



THE REPUBLIC OF SERBIA

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Belgrade



**Protector of Citizens
Ombudsman**

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OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR
HUMAN RIGHTS

United Nations Office in Geneva
CH 1211 10 Geneva
Switzerland

RE: Human Rights of Persons with Disabilities – Human Rights Council resolution 16/15

Responses by the Protector of Citizens of the Republic of Serbia

1. The normative framework in the Republic of Serbia does not include any stipulations which would limit the rights of persons with disabilities to elect and be elected. Legally, persons with disabilities are completely equal, in terms of their election rights, to the general population.

During the practical implementation of regulations, certain omissions have been discovered, which have caused technical limitations of the election rights, as follows:

- architectural inaccessibility of certain polling places, especially in countryside, i.e. in rural areas;
- inadequate road infrastructure in rural areas which makes difficult the use of wheelchairs, especially in the distant mountain locations;
- persons with disabilities residing in social security institutions out of their place of residence experience difficulties, because the law does not allow such persons to register the address of the institution they are placed as their place of residence;
- persons with mental disabilities, who are not deprived of working abilities, hospitalized in psychiatric institutions.

2. In 2009, the Republic of Serbia ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol signed in 2007.

The cooperation between the Government and the non-governmental sector resulted in an agreement to work together on the preparation of the Initial Report under the Convention on the Rights of Persons with Disabilities, although the said Convention allows for an option of submitting the shadow report. Task forces for the preparation of the report included the representatives of both governmental and non-governmental sectors. Apart from that, NGOs whose mission includes the protection of rights and the improvement of the social position of persons with mental disabilities participated in the preparation of the guidelines for the monitoring

of the implementation the Convention on the Rights of Persons with Disabilities.. An example of the successful cooperation is the appointment of Mr. Damjan Tatić as a member of the Committee on the Rights of Persons with Disabilities.

The European Union office in Serbia allocates significant funds for the improvement of the social position of the persons with disabilities since the improvement of the position and the protection of the rights of this population is one of their priorities. Namely, numerous contests for organizations of persons with disabilities, as well as special contests for organizations whose mission is to protect the children of the persons with disabilities, have been planned.

The recommendations for the improvement of the position of persons with disabilities emphasized in the report on the social position of persons with disabilities refer to the increased accessibility of different premises, of services within the local community, education, work and employment. On the local level, these recommendations refer to the strengthening of cooperation between the National Employment Service and the local committees, the work of employment commissions, the unification of statistical data, the education of employees in the state authorities and public authority institutions, the inclusion of local mechanisms for gender equality etc.

A long-term cooperation between the governmental and non-governmental sectors has been established with a view to monitoring the problems encountered by persons with disabilities.

Social Inclusion and Poverty Reduction Unit of the Deputy Prime Minister in the Serbian Government in charge of the reduction of poverty cooperates with the organizations of persons with disabilities, through the representative organization of the said cluster, in order to prepare the documents, as well as to monitor the implementation of the adopted documents.

3. As an advisory body operating within the Government, the Committee for the Persons with Disabilities helps the Government, and this Committee also includes people with disabilities. The Government has founded an Office for Cooperation with Civil Society.

4. As stated above, the organizations of persons with disabilities are included into the monitoring of the Convention on the Rights of Persons with Disabilities through their representative organizations. There is also the National Association of Persons with Disabilities, the non-governmental association of organizations of persons with disabilities. The NGOs are a part of the task forces for monitoring the implementation of the Convention along with the representatives of state authorities and institutions. Nevertheless, a systematic, proper monitoring system has not been established yet, therefore, this is the priority of all the participants in the future work.

5. So far, the population of persons with disabilities has not been statistically processed, therefore, there are no official statistical data bases. Since Serbia is awaiting a census, which will take place between October 1 and October 15, 2011, for the first time, data on persons with disabilities would be collected, on the basis of which the official statistical data base would be formed.

6. The Protector of Citizens of the Republic of Serbia participates in the work of both domestic and international organizations dealing with the issues related to the protection and improvement of the position of persons with disabilities. In the work so far, the Protector of Citizens of the Republic of Serbia has exchanged findings and experiences with the organizations of persons with disabilities, especially in the procedure for proposing special measures to the state authorities and the institutions for the improvement of the position of such persons.

7. The Protector of Citizens has not yet received any complaints from persons with disabilities, which would indicate a possible omission of the state authorities regarding the respect of the election rights.

Nevertheless, based on the information the Protector of Citizens has obtained through his work with individuals and organizations, during the actions performed in direct cooperation with citizens, contacts with citizens out of his office, i.e. at special theme conferences and round-table meetings (the Protector of Citizens participates either as the organizer or a participant), it has been determined that the greatest problem in the exercising of the rights, including the political rights, occurs in relation to the blind people due to the requirement to verify their signature before court, i.e. a state authority, since they do not have the possibility to use a facsimile, but are required to verify these signatures through a person holding a power of attorney.

Documents are rarely printed in Braille alphabet, which makes the everyday communication difficult for them both in the public and the private lives.

The deaf and hearing-impaired persons have problems with the oral communication. The employees in the Government and state institutions are not trained to use the sign language. Measures have been undertaken to remove this omission. The state is working on the education of the police, but of other Government employees as well, and is requiring them to learn the sign language in order to facilitate the communication with the above said persons.

The most prominent problems in the protection and the improvement of human rights appear in relation to persons with mental disabilities in cases when such persons have to be committed to a psychiatric institution against their will since there are no normative framework whatsoever.

Finally, pursuant to the recently adopted amendments to the Law on the Ratification of the Optional Protocol to the Convention against Torture (OPCAT), the Protector of Citizens has been appointed as the National Preventive Mechanism. This active role will enable him to undertake measures and activities which will draw the attention of the public to the necessity to adopt certain measures for the improvement of the position of persons with mental disabilities in social security and psychiatric institutions, i.e. to the forms of protection of such persons in the community. Representatives of NGOs and independent experts are included in the work of the NPM.