Ev.No. 23734 Date: 21 November 2011

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR
HUMAN RIGHTS

United Nations Office in Geneva
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Switzerland

Answers
to the Questionnaire for the preparation of the analytical study on Violence against women and
girls and disability

1. Data / Statistics

The researches are carried out individually by civil society organizations whose mission is to
protect women and children and/or women and children with disabilities from domestic and/or
gender-based violence or violence in a living or working environment. The response of public
authorities to the problems of children differs from their response to the problems of women who
face various forms of violence. Every society is more sensitive to violence suffered by children in
general, including children with disability, while there is much higher level of tolerance to various
forms of violence against women.

The Protector of Citizens prepared a Report on Violence against Women for the period 1 January
2010 – 30 June 2011 on the basis of procedures initiated on his own initiative and according to the
information gathered from various sources. The Report includes the cases of domestic violence in
which the women victims of violence were killed and those in which the perpetrator committed or
attempted suicide.

The individual programmes and services for solving the issue of violence were processed by
NGOs, but there are no official data available.

In the Republic of Serbia, there are no official statistical data about the number of persons with
disability and households with persons with disability. For the first time, the Law on Census of
Population and Households for 2011 provides the declaration of disability. It is giving rise to doubt
whether the collected data will demonstrate a realistic situation, taken into consideration that some
individuals or their relatives on their behalf, can withhold the information, depending on their own
understanding of disability. Realistically, in underdeveloped rural environments where the
prevailing perception of disability is still expressly traditional, the families see the existence of such
member as a family “disgrace” and therefore, they cannot be expected to publicly disclose such
information in the census.

There are no official statistical data, studies and/or information about disability as a consequence
of violence against women and girls.
2. Legislation and Policies
The Republic of Serbia adopted the Family Law, the Criminal Code and the Law on Preventing Workplace Violence, which regulate the protection against domestic violence and violence in living and working environments.

Apart from the Criminal Code that qualifies the acts with the elements of violence as a form of crime in case when the injured person is a disabled person, which largely exceeds the circle of persons with disability, the laws in general do not regulate separately the protection of men and women and/or women and girls with disability.

The Republic of Serbia adopted a set of Strategies for poverty reduction, sustainable development, public health, improvement of the status of women and gender equality, improvement of the status of persons with disabilities, employment and many others, as well as the action plans for their implementation, mainly for the period 2010 - 2015.

In the procedure of adopting laws and/or strategies and plans for the implementation of these strategies, women and children with disabilities are included through the civil society organisations that participate in legislative activities.

Women and girls with disabilities, as well as men and boys with disabilities, are included in the process of inclusive education, professional rehabilitation and employment of persons with disabilities. The gender statistics about the outcome of the implementation of these laws are not available. Women and girls with disabilities in rural environments are significantly disadvantaged compared to women and girls with disabilities in towns, particularly in larger towns and the City of Belgrade, the capital of the Republic of Serbia. There are very few municipalities in which persons with disabilities are provided with the transportation to school and pre-school institutions, which affects the possibility of exercising their rights to health care, social protection and other rights. The problems of Roma women are particularly prominent, as they are exposed to more forms of discrimination compared to the general population, which is even worse in rural environments and informal Roma settlements. The interests of Roma women and girls in general, and particularly those with disabilities, are represented by a small, negligible number of civil society organisations, which makes them almost entirely excluded from the process of adopting laws and other regulations, in spite of the fact that 13 Roma women participate in the work of the Roma National Council.

The laws regulating the issue of holding people in medical and social care institutions, as well as imprisonment institutions, so-called closed-type institutions, stipulate the prohibition of forced hospitalisation or institutionalisation, locking them up and detaining in solitary confinements, forced treatment with medications and electric shocks, forced abortion, sterilization, except in special, precisely specified situations. However, practice reveals a high level of tolerance demonstrated by public authorities and the society in general to such forms of violence, particularly against girls and women. In the course of 2010 and the first half of 2011, the Protector of Citizens carried out the monitoring of 14 social care institutions for accommodating the elderly, and established in its Report that they accommodated many more women and that they suffered emotional violence from their relatives because once accommodated in these institutions, they were forgotten and unprepared to fight for their position and rights in the institution. Acting on the basis of anonymous complaints, the Protector of Citizens carried out an oversight of individual institutions accommodating persons with disabilities and identified the cases of violence against their male and female beneficiaries, particularly against persons with mental disabilities, as well as the administration of medicament therapy without the consent of the receivers whose reproductive capacity and sexual activity were thus reduced, *inter alia*. It also happens, and not rarely, that female beneficiaries are subjected to forced abortions, without being provided with support in
deciding whether to keep a pregnancy. It has been noticed that sexual contacts among the beneficiaries take place without control, i.e. without their prior education about birth control and secure sexual intercourse. Penitentiary institutions/prisons do not have adequate conditions to accommodate perpetrators with disability.

According to the recent amendments to the Law on Ratification of the Optional Protocol against Torture, Inhuman or Degrading Treatment, the Protector of Citizens will perform the function of National Preventive Mechanism.

The National Strategy for the Prevention and Protection of Children against Violence recognises children with developmental challenges and children accommodated in closed-type institutions as a group highly susceptible to violence and sets up two general strategic goals: development of secure environment enabling all children to exercise their right to be protected from all forms of violence and establishment of the national system of prevention and protection of children from all forms of abuse, negligence and exploitation.

The process of deinstitutionalisation is taking place in Serbia, with the aim to significantly reduce the number of children accommodated in social care institutions, as well as the process of transforming the institutions into other types of accommodation (small communities of accommodation service beneficiaries). This refers also to children with disability and/or developmental challenges. The Law on Social Protection, which came into effect on 12 April 2011, prohibits the accommodation of children under three years of age in social care institutions, except in exceptional situations when there are particularly justified reasons, whereas such accommodation cannot last longer than two months.

Upon the proposal of the UNICEF Office in Belgrade, the Protector of Citizens, in the capacity of National Preventive Mechanism (NPM), will oversee the process of deinstitutionalisation of children with developmental challenges who are accommodated in Home for Children with Disabilities in Kulina and their relocation in small home communities. It is expected that the relocation process will take place in the first half of 2012 and the NPM will be also included in these processes.

In 2010, the Protector of Citizens began drafting the Child Right Law, devoting one section to the protection and promotion of the rights of children with disability and developmental challenges.

In October 2011, the Protector of Citizens proposed an initiative for amending the Criminal Code; the purpose of the proposed amendments is enhanced protection from (domestic) violence and sexual abuse and exploitation, particularly for children. A set of proposed amendments introduce more specific protection for persons with disability who are the victims of violence and crime against sexual freedom: for example, there is an introduction of a graver form of the crime minor bodily injuries in case the crime has been committed against a “minor or disabled person” by a person to whom a minor or a disabled person has been entrusted to “custody, treatment, care, education and upbringing” (school teacher, pre-school teacher, medical worker, social protection worker, etc.); enhancement of protection of children and persons with disability from crimes against sexual freedom, etc. In addition, it has been proposed to introduce a new crime: mutilation of female genital organs. The purpose of introducing this crime in the provisions of Criminal Code is to impose criminal sanctions for the act of mutilating genital organs of women and girls, which has not been performed for medical and/or health reasons and/or other reasons that can be considered legitimate (aesthetic reasons). This is a traditional practice of “introducing” girls in the world of adult women, making small and young girls “more fertile”. The Protector of Citizens has assessed that the Republic of Serbia is obliged to incriminate this act, regardless of the fact that there are no sufficient data about the possible incidence of this phenomenon. This is particularly
important taking into consideration contemporary population migration flows that may facilitate
the import of such traditional practices.

3. Prevention and Protection
The Strategies and action plans for their implementation envisage the obligation of public
authorities to take care about gender dimension in creating their policies and to keep gender-
sensitive statistics in their implementation, divided into women and men, but also into especially
sensitive groups, vulnerable groups, women, children, persons with disability and victims of
trafficking. They particularly insist on public media campaigns for eliminating stereotypes,
prejudices about persons with disability, as well as on the importance of medical protection of
women and girls with disability. The work of civil society organisations, consisting of the provision
of education in the field, is of great importance.

It should be mentioned that all public authorities are obliged, within their competences, to adopt
and implement the measures for the economic strengthening of women and girls, i. e. women and
girls with disability; however, the results are modest and there is still no official study about the
results of implementation of each adopted measure.

In the Republic of Serbia, the staff employed in police, social institutions, schools, medical
institutions, employment services are continuously trained on how to recognise violence against
women and girls in general, including the ones with disability, but these services are still not
available equally in the territory of the Republic of Serbia. One of the obstacles is an insufficient
number of employees in public authorities who can use sign language; the blind and visually
impaired are not provided with architectural accessibility nor with the information technologies in
Braille; a small number of medical institutions have special chairs for gynecological examination of
women and girls with disability. The proposal of the Protocol is in the process of consideration by
the Ministry of Health; it would allow medical workers, when providing regular health care, to
protect and empower women and girls to speak up if they suffer some form of family violence.

The Government of the Republic of Serbia adopted the General Protocol for the Protection of
Children from Abuse and Negligence, which has defined abuse and negligence and its forms and
provided a framework for procedures of relevant bodies and institutions. Based on this Protocol,
the Ministries of Labour and Social Policy, Internal Affairs, Education and Science, Health and
Justice adopted special protocols on the protection of children from abuse and negligence, which
include more detailed instructions about the steps taken in order to prevent abuse and negligence
of children and to protect them. The special protocols have taken over all basic provisions of the
General Protocol, including the definitions of the forms of abuse and negligence.

Unfortunately, women with disability are much more disadvantaged in the situations of workplace
violence (mobbing) because they are afraid of losing their jobs if they report such cases, as well as
in the social care institutions where women and girls may be subjected to violence by their male
and female caregivers and/or other beneficiaries.

4. Prosecution and Punishment
The system of records about the work of prosecutor’s offices and courts does not include gender-
sensitive statistics about committed crimes, and hence there are no disaggregated data about the
crimes committed against persons with disability, including women and girls with disability.

The social protection system of the Republic of Serbia envisages the establishment of various forms
of protection, such as shelters, safe houses, etc. Unfortunately, safe houses and shelters have been
opened so far mainly with the funds granted by donors for the implementation of CSO’s projects,
while only a small number of them are funded from the state budget. A certain number of safe
houses were closed upon the completion of these projects due to the lack of financial resources and


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a failure of local self-governments to recognise the importance of their introduction into the social protection system.

The practice of different courts varies. Some courts allow that the perpetrator and the victim are found at the same place before the hearing, in spite of the fact that such procedure is not prescribed by the law. The legislative actions have been initiated in order to introduce in the legal system the hearing of victims in a separate room, to record the victim’s statement and use it later on during the entire proceeding, thus protecting the victims from being exposed to constant repetition of what they have been through.

There are no special institutions that would provide legal aid to women and girls with disability. They are provided with legal aid by legal aid services in local self-government units and attorneys-at-law, like all other citizens, in accordance with the Constitution of the Republic of Serbia and legislation. Both systemic services are charged, while a small number of beneficiaries are exempted from payment in legal aid services, so that a vast number of potential female beneficiaries with disability, including girls, are not able to access their right to legal aid. In most cases, they can access legal aid through NGOs; however, they do not exist in all parts of the Republic of Serbia.

5. Recovery, Rehabilitation and Social Reintegration
The measures of psycho-social and economic support in the process of integration of women and girls with disability, victims of all forms of violence, are still in the developing phase in the institutional system of the Republic of Serbia, and they are currently implemented mainly by NGOs.