Complaint of S.M. against Prijepolje Municipality for discrimination on grounds of disability in area of education

The opinion was issued following the complaint filed by the underage A.M.’s mother S.M. against Prijepolje Municipality. The application states that A.M. is a child with developmental disability and elementary school student attending “V.P.V.” Elementary School in P. and that he has not been provided with the personal assistant service. The explanation of Prijepolje Municipality states that 2016 Prijepolje Municipality budget contains earmarked funds in the amount of 2,961,540.00 dinars for personal chaperone service assisting elementary school children and students in the system of primary education, but that the Municipality was still waiting for the opinion and instructions of the Ministry of Education, Science and Technological Development regarding the hiring and funding of personal assistants. In the course of the procedure it has been ascertained that Prijepolje Municipality has not provided A.M. with personal assistant service despite the fact that the provision of such additional support to children and students falls within the scope of authority of local self-government units. The Commissioner for the Protection of Equality indicated that uncertainties in respect of personal assistant hiring and funding did not however diminish in any way the responsibility of Prijepolje Municipality in its failure to provide such additional support to A.M. and other children in need of such assistance. The Commissioner issued an opinion stating that by failing to act and ensure personal assistant service to children and students in need of such support, Prijepolje Municipality has prevented A.M. from receiving additional support needed for equal education opportunities, thus violating provisions of the Law on the Prevention of Discrimination. Thus, a recommendation was issued to Prijepolje Municipality to undertake all the actions and measures necessary for providing a personal assistant to A.M., student of “V.P.V.” elementary school in P. and to refrain from violating antidiscrimination regulations in the future when acting within the scope of its authority.