of Slovenian and Slovenian Sign Language, including for those deaf children who may later use primarily the Slovenian language; and ensure that this information is impartial and accessible to all parents of deaf children, including infants (hence enabling them to make educated choice on the methods of educating and training their child);
- ensure that all deaf people can exercise their right to learn Slovenian sign language, with special emphasis on children in their early childhood;
- enable parents of deaf infants, siblings of deaf children and pedagogical staff working with deaf pupils and students to learn Slovenian sign language free of charge;
- support inclusive education of deaf pupils and students in regular primary or secondary schools by systematically providing accessibility, implementation of individual plans and, where necessary, reasonable accommodation for each individual deaf pupil or student so that they can reach their full potential and obtain the highest attainable level of education;
- amend Article 8 of the Rules on additional professional and physical assistance for children with special needs so that the right to a Slovenian Sign Language interpreter would be granted to the extent actually needed by individual pupils and students during the entire educational process, whereby such assistance would not be equated with general right to additional professional assistance;
- ensure the participation of teachers or interpreters of Slovenian Sign Language in pedagogical teams at all primary and secondary schools where deaf pupils and students are educated;

- provide training for all teachers of deaf pupils and students on their needs and rights and enable them to continuously acquire and upgrade their competencies in the area of Slovenian Sign Language;
- ensure a sufficient number of duly certified teachers and interpreters of Slovenian Sign Language in all public and private pre-school, school, secondary, higher and tertiary education programmes and enable them to continuously upgrade their competencies in the field of Slovenian Sign Language;
- provide additional financial support for projects aimed at the inclusion of deaf children and youth in extracurricular and other informal leisure activities, special projects for deaf children and youth e, and activities organised by deaf children and youth themselves;
- implement systemic guarantees to ensure the accessibility of learning material, e.g. by providing notes of the lectures for deaf pupils, high-class pupils and students;
- supports the publication of textbooks for Slovenian Sign Language, adapt literature to the deaf, and introduce information on the deaf in primary and secondary school textbooks;
- provide specific financial support to higher education institutions so that they can provide Slovenian Sign Language interpreters for deaf students throughout the entire pedagogical process;
- adapt implementing regulation on the implementation of Article 69a of the Higher Education Act, so that deaf students can enjoy their right to a more favourable treatment in a uniform and effective way in the selection procedure in case of restricted enrolment as well as the right to accommodate study programmes and obtain additional professional assistance during the studies;
- promote a debate on the establishment of a university programme for Slovenian Sign Language and studies of the Deaf, including the development of competencies and the involvement of deaf professors and researchers, as well as the development of surdopedagogy (education of the deaf and hard of hearing);
- provide for the improvement of educational opportunities for deaf adults;
- introduces ways to improve the integration of the Slovenian Sign Language in higher education, following the examples from the elaborate The Concept for Positioning the Slovenian Sign Language in the Slovenian Schooling Area.

The Ministry of Labour, Family, Social Affairs and Equal Opportunities shall, in cooperation with the community of the Deaf, the profession and researchers:

- adopt implementing regulation under the Article 8 of the Equalisation of Opportunities for Persons with Disabilities Act, which shall determine the minimum standard of accessibility of goods and services, including those in the field of education;
- introduce special, dedicated scholarships for students with disabilities (or special needs) that would be available within the existing scholarship system;

- provide for the improvement of opportunities for the inclusion of deaf adults in lifelong learning activities provided in an accommodated way.

Institutions specialising in primary and secondary education for the deaf shall:

- ensure the conditions for a safe and inclusive school environment and
- seek to equip school facilities with all technical aids to ensure the accessibility of the educational process to the deaf.

Regular primary and secondary schools that engage the integration of deaf pupils and students shall:

- strive for their full inclusion in the school community;
- encourage the development of reading habits of deaf pupils and students;
- raise awareness among the entire school community about deafness and the culture of the Deaf;
- seek to equip school facilities with all technical aids to ensure the accessibility of the educational process to the deaf.

Higher and tertiary educational institutions shall:

- strive for the full inclusion of the deaf in the academic community at all levels;
- seek to equip educational facilities with all technical aids to ensure the accessibility of the educational process to the deaf;
- adopt all necessary rules defining all the rights of students with special needs and special status;
- provide for interpreters of Slovenian Sign Language for deaf students throughout the entire duration of the pedagogical process;
- provide deaf students with all necessary accommodations and support, e.g., as regards to the implementation of the pedagogical process, additional explanations and consultations, with the assistance of tutors, etc.

The faculty implementing the study programme of surdopedagogy (education of the deaf and hard of hearing) shall:

- introduces changes to the study programme of surdopedagogy (education of the deaf and hard of hearing) so that at the end of these studies, all graduates of this programme would master the Slovenian Sign Language to the extent which would enable them to actively communicate with the deaf.

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The Situation of the deaf in the Educational System – Special Report

Issued by

Advocate of the Principle of Equality

On behalf of the Advocate

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