Complaint filed by I.S. against MUP RS for discrimination on grounds of residence in area of work and employment

No. 07-00-52/2016-02 date: 14 April 2016.

**OPINION**

The opinion was given in the proceedings acting upon the complaint filed by I.S. against Ministry of the Interior Affairs of the Republic of Serbia (MUP RS) because of conditions for the competition for enrollment at vocational training in the Center for Basic Police Training of the Ministry of Internal Affairs of the Republic of Serbia. The complaint stated that the Ministry of Interior Affairs announced a competition for enrollment of students for vocational training for performing police activities in the Center for Basic Police Training in Sremska Kamenica and that one of the conditions was that candidates should have resided at least one year in the territory of the police administration for which they compete and by doing so they have discriminated the applicants on the grounds of residence. The statement of the Ministry of Interior Affairs stated that a special condition required when applying, according to the Regulations on the criteria for selection of candidates for the students of professional training, that the candidate should have resided at least one year in the territory of the organizational unit for which the competition was opened, was “not provisioned as discriminatory” according to Article 2 of Law on Non-discrimination and Article 18 of the Labor Law and “therefore there was no discrimination in the present case." During the proceedings it was established that the residence is not a criterion that is important for selection of the best attendants for basic police training and that there is no proportionality between the measures taken and the objective to be achieved, or that the desired goal can be achieved by other means. Commissioner for Protection of Equality gave the opinion that Article 3, paragraph 1, point 2 of the Rules on the criteria for selection of candidates for the attendants of vocational training, which stipulates that the person who has resided at least one year in the territory of the organizational unit for which the competition was announced has the right to participate in the competition for basic police training up to the date of the application deadline, I.S. was unjustifiably placed in an unequal position on the grounds of the residence and the Ministry of Internal Affairs of the Republic of Serbia was recommended to eliminate the effects of discriminatory treatment of I.S. within 30 days of receipt of the opinion with the recommendation to comply the provisions of Article 3, paragraph 1, point 2 of the Rules on the criteria for selection of candidates for vocational training with anti-discrimination legislation, as well as not to violate anti-discrimination laws in the future, within the range of their competences.