



**The Republic of Serbia**  
**MINISTRY OF EDUCATION AND SCIENCE**

**REPORT OF THE REPUBLIC OF SERBIA ON IMPLEMENTATION OF THE  
CONVENTION AND RECOMMENDATION AGAINST DISCRIMINATION IN  
EDUCATION, 1960**

**Belgrade, 2012**

Preparation of the National Report of the Republic of Serbia on implementation of the UN Convention and Recommendation against Discrimination in Education, 1960, was coordinated by a working group of the Ministry of Education and Science of the Republic of Serbia.

Consultations between departments were organised in the process of document preparation. Important contributions to these consultations were given by the team of the Vice-president of the Government for implementation of the Strategy for Poverty Reduction, professional associations and non-governmental organisations.

Official data of the Ministry of Education and Science of the Republic of Serbia are used in this Report. This data refers to education and is based on information and data of the Ministry of Education and Science of the Republic of Serbia and the Statistical Office of the Republic of Serbia.

Terminology used in preparation of the Report is presented in its original form as in appendices and legal regulations in the educational system of the Republic of Serbia.

We would like to thank all the people who gave their contribution to drafting the Report of the Republic of Serbia, as well as staff working on editing and preparing of the Report for its publication in Serbian and English.

Ministry of Education and Science of the Republic of Serbia

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## 1. SUMMARY

Relevant government and non-government organisations and expert institutions took part in preparation of the Report of the Ministry of Education and Science of the Republic of Serbia by way of organised consultations and also consultations with all sectors within the Ministry. Experience gained in the field of discrimination in education was a starting point in preparation of the Report contents, as well as in definition of its structure.

The first objective of this Report was to show the status of educational system of the Republic of Serbia through the prism of combating discrimination in education, in accordance with the implementation of the Convention and Recommendation against Discrimination in Education from 1960.

The second objective was to integrate experience gained in the field of undertaken measures in laws and secondary legislation to prevent discrimination in education, recognise weaknesses of the system, identify actors responsible for its prevention, and create a platform for future cooperation and networking for the purpose of developing the inclusive policy, culture and practice in the Serbian educational system.

The Republic of Serbia is a European country located in the central part of the Balkan Peninsula. The territory of the Republic of Serbia covers an area of 88,361 km<sup>2</sup>. According to the data of the Statistical Office of the Republic of Serbia and the latest census from 2011, 7,276,195 inhabitants live in Serbia.<sup>1</sup>

The Constitution of the Republic of Serbia prohibits discrimination on all grounds, including the right to education. Along with the Constitution, several paragraphs of the Anti-discrimination Law can also be found in the Law on Protection of Rights and Freedoms of National Minorities, the Law on the Fundamentals of the Education System, the Law on Preschool Education, the Law on Primary School, the Law on Secondary School, the Law on Higher Education, the Law on Textbooks and Other Teaching Tools and the Law on Social Care of Children. Also, the Republic of Serbia adopted the Anti-discrimination Law in 2009.

The education activity is performed in Serbia: *in preschool education* — by preschools (kindergartens); *in primary education* — by primary schools, primary schools for education of adults, primary music/ballet schools and primary schools for education of pupils with developmental impairments and disabilities; *in secondary education* — by secondary schools, namely: gymnasiums (general and specialised), vocational schools, combined schools, arts schools, secondary schools for education of adults and secondary schools for pupils with developmental impairments and disabilities. Higher education is acquired at universities founded by the Republic of Serbia, as well as at private universities and faculties.

The Republic of Serbia has a network consisting of 161 preschools, 1246 primary schools, 569 secondary schools and 208 higher education institutions.<sup>2</sup> The basic principles the education concept is founded on are inclusive principles ensuring the right to education for all children and pupils, and obligations of all actors in the educational system to implement these principles in practice: accessibility, educational opportunity under equal conditions throughout the territory of the state, good quality education, enabling equal opportunities for education of children and pupils with developmental impairments and disabilities, as well as other children or pupils from vulnerable groups, national minorities, refugees and displaced persons.

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<sup>1</sup> Without data for the AP Kosovo & Metohija

<sup>2</sup> Data of the Ministry of Education and Science from 2010



The Law on the Fundamentals of the Education System, secondary legislation and other acts prohibit discrimination on all grounds. The legislation regulates provision of support to pupils in acquiring the best education and getting involved in the life-long learning process, maximum horizontal and vertical movement within the system, free education for pupils in primary and secondary schools the founder of which is the Republic of Serbia, right to higher education for all persons having previously completed secondary education, autonomy of educational institutions at all levels of education and academic freedom of higher education institutions.

The quality of education and respect of regulations for the purpose of delivering good quality education for all are implemented by educational advisors, and municipal and national inspectors. Improvement of the entire system of education, including prevention of discrimination in education, is carried out by the Ministry of Education and Science of the Republic of Serbia, which is also in charge of education policy making and implementing the concepts in the practice, and also by the Institute for Improvement of Education, Institute for Evaluation of Quality in Education, professional associations, non-governmental and other organisations and institutions.

## 2. INTRODUCTION

### 2.1. Background – Republic of Serbia

<b>Table 1: Basic information on the Republic of Serbia Geographic position</b>	Europe, central part of the Balkan Peninsula
<b>Area of the territory</b>	88,361 km <sup>2</sup>
<b>Number of inhabitants</b>	7,276,195 (without data for AP Kosovo & Metohija)
<b>Capital</b>	Belgrade
<b>Political system</b>	Parliamentary democracy
<b>National composition</b>	Multinational and multiconfessional state – Serbs (majority population – 82.86%) and 37 other national communities and ethnic groups of different confessions – three minority groups with the largest population: Hungarians (3.91%), Bosnians (1.81%), Roma (1.44%)

### 3. REPORT

#### I

#### 1. Accession measures – Ratification of the Convention against Discrimination in Education

The UN Convention against Discrimination in Education was ratified in 1964 by the then country Socialist Federative Republic of Yugoslavia - SFRY. After the breakup of SFRY, the Federal Republic of Yugoslavia (FRY) was formed and declared successor of SFRY. After separation of Montenegro from FRY, the Republic of Serbia was formed and declared successor of FRY. By analogy, the Republic of Serbia is the legal heir of SFRY, meaning that it is bound by all acts ratified by the former SFRY.<sup>3</sup>

#### 2. Implementation of the Convention against Discrimination in Education – national legal grounds

The second part of the Constitution of the Republic of Serbia<sup>4</sup> contains a definition of the legal framework for the exercise of human and minority rights and freedoms. The Constitution stipulates prohibition of discrimination, which refers to all areas of social life (Article 21):

*All are equal before the Constitution and law. Everyone shall have the right to equal legal protection, without discrimination.*

*All direct or indirect discrimination based on any grounds, particularly on race, sex, national origin, social origin, birth, religion, political or other opinion, property status, culture, language, age, mental or physical disability shall be prohibited.*

*Special measures which the Republic of Serbia may introduce to achieve full equality of individuals or groups in a substantially unequal position compared to other citizens shall not be deemed discrimination.*

Inviolability of dignity and right to free development to own personality (Article 23) are also universally valid constitutional categories. The framework for promotion of respect for differences is established by the Article 48 of the Constitution:

*The Republic of Serbia shall promote understanding, recognition and respect of diversity arising from specific ethnic, cultural, linguistic or religious identity of its citizens through measures applied in education, culture and public information.*

Within the exercise of the right to education, the Constitution guarantees free primary and secondary education and enables access to higher education to all citizens of Serbia under equal conditions, and free tertiary education to pupils who achieve certain results at entrance exams (Article 71).

The Constitution guarantees special benefits to members of national minorities<sup>5</sup> regarding decision making on issues in different areas of social life, including education, and within the exercise of the right to self-governance. The Constitution also foresees a possibility to establish

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<sup>3</sup> Official Journal of SFRY – International agreements number/year of publication:04/64 Type of regulation: Decree; Title of the legal regulation: Decree on Ratification of the Convention against Discrimination in Education

<sup>4</sup> Official Gazette of RS, no. 98/06

<sup>5</sup> III 10. National minorities' rights

a) How are the rights of national minorities to their own educational activities protected?

national councils (Article 75). Any discrimination on the grounds of affiliation to a national minority is forbidden (Article 76), as well as forced assimilation (Article 78). Within the right to preservation of specificity in the field of education, the rights foreseen are: the right to education in the language of a national minority in public institutions and institutions of autonomous provinces, and the right to found private educational institutions (Article 79). Members of national minorities have a right to undisturbed relations and cooperation with their nationals outside the territory of the Republic of Serbia (Article 80).

Developing the spirit of tolerance (Article 81) is the fundamental component of anti-discriminatory behaviour in public life:

*In the field of education, culture and information, Serbia shall give impetus to the spirit of tolerance and intercultural dialogue and undertake efficient measures for enhancement of mutual respect, understanding and cooperation among all people living on its territory, regardless of their ethnic, cultural, linguistic or religious identity.*

Laws, secondary legislation and strategic documents directly or indirectly dealing with education fully integrate and detail the contents of the above mentioned provisions of the Constitution from different aspects and in accordance with their purpose. Regarding the educational system of the Republic of Serbia, the **Law on the Fundamentals of the Education System**<sup>6</sup> – LFES is entirely founded on the constitutional principles in the area of the exercise of rights to education.

Principles of the educational system, based on inclusive principles (Article 3) rely most explicitly on the rights guaranteed by the Constitution, including the right to education of all citizens of the Republic of Serbia. Comprehensiveness is the basic principle (... *shall provide for all children, pupils and adults*), which is followed by equal rights and accessibility (*equal right and accessibility of education and pedagogy without discrimination based on gender, social, cultural, ethnic, religious or other background, place of residence or domicile, financial or health status, developmental difficulties and impairments and disabilities...*), adaptation to age and personal educational needs, provision of quality, continuity (life-long learning) and respect for differences.

Right to education is regulated in more details by the Article 6 of this Law, which encompasses the position of persons with developmental impairments and disabilities, persons with exceptional abilities and foreign citizens in education, as well as by the Article 9, which prescribes the right to the use of language of national minorities, and/or the right of persons with developmental impairments and disabilities to use the sign language or special script and other technical solutions that may be used when delivering the education process in the sign language and with the use of the means of that language.

Discrimination, violence, abuse and neglect of participants in the educational system are forms similar to gross violation of human rights and freedoms guaranteed by the Constitution.

Provisions of the Article 44 of the LFES relate to detection of forms and prohibition of discrimination:

*Activities aimed at threatening, belittling, discriminating or singling out groups or individuals on the basis of their racial, national, ethnic, linguistic, religious background or gender, physical and psychological characteristics, developmental impairments and disabilities, health condition, age, social and cultural origin, financial status or political views as well as*

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<sup>6</sup>Official Gazette of RS, no. 72/09, 52/11

*encouraging or not preventing such activities, and other types of activities stipulated by the law prescribing the prohibition of discrimination, shall be prohibited in an institution.*

*Discrimination of a group or an individual shall imply each and every direct or indirect, covert or overt exclusion or limitation of rights and freedoms, unequal treatment or failure to act or unjustified differentiation through lax discipline or giving precedence.*

*Special measures introduced for the purpose of achieving full equality, protection and progress of disadvantaged persons or groups shall not be considered as discrimination.*

*More detailed criteria enabling an employee, pupil or another person in an institution to detect different forms of discrimination shall jointly be prescribed by the minister and the minister in charge of human rights.*

In order to provide equal treatment of pupils from vulnerable groups, the legal solution stipulates involvement of all pupils, regardless of their abilities – primarily pupils with developmental impairments and disabilities – in a joint educational environment of mainstream schools, with application of the individual education plans - IEP (Article 77):

*An institution shall eliminate physical and communication obstacles and adopt individual education plan for child or pupil in need of additional educational and pedagogical support, due to social deprivation, developmental impairment, physical disability or for other reasons.*

*The aim of the IEP shall be to attain an optimal level of inclusion of a child or pupil into regular educational and pedagogical activities and to enable him/her to gain independence in his/her peer group.*

Provisions on enrolment of children, pupils and adults into primary and secondary school (Articles 98, 99 and 100) contain exceptions and special measures of support to members of socially vulnerable groups, foreign citizens, refugees and displaced persons, in order to avoid discrimination of children, pupils and adults on any grounds. Support is also given in form of a financial assistance by way of provision of free excursions, meals, textbooks, etc., programme assistance (preparatory and additional lessons for refugees and displaced persons), technical assistance (enrolment of children from socially vulnerable groups without proof of parents' residence and necessary documentation), or support prescribed under special conditions (affirmative action of enrolling Roma pupils in secondary school or faculty):

*Exceptionally, certain persons or groups of persons may be enrolled into the secondary school under more favourable conditions so as to achieve full equality in education opportunities, in accordance with standards and pursuant to the procedure prescribed by the minister (Article 99).*

Staff support is another measure set forth by the law to assist certain groups of children or pupils in adapting to the conditions of educational and pedagogical work:

*Pedagogical assistant shall extend assistance and additional support to children and pupils in keeping with their needs, but also to teachers, preschool teachers and psychologists/pedagogues for the purpose of improving their performance when working with children and pupils in need of additional education support. While performing his/her activities he/she shall establish cooperation with parents or caregivers, while at the same time he/she shall cooperate with the managing director so as to establish cooperation with competent institutions, organisations, associations and the local self-government unit.*



## II Application of the Convention against Discrimination in Education

### 1. Prohibition of discrimination in education

#### a) To what extent is discrimination in education based on the fundamentals set forth by the Convention put outside of the legal frameworks in your country

Discrimination in education in the Republic of Serbia is not outside of the legal frameworks, and work is also being done on secondary legislation aimed at preventing discrimination in education. Starting from the Article 44 of the LFES, the Ministry of Education and Science prepared a **proposed By-law on more detailed criteria to detect forms of discrimination by an employee, pupil or another person in an institution**. This by-law covers all forms discrimination may appear in, and it relates to situations in which, due to their personal characteristics, persons are:

- *limited or denied their rights to education under equal conditions;*
- *their enrolment into an institution is made difficult or impossible;*
- *persons or groups of persons are excluded from the education system;*
- *denied or rendered impossible an opportunity to follow instruction and participate in other educational and pedagogical activities;*
- *classified or abused by pupils or other persons.*

Forms of discrimination recognised in the proposed By-law are:

- *violation of the principle of equal rights and obligations;*
- *prohibition of invoking accountability (unjustified exposure to a worse treatment because of seeking protection from discrimination with accompanying consequences for the protection seeker);*
- *association for the purpose of discriminating;*
- *hate speech;*
- *harassment and humiliating proceeding.*

Special cases of discrimination indicated by the proposed By-law are:

- *achievement of general outcomes and standards of pedagogy and education;*
- *exercise of the right to education;*
- *use of language;*
- *ensuring safety of children and pupils;*
- *respect of rules of conduct in institutions;*
- *planning and programming of educational-pedagogical and pedagogical-educational work (hereinafter referred to as: the educational and pedagogical work);*
- *realisation of educational and pedagogical work;*
- *management and organisation of work (hereinafter referred to as: management) of an educational institution;*
- *respect of child's and/or pupil's rights;*
- *collection and use of information about children, pupils, parents, caregivers and employees in cases not foreseen by the law or secondary legislation;*
- *employment and treatment of employees in an institution, as well as*
- *other areas relevant for education and pedagogy.*

**b) Please describe measures adopted with the aim to eliminate and prevent discrimination with the meaning defined by the Convention/Recommendation, including prohibition of discrimination in enrolling pupils into an education institution, equal treatment, support offered by public educational services to educational institutions and treatment of foreign citizens resident within the country.**

Equal right and accessibility of education without discrimination are guaranteed in preschools and primary schools in the Republic of Serbia. Activities aimed at threatening, belittling, discriminating or singling out individuals on the basis of their gender, social, cultural, ethnic, religious or other background, place of residence, financial or health status, and on other grounds set forth by the Law prescribing prohibition of discrimination, are prohibited.

The By-law stipulating more detailed criteria for detection of forms of discrimination by an employee, pupil or another person in an institution is in the final procedure of adoption. The By-law is to be jointly enacted by the minister of education and the minister in charge of human rights affairs.

Every child who is at least six and a half years old and not more than seven and a half years old by the beginning of a school year shall be enrolled into the first grade of primary school. Children from socially vulnerable groups may be enrolled into school without previously submitting the proof of their parents' residence and other necessary documentation.

Examination of a child entering the first grade of the primary school shall be performed by a psychologist and pedagogue of the school in child's native language, by applying standard procedures and instruments. If there is no possibility for the child to undergo the test in his/her native language, the school shall outsource an interpreter at the proposal of the national council of the national minority. The examination of children with motoric or sensory disabilities may be carried out by applying the type of examination best suited for the child's capacity to respond. A school shall be obliged to enrol each and every child on its territory. At the request of the parents, a school may enrol a child coming from another school's territory, subject to the school's capacities.

Support provided by public educational services to educational institutions is delivered, among other, by prescribing an individual education plan (Article 77) and additional support to children and pupils with developmental impairments and disabilities, as well as to every child and/or pupil in need of additional education support (Article 98).

The Law on Preschool Education sets forth that children with developmental impairments and disabilities shall exercise their right to preschool education in a preschool group, preschool group with additional support and individual pedagogy-education plan and in development group.

Children-foreign citizens, as well as children from vulnerable groups without proof of residence and other personal documents, refugees or displaced persons are enabled to enrol into a preschool and/or school delivering the preparatory preschool programme under the same conditions and in the manner regulated for the citizens of the Republic of Serbia. Parents of a foreign citizen child shall pay economic price per child for stay in a preschool, while parents without citizenship, exiled or displaced persons, shall pay the price per child regulated by the founder, in conformity with the law regulating the financial support to a family with child (Article 14).<sup>7</sup>

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<sup>7</sup> Law on Preschool Education, Official Gazette of RS, no. 18/10

## 2. Equal educational opportunities aimed at education for all (EFA)

- a) What has the government done in order to guarantee equal access to education at all levels in your country – e.g. regarding anti-discrimination measures, financial support, scholarships, positive or affirmative actions?

Anti-discrimination measures, financial assistance, scholarships, affirmative action measures and instruments of support to children and pupils in need of additional learning support during their education, at all levels of education are explained through answers provided in this Report.

- b) Please describe how laws and policy in the field of education are developed and how strategies and programmes in your country are implemented in order to achieve full exercise of the rights of every person to education, equal educational opportunities and delivery of education for all as UNESCO's priorities.

Strategic documents dealing with vulnerable groups of population<sup>8</sup> indicate discrimination in different forms of social life as one of the urgent social problems.

*Particular emphasis should be placed on the problem of extreme forms of discrimination and intolerance.<sup>9</sup> It is very difficult to establish the exact size of this problem, but it can be glimpsed if taking into account the estimate that about 90% of extreme forms of discrimination and intolerance is never reported due to fear of revenge, lack of trust in institutions or fear of being labelled.<sup>10</sup> Numerous reports and research show that hate motivated incidents as well as hate speech are very present in our society.<sup>11</sup> According to the reports of international and non-*

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<sup>8</sup> National Strategy for Youth, Strategy for Poverty Reduction, Sustainable Development Strategy, Adult Education Strategy, Strategy for Improvement of the Status of Persons with Disabilities, Strategy for Improvement of the Status of Women and Improvement of Gender Equality, Strategy for improvement of the Status of Roma

<sup>9</sup> One of the reasons is inexistence of the "hate crime" category in our legislation. The OSCE Ministerial Council has encouraged all member countries to collect and keep statistical information about "hate crimes" and to actively fight against this phenomenon. More details can be found at:  
[http://www.osce.org/documents/mcs/2006/06/19330\\_en.pdf](http://www.osce.org/documents/mcs/2006/06/19330_en.pdf).

<sup>10</sup> "Combating Hate Crimes in the OSCE Region: an Overview of Statistics, Legislations and National Initiatives", p.23

<sup>11</sup> Some of the recent research: "Challenges and Responses to Hate Motivated Incidents in the OSCE Region: for the period January-June 2006", OSCE/ODIHR, 2006, available at:

[http://www.osce.org/documents/odihr/2006/10/21496\\_en.pdf](http://www.osce.org/documents/odihr/2006/10/21496_en.pdf); "Hate Crimes in the OSCE Regions, incidents and responses: annual report for 2006", OSCE/ODIHR, 2006, available at  
[http://www.osce.org/publications/odihr/2005/09/16251\\_452\\_en.pdf](http://www.osce.org/publications/odihr/2005/09/16251_452_en.pdf); "Combating Hate Crimes in the OSCE Region: an Overview of Statistics, Legislations and National Initiatives", OSCE/ODIHR, 2005, available at  
[http://www.osce.org/publications/odihr/2005/09/16251\\_452\\_en.pdf](http://www.osce.org/publications/odihr/2005/09/16251_452_en.pdf); *Политичко насиље у Србији од октобра 2006. до априла 2007. Године, (Political violence in Serbia from October 2006 to April 2007)* Youth Initiative for Human Rights, 2007, <http://www.yihr.org/uploads/publications/bhs/17.pdf>; *Говор мржње према лезбејској и геј популацији у електронским медијум, (Hate speech against lesbian and gay population in electronic media)* LABRIS, 2007, available at  
<http://www.labris.org.yu/images/npublikacije/govor-mrznje.pdf>; *Истраживање о насиљу над LGBTTIQ популацијом у Србији, (Research on violence against LGBTTIQ population in Serbia)* Labris, Belgrade, 2006, available at [http://www.labris.org.yu/images/npublikacije/istrazivanje\\_web.pdf](http://www.labris.org.yu/images/npublikacije/istrazivanje_web.pdf); Human Rights Watch Report on

*governmental organisations in the Republic of Serbia, the most jeopardised groups are Roma, lesbian and gay population, minority religious communities, HIV positive and other minority, marginalised and socially vulnerable groups.*<sup>1213</sup>

The need for better inclusion of children in preschools, especially children from vulnerable groups, has been indicated in numerous strategic documents:

- National Programme for EU Integration – NPI (Government of RS, 2008, section 3.26.1.1)
- Strategy for Poverty Reduction (Government of the Republic of Serbia, 2003)
- Millennium Development Goals (Government of the Republic of Serbia, 2003)
- National Action Plan for Children (Government of the Republic of Serbia, 2004)
- National Strategy for Improvement of the Status of Roma in the Republic of Serbia (Government of the Republic of Serbia, 2009)

In 2006, the Government of the Republic of Serbia adopted a document *National Millennium Development Goals in the Republic of Serbia*, which defines goals and tasks to be achieved in Serbia by 2015. The following has been defined in the area of preschool education:

- 70% of children (3-7 years of age) to be included in the preschool education by 2015, with a special emphasis on children from risk groups (children from rural areas, Roma children, children with developmental impairments);
- Double the number of preschools, with their balanced geographical distribution.

Preschool education has an important role in prevention of school failure and social exclusion. Increased capture of children by preschool education, primarily of 3 to 7 years of age, enables a higher enrolment rate and reduced drop-out of children from primary education, especially of children from socially and culturally deprived environments, who haven't had enough encouragement for development in their environments for which reason they might lag behind and drop out of primary school.

The compulsory Preschool Preparatory Programme (PPP) was introduced in 2006/2007 with the aim to increase the capture of children and to keep them further in the system. The key issues within the preschool education are insufficient capture of children (especially children from vulnerable groups), insufficient number of preschools including their network with an inadequate geographic distribution, and disadvantaged financial status of the preschool activity as a whole.

Enactment of the *Law on Preschool Education* in 2010 is of particular importance for development of preschool education, as well as of secondary legislation which regulates in more details specific issues of this activity. The Strategy of Education and Pedagogy in the Republic of Serbia is currently being designed and it contains the Strategy for Development of Preschool Pedagogy and Education as its integral part.

**c) What measures have been planned in your country aimed at inclusive education, for instance, measures paying particular attention to gender equality and equality in education and educational needs of the poor, economically and socially marginalised and vulnerable groups of population?**

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violence against minorities for 2005: "Dangerous Indifference: violence against minorities in Serbia", available at <http://hrw.org/reports/2005/serbia1005>.

<sup>12</sup> Idem.

<sup>13</sup> Quoted from: National Strategy for Youth, Belgrade, 2008



According to the Law on Preschool Education, the priority in enrolment of children in a preschool, the founder of which is the Republic of Serbia, autonomous province or local self-government unit, is given to children from vulnerable groups (Article 24). The Bylaw regulating more detailed conditions for setting priorities in enrolment of children in a preschool identifies the following groups of children as vulnerable: children who are victims of family violence, children from families using some form of social protection and children without parental care, children of single parents, children from socially non-stimulating environments, children with impairments in mental and physical development, children from families in which there is a child seriously ill or with impairments in mental or physical development, children of seriously ill parents, children whose parents are disabled war veterans or have a status of displaced or exiled persons, children proposed by the Centre for Social Work, and children from environments in which their health, safety and development are threatened by family and other living circumstances.

Pedagogical assistants working in preschools and primary schools provide assistance and additional support to children in keeping with their needs, and also cooperate with preschool teachers and psychologists/pedagogues, parents and/or caregivers, and at the same time cooperate with the managing director/principal so as to establish cooperation with competent institutions, organisations, associations and the local self-government units. They also perform other tasks in conformity with the Law on the Fundamentals of the Education System.

The Project *Good quality education for all-increasing the availability and quality of education for children from marginalised groups* contributes to inclusion of children from marginalised groups in the system of preschool and primary education by providing a systemic support based on legal regulations. The support system has been provided primarily by introducing pedagogical assistants in the educational system i.e. preschools and primary schools. Financing has been provided from the budget of the Republic of Serbia.

Support to employees in the domain of building competencies for implementation of inclusive education has been provided within several projects of the Ministry of Education and Science (*DILS, Education for All – increasing the availability and quality of education for children from marginalised groups, IMPRES*). Also, one of the measures of financial support to institutions has been realised within the DILS project in form of grants given to institutions.

Extending the offer of programmes and services with a special focus on children from vulnerable groups is an important component of the project *Improvement of Preschool Education in the Republic of Serbia - IMPRES*.

### **3. Progress regarding the exercise of the right to education**

#### **1) Universal primary education**

##### **a) Please provide information on progress achieved in relation to the provision of universal approach to primary education.**

The compulsory preparatory preschool programme in the duration of 6 months was introduced at the central level as of the school year 2006/2007 for all children aged between 5.5 and 6.5 years. The duration of this programme was extended to 9 months by the changes and amendments to the Law on the Fundamentals of the Education System from 2009.

Bearing in mind the fact that attending preparatory preschool programme is compulsory for all children in the year preceding enrolment into school, the LFES prescribes that the local self-government units shall keep records and inform preschools and/or schools delivering the preparatory preschool programme and parents and/or caregivers about children having reached the age for preparatory preschool programme by 1 April of the current year for the next year at the latest. Also, in order to create conditions for monitoring and better capture of children in the year before enrolment into school, the same law prescribes that a preschool and/or school delivering the preparatory preschool programme shall inform parents and/or caregivers and the local self-government units about children who are not enrolled, fail to attend regularly or stop attending the preparatory preschool programme within 15 days from the enrolment expiration date at the latest and/or from the date of seizure of regular attendance of the preparatory preschool programme. The law also sets forth that a parent shall enrol his/her child in a preschool and/or school to attend the preparatory preschool programme.

Data shows that 3,456 children of Roma nationality were included in the preparatory preschool programme in the school year 2009/2010. In 2009/2010, 5,455 children who are members of national minorities attended the preparatory programme in their mother tongues or bilingually. The percentage of children captured by the preparatory preschool programme is constantly increasing, and amounts to:

2006/2007 – 64,048 (84.20%)

2007/2008 – 69,728 (88.85%)

2008/2009 – 71,444 (91.80%)

2009/2010 – 69,378 (87.82%)

2010/2011 – 74,681 (96.07%)

(data of the Statistical Office of the Republic, 2011)

**b) Is primary education free for everybody? If so, what laws and policies regulate universally free access to primary education? If not, how does your country intend to ensure free primary education?**

The preparatory preschool programme is part of the regular programme of preschools with a whole day or half a day duration, which is delivered to children in the year preceding their enrolment into school, and the attendance of this programme is free in the institutions founded by the Republic, autonomous province or local self-government units.

In accordance with the Law on the Fundamentals of the Education System, Article 91, primary education of pupils and adults is free in institutions founded by the Republic of Serbia, autonomous province or local self-government units.

**c) What strategies and programmes are being implemented to ensure that “by 2015 all children, especially girls, children in a difficult position and children belonging to ethnic minorities, have access and complete free and compulsory primary education of good quality?”<sup>14</sup>**

Strategies of the Government of RS that are being implemented in order to ensure availability and quality of compulsory and free primary education are:

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<sup>14</sup> Framework for the action from Dakar, adopted by the World Education Forum, Dakar 2000.

- National Strategy for Prevention and Protection of Children against Violence<sup>15</sup>
- Strategy for Improvement of the Status of Roma in the Republic of Serbia<sup>16</sup>
- Sports Development Strategy of the Republic of Serbia for the period from 2009 to 2013<sup>17</sup>
- National Sustainable Development Strategy<sup>18</sup>
- Strategy for Combating Drugs in the Republic of Serbia for the period from 2009 to 2013<sup>19</sup>
- Strategy on Personal Data Protection<sup>20</sup>
- Strategy for Information Society Development in the Republic of Serbia by 2020<sup>21</sup>
- Strategy for Improvement of the Status of Persons with Disabilities in the Republic of Serbia<sup>22</sup>
- National Strategy Improvement of the Status of Women and Improvement of Gender Equality<sup>23</sup>
- Strategy for Social Protection Development<sup>24</sup> .

Along with strategic measures, the following programmes are also implemented with the same goal:

- Delivery of improved local services (DILS)
- Integrated educational information system (JISP)
- Supporting quality assurance – the system of tests in primary and secondary education
- Developing standards and instruments for external evaluation of educational institution performance
- Professional development of education employees
- Framework action plan for prevention of violence at educational institutions
- Common action plan for the advancement of education of Roma in Serbia within the Strategy for improvement of the status of Roma
- Education for all – improving availability and quality of education for children from marginalised groups
- Support for education of minorities and Roma
- Functional primary education of adult Roma

Second chance – development of a system for functional primary education of adults in Serbia

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<sup>15</sup> Official Gazette of RS, number 122/08

<sup>16</sup> Official Gazette of RS, number 27/09

<sup>17</sup> Official Gazette of RS, number 110/08

<sup>18</sup> Official Gazette of RS, number 57/08

<sup>19</sup> Official Gazette of RS, number 16/09

<sup>20</sup> Official Gazette of RS, number 58/10

<sup>21</sup> Official Gazette of RS, number 51/10

<sup>22</sup> Official Gazette of RS, number 1/07

<sup>23</sup> Official Gazette of RS, number 15/09

<sup>24</sup> Official Gazette of RS, number 108/05

**d) What difficulties have been encountered by your country in implementing the universal access to free primary education?**

Laws and regulations enable the universal access to free education for all children and pupils.

**e) If primary education is not currently compulsory in your country, please provide us with details on its implementation.**

Primary education is compulsory and free.

**II) Secondary education**

**a) Is secondary education, including vocational education, available to all in your country?**

**b) To what extent is such secondary education free?**

**c) Please, provide us with information about progress made and difficulties encountered**

Secondary education is free and not compulsory. There is no formal obstacle to accessing secondary education by any group of pupils, including adult students.

In multinational environments the LFES foresees a possibility of delivering education in a language of national minority or bilingually, in which case Serbian is taught as a second language. Equality in the use of language and script is implemented already in the phase of preparation for enrolment into secondary school, when tests for taking graduation exams are printed and distributed in a sufficient number of copies in languages of national minorities in ethnically mixed environments.

Gender equality in the formal educational system is respected at all levels of government from the viewpoint of users. A suitable terrain for expression of gender inequality is found in the factors not directly related to the competences of the state in its education policy. Poverty, low living standards and unemployment resulting from the economic crisis in the country, and also socio-economic stratification between urban and rural areas, ethnically profiled local customs and other factors, are more present in economically less developed municipalities and regions.

Pupils with developmental impairments and disabilities are provided with a certain number of educational profiles with a three-year duration adjusted to their needs and abilities. All schools for pupils with developmental impairments and disabilities in the territory of the Republic of Serbia deliver adjusted programmes. Also, where needed, there are classes in mainstream primary schools for pupils with developmental impairments and disabilities. Teaching and associate staff acquire additional professional and pedagogical abilities and skills for work with sensitive groups of pupils-trainees.

Syllabi for religious and civic education promote equality of all and condemn discrimination on any ground.

Affirmative action measure in enrolling Roma pupils in secondary schools is another instrument in combating discrimination in education, when it comes to the Roma population of pupils. This affirmative action was initiated within the Roma Decade, and was preceded by thorough preparations in which the Ministry of Education and Science and the Ministry for Human and Minority Rights took part together with the National Council of Roma National

Minority, schools and non-governmental organisations. This action was designed to enable enrolment into preferred secondary school to a certain number of Roma pupils who have achieved satisfactory success in their previous education and whose guarantor is the Ministry of Human and Minority Rights, by adding a certain number of score points according to the previously set key. In this way, about 1500 Roma pupils have been enrolled in secondary schools since 2004.

Foreign citizens are equally treated in enrolment, attendance and completion of secondary school in Serbia, with previously implemented procedure of recognising diploma-certificate on acquired education abroad or from a foreign school.

Attending private secondary schools and informal forms of education (schools and courses of foreign language, computer literacy, etc.) is paid for and is accessible only to those who can pay for the costs of this education. The state provides free legal opportunity – which is an obligation for teachers– in form of additional or preparatory lessons for all pupils who need it whether attending a private school or a school founded by the state.

### **III) Higher education**

- a) To what extent is higher education accessible in your country, based on the individual capacities?**
- b) What efforts are made by the government to ensure there is no discrimination on grounds forbidden by the Convention in accessing and completing secondary education both in public and private schools?**

According to the Article 4 of the Law on Higher Education<sup>25</sup>, the higher education activity is based on the following principles:

- 1) academic freedoms;
- 2) autonomy;
- 3) unity of instruction and scientific-research and/or artistic work;
- 4) openness to public and citizens;
- 5) respecting humanistic and democratic values of European and national tradition;
- 6) respecting human rights and civic freedoms, including prohibition of all forms of discrimination;
- 7) harmonisation with the European system of higher education and improvement of academic mobility of teaching staff and students;
- 8) participation of students in management and decision-making, especially in relation to issues relevant for the quality of teaching;
- 9) equality of higher education institutions regardless of the form of their ownership i.e. who is their founder;
- 10) promoting competitiveness of education and research services in order to increase quality and efficiency of the higher education system.

The Ministry of Education and Science informs higher education institutions each year in the Instruction for Enrolment of Students to forward all applications related to members of minority groups to the Ministry of Human and Minority Rights, government administration and

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<sup>25</sup> Official Gazette of RS, no. 76/05, 100/07-authentic interpretation, 97/08 and 44/10



local self-government in whose competence is the composition of the candidates' list, verification of documentation and submission of the subject matters to the Ministry of Education and Science for further procedure.

The Ministry of Education and Science proceeds in accordance with the Article 4, paragraph 2, of the Law on Protection of Rights and Freedoms of National Minorities, which foresees the obligation of government authorities to take measures aimed at improving the status of persons belonging to Roma minority, and in accordance with the Article 4 of the Framework Convention on Protection of National Minorities. The Council of Europe foreseeing the obligation of its member states to take measures to improve full and effective equality of the members of national minorities, is considering a possibility to implement affirmative action measures in enrolment of national minority candidates.

Bearing in mind that these measures form part of the Action Plan for Improvement of Education of Roma, which was adopted by the Government of the Republic of Serbia on 27 January 2005, as well as strategies and the action plan of the Ministry of Education 2005-2010, draft strategy for integration and giving new authorities to Roma, Strategy for Poverty Reduction and the regional programme "Roma Inclusion Decade 2005-2015", the Ministry of Education and Science, through its actions, sends an official letter to a higher education institution informing that the candidates form the list should be enabled enrolment within the budgetary quota. In the period from 2006 to 2010, within the budgetary quota, an average of about 120 students of Roma nationality were enrolled, and in the school year 2011/2012 170 students of Roma nationality were enrolled.

Students with disabilities are also enrolled based on an official letter of the Association of Students with Disabilities and submitted medical documentation. With this affirmative action measure 95 students with disabilities were enrolled in 2010/2011 and 87 of them in 2011/2012.

On average, 100 students, beneficiaries of the government financial support, are enrolled every school year. In view of the autonomy of universities, the Ministry of Education and Science takes measures in form of a recommendation to the dean/director of a higher education institution for students who are financially disadvantaged, to try, to the extent possible, to free such students from paying scholarship, or to reduce it.

**Number of students, by gender – studies of the 1<sup>st</sup> degree**

Year	REPUBLIC OF SERBIA			Central Serbia			Vojvodina		
	TOTAL	Men	Women	Total	Men	Women	Total	Men	Women
2007	145493	68636	76857	110984	52619	58365	34509	16017	18492
2008	161038	75844	85194	122200	58002	64198	38838	17842	20996
2009	174777	80255	94522	132689	61180	71509	42088	19075	23013

**Number of students, by gender – studies of the 1<sup>st</sup> degree**

Year	REPUBLIC OF SERBIA			Central Serbia			Vojvodina		
	TOTAL	Men	Women	Total	Men	Women	Total	Men	Women
2007	11380	4718	6662	7849	3283	4566	3531	1435	2096
2008	16991	7122	9869	11460	4798	6662	5531	2324	3207

Source of information: Statistical Office of the Republic

## HIGHER EDUCATION INSTITUTIONS IN THE REPUBLIC OF SERBIA

Universities and faculties founded by the Republic	Faculties within
1. University of Belgrade	31
2. Arts University of Belgrade	4
3. University of Novi Sad	14
4. University of Kragujevac.	11
5. University of Niš...	13
6. University of Priština with a temporary seat in Kosovska Mitrovica	10
7. State University of Novi Pazar	10
	*departments
8. University of Defence	2
<b>TOTAL</b>	<b>85 +1*</b>

**Universities and faculties not founded by the Republic.**

1. "Singidunum" University	6
2. "Megatrend" University	10
3. "Privredna akademija" University	4
4. "Edukons" University	1 + integrated university
5. "Metropolitan" University	1 + integrated university
6. "Union" University	5
7. "Union – Nikola Tesla" University (integrated)	4
8. "Alfa"	8
9. European University	4
10 University of Novi Pazar (integrated)	1
<b>TOTAL</b>	<b>44</b>
<b>Colleges of academic studies</b>	<b>6</b>
<b>Colleges of vocational studies founded by the Republic</b>	<b>47 +(9* AP Vojvodina) Total: 56</b>
<b>Colleges of vocational studies not founded by the Republic</b>	<b>17</b>



#### IV) Education of adults and life-long learning

- a) What efforts have been made by the government to establish a system of continuous education on the foundations of individual capacities, particularly of primary education for persons who have not completed primary school?
- b) What measures have been established to ensure equal availability of primary and continuous education, so as to fulfil the need for primary education of youth, and of adults as well, by way of eliminating illiteracy, as well as to ensure equal access to appropriate learning and skill acquisition programmes?

From the viewpoint of prevention of discrimination, adult education and life-long learning have a primordial importance in the life of an individual. According to the currently valid regulations in the field of education, adults are considered to be persons of full 18 years of age. Adults who have not completed or have not even started primary education have very weak opportunities to be included in the social life and manage at the labour market. In these circumstances, existence of active persons from this group becomes a big social problem.

A series of measures has been taken at the government level to overcome these problems more easily – duration of primary education of adults has been shortened from eight to three to five years, and of secondary education from three or four years to two or three years, and it has been designed for each education level (primary and/or secondary) according to an adjusted curriculum.

The project “Adult education in South East Europe”, which is implemented in the countries in the region with the financial support of the German government, is aimed, among others, at increasing employment opportunities through continuous vocational education and training and promotion of socially vulnerable groups and ethnic minorities. In Serbia, special attention is paid to the functional primary education of adults (FPEA)<sup>26</sup>, which is aimed at including adults and young of full 15 years of age who are outside of the education system into social and economic flows in the country by way of vocational education and training they acquire during the primary education or immediately upon its completion.

Upon completion of the FPEA programme adults:

- have general knowledge, skills and abilities that are necessary for every citizens to live in the community;
- have key competences enabling further learning and acquisition of knowledge (mathematical, linguistic and information literacy, problem solving, entrepreneurial skills);
- have knowledge and skills to perform certain jobs;
- have knowledge needed for improvement of quality of family life and provision of support to protection of children’s rights and their development and growing up;
- have knowledge about preservation and improvement of own health and health of their families;

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<sup>26</sup> Group of authors: Funkcionalno osnovno obrazovanje odraslih – programski/prosvetni ogled kao aktivna mera (*Functional primary education of adults – programme/education experiment as an active measure*), Belgrade, 2009, Institute for Pedagogy

- have the sense of social belonging and devotion to their own family, nation and culture, know tradition and take part in its preservation;
- know and respect tradition and identity of other social groups, are interested in and competent for communication with members of other social communities;
- are responsible towards improvement and preservation of the environment.

The FPEA enables:

- integration of the poor/deprived in the social, economic, political and cultural life of the community and their contribution to the total development of the society;
- inclusion and return of the adults into the educational system in order to exercise the right to primary education guaranteed by the Constitution;
- an opportunity to continue education in accordance with adults' needs and possibilities;
- obtaining a public document for performance of certain jobs – proof of being trained.

The FPEA in Serbia, which is covered by the project titled “Second Chance” financed from the EU funds, is implemented in the period 2011-2013, and is targeted to vulnerable groups of the population, which are potentially more exposed to discriminatory behaviour than others (4000 adult trainees are included):

*“Second Chance” project will meet the needs for knowledge and skills of people without occupation and qualifications, unemployed, redundant, persons with disabilities, ethnic minority groups, women, rural and farmer population, persons serving time, who are illiterate or have not completed primary education.*

*The general objective of this project is to design a modern system of functional education of adults in Serbia that will efficiently contribute to employability of labour, as well as to reduction of poverty, social cohesion and economic development of the country.*

*Results of the project “Second Chance” will enable the FPEA concept to be introduced as a systemic solution in the whole system of education and pedagogy in the Republic of Serbia.*

## **v) Quality of education**

**What measures are being taken by your country to ensure standards in education to be equivalent in all public educational institutions at the same level, as well as equivalent conditions relating to the quality of education?**

All teachers have university education.

Teachers must have a licence – permit to teach in a school. Licence exam is organised by the Ministry of Education and Science. The exam includes a test of practical teaching abilities and theoretical knowledge of psychology, pedagogy, legislation and solving pedagogical situations.

Teachers are obliged to prepare for lessons and they have half an hour for each lesson. Professional development is regulated by secondary legislation. There are programmes accredited by the Ministry and teachers are obliged to take 100 hours during a period of five years. Accredited programmes are from all teaching areas.

There is a national curriculum for each grade and a final exam in primary and secondary school. Schools have a possibility to choose different optional activities depending on the needs of the community and school possibilities. The Ministry provides free textbooks for pupils of the first three grades of primary school, while some local self-government units such as Belgrade provide textbooks for other grades as well.

School is managed by a principal and a school board. The school board consists of representatives of teachers, parents and the local community (3+3+3).

Schools have pupils' parliaments and parents' councils as advisory bodies. Implementation of basic goals is achieved by the education process as a whole, within all education levels, different modes of work, forms and contents.

Education standards include:

- general and special pupils' standards of knowledge, skills and values,
- teachers' competences for teaching and professional development,
- competences of principals, education inspectors and education advisors,
- quality standards for textbooks and teaching tools,
- quality standards for work of educational institutions.

Performance standards are a set of educational achievements for each level, cycle, type of education, educational profile, grade, subject and module.

General performance standards are based on general results of education taking into account different levels, cycles, educational profiles and types of education.

Special education standards are determined for each grade, subject or module and are in conformity with the general standards and performances. Special performance standards can be adjusted to individual pupils coming from deprived environments, having developmental difficulties or for other reasons. Continuous monitoring of their development and progress is organised. Special standards can also be developed for pupils with exceptional abilities and their development is also monitored.

The Ministry of Education and Science is linked with the Institute for Improvement of Education and the Institute for Evaluation of Quality in Education. Cooperation is maintained for the purpose of improvement of the educational system. All publications, laws, secondary legislation and basic information for teachers, parents and other professionals are presented on websites of these institutions or published in printed materials. Training courses are also organised for teachers and researchers on different topics relevant for practice in schools and pupils' and teachers' rights. The websites are: [www.mpn.gov.rs](http://www.mpn.gov.rs), [www.zuov.gov.rs](http://www.zuov.gov.rs), [www.ceo.edu.rs](http://www.ceo.edu.rs)

## **VI) Teaching profession**

- a) Was there a case of discrimination regarding teacher training in your country? If so, what was the response to such situation aimed at guaranteed teacher training without discrimination?
- b) Please describe the status of teaching staff at all levels in your country.
- c) What is the average salary of teachers in relation to salaries of other public servants with the same qualifications?
- d) What measures are being taken or considered by your country in order to improve conditions of teaching staff's living and working?

According to the regulations in effect in the Republic of Serbia, along with possession of required professional qualifications and personal characteristics, a teacher, according to the law, has to be a citizen of the Republic of Serbia and know the language of instruction if instruction is delivered in a language of national minority or bilingually. Specific knowledge and skills are required from teachers if working with vulnerable groups of pupils (pupils with developmental impairments and disabilities, adults). Pedagogical assistants are engaged to work with Roma pupils for the purpose of their easier adaptation to language and environment, and also to work with pupils in need of additional learning support for any reason.

Teacher's salaries in primary and secondary schools, which are financed from the national budget, are regulated by the decrees on quotas for employees in public services; salaries are accounted based on the quota and the base, which is determined periodically because it is adjusted to the valid cost of living index. The amount of teaching staff's salary is determined by the level of education, years of service, pedagogical norm, additional activities (stimulations), special conditions (work with pupils with developmental impairments and disabilities in schools for education of these pupils, work in combined classes), and the vocation in education, which is acquired in accordance with regulations but is not yet used in practice as a stimulating measure. Compared with salaries in the government administration, teachers' salaries are at the level of advisors for a determined area of education employed in the Ministry of Education and Science of the Republic of Serbia.

### VIII) Private education

**If work of special or private educational systems or institutions is allowed in your country, please describe the regulatory framework in relation to:**

#### **a) establishment or operation of private education institutions,**

Other legal or natural persons may establish a preschool provided that they meet conditions prescribed by the Law on the Fundamentals of the Education System.

*Regular* programmes of pedagogical and educational work are carried out within the preschool programme with a whole day and half a day duration, and other *special and specialised programmes* can also be carried out in accordance with the needs and interests of children and parents and/or caregivers. Exceptionally, an *adjusted or programme taken over* from pedagogical and educational programmes in other countries can be carried out within the preschool programme, the implementation of which requires proof of origin i.e. proof that it has been recognised by an appropriate international association.

Public and private preschools, primary and secondary schools are in the system of education and pedagogy and are subject to verification and supervision by the Ministry of Education and Science and are registered with the Commercial Court. More detailed conditions for establishment, start of operation and performance of the activity of an institution are prescribed by the minister.

An institution may start its operation and perform education activity if it meets conditions for establishment, and if it has:

- 1) prescribed premises, equipment and teaching tools;
- 2) teachers, preschool teachers and pedagogues/psychologists employed for an indefinite period of time;
- 3) provided hygienic and technical conditions, in accordance with the law and other regulations regulating this area.

60 private preschools and 9 private primary schools are currently verified in Serbia. Along with these, there are also other forms of organisation (playrooms), which are registered with the Business Registers Agency and do not form part of the education system.

#### **IX) Religious and moral education**

**Please describe the education policy framework regulating minimum education standards in relation to the rights of parents/caregivers to religious and moral education of their children and the right to choose education institutions in accordance with the provisions of the Convention.**

The curriculum covers optional school subjects by levels and types of education out of which a pupil is obliged to select one or more subjects according to his/her affinities. One of the compulsory optional subjects is religious instruction or civic education. A pupil who has chosen one of the two optional subjects – religious instruction or civic education – may change the optional subject every year during his/her primary and secondary education.

#### **III Methods and instruments of different government levels used in eliminating barriers and conflicts**

The education inspection of the Ministry of Education and Science in cooperation with authorities entrusted with performing inspection supervision at the city and municipal levels, works, within its competences and authorities, also on preventing discrimination in education through regular and extraordinary inspection supervisions. The article 147 of the LFES defines how the education inspection proceeds.

The aim of the inspection supervision is to control the implementation of this and the governing law and pertaining regulations, through direct insight into the operation and activities of an institution, and depending on the results of the supervision, impose measures and control their implementation. The work and activities of inspection supervision are performed by an education inspector. Within the authority and jurisdiction stipulated by the law, and within the meaning of exercise and protection of the rights of children, pupils, employees and parents, an education inspector performs control of the following:

- the protection of children, pupils and employees from discrimination, violence, abuse,



neglect;

- the protection of the rights of children, pupils, their parents or caregivers and employees;
- the exercise of rights and performance of obligations of employees, pupils and their parents or caregivers;

Along with other authorities, if facts are established in regular or extraordinary inspection supervision indicating discrimination in education, an inspection inspector shall:

- order a principal to eliminate irregularities and shortcomings enabling or resulting in violation of the prohibition; take appropriate measures within the principal's authority to establish the factual state and implement appropriate procedures; and shall define a period in which such shall be done;
- prohibit by means of an official decision, the conducting of activities within the institution aimed at threatening, belittling, discriminating or singling out groups or individuals on the basis of their racial, national, ethnic, linguistic, religious background or gender, physical and psychological characteristics, developmental impairments and disabilities, health condition, age, social and cultural origin, financial status or political views as well as encouraging or not preventing such activities, as well as on other grounds stipulated by the law prescribing prohibition of discrimination;
- upon expiration of the given deadline, an education inspector shall perform supervision to control implementation of the measure ordered;
- submit a report to the competent authority if prohibition of discrimination is proved to be violated.

The law foresees more detailed criteria for detection of forms of discrimination by an employee, pupil or a third person in an institution, to be defined and determined by a separate by-law to be jointly prescribed by the minister of education and science and the minister responsible for human rights issues.

Until this by-law is adopted, it is very important that in all cases of protection of rights of children, pupils, employees and parents, and especially in combating discrimination, an institution ensures and prescribes in its acts (especially in the act on rules of conduct in the institution, as set forth by the article 43 of the Law) conditions in the institution that will contribute to fostering relationships of mutual understanding and respect of personality of children, pupils, employees and parents, and which will oblige employees to contribute to developing a positive environment in the institution with their work and overall conduct.

An institution shall also prescribe in more details by its statute the proceeding of institution's bodies to ensure the exercise of children's and pupils' rights, protection and safety of children, pupils and employees, and measures to prevent violation of prohibitions stipulated by the law.

Although the article 44 of the Law on the Fundamentals of the Education System clearly defines prohibition of discrimination, other provisions defined contribute to a large extent, directly or indirectly, to the implementation of the principles of the Convention against Discrimination in Education. These are, above all:

The rights of children and pupils - Article 103 - An institution shall provide all conditions for the exercise of the rights of children and pupils. The rights of children and pupils shall be implemented in accordance with the ratified international agreements, this and the pertaining laws while the institution and all employees shall be obliged to ensure its implementation, in particular the right to:

- high quality educational and pedagogical work and activities ensuring the implementation of the principles and objectives as stated in Articles 3 and 4 of this law;
- respect of personality;
- protection against discrimination, violence, abuse and neglect;
- support to a comprehensive personality development, support to a particularly expressed talent and its affirmation.

A parent and/or caregiver may launch a complaint with the managing director of an institution or principal in case of violation of the rights of his/her child and pupil or in case of inappropriate conduct of an employee towards a child and pupil, within 15 days of the event having taken place. The managing director of an institution or principal shall be obliged to review the complaint and after consultation with the pupil, parent or caregiver of the child or pupil and the employee, decide on this complaint and take appropriate measures within 15 days of the receipt of the complaint.

Request for protection of pupils' rights – Article 111. A pupil, his/her parent or caregiver who considers that his/her rights guaranteed by this law or the pertaining law have been violated, by means of adoption or non-adoption of a decision following the filing of a complaint or if a prohibition as stipulated in Articles 44 and 45 has been violated as well as the right in Article 103 of this law impacting the pupil's status, shall be entitled to file a request for the protection of rights to the Ministry, within eight days from the day he/she learned that his/her rights have been violated. The Ministry shall issue a warning to the school within eight days from the date of the receipt of complaint and set an appropriate deadline for the elimination of law violation. Should the school fail to act on the warning as stated in paragraph 2 of this Article, the Ministry shall decide on the request.

Homeroom council - Article 104. The pupils of a class shall establish a homeroom council. The manner of operation of a pupil homeroom council shall be regulated in more detail by the statute of a school. The school principal shall appoint a homeroom teacher whose pedagogical role is important, as well his/her administrative and organisational role. The school shall plan the work of a homeroom council on a regular basis. The school shall intensify pedagogical work with a pupil who violates the rules of conduct or does not adhere to decisions made by the principal and school bodies, and whose conduct threatens others in exercising their rights, and shall also organise specific activities within the homeroom council.

Obligation of pupils - Article 112, Article 15 (amended) When exercising his/her rights, a pupil may not threaten others in exercising their rights. The pupil shall be obliged to: respect other pupils', teachers' and other school employees' personality; adhere to the school rules, principal's decisions and decisions of the school bodies.

Responsibility of pupils - Article 113, Article 16 (amended) In case when there is a pupil violating the rules of conduct or not adhering to the principal's and managing body's decisions, or a pupil threatening others with his/her conduct in the exercise of their rights, the school shall be obliged, in cooperation with parents or caregivers, to intensify pedagogical work by implementing the activities: within the homeroom council, through expert work of the homeroom teacher, pedagogue, psychologist, special teams, and when need arises, cooperate with the competent social and health care institutions aimed at changing the pupil's behaviour. A pupil may be held responsible for:

- a more serious violation of obligations, due to intentional non-compliance with the pupil safety rules and measures; using cell phones, electronic devices and other means for the purpose of violating the rights of others;

- violation of the prohibition under the Articles 44 and 45 of this Law.

Pedagogical and disciplinary procedure - Article 114, Article 17 (amended) A school shall initiate a pedagogical and disciplinary procedure for more serious violations of pupil's obligations and for violations of the prohibition within the meaning of the Article 44 of this Law and shall inform pupil's parents and/or caregivers thereon.

A pedagogical and disciplinary procedure shall be initiated by the principal within 30 days at the latest for more serious violations of pupil's obligations or for violations of prohibition within the meaning of the Articles 44 and 45 of this Law, which procedure shall end in an official decision. Before making an official decision, all facts relevant for making such decision shall be determined.

Pedagogical and disciplinary measures and legal protection of pupils - Article 115, and Article 18 (amended):

When an underage pupil commits a violation of obligation or prohibition as stated in the Article 44 of this law, the school shall immediately notify the parents or caregivers and shall include them in the corresponding procedure.

When a pupil violates the rules of conduct or does not adhere to the principal's and managing body's decisions, or threatens others with his/her conduct in the exercise of their rights, the school shall be obliged, in cooperation with parents or caregivers, to intensify pedagogical work by implementing the activities: within the homeroom council, through expert work of the homeroom teacher, pedagogue, psychologist, special teams, and when need arises, cooperate with the competent social and health care institutions aimed at changing the pupil's behaviour. In cases when the undertaken activities result in positive changes in the pupil's conduct, the procedure shall be terminated, unless the violation of a prohibition under the Articles 44 and 45 has resulted in serious threatening of another person's integrity.

After the intensified pedagogical work and the pedagogical and disciplinary procedure have been conducted and the responsibility for violation of prohibition under the Article 44 of this law has been ascertained, the following pedagogical and disciplinary measures shall be pronounced to a pupil:

- aggravated warning by the principal and aggravated warning by the teachers' council,
- transfer of a fifth to eighth grade pupil to another primary school on the basis of the teachers council's decision with parents' or caregiver's approval and approval by the school pupil is transferred to,
- for secondary school pupils – suspension from school or boarding school. The pedagogical and disciplinary measure shall be pronounced during a school year in which the violation of pupil's obligation has been committed.

If an employee becomes aware of violation of the rights of child and pupil, he/she shall inform the principal and/or managing body thereon. An employee may be held responsible for: a minor violation of the work obligation as stipulated by the institution's general document; a more serious violation of the work obligation prescribed by this law; a violation of a prohibition as prescribed by this law; material damage he/she has inflicted on the institution, either intentionally or out of sheer negligence, in accordance with the law.

An employee shall be removed from his/her work place due to a violation of prohibition as stated in Articles 44, 45 and 46 of this law, until the conclusion of the disciplinary procedure.

The principal of an institution shall launch and conduct a disciplinary procedure, make a decision and order a measure against an employee in the course of a disciplinary procedure. The disciplinary procedure shall be initiated through a written conclusion which shall not be a subject



to an appeal, containing the information on the employee, the description of the violation of a prohibition, the time, place and manner in which the violation occurred as well as the proof thereof. The conclusion initiating the disciplinary procedure shall also be submitted to the trade union the employee is member of. Having ascertained responsibility of the employee, the principal shall make a decision on employee's disciplinary responsibility.

Once the decision of the principal establishing the violation of prohibition becomes final, the employee who has committed the violation of prohibition prescribed by the Article 44 of the Law shall:

- have his/her employment terminated, and
- his/her license shall be revoked – Article 128.

Authority and responsibilities of a managing director of an institution or principal – Article 62 – Within his/her authority, the managing director of an institution or principal shall decide on rights, obligations and responsibilities of pupils and employees. The managing director or principal shall take measures in case of violations of prohibitions as stated in the Article 44 of the Law and against indecent behaviour of an employee and its negative impact on children and pupils; undertake measures geared to the implementation of orders given by the education inspector and education advisor, as well as other inspection bodies.

Termination of duties of the managing director or principal – Article 63. The managing body shall relieve the managing director or principal of his/her duties if it has been ascertained that: the managing director or principal has not taken or has taken but in an untimely manner appropriate measures in cases of violation of prohibitions as stated in Article 44 of the Law.

Punitive provisions, Articles 163 - 164. In case of failure or untimely implementation of corresponding measures in cases of violations of prohibition under the Article 44 of this Law and more serious violations of employees' work obligations or in case of not adopting or not implementing the individual education plan (Article 77), the following fines shall be imposed on:

- institution - with a fine amounting to between 30,000 and 500,000 dinars;
- managing director or principal and/or responsible person of an institution, with a fine amounting to between 5,000 and 50,000 dinars.

Education inspectors who have analysed violations of the prohibition of discrimination in their territory point out that there are few discrimination offences observed in the manner as prescribed and described by the Article 44 of the Law, and that discrimination appears as an integral part of violence, abuse and neglect i.e. that these phenomena are often mutually conditioned.

According to the Law on National Councils of National Minorities, the national councils of national minorities have an important role in preventing discrimination in education against their community members, because they have the following authorities:

In founders' rights (Article 11)

*The Republic, autonomous province and local self-government unit as founders of the institutions under the paragraph 1 of this article, may transfer founders' rights to the national council in full or partially.*

In taking part in management of institutions (Article 12)

*In institutions of preschool education, and primary and secondary education founded by the Republic, autonomous province or local self-government unit, where educational and pedagogical work is delivered also in a language of national minority or where speech, language or culture of a national minority is studied as a separate school subject, the national council shall:*

- 1) give an opinion on proposed candidates for membership of the managing and/or school board – representatives of the local self-government unit;
- 2) propose members of the managing and/or school board – representatives of local self-government units in those institutions where the educational and pedagogical work is delivered in the majority of classes in a language of national minority or which have been established to be of a particular importance for the national minority;
- 3) give an opinion on a candidate for the managing director of the institution and/or principal within the meaning of the paragraph 1, point 1) of this article;
- 4) give an opinion on the procedure of relieving the managing director and/or principal and members of the institution's managing bodies of their duties within the meaning of the paragraph 1, points 1) and 2) of this article;
- 5) give previous consent to the selection of managing directors of the institutions and/or principals within the meaning of the paragraph 1, point 2) of this article.

*In the institutions of pupil and student standards founded by the Republic, autonomous province or local self-government unit, the national council shall:*

- 1) propose one member – representative of the founder and give an opinion on other candidates for membership in the managing board of an institution of pupil standards seated in the territory of the local self-government unit in which the national minority language is in the official use. If several national minority languages are officially used in the local self-government unit, interested national councils shall propose a common candidate for membership in the managing board;
- 2) give an opinion on candidates for membership in the managing board of an institution of student standards seated in the territory of the local self-government unit in which the national minority language is in the official use;
- 3) give an opinion on the procedure of selecting managing directors and/or principals of institutions of pupil and student standards seated in the territory of the local self-government unit in which the national minority language is in the official use;
- 4) give an opinion on the procedure of relieving the managing director and/or principal and members of the managing bodies within the meaning of the paragraph 2, points 1) to 3) of this article of their duties.

*The national council of a national minority whose language is not in the official use in any of the local self-government units shall be entitled to the rights under the paragraph 2, points 1) to 4) of this article in a local self-government unit where the national minority represented by the national council accounts for 1% of the total population according to the latest census.*

*In the area of higher education, in institutions founded by the Republic, autonomous province or local self-government unit, the national council shall give an opinion on candidates proposed for managing and governing bodies of a higher education institution where instruction is fully or partially delivered in the national minority language.*

#### **In curricula (Article 13)**

*The national council shall:*

- 1) propose to the National Education Council general basics of the preschool programme, curricula of primary and secondary education and basics of the pedagogical programme, for contents expressing particularity of the national minority, particularly in the field of history, music and arts;
- 2) propose to the National Education Council primary and secondary education curricula for the national minority's language and/or speech, with elements of the national culture;

- 3) *give an opinion to the National Education Council on the curricula for Serbian as a second language;*
- 4) *propose to the minister responsible for education measures and programme of pedagogical work with pupils in institutions of pupil standards, which relate to the affirmation of interethnic tolerance and multiculturalism;*
- 5) *give an opinion on the school and pedagogical programme of institutions established to be of a particular importance for the national minority.*

*In selecting textbooks and teaching tools (Article 14):*

*If the educational and pedagogical work is carried out in the national minority language, the National Education Council shall propose to the minister responsible for education to give approval for the use of textbooks and teaching tools the contents of which express particularities of the national minority with the previous consent given by the national council.*

*The minister responsible for education shall give approval for the use of domestic or imported textbooks written in the national minority language in the educational and pedagogical work, at the proposal given by the national council.*

*In other authorities in the area of education (Article 15):*

*In accordance with the law, the national council shall:*

- 1) *propose one candidate for the joint list of candidates for selection of members of the National Education Council;*
- 2) *give an opinion on the procedure of adopting a document on the network of preschools and primary schools in the local self-government unit where the national minority language is in the official use or where the educational and pedagogical work is carried out in the national minority language;*
- 3) *identify educational and pedagogical institutions of a particular importance for education of the national minority; if the total number of institutions exceeds four, maximum one fourth of the total number of institutions where instruction is delivered also in the national minority language can be declared institutions of a particular importance; if the total number of these institutions is less than four, one of the institutions where instruction is delivered in the national minority language and/or also in the national minority language can be declared institution of a particular importance; in case of a national minority in whose language instruction is not delivered, the rules under this point shall be applied accordingly to the institutions where language or speech with elements of the national minority culture are studied;*
- 4) *give an opinion to the minister responsible for education in the procedure of establishing the network of secondary schools and institutions of pupil and student standards;*
- 5) *give an opinion to the minister responsible for education in the procedure of giving consent to performance of school activity outside the seat of a school where instruction is delivered in the national minority language;*
- 6) *propose to the founder, the Republic, autonomous province or local self-government unit, autonomy of the satellite school department in which instruction is delivered in the national minority language;*
- 7) *give an opinion in the procedure of determining the number of pupils for enrolment into secondary school, as well in the procedure of giving consent to the number of pupils for acquisition of vocational education, retraining, additional training and specialisation;*
- 8) *give an opinion to the minister responsible for education in the procedure of giving consent to opening of a class in the national language minority for less than 15 pupils;*
- 9) *give an opinion to institutions of pupil and student standards in the procedure of distribution of placements in these institutions;*

- 10) give an opinion in the procedure of distribution of funds from the budget of the Republic, autonomous province and local self-government that are allocated to institutions and associations in the area of education by way of a public competition;
- 11) establish scholarships from own funds and prescribe, by own documents, criteria and the procedure of making a decision on the award of scholarships and implement the award procedure;
- 12) appoint a representative in the National Education Council who shall take part in its work without the right to decide, when instruction is delivered within the education system in the national minority language, and when the National Education Council considers issues relevant for education of the national minority;
- 13) appoint its representative in the National Council for Higher Education who shall be a full member of this council when instruction within higher education is delivered fully or partially in the national minority language;
- 14) also perform other activities in this area stipulated by the law and other regulations.

### **Examples of discriminatory behaviour:**

*"We were informed about one case of discrimination that happened in the gymnasium of Užice in which no education inspectors or advisors were not involved, but the procedure was implemented at the school level by which the measure of employment termination was pronounced to a school teacher due to the fact, among other circumstances, that "for unknown reasons, she did not let most of the pupils of the class ¾ to attend the lesson of Serbian language and literature, thus committing a violation of the prohibition of discrimination under the article 44, paragraph 2, of the Law on the Fundamentals of the Education System".*

*"An education advisor of the Regional School Authority in Užice, acting in the official capacity, observed elements of discrimination on three occasions in the Economic School in Užice; Economic and Trade School in Prijepolje and in the primary school "Miomir Pucarević" Akmačiići, in the municipality of Nova Varoš, against individual pupils, for not having recognised the need for individualisation of instruction or individual education plan for individual pupils, so in these situations she proposed appropriate measures and monitored their implementation".*

*In the primary school "Radoje Domanović" in Vranje there was a problem with carrying out excursion for pupils. A teacher returned money for the excursion to one pupil who was "playful" in the school and refused to allow him to go to the excursion because of his pranks. Having learned about this issue, the education inspectors instantly reacted. They interviewed the principal, homeroom teacher and parents in the school. They pointed out the rights of pupils and teaching staff, as well as their obligations, and in cooperation with all present a conclusion was made that the pupil would improve his behaviour and that the excursion will be carried out in a good atmosphere. Cooperation with the Republic education inspectors, advisors and advisors for protection of children against violence is adequate, the response is instant and disputable cases are solved as soon as possible. There were no extreme cases, so there was no need to pronounce measures, but individual cases in schools are monitored for the purpose of prevention and monitoring of potential problems."*



In the course of expert and pedagogical supervision, an education advisor of the Regional School Authority Požarevac concluded the following after a direct insight in the preparedness of the preschool "Dečje carstvo" in Velika Plana for pedagogical and educational work in the work year 2010/2011:

*"In three whole-day preschool groups in the new part of the central facility, we found some children separated from the others during sleeping time (in a separated part of the room – one child in the first room, two children in the second, and one child in the third one). Preschool teachers did not have an explanation for such sleeping arrangement. They tried to explain convincingly that these children were restless, that they wanted to sleep separated from other children!?! The impression was that it was a usual practice; that it was a normal thing and they didn't see any problem in that. Obviously, this is the case of unequal treatment of children and threatening their mental and emotional health and dignity.*

*It was also found that children in the preparatory preschool programme groups go to sleep frontally, although such organisation and arrangement of life of the oldest preschoolers has not been recommended for more than twenty years. When children (having the need to) sleep, calmer activities are organised for other children, especially preschoolers (if there are children who need it, a daily rest is offered to them). Preschool teachers think that they proceed correctly because parents decided on sleeping in a survey conducted at the first parents meeting in this work year. Has anyone asked children or recognised children's needs? Is the most important thing to conduct a survey on sleeping at the first parents meeting or are there other more important things with a higher priority for organisation of the pedagogical and educational work?"*

Measures taken by competent authorities:

Circumstances indicating discrimination of children by adults were identified in cooperation with an education inspector. It was agreed that only the education advisor should first undertake measures within his authority, and if the problem is not solve then education inspection will also be involved. The proposed measures to remove irregularities and defaults in work issued by the education advisor are:

*- Managing director: to take measures in accordance with the Law on the Fundamentals of the Education System (Articles 44, 45 and 141); inform the staff about the meaning of discrimination, prohibition of violence, abuse and neglect, how to detect them and what consequences they bear (failure to implement measures of children and staff safety is a serious violation of the work obligation); activate and involve the safety team at the level of the Institution;*

*-Take special measures in relation to the preschool teachers of preschool groups mentioned in the Report.*

Results of undertaken measures:

*Expert bodies of the institution analysed organisation of work and arrangement of children's stay in the kindergarten. In accordance with children's needs, they approached this segment of life and work in the institution in a more flexible manner, with a special focus on organisation and work of preparatory preschool groups.*

*In the primary school "Nikola Tesla" Golobok – violence against a pupil, slapping, and facts indicating discrimination by the art teacher. Inspection supervision was performed,*

measure was ordered to examine allegations, establish facts and for the principal to take appropriate measures within his authority.

A disciplinary procedure was initiated against the employee resulting in termination of employment.

Primary school "Sveti Sava" Smederevo – anonymous complaint of the parent of a 5<sup>th</sup> grade pupil that the physical education teacher physically abused, belittled and discriminated the 5<sup>th</sup> grade pupil. Inspection supervision was performed, the school was ordered a measure to examine allegations, establish facts and for the principal to take measures in accordance with the authority under the article 62, paragraph 3, point 17 of the Law. The measure was implemented and the principal, together with the pedagogue/psychologist, homeroom teacher and parents, examined allegations and concluded that there were no grounds to undertake measures.

Primary school "Dimitrije Davidović" Smederevo – a mother reported an inappropriate treatment of a girl from the 8<sup>th</sup> grade by a teacher. Inspection supervision was performed and a measure was ordered to examine allegations, establish facts and for the principal to take measures and inform the teachers' council. There were no grounds to undertake measures.

Primary school Moše Pijad , Malo Crnić - a mother reported an inappropriate treatment of a pupil by a teacher. Inspection supervision was performed and a measure was ordered to examine allegations, establish facts and for the principal to take measures and inform the teachers' council.

Primary school „ Dositej Obradović“ Smederevo – oral complaint about physical and psychical violence and discrimination by the physical education teacher against a pupil from the 7<sup>th</sup> grade, on which occasion the teacher also instigated other pupils to beat and belittle the pupil. Inspection supervision was performed and a measure was ordered to examine allegations, establish facts and for the principal to take measures. The principal initiated a disciplinary procedure that was cancelled due to absence of the employee (the employee left for a pregnancy leave).

Primary school "Ivo Lola Ribar" Veliko Gradište – complaint was launched against Šipraga Ankica, teacher of the satellite class of this school in Kisiljevo. The complaint referred to exclusion of S.M., 2<sup>nd</sup> grade pupil, from the programme of delivering classes in the nature in the school year 2009/10. An education inspector of the Municipal Administration of the Municipality Veliko Gradište performed inspection supervision. In performing control, the education inspector established that organisation of classes in the nature was performed in accordance with the prescribed procedure and that the mother of the above mentioned pupil was warned at the parents' meeting held on 20 April 2010 (children were to set off on 31 May) that S.M. would not go to recreational classes should he continue with an inappropriate behaviour. The school was ordered to take appropriate measures and activities in accordance with the provisions of the Law on the Fundamentals of the Education System so as to ensure undisturbed protection of the rights of pupils, parents and employees, and development and fostering of a positive atmosphere and safe environment and behaviour-related measures aimed at changing pupil's behaviour.

*The school proceeded according to the inspector's report. Pedagogue/psychologist resolved the issue in cooperation with child's parents.*

*Primary school "Đura Jakšić" Oreškovića – a mother reported a continuous violence and discrimination against her child. Inspection supervision was performed and a measure was ordered to the principal to examine allegations, establish facts and take measures, and to inform the teachers' council. The principal was also instructed to undertake corresponding measures and activities together with the pedagogue and psychologist so as to ensure undisturbed protection of the rights of pupils, parents and employees, and development and fostering of a positive atmosphere and safe environment and behaviour-related measures aimed at changing pupil's behaviour. This matter was also referred to education advisors who took an active part.*

## CONCLUSION

The Republic of Serbia enacted a series of laws and secondary legislation on the educational system that directly or indirectly impact prevention of discrimination in the system institutions. Preventive measures are regulated by the law, but also through different forms of training of teaching staff, development of their competences to detect open and concealed discrimination in education, as well as violence occurring in the institutions among pupils. Along with these measures undertaken to be implemented in practice, education of children and pupils, as a live and active system, is still facing different forms of discrimination and violence in its daily operation.

Discrimination in education is mostly detected and identified with violence with which it is often linked. At the request to deliver information about discrimination cases, inspectors, advisors and employees in the educational institutions mostly described drastic examples of peer violence and physical punishment of pupils by adults.

Situations and activities threatening, belittling, discriminating or singling out groups or individuals in educational institutions, which directly relate to discrimination based on: racial, national, ethnic, linguistic, religious background or gender, physical and psychological characteristics, developmental impairments and disabilities, health condition, age, social and cultural origin, financial status or political views as well as encouraging or not preventing such activities, are rarely distinguished and reported. Reasons for such action may be presumed. These situations are either not observed or not recognised as discrimination cases, or due to the severity of sanctions prescribed for such cases, they are rarely reported.

Institutions are obliged to implement both laws and secondary legislation, and a series of rulebooks promoting inclusiveness in education (policy, culture and practice), and the By-law on the protocol of proceeding by an institution in response to violence. When the final version of the proposed by-law on more detailed criteria for detection of forms of discrimination by an employee, pupil or a third person in an institution, as secondary legislation, goes through the legally prescribed procedure of adoption, it will contribute to detecting discrimination so as to implement adequate preventive and intervention measures at the level of an institution in due time.

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