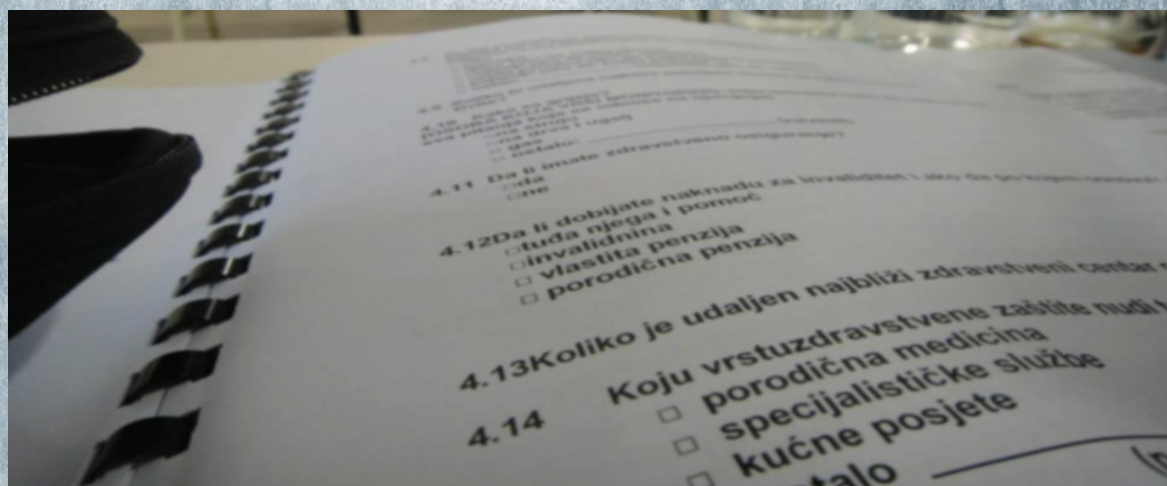


# HOLISTIC REPORT 2013: MONITOR YOUR RIGHTS



Monitoring of rights of persons with  
disabilities in Republic of Serbia.



## **ACKNOWLEDGMENTS**

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Dear readers,

Following is the Holistic Report on Conditions of Persons with Disabilities in the Republic of Serbia. The report is based on the UN Convention on the Rights of Persons with Disabilities. The Republic of Serbia is a signatory to the Convention and in January 2012 it submitted an Initial Report on the Implementation to the UN Committee for the Rights of Persons with Disabilities. The Convention itself says that civil society needs to monitor the implementation of the rights of persons with disabilities. Nowadays, persons with disabilities actively participate in policy making as well in the monitoring of human rights. The report provides an overview of the current situation in the field of disability and the enjoyment of human rights. Holistic Report was created as a unified report of three separate reports – the Report on the Monitoring of Individual Experiences of Persons with Disabilities, the Report on Systematic Monitoring and Reporting on Media Monitoring.

In 2009, Center for Society Orientation - COD in partnership with the National Association for Persons with Autism have started working together to build the capacity of organizations of persons with disabilities in the field of monitoring the rights of persons with disabilities. During 2010, in collaboration with York University from Toronto, Canada, opened a Regional Center for Monitoring the Rights of Persons with Disabilities in Eastern Europe. Later in 2011, Center grew into a Regional Center for Europe.

Finally, we would like to thank the team of people who worked on the preparation of the report, as well as local organizations, institutions and individuals who have given their immense contribution. We would also like to thank York University which recognized our capacity and vision and have supported us immensely in the work of the Regional Centre for Monitoring the Rights of Persons with Disabilities in Europe. Finally, we would like to thank the Swedish International Development Cooperation Agency - SIDA for financial support, which enabled us to prepare this report and work on building the capacity of civil society organizations and persons with disabilities to actively participate in the process of monitoring the human rights of persons with disabilities.

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Founder of the Center for  
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President of the Management  
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# INTRODUCTION

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## Project Information

Monitoring the rights of persons with disabilities in Serbia is a collaborative project supported by the York University in Toronto and the Swedish International Development Agency (SIDA). Monitoring the rights of persons with disabilities seeks to establish a sustainable mechanism for monitoring respect of the rights of persons with disabilities in the Republic of Serbia. In monitoring the rights of persons with disabilities the project uses the human rights based approach to disability, namely, systemic discrimination and social exclusion of persons with disabilities, and their vulnerability to poverty, unemployment, various forms of discrimination and inequality. Knowledge of human rights violations based on facts and evidence is an important tool for initiating social change, change of policies and programmes that would lead to the improvement of the status of persons with disabilities in the Republic of Serbia.

## Methodology

In order to gain an insight into the human rights violations of persons with disabilities, the project uses a holistic approach to monitoring. The methodology consists of three elements and focus areas: monitoring of individual experiences, which included interviews with persons with disabilities, systemic monitoring with the aim to provide an overview of laws, policies and programmes and their weaknesses in the field of disability, as well as monitoring of the media in order to gain insight into the way the media report on issues relevant to persons with disabilities. Holistic approach to monitoring of human rights of persons with disabilities is based on fundamental principles of human rights contained in the Convention on the Rights of Persons with Disabilities: ***dignity, autonomy, non-discrimination and equality, participation, inclusion and accessibility and respect for diversity***.

For the purpose of monitoring of individual experience, 60 interviews with persons with disabilities was completed in three places: in Belgrade, as the capital of the Republic of Serbia, in Novi Sad - the second largest city in Serbia and the main city of the Autonomous Province of Vojvodina and in the Danube district, municipality of Velika Plana with surrounding municipalities and rural areas. The aim of the interviews was to gain insight into the real experiences of persons with disabilities in exercising their human rights. Data was collected in face-to-face interviews, which were conducted by trained interviewers who are persons with disabilities as well. Interviews were recorded with dictaphone, retyped in text files and then encoded, using a coding scheme developed within D.R.P.I. methodology. They were finally analysed using software for qualitative analysis of data collected by the survey, NVivo10.

For the purpose of the report on the media monitoring, articles in the print media in the period from September 2012 until June 2013 were analysed, covering the topics of the rights of persons with disabilities. 900 articles from 53 printed media that have appeared during this period were processed. The subject of the analysis, beside topics that article refers, was the manner of the media reporting.

Systemic monitoring was based on the problems arising from the interviews, analysing the regulatory framework, the effects of its implementation, finding flaws in the framework specifically designed templates for systemic monitoring that monitors the implementation of the Convention on the Rights of Persons with Disabilities and relying on the relevant reports of independent institutions and civil society organisations.

The key characteristic of monitoring individual experiences is direct involvement of persons with disabilities and their organizations in all stages of monitoring. Direct involvement of

persons with disabilities in the process of holistic monitoring forms the basis for establishing sustainable monitoring of the rights of persons with disabilities. The interviewees are not only in the role of those who answer to the questionnaire, but through the conversation they are informed about their rights and opportunities available to them to exercise the rights. Application of semi-structured questionnaire in survey allows interviewees to talk about the things they want to talk and that are most important to them, rather than to answer briefly on the strict short questions. This method of interviewing provides clearer and more detailed insight into the experiences of people and violations of human rights and the principles of human rights.

It is believed that the “snowball” technique has the ability to overcome the risk of selection of people with similar characteristics. Field coordinators were asked to balance the sample, taking into account the type of disability by using their network of contacts of organizations that represent other types of disabilities.

Persons with disabilities were involved in all aspects of holistic monitoring.

## **Structure of the Report**

Monitoring individual experiences of persons with disabilities is a key part of the report; based on the results obtained through interviews the prerequisites for software processing and quantitative analysis of the data were acquired. Based on the interviews, an analysis of the most pressing issues and areas in which discrimination occurs for the majority of interviewees was made in order to detect repeating pattern of discrimination. This study analysed general principles of human rights - dignity, autonomy, participation, inclusion and accessibility, non-discrimination and equality, respect and diversity in the following key areas of life: social participation, information and communication, education, income insurance and support services, access to justice, privacy and family life, work and employment, health, habilitation and rehabilitation.

Based on the analysis of interviews, pressing issues for the examined persons with disabilities are social participation with a focus on accessibility, social protection, health care, labour and employment and education. Holistic report provided an overview of the most pressing problems from three perspectives: individual interviews with persons with disabilities (monitoring individual experiences), systemic perspective (monitoring legislation and policies) and the perspective of media coverage (media monitoring).

Holistic report represents an overview of the report on the monitoring of individual experience, systemic report and report on media monitoring.

## **Partner organizations involved in the project**

The project envisaged close cooperation with local organizations of persons with disabilities. Field work in the monitoring of individual experiences is coordinated by: the South Bačka District Association of Dystrophy, Association “Talos” from Belgrade and Association “Will for Life” (“*Volja za životom*”) from Velika Plana. In addition to these organizations, which coordinated the fieldwork, the following organizations are directly involved in the project:

Belgrade: Association of paraplegics and quadriplegics “Ada” Čukarica, the Muscular Dystrophy Association of Novi Beograd, CCSVI Alliance, Association of Persons with Cerebral and Infantile Palsy Belgrade.

Novi Sad: Alliance of People with Paraplegia of Vojvodina, Ecumenical Humanitarian Organization/Resource Center for Persons with Disabilities, Union of People with Dystrophy of Vojvodina, City Organization of the Blind.

Podunavlje district: Association of Persons with Developmental Disabilities “Key” (“*KLJUČ*”) Žabari, Association of Cerebral and Infantile Palsy of Svilajnac Municipality, Inter-municipal Association of Persons with Paraplegia of Jasenica.

## I. ACCESSIBILITY

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In the Republic of Serbia, in their daily activities, persons with disabilities are facing with barriers when using transport, during entering and moving through private and public buildings, the use of home appliances, electronic and digital systems, services and products.

Article 9 of the UN Convention on the Rights of Persons with Disabilities, ratified by the Law of the Republic of Serbia, describes accessibility, which, in addition to accessible physical environment and transportation includes access to information and communication, as well as the elimination of barriers in the built environment by equating urban and rural areas<sup>1</sup>. In addition to physical accessibility, it is assumed that public institutions are labelled in such a manner as to be accessible to persons with sensor and intellectual disabilities. Increasingly, the necessity of providing affordable services and products occurs as a requirement in this area. It is also important to ensure the use of new information - communication technologies as a form of support to persons with disabilities in order to actively participate in all aspects of life. In the enclosed report, the term accessibility also means the freedom to seek, receive and disseminate information in official communications, equally with others and through all forms of communication according the choice of persons with disabilities.

### 1.1. Accessibility of the residential buildings

Residence of persons with disabilities represents one of the main issues in the area of accessibility and directly affects the isolation of persons with disabilities and the extent of their social participation.

*“Well, I’ve been in a wheelchair since 2002. For the last five years I could not go out of the house, I have five or six steps on the exit, but I don’t have a ramp and have never come out to the yard. I have an ordinary wheelchair”.*

Male, 59

Adaptation of the place of residence of persons with disabilities is not systematically solved and persons with disabilities are forced to find the financial resources for the mentioned adaptation:

*M2: Have you been able to build a ramp at home?*

*I: Well, I was unable... You have to educate your children and have no possibilities of a normal life, not to mention ... to make a ramp or something/anything. If I had a ramp, I could ask from the Social Insurance a wheelchair if I, for example, have asphalt...to go to the shop and the village... but I cannot leave the house. Who could get me down?*

Male, 59

Legal procedures and lack of understanding of the surroundings are often source of violations of the principles of participation, inclusion and accessibility:

*M1: And all this time..., you didn’t have the consent of the tenants of the apartments where you live?*

*I: No.*

*M1: Well, what is their reaction about this ramp? I mean, what do they say about...?*

*I: They simply say – we don’t need it, why would we need it? If it didn’t exist so far, why would we need it now?*

Male, 32

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<sup>1</sup> Law on Ratification of Convention on the Rights of Persons with Disabilities, "Official Gazette of the Republic of Serbia – International Treaties", No 42/2009

A common situation is an inadequate implementation of the existing standards and rulebooks: *“Well, since I have problems with moving...meaning access, entrances...everything... stairs are the biggest problem for me and specifically now...newly constructed buildings are required to have installed ramps. That ramp is so steep that it is completely useless. So either it doesn’t exist or it is built not to serve its purpose. I, for example have problem in my building with an old elevator which breaks down often and with the entrance of the building which is inaccessible to me.”*

Female, 50

Regarding the physical access to buildings the *Law on Planning and Construction* is important.<sup>2</sup> Article 5 of this law specifies that facilities of public and commercial use must fulfil the condition that persons with disabilities, children and the elderly are provided with appropriate access and movement. Also, residential buildings with ten and more units must be designed to meet accessibility requirements. The Law does not regulate the ability to use funds collected from fines for the accessibility improvement and there is no strict deadline for the corrections. The Law on Planning and Construction in Section 11, entitled Construction of facilities and execution of work for which the building permit is not issued, defines the removal of obstructions for persons with disabilities in Article 145. Within the work on adapting the access to buildings for persons with disabilities, along with the request for the issuing of decision, it is needed to submit proof of ownership, the preliminary project and technical description and a list of contractors to perform work on capital maintenance. In addition in residential buildings it is necessary to get the consent of the residents on whom the final decision on adaptation of the facility or replacement or installation of elevators depends. Sometimes obtaining the consent represents the problem. Financing adaptation upon the request of person with disability is not regulated by law at the national level which hinders the realization of the necessary adaptations. The *Law on Housing*<sup>3</sup> in Article 12 refers to the maintenance of residential buildings and apartments. This article lists tasks on maintaining the building, but does not specify special works that contribute to maintaining or enable accessibility for/to persons with disabilities. The *Law on Maintenance of Residential Buildings*<sup>4</sup> does not recognize within the framework of the Article 6 as a separate item elements that would refer to the possibility to enable/provide accessibility to the persons with disabilities.

Important for the accessibility of built environment is the *Rulebook on technical accessibility standards*<sup>5</sup>. The Rulebook in its introductory provisions notes that technical accessibility standards apply both to the new and reconstruction buildings. The Rulebook in detail deals with all mandatory elements of accessibility, from the elements of overcoming height differences, moving and residence in the place to the elements of public transportation accessibility. The Rulebook does not regulate matters relating to the establishment of appropriate mechanisms to control the fulfilment of the above mentioned elements of accessibility.

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<sup>2</sup> Law on Planning and Construction “Official Gazette of the Republic of Serbia”, Nos 72/2009, 81/2009 – amd, 64/2010 – CC decision, 24/2011, 121/2012, 42/2013 – CC decision and 50/2013 – CC decision

<sup>3</sup> “Official Gazette of the Republic of Serbia”, Nos 50/92, 84/92 – amd, 33/93, 67/93, 46/94, 47/94 – amd, 48/94, 44/95 – sec. law, 49/95, 16/97, 46/98, 26/2001, 101/2005 – sec. law and 99/2011

<sup>4</sup> Law on maintenance of residential buildings, “Official Gazette of the Republic of Serbia”, Nos 44/95, 46/98, 1/2001 – CC decision, 101/2005 – sec. law, 27/2011 – CC decision and 88/2011

<sup>5</sup> Rulebook on Technical Accessibility Standards “Official Gazette of the Republic of Serbia”, No 46/2013



The media rarely report on the housing problems of persons with disabilities.

Article No1: Daily newspaper “Alo”, June 07, 2013

#### **TRAPPED IN THE APARTMENT**

Bratislav Bratić has specific disease paraparesa sastica, due to which he is bounded to a wheelchair and his moving is additionally hampered because he lives on the fourth floor of the residential building.

The problem of independent moving would be solved by the device “OusencarLG”, which allows additional mobility in the wheelchair that would enable Bratislav to get out of his apartment after a long time. The price of this device is 350.000 dinars, and everyone who is able and willing to provide assistance for the purchase of the device can make the payment into the account of Bratislav Bratić on 160-0500100230030-11

The article was written in the spirit of charity, but a good example of an article on the civil protests that have recognized the violation of the rights of their fellow citizen with disabilities can be found on this topic:

Article No 2: Daily newspaper “Blic”, December 12, 2012

#### **PROTEST AS A SUPPORT**

Sombor – Civil protest in support of persons with disabilities who are denied rights of freedom of movement will be held in Sombor on Friday. The protest is scheduled in the street JNC, in front of the residential building C7 at 2 PM, i.e. in front of the building where Julijana Čatalnica lives, who has a problem with ramp installation in her building.

## **1.2. Accessibility of buildings of public interest**

An indispensable element in this area is the inaccessibility of public buildings which can often represent the foundation of discrimination against persons with disabilities. Clearer insight into the extent and type of discrimination against persons with disabilities in this area allow personal experiences of access of persons with disabilities to public buildings.

*“Alfa bank. And now: you have a kerb which is 15 centimetres high and which could not be beaten by no means. They have a ramp... and you just sit there and watch: wow, it is such a nice ramp. But, impossible ... Impossible.”*

Female, 38

Institutions such as the post office and police station where citizens exercise their civil rights still remain inaccessible for persons with disabilities, which directly violates Article 9 of the Convention on the rights of persons with disabilities and principles of participation, inclusion and accessibility.

*“Well, no. I had a problem exactly there, during obtaining documents. I went...I didn’t count, but there are more than twelve or thirteen steps in the police station. Which means that there is a problem. There is no ramp. I came there with my wife. There was no one there. She asked a police officer for help. He said he has problems with his back...so we had to wait for the passers to raise us up thirteen steps.”*

Male, 38

Regulatory support of exercising this right was brought by the *Law on Prevention of Discrimination against Persons with Disabilities*<sup>6</sup>. Article 13 of this Law, entitled Discrimination in the Provision of Services and Use of Premises and Spaces of Public Use and Public Areas prohibits discrimination on the basis of disability in terms of the availability

<sup>6</sup> Law on Prevention of Discrimination against Persons with Disabilities, “Official Gazette of the Republic of Serbia”, No 33/2006

of services and access to facilities of public use and public areas. Public buildings include all buildings and facilities that serve the general public<sup>7</sup>. Public buildings such as schools, hospitals, banks, government buildings, post offices must be fully accessible to all.

During the 2013 the Commissioner for Protection of Equality published a *Report on the Accessibility of Business buildings of government bodies for persons with disabilities*<sup>8</sup>. A total of 23 buildings of government bodies were tested for the accessibility, and the main elements for checking the accessibility were: availability of entrances (the existence of the platform or ramp), registry offices, toilets and elevators. Only three buildings fully met the standards of accessibility. The basis for the report of the accessibility of business building of the government bodies is the increasing number of complaints sent to the Commissioner for Protection of Equality.

*The Law on the Prohibition of Discrimination*<sup>9</sup> in the Article 17 describes discrimination in the provision of public services and use of premises and areas “everyone shall have the right to equal access to objects in public use such as objects where the head offices of public administration bodies are located”.

When the media report on the physical accessibility of buildings of public importance, the emphasis is on individual ramps that were built by the funds of donors or initiatives of local organizations of persons with disabilities and with the financial support of the local self-government.

Article No 3: Daily newspaper “Kurir”, June 01, 2013

#### **WORLD NEIGHBOUR’S DAY WITH “GRAND COFFEE”**

HUMANITY – “Grand Coffee” (“*Grand Kafa*”) celebrated World Neighbour’s Day in order to remind us of the true neighbourhood values. The company helped the families in need and distributed the vouchers for the purchase of the staple food and built ramps for persons with disabilities.

At a time when everyone needs a friendly atmosphere, we are proud that “Grand Coffee” managed to make some people happy or at least put a smile on citizens of Belgrade, Novi Sad and Niš - said Andrej Bele, manager of “Atlantic Group” (“*Atlantic grupa*”) for coffee strategic area.

The media reporting lacks concretization of accessibility standards and does not specify the legal basis for these adaptations. The Report of the Commissioner for Protection of Equality on the accessibility of business buildings of government bodies was very well covered by the media. The public is warned that the inaccessibility of buildings in which government bodies operate is the act of discrimination, examples from the practices and recommendations made by the trustees in order to eliminate discrimination were given. On December 3<sup>rd</sup>, on the Day of Persons with Disabilities, the Ombudsman appealed to all public institutions to make their facilities and work accessible to all citizens. The premises where the work of his office is carried out are fully adapted.

Article No 4: Daily newspaper “Politika”, December 04, 2012

#### **OMBUDSMAN PREMISES ACCESSIBLE FOR PERSONS WITH DISABILITIES**

On the building and the premises of the Ombudsman in Deligradska Street tactile table are placed at the entrance, with the name of the institution, tactile guides, treads for marking the entrance, and tactile path from the entrance to the registry office and reception rooms, making it easier for visually impaired persons to access and stay in the premises of the Ombudsman. In the statement of the Ombudsman office it was said that the meeting rooms are set up with the equipment for amplification and transmission of sound, which facilitates communication for persons with hearing impairments. Persons with limited mobility can enter the building through the most modern access ramps.

<sup>7</sup> This definition of public buildings is used by the European Concept for Accessibility technical reference manual, Free movement of People with Disabilities in South East Europe: An Inaccessible Right?, 2006, Disability Monitor Initiative SEE

<sup>8</sup> Report on the Accessibility of Business buildings of government institutions for persons with disabilities, Commissioner for Protection of Equality, May 2013

<sup>9</sup> Law on prohibition of discrimination, “Official Gazette of the Republic of Serbia”, No 22/2009

On the occasion of the International Day of Persons with Disabilities, the Ombudsman, Saša Janković appealed to representatives of government authorities, i.e. the authorities that to contribute to equality of persons with disabilities by specific acts and call them to make their premises and work more accessible to all citizens.

### 1.3. Accessibility of roads and public areas

In their statements, persons with disabilities talk about poor quality of pavements and sidewalks (holes, open manholes, improperly placed urban furniture), curbs, lack of tactile tapes, lack of audible traffic lights. The situation is particularly critical in rural areas.

*“Well, yes - it happens all the time... nothing has changed. As for the passing of wheelchair ... I have a picture somewhere in my phone where a man from the city inspection of Novi Beograd is standing on the sidewalk, where even a healthy person cannot pass, not to mention the wheelchair. That man, that is, the municipal inspector, is on the field, doing his ...job and he stops in the middle of the sidewalk so that neither from the left or the right side anyone can pass, not even the pedestrian, nor to mention the wheelchair. I warn him on all that and he writes down the number of my car – because I warned him, and he will write me a complaint, because I stopped to take a picture of him.”*

Male, 56

*“There are plenty of parking spaces for persons with disabilities. The problems are unconscientious citizens who park on those places. And, again on our initiative, fines in those places, i.e., if you are taken away by the tow truck, are quite high - so lately people avoid that but I don't know ... I think that a lot has been done regarding this. According to the Rulebook from January last year, persons with physical dis... I mean, some things are stricter which is good for some – while for some are not ... since it is now necessary to have eighty percent of the damage of the lower extremities, a large number of beneficiaries that have some other problems that are not related to the moving lost their right to the parking stickers...”*

Male, 35

*“But, you know, Kamenica itself is not adapted for persons with disabilities, because cars are parked on the walkway, then one has to go on the road. Then, they use horns and it is kind of uncomfortable and sometimes I fear when I go like that... and there are a lot of holes on these paths and ...”*

Female, 19

Roads and public areas are subject to the provisions of the *Law on Public Roads*<sup>10</sup>. Article 83 discusses the design and reconstruction of the public roads, which requires the application of technical regulations and standards. This law regulates structural elements such as: curbs, surface of the roads and sidewalks, intersections, traffic signalization, shoulders and parking spaces.

Parking in designated areas for persons with disabilities is not an easy challenge, starting from obtaining the necessary stickers. Charges for illegal parking in marked spaces for persons with disabilities are the area that requires further improvement of the legislative framework and practical application.

If we take as an example the city of Belgrade and Užice and their regulations on conditions and manner of use of the public car parks by privileged users, we can see that this segment of the accessibility of persons with disabilities is related to the exercising of the rights in the

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<sup>10</sup> Law on Public Roads, “Official Gazette of the Republic of Serbia”, Nos 101/2005, 123/2007, 101/2011 and 93/2012

field of social security, pension and disability insurance, as it is stipulated that the users of parking stickers are persons with disabilities must have a minimum of 80% of physical damage or 90% of visual impairment or to be users of orthopaedic allowance or carer's allowance.

The media discusses about the inaccessibility of roads.

Article No 5: Daily newspaper "Novosadske novine", July 22, 2013

#### **INACCESSIBILITY OF ROADS**

Cities like Kikinda, Zrenjanin, Subotica or Požarevac have solved this problem for their fellow blind citizens, but Novi Sad hasn't. Earlier there were audible traffic lights at eight intersections, but the devices were broken ten years ago and never repaired. We got a promise from the city that from September this year they will work on this issue, as well on other problems. I am referring primarily to the construction of appropriate paths and sidewalks for us - blind persons. Due to the lack of such paths, we cannot even get into those buildings and institutions that are accessible to the other persons with disabilities - concludes Neza Đurkić.

We give an example of an article that raises the level of consciousness of the average driver to respect the places designated for parking of vehicles of persons with disabilities.

Article No 6: Daily newspaper "Alo", March 28, 2013

#### **TOW TRUCK HAS TAKEN THE PLACE FOR DISABLED!**

A tow truck of "Parking Service" ("Parking servis") Zaječar yesterday from 10.30 to 12 hours was parked at the corner of Generala Gembete and Krfska Streets, on the place for the disabled! Persons on call in "Parking Service" shortly replied to us in a telephone call that they "are not familiar with it". Normally, if there was any other vehicle in the place for the disabled, a tow truck would take it and the owner would have to pay 4,000 dinars for the takeover.

### **1.4. Accessibility of the transportation**

During monitoring of individual experiences of persons with disabilities, the interviewees cited a number of problems faced daily in access to public transportation. The following are some excerpts from the interviews:

*M2: "How...how did you feel in that situation?"*

*I: "Well, I was... I was a bit annoyed, because, basically, he sees passengers, he has a review mirror and can see ... when a person goes out – Where's he is moving right now, what does he want now? Am I supposed to jump through the door so he can manage to complete a lap time?"*

Male, 57

*"And I have a problem when snows ... "And somewhere there I felt discrimination – when you call a taxi and ask for a little bigger taxi, a caravan, and when you mention a wheelchair - a taxi does not appear. There I felt discrimination as a person with a disability, just the right one. I feel vulnerable."*

Female, 23

*"First of all, the buses – there are only two. And second, which is very interesting, every time they came, the drivers would ask: Madam, do you have a screwdriver?"*

*M1: A screwdriver?*

*I: Well, in those buses they don't have the ability to automatically lower the ramp, but they have to go out, take your screwdriver, open the ramp, you assistant puts you in the bus, they close the ramp – and we had jokes on this expense: Madam, do you have the screwdriver? So we were all equipped with cold steel arms – with different types of screwdrivers."*

Female, 37

The Rulebook on Technical Accessibility Standards also regulated elements of accessibility of the public transportation, while roads and public areas are subject to the provisions of the *Law on Public Roads*<sup>11</sup>. The *Law on Road Traffic Safety*<sup>12</sup> is also important for the participation of persons with disabilities in traffic. In Article 24, blind person who independently participate in traffic as a pedestrian, should move with the help of white cane and/or trained guide dog. This suggests the need for harmonization of legislation, because the law on the use of a guide dog in the regulatory framework does not exist.

Articles 27 - 29 of the *Law on Prevention of Discrimination against Persons with Disabilities* determine discrimination in relation to transportation. Discrimination means a refusal to transport passengers with disabilities, providing physical assistance to the passengers as well as identifying certain unfavourable conditions for transportation, particularly with regard to the terms of payment. Also, a particularly severe form of discrimination is considered harassment or humiliation by the vehicle crew. As part of measures to promote Equality of Persons with Disabilities, Article 33 of the same Law establishes measures to create an accessible environment<sup>13</sup>. The aforementioned provisions are mainly used as a basis for complaints related to accessibility. In practice, in addition to the regular transportation, a specialized public transportation for persons with disabilities in urban areas exists, but persons with disabilities who use this form of transportation are limited within few time periods and are often forced to wait long for a ride. Since 2004 Belgrade City Transport Company (Gradsko saobraćajno preduzeće Beograd – GSP) had a contract for transportation services of members of the Association of Persons with Disabilities to perform transportation services and has 16 vans of which, according to the Muscular Dystrophy Association of Belgrade, 5 are in operation. In addition to specialized public transportation, a number of organizations of persons with disabilities provide transportation to their members. This service is not standardized, and should be recognized as a social service that can be licensed and obtain sustainable funding by the municipality. Within the *Strategy for Improving the Position of Persons with Disabilities in the Republic of Serbia*, objective 13 stipulates the need for vehicles for public passenger transportation to be accessible for persons with disabilities through promotion and education on the concept of universal design, consistent implementation and monitoring regulations. It is necessary to adapt transport infrastructure and vehicles in public transportation (special measure 14) by removing barriers in all parts of transportation, replace inaccessible vehicles and develop the application of the principle of parallel tracks in the organization of public transportation for persons with disabilities<sup>14</sup>.

In Belgrade, in March 2013, the Commissioner for Protection of Equality in cooperation with organizations of persons with disabilities has reacted on the occasion of the knowledge that there are a number of vehicles in the GSP Belgrade which are adapted for the entry of persons with disabilities, and that regardless of that, persons with disabilities who use wheelchairs are not able to enter the vehicle. The GSP Belgrade owns 22 new type trams, equipped with automatic ramps, 83 trolleybuses with mechanical ramps and 135 buses with ramps (100 old mechanical types and 35 new automatic types)<sup>15</sup>. However, for the safe use of

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<sup>11</sup> Law on Public Roads, “Official Gazette of the Republic of Serbia”, Nos 101/2005, 123/2007, 101/2011 and 93/2012 in Article 78 with territorial and/or urban plan determine extra elements such as wider carriageway, sidewalk, intersections to meet the needs of the neighbouring community, car parks, public lighting, light and other signals, cycle tracks, pedestrian paths and the like.

<sup>12</sup> Law on Road Traffic Safety, “Official Gazette of the Republic of Serbia”, Nos 41/2009 and 53/2010

<sup>13</sup> Article 33 “Local authorities are obliged to take measures with a view to physical environment, buildings and public spaces and transport make accessible to persons with disabilities.”

<sup>14</sup> Strategy for Improving the Position of Persons with Disabilities in the Republic of Serbia (2007-2015), “Official Gazette of the Republic of Serbia”, Nos 55/05 and 71/05

<sup>15</sup> Recommendations of measures to achieve equality, the Commissioner for Protection of Equality,

<http://www.ravnopravnost.gov.rs/sr/preporuke-mera-organima-javne-vlasti/preporuka-gsp-beograd-za-uvo%C4%91enje-mera-za-ostvarivanje-ravnopravnosti>



the ramp it is necessary to fulfil traffic – safety requirements of infrastructure, i.e. all conditions must be met in order for the person with disability who uses a wheelchair to safely approach the stop and wait on it, manoeuvre into the vehicle and safely come out of it. The stops are under the jurisdiction of the Directorate for Public Transport, while other elements (pedestrian crossing, driveway and sidewalks) are under the jurisdiction of the City Secretariat for Transport in accordance with the *Rulebook on Technical Accessibility Standards*, Articles 32 – 39. To date, the correction and adjustment of the trolleybus stops was completed on one line and the use of the ramps started. When using a mechanical ramp, a driver is required to personally perform a series of actions. As regards the tram traffic, so far the adjustment of two lines and a list of all stops where drivers can open the automatic ramp were done. As regards the bus lines, to date there are no marked stops for the ramps. In response of the Commissioner for Protection of Equality, who gave her opinion and suggestions on described situation, it is stated that deprivation of opportunities for persons with disabilities to use the GSP Belgrade vehicles that are adapted (vehicles with mechanical and automatic ramps) is not allowed and constitutes discrimination against persons with disabilities regarding the availability of services.

It should also be noted that the situation in other cities is even more unfavourable compared to Belgrade. In smaller communities, such as the municipality of Velika Plana, there is no accessible public transportation, except in the form of van transportation of Association of Persons with Disabilities.

The *Law on Public Procurement*<sup>16</sup> provides a good opportunity for all new public transportation vehicles to be consistent with the needs of persons with various types of disabilities (Article 70 and Article 120). From the parts of the above interview quotations, it can be noted that fundamental principles of human rights of persons with disabilities are often violated, mostly principles of participation, inclusion and accessibility, non-discrimination and equality, and respect for diversity of persons with disabilities. In addition to the physical inaccessibility of public transport, a common source of discrimination against persons with disabilities in this environment is the behaviour of employees in the public transportation companies, especially public transportation drivers.

Article No 7: Daily newspaper “24 sata”, February 19, 2013

#### **CITY TRANSPORTATION INACCESSIBLE FOR PERSONS WITH DISABILITIES**

**OBSTACLE** – On Saturday, disabled war veteran Radoje Radojević experienced nuisance when three trams No 7 he was told they cannot let him go in, although the new trams from Spain have a ramp for entry of a wheelchair.

- I went to the flea market and I had to wait for the tram “Spaniard” because I could not enter the previous ones. When it finally arrived, I was surprised because the driver said that he doesn’t have the key for the ramp. I waited for another, but the driver said he cannot descend the ramp. I didn’t know what the problem is, I waited for the third tram, but the driver looked at me and waved his hand with no intention to get out, so the passengers helped me enter - said Radojević.

GSP – “is reconsidering the case” and their interpretation of the event will be known today.

One of the most pressing problems was the economic approach to the public transportation. According to the Law, persons with disabilities are exempt from the payment of tickets in the public transportation. The *Law on Privileges in Domestic Passenger Transport of Persons with Disabilities*<sup>17</sup>, Article 3 lists persons with disabilities who are entitled to the privilege that applies to 75% of the regular ticket price for travel by rail, road and sea and river transport. Annually, that right can be exercised six times, which can significantly limit the travels of persons with disabilities. In the public transportation, the right on privileged ticket price is linked to the rights in the domain of social protection, cause and type of disability<sup>18</sup>.

<sup>16</sup> Law on Public Procurement, “Official Gazette of the Republic of Serbia”, No 124/2012

<sup>17</sup> “Official Gazette of the Republic of Serbia”, Nos 22/93, 25/93 – amd and 101/2005 – sec. law

<sup>18</sup> More at: <https://www.busplus.rs/page-dokumentacija-inv-lica-sa-dodatkom.php>

In support of the above claim that exercising privileges for transport is linked with the exercise of rights in the field of social protection, is the following example:

*“I have been riding without a ticket for many years...I was not a carer’s allowance beneficiary, and therefore had no privileges for the transportation...I was riding in the bus without paying the ticket. The control enters - I was holding a cane, actually, a crutch. I was walking with the crutches. No one ever asked me or stopped me, nor kicked me out of the bus, but I went on a risk or something...fortunately...”*

Female, 40

Media also cover the social dimension of the use of public transportation, i.e. privileges on the price of the ticket for persons with disabilities in the public transportation.

Below we present the media covering of the procurement of specialized vehicles.

Article No 8: Weekly newspaper “Bačka Palanka”, May 18, 2013

#### **VEHICLE FOR FREE TRANSPORTATION OF DISABLED**

**BAČKA PALANKA** – within the framework of the Project of free ambulance transportation, Sombor Company “**Mobility MGB**” presented in Bačka Palanka possibilities of a special vehicle for transportation of disabled persons, which has already been ceded for use in certain cities. -The vehicle is ceded to the cities and municipalities free of charge for the period of four years - explained Nebojsa Gladić, manager of the Company from Sombor. According to him, the institution that obtains the vehicle needs to establish a Call Centre which would be available 24 hours and intervened, if necessary, on the needs of the elderly and disabled citizens in the municipality of Bačka Palanka. The obligation of the municipality is to register the vehicle and pay Casco insurance. Partners of this important project are “Delta Generali Insurance” (“*Delta Generali osiguranje*”) and “Delta Foundation” (“*Delta fondacija*”).

### **1.5. Accessibility of information and communication**

In this report, the access to information and communication means any information that are of public importance, intended for all citizens, including daily communication with other people. Service centers for citizens, registry offices and information services, call centers, radio and TV stations, access to internet web pages and public alerting systems must provide information in various and accessible formats, at appropriate locations and at appropriate time. Calling the police, emergency services and fire services are of crucial importance, but these services rarely provide opportunities for persons with disabilities to get in contact with them via mobile phone (SMS) in an emergency case. Inaccessibility of information for persons with sensory and intellectual disabilities is especially evident in public facilities that deal with administration (registry offices).

In this field, our respondents had negatives experiences.

*“It has repeated several times four years ago. And ... we wanted to register our car and... I was supposed to sign a contract and I wanted to give my facsimile, but the clerk at the registry office said I could not give my facsimile – no, you could not even get that loan because you cannot read the contract. I said ... you could read my contract and I will... no, neither she will read me the contract, nor she will even let me do the payment with the checks because I can’t see. “*

Female, 65

The Constitution of the Republic of Serbia recognizes the right to information and Article 52 stipulates the right to accurate, complete and timely information on matters of public

importance. Article 48, which promotes respect of diversity, does not recognize directly persons with disabilities<sup>19</sup>.

The problem designated in this regard during this year came from the Association of Serbian Sign Language Interpreters who pointed out that on 1,000 deaf and partially hearing persons in Serbia there is one sign language interpreter, which is alarming given that there are 30, 000 of those who need an interpreter. Shortly after the release of this information, a *Draft Law on the Use of Sign Language* has been prepared. In addition to the controversies that followed the preparation of the public hearing of the draft<sup>20</sup> and a large number of suggestions, the law is expected to be adopted in 2013. The *Law on Public Information*<sup>21</sup> i the *Electronic Communications Law*<sup>22</sup> bring positive novelties introduced by the explicit reference to persons with disabilities and yet the individual experiences of the interviewees talk about many obstacles they encounter.

Articles dealing with the access to information and communication with persons with disabilities in an affirmative tone emphasize initiatives for the improvement in this area.

Article No 9: Daily newspaper “Danas”, May 14, 2013

#### **SIGN LANGUAGE IN TELEKOM SERBIA BRANCHES**

In order to meet the needs of all its customers, including large number of deaf and partially hearing persons, Telekom Serbia has started the training of their employees in Serbian Sign Language. Employees will be able first in Belgrade to answer all questions regarding telecommunication services.

Article No10: Daily newspaper “Alo”, April 06, 2013

#### **THE FIRST PORTAL FOR DEAF PEOPLE**

The first Serbian web portal dedicated to informing deaf and partially hearing persons, “cujemovas.rs” began with work yesterday. The web portal is dedicated to the improvement and enhancement of the position of deaf and partially hearing persons through modern and better system of information. It is launched by the association of citizens “We Can Hear you” (“Čujemo vas”).

## **Recommendations**

The regulatory framework of the Republic of Serbia regulates various aspects related to the field of accessibility. The focus of the problems is moving from a non-existent or inadequate legislative framework to the implementation of the law, timely adoption of appropriate by-laws and participation of civil society in creating regulatory framework and monitoring and improving its implementation.

- It is necessary to *tighten the control of the application of technical standards of accessibility* in accordance with the Rulebook on Technical Accessibility Standards through intrasectorial activities and further education of all stakeholders;
- *Support the adaptation of residential units for persons with disabilities.* Introduce provisions relating to residence, adaptation of the space to meet the principles of accessibility and facilitate procedures that allow fast and efficient adaptation of space for persons with disabilities in the relevant laws. Define clear funding mechanism of the mentioned adaptation;
- Establish and support the work of multidisciplinary advisory bodies on accessibility issues at the local level;

<sup>19</sup> Constitution of the Republic of Serbia, “Official Gazette of the Republic of Serbia”, No 98/2006, Article 48: “The Republic of Serbia shall promote understanding, recognition and respect of diversity arising from specific ethnic, cultural, linguistic or religious identity of its citizens through measures applied in education, culture and public information.”

<sup>20</sup> [http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=06&dd=13&nav\\_category=12&nav\\_id=722454](http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=06&dd=13&nav_category=12&nav_id=722454)

<sup>21</sup> Law on Public Information, “Official Gazette of the Republic of Serbia”, Nos 43/2003, 61/2005 and 71/2009

<sup>22</sup> Electronic Communications Law, “Official Gazette of the Republic of Serbia”, Nos 44/2010 and 60/2013 – CC decision

- Consideration should be given to strengthening the regulatory framework at the local level in terms of strategic documents and allocated budget for the removal of barriers. An effective approach is the formation of accessibility teams consisting of policy makers, professionals and persons with disabilities who have an advisory role, monitor and advocate for optimal solutions. A positive example in practice is Novi Sad Accessibility Team and the project “Network of Cities and Municipalities for All” (“*Mreža gradova i opština za sve*”)<sup>23</sup>, in which the partners were from different sectors, and the result of the project is development of strategic documents in the field of accessibility in a total of 10 cities/municipalities of Vojvodina. Also, the Accessibility Audit Association, through the project “Equal Opportunities” (“*Jednake mogućnosti*”) started to develop the Accessibility Map that is currently available in beta version for a new generation of mobile phones with Android and OS operating systems - in a base which is filled by the beneficiaries - persons with disabilities and volunteers, by August 2013, 5,000 objects were marked as accessible, partially accessible and inaccessible<sup>24</sup>;
- The problem of privileged parking can be solved by issuing the rulebook under the Law on Road Traffic Safety that would prescribe criteria for obtaining parking stickers and other conditions of the privileged parking in the least restrictive manner at the national level and avoid tying up this right to some other right. It is also necessary to work on finding modalities of issuing privileged tickets for parking with minimal financial, time, and energy consumption by persons with disabilities who currently must collect a number of documents and visit many registry offices;
- Improve regulatory framework to more accurately determine technical guidelines in the field of public information and electronic communications of persons with disabilities;
- Adopt the Law on the Use of Sign Language and the Laws on the Use of a Guide Dog and the use of facsimile;
- Use more possibilities provided by the Law on Public Procurement in order to enable the public authorities responsible for the purchase of new vehicles to comply with the accessibility standards for persons with disabilities.

<sup>23</sup> <http://www.czuns.org/dokumenti/publikacije/Mreza%20Gradova%20i%20Opstina%20za%20sve%20Final.pdf>

<sup>24</sup> More information on the application: <http://www.pristupacnost.org/mapa-pristupacnosti/>

## II. SOCIAL PROTECTION

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During monitoring of individual experiences, as one of the most pressing areas for persons with disabilities has proven to be the insurance of income and support services, which are actually related to the sphere of social protection. Monitoring of individual experiences of persons with disabilities has shown that this area is of great importance for persons with disabilities since 85% of interviewees mentioned experiences in this field. Interviewees even reported 328 situations related to this field, interviewees had possibility to talk about positive and negative experience which they were faced with in particular domains. Even 71.67% of interviewees have no access to the necessary support services, 41.67% of interviewees have no possibility to influence decision-making and choice of service they will receive as well as its quality and scope. Consequently, the principle of dignity is in danger, for even 28.33% of interviewees.

### 2.1. Exercising the right to material allowance

For the interviewees who cited problems in this area, one of the most pressing problems is the cash benefits based on disability. The amounts allocated for the carer's allowance in reality is not sufficient for a person to provide the service they need, and the amount of carer's allowance is commonly used as a means of mere survival:

*"...In general, my pension and carer's allowance... are not enough for me to pay the services of the Home..."*

Female, 38

*"A country of eight million people is not able to regulate that minor, minimal disability pensions and cannot allow for carer's allowance can to be as personal assistance, so you can pay that personal assistant – you can neither pay nor you can hire a personal assistant ... If you hire a personal assistant, the law prescribes that the wife or brother and sister cannot be personal assistants. I think that such thing does not exist anywhere in the world. Here, with carer's allowance we cannot even pay for five days of personal assistance."*

Male, 66

Also, for the beneficiaries who are trying to achieve the rights to receive cash benefits based on disability, it is not an easy challenge, as the criteria and documentation required for the exercise of these rights is extremely demanding, and the assessment of the need for the income depends on the assessment of the competent Medical Commission:

*"After that I made a request for the carer's allowance, but it was not approved ... I was rejected once, then I was rejected a second time, and then for the third time I was invited to the Commission to Belgrade. I went there ... and then a doctor looked at me and said: guys, are we so blind not to see that a woman is powerless. I mean, she has seventy percent of physical impairment, she is incapable of self-care. I can say that I was rejected quite often. And so, for the third time, I obtained that carer's allowance by the Commission."*

Female, 57

*"Well, the biggest problem is that doctors... who do the assessment... I think they misunderstood their role; they generally defend the system and state money from us. And their role is to assess whether we are capable or not, and not to tell that there is no money for such allocations, and under that excuse to you deny you your rights. The role of the doctor is to do the assessment, that is, to assess the state of your health, not to think about the state*



*money primarily. Because of that I am mostly disappointed, as it is all about the money. No one even examines you properly ... only once in my life I have experienced during the assessment of physical damage the real assessment, meaning he asked me to take off my shoes, to walk, examined me completely. They just look at the documentation, they do not examine you at all, and ... I was rejected for the carer's allowance for the third time, despite the fact that I am not able to take care of myself at all...they examine you, don't say anything and when you receive the answer – you are rejected. To date it happened two or three times, even though I have all documents from all specialists who treat me. Meaning - two physical therapists, neurologists in Belgrade, neurologists in Novi Sad, electromyographic results, everything. Documentation supports the fact that I need carer's allowance."*  
Female, 50

In the internal regulatory framework for this area of a particular relevance is the *Law on Social Protection*<sup>25</sup>, which in the framework of its provisions stipulates significant principles of social protection, such as the principle of respect of the integrity and dignity of beneficiaries and the principle of non-discrimination. Part VII (7) of the Law on Social Protection stipulates the material support that can be exercised by beneficiaries, namely cash benefits, carer's allowances, increased carer's allowances and other types of the material allowances. The right on carer's allowance is exercised by the persons who cannot meet their needs independently. The need for carer's allowance shall be determined on the basis of regulations on pension and disability insurance.

Persons with disabilities, particularly vulnerable persons have the right to material assistance, which is designed at the national level or at the level of local self-government. At the national level, these are primarily carer's allowances and support for vocational training and cash benefits. Procedures addressing the Centers for Social Work are always the same, but the procedures for obtaining local support remain within the jurisdiction of the cities and municipalities<sup>26</sup>. In the framework of the procedure, after the submission of the requested documentation, it takes about 30 days, with the possible prolongation of the same period (additional checking), to obtain the decision. There is a possibility to appeal the decision, and depending on the place in which rights are required in this area, the appeal will through the centers go to the city authorities, Provincial Secretary for Social Protection or the Ministry. Carer's allowance is intended for persons who cannot meet their basic needs themselves. This type of assistance is obtained only if under other grounds of pension and disability insurance funds are not already allocated for this purpose. There is the possibility of exercising this right on the increased carer's allowance if the person has a physical impairment of 100% or if there are more impairments and at least two exceed 70% and persons with permanent organic disorder of neurological and psychological type. The request for the carer's allowance must be accompanied by a set of documents, such as the proposal for the expertise of physicians, the latest finding of the specialist, decision of the commission for categorization or earlier assessment of the first instance expertise.

The *Rulebook on Education and Method of Work of the Expert Body of the Pension and Disability Insurance Fund*<sup>27</sup> stipulates the formation and method of work of the assessment, and for the purposes of this report, it is crucial to point out that it is related to the exercise of the rights from pension and disability insurance, determines the content and form for determination of disability, and the Expert Body belongs to the Republic Fund for Pension and Disability Insurance. In addition to the Expert Body, there is a Control Body for control of assessments, opinions and ratings which gives the approval or comment on the findings.

<sup>25</sup> Law on Social Protection, "Official Gazette of the Republic of Serbia", No 24/2011

<sup>26</sup> Rulebook on organization, norms and standards of the Center for Social Work "Official Gazette of the Republic of Serbia", Nos 59/2008, 37/2010, 39/2011 – sec. Rulebook and 1/2012 – sec. Rulebook

<sup>27</sup> Rulebook on Education and Method of Work of the Expert Body of the Pension and Disability Insurance Fund, "Official Gazette of the Republic of Serbia", Nos 59/2008, 75/2008 – amd, 24/201 and 7/2012

Expert Body is required by the Rulebooks to apply uniform criteria for determining disability, physical impairment and the need for carer's assistance. Article 6 stipulates that the Expert Body is consisted of the court expert, and the Control Body is also consisted of the court expert. In determining changes in the state of disability, the commission is consisted of three members, i.e. medical experts. It is important that the physician – medical expert is specialized in appropriate or related field in relation to the rights of beneficiaries. The finding of the Expert Body under Article 10 indicates the necessity of clear, logical, scientific and expert-based findings. Medical expert in the first-instance expertise is not allowed to perform the expertise in the second-instance, and the same applies to the Control Body findings.

The expertise refers to a number of areas in the disability assessment when a physician submits a proposal and, together with the request for the process initiation, starts this process. In the expertise in the first-instance expertise (Articles 28 - 36), it is testified about the existence and cause of disability, physical disability, the need for carer's assistance, complete ability to work and the inability to live and work independently. In assessing the level of physical disability, the percentage is determined by referring to the *Rulebook on Determining Physical Disability*<sup>28</sup>. The finding, opinion and assessment are signed by the medical experts and medical experts - the controller. The expertise in the second-instance expertise of the exercising rights is performed by the expert body that is different from the first-instance expertise and it actually determines the regularity of the findings, opinions and assessments of the first-instance expertise of the exercising of rights. It is interesting to note that the Expert Body of the second-instance expertise provides technical assistance to the Expert Body in the first-instance exercising of rights. The finding, opinion and assessment are signed by the medical expert and the medical expert - the controller. In the assessment of the physical disability, assessments of the need for carer's allowance, inability to work and change of the disability status relies on the expertise of disability, i.e. in accordance with the provisions of this Rulebook. Article 58 discusses about the control of the findings, opinions and assessments, and it is performed without examining the insured or the beneficiary unless the assessment on the basis of the previous documentation is necessary.

The right to adequate standard of living and social protection (Article 28 of the UN Convention on the Rights of Persons with Disabilities) processes one-fifth of the analysed articles using the analytical approach. The articles mention statistical data drawn from the statements of the government representatives, the findings of scientific research institutions and announcements from the non-governmental sector. In the article *Unbearable Lightness of Survival on the Edge of Existence* ("Nepodnošljiva lakoća opstajanja na ivici egzistencije") (Daily newspaper "Danas", February 25, 2013), a journalist Aleksandar Milošević quotes words of the State Secretary in the Ministry of Labour, Employment and Social Policy that "almost 95,000 families in Serbia, that is 250,000 individuals receive cash benefits" and that there are "33,000 users of public kitchen services and about 400,000 people who occasionally receive assistance of the Red Cross." Since 70% of persons with disabilities live in poverty, and according to the latest statistics there are about 600,000 persons with disabilities in Serbia, it can be concluded that the allocation of the state is fairly large, but still insufficient for the basic needs of material allowance users. There are examples of how the state by subsidizing the cost of public transportation, TV subscription, utility bills, and the costs of fixed and mobile telephony is trying to improve the financial situation of persons with disabilities, but also that administrative procedures for the realization of these benefits are complicated.

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<sup>28</sup> Rulebook on Determining Physical Disability, 'Official Gazette of the Republic of Serbia', Nos 105/03 and 20/08

Media coverage of the work of organizations of persons with disabilities to meet the social needs of its members is good. Non-governmental organisations have the financial support from the national and local levels in that. The article that follows among other states:

Article No 11: Daily newspaper “Danas”, November 30, 2012

#### **MOST OF THE MONEY FOR SPORT**

**Belgrade** – Last year state institutions allocated more than three billion dinars for the civil society organizations and associations, and most of the money was given to athletes, according to month-long research of the Office for Cooperation with Civil Society of the Government of Serbia.

Most of the money from the budget, ministries, government and funds are allocated on the basis of economic classification 481, which includes donations to the non-governmental organizations which is 93.2 percent of all funds. Among institutions in the provision of civil society organizations is the Ministry of Labour and Social Policy.

Article No 12: Politika, 14.12.2012.

#### **HARDER TO BENEFITS FOR THE PAYMENT OF ELECTRICITY**

Persons with disabilities who are entitled to certain benefits at many institutions (although these benefits are exercised based on the decision they already have), often have to come back for the confirmation of the Pension Fund, because it is required from them.

So it often happens that those who are entitled to carer’s allowance and have benefits for payment of bills for electricity, internet, utilities, mobile and fixed telephony, long-distance transport, cable, legalization of buildings, come to the Pension Fund because they are required by the institutions to have confirmation and not the decision they already have, which is, according to the PIO Fund, an extra burden for them and a waste of time. Although most of these institutions have no reason to ask for further confirmations, since there are already decisions on established rights, the Fund will issue them in order to achieve these rights without obstacles, because the Fund also has a legal obligation to issue certain confirmation.

The following article illustrates how organizations contribute to improving the living standards of their members by providing material allowance in the form of staple food.

Article No 13: Kikindske, 09.05.2013

#### **SHORTAGES EVERYWHERE**

The municipal organization of disabled workers held recently the reporting assembly in Kikinda.

On that occasion, the report on the work of the organization has been submitted. The President of the Municipal OIR **Sveto Stanišić** listed the activities, among which the most comprehensive were those related to the supply of fuel and groceries for the members. In this period, with an interest-free loan, repayable in monthly instalments, 155 tons of coal, and 177 cubic meters of firewood have been purchased. Also large quantities of flour, packages of pasta, frozen savoury and sweet puff pastry, pie and tiny slave cookies were purchased on instalments. Substantial quantities of winter food, potatoes, onions and other vegetables, even seed potatoes for members who cultivate infields and vegetable garden were delivered as well. The fish was not forgotten for Christmas and New Year and Easter fasting. “Mokrin” cheese was found on the tables, as well as other necessities, which will be, of course, repaid in instalments. Demand for the meat products package was, unfortunately, more than halved since the purchasing powers of the clients have significantly reduced. Shortages come from everywhere. Lately it’s been noticed that people purchase just to survive.

A lot of media space was taken by the issues of completing the legislative framework in the field of social protection of persons with disabilities as well as violations of rights established by the current legislation. It is stated that the laws are intended to further improve, protect and ensure the welfare of persons with disabilities in Serbia, but there is also inconsistent implementation of the existing laws. As an illustration can serve a negative interpretation of the Law on Social Protection and expert opinions that resulted in a child born with Down’s syndrome who did not acquire the right to increased carer’s allowance which is intended for to the highest level of disability on the grounds that “he has all four limbs”.

## 2.2. Access to social services

For beneficiaries who have stated that they have no access to necessary social services, often the reason is that community-based services for independent living have not been sufficiently developed or that the ones that exist do not cover the existing needs of large number of beneficiaries and have not resolved the issue of the sustainable funding.

*“Well, let me tell you what she said to me personally-her job was to walk me all the time ...not to prepare me food nor to do something for me, just to walk me all day long and to give me something to drink. “*

Female, 60

*“I'm familiar with it and my daughter was the beneficiaries of personal assistance, however, I can tell you that there was not great help from them. I still had to cook because they didn't want to, they could not, and I still had to everything about the personal hygiene of my daughter. The only aspect which I can say that was useful was that we were brought staple food in the morning. And that was bread and basic groceries. All other chores were too difficult for them, they were afraid of everything they had to do, and I could say - avoiding everything.”*

Female, 59

The criteria for obtaining a personal assistant are often too restrictive because of the limited resources:

*“I have bad experience because those organizations for personal assistants have assistants for disabled people of working age, not for... working disabled persons or for ... working, it is also applicable on studying, learning, is that right? ... Those who study. Then ... those who have less...who are not sixty years old. First of all, if I am sixty - I mean, those who are old, who did their lifetime, who have finished their education and are now retired, but still have the need to get out of the house and if they do not have to go to the cinema or the theatre or on the quay, they don't have to - but they have to go to the doctor's. But, they cannot because the World Organization ... at the level of the World Organization for Personal Assistants they enacted this Convention that people over sixty cannot have personal assistant even if they are no longer working. Well, I think that in my lifetime I didn't experience more discrimination than ... And that is the World Organization that fights discrimination against persons with disabilities and they make such a decision. It is inapprehensible to me.*

Female, 63

*“You see, personal assistance would really mean a lot to me, but I have no right to that because I am not a beneficiary of carer's allowance. That is for the increased carer's allowance... you can also have basic carer's allowance to obtain the service. They don't specify which carer's allowance is increased or basic, it is important to have the carer's allowance to obtain assistance at home.”*

Female, 50

Persons with disabilities are deprived of choice of selection of personal assistant:

*“Why wouldn't my wife be the assistant since she is already familiar with these situations, my problems and everything else? I mean, she could provide the assistance and be paid for that as well. It would make me feel better; I would be more comfortable, because I feel*

*embarrassed when some person comes and works around me. I mean, when I already have a wife. “*  
Male, 38

For now, financing mechanisms for social services do not indicate their sustainability:

*“I didn’t ... because I know, when I asked in my hometown about personal assistants, they said that ... that the city has no money for that.”*  
Female, 23

*“And before that, there was one kind of personal assistant at the Center for Social Work - but it was a pilot project. It lasted only three months. “*  
Female, 63

The Law on Social Protection regulates the area of providing social protection to persons with disabilities. They are designated as activities that provide support and assistance to individuals and their families to enhance the quality of life of persons with disabilities and create opportunities for independent living (Article 5). Through described principles of social protection, it is necessary to provide social services in the immediate and the least restrictive environment, timely, high-quality, accessible in the economic, physical and geographical terms to meet individualized approach and expertise of employees<sup>29</sup>. Article 36 guarantees the right to free choice of services, which includes selection of social service providers by the beneficiary. A special part are services and social service beneficiaries, and Article 40 describes the service groups that are divided into five integrated units, assessment and planning services, daily services in the community, support services for independent living, advisory-therapeutic and social and educational services as well as accommodation services (Article 40). Social services are related to all ages of beneficiaries in a way that suits the needs and best interests of the beneficiaries and they are defined as temporary, intermittent and continuous. Services listed under Article 40 are provided by the Republic of Serbia, Autonomous Province or the local self-government, and if it is not possible to provide adequate scope, it is necessary to provide services from a provider of social protection licensed under the public procurement procedure of social services.

The Law on Social Protection stipulates Rulebooks aimed at its implementation, including: the Rulebook on Detailed Conditions and Standards for the Provision of Social Protection Services, the Rulebook on Licensing Experts in Social Protection, the Rulebook on Licensing Social Welfare Organizations and the Rulebook on Amendments to the Rules of Professional Jobs in Social Protection.

*The Rulebook on Detailed Conditions and Standards for the Provision of Social Protection Services*<sup>30</sup> through common minimum functional standards (Articles 12-21) sets an admission (triage) system for the beneficiaries, assessment, determining the level of support, planning, internal evaluation, staff development and the availability of programmes and services in the community. Services must be available, and if there are not sufficient resources, they shall be provided in the community through other organizations and experts. Planning of specific services is followed by the individual service plan which should make concrete activities in the framework of goals and expected outcomes that are part of this plan. Beneficiary or his legal representative, expert, responsible staff, and if necessary, other experts are involved in its development and the copy is delivered to the beneficiary or his legal representative. This

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<sup>29</sup> Articles of the Law on Social Protection which determine principles of social protection are described in Articles 24-33 of this Law

<sup>30</sup> Rulebook on Detailed Conditions and Standards for the Provision of Social Protection Services, "Official Gazette of the Republic of Serbia", No 42/2013



Rulebook contains a set of services: accommodation services, daily services in the community and support services for independent living. Thus, within support services for independent living services are identified services for supported housing and personal assistance. The Rulebook in this regard determines the content of services, including minimum functional standards. We can take personal assistance as an example. Specification of service determines availability for the beneficiaries and they are related to an adult with an estimated first or second level of support, entitled to the increased carer's allowance, working or involved in the operation of various civil associations and other forms of social engagement, that is, involved in the regular or individual education programme. This Rulebook defines personal assistance as providing individual practical support, personal needs and social activities with the aim of increasing the level of independence. This includes assistance in maintaining personal hygiene and basic personal needs, assistance in maintaining the hygiene in the apartment, transfer and assistance in moving inside and outside the home, work place and places where social and educational activities are taking place as well as assistance in the use of transportation. It also provides assistance in the use of health services, assistance with communication and performing various social activities. Based on the identification of needs the scope and type of engagement of personal assistants is determined. Service provider concludes a contract with the beneficiary and personal assistant. In order to provide personal assistance services, Personal Assistant completes accredited training programme and the user completes training for the use of this service. The Rulebook is restrictive in terms of household members and it is not possible for a member of the family to be a personal assistant. In accordance with the individual needs of beneficiaries, the redistribution of working hours is allowed. The Rulebook does not specify method of personal assistant selection, that is, the resolution of potential problems in the event of improper mutual relations. The Rulebook only highlights the period of 30 days of mutual adaptation. Also, the Rulebook stipulates planning, which includes weekly and monthly plan in which a parent or other significant person for the beneficiary can participate.

All Rulebooks that follow the Law on Social Protection are issued under the Institute of Social Protection<sup>31</sup>, recently published and entered into force in 2013. The *Rulebook on Licensing Experts in Social Protection*<sup>32</sup> and the *Rulebook on Licensing Social Welfare Organizations*<sup>33</sup> are important for the improvement of the entire area of social services, the focus is certainly moving towards the implementation and availability of services and the future will show its practical use and sustainability intended by the regulatory framework in this area. The system of social services for persons with disabilities in Serbia still remains largely institutionalized, thanks in part to the fact that relatively narrow range of community-based services and support services exist at the local level. The process of decentralization of funding and authorities (from the state level to the local self-governments) has started and it is necessary to monitor the implementation of this process. Although the Law on Social Protection stipulates that the responsibility for financing social services is at the local level, still the dominant source of financing is from the state budget. Unfortunately, with the existing range of social services in Serbia, persons with disabilities cannot achieve full social integration and participation<sup>34</sup>.

Currently, only a limited number of services are standardized, suggesting that a work on standardization and expansion of the existing range of social services must be continued.

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<sup>31</sup> Institute for Social Protection, published Rulebooks

[http://www.zavodsz.gov.rs/index.php?option=com\\_content&task=view&id=291&Itemid=291](http://www.zavodsz.gov.rs/index.php?option=com_content&task=view&id=291&Itemid=291)

<sup>32</sup> Rulebook on Licensing Experts in Social Protection, "Official Gazette of the Republic of Serbia", No 42/2013

<sup>33</sup> Rulebook on Licensing Social Welfare Organizations, "Official Gazette of the Republic of Serbia", No 42/2013

<sup>34</sup> More in Social services for persons with disabilities as support for equal socio-economic development – Monitoring report 2012, Serbia, Center for Society Orientation, 2012, p 48. Available at: [http://sr.cod.rs/images/COD\\_Monitoring-izvestaj-2012\\_Socijalni\\_servisi-2012.pdf](http://sr.cod.rs/images/COD_Monitoring-izvestaj-2012_Socijalni_servisi-2012.pdf)

There are numerous media articles that deal with services for persons with disabilities at the level of the local community. As positive examples can be mentioned day care centers for children and young people, but also for the elderly. In addition to day care centers, benefits of personal assistance, home assistance, tele-assistance, free laundry, volunteer services, specialized transportation, kitchen on wheels and supported housing are also mentioned. Also, examples of successful municipal networks of social protection for the support in which are intertwined activism of local governmental and non-governmental sectors as well as international organizations are stressed. Special attention is paid to cooperation of republic and local level and decentralization of resources and responsibilities. It should be noted the right of persons with disabilities who live in rural areas to the same level and quality of service and pointed the obstacles that stand in the way of achieving this goal.

Article No 14: Danas, 31.05.2013.

#### **“HELP AT HOME” CONTINUES**

**Prijepolje** - In the framework of the competition for the donation of funds for the poorest municipalities for the encouraging and development of social services, quality improvement and financial status of the most vulnerable population, the Ministry of Labour, Employment and Social Policy has allocated 60 million dinars to the representatives of 42 out of 65 local self-governments that applied to the call. For the realisation of the project “Help at Home” (*“Pomoć u kući”*), Center for Social Protection Prijepolje was awarded 1,485,000 dinars.

Assistance services in the home include elderly and disabled persons without close relatives or whose relatives are not in a position to take care of them. Currently, one medical technician and 25 geriatric-housewives take care about 230 users, which, according to the manager Nail Kajević, include 90 percent of the territory of the municipality. Unfortunately, due to limited financial resources, certain number of people who mostly live in remote rural areas is not covered, says Kajević and highlights that the advantage of the service that Center for Social Protection provides to its customers for the past seven years is multiple.

- On the one hand, for the society and the country this means reducing the pressure on the institutional accommodation of the elderly and disabled persons and on the other, beneficiaries of the service will remain in their natural environment, while receiving all the care and support they need. Project Help at Home will be implemented until the end of the year.

When referring to improving services on a local level, a significant number of articles discusses about the *donations* of prominent persons, foundations and socially engaged companies. The said donations are mostly in cash and for special purposes (for the improvement of local services, the public health system, support to groups and persons with disabilities) and are often related to religious and national holidays. Along with the amount and type of donation, journalists regularly mention and illustrate gathering of persons with disabilities and donors.

Article No 15: Daily newspaper “Blic”, November 06, 2012

#### **DONATION TO DAY CARE CENTER FOR CHILDREN**

**Smederevo** –Delta Foundation (*“Delta Fondacija”*) delivered to the day care center “Sun” (*“Sunce”*) in Smederevo donation of 700,000 dinars, which will be used to equip and improve general working conditions of day care center for children and youth with mental disabilities, announced the foundation. The funds were raised as part of the project “Help with the Heart” (*“Pomozimo srcem”*) which Delta Foundation implemented in cooperation with Delta Sport. The beneficiaries of the day care center are children and youth with mental disabilities, with whom team of professionals work daily through various workshops. Workshops are adapted to the degree of beneficiaries’ disabilities, and special attention is paid to psychosocial support workshops in which parents participate.

However, in parallel with a model of charity and social responsibility of the business sector, newspaper articles that discuss about the difficulties of institutional framework for social services sustainability, such as article from “Večernje novosti” are also present:

Article Nov16: Daily newspaper “Večernje novosti”, October 17, 2012

#### **SAVINGS EVEN ON DISABLED**

**SMEDEREVO** – Wages of employees in the support services for persons with disabilities are few months late, and the City Union of these organizations is announcing the protest. Deadline for the payment of wages elapses today, and the aid workers are not giving up on strike if their demands are not met.

There are 16 associations of persons with disabilities in Smederevo, which gather around 5,000 people. They are assisted by sixteen professionals who obtain salaries from the city budget. These are physical therapists, housekeepers, personal assistants, and one sign language interpreter, who is available for 340 deaf-mute persons.

Because of the delayed procedural actions, they were not paid wages since May. The Executive Committee of the Union of social-humanitarian organizations has announced a protest of about 250 people. Aid workers are, they say, shocked, because the police banned the gathering in front of the City Administration, offering them a different location. It was refused, at the cost to be reported for disturbing public peace and order, but they postponed the protest until today, since in the meantime they were paid two salaries, and according to the agreement, they should receive the remaining three. If that doesn't happen, the protest of disabled will be held in the coming days.

-The protest, however, was postponed because we were received and listened by the representatives of the local self-government, who have promised to fulfil our demands until Wednesday. Requests are to pay five unpaid salaries, provide money for the salary of the Secretary of the Union, as it was in the past 17 years and restore the right to free transportation of persons with disabilities and their companions - says Duško Savić, President of the Association.

Aid workers also seek to continue the work of the service in 2013.

-Based on Local Action Plan in the field of disability it is planned for the services to operate until 2015. However, we have the announcement that in 2013 the services will be decreased because, as we were explained by the Mayor Jasna Avramović, there is no money for the “luxury” - says Savić.

### **2.3. Deinstitutionalization**

Conducted interviews clearly show that persons with disabilities, who are placed in residential institutions, are largely deprived of autonomy in decision-making as one of the key principles of human rights and the principles of participation, inclusion and accessibility as this group of persons with disabilities is among the most excluded citizens in society.

The criteria for the use of community-based services that support deinstitutionalization are often not in a function of deinstitutionalization and social inclusion since the criteria is often too restrictive due to the limited capacity and availability of community – based services:

*I: I work illegally, because I would lose a status if I register... I would not be able to live in that small house because it belongs to Veternik –the Home.*

*M1: OK. So, you cannot get a job now...*

*I: I do not dare. If I get a job, I would lose my status, and I have nowhere to go ... I would have to rent an apartment, but it is very difficult. How would I pay for it? Because that house is... it is usually for the children who are still in school and not for us, seniors.*

Female, 46

Privacy and independence of persons with disabilities is in the institutional care at risk, which significantly affects the quality of their lives:

*I: “Well, it was ... You know how it is ... they were punishing me because I was ... when I wanted to go out, I was always asking them. And I ask them to let me go. While I am waiting for them to give me the permission, I lose my will to go and I say to them – so, are we making*

*a prison of this or... is this a Home or...? When you ask – it's not good... and when... And then it happened that they ground me."*

*MI: "Do you make decisions alone or someone else made decisions for you?"*

*I: "Well, for now they are making decision, but I don't. Not for now. They decide. "*

Female, 46

Article 19 of the Convention on the Rights of Persons with Disabilities, which discusses about independent living and inclusion of persons with disabilities in the local community, stipulates that persons with disabilities have the opportunity to choose their place of residence and where and with whom they want to live on an equal basis with others and are not obliged to live in a particular living arrangement and schedule. According to the same article, persons with disabilities should have access to a range of support services that can be done in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community and to prevent isolation or segregation. Also, community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Conditions in institutional care in the Republic of Serbia, as well as further frequency of implementation of this option, as a solution for persons with psychosocial and intellectual disabilities versus developing the possibilities of life in the community, is one of the most pressing problems.

From the medical perspective, the new *Law on Protection of Individuals with Mental Illness*<sup>35</sup> relies on existing institutions such as psychiatric hospitals and health centers. According to Article 12, "Health care facilities under paragraph 1 of this Article shall establish separate organizational units which will perform the works of the mental health care in the community. Type and detailed conditions for the establishing of the organizational units and conducting mental health care in the community stipulates the Minister in charge of health issues." Estimation and definition of specific units in the community was not defined by the law. The right on the conditions of the treatment in the least restrictive environment is not discussed except in the principled stance that restrictive methods are used only if they are only efficient. However, other treatment options or types of support to accompany the treatment which could lead to greater inclusion of persons with mental disabilities in society are not proposed. General prevention, rehabilitation and inclusion are not covered by this law, and "reliance on support systems that are provided within the system of social protection is welcome, but not enough to facilitate full social inclusion and protect human rights"<sup>36</sup>.

Within the framework of the Mental Disability Rights Initiative<sup>37</sup>, it has been noted that the institutional environment in practice often includes toilets with no doors and toilet seats and the shower stall without the ability to be closed, when a group of beneficiaries shower with hose is not implemented which is justified by the employees with "beneficiary condition" and "negative experience", which violates principles of dignity and independence. A person living in an institution has not the right to choose with whom to live or to accomplish privacy. Considering that the institution is designated for large number of people, especially if it comes to people who need considerable support in daily life, beneficiaries are exposed to limitations that reduce the opportunities for self-determination, including rules on when and with whom they can go out of the home, how often and when they have to return. This particularly limits the possibilities for establishing close relationships and expressing sexuality. Men and women sleep together in the same rooms.

<sup>35</sup> Law on Protection of Individuals with Mental Illness, "Official Gazette of the Republic of Serbia", No 45/2013

<sup>36</sup> Supra 7

<sup>37</sup> The study included 2.023 persons in seven institutions: Centre for the protection of infants, children and youth in Zvečanska street in Belgrade, Home for children and youth with disabilities "Sremčica", Home "Veternik" in Novi Sad, Home "Nikola Šumenković" in Stamenica, Home "Kolevka" in Subotica, Home for children and youth with autism in Belgrade and Home for adults "Kulina" near Aleksinac.

As regards the media, a small number of articles on the state of social care institutions for persons with disabilities exist.

Article No 17: Daily newspaper “Blic”, October 15, 2012

#### **INHUMANE CONDITIONS FOR PERSONS WITH DISABILITIES**

A representative of the Mental Disability Rights Initiative, Dragana Ćirić Milovanović warns that conditions in homes for children and adults with disabilities and intellectual disabilities are inhumane. There are still serious human rights violations, excessive use of drugs, and the mortality rate is three times higher than in the general population.

In the article entitled “Learning to live a new life”, dominates the tone of pity and appeal that “any help is appreciated”, rather than specifying obligations of the society to seek an alternative to the conditions described in to the best interests of beneficiaries and the right to live in the community.

Article No 18: Daily newspaper “Večernje novosti”, May 21, 2013

#### **LEARNING TO LIVE A NEW LIFE**

- We organize art colonies, Olympic days; chess club is also active, as well as athletic club- says Simeunović.
- We miss a lot of things, but I try to encourage employees and residents not to give up.

When he recently came to this position he has found a home in poor condition. Except for the roof, which was leaking, he was surprised that the elevator was not working as well!

Marija J. (65) also reminds on that:

- We have struggled for months to get to the room on the top floor. Only one small elevator was working, so we were waiting in lines, agonizing. It's a disgrace!

G.J. (62) is also bitter at the state that does not care enough about disabled.

- For 42,000 dinars per month, which we pay for the home, the food could be more diverse, and the accommodation more comfortable. - says G.J. -For us, who are in the single rooms is easier. It is extremely difficult when a room is shared by three severely disabled.

Antonela M.'s (38) sister came to a visit. She holds her hand, ask questions about the therapy, how she sleeps, does she need anything. Many people didn't have visits for months. Some have not seen their closest for years. Some are accustomed to loneliness, others painfully weep in the heart for their loved ones.

- Though sickness brings them closer, everyone suffers on their own way - says the manager. -Employees, 73 of them, are trying with the kindness to compensate love and attention. Melancholy is not welcomed here. That's why we try to bring musicians, to organize evening entertainment, decorate the space in which they live.

There are also articles based on the idea that there is a social responsibility for the prevention of institutionalization and that the legal obligation of local authorities is to create sustainable living conditions for persons with disabilities in the community.

Article No 19: “Privredni pregled”, September 21, 2012

#### **NECESSARY HOME ASSISTANCE**

Visits of person trained to work with children, indicate direct support for the child at home, which would prevent accommodation in the institutions, during which time parents can finish their personal obligations, says Soćanin.

Association of Citizens “Parents” (“Roditelji”), “Friends of the Children of Zemun” (“Priatelji dece Zemuna”) and the Association of Parents of Children and Youth with Disabilities “Here's a hand” (“Evo ruke”) organized yesterday in the Assembly a round table discussion on the topic “Responsible Community on the Way towards Social Security of Children with Disabilities”. Discussion on the promotion and implementation of the existing social services was attended by Nataša Milošević, a member of the City Council. She reminded that the decision on the rights and social protection services of the City of Belgrade, which was adopted in December 2011, introduced a range of additional support services to families of children with disabilities, as well as supported living, personal assistance, social entrepreneurship, and a number of other measures that aim to enable them to grow up properly.

”The next step is to implement above mentioned services on a local level, and it is only possible by strengthening the cooperation between local self-governments and associations of parents of children with disabilities. This means to understand what resources are available to us at the local level in order to adequately jointly organize implementation of these services, and the ultimate goal is to include as many children as

possible, because of the fact that a number of children with disabilities are not covered by the social protection system”, said Nataša Milošević, a member of the City Council, and added that the plan is construction of the building, the “Respite Plus” (“Predah plus”) in Šekspirova Street, as an important form of support to families of children and youth with disabilities.

Dragana Soćanin, president of the Association of Citizens “Parents”, indicated the need for further development of home care service at the level of city municipalities, which are responsible for the funding of these services, which would indicate home visits of person who is trained to work with children.

“During this time, parents can do the chores that require leaving the house or their personal affairs. This service provides direct support to the child at home that would improve the quality of life of the child and his family, which would prevent the accommodation in institutions and is particularly important for children who are not included in any programme of socialization”, said Dragana Soćanin.

## **Recommendations**

- Amendment of the Rulebook on the Formation of Expertise Bodies that will include the availability of documentation (finding, assessment and opinion) immediately after the expertise and clearly explain the final decision which is delivered to the beneficiary;
- In order to decentralize funding of the services at the local level, it is necessary to prioritize services and plan for financial sustainability. This can be achieved by developing local action plans on the principles of multi-sectorial cooperation which will enhance capacities of local self-governments. Financial sustainability can be provided by accessing to international funds for what is also important to continuously strengthen the capacities of local self-governments and civil society;
- Consistently apply quality standards in the provision of services, especially in the area of greater participation of beneficiaries in the evaluation of certain social service.



### III. HEALTH CARE

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Persons with disabilities have the right to access to health services without discrimination based on disability. This includes health care related to disability, as well as access to services related to public health.

Analysis of monitoring individual experience shows that the field of health, habilitation and rehabilitation is one of the most important for the interviewed persons with disabilities. Even 83, 33 % of the total of 232 mentioned situations in this field.

Even 45% of the interviewees experienced exclusion in the use of health services and rehabilitation due to unavailability or restrictive criteria for the exercise of certain rights of health care. Discrimination in this area has experienced 28.33% of the interviewees, and even 43.33% of the interviewees experienced disrespect for diversity, mainly due to the negative treatment and lack of understanding by health care workers and medical personnel.

#### 3.1. Right on medical-technical devices and rehabilitation

Persons with disabilities are often faced with the problem of inability to go to a spa treatment as a result of restrictive legal provisions, which is supported by the following quotes:

*“Because I cannot...it is...It is exhausting for me, both physically and mentally. I have to start early in the morning, to take a bus to make an appointment for the examination at the Polyclinic. There are millions of all kinds of examinations which I have to do, which also need to be scheduled. Sometimes I have to wait for 6 months or a year to do the EMG, and to see whether I can get the spa according to the results of that EMG. And when I finally go, and collect all the paperwork after a long time, I will go to that medical commission and they will say: you can't go. And I am again at starting point. And then I'm so ... I tried to write a request to the municipality. And ... I hope they will approve it. Now they approved it, then again ... I will go now to recharge my batteries. “*

Female, 41

Exercising the right to orthopaedic devices is often a major challenge for persons with disabilities due to complicated and restrictive procedures for the exercise of this right:

*“Let's say that I need an orthopaedic device... for example I need to take prosthesis. I need to visit a dozen of doctors to get the prescription for prosthesis. I have to visit two, three physiotherapists, an orthopaedist...First...No...First ... I'm going to my chosen doctor, then he sends me to two physicians to sign me the finding ... then an orthopaedic surgeon, and Center for Social Work...and then after a month...whether they approved it... or not...then they question me why do I need... to change prosthesis again... did I gain weight... did I lose weight...I constantly submit some papers ... replacing the prosthesis is such a complication that you cannot imagine. It is also too difficult to obtain the orthopaedic devices here.”*

Female, 36

Assessments of the grounds for the exercise of certain rights in the field of health care is a major problem for persons with disabilities, as well as the application of the medical model of disability during other expertise of competent physicians:

*“Well, I obtained my driving license for A and B category in 1992. After that I drove normally, and in 1997 I had a car accident where I fell off the motorcycle and ... since then I have become immobile, with injury of C5, C6, partial paralysis of the upper extremities. It is not complete quadriplegia, but quadriparesis, which means that I have the hand grip and ...*

*Then after my recovery I was driving, after a year I was driving normally. My driver's license did not expire. However...I cannot remember the date exactly, but sometime around 2004, my driver's license expired and I went to the medical commission, which normally extended my license for another five years for the adapted vehicle. All the doctors have given me permission to drive with a mandatory review in five years. Then after those five years, around 2011, I again appeared with the documents on the same commission, and there was the other doctor, neurologist, and they didn't say anything then ... but when I finished all the examinations I just got the paper that I was unable to operate a motor vehicle... I called the Chief of the medical department to see what is happening? And also... I didn't get a single paper with the explanation, who rejected me and why? I mean ... I didn't see that they told me that my condition is worsened or anything... my condition is not changing, I don't have any important improvements or deterioration of my disability, it's the same as today. They see a man in a wheelchair and someone examines you...they don't have a clue... I was given something to squeeze there, which has nothing to do with the modern technology. When I was in Belgrade, a woman neurologist was probably 75-80 years old, and she is 100% retired and she volunteers or not, or obtains a fee for the work done. I honestly claim that this woman has never seen automatic transmission; she doesn't even know what it is. They are people who are retired and who now torment us. "*

Male, 54

With the goal of achieving the highest possible level of health, the *Health Care Law*<sup>38</sup>, Article 2 describes health care as a series of measures that serve to maintain and improve the health of citizens, early detection, timely and effective treatment and rehabilitation.

Health care is legally regulated under the same conditions for all citizens and among groups that are referred to as those who are exposed to increased risk are "persons with disabilities and persons with mental disabilities". Through the principles of the Health Care Law, Article 19 determines the accessibility of health care through physical, geographical and economic accessibility with an emphasis on health care at the primary level. Article 88 describes scope of the health service at the primary level, which is further divided into medical care and rehabilitation for persons placed in institutions of social welfare and rehabilitation of children and youth with disabilities. The Health Care Law does not deal specifically with persons with disabilities, but includes them through a system of public health. In the part that deals with human rights and values in health care the Law does not stipulates an emphasis on the rights of persons with disabilities, but in the Article 25 describes that every citizen is entitled to health care, with respect for the highest possible standards of human rights and values, and the right to physical and mental integrity.

In order to provide adequate health care, relevant to the rights of persons with disabilities the *Health Insurance Act*<sup>39</sup> is important, which stipulates compulsory health insurance based on the principle of solidarity and reciprocity, including insurance in case of illness or injury outside of work and insurance in case of injury at work or occupational disease. Article 22 determines persons who, by belonging to a particular group of the population may be at higher risk, which includes persons with disabilities according to regulations on the pension and disability insurance as well as mentally challenged persons. The rights from compulsory health insurance are the right to healthcare, the right to compensation of salary during temporary inability to work, the right to reimbursement of transport expenses related to health care. The right to health care also includes medical rehabilitation in the event of illness or injury, as well as prosthetic, orthotic and other devices for moving, standing and sitting,

<sup>38</sup> Health Care Law, "Official Gazette of the Republic of Serbia", Nos 107/2005, 72/2009- sec. law, 88/2010, 99/2010, 57/2011, 119/2012 and 45/2013 – sec. law

<sup>39</sup> Health Insurance Act, "Official Gazette of the Republic of Serbia", Nos 107/2005, 109/2005 – amd, 57/2011, 110/2012 – CC decision and 119/2012

sight, hearing and speech devices (medical-technical devices). Medical rehabilitation implies establishment, application and evaluation of rehabilitation procedures and the Republic Fund determines the manner of medical rehabilitation use by the *Rulebook on the content and scope of the right to health care under the compulsory health insurance and participation for 2013*<sup>40</sup>, which actually determines the rights of insured on medical-technical devices, medical rehabilitation in the event of injury or illness, etc.. Furthermore, the Rulebooks determine specific area covered by this law. For the purpose of medical rehabilitation the *Rulebook on Medical Rehabilitation in In-health Institutions Specialized in Rehabilitation*<sup>41</sup> has been developed, which regulates the types of indications, duration, manner and procedure for referral to medical rehabilitation in specialized medical institutions. The Rulebook determines precise list for using the medical rehabilitation in in-health institutions for rehabilitation, envisaging medical commission which provides final assessment of the justification of the proposal of selected physician or appropriate health care institution. The *Rulebook on Medical-Technical Devices Provided by the Compulsory Health Insurance*<sup>42</sup> regulates providing of the medical – technical devices and defines types of devices, indications for prescribing devices provided by the Republic Health Insurance Fund by following the standards, duration, procurement and maintenance. An integral part of the Rulebook is a list of devices that are listed in the Section 2 this Rulebook. Each type of device has a determined duration and it depends on the age and other criteria shown in the List of devices. Duration is determined by month, depending on the age. The right on devices is achieved with the assessment of the medical commission and 30 days from the takeover of the device, physician specialist who prescribed the device checks its functionality. The Rulebook determines maintenance, repair and renewal of device. Article 16 of the *Rulebook on the Manner and Procedure for Exercising the Right of Compulsory Health Insurance* regulates the manner and procedure for the exercise of the right of compulsory health insurance.

When the media reports on medical rehabilitation, restrictive criteria for the purchase of devices have the highest visibility. Devices are expensive and the state provides them with prolonged duration, and “*Naše novine*” from March 25, 2013 give an example of an insured person, who is compelled to purchase new prosthesis at his own expense before the expiration.

Article No 20: Daily newspaper “*Naše novine*”, March 25, 2013

**ONLY DRAŠKOVIĆ REMEMBERS ME**

After the amputation of both legs, Ratko Bulatović was mounted prostheses, which are changed every three years and cost from 10,000 to 100,00 Euros, while the state pays for replacement only once in five years.

-They're expensive, but I manage somehow. The state paid for the prosthesis twice, and Vuk Drašković helped me once. He's the only one who remembers me occasionally, calls and asks how I'm doing, or if I need anything. It means a lot to me. But not all victims are cared for, nor does anyone take care about them-concludes Bulatović.

<sup>40</sup> Rulebook on the content and scope of the right to health care under the compulsory health insurance and participation for 2013, “Official Gazette of the Republic of Serbia”, No 124/2012.

<sup>41</sup> Rulebook on Medical Rehabilitation in In-health Institutions Specialized in Rehabilitation, “Official Gazette of the Republic of Serbia”, Nos 47/2008, 69/2008, 81/2010, 103/2010, 15/2011 and 48/2012

<sup>42</sup> Rulebook on Medical-technical Devices Provided by the Compulsory Health Insurance, “Official Gazette of the Republic of Serbia”, Nos 52/2012, 62/2012 – amd, 73/2012 –amd, 1/2013 i 7/2013 – amd)

In a similar tone is the article that discusses about the purchase of a wheelchair, where is added that the procedures for device is complicated.

Article No 21: Daily newspaper “Politika”, January 28, 2013

#### **WITH HEALTH BOOKLET TO ORTHOPEDIC SHOES OR PROSTHESIS**

The real trouble, according to those who use them, is to get to the wheelchair. In RFHI clarify that the right to wheelchairs have insured older than three, who cannot walk because of damage to the musculoskeletal system, and that there are several types of aids: hand-operated, electric and children. Type of wheelchairs is prescribed depending on the degree of disability and functional status of the insured.

A patient who spends most of his time in bed due to the medical condition is entitled to a wheelchair with toilet. Normally, wheelchairs are prescribed by a specialist in physical medicine or neurologist, and the duration ranges from 60 to 96 months, depending on the age and occupation.

The consequence of this situation is shortage of mobility devices such as a wheelchair, crutches, canes and walkers, so the ads like this also appear.

Article No 22: Daily newspaper “Blic”, March 03, 2012

#### **ASSISTIVE DEVICES MISSING**

**BAČKA PALANKA-** Red Cross from Bačka Palanka via local media appealed on the citizens who have any kind of orthopaedic devices to bring them to this humanitarian organization and help their citizens in need.

-We asked them to bring from their attics, rooms and other facilities used, and now unnecessary wheelchairs, crutches and walkers for the disabled and donate them to us. It is amazing how big demand is in our community for these devices that could once be obtained on a prescription, while now they can be purchased, which is for the majority of our citizens very expensive - says the secretary of the Red Cross of Bačka Palanka, Branislav Šobota.

Medical assessment as a subject of media attention appeared in the article that refers to the case of assessment of driver's license extension, which was highlighted in the individual interviews. The conclusion of the media on this issue is in line with the model of human rights.

Article No 23: Politika, February 12, 2013

#### **DISCRIMINATION AT THE WHEEL**

They addressed the Republic Commissioner for the Protection of Equality, obtaining the full support of Dr. Nevena Petrušić. As recommended to the Ministry of Health, the assessment of capabilities should be harmonized, when issuing certificates the Commission should take into consideration development of technologies that help disabled persons, to be sure to inspect the possibilities of the custom car and to be guided by the principle of full social inclusion of persons with disabilities.

### **3.2. Access (accessibility) of the services of general health care**

Treatment by health care workers and their level of education and awareness of persons with disabilities is often the cause of discrimination:

*“My experience is that my specialist - a surgeon in Sremska Mitrovica hospital ... examined my stomach and asked me: Do you feel the pain here, or here...? I am quadriplegic, I do not feel anything. From the chest down I feel nothing. Then, during the examination – Now put your legs together in the knees ... he says.... to check this...Well, how can I put my legs ... I mean, he is not to be blamed for not knowing. Maybe it wasn't his job.... But the man was about to be retired, how is it possible that he really does not know anything about us? “*

Male, 54

The inaccessibility of health services, lack of adjustment of diagnostic and therapeutic equipment, facilities, medical transportation and communication accessibility is one of the causes of exclusion of access to health services of people with disabilities:

*“For example, in Serbia there is no X-ray machine where paraplegic or quadriplegic can approach alone to do an X-ray of any part of the body ... I even saw that such a machine exists, but during its installation ...they didn’t activate one of these commands so that it can be hung low enough to make me approach it. I am always transferred as a sack of potatoes from a cart, different kinds of beds ... So it is like hitting with your head on the wall. Going to the doctor is... arduous ... when I had the examination at the doctor’s ... I mean, you cannot do the examination. You need four, five men to put me on a table. And there were even ... injuries, because they can’t ... they simply don’t know how to transfer me, and the table is very high... that is even worst, that they don’t have proper tables for us, disabled, so we can function easier during examinations.”*

Male, 56

*“I’ve been waiting ... when he called me ... he was not there, he came a little bit later. I apologized and immediately said I was deaf, to prevent him talk behind my back because I cannot hear him. He was slightly confused, but he didn’t mention that. However, I told him that there won’t be problems in communication, I will read from his lips what he speaks ... I always do that, especially when using these services or in writing. I told him that – either write to me or we will try to understand each other like this. Then he said - no, I cannot do that... to write to you... there is no way that I’m going to do that, I do not want to do it. He immediately called the nurse and said to her - How am I going to talk to her, I cannot talk to her. I felt so bad. I ... what next, what to do at this point? What are my rights; does the law protect me somewhere in this? I felt terrible. And these are the things that I... I just ... cannot forget. “*

Female, 25

*“But when I go out on the road, I cannot go to the doctor’s because when I go to the doctor in Žabare I have to sit in the car – it’s not possible to enter the Health Center. The doctor must come to the car to examine me and listen what it is about. So it happened once, possibly twice that I was driven by the car and the doctor had to come to the parking, because I couldn’t enter the Health Center with the wheelchair.”*

Male, 59

Discrimination in the provision of health services is prohibited. Thus, the *Law on the Prevention of Discrimination against Persons with Disabilities*<sup>43</sup>, Article 17 specifically defines discrimination in relation to health services, emphasising that particularly severe case is discrimination in the provision of health services. This includes refusing to provide health services due to disability, the setting of special conditions for the provision of health care services unless justified by medical reasons.

Patients’ rights are determined by the *Law on the Rights of Patients*<sup>44</sup>, which observes patients through the prism of the general health services and care. Article 6 of this law establishes the right to access to health services so the patient has the right to affordable, quality health care in accordance with their health condition. This Article prohibits discrimination on various grounds, without specifying discrimination against persons with disabilities, but indirectly on the basis of differences that can be the cause of discrimination includes this important issue in its framework. The issue of interpreters for deaf-mute patient is in Article 11- The right to information. Set of rights such as quality of health services, free choice and the right of access

<sup>43</sup> Law on the Prevention of Discrimination against Persons with Disabilities, “Official Gazette of the Republic of Serbia”, No 33/2006

<sup>44</sup> Law on the Rights of Patients, “Official Gazette of the Republic of Serbia”, No 45/13

to medical records are part of this law. It is interesting to note that in the context of criminal offenses measures of the healthcare facilities highlights the impossibility of taking medical procedures without the consent of the patient or legal guardian of a child or a patient who has been deprived of legal capacity. The Initial Report on the Implementation of the Convention on the Rights of Persons with Disabilities<sup>45</sup> states that the majority of the health care institutions, including those in the primary health care level, removed physical barriers and built ramps for persons with disabilities. In practice, however, compared with the general population, persons with disabilities continue to have unequal access to services and general health care services and unmet health care needs.

A small number of articles discuss in details barriers in the public health system (medical transport, entrance and moving through the building, registry services, stay in the hospital wards, access to diagnostic and therapeutic equipment and procedures). A rare example of critical review follows below:

Article No 24: Daily newspaper “Dnevnik”, January 30, 2013.

#### **STAIRS STEEP INFORMATION DESK HIGH**

It was also like that with that Sombor chair. Great device, the flaw is that it can serve only those who can (more or less) move with difficulties, but still move independently. Others, who are because of some life circumstances “confined” in chairs, not even a movable wheelchair is a realistic opportunity to go to the doctors, who are in the Health Center on the second floor, while the visitation of the laboratory, which is, “up in the sky”, that is, on the third floor cannot be even mentioned. But OK, medical and laboratory technicians sometimes open an office on the ground floor and the disabled in the wheelchairs must be thrown over just two steps.

Occasionally, examples of good practice in solving problems in the delivery of health services in primary health care system can be highlighted. Thus, the following two examples are talking about the improvement of access to primary care services.

Article No 25: Daily newspaper “Blic”, January 25, 2013

#### **BENEFITS FOR PERSONS WITH DISABILITIES**

**SUBOTICA-** Dental X-ray apparatus for dental imaging is set on the ground floor of the ATD building in Harambašićeva Street for persons with disabilities. The Health Center announces that the apparatus is working every working day from 12 -13 PM, and the recording is scheduled by phone no 645-532. Gynaecological ordination is also arranged on the ground floor of the dispensary in Đure Đakovića Street. Examinations are scheduled on telephone no 600-795.

Article No 26: Daily newspaper “Dnevnik”, January 10, 2013

#### **DELTA FOUNDATION DONATED VEHICLE TO GENERAL HOSPITAL IN SOMBOR FOR TRANSPORTATION OF ELDERLY AND IMMOBILE**

**SOMBOR:** While the most powerful Serbian businessman Miroslav Mišković spends his days in detention, “Delta Foundation” (“*Delta Fondacija*”), a charitable organization has grown on his business empire. “Delta” has involved in the project of free ambulance transportation for persons with limited motor abilities, which in Serbia was launched by Sombor-based Company “Mobility MGB”.

As reported on the website of the Foundation, the project started with the ceding of the first vehicle to the General Hospital, “Dr. Radivoj Simonović” in Sombor, who unofficially confirmed the news from the official website of “Delta Foundation”. The cited vehicle, “fiat ducato” is equipped with an electric ramp, appropriate seats and other aids for persons with disabilities and elderly. In addition to Delta Foundation, the project is supported by Delta Generali Insurance (“*Delta Generali osiguranje*”) and members of Delta Agrar: “Florida bel”, “Yuhor” and “Danubius”. The project aims to support the territorial social services for persons with disabilities, disclosed in Delta Foundation.

<sup>45</sup> Initial Report on the Implementation of the Convention on the Rights of Persons with Disabilities, Government of the Republic of Serbia, Belgrade, January 2012



This action is implemented according to the model from Italy, where currently operate 2,000 vehicles, and after Sombor, it is planned to extend the project in Serbia and in other cities, starting with the biggest ones: Belgrade, Novi Sad, Niš, Kragujevac.....

Only one article discusses information on inaccessibility of the public health care system and mentions the lack of sign language interpreters or labels in Braille. This article is from “Politika”, from March 22, 2013, on interesting model of the city of Niš, where there are about 20,000 persons with disabilities and which opened for them dispensary where physical barriers are removed and assistants are employed, and still, the beneficiaries are given free choice of using the services of other health centers in the city.

## **Recommendations**

- Improving access to health services and services for persons with disabilities, from physical/architectural accessibility to objects and appropriate adaptation of medical equipment and procedures, to finding alternative means of communication with persons with disabilities;
- Better distribution of health-education type of publications in accessible formats;
- Providing additional training for medical personnel to work with persons with disabilities;
- Improving mechanisms of expertise (gate-keeping) through the review of rulebooks related to the system of assessment of beneficiary's needs in the field of health care, including additional training for the members of the assessment committee in accordance with the modern classification of disability (ICF - International Classification of Functions);
- Promotion of alternative forms of medical rehabilitation, that is, finding substitutions for expensive spa treatments through the creation of mobile teams for physical rehabilitation at home, improving access to medical rehabilitation in primary health care level and the participation of the Ministry of Health to promote and support healthy lifestyles and recreation of persons with disabilities in local communities.

## IV. EDUCATION

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Education represents the initial link in the chain of socialization, independence and inclusion of persons with disabilities. It should be noted that in this report only the experiences of interviewees referred to the previous 5-year period are taken into account. Earlier, the education system for children and youth with disabilities in Serbia was parallel and not harmonized with the regular, general education. In recent years, some progress towards the introduction of more inclusive practice can be seen, which the new Law on the Foundations of Education certainly contributed to.

### 4.1. Accessibility of the Education System

Among interviewees who had experienced a violation of the principles of participation, inclusion and accessibility, as the reason alleged was lack of support services in education, teaching appliances and physical inaccessibility of the facility.

*“I went to classes that were obligatory and my friends and my sister were carrying me...literally to the upper floor. “*

Female, 29

*“The biggest problem when I enrolled the university was how to find literature in Braille and in audio format.”*

Female, 34

*“In my personal life, the faculty I attend ... I was studying, I’ve just finished. There are no interpreters there. Accessibility, communication, lectures, following various discussions – everything is absolutely impossible. And, I’m an adult, I went to a deaf school, a school for deaf children, and I’m not used to lip-reading, and now I was in a position to have to get used to it, because nobody used sign language in school that I attended, and it is a huge difference. I’m the only one – there are no interpreters, so there is no one to... I had to ask my colleagues to give me their notes to rewrite them. And, at the end of the lecture I always had to ask professors to explain me some things. That’s a big waste of time. They often don’t have time, they have to go, do not have the patience. Somehow, we have some bad impressions in relation to that. In the future, I’d like that better approach to learning is provided for us. This is perhaps one of the most important problems that I have faced. “*

Female, 25

Adoption of the *Law on the Fundamentals of the Education System*<sup>46</sup> created conditions through systematic and institutionalized support to facilitate the successful inclusion of all children in the educational process. Section 6 guarantees the right to education to every person. The citizens of the Republic of Serbia shall be equal in exercising their right regardless of their gender, race, national, religious and language background, social and cultural background, financial status, age, physical and psychological constitution, *developmental impairments or disabilities*, political opinion or another personal trait. Persons with “developmental impairments and disabilities” shall be entitled to education and pedagogy which takes into consideration their educational needs within the regular education and pedagogy system, within the regular system with individual or group additional assistance or in a special preschool group or school, in accordance with the law.

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<sup>46</sup> Law on the Fundamentals of the Education System, “Official Gazette of the Republic of Serbia”, Nos 72/2009 , 52/2011, 55/2013

Article 71 of the Constitution of the Republic of Serbia guarantees the right of all citizens to education. Primary education is free and compulsory and secondary education is free. The Government of the Republic of Serbia adopted the *Strategy for the Development of Education in Serbia* until 2020, which aims to improve the educational system. The aim of the Strategy is that until 2020 every boy and girl, regardless of their different characteristics (socio-economic, linguistic, etc.) is included to quality primary education, particularly the children from “vulnerable” groups (children with disabilities and developmental impairments, Roma, rural and poor children)<sup>47</sup>.

In order to achieve the right to education of persons with disabilities, the Law on the Fundamentals of the Education System provides special support in education. Article 77 stipulates that the institution in which the child or a student with a disability is educated *shall eliminate physical and communication barriers, and adopt individual educational plan*.

Article 102, Paragraph 7 guarantees the issuance of specialized textbooks, tailored to the needs of students with disabilities.

Textbooks are, despite the legal definition that they must be adapted to persons with disabilities, still unadjusted or adjusted only in special educational institutions, while children in inclusive education have no adapted textbooks.

The *Law on Textbooks and Teaching Materials*<sup>48</sup>, in the Article 3 deals with the use of language and alphabet, describing the availability of textbooks for persons with disabilities by using outdated term “special needs”. Paragraphs 4 and 5 discuss about books in Braille, electronic format, audio format, etc.

It should also be mentioned that almost no funds are allocated for issuing custom books for students with disabilities. Thus, the only library in Serbia for persons with visual impairments “Dr Milan Budimir” is almost closed because it didn’t receive funding for basic functioning from the Ministry of Culture and Information.

A major problem is also publishing textbooks in electronic form. Namely, the publishers are suspicious to this kind of publishing, because they believe that their copyright would be violated due to possible copying or reprinting of these books. This law obviously doesn’t have good implementation.

The *Rulebook on Additional Educational, Health and Social Support for Children and Students*<sup>49</sup> is very important because it defines training of the preschool teachers, teachers and psychologist/pedagogy who are directly involved in educational work (inclusive principles, training in the use of assistive technologies and alternative forms of communication, increased sensitisation and training of teachers, peers and parents, providing transport from place of residence to the educational institution or the educational institution to the day care, literature for students and teachers, the provision of free legal aid by the authorities of the local self-government, etc.). In this context *teaching assistant* should also be mentioned, whose role is in addition to the teacher to provide necessary assistance in the process of inclusive education. In accordance with the provisions of the Law on the Foundations of Education, the *Rulebook on the Training Program for Teaching Assistants*<sup>50</sup> was adopted, which provides for training programmes which the person has to complete before get involved in the process of inclusive education as a teaching assistant.

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<sup>47</sup> Primary Education Development Vision, Strategy for the Development of Education in Serbia until 2020, ‘Official Gazette of the Republic of Serbia’, No 107/2012

<http://www.ff.uns.ac.rs/Files/StrategijaObrazovanja.pdf>

<sup>48</sup> Law on Textbooks and Teaching Materials, “Official Gazette of the Republic of Serbia“, No 72/2009

<sup>49</sup> Rulebook on Additional Educational, Health and Social Support for Children and Students, “Official Gazette of the Republic of Serbia“, No 63/2010

<sup>50</sup> Rulebook on the Training Program for Teaching Assistants, “Official Gazette of the Republic of Serbia“, No 11/2010

The measure for free transportation is essential for the normal attendance of the majority of students with disabilities, and Article 69 of the same law regulates this right regardless of the distance of residence from school.

The media highlights the lack of sign language interpreters which students are entitled to.

Article No 27: Daily newspaper "Naše novine", April 30, 2013

#### **LACK OF SIGN LANGUAGE INTERPRETERS**

For deaf, independence is almost a miracle, because, as Mihajlo says, a society in which we live is still not prepared.

- The National Employment Service is really trying to help us, but the problem starts with the selection of high school, because we are almost exclusively limited to attend vocational schools. This is why most deaf people have low level of education. Another problem is of course the lack of sign language interpreters, as there are only three or four in Belgrade. And without them, as you have found yourself, we cannot communicate with the "outside" world. Without them, there wouldn't be, for example, your text.

Although the Law precisely enacts the obligation on schools to remove physical barriers, in reality there are only a small number of schools that are adapted.

The media emphasize efforts of local actors in the physical adjustment of primary schools.

Article No 28: Daily newspaper "Naše novine", April 30, 2013

#### **SCHOOL "BOŠKO BUHA" GETS ELEVATOR FOR PERSONS WITH DISABILITIES**

Primary school "Boško Buha", attended by children with disabilities obtained a ramp for lifting of persons with disabilities in the framework of construction works which municipality Zvezdara performs in primary schools.

## **4.2. Discrimination in Education System**

There is a discriminatory practice for enrolling some high schools and there is often no alternative to special education, which violates the principle of freedom of choice. The level of awareness of peers, parents, other children and even teachers is not enough promoted and interviewees testified on humiliation and even physical abuse as well as very low level of acceptance of other peers.

*"In the last few years the only negative experience I had was in the First Belgrade Grammar School, which was enrolled first by one and then the other our member – who are, by the way, siblings – older and a younger brother. I know that even now that school still attends a boy with cerebral palsy. The school is located, who is not familiar, in Cara Dušana Street. The principal at that time, and I think he still is, Mr Andrejić simply insisted on that solution that the building is a cultural monument and that there are not any other options. He simply didn't want to discuss, and he told me - Well, we are here in the center, there are a lot of people around, we will be in a situation that in a few years' time we will have a bunch of kids who go to school - wheelchair users. What will I do with them? It's out of the question. "*

Male, 36

*"But another problem that arose was – how other children were looking at me. They were looking as someone who is, I don't know if it's okay to say - weirdo or something...it was horrible for me. They didn't approach me, they were looking at me from a distance, whispered something behind my back. I was alone even on a break and it felt ... it was not nice."*

Female, 19

*“I had an incident with the teacher ... who .... I have difficulties with moving, I was on crutches, and a professor called me to go out to the board to do a task. I told him that I cannot get out... he called me incompetent and said that such people should not go to school.”*  
Male, 23

*“In primary school, the parents were the ones who caused most of the problems. They asked to switch cabinets. And one parent... he was the one who mostly insisted to switch cabinets. God forbid that he doesn't see the cabinet or...whatever... and so we were switching cabinets and one time it even could happen to break my arm at the wrist because a friend pushed me to get in line to be able to enter the cabinet - and while they were coming out, they pushed that friend in front of me and she fell on me and, I broke my arm. My arm was swollen, I could not ... it's the right hand ... I couldn't write a week or two, because it hurt very much ... And then my mom went to the principal and said – that's enough, can't you see what could happen. And then we went to just one cabinet. Every day in different one, but at least we stayed in one for all day. We just went to music cabinet, because of the piano and chemistry cabinet, because of the equipment - and nothing else.”*  
Female, 24

Article 3, paragraph 1 of the *Law on Fundamentals of the System of Education* guarantees equal rights and access to education without discrimination and separation, and based on disability and development impairment among other things.

The Law specifically in Article 44, paragraph 1, prohibits discrimination by prohibiting activities that threaten, humiliate, discriminate or segregate persons or groups of persons on the basis of race, ethnicity, religion, language or gender, physical and psychological characteristics, disability and disability, health status, age, social and cultural background, economic status or political affiliation, as well as encouraging and failing to prevent such activities.

Detailed criteria for identifying forms of discrimination by an employee, student or third party in the facility are jointly prescribed by the Minister of Education and Minister in charge of human rights.

Here should also be mentioned Article 18 of the *Law on Prevention of Discrimination against Persons with Disabilities*, which explicitly prohibits discrimination based on disability in all levels of education. The legislator in the same article under discrimination implies denial of admission of preschool age children and students with disabilities in an appropriate educational institution, which suits his previously acquired knowledge, exclusion from a specific institution or setting non-disability as a condition for admission to a particular institution with a prior certificate on the health status and previous psychophysical state assessment, unless this is determined by the law governing the field of education.

The *Law on Higher Education* in Article 4, Paragraph 1, Item 6 guarantee the respect of human rights and civil liberties, including prohibition of all forms of discrimination. This law also guarantees the right of students to protection against discrimination and respect for diversity. Article 86 in part that describes the rights and responsibilities of students to have study conditions of study of equal quality for all students, the right to diversity and protection against discrimination.

Non-governmental activities to raise public awareness have been covered by the media in a model of human rights. “*Večernje novosti*” from May 16, 2013 announce panel discussion of students with disabilities at the University of Novi Sad with the aim to break down the prejudices.

**OPENLY**

A debate that will openly talk about the real needs of students with disabilities will be held today in the hall of the Faculty of Technical Sciences in Novi Sad, starting from 18.30. You will hear the stories of students who did not allow disability to become obstacle in their lives, the representatives of the Novi Sad Association of Disabled Students will speak on legal terminology, a code of conduct towards persons with disabilities, prejudice and the importance of education.

#### **4.3. Freedom of choice of educational institutions and future career**

Advisory support in the moments of transition is missing - when deciding on further education, i.e. at the time of transition, a student with disabilities doesn't have proper counselling support in order to make free choice with full awareness. Also his free choice is hindered by the lack of regular secondary schools that are ready for inclusion. Evident is the disparity of education of persons with disabilities and the real needs of the labour market. An important fact is that persons with disabilities gain qualifications for occupations for which in reality there is no need for a long time.

*M2: “What is the reason you could not continue?”*

*I: “Well, the reason is that the class teacher sent the letter to school in Smederevo telling them that I am unable to continue further education.”*

Male, 24

*“Five years ago I finished primary school and then I had either to stop or to continue education with the help of my mother, who was a great support to me. When I say ... why stop? Because in Serbia you don't have adequate access to any of primary or high schools. In primary school all four years I went up and down twice a day twenty-six steps – my mom was holding my hand. And, when I finished the eighth grade, and I have ... I had a very strong desire to ... educate and consider myself an equal member of society, I even had to go to Podgorica ... and only for that I had to change four transports to get to my school - Institute for handicapped children and vocational rehabilitation in Podgorica, now PI Resource Center for Children and Youth, Podgorica – where I graduated at the administrative department with excellent grades.”*

Female, 23

*“I wanted to go, when I finished elementary school, I wanted to enrol the textile school. I was enrolled literally enrolled ... I was even enrolled the Secondary Economic school after the deadline, because my parents and a cousin sign me up. But I really wanted... There was Faculty for fashion designers in Zagreb. It was my great wish that I go there.... But you're sick, you can't, I mean, you ... you're sick, you cannot go to textile school and it's very dusty there.”*

Female, 23

According to the *Law on Primary Education*<sup>51</sup> and the *Law on Secondary Education*<sup>52</sup>, enrolment of students in schools for the education of students with intellectual disabilities and disabilities is performed according to the assessment and intersectoral commissions with parental consent. This is very important because it gives parents the opportunity to actively participate in the educational process of their children instead of previous authorizing the

<sup>51</sup> Law on Primary Education, “Official Gazette of the Republic of Serbia”, No 55/2013

<sup>52</sup> Law on Secondary Education, “Official Gazette of the Republic of Serbia”, No 55/2013



experts to do the assessment. This law also provides for distance learning, which is used due to the student's disability and inability to travel to school.

In several articles media highlighted that the link between education and employment is the weak link in the chain to enable persons with disabilities to equal participation in society.

Article No 30: Daily newspaper "Politika", July 25, 2013

**ONLY 500 BLIND AND VISUALLY IMPAIRED PEOPLE IN SERBIA HAVE JOBS**

"Blind and persons with visual impairments are educated to a relatively small number of jobs; a lot of these professions went to the "history", such as telephone operator. The second most common occupation is a masseur, but an increasing number of employers are looking for physiotherapists with associate education degree, while partially sighted persons usually have high school diploma. An additional problem is the fact that only seven percent of blind people has university degree, and a large number of employers, other than university degree, requires perfect knowledge of computer skills and at least one foreign language", says Dragiša Drobnjak, the secretary of the Union of the Blind of Serbia.

## **Recommendations**

- Considering that there is a relatively good legislation in the field of education, it can be concluded that it is necessary to work on the implementation of the adopted legislation. For this purpose, it is necessary to ensure the sustainability of Inclusive network and work of intersectoral commissions;
- Strengthen intersectoral cooperation, especially between education and employment. For this purpose, it is necessary to establish a Government Body to promote inclusive education, which would consist of representatives of different Ministries (education, health, social welfare, finance, culture, urban planning), as well as representatives of local self-governments and organizations of parents of children with disabilities and students with disabilities;
- Adopt appropriate by-law, to regulate support services for students with disabilities, whereby the accessibility of buildings of schools and availability of textbooks to each student according to his needs must be taken into account;
- Raise awareness about the benefits and importance of inclusive education, including more media coverage of this topic in print media;
- Considering that there is no detailed rulebook in the field of higher education of students with disabilities, it is necessary to adopt additional legislation at the national level, which would improve the financial situation of this category of students.

## V. EMPLOYMENT

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Opportunities of equal access to the open labour market of persons with disabilities are one of the major imperatives that access to disability from a human rights perspective brings. Low qualification structure of persons with disabilities is often the main problem in employment. Children with disabilities are less able to attend schools (this problem was tried to be resolved with the inclusive education) and later face reduced employment opportunities and in these circumstances exercise their labour rights often by employing as auxiliary workers or in the framework of the programmes that last for a limited period of time, such as public works programmes that last six months. An important role in this is given to discrimination in employment, limited access to transportation, and lack of access to resources to promote self-employment and livelihood activities<sup>53</sup>. Often, the appearance of exclusion causes underestimation of persons with disabilities as employees and socially active participants<sup>54</sup>.

Work and employment is one of the key areas identified by the interviewees with disabilities, since 53.33% of the interviewees indicated 178 situations in this field. The majority of interviewees experienced violation of the principles of participation, inclusion and accessibility (35%), which is often reflected in the limited access to the open labour market and the inability to find employment, but also unadjusted workplace and working conditions and lack of support services in the workplace. A large number of interviewees (30%), had experienced discrimination in the workplace or access to the labour market, which is often reflected in relationships with colleagues and lack of understanding by employers.

### 5.1. Discrimination against persons with disabilities in the workplace

Discrimination in the form of lack of understanding from colleagues and employers is best reflected in the following examples from the interview:

*“Well, let me tell you what I experienced when I was a director. I don’t know exactly where is that letter ... the Ministry of Health received an anonymous letter against me. Something like ... persons with disabilities are psychopaths and should not be in leading positions, and in general, we should be asking the Minister of Health why a disabled person is appointed as a Director of the Health Center.”*

Female, 59

*“When I was changing my job, that is, when I was changing spaces and other organizations...I have worked... in the building “Beograđanka”... then we moved to Novi Beograd, not just physically, but the entire organization of work has changed - I had a problem that people didn’t, let’s say, want to recognize that I used to do the same job before ... and I think very successfully and normally, like everybody else ... and for a month I was coming to work every day, sitting in a chair and they didn’t allow me to answer the phone as I did it in the previous job, which was of course very depressing and it’s the worst thing I have experienced in my life.”*

Female, 53

*MI: “In your opinion - why did they treat you like that?”*

*I: “Well, probably because of the communication problems that I have. Because, for example, dentists, while I was volunteering - instead of giving me instructions and orders what and how to do with dentures - they would give all the instructions to my boss, who would then pass*

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<sup>53</sup> World Report on Disability, World Health Organization, Malta, 2011, p 10

<sup>54</sup> Employment of Persons with Disabilities in the Republic of Serbia 2012, Center for Society Orientation, 2012, p 8

*them to me - which is not the regular procedure. I have never come into contact with the dentist. He would just tap my shoulder, said - yeah, good, good. They never even tried to get into communication with me, although I can read from lips if someone makes an effort and speaks a little bit slowly. However, they were not in the mood for it – they would just come, tell my boss me what I should do, then she would write it, pass me the instructions and it was somehow ... it made me feel bad.”*

Male, 32

Despite some positive developments, the inequality of persons with disabilities in employment continues to be expressed<sup>55</sup>. The *Initial Report on the Implementation of the Convention on the Rights of Persons with Disabilities*<sup>56</sup> emphasises the data of the World Bank, which show that only about 13% of persons with disabilities in Serbia are employed, and of particular concern is the fact that from this number 10% are employed in non-governmental sector, organizations of persons with disabilities, and only 1% in the economy and public sector while the unemployment rate of persons with disabilities is 3 times higher than in the general population.

The *Constitution of the Republic of Serbia* in Article 21 prohibits discrimination, while in Article 60 - the right to work, provides that everyone shall have the right to choose his occupation freely, all work places shall be available to everyone under equal conditions, while persons with disabilities are recognized as particularly vulnerable category of workers and thus the legal Rulebook of their position in the workplace is enabled. The *National Employment Strategy for the period 2010 - 2020*<sup>57</sup> as an act of the Government relies on the adoption of the *Law on Professional Rehabilitation and Employment of Persons with Disabilities*.

*The Labour Law*<sup>58</sup>, Article 18 prohibits direct and indirect discrimination against persons seeking employment, as well as employees, in respect to health status or disability among other things. Discrimination under Article 18 of this Law is prohibited in relation to: conditions for recruitment and selection of candidates for a particular job, working conditions and all rights in employment, education, training, promotion, termination of employment. However, the only civil action for damages is the claim, foreseen by this Law. The *Law on Prevention of Discrimination against Persons with Disabilities*<sup>59</sup> in Articles 42 and 43 provides for the possibility of certain events and violations of the rights that can be protected by the lawsuit that claims that it was discrimination based on disability. Article 21 specifies discrimination in respect of employment and labour relations: “It is prohibited to discriminate in employment and exercise of labour rights based on disability: persons with disabilities seeking employment, persons accompanying person with disabilities seeking employment, employed person with disabilities<sup>60</sup>, employed persons accompanying person with disabilities seeking employment.” Article 22 defines discrimination based on disability in employment as: refusal of employment of persons with disabilities and accompanying person of person with disabilities because of disability, that is, the characteristics of persons accompanying person with disabilities, setting of specific health conditions for employing persons with disabilities, unless special health conditions for carrying out certain tasks are determined in

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<sup>55</sup> Special Report on Discrimination against Persons with Disabilities, Commissioner for Protection of Equality in Serbia, Commissioner for Protection of Equality, Belgrade, 2013, p 31

<sup>56</sup> Initial Report on the Implementation of the Convention on the Rights of Persons with Disabilities, Government of the Republic of Serbia, Belgrade, 2012, p 7

<sup>57</sup> “Official Gazette of the Republic of Serbia“, No 37/2011

<sup>58</sup> “Official Gazette of the Republic of Serbia“, Nos 24/205, 61/05, 54/09 and 32/13

<sup>59</sup> “Official Gazette of the Republic of Serbia“, No 33/2006

<sup>60</sup> Article 21 Paragraph 3 defines that a person accompanying person with disabilities, in terms of this law, is every person, regardless of relationship, living in the same household with a person with disabilities and assisting in meeting daily needs without financial or other material benefits.

accordance with the law. Also, according to the same article, previous examination of psychophysical capabilities that is not directly related to the job for which is employed and the refusal to make technical adaptations to the workplace that enables efficient operation of person with disabilities, if the cost of adaptation is not borne by the employer or not excessive in relation to the profit realized by the employer hiring person with disabilities are also considered discrimination based on disability. Discrimination based on disability in the exercise of labour rights under Article 24 is considered as: determination of lower salaries due to disability of the employee, regardless of work performance, setting of special work conditions for employee with disability, if these conditions are not directly derived from the requirements of the workplace, and establishing special conditions for employee with disabilities to use other employment rights that belong to every employee. Article 26 as a particularly severe form of discrimination based on disability specifies *harassment, insults and humiliation of employee with disability by the employer or immediate senior officer in the process of work because of his disability*.

Article 16 of the *Law on Prohibition of Discrimination*<sup>61</sup> prohibits discrimination in labour which includes violations of equal employment opportunities and enjoyment of labour rights in general. This Article guarantees the right to professional rehabilitation and promotion of affirmative action for persons with disabilities. Article 1 establishes the *Commissioner for Protection of Equality*, as an independent state body. In the *Special Report on Discrimination against Persons with Disabilities*, the Commissioner said that the special measures for employment of persons with disabilities have given some positive effects, but the structural and indirect discrimination against persons with disabilities in this area still remains, to which the worsening of the economic situation in the society contributed. It also said that the legal measure to protect persons with disabilities through full and partial deprivation of legal capacity is inconsistent with current international standards in this area. Until now, the biggest number of complaints of discrimination based on disability was related to the field of public service provision, discrimination in proceedings before public authorities and in the area of employment (22% of total complaints)<sup>62</sup>.

The *Criminal Code*<sup>63</sup> in Article 163 states that the violation of labour rights and social security rights shall exercise “whoever deliberately fails to comply with law or other Rulebooks, collective agreement and other general acts on labour rights and on special protection of young persons, women and disabled persons at work, or on social insurance rights and thereby deprives or restricts another’s guaranteed right”, and shall be punished with a fine or imprisonment up to two years. Violation of the right to employment and during unemployment is elaborated in Article 164: “Whoever deliberately contravenes Rulebooks or otherwise unlawfully deprives or restricts a citizen’s right to be freely employed under equal conditions in the territory of Serbia, shall be punished with a fine or imprisonment up to one year.” The *Law on Prevention of Workplace Harassment*, so called “Law on Prevention of Mobbing”<sup>64</sup> in Article 6 defines workplace harassment as “every active or passive behaviour towards an employee or group of employees of the employer which is repeated, aimed at or violating the dignity, reputation, personal and professional integrity, health, position of the employee and which causes fear or creates a hostile, humiliating or offensive environment, deteriorates working conditions, or results in isolation of the employee or induces him/her to terminate engagement on his/her own initiative. Part III of the Law provides for the procedure for protection from harassment by the employer - initiation of proceedings for the protection

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<sup>61</sup> “Official Gazette of the Republic of Serbia“, No 22/09

<sup>62</sup> Special Report on Discrimination against Persons with Disabilities, Commissioner for Protection of Equality in Serbia, Belgrade, 2013, p 7, 11

<sup>63</sup> “Official Gazette of the Republic of Serbia“, No 85/05, 88/05 - amd, 107/05 - amd, 72/09, 111/09 and 121/12

<sup>64</sup> “Official Gazette of the Republic of Serbia“, No 36/10

from abuse directly to that person, Part IV provides for court protection in the form of the claim to eliminate the effects of harassment, compensation of pecuniary and non-pecuniary damage and publication of the decision, while Part V specifies that monitoring of the implementation of this law by the employer is done by the Labour inspection, i.e. administrative inspection that can start tortuous or criminal liability.

Despite the benefits provided to employers who hire persons with disabilities, as well as penalties for non-compliance with quotas provided by the *Law on Professional Rehabilitation and Employment of Persons with Disabilities*, employers continue discrimination against persons with disabilities in employment and two-thirds of them still prefer to pay penalties to the Fund than to hire a person with disabilities.

Article No 31: Daily newspaper “Dnevnik”, May 03, 2013

**PERSONS WITH DISABILITIES AMONG THE MOST VULNERABLE IN SERBIA  
EMPLOYERS DO NOT RESPECT THE LAW**

There are between 700,000 to 800,000 persons in Serbia with some kind of disability and they belong to one of the most vulnerable social groups and they are particularly discriminated in the area of labour and employment.

Assistant Commissioner for Protection of Equality, Ljiljana Lončar says that it is the reason why a special report dealing with persons with disabilities was made, which will be presented to the public on May 13. The report notes that there are between 700,000 and 800,000 persons with some form of disability - mental, physical and intellectual disabilities, who belong to the most vulnerable social group in Serbia today.

She said that persons with disabilities are discriminated in all spheres of social life and that according to the citizens, they belong to the three most vulnerable groups in society, after the Roma population and the poor.

-Last year, the Commissioner received most of the complaints in the area of discrimination of persons with disabilities, which mainly related to the areas of social life such as work and employment, access and use of facilities and procedures before public authorities - said Ljiljana Lončar.

However, she added, most of the complaints were in the area of labour and employment:

- Persons with disabilities are highly discriminated in that area because the law is insufficiently respected, and employers do not comply with the obligation to employ persons with disabilities - she explained.”

## **5.2. Work capacity assessment and monitoring – appropriate jobs**

Work capacity assessment with the NES<sup>65</sup> needs to be based on the social model of disability and NES programmes need to be sustainable and based on the needs of the labour market. The jobs offered to persons with disabilities are mostly manual, which are not adapted to persons with disabilities:

*“And I... I said the same ... OK, I have disability of the left hand ... OK, I can programme that... I can sit at a computer and programme the machine but I cannot work in the plant. I say - if you put me in the plant by force, OK, I will work, I will load the sheets and all that, but...in three or six months, when I cut myself to the bone I will go on sick leave. It's not a problem ... but the problem arises when I have to, pardon me ... to go to the toilette and wipe myself. Who will wipe me? And every disabled is forced on manual labour ... in my opinion ... I'm not saying it's a hundred percent true ... but whomever I know, they were all forced ... The state forces on manual labour. Even those who have the doctor's certificate that ... that they can do only administrative work. I mean, nobody is taking into consideration what sort of disability person has, what he can do.... For example, they called me too ... it was probably a secretary who called - We are looking for the electrician.- Well, I say, OK - what is the job description? – Well... she says ... some chisel off works need to be done in buildings; I mean... hello ... who gave you...? She says – I've got the number from the NES. So, they don't care... How can you send me to walk? So ... No, no ... I do not blame the company. But ... the problem starts with the NES...”*

Male, 40

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<sup>65</sup> National Employment Service

*“I did the work capacity assessment before I started working at the store. Because I haven’t done work capacity assessment before. The assessment states that my ability to move is limited. That means that I can move around, but I have to sit more. I cannot walk over rough terrain. However, when I started working in the store none of the employers took that into consideration. I worked for eight hours or more. Sometimes even twelve hours, if necessary. I managed somehow, I don’t know how. Once a month, there was big cleaning of that big company, in that shop where I worked, and I had to work from six o’clock in the morning until eight or nine in the evening. Nobody asked me if I could bear it or not. Then there were often in-store inventories. And that also lasted for twelve, thirteen hours in a day. “*  
Female, 36

The crucial *Law on Professional Rehabilitation and Employment of Persons with Disabilities* was adopted in 2009 and it puts the question of employment in the context of human rights and inclusion of persons with disabilities in all spheres of social life<sup>66</sup>. This is the first comprehensive legislation that regulates the area of employment of persons with disabilities, and the novelty is in giving priority to employment of persons with disabilities in the open labour market versus alternative employment models<sup>67</sup>. The system of work capacity assessment provides the ability to designate a person as incapable. The *Rulebook on more Detailed Manner, Costs and Criteria of Assessing Work Capacity and Possibilities of Employment and Retaining Employment of Persons with Disabilities*<sup>68</sup> stipulates that the expert body determines the assessment of the disease and damage assessment of the impact on work ability and discretion right to, based on very vague and difficult identifiable standard, determine the status of the person (Grade 3 “diseases and impairments”), which prevents him/her to be included in measures of employment neither under general, nor under special conditions. This gives the Commission, chaired by a doctor who makes final decision, which determines the level of damage gives severity to actually decide on the exercise of basic human rights<sup>69</sup>.

### **5.3. Lack of support services in the area of labour and employment**

Persons with disabilities need support services in the workplace that are not provided sufficiently. Programmes for adapting the workplace are not available in sufficient extent and employers are not sufficiently informed about such programmes:

*“The problem is that for the past ten years I don’t have a computer at work, while of course, everyone else has. And why not? Because I use a computer with a speech software. The speech software is expensive, and of course, no one thinks that I need to have a computer, and yes, I should use it as everybody else, which would, of course, greatly facilitate my work. But no one’s in the mood to make an effort to provide funds for that speech software.”*  
Female, 53

*I: “I have worked at high school; I was a teacher and I loved that job. However, due to the fact that I cannot walk, move quickly because it will take ... In fact, how much would it take? It would take me about ten, fifteen minutes to move from building to building, to go from the*

<sup>66</sup>Albaneze, Željko, Comments on Law on Employment and Unemployment Insurance and Law on Professional Rehabilitation and Employment of Persons with Disabilities, Belgrade, 2009, p 133

<sup>67</sup> Supra 17, p 100

<sup>68</sup> ”Official Gazette of the Republic of Serbia“, No 36/10

<sup>69</sup> Supra, p 102



*ground floor to the second floor of the building, and so on. Our school is a bit complicated and problematic, however, no one took that into account, but the Commission came to the conclusion that I'm not and I'm really not able to ..."*

*M2: "Was that your will or the will of the Commission?"*

*I: "The will of the Commission."*

Male, 57

Support services for persons with disabilities, until now, have been limited despite the efforts that have been made in recent years to improve the legal framework governing this area of lives of persons with disabilities<sup>70</sup>. Despite obstacles, persons with disabilities gradually enter the open labour market and the number of persons needing support is increasing.<sup>71</sup>

In order to access the labour market, people with disabilities often need extra help in preparing and finding employment or self-employment, access to, and the acquisition of skills necessary to preserve the new job. They also need reasonable accommodation in the workplace (modifications or adjustments to the work environment that will enable the individual to perform the essential functions of the job, such as architectural adjustments to improve the accessibility and assistive technology devices, etc.).

The number of people in need of support even in protected jobs is also increasing. As a result, the need for support services becomes critical and relates to: job search assistance, mediation in employment, training on the job during working time, individualized support and supervision in the workplace, but also: sign language interpretation; aids and assistive technology, adaptation of the workplace along with barrier-free environment (accessible transportation, buildings and public spaces, information, etc.).

Instead of critics in the practice, it is shifted from the point of nonexistence of legal solutions to the problems that accompany its consistent implementation. Thus, in the framework of the monitoring of employment<sup>72</sup> of persons with disabilities in practice through individual experience it has been observed that system solutions are not consistently and always implemented, from the fact that the Commission, which performs the working capacity assessment, does not meet in the established composition to the conclusion that it was a routine assessment.

Although the media often refers to the Law on Professional Rehabilitation and Employment of Persons with Disabilities and the changes that had recently been introduced, journalists do not follow how it affects the working conditions of employees, i.e. whether employers use its possibilities to adapt jobs to persons with disabilities and provide them with support services to equal their performance to the performance of non-disabled colleagues.

#### **5.4. The legal capacity of of social services beneficiaries**

Beneficiaries of social care institutions for permanent residence are even more disadvantaged in relation to other persons with disabilities:

*I: "Well, let me tell you something that was for me, from the moment when the Law on Professional Rehabilitation of Persons with Disabilities started to apply, in the City of Belgrade and throughout Serbia - it was strange because it is interesting ... maybe you will find the information interesting - Users of social care institutions do not have the opportunity*

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<sup>70</sup> Employment of persons with disabilities in the Republic of Serbia, 2012, Center for Society Orientation, p 47- 50.

<sup>71</sup> Butigan Darja and others, Social services for persons with disabilities as support for equal socio-economic development, Monitoring Report 2012, Center for Society Orientation

<sup>72</sup> Employment of persons with disabilities, 2012, Center for Society Orientation, Individual experiences of persons with disabilities at the local level, p 84

*for employment because you are in a social care institution. Apparently, this is something that is changing, but then, it's not clear to me. Would not be easier for the State to provide you with the ability to work and keep a part of the funds, because there is nothing better and more precious than when you earn your money - it is the desire of all of us, whether you are a person with or without disabilities. I ... I was thinking, would not it be easier for the State to allow you to work, to make the most of your remaining abilities that you have and that, simply, one pay for the part...*

*MI: "And, are you registered at the Employment Service?"*

*I: "Ne. Because we, as beneficiaries of the Home cannot be registered on the address we live at..."*

Female, 37

Institute of deprivation of legal capacity and extension of parental rights institute hinders the realization of labour rights and other human rights for persons with disabilities, which in particular has negative impact on persons with intellectual and psychosocial disabilities<sup>73</sup>. The right to work is one of the rights that a person obtains as 18 years old, and can be lost by deprivation of legal capacity, which leads to legal equality with the person under 14 years of age. The *Law on Social Protection*<sup>74</sup> is not directly related to the employment of persons with disabilities, but Article 61 deals with beneficiaries of social services and improvement of their working abilities.<sup>75</sup> Legal provisions of this Law still did not put emphasis on services related to the employment of persons with disabilities. However, in Part IV of this Law - Services and beneficiaries of social protection in Article 40 groups of social services are classified and through the third part of the support services for independent living that are indirectly related to the employment of persons with disabilities<sup>76</sup>. Support services to people with disabilities so far have been limited, despite the efforts made in recent years to improve the legal framework governing this area of life of persons with disabilities<sup>77</sup>. Despite the obstacles, persons with disabilities are gradually entering the open labour market and the number of people needing support is increasing<sup>78</sup>.

### **5.5. The obligation of employment of persons with disabilities in state administration**

State bodies are not required to employ persons with disabilities, and the burden of the law on employment of people with disabilities is solely on the private sector:

*"... The state has shifted the burden on businessmen while the state itself does not employ the disabled. In economy, I was called almost every day to get to work ... on some jobs. And then I realized that even businessmen don't know what to do. I can see the fear in their eyes - Oh, I do not know, I am forced by the law ... you understand - he doesn't know what to do. Wherever I went, they just wanted to dump me in some corner and show the paper - here, you see, we have employed disabled person, leave us alone."*

Male, 56

<sup>73</sup> Provisions that enable deprivation of legal capacity and extension of parental rights are scattered through the Law on Extra-judicial Proceedings, "Official Gazette of the Republic of Serbia", Nos 25/82 and 48/88 and "Official Gazette of the Republic of Serbia", No 46/95 - sec. law, 18/2005 - sec. law, 85/2012 i 45/2013 - sec. law) and Family Law ("Official Gazette of the Republic of Serbia", Nos 18/2005 and 72/2011 - sec. law)

<sup>74</sup> Law on Social Protection, "Official Gazette of the Republic of Serbia", No 24/2011

<sup>75</sup> More: Through Employment to Inclusion of Persons with Disabilities in the Republic of Serbia, Milanović L. and others, Balkan Fund for Local Initiatives, 2012, p 13

<sup>76</sup> Article 40 "...support services for independent life – supported living; personal assistance; training for independent living and other support necessary for active participation of users in the society."

<sup>77</sup> Employment of persons with disabilities in the Republic of Serbia, 2012, Center for Society Orientation, p 47- 50.

<sup>78</sup> Butigan Darja and others, Social services for persons with disabilities as support for equal socio-economic development, Monitoring Report 2012, Center for Society Orientation

*The Rulebook on Monitoring the Execution of Obligations of Employment of Persons with Disabilities and the Manner of Proving the Execution of the Obligations which shall Regulate the Obligation to Employment in Details*<sup>79</sup> relativize generalization of the obligations of employment by prescribing that the direct and indirect beneficiaries of the budget of the Republic of Serbia obligation to employ the quota system fulfil in a different way - the Republic of Serbia, as an employer settles obligation by allocating the necessary funds in the budget for each year. With the abolition of actual duties of the state bodies to employ persons with disabilities by the quota system, the state has taken the measure which is in contrary to the Point (g) of Paragraph 1 Article 27, Convention on the Rights of Persons with Disabilities, which requires taking specific measures for employment of persons with disabilities in the public sector<sup>80</sup>. This by-law is also criticized by the Commissioner of Protection of Equality, stating that it is not only contrary to the law which all employers are put in the same position, it sends a very bad message to other employers and the general public also, since the state as an employer, instead by giving own example encourage the employment of persons with disabilities, in fact uses the opportunity by paying funds avoid employment of persons with disabilities in all bodies and institutions which wages are paid from the budget<sup>81</sup>.

## 5.6. Examples of good practice in the media

Media give examples of good practice, such as the networking of different actors in promotion and implementation of the employment of young persons with intellectual disabilities in the open labour market. The story of Vladimir, who successfully works in the retail chain “Maxi” for four years, indicates the path of cooperation between local self-governments, private sector, national body for employment and non-government sector.

Article No 32: Daily newspaper “Vreme”, June 06, 2013

### **BREAK THE GLASS BELL**

“Creative Education Centre for Mentally Challenged Persons ( KEC PLD ), in which Vladimir goes , is a non-profit organization committed to improving the quality of life for persons with intellectual disabilities, as well as their successful inclusion and integration into society through the work opportunities and employment on the open labour market. The programme was launched in 2004 and so far it included 130 beneficiaries from Belgrade. They are employed in McDonald’s restaurants, Parking Service, Jewish Community, Delta Holding, Home Center, Clinical Center of Serbia, Rogenart bakeries and private business sector. According to the expert team of KEC, the project is until now successful and number of companies opting for cooperation is increasing.”

Media report that persons with disabilities have access to other measures of active employment such as additional education and job fairs conducted by the NES and the incentives for self-employment.

Article No 33: Daily newspaper “Narodne novine”, April 23, 2013

### **160,000 DINARS FOR START**

“According to this year’s plan of active measures of the National Employment Service (NES), around 2,500 unemployed and additional 130 persons with disabilities in self-employment programme will be subsidised. According to the published terms of applying, candidates who can be from the entire territory of Serbia should have registered activity at least 12 months, and the starters will finish instructive training. It is anticipated that the training “The road to a successful entrepreneur” (“Put do uspešnog poduzetnika”) is completed in the NES, and after meeting all the criteria, the most successful can count on the approval of 130.000 dinars grant, while persons with disabilities will receive 200,000 dinars.”

<sup>79</sup> ”Official Gazette of the Republic of Serbia“, Nos 33/2010 and 48/2010 - amd

<sup>80</sup> Supra 17, p 106

<sup>81</sup> Supra 6, p 32

Article No 34: Daily newspaper “Danas”, April 18, 2013

#### **JOB FAIR, MORE THAN 300 VACANCIES**

“The City of Novi Sad and Novi Sad branch of the National Employment Service jointly organize 11<sup>th</sup> Job Fair on Thursday, April 18, 2013, from 10 AM to 15 PM , in the western hall of SPENS in Novi Sad.

Their participation confirmed 33 employers, who reported 300 vacancies. The unemployed will be offered a job in the commercial, legal, engineering, electrical engineering, construction, transport, technology and food trade field. The chance to find work will have translators, managers, architects, insurance clerks, Human Resources clerks, graduated environmental engineers, IT specialists, web designers, journalists, furniture assemblers, tanners, hygienists and warehouse managers. Employers expressed the need for the workplaces of porters and maintenance workers, intended for persons with disabilities.”

### **Conclusions and recommendations**

Problems associated with persons with disabilities in the way of inclusion in the open labour market are numerous. Proposals which in this regard come from persons with disabilities relate to general problems such as prejudice and discrimination through system solutions that require multi-sectoral cooperation such as additional incentives for employers, strengthening programmes for retraining for occupations in demand and ability to locate jobs in the public sector where priority would be given to persons with disabilities, to the problems that accompany individuals such as impossibility of part-time working hours, services that facilitate working duties, transportation, assistive technologies and other.

- Through legislation and by-laws equalize state with other employers in terms of fulfilling the obligation of employing persons with disabilities;
- Strive for complete abolition of the Institute of deprivation of legal capacity which prevents respect of the right the work of persons with disabilities;
- Ensure transparency of the Budget Fund for professional rehabilitation and employment of persons with disabilities;
- Ensure full implementation of the legislative framework and develop a wide range of services that facilitate the employment and retention of employment of persons with disabilities.

## **PROPOSED QUESTIONS FOR THE REPUBLIC OF SERBIJA ON IMPLEMENTATION OF THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES IN SERBIA**

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SCOPE - Accessibility, Social protection, Health care, Education and Employment

1. Is there a standardized and efficient mechanism for funding adaptations of housing for persons with disabilities in accordance with the applicable technical standards of accessibility?
2. How many municipalities in the Republic of Serbia have adopted a strategic document to eliminate barriers for people with disabilities?
3. Are the persons with disabilities qualified to receive the benefits in transportation based on realization of pension, disability insurance and social protection rights, and how much is the evaluation based on an individual assessment of the needs of users?
4. Why the Republic of Serbia is using the International Classification of Diseases (ICD) as a basis for assessing the needs of people with disabilities and not the International Classification of Functions, Disability and Health (ICF), recommended by the World Health Organization?
5. Did the following laws passed the parliament procedures for adoption: the Law on Sign Language, Law on assistance dogs and the Law of the facsimile?
6. How is the implementation of the Law on Public Procurement monitored, especially in the part related to the technical standards of accessibility for persons with disabilities and to which extent the data are available to the public?
7. How are the funds from penalties for violation of accessibility standards used when building new structures and whether the funds are specifically spent for the removal of physical barriers?
8. What is the percentage of institutions, in which users exercise their social security, pension and disability rights, which meet the prescribed standards of accessibility? Is there an action plan for their adjustments with clear deadlines?
9. Is the mapping of needs for social services performed at the local level and if yes, according to which methodology is it done? Is the mapping of existing service providers performed and is the financial sustainability provided to the social service providers at the local level?
10. Is there a set of eligibility criteria for social services existing according to the identified needs of persons with disabilities and how is the necessary information about the rights to the social services distributed to the users?

11. Are there minimum standards of accessibility to health care institutions in Serbia existing and to what extent are educative health information publicized in accessible formats?
12. What are the types of accredited training programs for health care providers that are available in Serbia and what is the number of employees in the public health system additionally trained on disability issues?
13. Are there educational programs on responsible parenthood and prevention of sexually transmitted diseases that are accessible in physical and communicational aspect to people with disabilities?
14. How is the Ministry of Education, Science and Technology Development supporting local governments in the gradual removal of physical barriers to educational institutions (physical access, internal infrastructure, toilets, etc.) and in what percentage are other necessary conditions for quality education (such as assistants in teaching, accessible literature and transport) provided?
15. Does the number of commissions for orientation of children with disabilities in the educational system meet the needs at the local level and what are the mechanisms of monitoring the quality of their work?
16. Is the database of pupils with disabilities included in regular primary and secondary education completed, and are the support services in inclusive education in kindergartens and schools in Serbia provided?
17. Are the state employers, by the laws and regulations, equalized with other employers in the way of fulfilling the obligation of employing persons with disabilities, and if not, why?
18. How many branches of the National Employment Service and its offices are accessible (from the physical, communicational and informational aspect) for persons with disabilities?
19. Is deprivation of legal capacity abolished, specially the one that restricts the rights of persons with disabilities to work?
20. Is the Republic of Serbia considering adoption of special law that regulates the work of organizations of persons with disabilities?



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**Disability Rights Promotion International (D.R.P.I.) is global initiative which seeks to establish sustainable holistic system for monitoring of rights of persons with disabilities. Basing its approach to monitoring in three key areas (personal experiences, laws and policies and media reporting) comprehensive picture of implementation of UN Convention on Rights of Persons with Disabilities is obtained.**

**This report is part of the Disability Monitor Initiative South East Europe. By knowledge exchange and promotion of full participation of persons with disabilities, aim of the Report is to disseminate information on relevant topics in disability field and to stimulate reforms together with countries which took part in this initiative.**



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