



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

**Consideration of reports submitted by States
parties under article 35 of the Convention**

Initial reports of States parties due in 2011

Serbia* **

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** Annexes can be consulted in the files of the Secretariat.

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I. Articles 1 to 4

A. Definition of disability

1. The legal system of the Republic of Serbia does not have a single, comprehensive definition of disability. Both terms are defined in several laws, by-laws and policy documents.

2. The Law on Prevention of Discrimination against Persons with Disabilities¹ (LPDPD) defines persons with disabilities as persons with congenital or acquired physical, sensory, intellectual or emotional (psychosocial) impairment who are, due to social or other barriers, unable or have limited opportunities to engage in social activities at the same level as others, regardless of whether they are capable to carry out such activities with the use of technical aids or support services (art. 3, para. 1).

3. The Law on Professional Rehabilitation and Employment of Persons with Disabilities² (LPREPD), according to the social model of disability, objectives and principles set by the Strategy for Improving the Position of Persons with Disabilities³ (SIPPD), defines persons with disabilities as persons having from permanent consequences of physical, sensory, mental or psychiatric impairment or disease that cannot be eliminated by any treatment or medical rehabilitation and faced with social and other limitations and barriers affecting their working capacity and possibility to find or retain employment, and who have no possibility or have reduced possibilities to be included in the labour market or apply for employment on equal terms with other persons (art. 3, para. 1). In accordance with conventions and recommendations of the International Labour Organization, the definition determines the concept of “long-term impairments” as impairments that cannot be eliminated by any treatment or medical rehabilitation, which creates permanent consequences.

4. LPREPD is based on the principles of respecting human rights and dignity of persons with disabilities, inclusion of persons with disabilities in all spheres of social life on equal terms and according to their professional skills, encouragement of employment of persons with disabilities at appropriate positions and in appropriate working conditions, prohibition of discrimination of persons with disabilities, equal rights and obligations and gender equality of persons with disabilities.

5. In accordance with LPREPD, the status of a person with a disability shall have:

- A disabled war veteran;
- A disabled war veteran in peacetime;
- A disabled war veteran in civil service;
- A person categorised as a disabled person and other person whose disability was determined in accordance with the law;
- A person who was assigned a degree of disablement, i.e. whose remaining work capacity was assessed;

¹ *Official Gazette of RS* No. 33/06.

² *Official Gazette of RS* No. 36/09.

³ *Official Gazette of RS* Nos. 55/05 and 71/05 — amended.

- A person whose work capacity was assessed, according to which such a person has an opportunity to find employment and retain such employment, i.e. job.
6. The Law on Fundamentals of the Education System (LFES)⁴ defines a disability in the educational system as “children and students with developmental impairments and disabilities”, i.e. “handicapped students”, according to the Law on Higher Education.⁵
7. According to the Law on Pension and Disability Insurance⁶ a disability exists when an insured person experiences total loss of his/her work capacity due to the changes in the health condition resulting from an injury at work, occupational disease, injury outside of work or illness which cannot be eliminated by any treatment or medical rehabilitation.
8. SIPPĐ defines persons with disabilities as “persons with congenital or acquired physical, sensory, intellectual or emotional impairment who are, due to social or other barriers, unable or have limited opportunities to engage in social activities at the same level as others, regardless of whether they are capable to carry out such activities with the use of technical aids or support services”.

B. Anti-discriminatory legislation and policies

9. The Republic of Serbia maintains views set out in paragraph 486 and paragraphs 488 to 499 of the second periodic report on the implementation of the International Covenant on Civil and Political Rights (CCPR/C/SRB/2).
10. The Law on the Prohibition of Discrimination⁷ (LPD) prescribes that discrimination shall be considered to exist in case of conduct contrary to the principle of observing equal rights and freedoms of persons with disabilities in political, economic, cultural and other aspects of public, professional, private and family life (art. 26).
11. LPDĐD shall prohibit:
- Direct discrimination;
 - Indirect discrimination;
 - Violation of the principle of equal rights and obligations.
12. LPDĐD shall guarantee protection of individuals who reported incidents of discrimination, who plan or have filed a claim against discrimination, or will testify in initiated discrimination proceedings.
13. LPDĐD also prescribes particularly serious cases of discrimination and actions to be taken to improve the status of persons with disabilities, members of their families and associations that are provided with special support necessary for exercising rights under the same conditions as for others.
14. LPDĐD prescribes special cases of discrimination in the following spheres of life:
- Proceedings before public authorities (art. 11);
 - Membership in associations (art. 12);
 - Access to facilities, public areas and services (arts. 13–16);

⁴ *Official Gazette of RS* Nos. 72/09 and 52/11.

⁵ *Official Gazette of RS* Nos. 76/05, 100/07 — authentic interpretation, 97/08, 94/10 and 52/11.

⁶ *Official Gazette of RS* No. 34/03.

⁷ *Official Gazette of RS* No. 22/09.

- Health-care services (art. 17);
- Education (arts. 18–20);
- Employment and labour relations (arts. 21–26);
- Access to public transport (arts. 27–29);
- Marital and family relations (art. 30).

15. With respect to the purpose of the Convention, the Law on Social Protection⁸ (LSP), in terms of social protection, prescribes principles of respecting users' integrity and dignity. The user shall, in accordance with the Law, have the right to social protection which shall be based on social justice, responsibility and solidarity, which shall be provided to him/her by respecting his/her physical and mental integrity and security, as well as by respecting his/her moral, cultural and religious beliefs, in accordance with guaranteed human rights and freedoms (art. 24).

16. The Rulebook on the organization, norms and standards of centres for social work⁹ stipulates the anti-discrimination principle. The Centre for Social Work shall be responsible to represent interests and rights of users and to ensure equal access to services for all citizens, regardless of ethnic, cultural, religious, gender or socio-economic differences, disability and sexual orientation (art. 7).

17. Additionally, LSP prescribes the principle of non-discrimination. It prohibits direct or indirect discrimination of social protection users based on race, gender, age, nationality, social origin, sexual orientation, religion, political views, trade union and other orientation, property status, cultural origin, language, disability, nature of social exclusion or other personal characteristic (art. 25).

18. LFES prescribes that education of persons using sign language, i.e. special alphabet or other technical solutions, may be provided in the sign language and using means of the language (art. 9, para. 4).

19. The Law on Teachings and Other Teaching Materials¹⁰ prescribes that a textbook, i.e. teaching materials used for customised education of the blind and visually impaired, may be written in Braille, in an electronic form or in formats customized to the blind and visually impaired, i.e. texts printed in capital letters, sound recordings or photo enlargements, and/or other form and medium (art. 3, para. 5).

20. LFES defines general principles of the educational system according to which: there must be provided an equal right and access to education for all children, students and adults; equal opportunities for education at all levels and types of education in accordance with needs and interests of children, students and adults, without any obstacles to changes; continuation and completion of education and lifelong education; possibilities for children, students and adults with developmental impairments and disabilities, regardless of their financial situation, to have access to all levels of education in institutions, as well as to exercising the right to education without violating other children's rights and other human rights (art. 3).

21. In terms of violation of the right to education, LFES prescribes educational monitoring and monitoring inspection and penal provisions (arts. 161–163).

⁸ *Official Gazette of RS* No. 24/11.

⁹ *Official Gazette of RS* Nos. 59/08 and 37/10, by-law of the Family Law, 39/11 — amended by other rulebook.

¹⁰ *Official Gazette of RS* No. 72/9.

22. The Law on Health Care¹¹ (LHC) determines that social care for health, under equal conditions and in the territory of the Republic of Serbia, shall be ensured by providing health care to the group of citizens exposed to an increased risk of disease, health care to persons related to the prevention, suppression, early detection and treatment of a disease of greater socio-medical importance, as well as health care to socially vulnerable populations. Health care, inter alia, includes persons with disabilities and mentally disabled persons.

23. LHC defines the principle of health-care equality which is essentially anti-discriminatory. The principle of health-care equality is practised by prohibition of discrimination in the provision of health care based on race, gender, age, nationality, social background, religion, political and other views, property status, cultural origin, language, type of illness, mental or physical disability (art. 20).

C. Employment

24. Data from the World Bank indicate that there is only about 13% of persons with disabilities (PWD) employed in Serbia. An additional concern is the fact that 10% from this figure is employed in the non-governmental organization sector, that is, most of them are employed in PWD organizations and only 1% in the economy and public sector. PWD unemployment is thus three times higher in comparison to the rest of the population. Prior to the adoption of LPREPD, practice in this field did not provide equal access to the open labour market for PWDs. Moreover, a dominant form of employment was in so-called “sheltered workshops”.

25. Adoption of LPREPD for the first time created a possibility for PWDs to be included in a larger number in the open labour market, and to improve quality of their employability and/or employment quality. LPREPD in this sense prescribes a series of incentive measures and activities for unemployed persons and employers alike. For unemployed persons are particularly important professional rehabilitation measures and active employment policy measures. Adoption of LPREPD was followed by the adoption of by-laws that more closely regulate this field.

26. The ministry competent for employment, in cooperation with the National Employment Agency (NEA) and Statistical Office of the Republic of Serbia (SORS), regularly monitors a labour market situation and trends and evaluates effects and impact of individual employment programmes and measures. The ministry monitors implementation of programmes and measures envisaged by the national employment action plan by means of indicators. The system of statistical indicators and the calculation methodology are developed in accordance with international and European standards and defined in the National Employment Action Plan.

27. The Labour Law (LL)¹² prescribes prohibition of direct or indirect discrimination against persons seeking employment and against employees, inter alia, on the basis of their health and/or disability (art. 18). Discrimination referred to in article 18 of the Law, is prohibited in relation to: requirements for recruitment and selection of candidates for a particular job, working conditions and all rights related to employment, education, training and development, promotion, and termination of the employment agreement.

28. Provisions of the employment agreement determining discrimination on any of the grounds referred to in article 18 of the Labour Law, are null and void. In cases of

¹¹ *Official Gazette of RS* Nos. 107/2005, 72/2009 — amended by other law, 88/2010, 99/2010 and 57/2011.

¹² *Official Gazette of RS* Nos. 24/05, 61/05 and 54/09.

discrimination in terms of provisions of articles 18 to 21 of the Law, a person seeking employment, and employees, may initiate compensation proceedings before the competent court, in accordance with the Law.

29. In accordance with article 104 of the Labour Law, an employee shall have the right to appropriate pay, which shall be determined in accordance with the Law, general act and employment agreement. The employee shall be guaranteed equal pay for the same work, or for the work of an equal value which he/she performs for his/her employer. An employer's decision or an agreement with an employee which are not in accordance with the principle of equal pay for the same work, or for the work of an equal value, shall be null and void, and in case of violation of this principle, the employee shall have the right to compensation. In practice, the pay is usually determined by a general act (collective agreement or rules of procedure) or by the employment agreement. These acts include elements for determining salaries, compensation of costs, other benefits of employees, etc. Specific minimum rights are determined by the law, and more rights are determined by the collective agreement, such as: salary increase (for night work, overtime and work on holidays, which are non-working days, and for past work); sick leave pay and pay for temporary termination of employment; severance pay in case of retirement and severance pay for termination of the employment agreement due to redundancy.

30. In determining salaries and other benefits, the right to equal pay must be ensured for the same work, or for the work of an equal value, performed for the employer, in accordance with the above stated legislative provisions.

31. The ministry competent for employment shall monitor implementation of the law and regulations adopted for its execution, as well as operation of NEA and the Agency. In accordance with regulations on tax procedure and tax administration, the Tax Administration controls the obligation of employing persons with disabilities. This action provides information on the total number of employed persons with disabilities and on manners in which employers fulfil the employment obligation.

32. LPREPD prescribes that activities of enhancement of employment of persons with disabilities shall be performed by an organization competent for employment operations. An active PWD employment policy includes incentives aimed at improving PWDs' motivation, employment and self-employment. NEA is, together with institutions for professional rehabilitation and employment of persons with disabilities and educational institutions, responsible for implementation of measures and activities related to professional rehabilitation.

D. Specific anti-discrimination measures

33. LPD prescribes that a claim against discrimination based on disability may, in addition to PWDs and their legal representative, be submitted by the Commissioner for the Protection of Equality and organization dealing with protection of human rights and/or rights of a specific group of persons. According to LPDPD, a member of the household of a person with a disability, who without charge assists the disabled person in carrying out everyday activities, who was for this reason discriminated in the field of employment and labour relations, may also file a claim against discrimination based on the temporary or permanent connection to the person with a disability.

34. In December 2005, the Republic of Serbia adopted the Social Welfare Strategy,¹³ which binds it to take care of persons with disabilities in the least restrictive environment,

¹³ *Official Gazette of RS* No. 108/05.

according to their condition. Therefore, one of the priorities of the reform of the social protection system is to improve protection of these particularly vulnerable groups through the process of preventing institutional care, gradual reduction of institutions' capacities, raising the quality of institutional care and creating possibilities for users to leave institutions and go to the natural or less restrictive environment. This process requires time and substantial material resources.

35. Serbia has in the last several years made a considerable effort to both raise standards in facilities for accommodating users (construction, renovation, adaptation etc.), and train staff and change mindset and opinion regarding protection of children and adults with disabilities.

36. The Ministry of Labour and Social Policy (MLSP), as part of the Family Care and Social Welfare Department, carries out activities at three levels of operation in order to improve living conditions of persons with disabilities:

- Supporting local self-governments in establishing and sustaining social protection services at the local level, and developing PWD services;
- Improving living conditions and treatment of users of institutional accommodation in social care facilities;
- Developing and training professional staff.

37. As a prerequisite for long-term sustainability of all newly established support services in the social protection system, new LSP, inter alia, more closely regulates the position of persons with developmental impairments, i.e. persons with disabilities.

38. LSP envisages prohibition of discrimination based on disability, "social protection services shall be provided in accordance with the best interest of the user, taking into account his/her life cycle, ethnic and cultural origin, language, religion, lifestyle, developmental needs and needs for additional support in everyday activities" and "social protection services shall be provided primarily in direct and least restrictive environment, and those services shall be selected which shall allow the user to stay in the community".

39. Social protection services are divided into the following groups: assessment and planning services; daily services in the community; support services for independent living; advisory-therapeutic and socio-educational services; and accommodation services.

40. The user shall, in accordance with LSP, have the right to participate in the assessment of his/her condition and needs, and in deciding on whether he/she shall accept a service, and he/she shall receive all required notifications on time, including a description, purpose and benefit of a proposed service as well as information on available alternative services and other information relevant for the provision of a service.

41. Without consent of the user or his/her legal representative, no service may be provided, except in cases determined by LSP.

42. For the users who, because of their specific social and health status, have a need for both social care and constant health care or supervision, this Law shall, for the first time, allow establishment of facilities with both social and health care. For such users, LSP also envisages a possibility of establishing special social and health organizational units within social care facilities, i.e. within health-care facilities.

43. Another novelty introduced by LSP is so called "work centres". Namely, "services aimed at improving job skills, i.e. recruitment of PWDs who are users of social protection services, shall be provided in social care facilities and in work centres, in accordance with the Law regulating professional rehabilitation and employment of persons with disabilities".

E. Practice

44. After a visit of the representatives of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe, to the Republic of Serbia in 2007, it was pointed to the need to reassess the status of intellectual disabilities users in social care facilities. Acting according to the recommendation of the Committee, in early 2008, the Ministry of Labour and Social Policy (MLSP) required from all centres for social work and from facilities accommodating persons with intellectual disabilities to reassess guardian's care and provide legally valid consent for the accommodation in the facilities. Centres for social work received an instruction that the purpose of the stated procedures is not to cause massive deprivation of work capacity of accommodation users, but to make a valid assessment of the remaining capacity, with users' participation, in accordance with their abilities.

45. For the purpose of increasing professional competence of employees in centres for social work, guardian care training was held in December 2010, and another training of employees related to the same matter was planned in social care facilities. In particular, social care facilities have been executing obligations of guardians and guardianship authorities related to providing identity documents to residents, comprehensive and continuous health care and disposal and management with their property.

46. For the purpose of improving living conditions of users, significant funds were invested in the facilities. In terms of space, and capacity operability and suitability (construction and technical conditions), most facilities underwent changes, which improved the quality of life of users.

47. In the last three years, total investment funds allocated to facilities accommodating persons with developmental disabilities amounted to about RSD 384,386,267. The funds were mostly used for various repairs, renovations, construction as well as for the procurement of various equipment for work. Investments in 2010 were as much as four or five times higher than in the previous years.¹⁴

48. In addition to the budget, social care facilities providing accommodation also had at their disposal funds from donations. A number of domestic and international economic organizations and citizens' associations and individuals donated funds mostly for equipping rooms in facilities for accommodating persons with disabilities.

49. Preventive activities: centres for social work in the Republic of Serbia were obliged by the Rulebook on the organization, norms and standards of centres for social work to develop preventive programmes which shall contribute to meeting individual and common needs of citizens, i.e. to the prevention and mitigation of social problems occurring in the local community. Preventive activities in the operation of centres are carried out by implementing specific, thematic and target group-oriented preventive programmes. Centres for social work carry out these activities together with other systems in the community, taking into account the need to protect persons with disabilities and improve their status in their local communities.

50. Adults with disabilities vary in type and level of a disability (which ranges from reduction to the loss of ability to function independently), which directs these persons to continuous use of services of social care facilities and guardianship authorities.¹⁵

¹⁴ Tables presented in paragraphs 1–2 of the annex.

¹⁵ See table in paragraph 2 of the annex.

51. Provision of new social, health and other services to families and individuals in a local community shall enable gradual reduction in the pressure related to accommodating persons with disabilities in these facilities, but also an increased possibility of returning a number of users to their family and natural environment. In this regard, it should be noted that implementation of this process might take a while.

F. Staff training and education: an overview of accredited programmes for the protection of persons with disabilities

52. In 2007, in the Republic of Serbia was implemented a mechanism for continuous training of employees in the social protection system, i.e. accreditation of training programmes for providers of social protection services. This mechanism has also been included in LSP, and a by-law is being developed.

53. The Register of accredited programmes, kept in the Republic Institute for Social Protection, so far has 19 registered programmes for the protection of persons with disabilities or for the protection of children and young persons with developmental disabilities. So far, about 11 to 19 programmes have been implemented.

G. Progressive implementation

54. With the adoption of the stated anti-discrimination mechanisms, the Republic of Serbia has been carrying out its obligation of providing persons with disabilities with effective legal protection against discrimination referred to in article 5 of the Convention. Also, the Republic of Serbia takes actions of ensuring persons with disabilities free and equal exercise of the following rights:

- Right to life (art. 10);
- Situations of risk and humanitarian emergencies (art. 11);
- Equal recognition before the law (art. 12);
- Access to justice (art. 13);
- Liberty and security of the person (art. 14);
- Freedom from torture or cruel, inhuman or degrading treatment or punishment, including medical experiments (art. 15);
- Freedom from exploitation, violence and abuse (art. 16);
- Protecting the integrity of the person (art. 17);
- Liberty of movement and nationality (art. 18);
- Respect for privacy (art. 22);
- Respect for home and the family (art. 23);
- Health (art. 25);
- Work and employment (art. 27);
- Participation in political and public life (art. 29).

55. Freedom of opinion and expression, and the right to receive and disseminate information (art. 21): in May 2008, a mixed working group of MLSP and the Serbian Association of Deaf and Hard of Hearing, supported by the United Nations Development Programme (UNDP), started to develop a draft Law on the use of Serbian sign language,

and to work on the standardization of Serbian sign language, and the service of translation into the sign language in Belgrade has been financed through a World Bank project. The law is expected to be adopted by 2012.

56. The right to social protection (art. 28): new LSP was adopted. More than RSD 4 billion was allocated from the budget to LSP implementation in 2011.

57. In article 5, the Law on Spatial Planning and Construction¹⁶ stipulates that public and business facilities have to be designed and constructed in the manner that persons with disabilities, children and elderly persons are able to freely access, move, stay and work in them. Residential and combined residential and office buildings with 10 or more apartments must be designed and constructed in the manner that persons with disabilities, children and elderly persons are able to freely access, move, stay and work in them.

58. SIPPD envisages gradual and continuous adaptation of existing public facilities, transport infrastructure and means of public transportation in all spheres of transportation, to make them become accessible for persons with disabilities (special objective 14).

59. The Republic of Serbia shall take efficient and appropriate measures to facilitate persons with disabilities to fully exercise the right to life in the community, and their full inclusion and participation in the community (art. 19). LSP, inter alia, envisages provision of support services for independent living in the community by organizing personal assistance services at the local level and supported housing, as well as various daily services which include daily care and help in the household.

60. The Republic of Serbia shall progressively implement measures for habilitation and rehabilitation of persons with disabilities (art. 26). LPREPD regulates in detail activities of organizations for professional rehabilitation and employment of persons with disabilities. Special budget fund was created for enhancing employment and professional rehabilitation in 2010.

61. LFES prescribes an equal right and access to education for all, which implies application of inclusive measures in educational practice. It is mandatory to enrol all children in the preparatory preschool programme for the primary school. The Law envisages a possibility that children from vulnerable groups work according to an individual educational programme. LFES implies equality of boys and girls, i.e. gender equality. The preparatory preschool programme, as well as the primary school, is compulsory for children and students. After completion of the primary school, every student has the right to apply for enrolment to the secondary school, according to the wish list, and in accordance with points scored on the final examination and success in the primary school.

62. The Law on Textbooks and Other Teaching Materials also includes low-circulation textbooks for students with development disabilities, as well as the right to publish textbooks in Braille and in an electronic form.

63. The Law on Preschool Education¹⁷ enables all children to be enrolled in regular kindergarten groups, and also prescribes development groups which children with developmental disabilities are enrolled in, upon parents' consent.

64. The Rulebook on additional educational, health and social support to the child and student¹⁸ regulates an assessment of needs for additional student support in the educational

¹⁶ *Official Gazette of RS* Nos. 72/09, 81/09, 64/10 and 24/11.

¹⁷ *Official Gazette of RS* No. 18/2010.

¹⁸ *Official Gazette of RS* No. 63/2010. The Rulebook was adopted by the Ministry of Education, Ministry of Health and Ministry of Labour and Social Protection.

system, if required, through the operation of the Interdepartmental Commission (IC), at the local level.

65. The Rulebook on detailed guidelines for determining the right to the individual education plan (IEP), and its implementation and evaluation,¹⁹ enables children from vulnerable groups to be organized within the regular educational system in accordance with their abilities. This means that students who attend schools for students with developmental disabilities, who enrolled by the end of 2009, may also study according to IEP and in accordance with their individual potentials. In terms of the students who enrolled in schools for students with developmental disabilities in academic year 2010/2011, teachers shall be obliged to work according to individual curriculum for every child.

66. Over 7,500 persons working in the educational system have been trained in inclusive education and IEP development and implementation.

67. Over 140 ICs have been established, and there is a tendency of establishing new ICs in municipal and city administrations of the Republic of Serbia. With regard to smaller municipalities, joint ICs may be established. All IC members were trained to work and use the Rulebook on additional educational, health and social support to the child and student. Training was provided to three permanent IC members (a representative from the health-care, educational and social protection system) and Commission coordinator. Support to IC operation has also been provided through the IC Manual. A guidebook for parents is also available, whose aim is to familiarise parents better with their role in IC operation and with rights of their child.

68. The Manual for inclusive school development was issued in cooperation with the Institute for Education Quality and Evaluation, which assists schools in developing an inclusive policy, culture and practice. Additionally, LFES prescribes progressive implementation of achievement standards according to their levels for the primary and secondary education.

H. Degree of involvement of persons with disabilities in Convention implementation issues

69. In 2002, the Government of the Republic of Serbia established the Council for Persons with Disabilities. The Council consists of representatives of competent ministries and PWD national organizations. The Council monitors implementation of the PWD policy and serves as a forum to discuss about proposed regulations relevant for PWDs' rights and improvement of PWDs' status. The National Organization of Persons with Disabilities of Serbia (NOPWDS) appointed as its representatives in the Council delegates from representative organizations, who are persons with physical, sensory and intellectual disabilities. All NOPWDS representatives in the Council are either persons with disabilities or their legal representatives, i.e. parents of children with disabilities. Gender equality is also ensured as nearly half of persons with disabilities who are Council members are women with disabilities.

70. The Government of the Republic of Serbia has in the drafting of legal regulations, which should address issues of persons with disabilities, directly included representatives of associations of persons with disabilities. During the drafting of LPDPD, LPREPD and SIPPD, working groups involved in drafting these documents included experts who were proposed by national associations of persons with disabilities, which contributed to the quality of the documents.

¹⁹ *Official Gazette of RS* Nos. 72/09 and 76/2010.

I. Implementation of the Convention in the Republic of Serbia

71. Within its legislative framework, the Republic of Serbia provides the same level of rights as that contained in the Convention.

72. On the territory of the Autonomous Province of Vojvodina, provincial authorities responsible for the issues related to social policy, health care, urban planning and construction, education and employment, are working on the implementation of relevant provisions of the Convention.

73. According to the Constitution, the Convention on the Rights of Persons with Disabilities is applied in the entire territory of the Republic of Serbia, being a contracting State. However, since on one part of the territory of the Republic of Serbia (the Autonomous Province of Kosovo and Metohija) has, since 10 June 1999, been established civil and security presence under the auspices of the United Nations (Security Council resolution 1244), the Republic of Serbia invites the Committee to require from the United Nations Interim Administration Mission in Kosovo (UNMIK) to provide additional information on the implementation of the Convention on the territory of Kosovo and Metohija, which shall form an integral part of this report.²⁰

74. Reports of several United Nations Secretaries-General, as well as reports of the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNDP, the Organization for Security and Co-operation in Europe (OSCE), Council of Europe, Amnesty International, Human Rights Watch, Freedom House, Transparency International and many other organizations, continually point to the widespread and persistent violation of basic human rights of non-Albanian communities in Kosovo and Metohija, particularly Serbs. There are alarming data concerning violation of human rights of residents with disabilities in the Special Institute in Shtime (referred to in paragraphs 75–81), for which reason the Committee is invited, in accordance with its competencies, to require from UNMIK to initiate investigation, which shall determine the real situation and fate of social care users in Shtime.

J. Situation in the Special Institute in Shtimlje²¹

75. Until 1999, the Special Institute for accommodating psychiatrically and mentally disabled persons “Shtimlje”, in a town, Shtime, in the territory of Kosovo and Metohija, accommodated 243 users of Serbian and other nationalities, about whose destiny there are no reliable or valid data.

76. According to UNMIK data from March 2003, there was the total of 145 persons of Serbian and other non-Albanian nationalities in Shtimlje Institute. The Republic of Serbia and the Ministry for Kosovo and Metohija have lists of users which, in accordance with article 17 of the Convention — Protection of the integrity of the person, and article 22 of the Convention — Respect for privacy, shall not be an integral part of the report, but can be submitted to the Committee and other bodies in case of establishing commissions which will investigate the situation in Shtime.

77. Reports of various organizations in different time intervals specify difficulties in the work of Shtime, but also completely different data on the number of persons of Serbian nationality residing in the institution.

²⁰ See annex II — Legal framework in Kosovo and Metohija.

²¹ See annex II — Situation in the Special Institute in Shtime.

78. The OSCE Mission in Kosovo (OMIK) invited MDRI (Mental Disability Rights International) to Kosovo and Metohija, as a consultant for the development of new legislation in the field of mental health. MDRI team visited Kosovo and Metohija seven times in the period September 2000-July 2002, on which occasions research teams visited residential and non-residential facilities for accommodating users with physical and mental disabilities. The largest social care facility visited on that occasion was Shtime, with the capacity of 285 beds. During the visit in 2002, Shtimlje had 230 residents. MDRI in its report stated that it would be logical that care for international standards was taken over by the Ombudsman, which are United Nations, but also specified that United Nations operations in Kosovo were not at the level of the task placed before them. MDRI also stated that United Nations actions contributed to unnecessary life-long institutionalization of persons with psychological disabilities. MDRI emphasizes that users are exposed to physical, sexual and psychological abuse, that medical and psychiatric care is inadequate, that there are cases of sexual harassment, exploitation, rape and other forms of violence in Shtime, and that most of people residing in Shtime have no reasons to be institutionalized.

79. MDRI found the following situation in Shtimlje:²²

- (a) Inhuman and degrading conditions (deprivation, users' inactivity, no privacy, filth, shared clothing, no personal hygiene, the only form of treatment are psychotropic medications which are administered without any professional control, work teams without a psychiatrist, locking up of users);
- (b) Physical violence and sexual abuse (contents of reports received by MDRI are consistent, therefore, it is possible to conclude that physical violence and sexual abuse are important issues in Shtimlje);
- (c) Vulnerability of children in Shtimlje;
- (d) Arbitrary detention in facilities and guardianship;
- (e) Reinforcing segregated services — services should be based on users' needs and provided in the community (community-based services); practice has shown that large facilities are not good for people with intellectual disabilities;
- (f) Right to citizen participation.

80. Herewith is also listed the number of users of Serbian nationality in Shtime, according to reports of international organizations, bodies and institutions for the past 10 years, which considerably vary:

- Marec Novicki, ex officio 2/04, published on 5 May 2005 — 105 persons of Serbian nationality: 92 are the citizens of the Republic of Serbia, and others are refugees from Bosnia and Herzegovina, Croatia and Macedonia;
- According to the data from OSCE report, and referring to data of the Ministry of Labour and Social Protection of 11 March 2002, the facility accommodated 230 persons: 135 Serbs, 6 Croats, 5 Macedonians and 10 Hungarians. Twenty children that were in Shtime were accommodated in new faculties in the village Laplje Selo and town Shtime;
- The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment says that since March 2007, two facilities in Shtime have accommodated a total of 146 patients, i.e. the first facility 74 (30 men and

²² Listed points are described in more detail in annex II — Situation in the Special Institute in Shtime.

44 women) and the second 72 (39 men and 33 women), without stating their nationality;

- Report from the Press Conference of OSCE Mission in Kosovo of 28 May 2010 states that the total number of residents in Shtimlje was 61 (the figure includes both Albanians and Serbs).

81. In view of extremely different data, and the alarming fact that in eight years the number of residents has been reduced from 230 to 61, and that there is no clear and precise information on measures taken in the deinstitutionalization process, it is necessary to carry out a procedure which shall determine the exact number of residents.

II. Article 5 — Equality and non-discrimination

82. Persons with disabilities are able to use laws to protect or achieve their interests on equal terms with others.

83. Employment regulations are based on umbrella non-discrimination legislation — LPD and LPDPD, which in detail regulate non-discrimination in terms of employment.

84. Provisions of the Law on Employment and Unemployment Insurance²³ prohibit discrimination in the field of employment. The Law provides the employer with a right to independently decide on a person to be employed or engaged. At the same time, it determines an obligation for the employer to ensure equal treatment of persons who contacted the employer for an employment interview. Discrimination in the field of employment is prohibited (art. 5), i.e. principles of impartiality were adopted, as well as affirmative actions aimed at the unemployed who have difficulties in finding a job, gender equality and freedom of choice of profession and workplace.

85. LPREPD also prohibits discrimination of persons with disabilities. It prohibits PWD discrimination and promotes principles of inclusion in all spheres of social life on equal terms, encourages employment at appropriate positions and in adequate working conditions, as well as equality and gender equality (art. 2).

86. LPD envisages a possibility to file a claim to the Commissioner for the Protection of Equality, and the Law on the Ombudsman provides for a possibility to file a complaint to the Ombudsman.

87. LFES prescribes support measures for children and students with developmental impairments and disabilities (arts. 77 and 98), whereas more detailed implementation conditions are regulated in the following by-laws: Rulebook on additional educational, health and social support to the child and student²⁴ and Rulebook on detailed instructions for determining the right to the individual education plan, its implementation and evaluation.

88. A strategic objective set by SIPPD is to improve the position of PWDs and make them become equal citizens who enjoy all rights and responsibilities. In accordance with established frameworks, the plan is to meet the following general objectives by 2015:

- The issue of the status of persons with disabilities should be integrated in general development plans, with the development of an institutional framework and operationalization of multisectoral and multidepartmental cooperation on the activities of planning and monitoring policies in this field;

²³ *Official Gazette of RS* No. 36/2009.

²⁴ *Official Gazette of RS* Nos. 63/2010 and 88/10.

- Establishing effective legal protection with developed and implemented plans for the prevention of discrimination against persons with disabilities, as well as plans for sensitizing the society on disability issues;
- Making available social, health and other services based on rules and needs of users in accordance with modern internationally accepted methods of assessment of disabilities and needs;
- Developing measure policies and implementing programmes, particularly in the field of education, employment, labour and housing, which to people with disabilities provide equal opportunities and promote independence, personal development and active lifestyle in all the fields;
- Ensuring to persons with disabilities access to built environment, accessible transportation, information, communications and public-oriented services, by developing and implementing the plan for removing barriers and constructing accessible facilities and services;
- Ensuring to people with disabilities an adequate standard of living and social protection.

89. In the achievement of de facto equality, an important part make affirmative actions which shall ensure to persons with disabilities efficient legal protection against discrimination, as well as development of measures policy and programmes in the field of education, employment, labour and housing.

90. The fourth part of LPDPD prescribes measures for promoting equality of persons with disabilities. Proposed measures were drafted with respect to decisions of United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities. They are a necessary prerequisite and basis for achieving equality of persons with disabilities. The measures represent guidelines and minimum standards which need to be developed according to the laws on social protection, compensatory rights, urban planning and construction, transportation and telecommunications, process of law, education, organization of cultural and sports activities.

91. LPDPD prescribes an obligation of all authorities of the State, territorial autonomy, and local self-government to take actions in creating equal opportunities for PWDs and to include them and their organizations in such activities (art. 38). This broadly defined obligation shall be implemented in practice through series of laws in the fields such as labour law, social protection, pension and disability insurance, health care, education, access to built environment, information and communications, public transportation, since disability is a social phenomenon that affects virtually every segment of the society. SIPPD is a link in the chain of practical implementation of provisions set out in article 38 of LPDPD.

92. Affirmative actions of the educational system have been carried out since 2003, but gained significance only with the application of LFES from 2009, and by-laws from 2010, as well as the Law on Higher Education.²⁵

III. Article 8 — Awareness raising

93. Promotion of inclusion in education has been conducted through the partnership with the non-governmental sector, which includes counsellors from school administrations,

²⁵ *Official Gazette of RS* Nos. 76/2005, 100/2007 — authentic interpretation, 97/2008 and 44/2010.

teachers, professional associations (Teachers' Association of Serbia) as well as through promotional work with teams from DILS (Delivery of Improved Local Services) and EFA (Education for All) projects. Education policy media promotion is carried out through interviews and public appearances of decision makers from the highest level of the educational system.

94. Since PWDs are a vulnerable group, legal provisions were adopted on the basis of SIPPD which define the status of persons with disabilities. In article 5, the Law on Public Information regulates that the Republic of Serbia, autonomous province and/or local self-governments shall be obliged to provide some means or other conditions for undisturbed exercise of the right of persons with disabilities to public information, and free receiving of ideas, information and opinion.

95. Starting from the objectives determined by SIPPD and legal obligations, the Ministry of Culture, Media and Information Society (MCMIS) supports projects for people with disabilities as part of the annual competition for financing projects/programmes in the field of public information.²⁶

96. In 2004, MLSP published a Guidebook on rights of persons with disabilities in a hard copy and in an electronic form. In cooperation with NOPWDS, a revised edition of the Guidebook was published in February 2011, which contains information on the rights set out in the Convention.

97. In 2006 and 2007, MLSP supported a Convention-promoting campaign organized by the Centre for Independent Living Serbia. The campaign included printing of a brochure on the Convention and organizing round tables and panel discussions on rights set out in the Convention, in the 10 largest cities in Serbia.

98. Lectures on the Convention, given by Dr. Damjan Tatić, have been a regular part of the curriculum at the Legal Clinic at the Faculty of Law, University of Belgrade, since 2009, whereas the Convention was one of the main topics in the Summer School on anti-discrimination of persons with disabilities, held at the Faculty of Law, University of Belgrade, 20–24 September 2010.

99. One of the LPREPD objectives is to eliminate prejudices about abilities and capabilities of PWDs, and to take incentive measures aimed at PWDs' inclusion in all spheres of social life through their involvement in the labour market. Activities carried out in terms of this also include promotion of equal opportunities, monitoring effects of labour and social inclusion, as well as cooperation with all stakeholders who can contribute to promoting employment and inclusion of PWDs. To perform these activities, institutions competent for the development and implementation of the employment policy for PWDs, the Ministry of Economy and Regional Development (MERR) and NEA have, since entry into force of LPREPD, participated and/or organized over 80 panel discussions, round tables and conferences, with an aim to raise awareness of labour market stakeholders and citizens in terms of rights and needs of persons with disabilities.

100. As part of the EC Programme for employment and social solidarity and "New Skills for Persons with Disabilities" project, two regional conferences were held on the topic "Importance and role of a partnership in the employment of persons with disabilities", where over 220 partners (employers, associations) were present.

101. MERR and NEA organized designing, printing and distribution of appropriate brochures such as "Support to employers in employing persons with disabilities", "Professional rehabilitation of persons with disabilities" and "Equal opportunities in the

²⁶ A table overview of allocated funds is set out in annex I.

labour market”, all for the purpose of informing the public about the position of PWDs in the labour market and opportunities for professional rehabilitation and employment.

102. Also, there is a continuous cooperation with institutions for professional rehabilitation and employment of PWDs, PWD associations, employers and other entities, for the purpose of raising awareness of both employers and PWDs about employment opportunities and rights and obligations concerning work and employment.

103. As part of NEA was established the Centre for Professional Rehabilitation and Employment of Persons with Disabilities. Through work with PWDs (by motivating them to join the labour market, vocation and assessment of work capacity, gaining and strengthening competencies, knowledge, abilities and skills through training programmes), employers (by promoting socially responsible operation, sensitizing employers and working environment to the importance of employing PWDs (from the society and individual point of view)), selection of candidates and provision of other forms of professional and counselling assistance to employers and other stakeholders, the aim is to achieve competitive employment of PWDs and functional operational and social integration. The necessity to further strengthen capacities of the Centre (meeting organizational, human resource, spatial and technical, operating and programme standards), as well as to ensure accessibility for the larger number of users of the stated services, requires development of a network of centres at the regional level in the following period.

104. Part of the projects of the Ministry of Health concerning improvement of the primary health-care level concerns sensitization of health-care professionals and local self-government for the purpose of improving knowledge and communication skills of persons with disabilities, as well as improving and strengthening home-care services and visiting nurse services, which are crucial for providing aid to persons with disabilities.

105. The former Ministry of Human and Minority Rights, in cooperation with the Office of the United Nations Resident Coordinator in Serbia and the OSCE Mission in Serbia, in July 2010, organized a round table with the theme “Reporting on the implementation of the United Nations Convention on the Rights of Persons with Disabilities”. The round table participants were PWD associations, associations of parents of children with disabilities, relevant State authorities and media. Participants were, inter alia, presented with, and made available in an electronic form, the material relating to the process of reporting to United Nations treaty bodies, and the form and contents of the report, as well as with determining competencies of the treaty bodies for receiving and examining individual complaints.

106. The Ministry for Human and Minority Rights, Public Administration and Local Self-Government, Directorate for Human and Minority Rights (MHMRPALSJ) published on the website the text of the Convention and its Optional Protocol, and a simplified and abridged version of the Convention.²⁷

IV. Article 9 — Accessibility

107. The fifth objective of SIPPJ is to ensure access for PWDs to built environment, transportation, information and communications and public-oriented services.

²⁷ Serbian version was prepared by the Association Society Orientation, funded by Handicap International, the original document was created by “Easy Read” Service @ Inspired Services, in August 2007.

A. Built environment

108. The Law on Road Traffic Safety²⁸ prescribes rules that provide access for persons with disabilities, on equal terms with others, to the built environment. Road traffic includes installation of equipment for blind and visually impaired persons, which shall serve to mark the space in public transportation and pedestrian areas, entrances to facilities, to enable movement in buildings for public use, as well as installation of special signalling devices which shall ensure undisturbed and oriented movement of blind and visually impaired persons.

109. Equipment used for marking roads for the movement of the blind and visually impaired is the following:

- Tactile strips with clearly marked path ends;
- Tactile pedestrian push-buttons on traffic-light poles;
- Audible signals for guiding;
- Audible crossing signals;
- Other technical means of similar purpose.

110. Apart from the equipment enabling movement of the blind and visually impaired, additional aids may be installed like handrails, tactile guidance and other similar tools that will enable blind and visually impaired persons to move and orient themselves better and more easily in public areas or in public facilities.²⁹

111. According to the Law on Air Transportation³⁰ from 2010, the Rulebook on Persons with Disabilities and Persons with Reduced Mobility in Air Transportation³¹ was adopted, which contains the Regulation (EC) No. 1107/2006 of the European Parliament and Council of 5 July 2006, concerning rights of persons with disabilities and persons with reduced mobility when travelling by air.

112. In several cities, individuals and PWD local organizations used LPDPD provisions to file claims against competent authorities which failed to enable accessibility. LPDPD prohibits discrimination in public transportation on the basis of disability. Discrimination is considered to be the following:

- Refusal to carry the passenger with a disability;
- Refusal of providers of public transport to provide physical assistance to the passenger with a disability, if without such assistance the disabled cannot use the transportation service, and if the provision of service does not jeopardise transport safety;
- Determining unfavourable transport conditions for passengers with disabilities, in particular payment terms, except to the extent such conditions are reasonable due to technical requirements or necessary increased costs for passengers with disabilities.

113. Court proceedings involving discrimination on the grounds of disability are led against a national airline company on the basis of a claim filed by a woman passenger with a disability. Preparations for amendments to the rulebook on the provision of services to passengers with disabilities when travelling by air are under way.

²⁸ *Official Gazette of RS* Nos. 41/2009 and 53/2010.

²⁹ Arts. 100 to 102 of the Rulebook on Traffic Signalisation, *Official Gazette of RS* No. 26/2010.

³⁰ *Official Gazette of RS* Nos. 73/2010 and 57/11.

³¹ *Official Gazette of RS* No. 02/2011.

114. Amendments to the Law on Spatial Planning and Construction (LSPC), which were, together with PWD organizations, initiated by MLSP in April 2006, prescribe an obligation for investors to adhere to the standards of accessibility in construction of new facilities. A fine is prescribed for offenders.

115. When adopting the new Law on Spatial Planning and Construction,³² care was taken of these positive achievements. LSPC prescribes that public and business facilities, residential and combined residential and office buildings with 10 or more apartments must be designed and constructed in the manner that persons with disabilities, children and elderly persons can freely access, move, stay and work in them (art. 5).

116. Works related to elimination of barriers for persons with disabilities are executed on the basis of a decision approving execution of these works which is issued by the authority competent for granting the building permit. A request for initiating offence proceedings is submitted by the competent planning inspector.

117. Accessibility and a universal design have been introduced to the curriculum of the Faculty of Technical Sciences at the University in Novi Sad and at the Faculty of Architecture, University of Belgrade.

118. The by-law³³ further develops planning and technical conditions (for planning of public transportation and pedestrian areas, entrances to facilities and design of buildings (residential, facilities for public use, etc.)), and special devices within those buildings, which shall enable free movement of children, elderly, physically challenged and persons with disabilities.

119. LSPC prescribes a fine in the amount of RSD 300,000 for an offence, i.e. violation of the standards of accessibility by a company or other legal entity which is an investor. A responsible person in the company or other legal entity shall be punished for this offence with a fine in the amount of RSD 10,000 to RSD 50,000. There are no special provisions prescribing that collected fines be specifically aimed at removing barriers.

B. Education

120. LFES regulates the right to education for all, by defining general principles and objectives of education in the Republic of Serbia (arts. 2–4).

121. Since LFES prescribes an equal right and access to education without discrimination, it also prescribes penalties in case of violation of the right. In accordance with the concept of the educational system, local self-government shall be obliged to ensure access to all facilities in its territory for any child and/or student. The right to accessibility can also be ensured by referring the child/student to IC to be able to exercise the right.

C. Culture and provision of information

122. The Law on Public Information³⁴ prescribes an obligation to make public information available to persons with disabilities.

³² *Official Gazette of RS* No. 72/2009.

³³ Rulebook on conditions for planning and design of facilities related to free movement of children, elderly, physically challenged and persons with disabilities. Published in *Official Gazette*.

³⁴ *Official Gazette of RS* Nos. 43/03, 61/2005, 71/09, 89/10 — amended by the Constitution of Serbia and 41/11 — amended by the Constitution of Serbia.

123. On 27 February 2007, MCMIS adopted Guidelines for the implementation of activities ensuring conditions for the free use of cultural institutions' facilities and programmes by PWDs, on the basis of article 38 of LPDPD.

124. In accordance with adopted guidelines, MCMIS regularly co-finances work and activities of the Union of the Blind of Serbia in the field of cultural heritage.

125. In accordance with the E-Government Strategy in the Republic of Serbia for the period 2009–2013, electronic public services are provided in the manner that fully ensures simple, understandable and free access for all users, including persons with disabilities.

126. In early December 2010, the National Information Technology and Internet Agency of Serbia developed "Guidelines for web presentation of State administration authorities v.3.0" which recommend conformity of State administration websites to the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0.

127. Conclusion of the Government of 23 December 2010 states that State administration authorities shall be responsible for conforming their websites to the "Guidelines for web presentation of State administration authorities" within six months from the date of its adoption. The Conclusion also assigns to the National Information Technology and Internet Agency of Serbia a responsibility to assess conformity of State administration websites with the Guidelines within two months from the deadline for conducting the conformity, and to inform the Government on this.

128. National e-Government Portal, which represents a unique outlet for e-services of all State authorities, is conformed with (WCAG) 2.0. guidelines, and Portal upgrading includes implementation of text-to-speech software for the entire Portal contents, as well as optimisation of the overview of Portal contents by screen readers, i.e. optimisation of navigation and introduction of shortcuts for parts of contents.

129. The Law on Public Procurement from 2008 envisages an obligation of a bidder for granting funds from public procurements to support project documentation with evidence of compliance with technical standards of accessibility of goods and services to persons with disabilities.

D. Employment

130. PWDs are employed under general and under special conditions. Employment under general conditions is considered to be employment with an employer without adjusted job(s) and workplace.

131. Employment under special conditions is considered to be employment with an employer with adjusted job(s) and workplace.

132. An employer hiring a PWD under special conditions may exercise the right to reimbursement of temporary costs.

133. The Rulebook on detailed conditions, criteria and standards for conducting measures and activities of professional rehabilitation prescribes that the measures and activities of professional rehabilitation related to vocational training, additional training, retraining and programmes for acquiring, maintaining and improving work, and combined work and social skills and abilities of persons with disabilities; education and training seminars for employers, experts in training and professional rehabilitation of persons with disabilities and other persons; recommendations and training in the application of adequate technical and technological solutions to improve efficiency of persons with disabilities in learning and work, as well as to support services, are carried out by providers of professional rehabilitation, if the following are met:

- Construction and technical standards (in terms of infrastructure, in terms of functionality and other conditions prescribed by planning, construction, technical, sanitary, fire escape and regulations on environmental protection and safety and health at work);
- Standards in terms of skilled workers;
- Standards in terms of equipment (they imply that training facilities, depending on their purpose and work capacity of persons with disabilities, have equipment that matches the type of training conducted, and that can be easily maintained; they imply appropriate furniture, machines and tools, computers, devices and materials for practical training, in compliance with the number of participants and type of disability);
- Standards in terms of contents of a training programme.

134. The largest number of today's jobs is not accessible, because their designing did not include the "design for all" concept. It should also be noted that adjustment is not always necessary nor an argument is sufficient or circumstances that cannot be overcome when hiring persons with disabilities.

135. Unemployed PWDs registered in NEA records have the same accessibility and can equally use services as any other unemployed person.

E. Health care

136. In addition to the aforementioned principle of fairness in health care, LHC is based on the principle of accessibility, principle of comprehensiveness and principle of continuity. The principle of accessibility of health care is achieved by providing adequate health care to citizens of the Republic of Serbia which is physically, geographically and economically accessible, i.e. culturally acceptable, particularly at the primary health-care level. The principle of comprehensiveness of health care is achieved by including all citizens of the Republic of Serbia to the health-care system by implementing integrated health-care measures and procedures which include health promotion, disease prevention at all levels, early diagnosis, treatment and rehabilitation.

137. The principle of continuity of health care is achieved through total organization of the health-care system which has to be functionally linked and coordinated across levels, ranging from the primary through secondary to tertiary health-care levels, and which provides continuous health care to all citizens of the Republic of Serbia of all ages. All the above-mentioned principles also apply to persons with disabilities.

138. The Ministry of Health has a budget line for funding associations' projects for health promotion. In 2008, the Ministry of Health funded six projects of various associations of persons with disabilities, and in 2009, it supported "Iz Kruga" organization in the amount of RSD 220,000. Most health-care institutions, including institutions at the primary health-care level (health care centres), have removed physical barriers with the construction of ramps for persons with disabilities.

V. Article 10 — Right to life

139. The Republic of Serbia refers to views stated in paragraphs 66, 486 and 500 of the second periodic report on implementation of the International Covenant on Civil and Political Rights (CCPR/C/SRB/2).

140. The stated provisions clearly indicate that the Constitution of the Republic of Serbia recognizes and protects the right to life and survival of all citizens of the Republic of Serbia on equal terms with others, whereas in terms of the fact that human life is inviolable, no person, including a person with a disability, can be subjected to arbitrary deprivation of his/her life.

141. The right to life is guaranteed to persons with disabilities on an equal footing with others. Legal norms treat as a criminal offence any breach of exercising the right to life by persons with disabilities in the same manner as they do with any other individual.

Practice

142. The Republic of Serbia is making efforts to eliminate problems related to PWDs who are temporarily or permanently accommodated in facilities within different systems (social protection, health care and justice). These problems are related to housing, capacities, cases of violence among users, improper use of medications, diet, lack of programme activities or adequate medical treatment. This is supported by civil society organizations.

143. It is necessary to draw more attention of the State to the cases which resulted in unexpected death of residents, particularly when a deceased has no family or when relatives have no interest in finding out causes of death. For example, in October 2010, a violent death of an immobile teenager was investigated by the Ministry of Labour and Social Policy and prosecution after media's attention. An internal investigation identified responsibilities of the director of the facility who was, as a result of this, replaced. Prosecution investigation results were still unknown at the moment of compiling this report, and possible trials are yet to commence.

144. After a visit to a social care facility in Stamnica, the Annual Report of the Ombudsman 2009 noted that statistics on the number and causes of death were not kept in the facility visited.

VI. Article 11 — Situations of risk and humanitarian emergencies

145. The Law on Police³⁵ prescribes emergency police actions for eliminating immediate hazards to people and property when actions cannot be taken by other competent authorities in a timely manner, as well as conditions for implementation of orders.

146. The Law on Emergencies³⁶ prescribes principles of protection and rescue.

147. At the end of 2010, there were 74,944 refugees and 210,148 internally displaced persons residing on the territory of the Republic of Serbia.

148. The Law on Refugees³⁷ prescribes that temporary housing and food assistance are provided by the Commissariat for Refugees, taking into account, to the maximum extent possible, the best interest of refugees that are accommodated or will be accommodated in the collective centre (art. 8). Persons who, due to their mental and physical condition (the elderly, sick and disabled), cannot benefit from the collective centre, the Commissioner

³⁵ *Official Gazette of RS* Nos. 101/2005, 63/2009 and 92/11.

³⁶ *Official Gazette of RS* Nos. 11/2009 and 92/11.

³⁷ *Official Gazette of RS* Nos. 18/92, 42/2002 — amended by the decision of the Federal Constitutional Court and 30/2010.

shall, on the basis of the decision of the Centre for Social Work, provide accommodation in a social care facility, other form of social care or a family.

149. Internally displaced persons, as citizens of the Republic of Serbia, exercise all rights and forms of protection as all other citizens.

150. In accordance with the National strategy for addressing issues of refugees and internally displaced persons in the Republic of Serbia,³⁸ a range of programmes and projects are being implemented with an aim to resolve housing issues for refugees and internally displaced persons. The criteria for inclusion in the programmes, which are defined together with the Office of the United Nations High Commissioner for Refugees, give particular priority to family households having persons with disabilities.

151. A special form of social protection represents social housing in a supportive environment which, in addition to the living space, also provides additional financial and social support to families of persons with disabilities.

152. In accordance with its third mission established by the Defence Strategy of the Republic of Serbia, “Support to the civilian population in countering security threats”, i.e. task 3.2, within the mission “providing aid to the civilian population in case of natural disasters, technical, technological and other disasters”, the Army of the Republic of Serbia has engaged necessary human and material resources in providing aid to the violated civilian population, as well as repairing damage caused by cases of emergency.

VII. Article 12 — Equal recognition before the law

153. The Republic of Serbia refers to the views set out in paragraphs 147–154 of the second periodic report on implementation of the International Covenant on Civil and Political Rights (CCPR/C/SRB/2).

154. Domestic legislation contains provisions and decisions concerning work capacity and taking guardianship measures which need to be reformed and adjusted to provisions and obligations under the Convention. Guardianship of persons deprived of work capacity in the Republic of Serbia is regulated by the laws which have not been significantly amended for a long period of time, and most of them were adopted in the period when persons with disabilities (mentally ill and mentally disabled adults and elderly persons) were excluded from society. In particular, changes to the rules governing the procedure of work capacity deprivation are very slow, i.e. changes in the law on extrajudicial proceedings.

155. The standpoint of legislators on adopting regulations which govern work capacity deprivation and taking guardianship measures, was that persons should be deprived of their work capacity and put under guardianship, if they are, for their mental disability or for other reasons, unable to take care of their own interests. This standpoint has been superseded in contemporary practice and theory. It is based on the view that PWDs are capable of taking care of themselves and, if there are life situations where they need support, the State shall be obliged to provide them such support, including application of guardianship measures, which must be carefully and selectively provided and which in no manner may impair rights and legal security of such persons.

156. Legal norms governing procedures for elimination of work capacity deprivation and guardianship procedure, are not unified within a single legal act; moreover, they are part of different laws and rulebooks. The main rules of the procedure are contained in provisions of

³⁸ *Official Gazette of RS* No. 17/2011.

the Law on Extra-Judicial Proceedings and Family Law. Somewhat vague and incomplete formulations in the laws affect the procedure in practice. According to civil society organizations, judges have too much discretion in the work capacity deprivation procedure. However, this cannot be accepted in its entirety. In these procedures, judges primarily act by default and according to findings and opinions of experts who determine whether a person can or cannot protect his/her rights and interests, depending on his/her mental health in the first place. Findings of court experts which form a basis of a court decision on work capacity deprivation are diagnostic in their nature and do not contain an assessment of remaining person's capacities to protect his/her own rights and interests with or without support. In respect to this, it has been estimated that, first of all, adoption of a special law on mental health care (by the Ministry of Health), which would also regulate assessment of the status and needs of persons with mental health problems, would contribute to the wholesome implementation of Recommendation R (99) 4 of the Committee of Ministers of the Council of Europe. The Ministry of Labour and Social Policy has in terms of this, through supervision of professional work of guardianship authorities and provision of technical assistance to experts in guardianship authorities, provided them with specific instructions for the purpose of adequate application of guardianship measures for persons who are unable to take care of their own rights and interests. Therefore, any procedure for the protection of such persons requires evaluation of their abilities on the basis of which an assessment shall be made in terms of whether and to what extent it is necessary for a person to be deprived of his/her work capacity. All procedures must previously obtain an opinion of the person on the appropriateness of initiating such proceedings, and obtain an opinion about the person whom he/she wishes to be his/her guardian.

157. A major reform of the legal system in the Republic of Serbia is under way currently, and one of priorities is persons with disabilities. This has also been indicated by the adoption of a number of laws including LPDPD, Family Law, and LPREPD. These laws point to the fact that the Republic of Serbia increasingly recognizes rights of persons with disabilities. However, legal norms governing guardianship and work capacity deprivation have not been modified and represent a certain barrier in respecting PWD rights. The Republic of Serbia has clearly committed to improve the regime of work capacity deprivation and, consequently, strongly supports any initiative and activities of associations in this field.

158. Until relevant legislative initiatives concerning amendments to the Law on Extra-Judicial Proceedings³⁹ in particular have been implemented, MLSP is taking measures required for the implementation of recommendation R (99) 4 of the Committee of Ministers of the Council of Europe, to the highest extent possible, in organizing guardianship of adults persons deprived of work capacity.

Practice

159. According to case-law analyses of civil society organizations, case law indicates that judges generally rely on the diagnosis of a mental and/or intellectual disability made or confirmed by court experts (neuropsychiatrists), without specific examples or without establishing a clear connection with person's disabilities in everyday life. In practice, the hearing is usually not conducted out of court which is envisaged by the law to ensure participation of institutionalized persons in the process. In terms of guardianship, although there are safeguards in the law, problems have been detected in practice in terms of control of guardians in performing their duties. In this sense, it is not possible to ensure adequate

³⁹ *Official Gazette of RS* Nos. 25/82 and 48/88.

protection of rights of persons placed under guardianship. Moreover, there is a serious omission in the legislation which results in apparent conflicts of interests in cases when a guardian is a person employed in the centre for social work (direct guardianship), and the centre retains the role of monitoring the guardian's performance of obligations. The applicable Family Law (FL) determines a mechanism of control of guardianship: Supervision of a guardian — art. 142 of FL, Complaint on guardian's work — art. 335 of FL, Complaint on work of guardianship authority — art. 338 of FL. Certainly, it should be pointed out that the Family Law also prescribes an obligation of guardian's responsibility (art. 141) that the guardian shall be responsible for damage caused by the person placed under guardianship in the course of performing guardianship activities, unless he/she proves that damage was caused without his/her fault. Culpability of the guardian shall exist when he/she caused the damage intentionally or by gross negligence. The responsibility for the damage shall be jointly born by the guardianship authority.

VIII. Article 13 — Access to justice

160. The Civil Procedure Law⁴⁰ (CPL) prescribes that a party to the proceedings may be any natural or legal person. The party that has full legal capacity may take actions in the proceedings on its own.

161. The Criminal Procedure Code⁴¹ (CPC) prescribes that the defendant who is mute, deaf or unable to defend himself/herself successfully, must have a lawyer at the first hearing. CPC prescribes a special way of communication with such persons not only through an interpreter but also by asking questions and providing answers in writing.

162. As for children and young people with disabilities, provisions of CPC and CPL as well as provisions of the Law on Juvenile Offenders and Criminal Protection of Minors⁴² are implemented.

A. Practice and statistics

163. On 5 September 2007, the Municipal Court in Šabac issued the first instance verdict in the case of discrimination based on disability.

164. According to records of the Ministry of Justice, 23 court proceedings were conducted or are still in progress in the period being reported, in relation to discrimination of persons with disabilities. The number of proceedings conducted under the jurisdiction of the Appellate Court in Belgrade is 7, in Novi Sad 15, and in Kragujevac 1. In this period, there were no complaints to the supervision of operation of courts related to discrimination of persons with disabilities in court proceedings.

165. After examining the criminal registry of the Supreme Court of Cassation, it was determined that there were no cases in the Court Criminal Division during the reporting period and, consequently, no proceedings related to cases of discrimination of persons with disabilities. After examination conducted in the Case Law Division of the Supreme Court of Cassation, it was determined that, in the period for which data were required, there was one case in the Civil Division related to discrimination of persons with disabilities. There

⁴⁰ *Official Gazette of RS* No. 72/2011.

⁴¹ *Official Gazette of RS* Nos. 70/2001, 68/2002 58/2004, 85/2005, 115/2005, 85/2005, 49/2007, 20/2009, 72/2009 and 76/2010.

⁴² *Official Gazette of RS* No. 85/2005.

were no complaints in the complaint proceedings in the stated period related to discrimination of persons with disabilities in court proceedings.

166. In 2010, the Judicial Academy organized seven anti-discrimination seminars. Participants were judges and prosecutors from primary and higher courts and public prosecutors' offices. In 2010, the Judicial Academy developed an anti-discrimination training curriculum for judges and prosecutors, in accordance with LPD and international standards, in particular standards of the Council of Europe and the European Court of Human Rights, adopted together with drafted working material as part of the Academy's Training Programme. Additionally, part of the curriculum was also included in the Initial Training Programme conducted with the first generation of participants.

167. There are nine full-time court interpreters for the sign language. Out of this number five work in Belgrade, one in Niš, one in Novi Pazar, and one in Kragujevac. The number of proceedings that involved a court interpreter either for sign language or for interpreting signs of blind persons, in the reporting period, is 47. There are 36 ramps and accesses to courts in Serbia. Out of this number, all four Appellate Courts, 20 primary courts and 12 higher courts have customised access for wheelchair users.

168. The building in which, in addition to the Supreme Court of Cassation, are also seats of the Commercial Appellate Court, Administrative Court and Appellate Court in Belgrade, has a separate entrance customised to PWD needs and standards, as well as customised access to the official entrance to enable the use of entrance by persons with disabilities.

B. Enforcement of criminal sanctions

169. The Law on the Enforcement of Criminal Sanctions⁴³ regulates the right of a convicted person with special needs to the accommodation adjusted to the level and type of his/her special needs (art. 66, para. 3).

170. According to the data of the Administration for Enforcement of Criminal Sanctions, there were no complaints in the reporting period related to PWD discrimination in facilities for execution of criminal sanctions.

171. For the purpose of providing appropriate accommodation for persons with disabilities, and in accordance with the Law on the Enforcement of Criminal Sanctions and the Rulebook on house rules in penal correctional facilities and district prison, all institutions within the Administration for Enforcement of Criminal Sanctions take into account to ensure conditions for prison sentences customised to the needs of persons with disabilities.

172. Also, in accordance with available budget resources and architectural and spatial circumstances, these conditions have constantly been improved. For this purpose, the District Prison in Smederevo, District Prison in Negotin, District Prison in Zrenjanin and Penal Correctional Facility in Šabac have renovated rooms with accessories for persons with disabilities. In addition to this, toilet wheelchairs were purchased in the District Prison in Vranje. The District Prison in Belgrade is in the process of renovating special rooms with a customised bathroom and toilets, and new specialized hospital beds and orthopaedic devices were ordered. Additionally, the District Prison in Kraljevo is renovating a separate toilet, and the toilet in the penal correctional facility in Sombor is equipped with an aid for performing physiological needs of persons with disabilities.

⁴³ *Official Gazette of RS* Nos. 85/2005, 72/2009 and 31/2011.

173. In addition to efforts made to ensure convicted persons with disabilities have accommodation conditions which suit their specific needs, they have the same health care as citizens at large. The health-care service within a facility in which they are located provides complete medical records of the convicted person with a disability, which allows the facility's physicians to enable them to complete medical care that is customised to their specific needs. In addition to medical treatment, there are also psychiatrist and psychologist services available to persons with psycho-social disabilities, as well as special vocational therapy programmes, different forms of workshops (depending on the nature of disability and estimated needs and capacities). Convicted persons, to whom required medical care cannot be provided in the facility in which they are located, are referred for treatment to the Special Prison Hospital in Belgrade or to another highly specialized health-care facility within the Ministry of Health. The Special Prison Hospital has a psychiatric ward, which has recently been renovated.

174. Persons with disabilities are included in the activities organized in the facility, which are, depending on their needs and capacities, customised to each particular case, including engagement in work, use of free time for recreation and art and other workshops. Aid and assistance in satisfying everyday needs of persons with physical disabilities in prisons are provided by competent services of the facility, particularly the health-care service.

175. After release from serving a sentence, all persons, including persons with disabilities, are provided with assistance after serving a sentence by competent centres for social care according to persons' place of residence.

176. In the penal correctional facility in Sremska Mitrovica it was recorded that one convicted person with a disability referred to the Provincial Ombudsman complaining that he had difficulties in maintaining personal hygiene and performing other daily activities, which was the result of the fact that he was blind. Facility's staff made maximum efforts to enable the convicted person to more easily perform his daily activities, and security staff members were ordered to control, on a daily basis, whether he had taken food, the quality and quantity of food, and to report daily to their superiors on any irregularities which the convicted person could have faced due to the fact he was blind.

177. Furthermore, the District Prison in Novi Sad received an Ombudsman's recommendation to accommodate a convicted disabled person requiring a wheelchair to a separate bedroom on the ground floor, with a toilet and toilet facilities customised to his needs, with a door of appropriate width, and an access ramp for his undisturbed movement with the wheelchair inside the facility and for occasions of going outside closed areas. With respect to this, the Administration was informed by the facility that the convicted person was accommodated in a room on the ground floor, with a toilet to which he may enter with the wheelchair, and that the procedures for providing financial means for other recommendations are under way.

178. A new penal correctional facility in Padinska Skela is near completion of its construction, in which special attention has been paid to the conditions of accommodation of persons with physical disabilities, therefore, special cells have been adjusted to their needs, and this practice shall be continued in the renovation of existing and/or planning of construction of new facilities for the execution of criminal sanctions.

C. Treatment of persons with disabilities by police officers

179. Article 21 of the Constitution of the Republic of Serbia prohibits any discrimination, direct or indirect, on any grounds, particularly based on race, gender, nationality, social origin, birth, religion, political or other opinion, property status, culture, language, age and mental or physical disability.

180. Article 35 of the Law on Police states that an authorised officer while practicing police powers must act impartially, provide equal legal protection to everyone and act without discriminating persons on any grounds. In practising police powers, an authorised officer must treat everyone humanely and with respect for their dignity, reputation and honour, and of other fundamental rights and freedoms.

181. In terms of application of force, the Law on Police⁴⁴ in its article 89, paragraph 3, and article 90, paragraph 4, limits the use of specific forms of use of force on persons with disabilities; therefore the use of a tactical baton and handcuffs is allowed only in case any of those persons directly endangers human lives.

182. In accordance with the Law on Police and Rulebook on the procedure for resolving complaints, the Internal Control Sector in the Ministry of Internal Affairs (MIA) resolved complaints of, inter alia, persons with disabilities pointing to unprofessional treatment by police officers. Statements from individual complaints were directly verified and some complaints were forwarded to the further competence of regional police departments. In direct verification of statements from complaints, police officers in the Internal Control Sector fully took into consideration health of complainants and they visited their apartments, i.e. houses, to conduct interviews and collect necessary information. Complainants are properly and timely notified on the results of verifications conducted. The procedure of filing complaints against police activities has been facilitated by distributing promotional materials like brochures, leaflets and forms with information for citizens on how to file a complaint, i.e. complaint against work of police officers. This material is also available on the web page of the Internal Control Sector, at the MIA website; therefore, citizens have an opportunity to submit their complaints via the Internet.

183. A project for permanent education of police officers about the use of deaf people's sign language was initiated in order to create conditions for communication of police officers with deaf people.

D. Independent State authorities

184. The Republic of Serbia points to the information specified in paragraphs 21–22 of the second periodic report on implementation of the International Covenant on Civil and Political Rights (CCPR/C/SRB/2).

185. It should be emphasized that the Ombudsman is authorised to control legality and regularity of prisons, and that it has the right to conduct unannounced visits and to access all premises, the right to unsupervised conversation with all employees and all persons who are in prison or in custody, and the right to inspect all documents, regardless of a degree of confidentiality.

186. At the proposal of the Ministry for Human and Minority Rights, Public Administration and Local Self-Government, and according to the Law on the Amendments and Additions to the Law on Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted on 28 July 2011, the role of an independent national mechanism for the prevention of torture was appointed to the Ombudsman. The stated Law binds the body to conduct visits, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment, in any place under the competence or authority of the Republic of Serbia, where persons deprived of liberty are or may be located. The Ombudsman shall in its operation as an independent national mechanism for the prevention of torture cooperate with the Provincial Ombudsman

⁴⁴ *Official Gazette of RS* Nos. 101/2005, 63/09 — amended by the Constitution of Serbia, and 92/11.

and associations whose statute envisages an objective of promotion and protection of human rights.

187. According to annual activity reports, there are an increased number of complaints submitted to the Ombudsman by persons with disabilities, which is expected, since the body has built a good reputation in time. In 2008, the Ombudsman acted on the basis of the total of 14 complaints of persons with disabilities, and in 2009, on the basis of 75 complaints of these persons. In 2009, the Ombudsman initiated, at its own initiative, proceedings in three more cases of violation of rights of persons with disabilities, and continued with 10 proceedings initiated in 2008. Most of the complaints concerned violation of rights in the field of social protection — 11, labour relations — 6, and discrimination — 6. In 25 cases there were no grounds for the complaints, in 12 cases they were rejected, in 9 cases withdrawn, and in 3 cases proceedings were suspended. The Ombudsman made a recommendation in only one case.

188. The Commissioner for the Protection of Equality, established on the basis of LPD, *inter alia*, receives and reviews complaints against violations of provisions of the Law, provides complainants with information on their rights, files claims to the court with consent of a discriminated person, monitors implementation and initiates an amendment to the law, as well as an amendment to other legal texts related to discrimination and human rights. The Law determines procedures before the Ombudsman, as well as the possibility of providing judicial protection. In previous work, the Commissioner for the Protection of Equality resolved 10 complaints based on disability.

IX. Article 14 — Liberty and security of the person

189. The Constitution of the Republic of Serbia guarantees the right to freedom and security, and also prescribes the method of treatment of a person deprived of liberty, as well as special rights in case of deprivation of liberty without a court's decision.

190. The Law on Police prescribes MIA obligations to create conditions for police operation, *inter alia*, organization and implementation of internal control, and obligations of police officers. The police officer shall, in performing his/her duties, serve the community and protect all persons against illegal actions, and shall be responsible to always act professionally, responsibly and humanely, and to respect human dignity, reputation and honour every person and his/her other rights and freedoms (art. 13, para. 2).

191. In the beginning of 2010, 28 persons with disabilities were serving imprisonment sentence in the Republic of Serbia, and only persons whose disability may be supported by necessary conditions are held in prisons, according to the data of the Administration for the Execution of Criminal Sanctions of the Ministry of Justice. If such conditions cannot be fulfilled, these persons are referred to the Special Prison Hospital in Belgrade. If the Special Prison Hospital has no adequate conditions either, PWDs are referred to a specialized facility that can respond to their needs, and costs are borne by the Administration for the Execution of Criminal Sanctions.

192. According to the findings of the deputy ombudsman for the rights of persons deprived of liberty, the number of complaints received by the Ombudsman from PWDs serving an imprisonment sentence or who are in detention, is not large, however, during control visits to prisons, it was observed that prison authorities have made some efforts to enable persons with disabilities appropriate accommodation and satisfaction of their needs.

Practice

193. Deprivation of persons with disabilities of liberty (except by the Criminal Code) is permitted in accordance with provisions under article 44 of the Law on Health Care, and provisions under articles 45–55 of the Law on Extra-Judicial Proceedings (LEJP). These provisions regulate the procedure for involuntary, i.e. forced keeping in a psychiatric facility. A prerequisite is that a medical doctor and/or psychiatrist and/or neuropsychiatrist evaluate that the nature of a mental illness is such that it may jeopardise patient's own life or lives of others as well as property (art. 44, para. 1, of LHC).

194. Civil society organizations suggest that LEJP reduces the subject of proceedings by letting the court to decide on further keeping of a person in the facility, and not on the legality of initial keeping of the person (from the moment of reception to the moment of submitting a report on reception to the court). Accordingly, current laws do not prescribe that required notice to the court on accommodation of persons in facilities must include reasons for restricting a person's liberty. They prescribe that a court notice must contain information on the received person, person who brought the patient to the facility and, if possible, about the nature and level of disease with appropriate medical documentation (art. 46, para. 3). This leaves a lot of space for making arbitrary decisions of the court, but also opens a door to the possibility to act according to hidden motifs of other persons who would like a person to be held in an institution, against his/her own will. If health of a person improves to the extent that there is no reason to keep the patient in the facility, the court shall have a discretionary right to release the patient to liberty (art. 52). The Law does not oblige the court to hear, not even to see the person whose hospitalization is being decided on. In cases of redeciding on the status of hospitalisation, the court shall be obliged to obtain findings of two medical experts and, if possible and not harmful for persons' health, hear the person (art. 54). It is often the case in practice that when a person who voluntarily registered in the facility withdraws his/her consent to hospitalisation, the medical staff shall not initiate a legally required procedure of forced restraint (court notice) — exposing a person to treatment without application of relevant provisions which would guarantee protection of rights in such cases.

195. Since ratification of the Convention, there were no recorded cases in which legal proceedings were conducted against employees in competent authorities and services due to unlawful deprivation of liberty of persons with disabilities or restriction of free movement in any sense (art. 132 of the Criminal Code). Accordingly, there were also no cases of sanctioning.

X. Article 15 — Freedom from torture or cruel, inhuman or degrading treatment or punishment

196. The Constitution (art. 25) determines that physical and mental integrity is inviolable and nobody may be subjected to torture, inhuman or degrading treatment or punishment, nor subjected to medical and other experiments without their free consent, which applies to all persons, including persons with disabilities.

197. Legal protection of persons with disabilities from abuse is guaranteed in the Criminal Code (art. 137). In practice, protection of persons with disabilities from torture, cruel, inhuman or degrading treatment or punishment, is a big challenge in institutionalized care facilities. Attempts were made to provide protection to adults and children with disabilities under institutional care, however, these attempts failed to actually protect dignity of these persons. Reasons may be found in the nature of the institutional environment which is subject to violations, but also in specific deficiencies in the design and/or implementation of the stated protection measures.

198. The Law on Police envisages the following principles: impartiality, non-discrimination, humanity, respect for human rights and providing medical aid.

199. The Internal Control Sector has a Commission for monitoring implementation of the Convention against Torture or Cruel, Inhuman or Degrading Treatment or Punishment, which monitors and investigates cases of such actions of police officers towards persons deprived of liberty.

200. In 2008, special action plans were developed for a number of social care facilities accommodating users in which irregularities in the protection of users were detected. For the purpose of execution of activities, deadlines, executives and funds were determined. MLSP is planning to develop these action plans for all facilities which accommodate children or adults with disabilities.

201. Such action plans, inter alia, include an obligation that children with disabilities can only be received after a detailed review of merits, appropriate use of available capacities of institutions, and after creating a registry for recording applied “restrictive measures” (mechanical restraints, isolation and positioning of users, application of a drug therapy to recover from psychomotor restlessness), when a measure and its duration are imposed. Also, restrictive measures may be applied only by the order of a psychiatrist, in relation to a specific user, and there is no possibility to issue a blank psychiatrist’s order.

202. Procedures were introduced in situations of risk of injuries and self-harm of users (psychiatrist’s assessment and assessment of a prevention method), and cooperation on medical staff education was established between MLSP and MH.

Practice

203. Civil society organizations indicate that psychiatric facilities have no legal obligation to develop a protocol on the use of means of physical restraints on users. With regard to social care facilities, as part of development of minimum service standards in the field of social protection, MLSP developed a set of standards, inter alia, for restrictive actions and measures in social care facilities. These are guidebook materials, i.e. instructions according to which facilities develop their own binding protocols. Although level of awareness of damage and risks arising from the use of restraints is higher among facilities’ staff and administration institutions in comparison to the past few years, the practice related to restraints applied in self-harming behaviour should continue to be improved.

XI. Article 16 — Freedom from exploitation, violence and abuse

A. Family and legal protection from violence

204. The Family Law in a separate section for the first time introduces provisions on domestic violence and family and legal protection of victims of violence. Domestic violence is a new term in the positive law in the Republic of Serbia, and its special civil and legal sanctioning has achieved significant progress in protecting victims of domestic violence (who are, most often, women, children, persons with disabilities, elderly persons).

205. Part of the Criminal Code (CC) (art. 194) determines a separate criminal act of domestic violence. This article sanctions any behaviour of family members that in a criminal and legal sense may be qualified as a criminal offence, particularly paragraph 5 of the article, which sanctions behaviour that violates civil measures of protection against domestic violence determined by the Family Law.

206. Additionally, this Law ensures criminal and legal protection from “neglect and abuse of a minor”.

207. CC determines a criminal offence of rape of a helpless person, and after ratification of the Convention, imprisonment sentences for offenders of this crime became stricter.

B. Policy documents

208. SIPPD includes measures relevant for the protection of persons, in particular women and children with disabilities, against violence, abuse and exploitation.

209. In the institutional system of family protection, on the basis of the law, centres for social work, established within every local self-government, provide aid and support to families.

210. Violence most often affects the most vulnerable groups: children, women, elderly persons, including persons with disabilities. In recent years, considerable progress has been achieved in the Republic of Serbia in curbing violence. Legal regulations were adopted which regulate the status of victims, measures for offenders and define competencies of specific bodies, as well as moral obligation of every citizen to report violence.

211. In order to create a uniform system, experts in the field of social protection systems, education, health, justice, police and non-governmental organization sector have been continually trained to identify and take joint coordinated actions to protect children from abuse and neglect.⁴⁵

212. The national strategy for the prevention and suppression of violence against women and domestic violence in the Republic of Serbia encourages implementation of international and domestic legal norms and standards that protect human rights, promote gender equality and prohibit any form of violence against women, including domestic violence as a form of violence that mostly affects women. In developing the strategy, particular importance was given to the identification of specific and particularly vulnerable groups on the basis of the number of members and vulnerability. The strategy pays special attention to groups of women that are or may be exposed to multiple discrimination, as well as to vulnerable groups of women which include: women with disabilities, Roma women, mothers of children with disabilities, developmental disabilities or chronic illnesses, rural women, elderly women, refugees and internally displaced women, etc. To the development of the document also significantly contributed women representatives of the association “Iz Kruga”, an organization for the protection of rights of and support to persons with disabilities of Serbia.

213. The publication *Women with disabilities: invisible victims of violence* by the organization “Iz Kruga” is the only material of this kind in Serbia which provides statistics on cases of domestic violence reported to this association, as well as case studies on violence against women with disabilities. From 1997 to 2008, the association “Iz Kruga” received 5,520 calls. Most of the calls (93%) were made by women with disabilities who were exposed to various forms of violence. Most common was verbal abuse (28%), then economic (24%), physical (11%), forced isolation (22%) and sexual violence (6%). Most vulnerable are women with intellectual disabilities 48%, with cerebral palsy 32%, muscular

⁴⁵ The Government of the Republic of Serbia and other responsible State bodies adopted the following binding documents: the National Action Plan for Children; National Strategy for Prevention and Protection of Children against Violence and Action Plan for its implementation; General Protocol for the Protection of Children against Abuse and Neglect and relevant special protocols (social protection system, health, education, justice, police).

dystrophy and neuromuscular disease 15% and women with combined disabilities 5%. Reasons for these figures lie in the fact that women with a higher degree of disabilities physically depend on assistance and support in carrying out their basic needs. Not only are they more vulnerable, but are often subject to specific forms of abuse, which is reflected in the denial of assistance in self-care, hunger, deprivation of orthopaedic devices and means of communication, as well as threats that they would be left alone on the street without any assistance, that they will end up in a home or a psychiatric clinic, that they will live in total isolation “if they are disobedient”, and similar forms of abuse. Bullies were in 87% men, most often family members on whom women with disabilities fully depend. MLSP also monitors operation of facilities in the social protection system.

214. MLSP supported work of the association “Iz Kruga”, which has an SOS line, free psychological and legal counselling for women and children with disabilities who are victims of violence and discrimination.

215. The Office of the Ombudsman is competent for monitoring services in the facilities for accommodation of children, youth, adults and elderly persons with disabilities and in 2009 and 2010, employees in the Office monitored operation of facilities for accommodation of persons with disabilities and elderly homes.

216. In 2006, the Government of the Republic of Serbia adopted the Strategy for fight against human trafficking in the Republic of Serbia,⁴⁶ which establishes mechanisms for fight against human trafficking.

XII. Article 17 — Protecting the integrity of the person

217. Persons with disabilities in the Republic of Serbia have a constitutional right to physical and mental integrity and protection from torture, cruel, inhuman or degrading treatment or punishment on equal terms with others. Physical and mental integrity is inviolable. Nobody can be subjected to torture, inhuman or degrading treatment or punishment, or subjected to medical or scientific experiments without their consent (art. 25 of the Constitution).

218. LHC protects human rights and values in health care and rights of patients by guaranteeing the right of access to health care, right to information, right to being informed, right to free choice, right to privacy and confidentiality of information, right to making independent decision and giving consent, right to have an insight into medical documents, right to confidentiality, right of the patient involved in medical experiment, and right to complain and right to compensation. All these rights apply to all patients, including persons with disabilities.

219. The patient has the right to obtain from the competent health-care professional a timely notification required for him/her to make a decision on whether to agree or disagree with a proposed medical measure, particularly within the right to free choice. The patient has the right to decide freely about everything that concerns his life and health, except in cases which directly threaten lives and health of others. Without patient’s consent, he/she cannot, as a rule, be exposed to any medical measure. A medical measure may be applied against patient’s will, i.e. patient’s representative, only in exceptional cases determined by the law, which are in accordance with medical ethics. The patient may approve a proposed medical measure explicitly (orally or in writing), i.e. implicitly (not disagreeing explicitly). Consent not preceded by a required notification is not binding, and the competent health care professional who applies a medical measure bears the risk of adverse effects in this

⁴⁶ *Official Gazette of RS*, No. 111/06.

case. Consent of a proposed medical measure may be verbally recalled by the patient until it has been applied, under conditions prescribed by the law. The patient has the right to appoint a person who shall, on his/her behalf, give consent, i.e. who shall be informed instead of the patient about applying a medical measure, in case the patient becomes incapable to make a decision on consent. The patient has the right to refuse a proposed medical measure, even in case when it is used to save or maintain patient's life. The competent health-care professional is obliged to indicate to the patient the consequences of his/her decision on refusing a proposed medical measure and to require from the patient a written statement which must be kept in records on treatment, and if the patient refuses to provide a written statement, an official note shall be made on this. The competent health-care professional shall enter to medical records data on patient's consent to a proposed medical measure, as well as on its refusal. Article 38, paragraph 4, of LHC, which refers to medical experiments, is fully complied with provisions of the Convention on NOPWDS' initiative.

220. From the stated provisions, it is clear that all persons, including persons with disabilities, are protected from medical procedures taken without their freely provided consent of a proposed medical measure, so that no medical measure may be carried out by force, including sterilisation and pregnancy termination (abortion).

XIII. Article 18 — Liberty of movement and nationality

221. In article 39, the Constitution of the Republic of Serbia determines that liberty of movement and residence and the right to leave the Republic of Serbia may be restricted by the law, if necessary to conduct criminal proceedings, protection of public order, prevention of contagious diseases or defence of the Republic of Serbia. Article 38 of the Constitution determines that obtaining and termination of the citizenship of the Republic of Serbia shall be regulated by the law. Terms for obtaining and termination of the citizenship, as well as conditions for restricting liberty of movement may be prescribed by the law, which applies to all persons, regardless of whether they are persons with disabilities or not. Article 56 of the Law on Police prescribes conditions for temporary restriction of liberty of movement in a particular area or facility for the purpose of:

- Preventing commission of crimes or misdemeanours;
- Finding and seizing perpetrators of a criminal offence or misdemeanour;
- Finding and seizing the person being sought;
- Finding clues and objects which may serve as evidence that a criminal offence or misdemeanour has been committed.

222. The Law on Police prescribes that temporary restriction of liberty of movement cannot last longer than the achievement of an objective for which an authorisation was applied. Restriction longer than eight hours requires an approval of the competent district court (art. 56, para. 2).

223. The Republic of Serbia indicates the positions set in paragraphs 458–469 of the second periodic report on implementation of the International Covenant on Civil and Political Rights.

XIV. Article 19 — Living independently and being included in the community

224. LSP prescribes that the right to allowance for assistance and care by another person shall be granted to the person who, due to physical or sensory impairment, intellectual difficulties or health changes, requires assistance and care of another person in carrying out basic daily activities (art. 92, para. 1). A need for assistance and care of another person occurs with persons who, due to a physical impairment, vision impairment causing loss of sensation of light with an accurate projection, or with vision gained with 0.05 correction, intellectual difficulties or health changes, require assistance and care of another person to satisfy his/her basic daily needs and who cannot get out of bed, move within an apartment without use of aids, eat, dress, undress or maintain basic personal hygiene without assistance of another person. These provisions were entered into the wording of LSP at the initiative of NOPWDS. LSP prescribes that a monthly amount for assistance and care of another person is RSD 7,600 and that it shall be adjusted to the consumer price index twice a year (art. 93).

225. According to LSP, the right to increased allowance for assistance and care of another person shall have a person who is, pursuant to regulations on pension and disability insurance, found to have a 100% physical impairment on one of the grounds, or to have a permanent neurological and psychological organ disorder (art. 92, para. 1), and a person with more impairments, provided that the level of impairment is 70% or more, at least on two grounds (art. 92, para. 1). A monthly amount of increased allowance for assistance and care of another person is RSD 20,500, and it shall be adjusted to the consumer price index twice a year (art. 94 of LSP). One of the parents who is not employed, and who has at least 15 years been directly taking care of his/her child who gained the right to increased allowance for assistance and care of another person, shall be entitled to special compensation in the form of lifelong monthly cash payment in the amount of a minimum pension in the employees insurance, after he/she has fulfilled a general age requirement for obtaining a pension, according to regulations on pension and disability insurance, if he/she did not obtain the right to pension (art. 94 of LSP).

226. LSP defines groups of social care services (art. 40). These are, inter alia, community services which include daily care and home assistance. For the first time in Serbia, LSP also envisages support services for independent living: supported living, personal assistance, training in independent living. This is a significant step in the development of support services which should be able to enable full social inclusion and independence of persons with disabilities. Supported living shall be financed from the national budget, whereas local self-governments shall fund personal assistance services. Given financial capacities of local self-governments in the Republic of Serbia, the question is raised whether the personal assistance service can be provided in practice without the financial support of the Serbian Government and foreign donors.

227. The Law on Social Protection envisages plurality of service providers and equalising terms for service providers from the public, private and civil sector through the licensing process and determining minimum standards for services, in particular services in the community. This creates a possibility to introduce more services to local communities, particularly to those with a greater number of persons with disabilities. In poorer areas, introduction and sustainability of social protection services shall be ensured through the mechanism of earmarked transfers from the national level.

228. LSP prescribes the use of home accommodation services. Although the law prescribes an obligation for centres for social work to investigate conditions for non-institutional care, until the beginning of 2000, prevailing practice in the Republic of Serbia was to accommodate PWDs to facilities, even young people with physical disabilities to

nursing homes, or persons with intellectual disabilities to mental health facilities for people with psycho-social disabilities. Only since 2000, the Republic of Serbia has made an attempt to organize non-institutionalized support services for PWDs, primarily through pilot projects. The Republic of Serbia is making significant efforts to improve conditions and results in this field.

229. The Law on Social Protection regulates conditions for sustainable development of social housing and method of provision and use of funds for social housing development, as well as other issues related to social housing. Social housing funds are used, inter alia, for achieving different forms of provision of apartments for social housing of persons with disabilities, as well as war veterans and war veterans in civil service, and supported living for persons with disabilities. The right to resolving housing needs, in accordance with the law, have persons without an apartment, i.e. persons without an apartment of an appropriate standard, and who cannot afford an apartment under market conditions from their incomes. Disability is one of the main criteria for determining an order of priority for addressing housing needs of persons who are entitled to resolving housing needs.

230. With the support of foreign donors — the Government of the Republic of Ireland, UNDP, Balkan Trust for Civil Initiatives, Oxfam — and with the funds from MLSP, Social Innovation Fund, AP Vojvodina and several local self-governments, since 2001, several cities in the Republic of Serbia have been developing the personal assistance service through pilot projects for more than a hundred persons with physical disabilities. The projects have been used for piloting service standards as well.

231. Since 2001, an emphasis in the field of social protection has been placed on the development of social services in the community, particularly for the most vulnerable groups of citizens (children, women, persons with disabilities, children with developmental disabilities, victims of violence, members of Roma and other communities, and other groups). In terms of this, a number of services have increased in the previous period aimed at preventing accommodation in facilities such as daily care for children with developmental disabilities and persons with disabilities, as well as at personal assistance, independent living, home assistance, and other services. Stated services were introduced through various programmes, competitions and projects, and a number of them were not sustainable after termination of project funding (insufficient capacities of local self-governments for their continued funding).

Practice

232. Civil society organizations indicate that possibilities of returning children with disabilities from institutions to the community are still limited. While the number of children without parental care has been significantly reduced, number of children with disabilities in institutional care still does not follow this trend in a satisfactory manner. For the purpose of preventing further institutionalization of children, in 2006, MLSP determined actions for reviewing decisions which place children in social care facilities — in terms of this, the most important is the condition for obtaining consent of the Ministry for individual placement in a facility, documents proving that the Centre for Social Work attempted to provide children with accommodation in less restrictive environment, and a six-month periodic review of a need for staying in a facility.

233. Civil society organizations point to limited opportunities of employment and obtaining support in everyday life, which makes it more difficult to deinstitutionalize adult persons with a mental disability. The same applies to persons in psychiatric institutions and persons in social care institutions — many of them do not have a family or cannot be supported because they have no assets and/or incomes, so they remain in institutions for actually no medical reasons.

XV. Article 20 — Personal mobility

234. According to the Law on Traffic Safety, training may be provided for candidates for drivers who are persons with disabilities, which must be performed in vehicles manufactured or adapted to meet the needs of candidates.

235. PWDs and organizations which bring them together are exempted from paying an annual motor vehicle fee for using public roads. The Law on Public Roads⁴⁷ prescribes that if a vehicle is driven by a person with a disability, it may be required to mark the vehicle with a sticker (art. 23). The sticker shall enable use of parking places which are with a supplementary panel marked as parking places for persons with disabilities, whereas other vehicles are prohibited from parking in these places.

236. Reconstruction of one of the central streets in Belgrade, Kralja Milana Street, in 2002, was an opportunity to install tactile paths for the blind and visually impaired persons and bring down curbs at pedestrian crossings for persons with mobility limitations. With the financial support from the Belgrade City Assembly, the project was implemented by a team of experts from the Faculty of Architecture, University of Belgrade, in consultation with the local organization of persons with disabilities.

237. An insured blind person is entitled to tiphlotechnical aids. The insured blind person who is trained to use Braille, is entitled to a Braille typewriter. If he/she is a member of a library or at school, the insured blind person is entitled to a player. The blind insured person is entitled to a Braille watch for the blind, to the glasses with dark glasses and to a white cane for the blind. The insured person, who is both blind and deaf, is entitled to an ultrasound stick. The insured blind person who is a pupil of the 5th or higher grade, a student, an employed person or a person who could make use of speech software for the Serbian language for the blind in terms of employment arrangements, is entitled to speech software for the Serbian language for the blind, if he/she has a computer of an appropriate configuration without this kind of speech software.

238. The Rulebook on medical and technical aids which are provided from the funds for compulsory health insurance, regulates types of medical and technical aids, indications for prescribing aids which are provided to insured persons by the Republic Fund of Health Insurance (RFHI) from the funds for compulsory health insurance, standards for materials used for making aids, service life of aids, i.e. procurement, maintenance and repair of aids, as well as method of and procedure for obtaining rights to aids by insured persons. This Rulebook also regulates forms on the basis of which insured persons exercise rights to aids. Aids determined by the Rulebook, provided to insured persons by RFHI (with or without participation), are: prosthetic aids (dentures); orthotic aids (orthoses); specific types of aids and sanitation equipment; ophthalmic aids; hearing aids; aids for enabling voice and speech; dental devices, and the term “aids” also includes consumables necessary for the use of specific aids. A constituent part of the Rulebook is the List of aids which includes types of aids, indications for prescribing aids, participants in the prescribing process, service life of aids and parts of aids with a shorter service life. A constituent part of the Rulebook is also a Codebook of aids which, according to types of aids, contains defined standards for producing aids, parts, quantities, servicing aids, changeable i.e. repairable parts.

239. Indications for prescribing aids are: a medical diagnosis made in accordance with the International Classification of Diseases — Tenth Revision (ICD 10), age or anthropometric measurements (body weight; body height) of the insured person; number of aids prescribed for specific types of aids; housing and other conditions relevant for the use

⁴⁷ *Official Gazette of RS* Nos. 101/05, 123/07 and 101/11.

and proper application of specific aids (housing, electricity, water, hygiene level, mental level or conservation, smoking habits, etc.). Aid quality standards are: method of making aids — the final product, individually tailored making, semi-finished product with individual adjustments; types of materials used for making entire or parts of aids; number of aids; servicing aids or parts of aids in the period from the expiry of the guarantee period to the expiry of service life, and other parameters which guarantee functionality of aids.

XVI. Article 21 — Freedom of expression and opinion, and access to information

240. The Republic of Serbia reiterates the opinions stated in paragraphs 394–400 of the second periodic report on the implementation of the International Covenant on Civil and Political Rights (CCPR/C/SRB/2).

241. Within the sector in charge of information, the Ministry of Culture, Media and Information Society shall undertake measures and activities for undisturbed exercise of rights to freedom of expression and opinion, and access to information by persons with disabilities and propose regulatory framework, co-finance programmes and projects and supervise the application of law.

242. The Ministry of Culture, Media and Information Society shall be in charge of proposals for the laws to provide undisturbed functioning of the public information system.⁴⁸

243. The Law on Public Information (LPI) guarantees the right to public information to all citizens. This Law governs special protection of the right to information for persons with disabilities, handicapped persons and persons with special needs (art. 5). Based on this provision, the Republic, the autonomous province and local self-government, respectively, shall be obliged to provide a part of funds or other conditions for undisturbed exercise of the rights of persons with disabilities to public information, free receipt of ideas, information and opinions.

244. The Ministry of Culture, Media and Information Society shall issue annual tenders for co-financing of projects/programmes from the field of public information to support also the projects contributing to increase of quality of information to persons with disabilities. In 2009, through the tenders, the funds in the amount of RSD 1,736,493 had been allocated, and in the amount of RSD 1,698,850 outside the tenders. A separate tender for co-financing of programmes/projects intended for persons with disabilities was issued for the first time in 2010, allocating the funds in the amount of RSD 1,977,628. The funds specified in the budget of the Republic of Serbia in 2011 for this purpose amounted to RSD 5 million.

245. The Broadcasting Act prescribes special obligations of the holders of the public broadcasting service, which are obliged to produce and broadcast the programmes intended to all segments of the society, without discrimination, taking into account in particular specific social groups, such as children and youth, minority and ethnic groups, handicapped persons, socially vulnerable and persons of poor health, the deaf and dumb (there is an obligation to broadcast in parallel the written text of the description of sound segment of actions and dialogues (art. 78, para. 1, item 2)). The independent regulatory body, the

⁴⁸ The Law on Public Information (*Official Gazette of RS*, Nos. 43/03, 61/05, 71/09 and 89/10 — amended by the Decision of the Constitutional Court) and the Broadcasting Act (*Official Gazette of RS*, Nos. 42/02, 97/04, 76/05, 79/05 — amended by other laws, 62/06, 85/05 and 41/09) are within the competence of the Ministry.

republic Broadcasting Agency, shall control the implementation of the provisions of the law by broadcasters.

246. The Law on Free Access to Information of Public Importance⁴⁹ does not establish any special obligation for the authorities to secure for persons with disabilities direct communication in the sign language or in the form of Braille alphabet, but it is prescribed that the persons unable to review the document containing the required information without an attendant shall do it with the assistance of an attendant (art. 16, para. 8).

XVII. Article 22 — Respect for privacy

247. The Law on Health Care (LHC) prescribes the right to secrecy of data. The data contained in medical documentation belong to personal data about a patient and present an official secret.

248. The Law on Personal Data Protection⁵⁰ (LPDP) provides protection of personal data to any natural person, regardless of his/her personal capacity (art. 1). The provider, in accordance with the Law on Personal Data Protection, shall be obliged to issue to a person with disability a copy of the data in an understandable form. An illiterate person, a person with disability, namely a person unable to make a request for accomplishment of some right in writing, due to his/her physical or other deficiency, may declare such a request verbally on the grounds of relative minutes.

249. In accordance with the Law on Personal Data Protection, a person with disability may request to make a review of the data outside the official premises of the provider, if such premises do not have an adequate access. The provider shall be obliged to enable a person with disability to accomplish a review of the data in the manner to be selected by the person concerned. Also, a person not able to review the document containing the required information without an attendant shall do it with the assistance of an attendant.

XVIII. Article 23 — Respect for home and the family

250. The Family Law establishes that a marriage is a common living of a man and a woman governed by law, that a marriage may only be contracted on the grounds of free will of future spouses and that the spouses are equal (art. 3). The importance of free will for the contraction of a marriage is especially stressed in article 24 of the Family Law prescribing that a marriage may not be contracted by a person whose will is not free.

251. The Family Law prescribes that it is an impediment for the contraction of a marriage if, inter alia, a person with no capacity of reasoning wishes to contract it.

252. In the legal system of the Republic of Serbia there are no restrictions for the contraction of marriages concerning, inter alia, disability not affecting free will for a marriage.

253. The decisions on the exercise of parental right by one of the parents, on the method of personal relations between a child and a parent who does not exercise his/her parental right and the decisions on protection of other rights of a child are not conditioned by disability of the child or the parent concerned.

⁴⁹ Published in *Official Gazette of RS*, Nos. 120/04, 54/07, 104/09 and 36/2010.

⁵⁰ *Official Gazette of RS*, Nos. 97/08 and 104/2009.

254. The Republic of Serbia wishes to point to the information submitted in the initial report to the Committee on the Rights of the Child (CRC/C/SRB/1), paras. 94–99.

255. The Family Law prescribes special forms of protection of children without parental custody that are not conditioned or limited because of certain characteristics of a child concerning his/her disability (adoption, fostering, placement at social protection institutions and custody).

256. Further implementation of the development of specialized fostering has been in progress by means of which placement of children with behavioural difficulties would be ensured, as well as of disabled children, with the aim to decrease the application of institutional forms of protection.

257. Pursuant to the provisions of the Labour Law, one of the parents of a child in need of special care because of his/her severe level of handicap, except for the cases prescribed by the regulations on health insurance, shall have the right to take leave from work, upon the expiration of maternity leave and leave from work for the purpose of childcare, or to work half working hours, not later than 5 years of age of the child concerned.

258. A parent or a custodian, namely a person in charge of care of a person disabled because of cerebral paralysis, paralysis in children, some sort of plegia or suffering from muscular dystrophy and other diseases, based on the opinion of the competent medical institution, may work half working hours under his/her request, which working hours may not be shorter than half of full working hours.

259. The Law on Financial Support to Families with Children⁵¹ (LFSFC) prescribes the right to children allowance to be accomplished by one of the parents.

260. The compensation of costs of stay at preschool institutions for children with disabilities is one of the measures of protection of this category of children as an especially vulnerable population. This measure shall encourage inclusion of such children into the educational system.

261. In 2010 the Ministry of Health, the Ministry of Education and the Ministry of Labour and Social Policy adopted the Rulebook on Additional Educational, Health and Social Support to Children and Pupils providing for the establishment of inter-line commissions in local self-governments. Also, since 2010 the Ministry of Health has been implementing “A child’s place is within the family” project in cooperation with the United Nations Children’s Fund (UNICEF), starting from maternity hospitals and rendering support to parents with children with disabilities. Teams of experts consisting of gynaecologists, neonatologists, midwives, psychologists and social workers have been formed at maternity hospitals.

262. The Strategy for Improving the Position of Persons with Disabilities (SIPPD) stipulates certain special objectives: strengthening of families with persons with disabilities through the system of rendering adequate support by services and agencies helping the integration of persons with disabilities into the community and improvement of quality of services, as well as the measures for their implementation.

263. The opinion that children have the right to be within families and that big social welfare institutions are not suitable for their requirements, both physical and cognitive and psychological has been lately adopted. This refers to children with disabilities in particular.

264. As from 2001, the process of deinstitutionalization has been implemented, which is one of the priorities of the social protection reform. Concretely, the activities to improve the

⁵¹ *Official Gazette of RS*, Nos. 16/02, 115/05 and 107/09.

state and protection of beneficiaries have been initiated at all institutions. Soon afterwards, the need for a special approach in redefinition of the existing network of institutions for children was also posed, which also implies the change of their role, in order that they become capable of meeting the requirements of the community through rendering of local services. In the period following, significant efforts were made in the field of development of services in the community for all groups of beneficiaries. However, such services have not always been available to the most vulnerable groups, such as children with major and severe disabilities or children at residential institutions.

265. The results achieved by the Ministry of Labour and Social Policy in the reform within the last three years may be viewed at two levels: the first one refers to the results achieved in protection of children, and the second one refers to the systemic changes — adoption of solutions placing a child in the centre thus also strengthening the institutional framework that is capable to respond in more adequate manner to the needs and the implementation of the rights of the child, of children with disabilities in particular.

XIX. Article 24 — Education

266. Equal rights and availability of education for all implies the application of inclusion measures in the educational practice.

267. The concept of the educational system in the Republic of Serbia has been organized through organizational units outside the seat of the Ministry of Education — School Administrations (18), which are in charge of performance of professional pedagogic supervision, provision of support to development planning and provision of quality work of the relevant institutions and performance of other jobs established by law in their own territories.⁵²

268. Within the system of education in the Republic of Serbia, and pursuant to the Law on Fundamentals of the Education System (LFES) no differences in education between children and pupils with disabilities and other children and pupils are allowed. By-laws and other acts regulate the measures ensuring equality in education and availability of education to children and pupils with disabilities in the same manner as to other children and pupils.

269. The Law on Fundamentals of the Education System (LFES), the Rulebook on Additional Educational Health and Social Support to Children and Pupils and the Rulebook on Detailed Instructions for the establishment of the right to an individual educational plan, its application and grading have provided the right of children and pupils with disabilities to assessment of additional support they need in education, in order to ensure more effective education and better inclusion. Based on the above-mentioned documents, measures have been undertaken in order to make it possible to identify early disabled children, pupils and

⁵² Mentally challenged children have been included in the system of preschool education, in regular groups, as well as in special (progress) groups, and the exercise of the right to education has also been provided for children at hospital treatment. Within the preschool programme, regular educational programmes of activities have been accomplished, whereas other specific and specialized programmes may also be accomplished, in accordance with the needs and interests of children, parents and in compliance with the facilities of the children's nurseries and local self-government. In the Republic of Serbia there are 159 State preschool institutions located in 2,364 buildings and 57 private ones. In places where there are no nurseries, a preparatory preschool programme has been implemented at primary schools. A total of 189 nurseries are located at primary school buildings. The total percentage of coverage of children of all ages has been increasing all the time (according to the data provided by the Ministry of Education, it was 32% in 2002, and it was 47.37% in 2009).

other persons and their educational needs with the aim that they accomplish their rights to complete education, qualifications, employment and independence.

270. The experts requiring special skills in the field of Braille alphabet, sign language, magnifying and alternative communications, mobility and in other fields have been trained at the Faculty for Special Education and Rehabilitation, and persons having experience from the Association for Blindness and Low Vision, the Association of Deaf and Hard of Hearing and other associations. Also, the experts from the schools for children with disabilities may also be engaged as associates in these fields, under the request of pre-school institutions and other schools.

271. The Law on Fundamentals of the Education System (LFES) prescribes that educational activities for the persons using the sign language and special alphabet or other technical solutions, respectively, may be carried out in the sign language and by means of the language concerned (art. 9, para. 4).

272. The Law on Fundamentals of the Education System (LFES) prescribes that educational activities shall be accomplished in the Serbian language (art. 9). For the members of national minorities educational activities shall be carried out in their mother tongues. In exceptional cases, they may be carried out bilingually or in Serbian language, in accordance with a separate law. Educational activities may also be carried out in a foreign language and bilingually, respectively, in compliance with this Law and other law. Educational activities for the persons using the sign language, and special alphabet or other technical solutions, respectively, may be carried out in the sign language and by means of the language and alphabet concerned.

273. In addition to training of experts who will work with children/pupils with disabilities and persons with disabilities at the Faculty for Special Education and rehabilitation, some programmes have also been accredited at other faculties where the teaching personnel is trained to work in the educational system, which means that persons with disabilities shall be also included into the educational system, as the experts to work at the institutions of the system.

274. In the educational system of the Republic of Serbia, as one of the tasks to be fulfilled is the setting up of the Uniform Information System, which should include the data about children, pupils and students, including also the data about children with disabilities.

275. In view of the autonomy of the University, the Ministry of Education and Science does not possess the data about the number of enrolled disabled students, the number of disabled students already studying as well as about the number of graduated disabled students at main, master, specialized and doctor studies.

276. The Law on Fundamentals of the Education System (LFES), the Rulebook on Additional Educational Health and Social Support to Children and Pupils and the Rulebook on Detailed Instructions for the establishment of the right to an individual educational plan, its application and grading provided undertaking of measures to identify early disabled children, pupils and other persons and their educational needs with the aim that they accomplish their rights to complete education, qualifications, employment and independence.

277. The organizations of civil society point out that in spite of advanced legal regulations requiring inclusion of children with intellectual difficulties (as well as of all other vulnerable groups) into the regular educational system, the majority of these children placed at the social protection institutions shall remain outside the educational system. Some institutions have been undertaking steps to include a certain number of children with minor difficulties into special schools, which is certainly insufficient as long as there are children not receiving any education. For many children at the institutions parents do not

fulfil parental duties and exercise rights, and custodians are often employees of the social welfare centres thus not having sufficiently close relations with or interests in children. The Republic of Serbia has been making efforts with the aim to overcome the above-mentioned conditions, for which aim concrete measures were undertaken by the Ministry of Labour and Social Policy and the Ministry of Education.

XX. Article 25 — Health

278. In the Health Care Development Plan, one of the three priority fields of the maintenance and improvement of health is health care for especially vulnerable groups of population, within the framework of which is one of the set objectives to achieve full health potential of persons with disabilities through implementation, monitoring and evaluation of the Strategy for Improving the Position of Persons with Disabilities.

279. The task of the Strategy for Improving the Position of Persons with Disabilities and the Action Plan is to define objectives, measures and activities that would contribute to a social model and approach based on human rights be incorporated in measures effecting the issues of the position of persons with disabilities. In accordance with the set-up frame, it has been planned that until 2015 general objectives would be achieved, inter alia, making social, health and other services based on rights and needs of beneficiaries available, in accordance with modern internationally accepted methods of assessment of disabilities and needs.

280. The Strategy for Improving the Position of Persons with Disabilities has as one of the general objectives to make social, health and other services based on rights and needs of beneficiaries available, in accordance with modern internationally accepted methods of assessment of disabilities and needs. The needs shall be assessed applying internationally recognized methods. In addition to this, the availability of these services in architectural, organizational and programme sense should also be ensured. Also, it is necessary to develop and ensure accessibility of other services as well, which imply the application of modern technologies, and information programmes for persons with disabilities about the rights and options how to use such services at the local level.

281. The Strategy for Improving the Position of Persons with Disabilities makes a request to have a gradual but a compulsory transformation of the assessment system, in order that it would be functional and in accordance with the system to be constituted through the reform process, namely in accordance with the system rendering possibilities and which is based on capabilities of persons with disabilities. The Strategy prescribes the introduction of a (bio-psycho) social model of disability, which makes the theoretical ground of the International Classification of Functioning, Disability and Health.

282. Within the framework of the general objective there is a special objective concerning improvement of the system of support and services directed towards beneficiary in accordance with his/her needs. The measures to achieve the above-mentioned objective are: to develop further the concept of assessment of capabilities and needs towards bio-psycho-social model and harmonization of the standards of national classification with international standards of classification of functioning, disability and health; to develop the quality standards of social, medical and other services to be rendered to persons with disabilities in the local community, providing programme and methodological support to their implementation; to develop quality control system for social, medical and other services through the system of supervision, monitoring, programmes of education and professional advancement of service providers; to ensure that the system of social, medical and other services for persons with disabilities shall fully respect the principle of availability of services in the local community, under entire application of

deinstitutionalization process; to ensure development of multidisciplinary teamwork at all levels through linking the institutions with another two sectors; to ensure accessibility of social, medical and other services in architectural, organizational and programme sense — space with no ramps, mobile services, flexible working hours, adjusted information formats, educated service providers, as well as inclusion of modern technologies; to develop mechanisms that would enable the existence of pluralism of service providers (governmental institutions, agencies, associations of citizens and private sector), which shall render services on the grounds of established standards and principle of “the beneficiary (person with disability) is in the centre of created and rendered service”, respectively; to develop the standards of services, training and qualification for personal assistants; to ensure continuity, compatibility and intersector cooperation in rendering services to persons with disabilities; to develop a model of “means follow beneficiary”, so that a person with disability has the right to choose the type of service and provider; to encourage and support development of new services in the local community applying individual plans encouraging being active and support autonomy of persons with disabilities; to ensure comprehensive health care for persons with disabilities (health promotion, prevention of diseases at all levels, early diagnosis, treatment and rehabilitation), without discrimination in relation to their conditions and disease, in accordance with their requirements; to provide that persons with disabilities shall accomplish the right to modern medical-technical aids (dentures, orthosis and other apparatuses for walking, standing and seating, apparatuses for sight, hearing, speech and other apparatuses) in accordance with their needs; to ensure that medical workers render health care to persons with disabilities, respecting all rights of patients (the right to information, free choice of doctor, privacy and confidentiality of information, right to decision-making and approval, review of medical documentation, secrecy of data, objection, damage compensation); to provide for persons with disabilities access to specialized services of health care and rehabilitation; to ensure existence and development of rehabilitation programmes for all groups of persons with disabilities, based on individual requirements; to develop information programmes for beneficiaries with disabilities on the rights and options how to use services and prepare maps of available services at the local level for this purpose; to introduce new jobs relevant for the development of services, through the programme of development of classification of professions.

283. As one of the measures, the Strategy prescribes the provision of accomplishment of the right to special apparatuses for correction and compensation, their regular maintenance, provision of medical goods and medicines the costs of which for the procurement and maintenance shall be secured from compulsory health insurance. The accomplishment of this right is presented in the part relating to the application of article 20 of the Convention.

284. With the aim to monitor achieved results and assess success of implementation of developed plans, the Government of the Republic of Serbia will establish a body — the Council for Implementation of the Strategy for Improving the Position of Persons with Disabilities, which shall also have the task to prepare summary reports of the line ministries, adequate institutions and other adequate partners on the activities and results achieved in the field of improving the position of persons with disabilities.

285. In the part concerning human rights and values of health care, the Law on Health Care prescribes that every citizen shall have the right to accomplish health care with respect for the highest possible standard of human rights and values, namely that he/she has the right to physical and psychical integrity and security of personality, as well as with respect for his/her moral, cultural, religious and philosophic beliefs, and that every child up to the age of 18 years has the right to the highest possible standard of health and health care. This provision is valid for all persons, also including persons with disabilities.

286. The Law on Health Insurance (LHI) establishes that persons belonging to the population groups exposed to increased risk of disease shall also be considered insured persons, persons whose health care is necessary regarding prevention, suppression, early diagnosis and treatment of diseases of higher social-medical importance as well as persons belonging to the category of socially endangered impaired population, if they do not meet the requirements to obtain the status of insured persons, or if they do not accomplish the rights contained in compulsory health insurance as the members of the family of the insured person, who include, inter alia, persons with disabilities and persons with mental disabilities. For these persons the funds for payment of contributions for compulsory health insurance are allocated in the State budget on the basic amount and according to contribution rate for compulsory health insurance as prescribed by law. Thus, persons with disabilities and persons with mental disabilities gain the status of insured persons accomplishing the rights contained in compulsory health insurance with the contents, scope and method and according to the procedure prescribed by this Law and the regulations adopted for the implementation of this Law as all other insured persons.

287. The right to availability of health care provides that every patient has the right to available health care in accordance with his/her health conditions, and within the limits of financial capacities of health-care system. In the procedure of accomplishment of health care a patient has the right to equal access to medical service without discrimination in relation to financial capacities, place of residence, type of disease or time of access to medical service.

XXI. Article 26 — Habilitation and rehabilitation

288. The Law on Professional Rehabilitation and Employment of Persons with Disabilities (LPREPD) prescribes professional rehabilitation of persons with disabilities as the organization and implementation of the programme of measures and activities with the aim to qualify them for adequate jobs, employment, maintenance of employment, progress or change of professional career.

289. The Law on Professional Rehabilitation and Employment of Persons with Disabilities (LPREPD) governs in detail the organization and the conditions for the operation of companies for professional rehabilitation and employment of persons with disabilities, and of working centres, respectively.

290. The Rulebook on Assessment of Additional Educational Health and Social Support to Children and Pupils ensures monitoring of needs of the child, provision of support in further social life and direction of remaining capacities to the child to the greatest extent.

291. The services of rehabilitation have been secured at all institutions where persons with disabilities and children with disabilities are placed, which are, on one side, intended for maintenance of capacities and, on the other, for raising of opportunities for persons with disabilities to fulfil their needs more adequately.

292. The provisions of articles 19–20 of the Law on Professional Rehabilitation and Employment of Persons with Disabilities (LPREPD) establish the right to professional rehabilitation for employed persons with disabilities.

293. Detailed conditions, criteria and standards for implementation of measures and activities of professional rehabilitation shall be prescribed in an agreement by the Minister in charge of employment affairs, the Minister in charge of health affairs and the Minister in charge of educational affairs.

294. In view of adverse educational structure of persons with disabilities (a considerable number of them have the first level of qualifications — 35.40%, and 12.21% of them have

the second level, whereas the percentage of them with the third level is similar — 31.34%) looking for jobs and the fact that persons with disabilities may considerably improve their working outputs after the implementation of measures and activities of professional rehabilitation, the Law on Professional Rehabilitation and Employment of Persons with Disabilities (LPREPD) prescribes the development of training programmes based on the requirements of the labour market, which meet the essential criteria for accomplishment of planned results and gaining of professional competences. In 2010 there were 29 organized training courses for the requirements of the labour market and the known employer, which also included 191 persons with disabilities.

295. The holders of jobs of professional rehabilitation may be companies for professional rehabilitation and employment of persons with disabilities, educational institutions and other legal entities and natural persons fulfilling the standards concerned.

XXII. Article 27 — Work and employment

296. The Constitution of the Republic of Serbia guarantees to persons with disabilities special protection at work and special working conditions, in accordance with the law (art. 60, para. 5).

297. The Law on Professional Rehabilitation and Employment of Persons with Disabilities (LPREPD) introduced, through the obligation to employ persons with disabilities, the principle of affirmative action with the aim to achieve more significant inclusion of persons with disabilities on the labour market.

298. The Law on Professional Rehabilitation and Employment of Persons with Disabilities (LPREPD) prescribes incitements of employment in order to create the conditions for equal inclusion of persons with disabilities on the labour market, assessment of work capacities, professional rehabilitation, obligation to employ persons with disabilities, conditions for establishment and performance of jobs of companies for professional rehabilitation and employment of persons with disabilities, other special forms of employment and engagement for work of persons with disabilities, as well as other relevant issues. According to the data for 2011, there were 34.43% persons with disabilities with first level of qualifications, 12.5% with the second one, 31.19% with the third one, 16.8% with the fourth one, 1.99% with the fifth one, 1.96% with the sixth one and 1.52% with the seventh level of qualifications. The programme of activities of the National Employment Agency for 2011 planned that the training for the labour market would include 400 persons with disabilities in total, of whom 350 in training for the labour market, and in training under the request of employers 50 persons with disabilities. As for the training for the requirements of employers there were no persons with disabilities included (the source of information: the National Employment Agency).

299. The procedure of assessment of work capacity and employment opportunities or maintenance of employment includes medical, social and other criteria establishing opportunities and capabilities of a person with disability necessary for his/her inclusion on the labour market and performance of concrete jobs independently or with the support service, use of technical aids, and employment opportunities under general or special conditions.

300. In 2010 the employment policy was directed towards the preparation of new regulations providing better environment and more efficient functioning of the labour market, encouraging employment of unemployed people, and of persons with disabilities in particular.

301. As a vulnerable group, persons with disabilities have priority in inclusion in the measures of active policy of the labour market. The support to get the first employment after education, namely the support for the quickest integration on the labour market after leaving school, shall be rendered through the programmes of practice and apprenticeship and especially adjusted training for active looking for jobs (also including motivation training and clubs for looking for jobs). Also, the Law on Professional Rehabilitation and Employment of Persons with Disabilities (LPREPD) prescribes an option of subsidizing of income on the occasion of employment of a person with disability with no work experience, within the period of 12 months (art. 32). For persons with no adequate qualifications or without any qualifications professional training shall be organized. The effects of the programmes of professional training and training in general shall be monitored.

302. In case an employer does not fulfil the obligation prescribed by law or if an employer does not fulfil the obligation concerned by means of some of the offered alternatives, the employer shall be obliged to pay penalties in the amount of triple value of the minimum salary value established by labour regulations, for each person with disability that had not been employed.

303. The Law on Professional Rehabilitation and Employment of Persons with Disabilities (LPREPD) introduces new forms of organization, as special forms of employment and work engagement of persons with disabilities, such as: companies for professional rehabilitation and employment of persons with disabilities, social companies and social organizations, work centres.

304. The Law on Prevention of Abuse at Work⁵³ (LPAW) prescribes prohibition of any form of abuse at work and in relation to work, as well as misuse of the right to protection against abuse.

305. The Labour Law (LL) prescribes that an employee may not work overtime if such work, according to the findings of the competent medical institution, could worsen his/her health. It also prescribes that an employee with health problems, established by the competent medical institution pursuant to law, may not perform jobs that would cause worsening of his/her health or consequences dangerous for his/her surroundings (art. 81).

306. According to the Labour Law, the employer shall be obliged to ensure the performance of job for an employed person with disability with decreased work capacity in accordance with the remaining work capacity (art. 101).

307. The Labour Law does not prescribe any special protection against cancellation of employment contract of persons with disabilities, but it contains the provisions on illegal cancellation of employment contract and how labour inspectors shall act in case of illegal cancellation of employment contract, which are valid for all employees.

Practice

308. Within the last several years, the number of persons with disabilities, registered with the National Employment Agency, has been relatively constant. Entering into force of the obligation to employ persons with disabilities resulted in considerable employment of this category of unemployed persons. For example, in the course of 2010, there were 3,681 persons with disabilities who signed employment contracts, which is both qualitative and quantitative more significant result in relation to previous years. Since the Law on

⁵³ Published in *Official Gazette of RS*, No. 36/10.

Professional Rehabilitation and Employment of Persons with Disabilities⁵⁴ entered into force until the end of 2010 there were 5,558 employed persons with disabilities. However, employment did not result in analogous decrease of the number of persons from this category in the records of unemployed persons, for it was followed by inflow of new persons whose work capacity had been assessed and who had gained the status of persons with disabilities, within the meaning of article 4 of the Law on Professional Rehabilitation and Employment of Persons with Disabilities. On the basis of review of the global conditions of individuals and the conditions on the labour market, the expert testimony body shall assess diseases and problems of influence on work capacity and employment opportunities or maintenance of employment based on the scale.

309. In 2010 there were 4,071 decisions adopted concerning assessed work capacities. Out of the total number of adopted decisions, 74% indicated that difficulties and obstacles were small and made it possible to get employment under general conditions — without adjustments.

310. The change of conditions in the records of the National Employment Agency, in combination with analyses concerning qualification and age structures of those who were looking for jobs from the category of persons with disabilities, caused the measures and activities on the labour market to be directed towards more complete coverage of persons with disabilities by active employment measures. For example, within the period of six months from the date of issuance of some measure, there were 1,036 persons with disabilities who obtained employment in 2010, taking part in the programmes of career management and consulting, additional education and training, subsidized employment.⁵⁵

311. Based on the Report on fulfilment of obligation to employ persons with disabilities according to the Law on Professional Rehabilitation and Employment of Persons with Disabilities, the average number of employed persons with disabilities was 10,326 in 2010 based on the forms submitted.

312. With the aim to create opportunities for more efficient and better quality inclusion of persons with disabilities in the labour market, the National Employment Agency has issued, as the support to employment of persons with disabilities, as from 3 February 2011, the following tenders for:

- Grant of subsidies to employers to open new work posts;
- Grant of subsidies for self-employment to unemployed persons with disabilities;
- Tenders to organize and carry out public works where persons with disabilities shall be engaged;
- Refund of salary of persons engaged to render professional support to persons with disabilities at work;
- Participation in financing of training programmes for persons with disabilities for the requirements of employers;
- Submission of claims for refund of adequate costs of adjustment of work post for employment of persons with disabilities;
- Implementation of professional practice and submission of claims for grant of subsidies of salaries for employment of persons with disabilities without work experience.

⁵⁴ 23 May 2009.

⁵⁵ The statistical data about the programmes implemented are contained in paragraphs 118–120 of the annex.

313. By means of the research under the title of “Report by companies for professional rehabilitation”, the Statistical Office of the Republic of Serbia collected the data on rehabilitation and qualification of persons with disabilities at protection workshops, institutes and institutions for professional training. Based on this report, the differences in the number of employed women and men with disabilities may be observed, who had been qualified within the company for professional rehabilitation (out of total, with the company, out of the company and those who have been waiting for employment).

314. In the annual statistical report on beneficiaries of age and forms of social protection, which is provided by the Social Welfare Centre, the data are collected concerning the total number of various categories of beneficiaries of social protection of those employed through the Social Welfare Centre.

315. The provisions of the Law on Civil Servants and the Law on Salaries of Civil Servants and State Employees⁵⁶ (LSCSSE) present the legal framework providing general protection against discrimination at the State bodies of the Republic of Serbia.

316. The Law on Civil Servants⁵⁷ (LCS) prescribes:

- Prohibition of any form of advantages or deprivations of civil servants in respect of his/her rights or duties, especially because of racial, religious, sex, national or political affiliation or because of some other personal characteristic (art. 7);
- Fundamental principle of employment at State bodies according to which all work posts are available to all candidates under equal conditions (art. 9);
- That on the occasion of employment at the State bodies care shall be taken of national composition, representation of sexes and the number of persons with disabilities to reflect the population structure to the greatest possible extent (art. 9);
- That the selection of candidates shall be based on the system of merits — implying that on the occasion of selection of candidates for each executive position and each position with the State administration bodies care shall be taken of qualifications, knowledge and skills of candidates in the first place;
- That all civil servants shall be equal when deciding on advancement and remuneration and accomplishment of their legal protection (art. 11).

317. The special collective agreement for the State bodies⁵⁸ regulates the obligation of the employer to ensure in the budget of the Republic of Serbia the funds for the implementation of established measures for elimination of risks in the field of safety and health at work, also including the funds for the prevention of work-acquired disability (art. 15). In addition, in case of occurrence of severe disability, the employee has the right to assistance from the State with disability-related expenses (art. 25, item 4).

XXIII. Article 28 — Adequate standard of living and social protection

318. The Law on Public Housing⁵⁹ governs the conditions for sustainable development of public housing and the method of provision and use of funds for development of public

⁵⁶ *Official Gazette of RS*, Nos. 62/06, 63/06, 115/06, 101/07 and 99/10.

⁵⁷ *Official Gazette of RS*, Nos. 79/05, 81/05 — corr., 83/05 — corr., 64/07, 67/07 — corr., 116/08 and 104/09.

⁵⁸ *Official Gazette of RS*, No. 95/08.

⁵⁹ *Official Gazette of RS*, No. 72/2009.

housing, as well as other issues of importance for public housing. The funds for public housing shall be used, inter alia, to incite various forms of provision of flats for public housing of persons with disabilities, as well as of individual and family persons with disabilities and civilians disabled during war, as well as housing with the support for persons with disabilities. The right to resolve housing needs in accordance with this Law shall be held by persons with no flats, and persons without flats of adequate standard, respectively, who cannot provide a flat at the market prices with the earnings they make. Disability is one of the basic criteria for establishment of priority list for settlement of housing needs of persons who accomplish the right to resolution of housing needs.

319. The Strategy for Improving the Position of Persons with Disabilities prescribes general and special objectives regarding the application of article 28 of the Convention.

320. The Law on Social Protection created a comprehensive systemic framework in order to make it possible for persons with disabilities to have access to services, devices and other adequate aid at affordable prices, including availability of programmes covering additional financial costs related to disability.

321. The Law on Social Protection prescribes that every individual and family in need of necessary social aid and support in order to overcome social and living problems and create the conditions to meet essential requirements have the right to social protection, which is provided by rendering the services of social protection and financial support. Within this meaning, the services of social protection are the activities of support and aid rendering to an individual and family with the aim to improve, namely to maintain the quality of living, eliminate or mitigate the risks of adverse living circumstances, as well as to create possibilities for independent living in the society. The right to various types of financial support shall be exercised with the aim to ensure the minimum of living standard and support to social inclusion of beneficiaries.

322. The beneficiaries of social protection shall be the citizens of the Republic of Serbia, although they can also be foreign citizens and stateless persons, in accordance with law and international treaties. In compliance with the principle of non-discrimination, contained in the Law on Social Protection, all persons with disabilities have equal rights to social protection services and financial support, as well as to support in preventing social exclusion.

323. The Law on Social Protection established the right to pecuniary social assistance, belonging to an individual, and to family, respectively, who through their work, income from property or from other sources make income smaller than the amount of pecuniary social assistance prescribed in this Law. Also, this Law prescribes that an unemployed family member, who takes care of a person with disability or of a child with disability using allowance for aid and care by another person, on any grounds, shall have the capacity of a person incapable of work, which is an advantage in accomplishment of the right to pecuniary social assistance.

324. In addition to pecuniary social assistance, a person may also accomplish other pecuniary compensations — allowance for assistance and care of another person, namely increased allowance for assistance and care of another person. These rights do not depend on income, and it is also possible to accomplish the right to pecuniary social assistance under the conditions prescribed in the Law on Social Protection.

325. The Law on Social Protection established a special measure of direct support to parents of children with disabilities who take care of their children in the family surroundings: unemployed parents of children with disabilities, who are not insured on other grounds, whereas the child shall exercise the right to increased allowance for care and assistance of another person (from birth up to 26 years of age) shall be recognized the right to life-long pecuniary compensation, if they had not accomplished the right to pension on

other grounds. This measure means support to the family of children with disabilities and prevents placement of children with disabilities at the institutions.

326. Also, the Law on Social Protection prescribes the establishment of a special fund for dedicated transfers to the poorest local communities in the Republic of Serbia explicitly intended for the development of certain services, which represents one of the mechanisms of support to communities not having the capacity to establish and maintain services for citizens in response to their requirements. The Ministry of Labour and Social Policy recognizes the lack of capacities and concrete services in the field concerning persons with disabilities. For this reason, the set of activities has been in progress to prepare the programmes and minimum standards, and set up the services, respectively, which will be intended, inter alia, to improvement of the position of persons with disabilities.

327. According to the 2003 Poverty Reduction Strategy in Serbia persons with disabilities were singled out as one of marginal social groups especially exposed to risk of poverty. The researches of the World Bank followed by the adoption of this document show that even about 70% of persons with disabilities and members of their families live at or below poverty limit. The Strategy prescribes development of support services, incitement of inclusive education and increase of employment rate, which amounted to 13% in 2003.

328. After the establishment of the Poverty Reduction team with the Office of the Vice Prime Minister of the Government of the Republic of Serbia, some focus groups were formed for civil society to support the implementation of the Strategy and one of the focus groups was also in charge of associations of persons with disabilities.

329. On the occasion of adoption of the documents for the achievement of the Millennium Development Goals, the Republic of Serbia has recognized, in accordance with the Poverty Reduction Strategy, persons with disabilities as one of especially vulnerable social groups and explicitly included persons with disabilities in the measures for the achievement of the Millennium Development Goals.

XXIV. Article 29 — Participation in political and public life

330. In the legal system of the Republic of Serbia the voting right has been regulated in the Law on Election of the MPs⁶⁰ (LEMP) by prescribing that the right to vote and be elected for a representative to the National Assembly of the Republic of Serbia has every citizen with residence in the Republic of Serbia, who: (a) is also a citizen of the Republic of Serbia; (b) has legal capacity; (c) is over 18 years of age.

331. Also, the Law on Election of MPs prescribes that a voter not able to vote personally at polling station (a blind person, a person with disability, an illiterate person) has the right to bring with himself/herself another person who will fill in the ballot instead of him/her in the manner to be determined by him/her and perform voting respectively (art. 72, para. 1). The voting procedure under the circumstances of a voter not being able to vote at the polling station — a person unable or prevented from voting (art. 72a). Likewise, the Law on Local Elections⁶¹ (LLE) prescribes that a voter may also vote outside a polling station at which he/she had been registered in the electoral poll, under the conditions and in the manner established by this Law (art. 33, para. 2).

⁶⁰ *Official Gazette of RS*, Nos. 35/00, 69/02, 57/03, 72/03, 75/03, 18/04, 85/05, 101/05, 109/06 and 104/09.

⁶¹ *Official Gazette of RS*, Nos. 129/07 and 34/10 — amended by the Decision of the Constitutional Court.

332. The method of direct profession of citizens has been established in the Law on Referendum and National Initiative⁶² (LRNI). Pursuant to this Law, the regulations on election of representatives shall be directly applied to the method of direct profession of persons who are not able to vote at polling stations, and vote on their own respectively, which govern the method of voting of such persons (art. 20, para. 3).

333. It follows from the provisions of the LEMP and the LLE that the principle of free, general equal and direct voting right had been fully applied, and that all citizens of the Republic of Serbia have active and passive voting rights under the absolutely same conditions.

334. The amendments to the election laws in 2004 allowed persons with disabilities who cannot move or persons with disabilities who walk with difficulties to vote at homes, encircling ballots to be brought to them by the members of the electoral commission in private and putting the ballots concerned in sealed envelopes to be handed over to the members of the commission who will then put it in the electoral box at the polling station. The amendments to the election laws in 2007 made it possible to organize voting for persons with disabilities residing at the institutions for long-term placement.

XXV. Article 30 — Participation in cultural life, recreation, leisure and sport

335. The Sector of Modern Creativity of the Ministry of Culture, Media and Information Society, within the framework of the annual tender for co-financing of projects/programmes the quality of which contributes to the development and presentation of art and culture shall co-finance the projects intended to persons with disabilities and those wherein persons with disabilities are the participants. For example, through a tender 20 projects were co-financed in 2009 in the total amount of RSD 1,894,000. The funds in the total amount of RSD 2,620,000 were also awarded out of the tender.

336. Through a tender nine projects were co-financed in 2010 in the total amount of RSD 2,400,000. Six projects were financed out of the tender in the total amount of RSD 3,370,000. For projects in 2011, the amount of RSD 2,400,000 was allocated.

337. According to the National Strategy for Promotion of Sports in the Republic of Serbia for the period 2009–2013, the issue of sports of persons with disabilities is one of the strategic goals, and all the relevant activities were defined in the Action Plan adopted in 2009.

338. The Ministry of Youth and Sports (MYS) supported the implementation of the “Research of achieved results in the field of youth policy for vulnerable youth groups in 2008 and 2009”, which was conducted by the Alternative Research Centre in September 2010, according to which 24 projects were implemented in 2009, which directly referred to vulnerable youth groups (24% of the total number of projects). Persons with disabilities made up 11% of direct beneficiaries of these projects. The projects related to rendering psycho-social assistance to the young belonging to vulnerable groups, their integration in the community, and reduction of poverty risk among those groups as well as to promotion of the rights and assistance to the young and their families in the exercise of rights.

339. The associations marked the lack of precise records as the basic problem faced by the young people with disabilities, which would also include young persons with severe forms of disabilities placed with families, as well as the difficulties in the exercise of rights,

⁶² *Official Gazette of RS*, Nos. 48/94 and 11/98.

insufficient number of inclusion programmes and adequate offer of contents, and total exclusion from social life and invisibility of a large number of young persons with disabilities for the public.

340. At the tender for inclusion of associations in the process of implementation of the Strategy for Improving the Position of Persons with Disabilities through implementation of programmes directed towards implementation of priority strategy goals and activities planned in the Action Plan, which is carried out by the Ministry of Youth and Sports at the annual level, three projects of the associations were financed within the period from September 2009 to March 2011, in the total value of RSD 1,744,130.

341. In the course of 2009 the Ministry of Youth and Sports carried out eight infrastructure projects in total aimed at construction, recovery and adaptation of the buildings for sports, recreation and leisure activities of persons with disabilities, in the total value of RSD 20,249,996. In the course of 2010 three infrastructure projects were carried out in total aimed at construction, recovery and adaptation of the buildings for sports, recreation and leisure activities of persons with disabilities, in the total value of RSD 15,349,815. It has been planned that in the course of 2011 projects in the total estimated value of RSD 18,735,130 will be implemented.

342. The Ministry of Youth and Sports has been financing programmes of activities of sports organizations of persons with disabilities. In 2009 and 2010 the following sports organizations were financed: the Para Olympic Committee of Serbia, the Sports Association of Persons with Disabilities of Serbia, the Sports Association for Blindness and Low Vision of Serbia, the Special Olympic Games of Serbia, the Sports Association of Deaf of Serbia.

343. In addition to financing of regular programmes, sports camps, projects from the budgetary fund, the award of national acknowledgements, prizes and scholarships for persons with disabilities is also financed from the budget of the Ministry of Youth and Sports.

XXVI. Article 6 — Women with disabilities

344. One of the principles the Strategy for Improving the Position of Persons with Disabilities has been based on is the principle of equality of men and women. It implies incorporation of gender equality into policies — it is of particular importance in case of the most vulnerable groups such as persons with disabilities. The Strategy for Improving the Position of Persons with Disabilities defines gender equality, specifying it means that a man and a woman have equal conditions for the exercise of full human rights and opportunities to contribute to national, political, economic, social and cultural progress, as well as to enjoy equally the benefits of progress. In addition, gender equality also includes an obligation of the Government to lead the policy of equal opportunities, to define in more details the contents of the principle of equality in certain fields of social life, especially in the sphere of economics and politics, to establish options for undertaking of measures of affirmative action in order to eliminate factual inequality, to protect the right to equality.

345. The Strategy for Improving the Position of Persons with Disabilities has set up a special goal related to development and provision of equal opportunities for women with disabilities for equal and active participation in the life of the community, and within the framework of this goal, the following measures have been prescribed:

- Full development and provision of access to necessary and adequate services for women with disabilities with the aim to improve quality of living;

- Awareness-raising of the society and persons with disabilities about relations between sexes, gender and disability;
- Provision of information on the position of women with disabilities in relation to their social roles and particular vulnerability in relation to family violence;
- Provision of information on human rights of women with disabilities (reproductive right);
- Undertaking of measures to prevent violence, abuse and exploitation of women with disabilities;
- Development and preparation, in cooperation with the relevant institutions and organizations of persons with disabilities the programmes of psycho-social and legal aid to women with disabilities who experienced violence, abuse and ill-treatment;
- Support rendering to organizations and institutions addressing violence against persons with disabilities;
- Undertaking of measures and activities with the aim to increase the level of knowledge and skills of women with disabilities for equal and active participation in the life of the community.

346. The Strategy for Prevention of Violence against Women especially singles out women with disabilities.

347. The Action Plan for the Implementation of the National Strategy for Improving the Position of Women and Promotion of Gender Equality, as a part of activities of general objective of “Increase of participation of women in decision-making process and achievement of gender equality”, prescribes, inter alia, the creation of preconditions for participation of women from groups exposed to double or multiple discrimination in the public and political life. Within the framework of this goal implementation, a promotional campaign has been planned under the title of “Capacities of women with disabilities”, the purpose of which is to raise general awareness of capacities of women with disabilities and to implement pilot projects and seminars intended to this group of female citizens in order to increase their participation in the public and political life.

348. The project “Improvement of health of women and promotion of gender equality in health policy” prescribes a special goal — provision of availability of quality health care for women, in particular for women from groups exposed to multiple-based discrimination.

349. The National Employment Action Plan for 2011⁶³ (NEAP) classifies women to be in so-called vulnerable categories, which shall have priority together with the category of persons not easy to get employment, and in particular from rural and devastated regions, on the occasion of inclusion in the measures of active employment policy through the National Employment Agency.

350. The Law on Employment and Insurance in Case of Unemployment⁶⁴ and the Law on Professional Rehabilitation of Persons with Disabilities are based on the principles of non-discrimination and gender equality and introduce novelties in the field of employment.

351. The records concerning unemployment kept by the National Employment Agency indicated 7,156 women with disabilities on 31 December 2009, or 32.49% of the total number of persons with disabilities. Out of this number, 5,929 women have been actively looking for a job.

⁶³ *Official Gazette of RS*, Nos. 55/10 and 4/11.

⁶⁴ *Official Gazette of RS*, No. 36/09.

352. The records concerning unemployment kept by the National Employment Agency, indicated 6,672 women with disabilities on 31 December 2010, or 32.70% of the total number of persons with disabilities.

353. The records concerning unemployment kept by the National Employment Agency indicated 6,886 women with disabilities on 30 June 2011, or 33.16% of the total number of persons with disabilities.

354. Inclusion of women with disabilities in the measures of active employment policy in 2009:

- At employment fairs 1,298 persons with disabilities participated, of which 24.94% were women;
- The training at the job looking for club included 79 persons with disabilities, of which 31.64% were women;
- The active job looking for training was completed by 349 persons with disabilities, of which 34.50% were women.

355. Inclusion of women with disabilities in the measures of active employment policy in 2010:

- At employment fairs 1,773 persons with disabilities participated, of which 29.89% were women;
- The training at the job looking for club included 54 persons with disabilities, of which 50% were women;
- The active job looking for training was completed by 310 persons with disabilities, of which 33.87% were women.

356. In the course of 2010, 3,681 unemployed persons with disabilities registered with the National Employment Agency, of which 1,172 were women with disabilities.

357. Affirmative actions directed towards persons who cannot get employment easily and women exposed to multiple-based discrimination on the local labour market have also been included within the framework of the programmes and measures intended for women in the National Employment Action Plan for 2010.

Practice

358. According to the report “Women with Disabilities in Serbia”⁶⁵ by the “Iz Kruga” association, an organization for the protection of rights of women and support to women with disabilities of Serbia and the Monitoring and Evaluation Centre from December 2009, in spite of the activities of the Republic of Serbia in the field of improvement of the rights of women, the position of women with disabilities has not been recognized in an adequate way. An analysis of “Women with disabilities in Serbia” illustrates invisibility of women with disabilities and lack of legal response to specific forms of violence and discrimination they are exposed to because of their different position. Women with disabilities remain “three steps behind” in respect of the rights enjoyed by other male and female citizens. Their multiple-based discrimination is not addressed by laws and there is no social action, but only declarations directed to resolution of this issue.

⁶⁵ The internal review of the report is contained in annex II.

XXVII. Article 7 — Children with disabilities

359. The Republic of Serbia will stand with all the views expressed in paragraphs 94–95 of the initial report of the Republic of Serbia to the Committee on the Rights of the Child (CRC/C/SRB/1).

360. Within the framework of the process of implementation of the Strategy for Development of Social Protection and the National Action Plan for Children, the Ministry of Labour and Social Policy, in cooperation with UNICEF, completed three-year activities for the implementation of the project “Transformation of residential institutions for children and development of sustainable alternatives”.⁶⁶ A group of project activities concerns the development of fostering with special focus on the development of so-called specialized fostering, *inter alia*, also for children with disabilities, as well as to review of acting of medical workers at maternity hospitals and it also concerns prevention of placement of children with disabilities at social protection institutions. “The Comprehensive Plan of Transformation of Residential Social Protection Institutions for Children from 2009 to 2013” was prepared as the outcome of activities of the institution transformation group. This documents ensure planned acting of the social protection system and helps those who make decisions to plan the method, time and framework of decrease of total capacities of the institutions for placement of children (for 50% within the period of 5 years), improvement of protection quality at the institutions concerned (through strengthening of expert capacities and improvement of the placement conditions) and changing over of a part of the capacities of these institutions to development of services in the local community for rehabilitation and support to children. In April 2010 the elements of the plan were also adopted by the Government, as the Decision on Network of Social Protection Institutions for Placement of Beneficiaries.⁶⁷ This should be stressed in particular because it was planned that the capacities of the institutions for children, which remain free and at the disposal, would be changed over to development of services in the local community for support and rehabilitation of children, also including children with disabilities and difficulties.

361. During the implementation of the project, the co-operation with the Ministry of health was reached with the aim (a) to prevent placement of children born with risk or severe mental or physical difficulties at the social protection institutions immediately after birth, directly from maternity hospitals and (b) to organize education for the employees of the social protection institutions regarding use of physical suppression (constrain) of

⁶⁶ Within the framework of activities for the improvement of protection of children without parental custody and intensification of application of protection measures for children in less restrictive environment, the Ministry of Labour and Social Policy signed an agreement with UNICEF on implementation of the project “Transformation of institutions for placement of children and development of sustainable alternatives — a child’s place is within the family“, which is funded by the European Union. This project included four segments of improvement of protection of children without parental custody: (a) transformation of institutions for children; (b) improvement of monitoring and regulatory mechanisms at institutions; (c) development of specialized fostering and (d) strengthening of the role of medical system in early support to family with the aim to prevent institutionalization of children with disabilities. This project was nearly EUR 2 million worth.

⁶⁷ The decision governs the network of social protection institutions for placement of beneficiaries established by the Government, and the competent authorities of the autonomous province, respectively. The decision was adopted in accordance with tendencies and principles of reform of the social protection system and the key national documents, and defined the basic activities of social protection institutions for placement of beneficiaries and established precisely the capacity in accordance with already achieved results of the reform of social protection system, actual needs and commitments to apply less restrictive protection measures.

beneficiaries placed at the social protection institutions for children and adults with disabilities, in compliance with international conventions and standards for protection of this group of beneficiaries. The guidelines (procedures) for support to parents having children with disabilities were also formulated and the activities aimed at strengthening of the role and capacities of field services were also implemented.

Practice

362. The number of children with disabilities registered with the social welfare centres indicates the tendency of constant increase each year. In 2007 there were 10,927 of these children and in 2008 there were 11,512 of them while in 2009 their number was increased to 12,315.

363. The table below shows the number of children with disabilities placed at the social protection institutions, including presentation of fluctuations within the last 5 years.⁶⁸

<i>Year</i>	<i>Up to 18 Years</i>	<i>from 18 to 26</i>	<i>Total</i>
2006	840	741	1 581
2007	757	740	1 497
2008	683	716	1 399
2009	611	683	1 294
2010	530	671	1 201

364. Support to the process of deinstitutionalization also has the dimension of increase of living quality of children placed at the social protection institutions. Within this issue, the project “The world I belong to — natural environment for children with mental and physical disabilities” was implemented in the course of 2008, in partnership with the Centre for Protection of Infants, Children and Youth in Belgrade and the Savski Venac Society for Assistance to Mentally Challenged Persons and the Stari Grad Society for Assistance to Mentally Challenged Persons. The objective of the project was to ensure assistance and support to children with disabilities placed at the institution concerned. The project resulted from the necessity to coordinate the quality of protection of these children with their best interest and the best interest of their natural family. The engagement of volunteers, who make the world of these children richer having intensive contacts with them and in partnership with their children, gradually creates the pre-conditions for the return of children to their natural environment. The implementation of the project was supported by the Ministry of Labour and Social Policy.

365. The festival of theatre performances of children with disabilities placed at the social protection institutions, children without parental custody and children from the local community was organized for Easter holidays in 2010. The festival “A flower on my palm” lasted for a month and was organized by the Sector for Care of Families and Social Protection, “Dr Nikola Šumenković” institute for children and persons with disabilities, the local self-government of Petrovac. The festival as well as all accompanying activities were aimed at integration of persons with mental disabilities in the wider social community and elimination of prejudices about them present in the society.

366. Also, the first inclusive festival “Musical notes for everyone” at the level of the entire Republic of Serbia was organized by the “Male Pčelice” institute for placement of

⁶⁸ Source — the data from the Information System of the Ministry of Labour and Social Policy.

adults. The festival lasted for three days in the course of November 2010 and had about 400 participants.

XXVIII. Article 31 — Statistics and data collection

367. The Statistical Office of the Republic of Serbia publishes the data issued by the institutions in the field of social protection. The institutions concerned include those for placement of children and youth, for placement of adults, for professional rehabilitation of persons with disabilities and social welfare centres. The data are obtained through regular statistical researches carried out in a two-year period and relate to the territory of the Republic of Serbia.

368. In the field of social protection, based on annual reports on the activities of the institutions for placement of children with disabilities, institutions for placement of persons with disabilities, institutions for placement of the old, the data are obtained about the number of institutions, number of placed beneficiaries — classified per sex, age, type of disability, parents, method of payment for placement, education, etc.

369. The annual reports on the activities of the institutions for professional rehabilitation provide the collection of data on rehabilitation and training of persons with disabilities at protection workshops, institutions and facilities for professional training.

370. The data on social protection of under-aged beneficiaries and beneficiaries of age are collected from the welfare centres each year on prescribed statistical forms.

371. Statistical monitoring by the Ministry of Labour and Social Policy is carried out through an analysis of annual reports on the activities of the institutions for placement of beneficiaries as well as from the social welfare centres as the recipient bodies and custody bodies. The definitions of disability in accordance with strategic and legal objectives are used on the occasion of data collection.

372. The preparation of a by-law act on records and documentation of those rendering social protection has been in progress in accordance with the Law on Social Protection. Since the new Law on Social Protection shall ensure pluralism in the field of rendering of services of social protection (institutions and organizations of social protection financed from the budget, associations, entrepreneur, company, etc.), this by-law shall introduce an obligation of preparation of regular reports on the number of beneficiaries of services, types of rendered services, application of quality standards, number of appeals and claims by beneficiaries regarding the use of services, etc. All the above also includes the services intended for persons with disabilities.

373. At the same time, under the organization of the Social Protection Institute of the Republic of Serbia, an innovated reporting system is being introduced for all providers of social protection, which will ensure in future more efficient collection and processing of data about beneficiaries and rendered services, on spreading and coverage of services in the community, which are also intended for persons with disabilities, in compliance with indicators to be monitored in accordance with the international standards of protection of human rights.

XXIX. Article 32 — International cooperation

374. Within the framework of the United Nations and other international organizations the Republic of Serbia has been active in supporting resolutions, decisions and other documents regarding protection and rights of persons with disabilities. It was one of the sponsors of General Assembly resolutions 65/186 on realizing the Millennium

Development Goals for persons with disabilities towards 2015 and beyond, 64/154 on the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto; with the Human Rights Council, resolution 16/15 on the role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities.

375. UNDP in the Republic of Serbia supported the preparation of the draft of the Strategy for Improving the Position of Persons with Disabilities, process of harmonization of national regulations with the provisions of the Convention and ratification of the Convention appointing a legal expert to be at the disposal of the Ministry of Labour and Social Policy, the preparation of the draft of the Law on Use of Serbian Sign Language, the draft of by-laws for the implementation of the Law on Professional Rehabilitation and Employment of Persons with Disabilities (LPREPD), the draft of Law on the Prohibition of Discrimination of Persons with Disabilities (LPDPD), as well as the activities of the Social Innovation Fund and the Global Agreement. UNDP also supported the reform of companies for professional rehabilitation in cooperation with the Government of Norway. Through DILS programme the World Bank supported capacity strengthening of associations of persons with disabilities in cooperation with the Ministry of Labour and Social Policy. The same Ministry supported the promotion of the Law on Professional Rehabilitation and Employment of Persons with Disabilities (LPREPD) in cooperation with the representative associations of employers and trade unions. The European Union supported the feasibility study of employment reform for persons with disabilities in Serbia, the projects of associations of persons with disabilities aimed at promotion of anti-discrimination regulations and preparation of the shadow report on the implementation of the Convention. The Department for International Development supported the preparation of the draft of standards of social protection services, including the service of personal assistants, daily care institutions and supported living. The Development Agency of the Republic of Ireland supported the pilot project of personal assistant service. The Government of Austria supported the exchange of experience in the field of employment and professional rehabilitation. The United States Agency for International Development supported local projects for elimination of architectural barriers in several towns in Serbia. Sweden supported several projects aimed at improvement of living quality of persons with disabilities. The British Council supported an inclusion project in the field of culture. Oxfam and Handicap International systemically supported development and capacity strengthening of organizations of persons with disabilities in the Republic of Serbia. UNICEF systemically works on the support to projects aimed at inclusion of children and young with disabilities in the Republic of Serbia.

XXX. Article 33 — National implementation and monitoring

376. The Law on Ministries set up the competence of the Ministry of Human and Minority Rights, State Administration and Local Self-Government, Directorate of Human and Minority Rights, for, inter alia, preparation of regulations on human and minority rights, monitoring of compatibility of national regulations with international treaties and other international acts on human and minority rights.

377. The following organizations have been included in the process of preparation of reports: the National Organization of Persons with Disabilities (umbrella association of persons with disabilities in the Republic of Serbia), the Association of Handicapped Students, “Iz Kruga”, Society Orientation Centre/Regional Centre for Supervision of Rights of Persons with Disabilities, “Živeti Uspravno” Centre, the Inclusive Society Development Centre, the Centre for Independent Living of Persons with Disabilities of Serbia, Cross Disability Network (CRID) and the Coalition of Associations gathered in Mental Disabilities International — Serbia (MDRI).

378. After the consultations at the meeting of the task force, the principle was adopted stipulating that associations may directly participate in the preparation of reports submitting supplements and participating in the activities of the task force, and also indirectly, in the form of comments to the working version and the draft of the report. Women participated in the task force for the preparation of the report with more than 75%.

379. The draft of the report was published on the Internet page of the Directorate of Human and Minority Rights, including contact information by means of which the interested associations could send their comments.
