Complaint filed by association of parents K. against Ministry of Education, Science and Technology Development for discrimination on grounds of disability

The opinion was issued in the procedure acting upon the complaint filed by the association of parents K. on behalf of legal representatives of six developmentally disabled children attending a preschool institution and an elementary school in Novi Sad, namely A.G., M.R., D.T., L. and S.T. and M.R. against the Ministry of Education, Science and Technological Development. The complaint was filed for reasons of discrimination on the grounds of disability, bearing in mind the fact that the Commission for the Assessment of Needs for Additional Educational, Healthcare or Social Support to Child/Student had found in its Opinion that these children ought to be provided with a teaching assistant. However, none of the six children were provided with such assistance. In its explanation, the Ministry of Education, Science and Technological Development stated that teaching assistants were hired in the previous period to extend additional support to Roma children and that until now a total of 175 teaching assistants were hired throughout Republic of Serbia educational institutions. The Ministry also stated that there were plans to develop a new Rulebook on Teaching Assistance which would define in more detail conditions and criteria for their hiring. In the course of the proceedings it has been ascertained that the cross-sector commission had found in the individual support plan, that A.G., M.R., D.T., L. and S.T. and M.R. need to be provided with a teaching assistant, yet education institutions in Novi Sad attended by these children had not hired a teaching assistant. The Commissioner for the Protection of Equality has issued an opinion stating that by failing to provide conditions necessary for hiring teaching assistants for children with developmental disabilities, the Ministry of Education, Science and Technological Development had prevented A.G., M.R., D.T., L. and S.T. and M.R. from receiving necessary additional educational support thus violating the provisions of the Law on the Prohibition of Discrimination. Hence, the Commissioner for the Protection of Equality has issued a recommendation to the Ministry of Education, Science and Technological Development to undertake all necessary actions and measures within the scope of its competence to enable “Jovan Dučić“ elementary school in Petrovaradin, “Svetozar Marković Toza“ elementary school in Novi Sad and „Radosno detinjstvo“ preschool institution in Novi Sad to hire a teaching assistant, to undertake without delay all necessary measures which would enable the hiring of teaching assistants for children and students in need of additional educational support and to refrain from violating provisions governing the prohibition of discrimination when discharging of their everyday duties and activities in the future.