

LEGISLATIVE DEFINITIONS AROUND LEARNERS VULNERABLE TO EXCLUSION

Country Report: Serbia



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See the [Legislative Definitions around Learners Vulnerable to Exclusion web area](#) for further information about this activity.



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INTRODUCTION

Since the foundation of the European Agency for Special Needs and Inclusive Education (the Agency) in 1996, there have been key conceptual changes in the thinking behind and policy priorities for developments on the journey towards inclusive education.

A first shift was from the concept of special educational needs (SEN) to special needs education (SNE). This represented a move away from focusing on the learner (special educational needs), towards a focus on the provision that learners who experience difficulties at school may need (special needs education). The term '**special needs education**' widened the focus beyond learners with disabilities to include learners who appeared to be failing in school for a wide variety of reasons – for example, children living in poverty or those from different linguistic or cultural backgrounds. Special needs education, however, continued the deficit or medical model that still saw the problems as being within the learner.

There has never been an agreed definition of SEN or SNE that could be used across countries. The groups of learners considered to have **special needs** requiring additional provision largely differ across countries.

Inclusion requires a move away from a concern with the categories a learner may or may not fall into, to focus on the barriers some learners experience that lead to marginalisation and exclusion. This leads to an overall focus on **learners vulnerable to exclusion** by the education system. Agency work focuses on supporting the development of **inclusive education** systems in its member countries to ensure every learner's right to inclusive and equitable educational opportunities. This aim is directed at **all learners**, while recognising the need to specifically address specific **learners vulnerable to exclusion**.

Agency work acknowledges that every learner has their own unique experiences of discrimination and/or barriers to learning. All aspects of Agency work aim to consider everything and anything that can marginalise learners and increase their chances of exclusion (European Agency, 2021¹). This requires a move away from a medical approach and labelling with separate provision for different groups, towards a rights-based approach that focuses on the barriers within the system ([European Agency, 2022a](#)).

Central to this commitment and understanding of inclusive education are the legal definitions or descriptions in policy that Agency member countries use to identify and potentially label learners to make additional provision and resources available for them based on their needs.

The Agency also acknowledges the growing need to take account of **intersectionality** – the interconnected nature of all social categorisations – when considering the needs of all learners. Intersectionality is the understanding that a person, group of people,

¹ European Agency for Special Needs and Inclusive Education, 2021. *Multi-Annual Work Programme 2021–2027 Parameters*. Odense, Denmark. Unpublished



organisation or social problem is affected and impacted upon by a number of pressures, forces, levers, discriminations and disadvantages. It considers everything and anything that can marginalise learners and increase their chances of exclusion. This includes, but is not limited to:

... gender, remoteness, wealth, disability, ethnicity, language, migration, displacement, incarceration, sexual orientation, gender identity and expression, religion and other beliefs and attitudes ([UNESCO, 2020](#), p. 4).

The Agency's current [Multi-Annual Work Programme](#) (2021–2027) highlights the concept of intersectionality.

The Legislative Definitions around Learners Vulnerable to Exclusion activity

[Legislative Definitions around Learners Vulnerable to Exclusion](#) aimed to collect information from Agency member countries focusing on legislative definitions around learners vulnerable to exclusion in education systems. It collected evidence to indicate where countries currently stand regarding the **definition of** and **approach to** learner groups and risk factors within inclusive education systems. There was a particular focus on legislative definitions and descriptions around a broad vision of inclusive education for **all learners**.

Specifically, the activity examined how Agency member countries legally define and describe learners' needs in terms of considering them as groups of **learners with special needs** or **learners vulnerable to exclusion**. It also considered how **anti-discrimination legislation** and **legislation for inclusive education** define and/or describe learners' needs, and explored the concept of **intersectionality**.

In the activity, the term '**learners' needs**' is understood as a way to highlight a requirement for educational provision and/or support without applying a label based on an external factor that in some way describes or impacts upon an individual or group of learners. Using the non-categorical term 'learners' needs' would be an **ideal** approach for countries to take and is in line with the Agency position on inclusive education systems ([European Agency, 2022b](#)).

The **reality** – as evidenced by analysing countries' legislative definitions or descriptions in policy around learners' needs – clearly indicates that legislation and policy documents describe learners' needs with less of a focus on learner requirements for provision and support, and more on externally generated labels that identify groups of learner characteristics.

The activity uses the terms '**categories of groups of learners**' and '**groups of learners**'. They refer to the groups of learners identified through the analysis conducted in this activity. However, it must be made clear that references to categories of groups of learners do not in any way endorse or promote the labelling of learners. The term 'groups of learners' has been applied as a way of investigating where and how country legislation and policy make distinctions between different groups of learners who may be vulnerable to exclusion.



As with the journey towards inclusive education, legal definitions may be developing towards **learners vulnerable to exclusion** and the consideration of **intersectionality**. Therefore, to respect the context of all countries, information on **special needs** categories is considered, as well as definitions considering **all learners**.

Please refer to the [Legislative Definitions around Learners' Needs – Policy Brief](#) for more information about the activity.

How the country reports were prepared

Agency team members compiled evidence from 35 Agency member countries.

Agency team members collected the information in this country report from Agency reports, the [country information pages](#) and [Eurydice](#) sources. The extracts focus on identifying **legal definitions** around learners vulnerable to exclusion. They do not cover the different forms of provision for these learners. However, it is recognised that in some cases there may be *operational* definitions rather than *legal* definitions.

The extracts are considered evidence of a *legal definition* and are included if they explain how a term is understood within legislation and policy. In some cases, there may not be an extract that provides this information; however, the legal documents provide indirect evidence that a legal definition may exist. Where this indirect evidence was found, it has been included.

It is to be expected that there may not be information available in response to every question, as country contexts differ and each country is at a different stage on the journey to develop inclusive education. Therefore, a wide range of questions was selected to allow evidence to be collected from every Agency member country.

Each of the first three sections begins by clarifying key terminology.

This report includes three sections with information that the Agency team compiled:

1. [Legal definitions of special needs](#)
2. [Legal definitions of learners vulnerable to exclusion](#)
3. [Legal definitions of inclusive education](#).

Section 4 contains [additional questions](#) that country representatives could choose to answer. Country representatives also had the option to review and amend sections 1–3.

The completed country reports served to identify trends within and across countries on legal definitions related to learners vulnerable to exclusion. The activity report, [Legislative Definitions around Learners' Needs: A snapshot of European country approaches](#), explains how the country reports were used for the analysis and presents the findings.



LEGISLATIVE DEFINITIONS AROUND LEARNERS' NEEDS IN SERBIA

1. Legal definition of special needs

A learner with special needs is understood as a learner who:

... for a wide variety of reasons, require[s] additional support and adaptive pedagogical methods in order to participate and meet learning objectives in an education programme. Reasons may include (but are not limited to) disadvantages in physical, behavioural, intellectual, emotional and social capacities ([UNESCO Institute for Statistics, 2012](#), p. 83).

1.1 There is a legal definition of special needs

Evidence

For a child or a student who needs additional educational support due to social deprivation, developmental difficulties, disabilities, learning difficulties, risk of drop out, or other reasons, the institution undertakes measures to adjust the schooling conditions by removing physical or communicational barriers, adapting the educational programme and methods, and preparing an Individual Education Plan. This process includes continuous assessment and monitoring, and involves the child's or student's parents, (pre-)school members, and external professionals ([European Agency Statistics on Inclusive Education](#)).

1.2 The legal definition of special needs is found in laws and policies

Evidence

Law on the Foundations of the Education System, 2017 ([Eurydice](#); [Country Policy Review and Analysis](#) – CPRA, p. 17)

By-law on Additional Educational, Health and Social Support to Children and Pupils (2010) (2018) ([Eurydice](#))

By-law on Individual Education Plan Implementation and Evaluation ([Eurydice](#))

1.3 The legal definition of special needs is found in strategies and programmes

Evidence

No information found.

1.4a Does your country's legal definition of special needs specify particular groups of learners?

Yes.



1.4b Which specific learner groups does the legal definition of special needs address?

Specific learner groups	Evidence
Learners with disabilities	Law on the Foundations of the Education System, 2017 (CPRA , p. 17)
Learners with social deprivation, learning difficulties, developmental and other disabilities	By-law on Additional Educational, Health and Social Support to Children and Pupils (2010) (2018) (Eurydice)
Learners with learning difficulties, specific cognitive impairments or behavioural or emotional problems, developmental disorders or disabilities (physical, motor, sensory, intellectual, multiple disabilities or autism spectrum disorders)	By-law on Individual Education Plan Implementation and Evaluation (Eurydice)

2. Learners legally considered vulnerable to exclusion from education

Within this document, the term **learners vulnerable to exclusion** encompasses all learners whose educational experience is 'impacted upon by a number of pressures, forces, levers, discriminations and disadvantages' (European Agency, 2021, p. 6). These learners may or may not fall into categories of special needs and a special type of provision may or may not be available to support them.

Although there may not be an official definition of learners vulnerable to exclusion, learner groups which are addressed in different legal documents as receiving support and not identified as learners with special needs are listed here.

2.1 There is a legal definition of learners vulnerable to exclusion from education

Evidence

No information found.

2.2 The legal definition of learners vulnerable to exclusion from education is found in laws and policies

Evidence

Law on the Foundations of the Education System

Law on Primary School Education



By-law determining affirmative measures for prioritising enrolment in pre-school institutions for at-risk children

By-law determining Individual Education Plans

([Global Education Monitoring Report \(GEMR\) 2021 – Serbia](#), pp. 12–13; [Eurydice; Constitution of the Republic of Serbia](#))

2.3 The legal definition of learners vulnerable to exclusion from education is found in strategies and programmes

Evidence

Strategy for the Development of Education in Serbia until 2020 (*Official Gazette of the Republic of Serbia*, No. 107/2012 of 9 November 2012)

([CPRA](#), p. 14; Changing Role of Specialist Provision in Supporting Inclusive Education (CROSP) country report, p. 3)

2.4a Do your country’s legislation, policies or strategies specify particular groups of learners?

Yes.



2.4b Which specific learner groups are legally considered to be vulnerable to exclusion from education across legislation, policies or strategies?

Specific learner groups	Evidence
<p>The following groups are considered vulnerable to exclusion:</p> <ul style="list-style-type: none"> • Materially disadvantaged families • Children without parental care • Single-parent families • The Roma national minority • Persons with disabilities • Persons with chronic diseases • Refugees and displaced persons, returnees upon readmission agreement, deported learners, etc. • Children who are victims of domestic violence • Children from families that are given some form of social protection • Children from socially unstimulating backgrounds • Children of seriously ill parents • Children whose parents are war veterans or have the status of displaced persons • Children from environments where health, safety and development are endangered due to family and other life circumstances • Learners who are at risk of early school leaving or dropout • Children without parents placed in institutions for children and youth 	<p>Law on the Foundations of the Education System</p> <p>Law on Primary School Education</p> <p>By-law determining affirmative measures for prioritising enrolment in pre-school institutions for at-risk children</p> <p>By-law determining Individual Education Plans</p> <p>(GEMR 2021 – Serbia, pp. 12–13; Eurydice)</p>
<p>‘The Republic of Serbia shall provide for free tertiary education to successful and talented students of lower property status in accordance with the law’.</p>	<p>Constitution of the Republic of Serbia, Article 71</p> <p>(Eurydice)</p>



Specific learner groups	Evidence
<p>People from underprivileged backgrounds and social groups (children, adolescents and adults) have the right to high-quality education and to respect for their specificities (Organisation for Economic Co-operation and Development classification).</p>	<p>Strategy for the Development of Education in Serbia until 2020 (<i>Official Gazette of the Republic of Serbia</i>, No. 107/2012 of 9 November 2012)</p> <p>(CPRA, p. 14; CROSP country report, p. 3)</p>
<p>Children/pupils/students who:</p> <ul style="list-style-type: none"> • ‘live in socially unstimulating conditions (in socially/economically/culturally impoverished environments, or in health/social care institutions over a long period)’; • ‘have extraordinary school achievements and learning abilities’. 	<p>By-law on Individual Education Plan Implementation and Evaluation</p> <p>(Eurydice)</p>

2.5a Does anti-discrimination and equal rights legislation address different learner groups in the education system?

Yes.

2.5b Which specific learner groups are listed in anti-discrimination and equal rights legislation?

Specific learner groups	Evidence
<p>Article 7 ... ‘The education system must provide equal rights and access to education to all children, students and adults, without discrimination and separation of any kind’.</p> <p>Among the objectives set in the Law on the Foundations of the Education System are ‘full intellectual, emotional, social, moral and physical development of each child, student and adult, in line with their age, development needs and interests’.</p>	<p>Law on the Foundations of the Education System, enacted in 2017, amended in 2018, 2019 and 2020</p> <p>(GEMR 2021 – Serbia, p. 18)</p>



Specific learner groups	Evidence
<p>The citizens of the Republic of Serbia are equal in exercising the right to education, regardless of their gender, race, national or religious affiliation, language, social and cultural background, financial standing, age, physical and psychological condition, developmental disabilities, political affiliation or other personal traits. The law prohibits discrimination in education and puts emphasis on the right to education of learners who need additional support.</p>	<p>Law on the Foundations of the Education System, 2017 (CROSP country report, p. 3)</p>
<p>Inclusive education ‘must especially adapt to the needs of learners from different social and cultural backgrounds’.</p> <p>‘The education system in Serbia should ensure the full involvement of Roma children and young people in quality pre-primary, primary and secondary education and greater inclusion of Roma in the learner population. It should also ensure support for the education of young people and adults who have not been educated or who left school, through the introduction of effective and efficient anti-discrimination mechanisms and the fulfilment of conditions for the exercise of all minority rights for Roma in the education system’.</p>	<p>Strategy for the Social Inclusion of Roma 2016–2025 (CPRA, p. 4)</p>
<p>‘A foreign citizen, a stateless person and a person claiming citizenship shall have the right to education and upbringing under the same conditions and in the manner prescribed for citizens of the Republic of Serbia’.</p>	<p>Article 3 of the Law on the Foundations of the Education System (CPRA, p. 10)</p>
<p>‘The law stipulates equal opportunities in Education, which is stated in Article 30: Educational, scientific and vocational-training institutions must not discriminate on the basis of sex ... Gender equality should be an integral part of education as stated in Article 31: Gender-related education is an integral part of pre-school, primary, secondary, and higher education, and should be provided within the curriculum in order to overcome gender-based biases, prevent gender-based stereotypes prejudices’.</p>	<p>Convention on discrimination against women; Constitution of the Republic of Serbia, enacted in 2006; Law on Gender Equality, enacted in 2009 (GEMR 2021 – Serbia, p. 19)</p>



Specific learner groups	Evidence
<p>‘The Strategy recognizes the segregation of Roma students and aims to provide support in education to children with disabilities, Roma children, children living and working on the streets, children refugees and internally displaced children, children in the process of readmission, children victims of violence and exploitation, children in rural areas and their families, in accordance with the principle of equal rights, without discrimination with regard to their personal status and social origin and the improvement of coordination of support with other protection systems. There are also some specific measures and indicators elaborated in the Action Plan that aim for enhancement of gender equality’.</p>	<p>Action Plan and Strategy for prevention of and protection from discrimination for the period 2014–2018</p> <p>(GEMR 2021 – Serbia, pp. 32–33; Preventing School Failure Country Survey – Serbia, p. 25)</p>
<p>‘Pupils of national minorities who choose to be enrolled in Education in Serbian language have the right to choose the elective subject Mother Tongue with the Elements of National Culture which is provided in sixteen languages (Albanian, Bosnian, Bulgarian, Bunjevac, Croatian, Czech, German, Hungarian, Macedonian, Roma, Rumanian, Ruthenian, Slovak, Slovenian, Ukrainian and Vallachian (Vlah))’.</p>	<p>Fifth periodical report presented to the Secretary General of the Council of Europe in accordance with Article 15 of the European Charter for Regional or Minority Languages</p> <p>(GEMR 2021 – Serbia, p. 11)</p> <p>Constitution of the Republic of Serbia, Article 20</p> <p>(GEMR 2021 – Serbia, p. 19)</p>
<p>‘In case of national minorities, this means high quality education in their native languages in order to assure the right to preserve national and cultural identity, but at the same time enabling the integration of national minorities by providing them the possibility to acquire the state language’.</p>	<p>Strategy for Education Development in Serbia 2020</p> <p>(GEMR 2021 – Serbia, pp. 31–32)</p>
<p>‘This law is sensitive to various reasons that may require additional support for the child and the student ... It also recognises refugee and migrant students as one of the groups at risk of discrimination and obliges institutions to arrange language support’.</p>	<p>Law on the Foundations of the Education System, enacted in 2017, amended in 2018, 2019 and 2020</p> <p>(GEMR 2021 – Serbia, pp. 23–24)</p>



Specific learner groups	Evidence
'Discrimination on grounds of disability at all levels of education shall be prohibited'.	Law on the Prevention of Discrimination against Persons with Disabilities 2016 (GEMR 2021 – Serbia , p. 17)
'Legislation and policy upholds the right of all learners to full participation in school with their own local peer group'.	National Strategy for Prevention and Protection against Discrimination 2013–2018 (CPRA , p. 12)

3. Legal definition of inclusive education

The Agency views **inclusive education** as:

... a systemic approach to providing high quality education in mainstream schools that effectively meets the academic and social learning needs of all the learners from the school's local community ([European Agency, 2015](#), p. 2).

In inclusive education:

Learners are placed at the centre of a system that needs to be able to recognise, accept and respond to learner diversity. Inclusive education aims to respond to the principles of efficiency, equality and equity, where diversity is perceived as an asset. Learners also need to be prepared to engage in society, to access meaningful citizenship and to acknowledge the values of human rights, freedom, tolerance and non-discrimination ([Soriano, Watkins and Ebersold, 2017](#), p. 6).

3.1 There is a legal definition of inclusive education

Evidence

Inclusive education is not just a question of accessibility or process, but a change in basic values and beliefs. There are significant human, economic and social reasons for inclusive education as a means of building relationships among individuals, groups and within society as a whole (Ministry of Education, Science and Technological Development, 2018) ([Country information](#)).

3.2 The legal definition of inclusive education is found in laws and policies

Evidence

No information found.



3.3 The legal definition of inclusive education is found in strategies and programmes

Evidence

Strategy for Education Development in Serbia 2020 ([CPRA](#), p. 3).

3.4 Do legal documents related to inclusive education refer to all learners, specific learner groups, or both all learners and specific learner groups?

Legal documents refer to both all learners and specific learner groups.

The most comprehensive strategic goal in education is full inclusion of all children and young people in quality pre-primary, primary and secondary education. The system supports inclusive education as a key to:

- developing human capital in society; ...
- recognising differences among learners; ...
- preserving and promoting the Roma identity.

... Measures for pre-primary education include systemic support for early inclusion, enrolment of children from marginalised groups ...

The objectives in primary education are ensuring effective dropout prevention ... Measures to boost access to primary school include non-discriminatory enrolment (Strategy for Education Development in Serbia 2020 in [CPRA](#), p. 3).

4. Additional questions

4.1 Are there other specific learner groups that receive additional support within the education system that have not been accounted for in this document? If yes, which legal documents (legislation, policies or strategies) address them?

No information.

4.2a Is the term or concept of 'intersectionality' mentioned in legislation?

No information.

4.2b Share details on how the concept is mentioned in the legislation

No information.

4.3a Are there any proposals/plans for changes in legislation focused on learners vulnerable to exclusion?

No information.



4.3b What proposals or plans exist for changes in legislation focused on learners vulnerable to exclusion?

No information.

4.4 Do you have any further comments?

No information.