**INPUTS FROM THE PROTECTOR OF CITIZENS OF THE REPUBLIC OF SERBIA**

**FOR THE HUMAN RIGHTS COUNCIL CONCERNING**

**THE RIGHTS OF PERSONS WITH DISABILITIES**

**1 (a). Does your country have laws, policies, plans, strategies, or guidelines at any level of government realting to raising awareness about persons with disabilities, in particular initiatives to:**

* **foster respect for the rights and dignity of persons with disabilities;**
* **combat stereotypes, prejudices and harmful practices realting to persosn with disabilities; or**
* **promote awareness of the contributions of persosns with disabilities?**

The legal norms referring to the exercise and protection of rights of persons with disabilities are rooted into many laws of the Republic of Serbia. Many laws in the fields of education, health, labor and employment, social protection, judiciary and other fields contain anti-discriminatory provisions with explicitly stated prohibition of discrimination on the basis of disability. In this aspect, the Law on the Prohibition of Discrimination[[1]](#footnote-1) and the Law on the Prevention of Discrimination of Persons with Disabilities[[2]](#footnote-2) are two roof regulations aimed at the prevention of discrimination of persons with disabilities. However, in far rarer cases the laws contain provisions referring to raising of the awareness about persons with disabilities. Such provisions, for instance, are provisions of the Law on the Prohibition of Discrimination which define stereotypes, prejudice and hate speech as forms of immediate discrimination and which represent the basis for taking measures of the state apparatus in cases of expression of stereotypes, actions which are based on prejudice or hate speech. As an example, the Law on the Fundamentals of the Educational system[[3]](#footnote-3) may be emphasized – it is based on the principles of inclusive education – since it contains provisions on professional training of employees in education, inter alia and the training on the principles of inclusive education and manner of work with children with developmental delays.

The Government of the Republic of Serbia adopted in 2007 the Strategy of the Promotion of the Persons with Disabilities in the Republic of Serbia for the period 2007-2015[[4]](#footnote-4). Some of the goals of the Strategy referred to raising of the awareness about persons with disabilities and one of the principles which was its basis was “respect for the differences and acceptance of disabilities as a part of human diversity and humanity: Acknowledgement of offering of support to diversity -knowledge and life experience as well as the contribution which may be provided by persons with disabilities to the society and which should be acknowledge and valued and reflected through the politics of the Government”. The Strategy aimed also at the change of the paradigm “from patient to citizen”. The last Action Plan for the implementation of the Strategy for the period 2013-2015[[5]](#footnote-5) did not present either sufficiently precisely or adequately the activities for the implementation of these strategic measures. Even though the validity of the Strategy expired in 2015, the new strategy for the improvement of the position of persons with disability still has not been adopted. Finally, it is important to emphasize also the information that both the Strategy and the Action Plan were not evaluated.

In June 2013 the Government of Serbia adopted the Strategy of Prevention and Protection against Discrimination as a document which also contains specific measures and activities aimed at the prevention of discrimination and improvement of the position of persons with disabilities, for the period[[6]](#footnote-6) and in October 2014 the AP[[7]](#footnote-7) for its implementation was adopted. It is important to pinpoint that the validity of this Strategy and AP expired and the new Strategy still has not been adopted.

The Protector of Citizens notices that in practice there are no sufficient measures taken with regards to raising of the awareness on persons with disabilities and there are no systemic campaigns aimed at the destruction of stereotypes and prejudice taken.

There is certain progress in the field of education, social protection and sport. For instance, there was media coverage of the participation of Paralympic athletes at the Paralympic games and their successes were treated with equal importance as the successes of Olympic athletes (the welcome ceremony for athletes who won medals which is traditionally held in Belgrade). The ministries in charge of education and social protection organized for a long period of time education of employees at the educational institutions and at the social protection institutions on the rights of persons with disabilities. There was especially comprehensive volume of trainings within the educational system where tens of thousands of educational employees attended the trainings on inclusive education and rights of children with developmental delays. The republic network of the support to inclusive education made examples of good practice in the implementation of inclusive education available at its internet website, which continually raises the awareness and competences of male and female colleagues on the manner of work and approach to children who due to their developmental delay need additional educational support. The National Broadcasting Service broadcasts certain TV shows dedicated to persons with disabilities and the University of Belgrade, in cooperation with civil society organizations for a longer period of time has organized lectures on human rights and non-discrimination of persons with disabilities.[[8]](#footnote-8)

These activities, nevertheless, are not sufficient in order to accomplish the corresponding social understanding of the position of persons with disabilities and obligations which the society has with regards to the improvement of their position and provision of full equality. Therefore, significantly prominent stereotypes and prejudice are still present with all their measurable effects: the percentage of employment of persons with disabilities is drastically lower than the rate of employment in general population; persons with mental disabilities are deprived of their business capacity; they are not provided with support for the life in community; the adequate process of deinstitutionalization has also not been implemented.

 **1 (b). What are the challenges to implementing the above?**

Adequate planning and consistent implementation of planned activities are the condition for essential implementation of measures of raising of the awareness about persons with disabilities. As it has already been stated, the Action Plan for the implementation of the Strategy of the Improvement of the Position of Persons with Disabilities in the Republic of Serbia for the period 2007-2015 was not following adequately the goals for whose implementation it was passed, so these activities (which were planned at a very general level) were not even implemented to a sufficient extent. The evaluation of implemented activities and their impact was not performed, which aggravates future planning.

Economic measures of saving are additional aggravating factor which disturbs and aggravates the implementation of numerous measures, such as the establishment of services in the community, increase of employment and employability of persons with disabilities, tertiary education, etc. At this moment, the Law on the Manner of Designation of the Maximum Number of Employees in the Public Sector[[9]](#footnote-9) is still in force and it prevents additional employment in all spheres of public sector, including education, health care, social protection, accessibility and services in the community. It has an immediate influence to planning and implementation of numerous activities, including those aimed at raising of the public awareness.

Inadequate reaction of public authorities to the violation of the rights of persons with disabilities, such as the violation of the rights in media, is also an important challenge for the improvement of the public awareness on the persons with disabilities. Even though there is a series of media laws which prohibit discriminatory content in the media, hate speech and contents which reflect and incite stereotypes and prejudice, as well as two important bylaws on human rights in the media, discriminatory media reporting and media reporting contrary to human rights remains insufficiently sanctioned. The Regulatory Body for Electronic Media does not use to a sufficient extent the capacities provided by laws and bylaws, but their response to confirmed violation of rights by media ends with warnings, which essentially do not result in changes in the media.

**2(a). What legislative and policy measures are taken to address hate crimes, hate speech and harmful practices against persons with disabilities?**

The amendments to the Criminal Code from 2012 prescribes Article 54a[[10]](#footnote-10), which introduces into domestic criminal legislation the hate crime as an especially aggravating circumstance in the determination of the punishment for criminal offences committed out of hatred based on race, religion, national and ethnic affiliation, sex, sexual orientation and gender identity but not based on disability.

The Criminal Code within the criminal offence Race and Other Discrimination incriminate the violation of fundamental human rights and freedoms guaranteed by generally accepted rules of international law and ratified by international agreements by Serbia, on the basis of the differences in race, skin color, religion, nationality, ethnicity or any other personal feature.

The amendments to the Criminal Code from 2016 within the criminal offence Violation of Equality incriminate deprivation or limitation imposed to the rights of human and citizen, inter alia, on the basis of disability but not sexual orientation and gender identity.

The Law on the Prohibition of Discrimination from 2009 prohibits the hate speech and the expression of ideas, information and opinions which encourage discrimination, hatred or violence against a person or group of persons because of their personal feature, in public media outlets and other publications, at the gatherings and locations available to the public, writing and presentation of messages or symbols or in any other manner. This Law as severe forms of discrimination, inter alia, states: advocacy or performance of discrimination by public authorities or in the activities before public authorities, as well as the advocacy of discrimination via public media outlets.

Apart from the stated, the Law on Electronic Media[[11]](#footnote-11), the Law on Public Information and Media [[12]](#footnote-12) and the Law on National Broadcast Services[[13]](#footnote-13), adopted during 2014, introduced the explicit prohibition of the hate speech, to whose alarming presence in the public media space the Protector of Citizens indicated in annual reports. Media laws adopted in the reporting period prescribe that media contents must not contain information which encourage discrimination, hatred or violence, inter alia, due to disability, sex, gender identity, sexual orientation and other personal features, oblige public broadcasting service in the performance of its activities (production, purchase, processing and publication of radio, television and multimedia content) to encourage the exercise of human rights and freedoms, promotion of gender tolerance and understanding.

In accordance with the recommendation of the Protector of Citizens issued on multiple occasions and repeated also in the Annual Report of the Protector of Citizens for 2017[[14]](#footnote-14), the Law on Free Legal Assistance[[15]](#footnote-15) was adopted and the categories of users prescribe persons in sensitive position, inter alia, persons with disabilities, children, victims of domestic and partner relation violence and human trafficking.

**3 (a). What steps have been taken to establish standards and/or good practices on the representation and portrayal of persons with disabilities in broadcast media, including codes, guidelines and other measures (legal, co-regulatory or self- regulatory).**

Media laws contain important provision which on the one hand prohibit the content which develops and aggravates stereotypes and prejudice, discriminatory content and hate speech, and on the other hand encourage media to respect human rights and freedoms in their reporting. The Rulebook on the Protection of Human Rights in the Field of Provision of Media Services and the Rulebook on the Protection of the Rights of Minors in the Field of the Provision of Media Services contain a series of provisions which refer to the obligations of the media to restrain from every reporting which violates human rights and freedoms or encourages or results in the violation of human rights and freedoms. Even though it passed all these regulations, the Regulatory Body for Electronic media applies them insufficiently consistently and insufficiently efficiently, so the conduct of the media contrary to all these regulation very frequently remains unsanctioned or is sanctioned by sanctions which are not in proportion to the committed offence or continual violation of human rights and freedoms.

**4 (a). Please provide information on the existence and implementation of the programmes and activities, including successful examples of campaignes, related to raisng awarenness about persons with disabilities and their rights, and combating negative attitudes including through initiatives of:**

* **training, including human rights education;**
* **research, including studies on perception and attitudes;**
* **surveys and data collection.**

Within the survey on the presence of women and decision-making positions at municipalities and cities, the Protector of Citizens confirmed that there is an extremely small number of persons with disabilities who are at decision-making positions (presidents of municipalities, municipality assemblies, members of city councils, appointed or elected persons), and there is an especially small number of them employed at city or municipal administrations.[[16]](#footnote-16)

The Protector of Citizens implements educational and promotional activities on human rights and freedoms, child rights, gender equality and rights of persons with disabilities. Therefore, representatives of this body held trainings to educational advisors and educational inspectors on inclusive education; trainings to civil servants on human rights and freedoms; trainings to non-governmental organizations on the role of independent institutions in the protection of human rights; trainings to children and youth on child rights including the field of the rights of children with developmental delays; trainings and student practices on human rights and freedoms with special emphasis on the position of sensitive groups; trainings of various professionals on the protection from violence and gender-based violence, etc.

Every year, in cooperation with the Serbian Government Team for Social Inclusion and Reduction of Poverty and Standing Conference of Towns and Municipalities, the Protector of Citizens organizes the competition for the selection of initiatives of local self-government units which made the greatest contribution to the development of accessibility in the previous year. The response of local self-government units to the issued public call, however, was at a very small scale -only 19 out of 144 local self-government units submitted their applications.

The Protector of Citizens executed the Map of the Deinstitutionalization Road in the Republic of Serbia, Interactive Accessibility Map, Special Report on Inclusive Education[[17]](#footnote-17) and Special Report on the Child Rights Current State in the Republic of Serbia[[18]](#footnote-18) whose one chapter was dedicated specifically to children with developmental delays.

During 2018 the Protector of Citizens, in cooperation with the Accessibility Audit Association, implemented the project Accessibility for All whose aim was to contribute to the improved implementation of local regulations on accessibility of public-purpose facilities for persons with disabilities. The project also contributed to the strengthening of capacities of this institution as the National Institution for the Protection of Human Rights for monitoring and reporting in the sphere of accessibility. In 26 selected towns and municipalities, in 5 months, the data were collected from relevant persons on the implementation of accessibility at the local level. Based on the analysis of the collected data the Special Report of the Protector of Citizens with Recommendations of the Improvement of Accessibility was prepared and issued to competent authorities.

The UN Agency for Gender Equality, within the project Autonomy, Voice and Participation of Persons with Disabilities in Serbia, in 2018 supported and assisted women and girls with disabilities to exercise their rights, encouraged them and motivated them to improve their everyday life, supported them with regards to their career and professional development via the program of mentorship. This mentorship program is aimed at raising of the public awareness on the challenges and opportunities which women with disability face in everyday life but also on successes of women with disabilities. The integral part of this program is empowerment, active learning, sharing of knowledge and self-representation of women and girls with disabilities implemented by FemPlatz and Female Peace Groups from Pančevo (ŽMIG).

It is important to mention here also the practice of the Republic Network for the Support to Inclusive Education which was presented in greater details within the response to question 3 (а).

**5. Please provide information on the role of persons with disabilities and their representative organisations, including children with disabilities, in the design implementation, monitoring and evaluation of all measures relating to awareness raising. Please provide detail on concrete mechanisms and activities undertaken for consultation and active involvement (e.g. regular meetings, online consultations, etc.).**

The Protector of Citizens provides the participation of persons with disabilities in his work through the Council for Rights of Persons with Disabilities -the advisory body of the Protector of Citizens which consists of the representatives of crucial non-governmental organizations dealing with the position and rights of persons with disabilities. The members of the Council participate in various activities (such as the Competition for the award to local self-government units for the contribution to the development of accessibility at their territory) and at the same time they provide expert advice to the Protector of Citizens as well as crucial information of importance for the exercise and protection of the rights of persons with disabilities.

The Protector of Citizens also has the Panel of Young Advisors, as an advisory body of the Protector of Citizens which consists of children. The Panel includes 30 children selected upon the Public Call with mandatory respect for gender equality and presence of children from sensitive groups, including children with developmental delays. The Panel of Young Advisors participates in the operation of the Protector of Citizens through activities which are jointly implemented by the Panel and the Secretariat of the Protector of Citizens and which are aimed at the promotion of child rights and human rights. Some of these activities are aimed at the strengthening of inclusive education (for instance, the Panel of Young Advisors sent to the public authorities a series of recommendations among which one number referred to the improvement of education and inclusion of children with developmental delays). The Panel of Young Advisors actively participates in the selection of promotional activities and selection of the manner of their realization.

1. “Official Gazette of RS”, no. 22/09. [↑](#footnote-ref-1)
2. “Official Gazette of RS”, no. 33/06 and 13/16. [↑](#footnote-ref-2)
3. “Official Gazette of RS”, no. 88/17,27/18 and other laws and 10/19. [↑](#footnote-ref-3)
4. Available at: <https://www.minrzs.gov.rs/sr/dokumenti/predlozi-i-nacrti/sektor-za-zastitu-osoba-sa-invaliditetom/strategije>. [↑](#footnote-ref-4)
5. *Ibid.* [↑](#footnote-ref-5)
6. Available at: <http://www.ljudskaprava.gov.rs/images/pdf/Strategija_jul_2013.pdf>. [↑](#footnote-ref-6)
7. Available at: <http://www.ljudskaprava.gov.rs/images/Akcioni_plan_-_srpski.pdf>. [↑](#footnote-ref-7)
8. *The Analysis of the Implementation of Recommendations of the Committee for the Rights of Persons with Disabilities in the Republic of Serbia,* Damjan Tatić, PhD, Belgrade 2018, pp. 21-23 [↑](#footnote-ref-8)
9. “Official Gazette of RS”, number 68/15, 81/16 – CC Decision and 95/18. [↑](#footnote-ref-9)
10. “Official Gazette of RS”, number 85/05,88/05 – correction., 107/05, 72/09, 111/09, 121/12, 104/13, 108/14, 94/16, 35/19. [↑](#footnote-ref-10)
11. “Official Gazette of RS”, number 83/14, 6/16 – another law. [↑](#footnote-ref-11)
12. “Official Gazette of RS”, number 83/14, 58/15 и 12/16 – authentic interpretation. [↑](#footnote-ref-12)
13. “Official Gazette of RS”, number 83/14, 103/15 и 108/16. [↑](#footnote-ref-13)
14. Available at: <https://www.ombudsman.rs/attachments/article/5671/Godisnji%20izvestaj%20za%202017.%20godinu.docx>. [↑](#footnote-ref-14)
15. “Official Gazette of RS”, number 87/18. [↑](#footnote-ref-15)
16. Results of the research were presented at the Special Report on the Presence of Women at Decision-Making Positions and in the Activities of Local Mechanisms for Gender Equality at Local Self-Government Units in Serbia which was presented to the wide audience during 2017 and 2018. [↑](#footnote-ref-16)
17. Available at: <https://www.ombudsman.rs/index.php/izvestaji/posebnii-izvestaji/5902-special-report-of-the-protector-of-citizens-representation-of-women-in-decision-making-positions-and-the-position-and-activities-of-local-gender-equality-mechanisms-in-local-self-government-units-in-serbia>. [↑](#footnote-ref-17)
18. Available аt: <https://www.ombudsman.rs/index.php/izvestaji/posebnii-izvestaji/5949-p-s-b-n-izv-sh-z-sh-i-ni-gr-d-n-s-nju-pr-v-d>. [↑](#footnote-ref-18)