

Press release

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Milestone for equal educational opportunities for deaf students: Flemish government sentenced for discrimination.

The court in Ghent has sentenced the Flemish government for refusal of reasonable accommodations for persons with disabilities – a legal form of discrimination. With this sentence, the demands of three deaf students and their parents are granted. The Flemish Deaf Association is very pleased with this outcome.

In March 2009, four parents submitted a formal complaint against the Flemish minister of Education and several Flemish schools to claim the right to accessible inclusive education for their deaf children. The parents were witnessing how their children, due to a huge shortage of interpreting service hours in the classroom, are denied communication and access to education during more than half of their teaching time. The children concerned can only use the service of a Flemish Sign Language Interpreter for an average of 7 out of 30 teaching hours. Also, the procedure for applying for these interpreting services was not meeting the minimal demands of transparency and objectivity.

The court of Ghent has indeed found the Flemish government guilty of discrimination, because the current amount of interpreting service hours of the deaf students is a refusal of reasonable accommodations for persons with disabilities. The judge refers to scientific research to state that the current amount of interpreting service hours is not sufficient for deaf students to participate in education.

The judge orders the Flemish government to cease this discrimination and to assign the three students interpreting service hours for a minimum of 70% of their teaching hours, with a penalty of €250 on a daily basis in case of non-compliance. The judge also sentences the Flemish government to a payment of a moral compensation of €650 for each student. The procedure to apply for interpreting service hours also needs to be adapted. In the court of Leuven, the claim was dismissed.

The parents and children were assisted by Stibbe, the Brussels lawyer's office which has taken on this case on a pro deo basis. Master Stefan Sottiaux, professor in constitutional right at the Catholic University of Leuven and specialist in discrimination law, and Master Joos Roets did draw up the claim and pleaded the cause before the court. The procedure was supported by the Flemish Deaf Association (Fevlado), the representative of the Flemish Deaf community.

According to both lawyers, the sentence of the judge in Ghent is unique for Flanders because it is the first application of the Flemish decree on Equal opportunities and Equal treatment, which was adopted on July 10th 2008. This decree forces both government institutions and private organisations to provide reasonable accommodations for persons with disabilities. If they neglect to do this, they are guilty of discrimination. Educational institutions have this obligation as well.

Fevlado is very pleased with this fundamental sentence of the Ghent court and calls this an important milestone for equal educational opportunities for deaf students. After more than 10 years (when for the first time, a Flemish deaf student could use an interpreter in education)

the right of all deaf children and young people for equal educational opportunities is now finally recognized. This is all the more important since Flemish deaf schools can't grant diplomas. So if deaf students want to have access to higher education and to the labour market, they have no other choice than to go to mainstream hearing schools. This is only possible for them if these hearing schools are fully accessible by means of Flemish Sign Language interpreters.

Fevlado hopes that the new Flemish minister of Education and Equal Opportunities will provide the necessary reasonable accommodations –not only for the three students concerned, but for all deaf children, young people and adults in secondary, higher en adult education now and in the future.

For more information you can contact Fevlado: belangenverdediging@fevlado.be