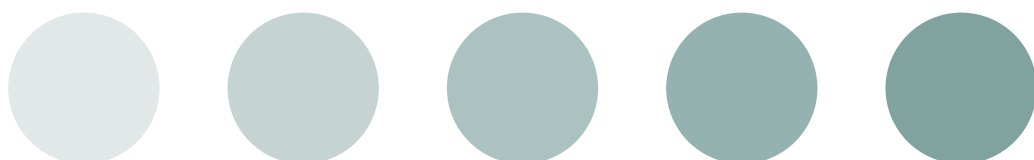


# THE REPORT

## ON THE POSITION OF THE DEAF COMMUNITY IN SERBIA IN THE FIELD OF MEDIA, AVAILABILITY OF INTERPRETING SERVICES AND EDUCATION





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The report on the position of the Deaf community in Serbia in the field of media, availability of interpreting services and education

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# 1. INTRODUCTION

The culturally and linguistically diverse Deaf community consists of people who are deaf and who use Serbian sign language as their first language. Their position is dominantly determined by the degree of the availability of information in sign language, as well as the degree of possibility to communicate with the hearing community using sign language. In terms of availability, these people face the same problems as the people originating from different cultural and linguistic environment<sup>1</sup>.

Sign language in Serbia is recognized as a means of communication of the deaf, but thus far no institutions have been founded to deal with describing, documenting and continuous teaching of Serbian sign language. The Law on Sign Language Use was adopted on April 28, 2015. Due to the short time period since the adoption of the law and due to the fact that no bylaws have been enacted since the conclusion of this report, we are still not able to evaluate the success of its application in terms of improving the life quality of deaf persons in Serbia.

This report has been compiled in order to introduce the general and concerned public with the position of deaf people in Serbia. It centers on three fields which represent particularly important indicators of the degree of engagement of the deaf in broader social circles. These are: receiving and broadcasting the information in sign language through the media, availability of interpreting services and the accessibility of education in sign language.

The authors of the report express gratitude to everybody who has contributed to its writing. In particular, we acknowledge our indebtedness to the deaf persons who have participated in focus groups and by giving their personal testimonies and expressing their attitudes and opinions have contributed to the fact that this report does not contain only the theory but also the review of the situation from the perspective of directly concerned people. We also thank our collaborators – deaf persons – who have given their professional and technical support in the organization of focus groups. Furthermore, we express gratitude to our collocutors – representatives of institutions, associations of the deaf, interpreters, representatives of the media who we have organized the interviews with – for the provided data which have assisted the authors in perceiving the practical problems more thoroughly.

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<sup>1</sup> See: Princess Alexandra Hospital Metro South Health Service District, Division of Mental Health, Centre of Excellence, Deafness and Mental Health Statewide Consultation Service., (2014) “Guidelines for working with people who are Deaf and hard of hearing” The City Organization of the Deaf of Belgrade, Belgrade

## 2. GENERAL LEGAL FRAMEWORK

THIS CHAPTER PROVIDES A SHORT PRESENTATION OF THE CONTENTS OF SEVERAL INTERNATIONAL AND DOMESTIC LEGAL ACTS REFERRING TO THE ACCESSIBILITY AND USE OF SIGN LANGUAGE.

The Republic of Serbia has ratified and adopted several international documents and laws which have an extremely affirmative relationship to the linguistic distinctiveness of the Deaf community and which guarantee a number of rights to deaf people. These are:

- **The Universal Declaration of Human Rights adopted by the United Nations<sup>2</sup> and The International Covenant on Civil and Political Rights<sup>3</sup>** (*“The Official Gazette of SFRY, No. 7/71*), which guarantee the right to freedom of thought and expression to deaf and hard of hearing persons, including the right to seek, receive and impart information;
- **UN Convention on the Rights of Persons with Disabilities<sup>4</sup>** (“Official Gazette of the Republic of Serbia“ 42-09) The basic factors for exercising human rights of deaf persons are bilingual education, accessibility and sign language interpreting.

2 <http://www.poverenik.rs/yu/pravni-okvir-pi/medjunarodni-dokumenti-pi/146-univerzalna-deklaracija-o-ljudskim-pravima.html> - Article 19 “Everyone has the right to freedom of opinion and expression; this right includes freedom [...] to seek, receive and impart information and ideas through any media and regardless of frontiers.”

3 [http://www.tuzilastvorz.org.rs/html\\_trz/PROPISI/medj\\_pakt\\_gradj\\_prava\\_lat.pdf](http://www.tuzilastvorz.org.rs/html_trz/PROPISI/medj_pakt_gradj_prava_lat.pdf) - Article 19 “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

4 <http://www.ljudskaprava.gov.rs/index.php/yu/ljudska-prava/konvencije/56-konvencija-un-o-pravima-osoba-sa-invaliditetom/67-konvencija-un-o-pravima-osoba-sa-invaliditetom> “Language includes spoken and signed languages and other forms of non spoken languages “(Article 3) “States Parties shall take appropriate measures ...to provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public”. (Article 9)



The prerequisite for implementing these factors is the right to use sign language. The convention recognizes the linguistic rights of the Deaf community and its linguistic identity, thus committing the State Parties to take appropriate measures to “ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications...“

- **The Strategy for Improvement of the Position of Disabled People in the Republic of Serbia 2007-2015**<sup>5</sup>, (“Official Gazette of the Republic of Serbia“ No. 55/05 and 71/05 – amendment) defines the measures which should ensure the recognition of the specific cultural and linguistic identity of deaf persons on the basis of equality with others, including sign language and culture, and provides the corresponding support to the Deaf community to realize their identity (Special objective No.12, Measure No.12.4). A special objective (No. 15) underlines – “Ensure the availability of information, communications and services including information and communications technologies as well as other scientific achievements in order to create equal possibilities and improve the position of disabled people“. In this respect, the measure for accomplishing this objective is stated – “Develop the accessible mechanisms of informing for the users with disabilities, including sign language interpreters“ (Measure 15.2).
- **The Law on Prevention of Discrimination against Persons with Disabilities** (“Official Gazette of the Republic of Serbia, No. 33/06”) prohibits discrimination and ensures the equality of persons with disabilities in the procedures related to public authorities, while Article 35 defines the access to information. These regulations were confirmed in the more recent **Law on Prohibition of Discrimination** (“Official Gazette of the Republic of Serbia, No.22/09”);

Finally, the **Law on Sign Language Use**<sup>7</sup> (Appendix 1) was adopted on April 28, 2015 in Serbia. The objective of this law is to enable Deaf persons to be completely included in all social flows and to regulate the use of sign language comprehensively. In this manner, deaf people are enabled to exercise their rights and legal interests

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5 <http://www.minrzs.gov.rs/files/doc/-porodica/strategije/Strategija%20unapredjenja%20polozaja%20OSI.pdf>

6 The Law on Sign Language Use defines the term “sign language” as a language used by the deaf community in Serbia; thus it is incorrect to use terms such as *gesture*, *gesture language*, *gesture speech*, *gesticulation*, etc. These terms can be noticed in the literature and legal documents published prior to the enactment of the Law.

7 The Law on Sign Language Use <http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/2015/673-15.pdf>

in various procedures related to public authorities, education, employers, political life, educational work and other fields. The Law included the profession of „a sign language interpreter“in the nomenclature of professions. It is envisioned that the program for education of interpreters should be written within 6 months since the coming into effect of the Law. The Law regulates the manners of exercising the right to professional sign language interpreters in the educational process, when visiting to a health institution, at workplace, in the media, etc. When it comes to penalty provisions, they envision a fine from 200.000 RSD to 500.000 RSD for legal entities which forbid or do not enable exercising the mentioned rights to use sign language in educational institutions and to use interpreting services with the employer, in associations, unions and public services. Fines for the responsible persons in legal entities range from 20.000 RSD to 100.000 RSD, and for entrepreneurs from 100.000 RSD to 400.000 RSD.

However, the most significant fact related to the adoption of this Law is the recognition of sign language as a language, and what is more, the first language of the deaf community. The Law has established the following definition of sign language:

*Sign language is a form of communication of deaf persons which has its linguistic features, including grammatical functions, phonology, morphology and syntax.*

Serbian sign language (SSL) is the first or most important language of the Deaf community in Serbia. Although in the previous years it has been declaratively recognized and its use is not forbidden, Serbian sign language still does not have the same significance as spoken languages in the academic community and society. There is still a lot of prejudice about sign language being agrammatical, poor, unable to express all ideas and abstract notions, and it can often be heard that it is used by uneducated people and persons unable to learn the Serbian language.

Numerous results of linguistic research worldwide prove the opposite and indicate that sign languages are completely formed languages which share particular features with spoken languages, but are characterized by specific features which are the result of visual and manual modality different from the oral and auditory modality of spoken languages. Due to this difference of the modality, sign languages contain linguistic categories which are not intrinsic to spoken languages, particularly the Indo-European languages, or which have a different role in spoken languages. For example, sign languages are characterized by the simultaneous use of two or more articulators, they abound in classifier constructions and discourse strategies such as

constructing the action and taking roles.<sup>8</sup> The above mentioned shows that it is not difficult to conclude that Serbian sign language and the Serbian language are two different languages.

Great efforts of the Association of the deaf and hard of hearing in Serbia, local organizations of the deaf and concerned parties have contributed to the change in legislature and to equalizing the Serbian sign language with spoken languages. Legal recognition of Serbian sign language represents the first step in the long process of equalizing the rights of the deaf community.

The next inevitable step is describing and documenting the existing Serbian sign language and teaching it, where a significant role will be attributed to the linguists who know Serbian sign language and deaf people – the users of sign language who are the most relevant and most valuable resource in this process.

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<sup>8</sup> Vermeerbergen, M. & Leeson, L. (2011). European signed languages – towards a typological snapshot. In: Kortmann, B. & van der Auwera, J. (eds.), *The Languages and Linguistics of Europe: A Comprehensive Guide*, Volume 2, 269-287. Walter de Gruyter.

Vermeerbergen, M. (2006). Past and Current Trends in sign language research. *Language and Communication*, 26, 168-192.

### 3. THE AIM, SUBJECT AND METHODOLOGY OF THE RESEARCH

Apart from documenting the legal framework which guarantees the integration of deaf and hard of hearing persons, the aim of this report is also examining to what extent the adopted legal acts are conducted and to what extent the environment is accessible for deaf and hard of hearing persons in Serbia. The subject of the research refers to three fields which are relevant for evaluating the position of the deaf community in Serbia. These are:

- Access to the media and the possibility for functioning of the independent media of the Deaf;
- Access to the quality interpreting services;
- Access to education at all levels.

Studying the legal framework included analyzing the contents of general legal acts and then isolating the parts of the acts relevant to the position of deaf persons, with special reference to the role of these provisions in improving the position of deaf persons.

Regarding the condition in the mentioned fields, the authors used the research methods such as a focus group and interview, alongside with reviewing relevant studies and research, also relying on the research and analyses they directly participated in.

While preparing the focus groups, the authors developed the guidelines for interviews with participants. The focus groups were held in Serbian sign language. This method of collecting information was chosen in order to enable deaf persons to express their attitudes in their first language, which led to greater participants' devotion in giving answers. After the focus groups had been performed, the transcript of the conversations into the Serbian language was made, and the content of that document was analyzed for the purpose of writing this report.

## 4. THE MEDIA

THIS CHAPTER PRESENTS THE STATE OF THE MEDIA IN TERMS OF ACCESSIBILITY. FIRSTLY, THE LEGAL FRAMEWORK DEFINED BY A SET OF MEDIA LAWS IS GIVEN. SECONDLY, THERE IS INFORMATION ABOUT THE ACCESSIBILITY OF THE MEDIA CONTENT, I.E. THE POSSIBILITY FOR DEAF PEOPLE TO FOLLOW THE CONTENTS PREPARED CHIEFLY FOR THE HEARING POPULATION IN THE SERBIAN LANGUAGE. THEN, THE ATTENTION IS PAID TO THE POSSIBILITIES FOR INCLUDING DEAF PERSONS IN THE CREATION OF THE MEDIA CONTENT IN SERBIAN SIGN LANGUAGE.

### 4.1. LEGAL FRAMEWORK

**The Constitution of the Republic of Serbia**<sup>9</sup> guarantees the right to information in Article 51. This article states that „everyone shall have the right to be informed accurately, fully and timely about issues of public importance and the media shall have the obligation to respect this right.” In 2014 the National Assembly of the Republic of Serbia adopted a set of media laws which, among other things, defines certain obligations of the media regarding the accessibility of the media content to deaf people.

**The Law on Public Information and Media**<sup>10</sup> states that its basic aims are “authentic, timely, reliable, and complete informing and enabling free personal development” (Article 2) and “governing the manner in which the freedom of public information is to be exercised, including, in particular, freedom to gather, publish and receive information, freedom to form and express ideas and opinions.” (Article 3) The Law decisively stipulates that “everyone has the right to get true, complete and timely information about the issues of public importance and the means of

9 The Constitution of the Republic of Serbia, Official Gazette RS, No.98/2006, <http://www.ustavni.sud.rs/page/view/139-100028/ustav-republike-srbije>

10 The Law on Public Information and Media, Official Gazette RS No. 83/2014, 58/2015 [http://www.paragraf.rs/propisi/zakon\\_o\\_javnom\\_informisanju\\_i\\_medijima.html](http://www.paragraf.rs/propisi/zakon_o_javnom_informisanju_i_medijima.html)

public information shall honour this right.” (Article 5) The Law states “providing information for persons with disabilities and for other minority groups as the public interest in the field of public information.” (Article 15) More specifically, the Law envisages that “with the aim of protecting the interests of persons with disabilities and ensuring equality in their exercising the right to freedom of opinion and expression, the Republic of Serbia, the Autonomous Province and local self-government units shall take measures to ensure smooth receipt of information intended for the public, in the appropriate form and by applying appropriate technologies, and provide part of funds or other conditions for the operation of the media that publishes the information in Sign Language [...] or in another way facilitate the exercise of these persons’ rights pertaining to the public information sector.” (Article 12)

**The Law on Public Broadcasting**<sup>11</sup> governs the role and position of public media services. They “enable the realisation of the public interest concerning public provision of information and provide general and comprehensive media services that include informational, educational, cultural, and entertainment content intended for all sections of the population.” (Article 2) The main activity of the public service broadcaster has the function of realising the public interest as defined by the set of media laws and includes broadcasting the content which, among other things, has the aim of *exercising human rights and freedoms, exchanging ideas and opinions, nurturing the values of democratic society*.” (Article 3) Among the guiding principles of public service broadcasters’ operation is “the implementation of internationally recognized standards and principles, and particularly observance of human rights and freedoms and democratic values”. (Article 4) This Law determines that “the responsibility of the public service broadcaster to the public and the public’s influence on the public service broadcaster’s activity shall be exercised particularly through [...] the public’s involvement in enhancing radio and television programming.” (Article 6) Public interest is realized through the content which includes “the fulfilment of the informational needs of all sections of the population without any discrimination, particularly taking into consideration specific social groups” such as *minority groups and people with disabilities*. It is significant to mention that this manner of accomplishing public interest, although placed in the same line with other stated principles, should be applied as a prerequisite for applying numerous other stated methods of fulfilling public interest in terms of informing deaf persons<sup>12</sup>. (Article 7) This is explicitly stated

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11 The Law on Public Broadcasting, Official Gazette RS No. 83/2014, [http://www.paragraf.rs/propisi/zakon\\_o\\_javnim\\_medijskim\\_servisima.html](http://www.paragraf.rs/propisi/zakon_o_javnim_medijskim_servisima.html)

12 The availability of media content is significant to sign language users in terms of realizing public interest to: 1) truthful, timely, complete, impartial, and professional provision of information for the citizens and facilitation of freely formed expressions of opinions of listeners and viewers

in Article 8 of the Law which points out that while realizing public interest the public service broadcaster must observe “the linguistic standards of deaf and hard of hearing persons.” Article 9 stipulates that the public service broadcaster “must use the Serbian language, Cyrillic alphabet, and – as the form of communication for deaf and hard of hearing people – sign language in its programming.”

Finally, the **Law on Electronic Media**<sup>13</sup> established the Regulatory Authority of Electronic Media (the former Republic Radio Broadcasting Agency) which “exercises public authority for the purpose of: effective implementing of the defined policy in the provision of media services in the Republic of Serbia; improving the quality and variety of electronic media; contributing to the preservation, protection and development of freedom of opinion and expression; protecting the public interest in the field of electronic media and protecting electronic media users”. (Article 5) The Regulator, among other things, issues general bylaws prescribed by the Act, and “promotes improved access to media services for persons with disabilities”. (Article 22) The Law states that “a media service provider shall, in accordance with its financial and technical capabilities, make its programmes and their content accessible to people with hearing and vision impairments. The Regulator shall urge media service providers to make their content available to people with hearing and vision impairments. (Article 52)

Considering the content of the package of media laws, it can be generally concluded that there is a quality base for the improvement of accessibility of the media content to deaf people. However, none of the mentioned laws contains penal provisions for not implementing the cited law provisions. The legislator has not defined precisely to what extent, i.e. on which scale the broadcasters must make their content accessible. Bearing the above mentioned in mind, it is obvious that law obligors are not sufficiently motivated to make the media content more accessible, which will be presented in more detail in the following text and the data will be provided about the volume of the accessible content in the media with national frequency.

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on the territory of the Republic of Serbia, autonomous province and local self-government; 10) development of the media literacy of the population; 12) timely provision of information about current events in the world and about scientific, cultural, and other civilization achievements; 13) advancement of general education, medical education, and education in relation to environment protection, etc.

13 The Law on Electronic Media, Official Gazette No. 83/2014, [http://www.paragraf.rs/propisi/zakon\\_o\\_elektronskim\\_medijima.html](http://www.paragraf.rs/propisi/zakon_o_elektronskim_medijima.html)

## 4.2. ACCESS TO THE MEDIA CONTENT

For the needs of this part of the research, we will consider two conducted studies which focused on the type and volume of the accessible media content.

### 4.2.1. THE ACCESSIBILITY OF THE PROGRAM DURING ELECTION CAMPAIGNS

20Within the 2014 project “Accessible Elections“ the citizens association Center for Society Orientation studied the accessibility of the electoral process and election campaign to the broad range of disabled groups.<sup>14</sup> Part of this study referred to the accessibility of the media content during election campaigns. The aim of this research was to investigate whether and to what extent the content of the electoral campaign for parliamentary elections that were held on March 16, 2014 was accessible to deaf and hard of hearing persons, with the special emphasis on the treatment of broadcasters and political parties. With the authors’ consent, the basic results of this research part are presented in the following text.

On January 29, 2014 the Republic Broadcasting Agency (now Regulatory Authority for Electronic Media) passed the *General Binding Instruction for broadcasters to allow unhindered informing of viewers with hearing impairment during the election campaign* (the Instruction).<sup>15</sup> The instruction defines the “conduct of broadcasters in order to allow viewers with hearing impairments unhindered access to information on the progress of the election campaign through television programme”. Although this is a binding instruction, it *recommends* that the broadcasters should use specific standards regarding the use of subtitles and sign language, that is, to meet certain requirements. (Articles 4, 5 and 6) Obligations of broadcasters are defined depending on whether it is a public broadcasting service institution, broadcaster of a local or regional community and civil sector broadcaster (Article 2) or commercial broadcasters. (Article 3) Thus, the commercial broadcasters that broadcast their programmes on the territory of the Republic of Serbia are obliged to “make the content

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14 Center for Society Orientation (2014) “Accessible Elections <http://www.izbornareforma.rs/wordpress/wp-content/uploads/2011/02/Izve%C5%A1taj-o-pristupa%C4%8Dnosti-izbora.pdf>

15 The General Binding Instruction for broadcasters to allow unhindered informing of viewers with hearing impairment during the election campaign <http://www.rra.org.rs/uploads/useruploads/PDF/2505-Opste%20obav%20upustvo%20emiterima%20za%20gledaoce%20sa%20ostecenim%20sluhom%202014..pdf>



of at least one news programme, which in whole or partially deals with the campaign, available to viewers with hearing impairments through the use of Serbian subtitles or sign language content”. The obligation to make more content than prescribed accessible is not defined, but it is stated that the broadcaster should apply the same standard to all other similar contents “if they have financial and technical conditions”.

The obligations of the Broadcasting Institution of Serbia, Broadcasting Institution of Vojvodina, local or regional community broadcasters and civil sector broadcasters are defined in a different way. These broadcasters are obliged to make the election programme accessible to viewers with hearing impairments, except for the content of campaign advertising messages, through the use of subtitles or Serbian sign language. Thus, it can be concluded that these broadcasters are obliged to make *all* such content more accessible, regardless of financial and technical conditions.

By daily monitoring of the media content, it was determined that the observed broadcasters had made their election programme accessible to the sign language users in the duration from 2 minutes (TV Nova) to 10 minutes (Studio B) per day.

As part of the research a focus group was organized in Belgrade, attended by eight deaf persons of various age, gender and educational structure. The interviews were conducted in Serbian sign language. The focus group participants agreed on the position that it was good that the RBA had issued the Guidance, but that the amount of accessible content was insufficient. The problem was an insufficient number of minutes of interpreted content and overlap of the news programmes on more than one channel at the same time. Due to the very limited accessible content, deaf people have to adapt their daily obligations to the terms of accessible TV programmes if they want to obtain the information they need. The focus group participants agreed that they needed much more information in order to make decision who to vote for on the Election Day.

Also, the interviewees consider that they were not adequately informed about the broadcast of the accessible content. At the beginning of the election campaign, the broadcasters did not make efforts to adequately inform deaf people on the time of broadcasting the programmes interpreted into sign language. That was the reason why it took some time for deaf people to notice accessible content and decide whether it was broadcast on a daily basis.

The focus group participants expressed dissatisfaction with the fact that most of the pre-election content was inaccessible, and indicated that if they wanted to collect information, they had to rely on daily press. However, a focus group participant described the advantage of informing deaf people by using Serbian sign language:

*Newspapers can be a source of information; however, for many deaf persons the Serbian language is the second language and they do not understand it very well, especially its written form and complicated structures. I think that interpreting into Serbian sign language is the only way for deaf people to obtain complete information.*

Insufficient amount of accessible information leads to the situation that deaf persons as a rule do not have enough information about the programmes of political parties and their candidates. In this regard, the focus group participants agreed that in the period between two election campaigns they even had less information about the political situation and the activities of the parties. According to a focus group participant:

*Everyone else, citizens without hearing problems, know who is who of the candidates, what they have been doing during the year, what they have and have not done, what they have promised, they know who is who. It was not available to us, and only when they started interpreting campaigns did we receive the first information about the candidates. For us, the first interpretation at the beginning of the campaign is the zero position for each candidate. Only then do we get to know the candidates and expand our horizons.*

The focus group participants believe that they are deprived of information outside the election campaign. Thus, they think that they are in an unequal position. Not having this information, deaf people find it difficult to critically assess the bearing of the candidates on the basis of their previous statements and actions. In regard to this, the following comment of a focus group participant is significant, in terms of the accessibility of the media content in the period between two election campaigns.

*I think the RBA should adopt binding instructions [on the accessibility of content to users of sign language] binding for each day, not just during the election campaign. I do not understand how it is possible that interpreting can be organized during the election campaigns, while during the other days it cannot. I would like it if someone could explain that to me.*

The focus group participants also commented on the way that broadcasters made their content accessible. The major objections were about the space provided for the interpreter on the screen. They cited RTS as an example of good practice because interpreters were positioned so as to have a clearly visible interpretation, but they suggested that the interpreter should not be in a separate rectangle. They also stated that it was very important for an interpreter to be in a close-up as they relied on lip-reading during interpreting as well. They believed that the window with the

interpreter in the frame should occupy one-third of the screen, and that the minimum standard prescribed by the RBA (1/6 of the broadcasted image) is not sufficient.

Having in mind all the stated problems, the focus group participants responded to the question – do you have sufficient information to decide on giving your vote to a specific list? Their replies are very similar.

*No, a lot of information is missing.*

*Unfortunately, I don't have information about a number of candidates. I have no idea.*

*I became a member of \_\_\_\_\_ and I even don't have the information about this party.*

*More or less. I have some information but I would like to have more.*

*I have no information, little...insufficient.*

Finally, we would like to single out a statement of a focus group participant that summarizes a number of previously presented views of deaf people:

*We have been waiting for so long for TV programmes to become accessible. They have been promising that during my whole life, everything is arranged for hearing people. I feel discriminated against, and I think that the whole Deaf community in Serbia is discriminated against. I thought they would never make the programme accessible for us and I hoped that I was wrong. But what they offered us is not serious. They offered us just the interpretation of the election campaign. The election campaign is on every channel at the same time. Since I have the opportunity to follow and obtain information, I would like to follow everything that is accessible to me, and this is impossible when these programmes are at the same time. I have installed a programme that can record the campaign on one channel while I watch it on another, and later I can watch the recorded programme. I believe that this service is invaluable to the Deaf community. Sign language is the language of the Deaf community, and all its members want information solely in Serbian sign language. Hearing people are extremely "selfish". They do not want to learn about other persons' needs. Everything is accessible to them – both TV and radio programmes. They have everything, while we are left to find the way to obtain information. Interpreting TV programmes is the only valid solution. Therefore I would like the interpreting practice to be improved.*

## **4.2.2. ACCESSIBILITY OF THE PROGRAMME DURING THE FLOODS**

The second exceptional situation for this report are the floods which hit Serbia and the region in the spring of 2014. Shortly after the state of emergency was declared, most of the media employed Serbian sign language interpreters and made the content relating the floods accessible to deaf people.

The authors of this report have no information whether there has been any research on the volume of accessibility of this content during the state of emergency, but they can rely on the information obtained in the conversation with the sign language interpreters who were engaged on TV stations.

In the period from May 15, 2014 to May 24, 2014, the interpreting of TV programme into sign language was provided on a daily basis. On channel 1 of the Radio and Television of Serbia, the programme in Serbian sign language was available in the interval from 8 a.m to 10 p.m. In this time period, five interpreters were employed, each working 6 hours a day on average. Besides the national broadcaster, several other TV stations also made part of their programme accessible through the interpretation into Serbian sign language. These stations are: TV Pink, Happy TV, B92, TV Prva, RT Vojvodina as well as local TV stations such as Novosadska televizija, TV Kragujevac, RTV Bor, etc.

Unfortunately, immediately after the state of emergency had ended, the media returned to their practice of failing to adjust their content to the needs of sign language users.

## **4.2.3. ACCESSIBILITY OF THE PROGRAMME IN REGULAR CIRCUMSTANCES**

The two described situations – the election campaign and floods – certainly do not represent regular circumstances. The presented General Binding Instruction refers to the election campaign period, so in the period between two campaigns there is even smaller volume of the media content accessible to sign language users. Thus, it is significant to indicate the degree of accessibility of the media content in the everyday life of deaf people.

In 2014 the Republic Radio Broadcasting Agency published a report “Accessibility of the programme for persons with disabilities, its share and manner of presentation”.<sup>16</sup> This report had been published before the set of media laws came into effect in 2014.

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<sup>16</sup> Accessibility of the programme for persons with disabilities, its share and manner of presentation <http://www.rra.org.rs/uploads/useruploads/izvestaji-o-nadzoru/Programi-namenjeni-osobama-sa-invaliditetom.pdf>

The aim of this conducted research was determining the volume and structure of the programme accessible to persons with disabilities, as well as the manner in which it was adjusted to these users. The centre of the research was public services, but commercial television stations were partly discussed.

The report states that channel 1 of the Radio Television of Serbia has only one accessible programme – the news in the duration of approximately three minutes which “provides only basic information about current affairs“. The share of the news adapted to persons with hearing impairments in relation to the total broadcasting time is less than 1%, the report states. As for channel 2 of the Radio Television of Serbia, the share of accessible contents is only insignificantly higher, but it shows more variety. The informative programme “A Place for Us“ and children show “The Mansard“ are accessible. The report says that this share “minimally fulfils the legal obligation to produce and broadcast the programme intended for and adapted to specific social groups, i.e. persons with disabilities.“

The report gives the attitudes of the Association of the deaf and hard of hearing in Serbia on the represented practice. This organization suggested that public services and commercial television stations should establish news programmes of longer duration and that this programme should be timely and adequately announced. In addition, the Association proposed introducing the closed captions for the most significant news programmes. In relation to the increase of accessibility of other contents, the Association suggested subtitled and sign language interpreting.

The report indicates that the share of accessible content is higher to some extent on the Radio Television of Vojvodina, the reason being the fact that the sessions of the Assembly of the Autonomous Province of Vojvodina are interpreted into sign language.

According to the findings of this report, the only commercial television station which made part of its content accessible was TV Prva, using closed captions while broadcasting three shows.

The report points at the problem of the inexistence of shares, i.e. the volume and structure of the content which should be made accessible. The set of media laws was hoped to eliminate this deficiency. However, as already seen, the adoption of the new legal framework did not bring to it, so the recognized problems should be expected to have a negative influence on deaf people in the following period.

It is now significant to stress the worrying tendency in our media regarding the accessibility of the content. In 2014 Studio B abolished the only accessible show “Get to know us better“. B92 stopped interpreting the 12 a.m. news into sign language back in 2012. At the moment, RTS is the only broadcaster with the national frequency which interprets the news in the duration of 3-5 minutes at 4 p.m. However, this programme is

occasionally postponed or cancelled due to the coverage of sports events or other contents which are not part of the regular programme schedule, in which process RTS sometimes misses to inform the viewers about the change of the schedule or the cancellation of the news in sign language on that day. Within this research a more detailed examination of the local media state was not possible to perform, but the insight into the programmes of the available TV stations shows that the state in this media is even less favourable for deaf users, which is expected considering their economic state and uncertain legal status.

### **4.3. THE POSSIBILITY FOR THE FUNCTIONING OF THE INDEPENDENT MEDIA OF THE DEAF**

In the previous part of this chapter we have presented the level of accessibility of the media content to deaf persons. The characteristic feature of this type of media content is that it is primarily made for the needs of hearing population and then adapted to deaf persons, most frequently by interpreting into Serbian sign language or using closed captions.

Having in mind that the presented results regarding accessibility are extremely unfavourable, the question could be posed – to what extent it is realistic to expect that this gap will be filled by contents in sign language, made within the association of the deaf or produced by the media which consider the deaf as a priority target group. In order not to leave the wrong impression, it is important to mention that an initiative of this kind should not be observed as a predominant method for increasing the informing of deaf persons. The above mentioned legal framework underlines the unmistakable obligation of the state to improve informing deaf people, and in the process the state can adopt considerably more precise legal regulations and envisage the exact obligations of broadcasters, as well as broaden the competence of controlling and regulatory authorities. In this regard, the initiative whose primary aim is informing the deaf community should partly eliminate the oversights the government is responsible for.

An initiative of this kind started in 2013, putting the specified-purpose web portal *We can hear you* into operation.

For the needs of this paper we have interviewed the people engaged in the operation of the Portal. According to their replies, it can be concluded that the portal was open within the association of the same name and that it mostly dealt with the questions of exercising the rights of deaf and hard of hearing people in Serbia, in the region and in the world. The Portal also followed the news from the world of the deaf, various

topics concerning deaf and hard of hearing persons such as: education, cochlear implants, culture and history of the deaf, technological and technical innovations, discrimination, and life stories of successful individuals.

The Portal was updated daily, and news programmes and new contents were published every day. The information was available in written Serbian and Serbian sign language. The Portal broadcast the news programme “60 seconds“ three times a day in cooperation with the news agency *Fonet*. The programme was broadcast at 9 a.m, 2 p.m. and 6 p.m.

Five people were engaged in the functioning of the Portal: a representative of the association who dealt with administration, a journalist, an interpreter, a cameraman-editor and a translator. All engaged people were hearing persons. Deaf people were involved through the project in the role of translators.

Although they were not directly engaged in the operation of the Portal, deaf and hard of hearing persons, as well as the associations of the deaf from all parts of Serbia, participated in the creation of the content and represented the main source of information.

Our interviewee says that all contents on the Portal were accessible to the users of Serbian sign language. The content was created in both the Serbian language and Serbian sign language.

*Informing the general public about the problems and challenges of deaf people and the association of the deaf in Serbia are the most outstanding results of the Portal and the justification of its existence, one of the interviewees says. She also states:*

*The Portal instigated various questions of accessibility and discrimination against deaf individuals. It dealt with the problems related to the access to interpreting services, where a problem of interpreting at a wedding caused the reaction of the Ministry of Justice<sup>17</sup>. In addition, the Portal used its means to argue for and introduce the public to the need for the prompt adoption of the Law on Sign Language Use.*

When asked about the greatest challenges the Portal *We can hear you* faced, our interviewee pointed out that besides the financial sustainability, the great challenge had been the cooperation with deaf and hard of hearing persons. Namely, our interviewee underlined: “*While creating the content, we experienced some lack of confidence which deaf persons have for the hearing population. Deaf and hard of hearing people belong to a closed community which does not want to be integrated*

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17 The feature broadcast on channel RTS 1 <http://www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/1417000/Ven%C4%8Danja+na+znakovnom+jeziku.html> Last visited on 5.10.2015.

*in the system of hearing people. One of the big problems is the division of the deaf community into the ones who consider sign language to be their mother tongue and do not want to master and use the Serbian language and the deaf persons who are integrated in the hearing environment, who, through the years-long work and effort, included themselves into the system of regular education, who read, write, use hearing aids (cochlear implants), finish universities, etc.“*

The interviewee describes the greatest challenge:

*Most of the time, the Portal operated owing to the enthusiasm of the engaged team. It operated for a year and a half and was financed through various projects for seven months. The financial situation is one of the main reasons, although not the only reason, why the portal does not exist.*

The initiative shown by the employed on the Portal *We can hear you* is extremely significant in giving insight in the deaf community to the public. The Portal pointed at the needs, challenges and accomplishments of the deaf and hard of hearing persons, as well as the insufficient knowledge of the society about the linguistic and cultural aspects and the need for identity of the Deaf community members. It also underlined the necessity of engaging them in the creation and realization of the contents.

## **4.4. CONCLUSION**

The legal framework has given proper general guidelines for broadcasters to adapt their content to the deaf community, but the sanctions for not doing so are lacking. This is why the situation regarding the accessibility of the media content is still unsatisfactory, which represents the first reason why the deaf are not well informed. The Deaf community agrees that the media content is not accessible.

The economic situation in the country is not favourable for the development of philanthropy and a developed system of donations<sup>18</sup>, which represents a great difficulty for establishing and sustainable operating of an independent media whose content would be prepared in Serbian sign language or where a great percentage of the content would be interpreted into Serbian sign language. This media should be a source of information which is not otherwise available to deaf people via the

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18 See: Individual and corporate philanthropy in Serbia: Practice and attitudes of citizens and company representatives (BCIF), 2012. <https://www.tragfondacija.org/media/PDF/BCIF%20-%20Istrazivanje%20o%20filantropiji.pdf>



traditional media, and it should inform deaf people about their own rights, which would consequently increase their social activity and contribute to their inclusion in the “fight“ for exercising their rights. If there were no possibilities for self-financing and financing by donations of citizens and companies, this media could operate with the continuous support of the budget of public authorities or international donation programs intended for establishing the social equality or for supporting the development of the media in Serbia.

## 5. THE AVAILABILITY OF THE SIGN LANGUAGE INTERPRETING SERVICE

THIS CHAPTER PRESENTS THE SITUATION RELATED TO INTERPRETING SERVICES IN THE TERRITORY OF SERBIA, REGARDING THE EDUCATION OF INTERPRETERS, AVAILABILITY OF INTERPRETING SERVICES IN THE FIELD OF THE JUDICIARY, AS WELL AS FUNCTIONING OF THE FOUNDED SIGN LANGUAGE INTERPRETING SERVICES.

### 5.1. EDUCATION AND QUALIFICATIONS OF SIGN LANGUAGE INTERPRETERS IN SERBIA

Sign language is the first language of a great number of deaf people. In addition, a great percentage of the hearing population does not use sign language, so the need arises to remove the communication barriers by engaging sign language interpreters. Since the inclusion of deaf persons in the society is inseparable from their communication inclusion, the lack of trained, professional and qualified interpreters providing services in accordance with their profession, would make deaf persons unable to use a broad range of their own rights. The UN Convention on the rights of persons with disabilities, ratified by the Republic of Serbia, recognizes the linguistic rights of the deaf community, guarantees the right to the sign language interaction, as well as the need for the qualified sign language interpreters.

The Law on Sign Language Use included the profession of a sign language interpreter in the nomenclature of professions. This Law envisages that within six months from the enactment of the Law a program should be developed and adopted for learning Serbian sign language and educating interpreters on the basis of which the interpreters will be trained.

Due to the fact that the program for training sign language interpreters has not been developed yet, this report can only present the current state regarding the education and qualifications of interpreters.

There are no departments for sign language at the universities in Serbia. Serbian sign language has not been described and documented. The job of sign language interpreters

is mostly performed by hearing children of deaf parents who have passed the exam at the Association of the deaf and hard of hearing in Serbia, and also by the people who have learnt sign language in years-long cooperation with the deaf community.

In 1990s the Association of the deaf and hard of hearing in Serbia started the seven-day seminars where interpreters were able to obtain a certificate of a sign language interpreter. These were mostly children of deaf parents or people who had had long cooperation with deaf people and knew their language. At these seminars, they were able to take the examination evaluating their sign language knowledge and interpreting from the spoken language to sign language, but not other fields such as interpreting from sign language to the spoken language, interpreting techniques, code of ethics, professional behaviour, etc. This practice was continued by the Association of the deaf and hard of hearing of Serbia.<sup>19</sup> The professional training for sign language interpreters is still performed at occasional courses of sign language organized by the Association of the deaf and hard of hearing in Serbia, local organizations and other citizens associations. The courses last from 5 days to three months.

Due to the lack of permanent formal education of interpreters, in 2013 the Association of Serbian Sign Language Interpreters translated and edited the book “Sign Language Interpreting“ written by Jemina Napier, Rachel Locker McKee and Della Goswell, the leading Australasian educators and expert trainers of sign language interpreters. This literature about the profession of sign language interpreters and the interpreting practice is currently the best method for the everyday training of interpreters. In addition to the literature, interpreters acquire knowledge through the practice of translating and interpreting and the mentoring activities of older and more experienced colleagues.

Thus, in the Republic of Serbia one can become a professional interpreter by possessing the suitable level of knowledge about sign language, history and culture of the Deaf, which can be solely achieved through the years-long experience in the field of interpreting.

## 5.2. SIGN LANGUAGE IN THE JUDICIARY

In Article 32, the Constitution of the Republic of Serbia guarantees the right to a fair trial. For the needs of this report, the part referring to the right to free assistance of a translator or interpreter is of importance: *“Everyone shall be guaranteed the right to free assistance of an interpreter if the person does not speak or understand the language officially used in the court and the right to free assistance of an interpreter if the person is blind, deaf, or mute.”*

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<sup>19</sup> Videti: See: Napier J, McKee R, Goswell D. (2013) “Sign language interpreting“, ATSZJ, Belgrade

It should be mentioned that this Article of the Constitution guarantees the right to free assistance of a translator under equal conditions, regardless of the type of the case (criminal proceedings, misdemeanor proceedings, civil lawsuit, extrajudiciary procedure, administrative procedure). In addition, this right is guaranteed under equal conditions in relation to various roles which a person can have in court proceedings (the accused, witness, the injured party, plaintiff, defendant, petitioner, respondent, etc). In this respect, it is interesting to review the way the procedural laws arrange the manner of exercising the right to free assistance of an interpreter or translator.

Thus, The Criminal Procedure Code<sup>20</sup> prescribes that the defendant who is mute, deaf or incapable of defending himself successfully, has to be provided with a defence attorney from the first hearing to the valid termination of the legal proceedings. (Article 74) The Criminal Procedure Code regulates the special manner of communicating with these persons, not only through an interpreter but also through the possibility of asking questions and replying in writing: (Article 87) *“If a defendant is deaf, he will be questioned in writing, if the defendant is mute, he will be invited to reply in writing and if he is blind, the contents of written evidence will be presented to him orally. If the interrogation cannot be conducted in this manner, a person capable of communicating with the defendant will be invited to serve as an interpreter. If the defendant does not understand the language of the proceedings, he will be asked questions through a translator.”* This article is equally relevant to the situations of interrogating witnesses: *“If the questioning of a witness is being conducted through an interpreter or a translator, or if a witness is deaf, blind or mute, the questioning is conducted in the manner specified in Article 87 of this Code.”* (Article 98)

The Criminal Procedure Code has envisaged written communication as the basic method of communicating with deaf persons, and only in the case when this method of communication cannot be realized, an interpreter is engaged. It cannot be said that this solution is contrary to the Article 32 of the Constitution of the Republic of Serbia, but it can be observed that it does not fully follow the constitutional provisions, having in mind that the Constitution unconditionally guarantees *the right to free assistance of an interpreter*. In this provision, the Criminal Procedure Code does not fully respect the fact that sign language is the first language of deaf persons, and thus their basic means of communication. In this regard, we consider that the paragraph 2 of this Article can be directly applied in the communication with sign language users (*If the defendant does not understand the language of the proceedings, he will be asked questions through a translator*), since in this manner the right to the first language use is guaranteed to everybody, regardless whether it is Hungarian, Albanian, Romani or Serbian sign language.

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20 Criminal Procedure Code, The Official Gazette RS No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 i 55/2014, [http://www.paragraf.rs/propisi/zakonik\\_o\\_kvivicnom\\_postupku.html](http://www.paragraf.rs/propisi/zakonik_o_kvivicnom_postupku.html)

Similar rules are prescribed in Article 206 of the Law on Misdemeanours<sup>21</sup>, so the comment relating the content of the Criminal Procedure Code can also be applied to the content of the Law on Misdemeanours. Article 146 determines that *“interpreting and translating costs which arise in the application of the regulations of the constitution and the laws defining the official use of languages and letters, i.e. interpreting for the deaf, blind and mute, should be paid from the funds of the court dealing with the proceedings.”*

In Article 95, Civil Procedure Law<sup>22</sup> envisages that *“Parties and other participants to the proceedings are entitled to use their own language during the hearings and when orally undertaking other actions before the court. If such proceedings are not in the language of the other parties or other participants to the proceedings do not understand the language, they will, upon request, be provided with an interpretation of the proceedings in their own language, including oral translations of all documents used as evidence during the proceedings. [...] Parties and other participants in the proceedings who are blind, deaf or dumb are entitled to free assistance of an interpreter in court proceedings.”*

This Article provides the right to the use of their own language to the participants in the proceedings, so deaf persons are guaranteed the right to free assistance of an interpreter, regardless of their role in the proceedings. However, one should bear in mind that sign language is mostly the first language of deaf people, which is important in the communication with witnesses. Article 256 of the Civil Procedure Law states: *“Witness not speaking the language of the proceedings will be questioned with the assistance of an interpreter”* and then: *“If the witness is deaf, questions will be asked in writing, and if he is mute, he will be invited to answer in writing. If questioning cannot be conducted this way, a person able to communicate with the witness will be called as an interpreter.”* In this regard, we underline, as in the application of the Criminal Procedure Code, that sign language use should not be conditioned by the previous review of capability and effectiveness of written communication with a deaf person, but that it should be recognized as the first option.

When it comes to the Law on Extrajudicial Proceedings<sup>23</sup>, Article 177 is significant: *“If a participant does not understand the official language, the document must be read*

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21 The Law on Misdemeanors, Official Gazette RS No.br. 65/2013, <http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/2013/2473-13.pdf>

22 Procedure Law, Official Gazette rs, No.72/2011, 49/2013 – decision of the Constitutional Court, 74/2013 – decision of the Constitutional Court 55/2014, [http://paragraf.rs/propisi/zakon\\_o\\_parnicnom\\_postupku.html](http://paragraf.rs/propisi/zakon_o_parnicnom_postupku.html)

23 The Law on Extrajudicial Proceedings, Official Gazette RS No. RS, br. 25/82 and 48/88 and Official Gazette RS No. 46/95 – state law, 18/2005 – state law, 85/2012, 45/2013 – state law, 55/2014 and 6/2015, [http://www.paragraf.rs/propisi/zakon\\_o\\_vanparnicnom\\_postupku.html](http://www.paragraf.rs/propisi/zakon_o_vanparnicnom_postupku.html)

to him with assistance of a court interpreter in the presence of a public notary and two invited witnesses which understand both the official language and the participant's language.“ Article 178 states: “To the participant who is deaf or due to eyesight problems, illiteracy or any other reason cannot read, the document must be read with assistance of a court interpreter, in the presence of a public notary and two invited witnesses. (2) The invited witnesses shall only be the persons who understand the language of the written document and who are able to communicate with the participant.“

As in the case of the three above mentioned procedural laws, The Law on Extrajudicial Proceedings does not recognize sign language as the first language of deaf persons. On the contrary, its use is restricted to the situations when other manners of communication prove unsuccessful.

The application of these legal decisions is burdened with a variety of problems.

The first problem is the small number of interpreters. At the moment it is not possible to determine the exact number of interpreters, since such information is not available on the Ministry of Justice website.<sup>24</sup> It should be noted that 2004 was the last year when the Ministry of Justice published the public notice for appointing court interpreters and then shortly revoked it. Since that point, new interpreters have not been given the opportunity to obtain the position of a court interpreter. In the Autonomous Province of Vojvodina the situation is more favourable for deaf persons, since the search in the list of *the court interpreters for gesture speech* in the territory of AP Vojvodina shows that some of interpreters were appointed in 2014 and 2015.<sup>25</sup> This list contains the total number of 14 interpreters.

According to the information available to the authors of this report, certain number of court interpreters do not perform the job anymore; however, the exact number of active interpreters is unknown at the moment.

The second practical problem refers to the not harmonized interpretation of the mentioned provisions of procedural laws, which was indicated by several court interpreters who the authors of this report talked to while writing this report. The courts do not have a reconciled stance to the following question – what is the situation when a court interpreter should be provided. One reason for this lack of harmonization is the fact that, formally, this refers to the interpreters for deaf or mute persons, as envisaged by the article of the Constitution stated at the beginning of this chapter. According to the information obtained from court interpreters, some of them have the title of a “court interpreter for persons with hearing impairments“, while the others have the title of a

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24 <http://www.mpravde.gov.rs/tekst/756/tumaci-i-prevodioci.php>

25 <http://www.puma.vojvodina.gov.rs/tumaci.php?&PHPSESSID=sqbfhe8a58uafebim9mhqbjr07>

“court interpreter for gesture speech“. It is important to underline that the issue of the title name is not solely the issue of terminology. Considering the fact that procedural laws envisage hiring interpreters in the situations when it is necessary to communicate with a deaf person (for example, [...] *a person who can understand the accused shall be summoned as an interpreter* – Criminal Procedure Code), court interpreters happen to be summoned to the hearings even when the deaf person does not use sign language. One of the authors of this report – a court interpreter – was invited to communicate with a party whose hearing had weakened with age, by repeating at a louder voice the words of the judge and other participants at the hearing, which was followed by the party independently replying and giving comments. In another case, the author of this report was summoned to a hearing in order to lip-read from the lips of a person who was unable to answer questions due to the vocal cords damage. The party asked the court to allow her to give written replies, considering that she was able to hear and understand the asked questions, which was not accepted by the court.

It is significant to mention that the candidate who applies for the position of a court interpreter for persons with hearing impairments does not need to fulfil any conditions of proving his skills of communication with deaf or hard of hearing persons who do not use sign language. Thus it happens that interpreters who are invited to hearings neither have these qualifications nor intend to have them, which compromises the purpose of their engagement and thereby the use of limited resources (the interpreter’s time, resources from the fund for the payment of interpreters, etc.)

In this regard, it is positive that the competent authorities in AP Vojvodina have introduced a different name of the profession of a court interpreter (or a translator), which should lead to the practice of inviting interpreters to the court only when it is determined necessary to provide interpreting from Serbian into sign language and vice versa. However, it must be stated that the name contains an inadequate term – a court interpreter for gesture speech. As explained in the introduction to the legal framework, the deaf community uses sign language, which has in the meantime been recognized by adopting the Law on Sign Language Use; thus, it is incorrect to use the terms such as gesture, gesture language, gesture speech, gesticulation, etc.

The third recognized problem refers to the dilemma – after the need for engaging an interpreter has been identified, who should pay the costs of his/her engagement? According to our interviewees - court interpreters, in criminal cases courts agree on the rule that the court has to pay the costs of hiring interpreters. However, in civil lawsuit cases there have been numerous situations where contending parties have been expected to bear these costs. For the needs of this report, we provide the words of an interviewee – a deaf person who does not use sign language but lip-reads and communicates using speech. She was a party in a dispute in a civil lawsuit case. At the first hearing, she

states that an interpreter was imposed to her although she had explained her manner of communication.

Although the court's decision to engage an interpreter can be accepted – in order to avoid risks of the later complaining about the inadequate applying of the procedural law provisions referring to the engagement of an interpreter, it is significant to point out, according to our interviewee's words, that the court refused to bear the costs of engaging the interpreter and ordered her as a party to the dispute to bear these costs. In another case, witnessed by the author of this report, an interpreter asked a court for the compensation, and the employees in the court replied that the regulations said that the interpreting service was free of charge for the parties, that they did not know about the possibility for the payment from the court's funds and concluded that an interpreter should provide service without the compensation. The author of this report had a similar experience in a misdemeanor court, where she was informed that there was no fund from which compensation could be paid to her.

The stated examples had, directly or indirectly, negative consequences on deaf persons who appeared in courts in various roles. If a party to a dispute is expected to pay the costs of engaging an interpreter, that person's legal protection of the rights at the court would be affected. The authors of the report talked to a deaf person who commented on the practice of some courts to refuse to handle the costs of engaging an interpreter:

*It is absurd to expect a deaf person in the court proceedings to bear the costs of engaging an interpreter. Imagine expecting a person in the wheelchair to bear the costs of building a wheelchair ramp at the entrance to the court building!*

The laws and other legal acts mentioned in this paper underline the necessity of establishing equal conditions for everybody, emphasizing that persons with disabilities must not be in a less favourable position than other people due to their personal characteristics. This implies that charging for the interpreting services discriminates against deaf and hard of hearing persons while communicating with the state.

Our interviewees mentioned a similar problem regarding the costs of engaging an interpreter when perfecting a contract. According to court interpreters, while perfecting a contract in the court the deaf person was expected to provide the interpreting services. This problem was not eliminated by coming into effect of the Law on Public Notaries<sup>26</sup>. The Notary Public Tariff<sup>27</sup> envisages that “should any invited witnesses, another notary

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26 The Law on Public Notaries (“Official Gazette RS”, bNo. 31/2011, 85/2012, 19/2013, 55/2014 – state law, 93/2014 – state law, 121/2014 and 6/2015)

27 Notary Public Tariff, (“Official Gazette RS”, No. 91/2014, 103/2014 and 138/2014)



public, translators or interpreters participate in drawing up a notary public document, the remuneration shall be increased by 10 points for each of these persons.“ (Article 21, Tariff Number 18). This provision puts deaf persons in a less favourable position in comparison with other participants in similar cases. Here we would like to point at the Code on notary public offices and working hours,<sup>28</sup> which orders in Article 6 that “the entrance into the office or the building where the office premises are and the access to the building must be bright, tidy, clean and safe for the unrestricted access of parties and adapted for the access by people with disabilities.“

This emphasizes the need to make the services of public notaries accessible to the persons with physical disabilities, by stipulating that public notaries should endeavour to make their offices, and in doing so their services, accessible. However, it is obvious that by-laws defining notary public work place persons with disabilities in a less favourable position in comparison with the other categories of persons with disabilities. It was mentioned above that deaf persons were obliged to bear the costs of creating the accessible environment in some court proceedings. Similarly, in the situation of engaging a public notary the deaf person is expected to bear these costs if the local interpreting service is unable to provide an interpreter. In addition, deaf persons are obliged to participate in paying the enlarged remuneration for notary public services due to the interpreter’s attendance in the notary public services, as opposed to the other categories of persons with disabilities who were formally enabled by the state – which is entirely legitimate – to participate under equal conditions in the activities performed with the assistance of a notary public.

Finally, occasionally courts are not prompt when paying compensations for interpreting services. The authors of the report have learnt from several court interpreters that payments can be two years overdue, which interpreters find very demotivating, so this might be the reason why some court interpreters have ceased doing the job.

### **5.3. SIGN LANGUAGE INTERPRETING SERVICES**

Numerous hearing persons, particularly those professionally connected to the deaf community, such as doctors, employers, people employed in state institutions, social workers or lawyers have participated in a “triangle“ where a deaf person stands aside while they consult his/her “assistants“ on his/her life, habits, obligations, therapies and tasks expected from him/her. From such a conversation, the deaf person regularly obtains only basic information, sometimes insufficient for the basic understanding of

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<sup>28</sup> “The Code on notary public offices and working hours“ is available at: <http://www.mpravde.gov.rs/tekst/726/javni-beleznici.php>

one's rights and obligations. This manner of communicating with deaf persons, apart from being discriminating, has left deaf people in the state of ignorance and inability to gain information which can help them to independently make decision and take responsibility for their own lives.

In December 2009, Sign Language Interpreting Service began operating in Belgrade as one of the most required forms of support to the Deaf community on their road to social affirmation<sup>29</sup>. This form of service enabled deaf persons to exercise their right to communication in their own language in various situations completely free of charge. According to the research within the pilot project The Sign Language Interpreters' Services (Bureau for Social Research and Youth with disabilities forum 2010)<sup>30</sup>, the most common field in which interpreters work and in which interpreters are most requested is the field of health care. In addition to interpreting in health care, deaf persons need interpreting at the police, in the communication with the local self-governments, administrative bodies (cadastre, land registers, tax administration etc.), funds (Republic Pension and Disability Insurance Fund, Republic Health Insurance Fund), centres for social work, National employment service, when applying for a job or at work, when telephoning, translating documents (letters, forms, requests, complaints, claims), in the field of finance, interpreting in order to use public services and obtaining information on specific services, at parent-teacher conferences, when drawing-up official documents (last wills, contracts, etc.)

After this form of supporting deaf persons had proved useful, similar assisting services were founded in 43 towns and municipalities. Interpreting services are part of the local organizations of the deaf, and their operation is supported by the Ministry of Labour, Employment, Veteran and Social Affairs in the form of financing project activities. The report was written on the operation of these services in 2012,<sup>31</sup> the parts of which are presented here with the authors' consent.

The number of services in these organizations varies monthly; thus it happens that some interpreters perform more than 50 assignments in one month, while sometimes there is a need of up to 15 services in a month.

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29 *Sign language interpreters' handbook* (2010), Association of Sign Language Interpreters <http://www.atszj.org.rs/files/Prirucnik%20PSZJ.pdf>

30 Research on the results of the project "The Sign Language Interpreters' Service for deaf people" (2010), City Organization of the Deaf Belgrade and Youth with disabilities forum

31 Žižić D, Mišljenović U. The Report on the conducted research on the operation of Sign language interpreting services (2012), Association of Sign Language Interpreters <http://www.atszj.org.rs/files/Izvestaj%20o%20sprovedenom%20istrazivanju%20o%20radu%20Prevodilackih%20servisa%20za%20znakovni%20jezik%202012.pdf>

In the direct conversation with the service users, the authors of this research have learnt that service users have two basic types of expectations from the service.

The first type refers to the continuous availability of the service, that is:

- the interpreting services should remain free of charge, thus ensuring the continuous financing of the Service;
- the Service should be constantly available to the users,
- the Service and all the engaged in it should respect the users' privacy.

These are some of the most exemplary attitudes of the users:

*It is important what sum of money the Ministry or the state earmarks for the interpreters since we, the deaf, do not have the money necessary to pay the interpreters that we need.*

*It has happened several times that my appointment was cancelled because an assignment of higher priority appeared.*

*The Service does not have its own premises which would ensure privacy to the users, at the moment everybody can see everything.*

*The interpreter is not introduced to the code of ethics or does not obey it adequately; it happened that after using the interpreter's services, some hearing persons asked me something connected to the issues that had appeared during the event where I had been using interpreting services.*

The other type of expectations refers to the form and quality of interpreting service:

- Interpreting services should be performed at a professional level,
- Interpreters should have an excellent knowledge of sign language in order to ensure the complete exchange of information,
- Interpreters should know the culture of the deaf.

These are some of the most exemplary attitudes of the users:

*I expect the interpreting services to be provided by professional interpreters, which would enable us, the deaf, to make decision about our lives independently and to have complete trust in them.*

*I used to take my aunt with me when I needed help in communication. However, it was not the safest way of communication, because my aunt does not know*

*sign language but we have our way of communication because I grew up with her. However, the communication is much more complete and safer with an interpreter.*

*The interpreter should be provided additional training in order to perfect her sign language knowledge and thus improve the quality of interpretation. The interpreter is a wonderful person but she should work on the knowledge and use of sign language.*

However, it can be noticed that users do not always agree on their expectations regarding the interpreter's role. A group of users expects the Service to provide interpreting services, i.e. these users understand that the basic role of the Service is to provide intermediaries in the communication of two (or more) equal participants. These users understand that the Service is not competent to provide the services of legal advice and other aspects of assistance. They expect the interpreter to have a neutral position during interpreting process and to respect the profession's code of ethics. The other group expects the interpreter to be their advisor and to decide instead of them and to change the role of an interpreter into the role of a social worker or a representative. They think that the job of an interpreter is to be actively included in the affirmation of the user's interests while performing interpreting service. This often happens when interpreting at the police, at a court and in similar situations when a deaf person hires an interpreter for exercising certain rights or benefits. The following two statements of the users illustrate these different expectations:

*“I went to a job interview with an interpreter. They talked, I felt a bit uncomfortable because I did not understand what they were talking about but I knew that the employer found it difficult to communicate with me, so he wanted first to explain everything to the interpreter so that the interpreter could explain it to me afterwards. Then the interpreter told me that I had got the job. I got the job much easier with the interpreter and it makes me very happy.”*

*“I expect to get the complete information. I want the interpreter to interpret fully everything my interlocutor says and to convey everything I want to say to him, the way I want to say it.”*

People employed in the service have defined several problems in the functioning of the service:

- Not understanding the interpreter's role (by deaf and hearing users);
- Inexistence of the education on the operation of interpreting service and interpreters within the service;

- Lack of technical equipment. The services regularly do not have a computer and a printer which are indispensable for making working lists and keeping the record of users and services provided;
- Lack of financial resources for printing working lists, communicating by mobile phones with the service users (including both video calls and text messages) and for travel costs of the interpreters;
- Lack of internet connection;
- Inadequate working space;
- Insufficient number of interpreters.

According to the people engaged in the services, they strive to show that the interpreter's job includes translating the communication contents, and that they are not responsible for providing other types of assistance. Hearing participants also do not always have sufficient information about the interpreter's role, so they also have wrong expectations. Several deaf and hard of hearing persons started using interpreters in the broad range of their social activities, while numerous deaf persons in Serbia still use their family members and hard of hearing persons, or hearing persons, as a bridge in the communication between themselves and hearing persons.

In addition to the mentioned problems, it should be pointed at the low fees earmarked for the work of people engaged in interpreting services. According to the data from the mentioned report, the envisaged fees for monthly engagement are: 22.000 RSD gross for the interpreter and approximately 7.000 RSD gross for the administrator. On the basis of the information available to the authors of this report, the amount of the fee has not altered in the meantime. These terms of engaging an interpreter are far from stimulating, so there are examples of the interpreters deciding to start a different type of profession in order to ensure a better financial state. These circumstances can be particularly harmful for deaf communities in smaller places where there is only one qualified sign language interpreter; the departure of that interpreter challenges the quality of the service provided, and in some drastic cases the functioning of the service itself.

In 2015 The City Organisation of the Deaf of Belgrade in cooperation with the Ministry of Labour, Employment, Social and Veteran Affairs – The Department for protection of persons with disabilities and Telenor Foundation opened the Video Relay Centre. Two interpreters who are hired at the centre provide free interpreting services to Serbian Sign Language users in the territory of Serbia through Skype every day from 7h to 19h.

This innovative service has proved to be one of the the most useful ways of providing interpreting services to sign language users.

In a very short period of time (from June to December 2015) the greatest number of services was provided in this way at the Interpreting Service Centre, equal to the number of services provided in healthcare settings. As this service has been available only since recently, the authors could not give an account of the challenges, recommendations for the improvement of the service and the statistics of using it at the time the report was written.

## 5.4. CONCLUSIONS

Passing of the Law on Sign Language Use has legally regulated the occupation of sign language interpreters. The Ministry of Labour, Employment, Veteran and Social Affairs, the relevant sector for protection of persons with disabilities has made significant advances by supporting the initiative of the Federation of the Deaf and Hard of Hearing of Serbia, local organisations of the Deaf as well as the Association of Serbian Sign Language Interpreters to provide interpreting services within wide network of the Federation's organisations. Interpreting services within local Deaf organisations are recognized as the main service providers to members of the Deaf community. However, despite of these advances, in practice there have been many challenges deaf persons need to overcome with respect to the access to an adequate interpreting service. One of the challenges is an alarmingly small number of sign language interpreters<sup>32</sup>. Similarly, interpreters lack formal education, acquiring knowledge through work and experience. Compensation for their work is not stimulative enough to make them focus on the occupation of a sign language interpreter.

Despite the fact that there have been interpreting services since 2010 few qualified interpreters make a large number of deaf and hard of hearing people use members of their family, their hard of hearing friends or hearing people as the bridge in communication between hearing interlocutors and themselves. In those situations a deaf person stands by the side while hearing interlocutors consult with their «helpers» about their needs, habits, problems and recommended therapies. A deaf person gets only basic information out of that communication. That manner of (not) communicating with deaf people apart from being discriminating brings deaf people into the state of ignorance and prevents them from accessing information. Consequently they cannot learn about the ways to help themselves, take care of themselves on their own and ultimately take responsibility for their own life.

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<sup>32</sup> Federation of the Deaf and Hard of Hearing of Serbia keeps the record of 84 sign language interpreters, about 30 of whom are active in the field.

## 6. EDUCATIONS

BEFORE LAYING OUT THE CONTENTS OF LEGAL FRAMEWORK WHICH REGULATES EDUCATION FOR THE DEAF, IN THIS CHAPTER WE WILL TAKE A LOOK AT THREE IMPORTANT AREAS OF DEAF EDUCATION: SPECIAL SCHOOLS FOR HEARING-IMPAIRED PUPILS, INCLUSIVE EDUCATION AND ACCESS TO HIGHER EDUCATION.

### 6.1. LEGAL FRAMEWORK

In Serbia there are series of laws and regulations that guarantee the right to equal educational opportunities to deaf people. The Law on the Basis of the System of Education and Upbringing<sup>33</sup> stipulates that the Serbian language is to be used in education. Members of a minority are to be educated in their mother tongue. Exceptionally, education can be bilingual or in Serbian in accordance with a special law. Education can be in a foreign language, that is, bilingual, in accordance with this and a special law. Education for persons who use sign language, that is, special scripture or other technical solutions, can be in sign language or with the tools of that language. (Article 9) **The Law on Higher Education**<sup>34</sup> stipulates that an institution for higher education can organize studies i.e. certain segments of studies in gestural language for students with disabilities. (Article 80)

The recently passed Law on the Sign Language Use establishing the right to use a sign language, in Article 4 foresees:

*The right to use sign language includes the right of a deaf person to learn sign language and the right to use services of a sign language interpreter.*

<sup>33</sup> The Law on the Basis of the System of Education and Upbringing, “Official Gazette”, no. 72/2009, 52/2011, 55/2013, 35/2015 – authentic interpretation and 68/2015

<sup>34</sup> The Law on Higher Education, “Official Gazette”, no. 76/2005, 100/2007 – authentic interpretation, 97/2008, 44/2010, 93/2012, 89/2013, 99/2014, 45/2015 – authentic interpretation and 68/2015

*No one shall deny a deaf person the right to use sign language.*

*A deaf child has the right to learn and use sign language.*

*A parent, that is, a deaf child's care provider, as well as all the other persons, shall not prevent him/her from learning and using sign language.*

The same Law has outlined the conditions of the use of sign language in educational institutions in Article 9:

*Education in educational institutions and studies at institutions of higher education shall be in sign language for deaf persons, in accordance with their needs, abilities and possibilities.*

*Education from Paragraph 1 of this Article is realized based on the assessment for giving additional educational, healthcare and social support of an inter-agency commission through children's educational programme, that is, school programmes individual educational plan for students in accordance with the law.*

Serbia ratified the UN Convention on the Rights of Persons with Disabilities in 2009. Article 24 of the Convention which deals with education, among other things, states that states parties recognize the right of all persons with disabilities to education. With the aim of exercising this right without discrimination and based on the equality with others, they shall ensure inclusive education system on all levels and lifelong learning aimed at: full development of human potential and feeling of dignity and self worth, the utmost development of personality, talents, mental and physical abilities of a person with disability and enabling all persons with disability to participate effectively in free society.

While exercising this right, states parties should ensure reasonable adaptations which are going to meet the needs of individuals as well as necessary support to people with disability within general educational system in order to make their effective education easier. Similarly, individual measures of support which maximize academic and social development are envisaged, in accordance with the aim of all-around inclusion.

The Convention also states that states parties take necessary measures which would among other things make learning sign language and promoting linguistic identity of the Deaf community easier and ensure education of deaf persons and especially deaf, blind or deaf-blind children in languages and forms of communication which



are the most suitable and in the environment which guarantees maximal academic and social development.

To assist with guaranteeing this right, states parties shall take necessary measures to hire teaching staff that is qualified to use sign language and Braille including teachers who are themselves persons with disability and to train experts and staff that work at all levels of education. That kind of training should encompass the raising of awareness of disability, the use of suitable and alternative means, tools and forms of communication, educational techniques and materials in order to support persons with disabilities.

States parties will also ensure that persons with disabilities can access general tertiary education, vocational training and education, education for adults and lifelong learning equal to all other people; in order to reach the foregoing goal, states parties are going to ensure persons with disability have access to reasonable adaptation.

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The legal framework of the Republic of Serbia recognizes sign language as equal to spoken languages and advocates encouragement and promotion of specific linguistic and cultural identity of the Deaf Community, and the Deaf are given the right to education in mother tongue – Serbian Sign Language. However, practice speaks against it.

While analysing conditions in this field, we had two focus groups; with pupils of one of the special schools for hearing impaired children<sup>35</sup> (hereinafter: the special school) and with former students of that school that continued their education within regular schooling system, at high school level and institutions of higher education. We also made two interviews, with defectologists-specialized for working with deaf children, teachers at special schools as well as members of the Deaf community. From what participants said it was observed that the situation in practice with respect to education in sign language does not meet the needs of deaf users and teachers in the best possible way.

In this survey we intentionally gave precedence to Deaf users in reference to legal framework considering the fact that research and analyses of conditions have not sufficiently taken the views of users into consideration..

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35 Even though the Deaf community does not support the use of the expression “hearing impaired persons”, the schools in Serbia have this phrase in their name so we used it in our report when referring to schools for the deaf.

## 6.2. SPECIAL SCHOOLS FOR HEARING IMPAIRED CHILDREN IN SERBIA

Three main methods of communication and instruction used with deaf children are:

Bilingual – where sign language is learnt as native or a first language of Deaf children while spoken/written language of the surrounding (for example: Finnish in Finland, Spanish in Mexico and alike) is learnt as a second language.

Total communication – which includes a combination of signs and spoken language which includes sign language, fingerspelling, gestures, visual means, writing, voicing and lipreading.

Oral – which emphasizes speech, listening, and lipreading and which assumes that all information can be conveyed by using oral language. This approach usually excludes the use of sign language.<sup>36</sup>

Bearing in mind that the first schools for deaf children were established after 1880, that is, after the Milan resolution which put the oral method before sign language, the oral method has become a constant in special schools for deaf children. True, there have been individual attempts to teach in sign language. Jovan Boljarić in his private school, which was short-lived, working with deaf children who were too old for schooling, introduced certain personal concepts using fingerspelling (which he created himself based on onehanded (Serbian: *Cehova azbuka*) and writing.<sup>37</sup>

The oral method of communication has long been the dominant one in special schools for deaf children in Serbia. Even though numerous researches have found that bilingual method leads to the most successful results in education of deaf persons<sup>38</sup>, there are no favourable conditions for setting up bilingual method for educating the deaf in Serbia.

There are seven special schools for deaf and hard of hearing children in Serbia at the moment, one is residential and there is one unit within mainstream school. In these

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36 Takeb from the web site of the World Federation of the Deaf - <http://wfdeaf.org/our-work/focus-areas/deaf-education>

37 Jemina Napier, Rachel McKee, Della Goswell, Sign Language Interpreting (adapted issue 2013), Education of the Deaf in Serbia, Mile Crevar (25 pp.)

38 Radoman & Nikolić G (2000, 2002), „Uloga znakovnog jezika u unapređivanju komunikativne sposobnosti i školskog uspeha dece sa oštećenim sluhom“/The role of sign language in improving the communicative ability and school results of hearing-impaired children, Belgrade

schools defectologists are teachers who use oral or total communication method as a means of instruction. Within total communication method, sign language is not used as the first language of the Deaf community or a classroom language, but it is an auxiliary tool in addition to other tools such as: speech, visual means, modern technologies and other, all of which does not create an environment that encourages the development of linguistic and cultural identity of deaf students.

Besides, mastering subjects in another language such as spoken Serbian significantly lowers the level of acquired education. According to the participants of the focus group:

*“All teachers would have to have proficient knowledge of sign language and to use it with children from the very first day. Consequently, education for the deaf would be much better and not like now.”*

*“If children learnt sign language from the very first day, it would be much easier for them to communicate but also acquire new knowledge.”*

Defectologists that teach in schools for hearing impaired students, during their education at the Faculty of Special Education and Rehabilitation (former: The Faculty of Defectology) have studied the basics of sign language since more than ten years ago; this training lasts 2 semesters and carries 8 ECTS credits<sup>39</sup>.

One of the participants of the focus group suggests:

*“Teachers use sign language most of the time, but are not fluent in it; they only know the fundamentals, that is, certain signs which they use to follow the structure of the Serbian language.”*

Teachers mainly rely on lip-reading and basic signs of Serbian Sign Language when communicating with deaf students. A smaller number of teachers know sign language well while others only communicate orally. Therefore, communication between teachers and students is not unhindered. Teachers often do not understand their students and vice versa. This seriously impairs the relationship between teachers and students and diminishes the possibilities for growth and improvement of deaf children.

According to one of the participants of the focus group:

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39 FASPER <http://www.fasper.bg.ac.rs/defektologija/kurikulum-sluh-2015.pdf> - reviewed on 04.11.2015

*“I, for example, had difficulties communicating with teachers since I don’t speak well and their knowledge of sign language is little so we aren’t able to understand each other well. After a few unsuccessful attempts I usually ask one of my classmates who speaks well to interpret. When this classmate doesn’t come to school for some reason, I have to manage which is very difficult. All this is very gruelling and tiring.”*

In communication between teachers and students who are not good at Serbian or lip-reading hard of hearing and deaf students who are better at Serbian and speaking usually act as intermediaries; they take on the role of a sign language interpreter in the communication between teachers and other students which speaks of insufficient training for teachers with respect to communicating and working with deaf children and is not a surrounding which ensures maximal academic and social growth of deaf children.

One of the participants of the focus group says:

*“At the time I went to school, teachers didn’t use sign language, they usually taught and communicated with us orally, and we had to lip read. I was slightly better at it than other students in my class, but they would often interrupt me in lessons so that I would interpret what the teacher had said which made me lose the focus on the content.”*

Deaf and hard of hearing students who are fluent in sign language and speech are also hired as interpreters at parent-teacher meetings in case there are deaf persons among parents.

Even though the oral method gave way to total communication and sign language is not banned as it used to be, the emphasis in deaf education is still on speech therapy and articulation which is frowned upon by the users who would want to study sign language and syllabus in greater depth, which would ensure higher quality education and hence better life to deaf persons. We give some of the opinions of the participants of the focus group:

*“What now goes on at the school for the deaf and what is inadmissible in my opinion is that students miss regular classes to attend speech therapy. As there is no special speech therapy class students skip classes in turns so they could attend speech therapy exercises, which shouldn’t happen. If there are speech therapy exercises, there has to be a special class or a specific time allocated for that which does not overlap with regular classes.”*

*“The speech therapist would call me during important classes I didn’t want to skip. I don’t see much point in speech therapy while I consider some courses very important, such as maths and I’d rather stay and learn something from maths than go to speech therapy.”*

*“The most difficult and least favourite thing to me is learning stuff by heart. I also don’t like that we learn songs by heart and not in sign language but we have to enunciate and have a teacher correct our speech.”*

The participants of the focus group also pointed out that quite frequently students who acquired speech in a better way are considered to be smarter and more advanced and are favoured while those that do not speak well and have not acquired the basics of Serbian are seen as students with less potential.

Asked how the communication between teachers and students at the school for hearing impaired students unfolds, one of the participants of the focus group said:

*“Teachers often use sign language but don’t know it well enough which means we have to lip-read. This form of communication is accessible to those who are smart, those who aren’t are mainly left in the dark.”*

Asked who the smart ones are, the same participant replied:

*“Those that speak Serbian well, know Serbian words and can rely on lip reading because in order to understand what the teacher is saying we can’t rely on their sign language but we have to lip read.”*

*“Teachers pay more attention to those that speak better while not as much to those that speak worse who get lower grades.”*

According to the unanimous opinion of deaf persons, participants of the focus group, sign language is not studied nor developed within curriculum at the school for hearing-impaired students, students learn and develop it in communication among themselves or communication with family members if there are other deaf members, but its use, studying and development are not encouraged through the schooling system itself.

According to some representatives of the Deaf community and Deaf students, students who speak well are mainly favoured in extracurricular activities that happen within school, such as various plays, while students who use sign language are given smaller parts. These events are not translated into sign language which makes them inaccessible to deaf students, parents and other deaf persons in the audience.

According to one deaf adult person:

*“At the play that was organized for the first grade students there was no sign language interpretation even though there were students and parents who were Deaf as well as other members of the Deaf community. I am a deaf person and I wasn’t able to keep track of what was going on stage since everything was in spoken Serbian. When it was time for the applause, some deaf students didn’t want to applaud. It was probably their way to boycott this event, which was inaccessible to them. Some of them suggested to the teachers at that moment that someone should interpret the event into sign language since there were deaf persons in the audience, but there was no sign language interpreting until the end of the play.”*

The status of sign language is not the same in all schools. There are special schools which use sign language to a greater degree and that do not give advantage to speech but students have a possibility to express their knowledge in sign language. But even at those schools sign language is not a primary means of communication but one of auxiliary communication tools.

The expected learning outcomes at special schools for hearing impaired children are at a much lower level than at regular schools, which makes the inclusion of students from special schools into the regular system of education much harder at high school level as well as the level of higher education.

*“I remember that I had seven Fs at the end of the fall semester of the first grade which I couldn’t understand since I was an A student in primary school for the deaf, I was even valedictorian. But then I realized that the level of knowledge which is required at regular school is much higher compared to that at the school for the deaf so much so that my parents had to hire tutors so that I can attend regular school. Owing to them I managed to finish high school.”*

*“The level of my knowledge after finishing school for the deaf was very unsatisfactory compared to knowledge my hearing peers who finished regular school.”*

*“At the end of the fall semester of the first grade of regular school I had unsatisfactory results and then I felt like my entire schooling (at special school) before that served to nothing.”*

Even though students who went to high school meet the formal condition to continue schooling at institutions of higher education, the level of knowledge acquired at

special high school prevents them from using this right in accordance with their affinities and wishes.

*“I had one hearing friend which was my age. When we would compare things we studied from different courses I realized how much our curricula were different. Our curriculum was easier and less demanding. At that time I was happy because of that because I didn’t have to study a lot and put in a lot of effort and I would get good grades. It was only when I started university that I realized that this was in fact very bad and that I was at a disadvantaged position compared to my hearing colleagues. Then I realized that the curriculum at the school for the deaf had to be changed and made equal to the curriculum in regular schools. Now I look at it as something negative. If the level of education at schools for the deaf was the same as the one at regular schools, the choice would be greater and we would be able to choose an occupation according to our affinities. This way, we have to choose based on which school or faculty is easier so that we can graduate.”*

According to one of the teachers, the official curriculum at the special school is the same as the one in regular education and based on it individual study plan is created for every child in accordance with her/his abilities. The first generation of students that follows this reformed programme is currently in primary school, which means the first results will be visible in a few years.

It is mainly teachers who are defectologists that teach in special schools. The participants of the focus groups stated that since defectologists are not experts in the fields they teach, they fail to find good ways to impart course contents so that students find them accessible and comprehensible.

The participants of the focus group cited an example of one teacher who when he started working at the school did not have any knowledge of sign language and he met with deaf persons for the first time, but with effort, no prejudices about deaf persons and sign language and most of all his expertise he managed to connect with the students, to approach them and clarify the syllabus and spark interest for that subject.

One of the participants in the focus group states:

*“In higher grades of primary school I had different teachers for different courses, but they were all defectologists. My maths teacher was a defectologist and I had maths problems, I struggled with it. Then in high school our maths teacher graduated in mathematics. I thought things would get more difficult.”*

*However, it happened that I started to understand things I failed to understand before, I quickly improved and was getting better at maths. Even though things we studied were more complex than those we had studied before, I realized I could follow and understand better. Then it became clear to me that it is very important for the teacher who teaches a certain subject to be an expert in his/her field and that it is a very bad practice for teachers who are defectologists to teach all courses, and that this is probably one of the reasons why the level of education is so bad.”*

Another problem the participants of the focus group pinpointed is the choice of courses within high school education which is very limited, especially craft courses of the third degree. The possibility of acquiring the fourth degree is narrowed to one educational profile in one out of seven schools in Serbia.

Talking about advantages of attending special schools, the participants of the focus group suggested the following:

*“The best was that I was with other deaf children and that I felt like I belonged. I never felt excluded and I felt good in that environment surrounded with other deaf persons.”*

*“To this day I remember the day when I entered the school yard with my mum in Belgrade. There were older and younger children and everybody was using sign language; there was a sense of togetherness. I was impressed. I wished to stay there and when my mum said that this would be my school from then on, I was the happiest person in the world.”*

*“I don’t know how to describe that feeling, I was thrilled and I was happy about that feeling of not being alone. I felt a bit lonely in my hometown, and then, when I came to Belgrade, I realized there were a lot more deaf kids like me, and that was a great feeling.”*

Asked what would the school for the deaf look like with respect to their needs and with an aim of achieving the quality of education, the participants of the focus groups stated the following:

- All staff, professional and helping at the school for the deaf would have to be fluent in sign language, and to know the history and culture of the Deaf, and communication and classes would have to be in sign language so that deaf pupils could acquire the content and life skills more easily.



- School for the deaf should gather all deaf children where they would be able to develop their linguistic and cultural identity in the right manner.
- The level of education would have to be equal to the level of education which is offered in regular schools and it should enable deaf students to develop language skills in sign language and written Serbian.
- The curriculum for deaf students should include courses that deal with the history and culture of the Deaf.
- The choice of courses, fields, professions for which deaf students can be educated, and which correspond to different affinities of students.
- Deaf teachers should be trained and hired.
- The school principle should be a deaf person because he/she would fight for the interests of that community in the best possible way.

Bearing in mind these testimonies of deaf persons, the school for the deaf is an important place that provides the environment in which the development of cultural identity of deaf persons whose main characteristic is sign language is encouraged.

### 6.3. INCLUSIVE EDUCATION

The participants of the focus group who went through the regular system of education state the feeling of loneliness, exclusion and not belonging as their first impressions. This is mainly due to the failure to communicate with other pupils, but also the level of previously acquired knowledge which made their road towards professional advancement difficult and which separated them from other pupils.

The advantages of inclusion are better quality of education which gives greater possibilities for professional and personal growth and disadvantages are lack of information and contents, no support for deaf students and students in regular schools and faculties mainly with respect to sign language interpreting services, lack of understanding on the part of the environment, being forced to rely on the good will and assistance of other students.

*“When I first started regular school I found it very hard because I felt like a stranger, as if I had some contagious disease because of which everyone avoided me.”*

*“I felt better at the school for the deaf because teachers know sign language at least a little and it was easier to understand them and communicate with them but the level of education offered at the school for the deaf is very low. On the other hand regular school and faculty offer better education but I didn’t feel pleasant in this environment because I wasn’t able to communicate well with other students and professors leading to a lot of information being inaccessible to me. So, both have their advantages and disadvantages, but it would be the best if it was possible to put the advantages of both together, that is, if there was a possibility to access quality education in sign language.”*

Many children that do not hear following the trend of inclusion go to regular schools where the main language is Serbian. *The Rule Book on additional educational, health and social support to children and students*<sup>40</sup> envisages many forms of support for children and students. Among other things, overcoming the language barrier as a means of support for children whose mother tongue is not Serbian as well as organizing training in sign language for children and teachers, tutors, associates. However, even here sign language is mentioned as an alternative form of communication and not as a natural, first and mother tongue of the Deaf.

In practice these students are part of inclusion with no support. We have not come across an example of support to deaf students in inclusion with respect to sign language interpreting services. The only example of support according to teacher of the special school for hearing impaired students are defectologists hired as assistants to deaf and hard of hearing students as the need arises. It is only since recently that the work these assistants do has been counted within mandatory number of classes, which means that they did this work practically for free in the past.

It can be concluded that deaf students are part of the inclusion system practically with no support and real awareness of the environment which would imply introducing teaching and professional staff as well as other students to forms of communication and characteristics of Deaf culture which would in turn enable a more successful adjustment and inclusion of a deaf student into the environment of regular education.

Inclusive education has brought higher number of students with different disabilities to special schools for hearing-impaired students which is frowned upon by deaf users. The reason for this are not intolerance or other forms of social distancing of deaf persons from these students but the opinion that this further impedes adequate

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40 The Rule Book on additional educational, health and social support to children and students <http://www.zdravlje.gov.rs/downloads/Zakoni/Pravilnici/PravilnikODodatnojObrazovnojZdravstvenojISocijalnojPodrsciDetetuIUceniku.pdf>

surrounding for linguistic development of deaf children and students which is of crucial importance for development and preservation of linguistic and cultural identity of deaf persons as members of a specific linguistic and cultural minority.

Asked what the opinion of teaching and professional staff is with respect to the possibilities of transferring to bilingual method, a teacher from one of the special schools said that teachers are enthusiastic about this possibility but that it is not feasible because there are students with different disabilities and only few deaf and hard of hearing students in classroom which makes it impossible to teach in sign language, but different ways of communication and techniques have to be combined in accordance with abilities and needs of each and every child.

Bearing in mind all the above-mentioned opinions of deaf interlocutors, it can be concluded that inclusive education for deaf children and students does not imply closing the schools for the deaf, but creating the environment which would ensure the development of linguistic and cultural identity and quality education in mother tongue within schools for the deaf which would in turn provide deaf students with better inclusion into regular schooling system at higher levels with adequate support.

## 6.4. ACCESS TO HIGHER EDUCATION

Even though all participants of focus groups who went through the system of higher education said that other students were willing to give them a helping hand during studies, they stressed that they felt bad for not being able to fully communicate with professors and colleagues because they had to rely on good will and help of colleagues; they were also unhappy about insufficient knowledge which made their studies a lot more difficult. They also suggest that support, of sign language interpreters in particular, but other forms of support as well, such as the assistant for taking notes would make the process of their schooling a lot easier and better.

*“My experience with other students was unexpectedly good. I thought that they would avoid me because I am deaf and that they wouldn’t want to help me, but in fact they were very helpful, gave me information I couldn’t hear, they would tell me when the professor called out my name in lecture since classrooms are big and I cannot lip-read in such a surrounding, they gave me their notes.”*

*“Professors were willing to help me by communicating with me one on one, but I couldn’t follow the lectures since there was no sign language interpreter. I had to be present because presence was obligatory and I had to collect*

*the necessary points. There were a few other deaf students and we would communicate among ourselves since we weren't able to follow the lectures. It was important to me that there were a few of us because otherwise I would have found these lectures boring, this way I was able to chat with them."*

*"We studied from books or notes our hearing colleagues gave us. But all this was very strenuous and hard. The highest mark I managed to get in theoretical courses was 6. But in practical courses, such as packing design I would get higher marks, even 10."*

*"I would have found it very useful to have had an interpreter during studies. It happened frequently that I couldn't get the necessary information because I needed more time to establish communication with professors primarily because professors didn't have that much time and because I felt uncomfortable to take that much time away from other students. If I had had a sign language interpreter, this communication would have been more efficient and I'm sure I would have had a lot more information than I managed to get. This way my communication with professors was slow, hard and incomplete."*

*"A sign language interpreter during studies would be invaluable to deaf students. And of course other forms of support, such as assistants for taking notes. But this seems highly unrealistic in the current situation. If we had all these forms of support, we would be in great position. Then I think it would not matter that much that I don't fit in the environment and don't feel like I belong because then I could focus my attention on professional improvement and other things would lose importance."*

Even though the Law on Higher Education foresees the possibility of organizing studies, that is, certain parts of studies in sign language, and deaf students are not forbidden to hire sign language interpreters, it is not clear who bears the costs of providing this kind of support. Based on the information accessible to the authors, there is not a single deaf student who is able to follow the classes by way of sign language interpreting at state or private faculties in Serbia.

## **6.5. CONCLUSIONS**

Based on everything said, we can conclude that regardless of legal framework which recognizes the right to education in sign language, deaf persons are not in the

position to exercise this right either because of inadequately educated teaching and professional staff at special schools and inadequate curricula and expected learning outcomes or because of the lack of adequate support to deaf students within regular education.

By ratifying the UN Convention on the right of persons with disabilities and by passing the Law on Sign Language Use, Serbia recognized sign language as a language, equal to spoken languages. All our Deaf interlocutors, participants in this survey expressed their hope that this will create conditions for a change in views among professional public when it comes to the role of sign language in education and improving the quality of life of deaf persons.

## 7. RECOMMENDATIONS

IN WHAT FOLLOWS WE GIVE RECOMMENDATIONS TO THE INSTITUTIONS OF THE REPUBLIC OF SERBIA, RELEVANT MINISTRIES, ORGANISATIONS WITH THE AIM OF FURTHER EQUALISING OF RIGHTS AND BREAKING THE BARRIERS IN COMMUNICATION BETWEEN THE HEARING COMMUNITY AND DEAF AND HARD-OF-HEARING PERSONS. RECOMMENDATIONS REFER TO THE AREAS THE PAPER DEALT WITH: MEDIA, ACCESSIBILITY OF INTERPRETING SERVICE AND EDUCATION. THE STATED RECOMMENDATIONS EVEN THOUGH RELATED TO THE AREAS THE PAPER DEALT WITH ARE NOT LIMITED TO, BUT CAN REFER TO ALL OTHER AREAS.

### 7.1. RECOMMENDATIONS IN THE FIELD OF MEDIA

For members of the Deaf community to adequately enjoy their right to information it is necessary to adjust media content to the needs of deaf persons, that is, media content has to be made accessible to sign language users. In this way, deaf persons are enabled to give and receive information in their first language.

With the aim of further improving media policies and their application it is necessary to:

- foresee legal obligations towards broadcasters more clearly with respect to the range of accessible content they are obliged to provide;
- foresee sanctions more clearly in case the broadcaster does not fulfill legally defined obligations.

With the aim of further raising the awareness of broadcasters about the need of adjusting the content to deaf persons it is necessary to establish (or improve) cooperation between organisations of the deaf and broadcasters so that broadcasters are directly familiarized with the needs of the deaf in terms of creating accessible media content. The recommendation to media is to follow the *Guidelines for*

*Interpreting in Media*<sup>41</sup> to make the programme accessible to the deaf and hard of hearing. Among these guidelines the following stand out:

- Provide a minimum of 1/5 of the screen so deaf and hard of hearing persons could follow the programme unobstructed and with no cognitive and sensory effort;
- Give necessary information to employees on cooperation with interpreters;
- Make the adequate preparation for interpreters possible, provide the Internet access as well as consultations with journalists, editors, proofreaders and other persons the interpreter can consult about language dilemmas and contents being interpreted;
- Define adequate technical, financial and human resources for producing accessible contents.

With the aim of including deaf persons into creating media contents it is necessary that broadcasters include deaf persons in the preparation stages of creating media contents, choosing the topics of interest for the Deaf community by consulting with them about the best ways of making the media environment accessible. State authorities, primarily the Ministry of Culture and Information, with its competition calls should give support to contents in Serbian Sign Language as well as contents that will be accessible by way of Serbian Sign Language interpreting or subtitling. Media, national and International donors should give support to three types of media contents:

- Contents which have already been created for hearing population and which need to be made accessible to deaf persons (contents from the *hearing* for the *deaf*);
- Contents that directly involve deaf persons about issues of particular importance for deaf persons (contents from the *deaf* for the *deaf*)

Contents that are being made by deaf persons with the aim of informing hearing people about sign language and Deaf culture with the aim to overcome barriers in communication and raising the awareness between the two communities (contents from the *deaf* for the *hearing*).

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41 The Guidelines for Interpreting in Media - <http://www.atszj.org.rs/files/Smernice%20za%20usmeno%20prevodjenje%20u%20medijima.pdf>

## 7.2. RECOMMEDATIONS IN THE FIELD OF INTERPRETING SERVICES

Providing sign language interpreters is a necessary condition for free communication and adequate participation of deaf persons in social life. It is necessary to literally apply regulations that guarantee the right to sign language use so that deaf persons can realize their rights fully. In this way deaf persons would be enabled to tell and receive information in the first language using interpreting services.

To make all social contents accessible to the Deaf community which is necessary for its greater involvement it is important to develop and accredit the curricula for the training of Serbian sign language interpreters then promote the occupation of sign language interpreters, affirm and support interpreting service and increase the accessibility of service. It is also necessary to strengthen the association of sign language interpreters which is supposed to be the main factor in setting up professional community as the bearer of communicative inclusion of the deaf and hard of hearing.

The recommendations which refer to interpreting services of sign language interpreters within organisations that offer services are classified into three groups. Recommendations are related to everyday operations of organisations that offer the foregoing service within interpreting offices, then, the recommendations that refer to education of the Deaf community, interpreters and those hired in organisations as well as hearing service users, whereas the thrid type of recommendation referes to the sevice viability, that is, viability of organisations that offer interpreting services.

The first kind of recommendations refers to the improvement of organisations which offer interpreting services to their members within their interpreting offices.

- Organize training dealing with ways of providing services to those hired in all organisations
- Provide conditions for keeping track of users and offered interpreting services in interpreting offices; establishing a uniform way of reporting on the work of the offices;
- Separate the role of the interpreter from other roles in local organisation of the Deaf (social worker, the organisation's secretary and other);
- Providing long-lasting and viable funding of those hired in the offices; Establishing criteria for calculating the fee of interpreters hired in these offices;
- Providing adequate work space so that those hired can communicate freely with users by respecting their privacy;



The other group of recommendations refers to providing information to and educating deaf and hearing users of interpreting services as well as sign language interpreters.

- Continuous education of deaf users in sign language in all cities and municipalities where there are interpreting services on interpreting offices, interpreter's role and main rights of deaf users as well as empowerment in terms of independent decision making and responsibilities that come from these decisions;
- Hired interpreters in interpreting offices should continually improve their knowledge of sign language and acquire new knowledge about interpreting theory and practice. Interpreters should be empowered to cooperate more closely and exchange experiences and knowledge within professional association of interpreters and they should be given an opportunity to specialize in certain interpreting areas;
- Motivate interested deaf persons to work as interpreters intermediaries;
- Regularly inform hearing users about the existence and ways of cooperating with interpreters.

The third kind of recommendations refers to the issue of viability of interpreting offices.

- It is necessary to promote the work and services of interpreting office in local environment;
- It is necessary to commercialize interpreting services within offices by billing interpreting services to users who are not eligible for free service;
- Empower deaf persons and those hired in local organizations of the deaf to get involved into the process of establishing the viable work model of local interpreting office;
- It is necessary to start a dialogue about establishing a viable model of providing interpreting services through interpreting offices which would include all relevant social parties locally and nationally.

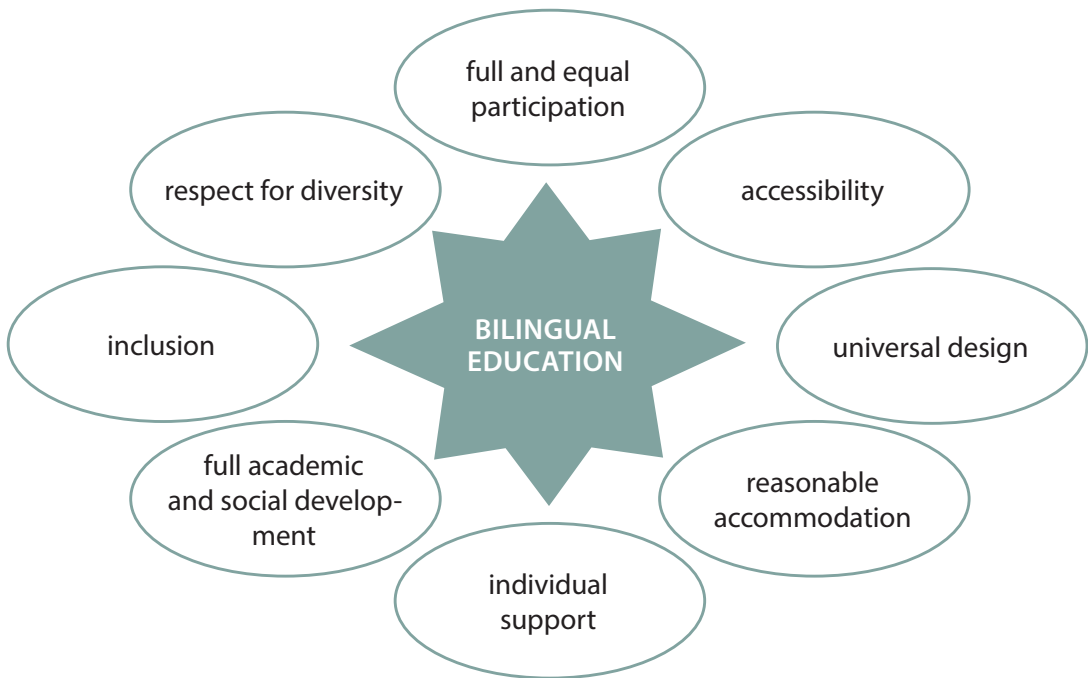
### **7.3. RECOMMENDATIONS IN THE FIELD OF EDUCATION**

If deaf persons are not seen as a group with its own linguistic and cultural identity, they could never participate in education fully and equally nor enjoy all human rights.

Inclusive education is not only regular education with elements of accessibility, universal design, reasonable adjustment and individual support. Inclusive education, from the perspective of the Deaf Community implies respect for diversity which is based on Deaf culture and on linguistic and cultural identity of deaf children.

True inclusive education is based on the needs of these children and helps them develop their potentials fully as individuals and citizens.

The Deaf Community does not advocate for special education but bilingual and bicultural education since deaf education is based on language and culture and therefore the opinion of the Deaf community is that bilingual education is integral part of inclusive education.<sup>42</sup>



**Figure 1 – Biligual education<sup>43</sup>**

From all the above, we can conclude that bilingual education for deaf children in Serbia has to be introduced as soon as possible which would imply:

- Recognition and use of sign language as the first language of the Deaf community in education together with the national written/spoken language as the second language.

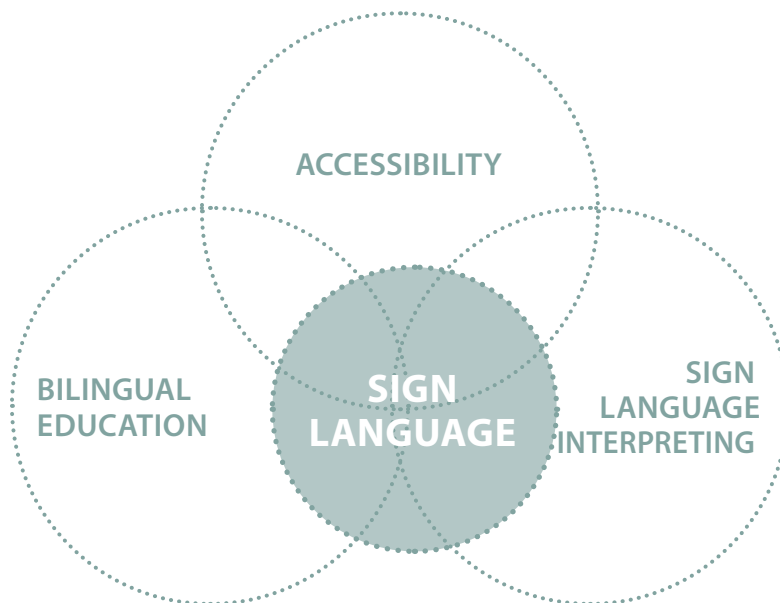
<sup>42</sup> According to: Dr *Jokinen M. (2015). Presentation “Inclusive Education in Accordance with the UN Convention on Rights of Persons with Disabilities – A New Framework for Bilingual Deaf Education?”*, *Congress of the World Federation of the Deaf (WFD), Istanbul, Turkey*

<sup>43</sup> *Ibid.*

- Involvement of the Deaf community in designing curricula which would suit the needs of deaf persons.
- Hiring the staff that have proficient knowledge of sign language.
- Training and hiring of Deaf teachers at the schools for the Deaf.
- Training of teachers for deaf children so that they use sign language fluently.
- Introducing Deaf culture and history into the curriculum of bilingual schools for the deaf.
- Introducing Deaf culture and history into the curriculum for training of teachers for the deaf.
- Support to linguistic and cultural identity of the Deaf Community.

Bilingual education in its best form provides full academic and social growth of deaf persons and it is closest to an ideal situation which implies full and equal participation and accessible education.

## 7.4. COMPREHENSIVE RECOMMENDATION



**Figure 2 – The main factors for exercising human rights of deaf persons<sup>44</sup>**

<sup>44</sup> Allen C. (2014). Presentation «Equality for Deaf persons», WFD, Belgrade

The Government of the Republic of Serbia and competent ministries should provide the recognition of specific cultural and linguistic identity of the Deaf and the hard of hearing based on the equality with others, including sign languages and culture and give adequate support for realizing their identity.

Based on the given data and research results it is clear that sign language is a prerequisite for exercising human rights of the Deaf Community. Factors such as bilingual education, accessibility and high-quality interpreting services will improve the quality of life of deaf individuals substantially.

The Law on Sign Language Use, the UN Convention on the rights of persons with disabilities and all other foregoing relevant regulations and laws need to be applied literally. All social participants, especially institutions that are in charge of public authority must contribute to overcoming the barriers in communication with deaf users of sign language, to the affirmation of rights and practice of communicating in sign language and to accept sign language as equal to other languages in use.

**APPENDIX 1**

**LAW ON SIGN LANGUAGE USE**

# **LAW ON SIGN LANGUAGE USE**

## **I. BASIC PROVISIONS**

### **Subject Matter of the Law**

#### **Article 1**

This Law shall govern the use of sign language, i.e. the right to learn sign language and right to use the sign language interpreting service, the manner of using the sign language interpreting services, incentives for applying and improving sign language use by informing and educating in sign language and other issues significant to sign language use.

#### **Principles**

#### **Article 2**

This Law shall ensure the realization of the basic principles guaranteed by the constitution referring to exercising human rights, and particularly to the prohibition of discrimination and introduction of special measures in order to achieve the complete equality of people with disabilities and other citizens and elaboration of the right to dignity and free personality development especially in terms of exercising the right to sign language use and inclusion of deaf persons in the process of making decisions relating the sign language standardization and use.

#### **Definitions**

#### **Article 3**

A deaf person is a person who is limited in full and equal participation in social life due to informational, communicational and other obstacles.

Sign language is a natural form of communication of deaf persons which has its own linguistic characteristics, including grammatical functions, phonology, morphology and syntax.

A sign language interpreter is a person who, in accordance with the law, has obtained professional qualifications for performing the job of a sign language interpreter, i.e.

professional qualifications for interpreting from spoken language to sign language and from sign language to spoken language.

## **II. SIGN LANGUAGE USE**

### **The right to sign language use**

#### **Article 4**

The right to sign language use represents a deaf person's right to learn sign language and the right to use the sign language interpreting services.

Nobody shall disallow a deaf person from the right to use sign language.

A deaf child shall have the right to learn and use sign language.

A parent, or a guardian of the child, or any other person, shall not forbid the child to learn and use sign language.

In addition to the deaf person, other persons shall have the right to learn sign language.

### **Sign language learning**

#### **Article 5**

Sign language learning shall be organized and conducted by an educational institution or another organization which has obtained the status of a publicly acknowledged organizer of the activities of adult education, in accordance with the law, on the basis of the programme which can be adjusted to the needs and possibilities of deaf persons, which results in:

- 1) acquiring knowledge, abilities and skills in order to obtain the crucial competences for realizing the possibilities of personal, social and professional development, in accordance with the law;
- 2) acquiring the abilities for using the obtained knowledge, skills and attitudes necessary for performing the professional activities for sign language interpreting and gaining professional competences for performing the job of a sign language interpreter, in accordance with the law.

The programme referred to in Paragraph 1 of this Article shall be passed by the

Minister responsible for education with the previous consent of the Minister competent for the improvement of the position of persons with disabilities.

## **Using the sign language interpreting service**

### **Article 6**

A deaf person who uses sign language, i.e. a deaf person who is not able to use other forms of communication, lip reading, writing or any other way in order to exercise certain rights, legally based interest or perform obligations, shall have the right to use the sign language interpreting services.

Using the sign language interpreting service shall be conducted by directly recruiting a sign language interpreter or in another way acceptable to the deaf person, using modern technology.

## **Using sign language in a civil service procedure**

### **Article 7**

A deaf person referred to in Article 6 of this Law shall have the right to use sign language in proceedings in front of a government authority, the autonomous province authority or the authority of local self-government units, as well as other authorities or organizations or legal entities charged with performing public authorities (hereinafter: civil services).

## **Using sign language in politics**

### **Article 8**

A deaf person referred to in Article 6 of this Law who participates in political life – at meetings and sessions of public authorities shall have the right to use sign language.

## **Using sign language in educational institutions**

### **Article 9**

Educational and upbringing activities in the institutions for education and upbringing and studies in the institutions of higher education can be conducted in sign language for deaf persons, in accordance with their needs, abilities and possibilities.



Educational and upbringing activities referred to in Paragraph 1 of this Article shall be conducted on the basis of estimating the requirements for providing the additional educational, health or social support by the interdepartmental committee by means of the programme of children's education and upbringing, i.e. through the school syllabus and individual educational syllabus for students, in accordance with the law.

### **Using sign language at the employer's**

#### **Article 10**

A deaf person referred to in Article 6 of this Law shall have the right to use sign language in the process of getting employed and working with the employer, in the following situations: in job interviews, when concluding and terminating the contract of employment or any other work contract without the employment, in professional training and development, while volunteering, while working or participating in work at the employer's on any terms as long as there is an objective necessity for such a service and in the cases when the employed persons are presented with the information which influences their work process or their position at the employer's.

### **III. THE MANNER OF USING THE SIGN LANGUAGE INTERPRETING SERVICES**

#### **Sign language interpreting service provided by the association of persons with disabilities**

#### **Article 11**

The deaf person referred to in Article 6, Paragraph 1 of this Law shall realize the sign language interpreting service on the basis of previously submitted demand to the association of persons with disabilities (hereinafter: the association) on the territory of the local self-government unit where this person resides or exercises the right to legally based interest or performs an obligation, if the association has the assets allocated for these purposes by law.

If the association referred to in Paragraph 1 of this article is unable to provide the sign language interpreting service, the demand of the deaf person shall be directed to the union of the associations dealing with the protection of deaf persons (hereinafter: the union) which, on condition it has the assets allocated for these purposes by law, shall provide the sign language interpreting service by means of the sign language

interpreter supplying the service in the area closest to the territory where the deaf person resides, or exercises the right, legal interest or performs an obligation and who is responsible for providing the sign language interpreting service on the territory of the Republic of Serbia.

In order to exercise the right to the sign language interpreting service, the union shall provide the availability of the service on its website and manage updating the data about sign language interpreters and the area in which they provide their services, i.e. about the possibility of employing a sign language interpreter.

## **Sign language interpreting service provided by another association**

### **Article 12**

Exceptionally from Article 11 of this Law, another association dealing with the protection of deaf persons, in accordance with its objectives, may provide the sign language interpreting service by recruiting its members who are sign language interpreters.

## **Sign language interpreting service provided by a civil service**

### **Article 13**

The deaf person referred to in Article 6, Paragraph 1 of this Law shall realize the sign language interpreting service by addressing to a civil service which shall be obliged to provide this service through its employee who knows sign language and thus may provide the sign language interpreting service or using the assets of this service on condition that the association, or the union do not have the assets allocated for these purposes by law, or that it is necessary to provide the urgent sign language interpreting service.

## **Sign language interpreting service at the employer's**

### **Article 14**

The association, or the union, shall provide the sign language interpreting service in all situations related to exercising the right of a deaf person to use the sign language interpreting services at the employer's, if it has the assets allocated for these purposes by law.

The assets for the sign language interpreting service referred to in Paragraph 1 of this article shall not be ensured by the employer.

## **IV. INCENTIVES FOR APPLYING AND IMPROVING SIGN LANGUAGE USE**

### **Providing the conditions for using the sign language interpreting services on the necessary scale**

#### **Article 15**

If the sign language interpreting service cannot be provided in the manner defined in Article 11 of this Law, the union shall address the Ministry competent for the jobs of improving the protection of persons with disabilities (hereinafter: the Ministry), in order to ensure the development and use of the sign language interpreting service on the necessary scale.

For the purpose of ensuring the development and use of the sign language interpreting service on the necessary scale, the union shall provide the Ministry with the data on the needs of deaf persons, sign language interpreters, provided services by sign language interpreters and other information significant for providing the sign language interpreting service on the necessary scale.

### **Providing the finances for using sign language interpreting service**

#### **Article 16**

The association or the union shall provide the finances for using the sign language interpreting service:

- 1) within the assets from the budget of the Republic of Serbia earmarked for financing the organizations of persons with disabilities and similar associations whose objective is improving the socio-economic and social position of persons with disabilities, distributed by the Ministry according to the possibilities, that is within the available assets earmarked for financing the social welfare institutions or other social welfare providers, according to the possibilities;
- 2) within the assets of territorial autonomy and local self-government units earmarked for the development of social welfare and support for independent living, i.e. improvement of the position of persons with disabilities;
- 3) presents, donations, legacies, loans, interests and other assets, in accordance with the law;
- 4) other sources, in accordance with the law.

## **Incentives for the application of sign language in electronic media**

### **Article 17**

The providers of media services shall have the obligation to consider the possibilities and work on providing conditions for enabling the following of audio-visual media services by means of sign language interpreters or by applying the techniques acceptable to deaf persons to the largest extent possible, ensuring the daily following of the available programme and content.

## **Incentives for the application of sign language using telecommunication services**

### **Article 18**

The providers of telecommunication services shall have the obligation to consider the possibilities and work on providing the services of the universal service, i.e. telephone and other communication services using a videophone, call center or in another way, in order to ensure the equal opportunities for accessing telecommunication services, in accordance with the law.

## **Incentives for the improvement of sign language use**

### **Article 19**

Civil services, the Ministry and other authorities competent for the improvement of the position of persons with disabilities as well as the scientific research, educational and cultural institutions, and other authorities and organizations, shall consider the needs and develop the possibilities for the even provision of fast and efficient service in relation to the needs of deaf persons, adopting suitable regulations, taking steps with the aim of promoting sign language, developing the network of sign language interpreters according to the requirements, arranging the conditions for further standardization, developing and studying Serbian Sign Language and the sign languages of national minorities and undertaking other measures for inciting the application and improvement of sign language use.

The activities referred to in Paragraph 1 of the article shall be performed in collaboration with the association or the union and other associations dealing with the protection of deaf persons' interests, which undertake the steps for the network development and enabling the use of sign language interpreting services throughout the territory of the Republic of Serbia.

## **V. SUPERVISION**

### **Article 20**

The Ministry shall perform the supervision of the application of this Law.

## **VI. PENAL PROVISIONS**

### **Article 21**

A legal entity shall be fined 200,000 to 500,000 dinars if it forbids or does not enable:

- 1) sign language use in educational institutions (Article 9);
- 2) the service of a sign language interpreter provided by the association, or the union (Article 11);
- 3) the service of a sign language interpreter provided by a civil service (Article 13);
- 4) the service of a sign language interpreter at the employer's (Article 14).

The responsible person within the legal entity shall be fined 20,000 to 100,000 dinars for the offence referred to in Paragraph 1 of this Article.

The entrepreneur shall be fined 100,000 to 400,000 dinars for the offence referred to in Paragraph 1 of this Article.

## **VII. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 22**

The Minister in authority shall introduce the programme for learning sign language within six months from the coming into force of this Law.

The association and the union shall be obliged to synchronize their organization, activities and documents with the provisions of this Law within six months from the coming into force of this Law.

### **Article 23**

The present Law shall come into force on the eighth day from the date of its publication in the Official Gazette of the Republic of Serbia.

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