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FLASH REPORT

Country:	Serbia
Title:	Organisation P. v. Elementary school B.R. from B., Local administration of Bujanovac municipality, Ministry of education, science and technological development and School management from Vranje
Date:	8 July 2019
Expert:	Ivana Krstic
<u>Context</u>	
Issue at stake:	Segregation of Roma children in education
Grounds of discrimination:	Racial or ethnic origin
Field of application:	Education
Source:	National equality body
Applicable law:	Law on the Prohibition of Discrimination

Content

Case development: The organisation P. submitted a complaint to the Commissioner for the Protection of Equality (CPE) claiming that the elementary school B.R. from Bujanovac, the local administration of the Bujanovac municipality and the Ministry of Education, Science and Technological Development, each from the aspect of their jurisdiction, violated the provisions of Articles 6 and 19 of the Law on the Prohibition of Discrimination (LPD) as they did not implement adequate and effective measures to prevent and eliminate the formation of special Roma classes in the said school.

The organisation submitted a complaint regarding the formation of segregated classes in the school year 2018/19, but pointed out that segregation has existed for many years, that separate Roma classes exist in almost all grades, that there is an evidently disproportionate under-representation of Roma pupils and their parents in the Student Parliament, the Parents' Council and the School Board, that the annual plans of the school are burdened with stereotypical and discriminatory statements, and that the local environment is not supportive for the members of the Roma community.

In its statement, the elementary school B.R. claimed that out of five classes in the first grade, two Roma classes were formed at the request of parents that their children stay in the groups in which they were in a pre-school institution. The Ministry of Education, Science and Technological Development, among other things, stated that parents of children of Serbian ethnicity delivered a petition that their children should be placed in three mixed classes instead of five. It was further stated that several meetings were unsuccessfully organized with parents, whose children protested by not attending the classes. Therefore, the Ministry appreciated "the protection of the right to education as a higher interest" and it requested the school administration to "look at the conditions in which the school works and the social moment" (the number of Roma pupils that attend the school), which allowed the formation of three mixed classes and two classes composed exclusively of Roma students.

Opinion of the Equality body: The CPE delivered its opinion in March 2019, and published it on 27 May 2019.¹ The Commissioner found that the municipal administration, the primary school and the Ministry of Education, each from the aspect of their competence, did not implement adequate and effective measures to prevent and eliminate the formation of segregated classes for Roma pupils. The CPE found that this is a case of direct discrimination (violation of Article 6 of the LPD), committed in the area of education (violation of Article 19 of the LPD). The Commissioner recommended to the school to prepare a detailed and comprehensive desegregation plan, to take all necessary actions and measures to ensure that all employees in the school undergo training on non-discrimination, as well as to take all the necessary measures within its jurisdiction to develop a spirit of tolerance and acceptance of diversity through the appropriate programs, training and education. Also, the Commissioner recommended to the municipality to take measures aimed at meeting the needs of citizens in the field of education in the form of the assistance and support to the school, and to the competent authorities in order to prepare Roma children at pre-school age for attending a pre-school program in Serbian with children of other ethnicities. The Ministry is recommended to monitor the implementation of measures in elementary school B. R. and to provide the necessary support to the school in the implementation of the imposed measures.

Unfortunately, this example of segregation is not an isolated case, and Serbia needs to deal with this problem, as pointed out by the European Commission in its Report for Serbia for 2019.² This opinion is very important as in its previous practice concerning the complaint procedure, the Commissioner either didn't find discrimination despite the existing segregation of Roma children,³ or found a violation of the Law on the Fundamentals of the Education, but not the provisions of the LPD.⁴

Internet link source: <http://ravnopravnost.gov.rs/1135-18-misljenje-po-prituzbi-protiv-os-oubujanovac-i-mpntr-zbog-segregacije-romske-dece-u-oblasti-obrazovanja-cir/>.

¹ *Organisation P. v. Elementary school B.R. from B., Local administration of Bujanovac municipality, Ministry of education, science and technological development and School management from Vranje*, complaint no. 07-00-1328/2018-02, opinion from 27 May 2019.

² European Commission, Serbia Progress Report 2019, Brussels, 29 May 2019, p. 31.

³ *R. against several persons and institutions*, complaint no. 1737, opinion from 7 November 2012.

⁴ *U.G.R. from B. v. The elementary school J.J. Z. from S.*, complaint no. 07-00-00362/2012-01, opinion from 22 February 2013.