**Questionnaire on disability-inclusive policies**

**Questions for National Human Rights Institutions (English):**

1. **Provide information on how your country is considering the rights of persons with disabilities in their policies aimed at implementing and monitoring the Sustainable Development Goals, including**
* ***Existing national strategies and action plans:***
	+ The Strategy for Improvement of the Status of Persons with Disabilities in the Republic of Serbia[[1]](#footnote-1) and the Resolution endorsing the Action Plan on Implementation of the Strategy for Improvement of the Status of Persons with Disabilities in the Republic of Serbia for the period 2013-2015.[[2]](#footnote-2) This Strategy was passed by the Government. The objectives of this Strategy are set for the period 2007-2015. A new Strategy has not been passed.
	+ The Strategy for Prevention and Protection against Discrimination[[3]](#footnote-3) and the Action Plan on Implementation of the Strategy for Prevention and Protection against Discrimination for the period 2014-2018.[[4]](#footnote-4) This Strategy was passed by the Government. The objectives of this Strategy are set for the period 2013-2018.
	+ The Strategy and Action Plan on Development of Mental Health Protection was passed in 2007.[[5]](#footnote-5) This Strategy was passed by the Government. The document does not set a specific period for implementation of the Strategy; instead, the Action Plan sets out specific timeframes for implementing the relevant activities, mostly between 2007 and 2017, while certain activities will be implemented in the long term.
	+ The Social Security Development Strategy was passed by the Government in 2005.[[6]](#footnote-6) The Strategy does not provide for the passing of an Action Plan; instead, the Ministry of Labour, Employment and Social Policy[[7]](#footnote-7) should periodically, at least every two years, evaluate the implemented strategic activities and the results achieved. The document also does not specify a clear period for implementation of this Strategy; the Action Plan sets out specific timeframes for implementing the relevant activities, mostly between 2006 and 2009, while certain activities will be implemented on a continual basis.
* ***Budget allocation for their implementation*:**
	+ The documents listed above provide for implementation costs of the respective Strategies; however, this institution does not have access to information on execution of those funds and allocations from the national budget of the Republic of Serbia for the attainment of the strategic objectives.
* ***Existing mechanisms or frameworks to monitor their implementation*:**
	+ The Strategy for Improvement of the Status of Persons with Disabilities in the Republic of Serbia provides for a duty to prepare biannual action plans and to define specific measures and activities. As the Strategy imposed a duty to pass action plans covering two-year periods, the first biannual action plan should have been passed for the period 2007 - 2009. Since no biannual action plans on implementation of this Strategy had been passed, in 2012 the Protector of Citizens issued a recommendation to the then-responsible Ministry of Labour and Social Policy, after which the first action plan was passed in 2013. Under the Action Plan on Implementation of the Strategy for Improvement of the Status of Persons with Disabilities in the Republic of Serbia for the period 2013-2015, implementation of the measures and activities set out in the Action Plan should be overseen by the Ministry of Labour, Employment, Social and Veteran Affairs, based on reports which all implementing agencies are required to submit after the expiry of the period left for implementation of the Action Plan. In addition to the activities required to achieve the envisaged objectives, the Action Plan also defines the implementing bodies for specific activities, primarily for the purpose of monitoring the achievement of the envisaged results. To improve monitoring of achieved results and evaluation of success in implementing development plans, under the Strategy the Government committed itself to form a body named Council for Implementation of the Strategy for Improvement of the Status of Persons with Disabilities, which would also be in charge of preparing aggregate reports of line Ministries, relevant institutions and other relevant partners on their activities and results achieved with regard to improving the status of persons with disabilities. However, the Government has not yet formed this body, in violation of this commitment it assumed under the Strategy.
	+ In 2013, the Government formed the Council for Persons with Disabilities[[8]](#footnote-8) tasked with reviewing issues relating to the social and economic status of persons with disabilities and launching initiatives for coordination with the relevant national authorities in the legislative process, implementing legislative and other provisions which afford protection to persons with disabilities and launching initiatives for: coordination with the competent authorities in the process of enacting legislation; implementing legislative and other provisions which afford protection to persons with disabilities; and ratifying international instruments in the field of protection of persons with disabilities.
	+ The Office for Human and Minority Rights is responsible for monitoring and evaluating progress in the implementation of the Strategy for Prevention and Protection against Discrimination by means of a cumulative report on performance monitoring and evaluation (annual, periodic/biannual and final- at the end of the period covered by the Strategy). The Office, in cooperation with all stakeholders, should define the arrangements for progress monitoring and evaluation in the implementation of this Strategy. A Council for Monitoring the Implementation of the Action Plan on Implementation of the Strategy for Prevention and Protection against Discrimination for the period 2014-2018[[9]](#footnote-9) as an *ad hoc* working body of the Government. The Office for Human and Minority Rights has produced reports for the fourth quarter of 2014 and the first quarter of 2015.[[10]](#footnote-10)
	+ Under the Social Security Development Strategy, the Ministry of Labour, Employment, Social and Veteran Affairs is in charge of managing the reform of the social security system and is the main implementing body for strategic reform activities.
* **How do these strategies/plans take into consideration the situation of women and girls with disabilities, and of children and older persons with disabilities**
* These Strategies also take into consideration particularly vulnerable groups of persons with disabilities who are subject to multiple discrimination (women, children and the elderly) by providing for specific measures and objectives aimed at achieving their full equality and social inclusion. Gender mainstreaming in the policies which address the most vulnerable groups, e.g. persons with disabilities, was one of the core underlying principles of the Strategy for Improvement of the Status of Persons with Disabilities. the same Strategy also set out a specific objective of developing and providing equal opportunities to women with disabilities for their equal and active involvement in community life. **The Strategy for Prevention and Protection against Discrimination** also sets out objectives and measures for improving the status of women with disabilities, such as improving the legislative framework in the fields of labour and employment, personal and family life, education, health care and participation of women in the political life, protection from violence, advertising and public information and harmonisation with the prohibition of discrimination and the principle of equality and equal rights; and elimination of discriminatory practices against women in all areas, with emphasis on preventing the discrimination of those groups of women who are discriminated against on multiple grounds. As regards children with disabilities, the Strategy for Prevention and Protection against Discrimination provides for improvements in their status and situation and allocation of budget funding for support programmes and services provided to women and children with disabilities who have experienced domestic violence. A specific objective set by this Strategy is to monitor progress in the field of inclusive education of children and eliminate negative and discriminatory practices in education, to provide education support and to improve coordination of support with other protection systems. The Strategy also set out relevant objectives and measures in the fields of health care and social security, including the objective of providing increased support to parents who care for their children with developmental disorders through an analysis of possibilities for amending the Law on Social Security. The Strategy also provides for improvement of the services designed to equip persons with disabilities for unassisted living in the community, especially where those persons are women and children. This Strategy also recognises the elderly and provides for measures aimed at initiating the drafting of an umbrella law relating to elderly persons, as well as for anti-discriminatory clauses in the relevant fields which concern the elderly and a clear definition of the legal term “elderly persons”. The Strategy provides for improvements in the legislative framework in the field preventing poverty and improving the financial situation of the elderly and in the fields of provision of services, health care and social security, personal and family life and participation of the elderly in the community life; elimination of discriminatory practices against the elderly in different fields; protection of the elderly from domestic violence; provision of community-based services in the fields of social security and health care, especially for elderly persons in rural areas, women and persons with disabilities; provision of education programmes for retraining, additional training and other forms of skills advancement for older workers who have been laid off, in order to make them competitive in the labour market and to encourage lifelong learning. **The Strategy on Development of Mental Health Protection** sets these vulnerable groups as priorities in the process of planning and organisation of mental health services.
* There is no body in charge of coordinated and systemic monitoring of execution of strategic and action plans and public policies pertaining to children with developmental disorders and disabilities.The Council for the Rights of the Child, as the Government’s body responsible for these duties (setting out policies, strategies and plans) has not been operational for. A new composition of the Council has taken office, but so far it has failed to draft and propose strategies and action plans to improve the rights of the child in the coming years. The Government has also formed an Office for Public Policies, but this body has not yet begun working systematically in the field of rights of the child, harmonising policies and coordinating and monitoring of the work of different systems which guarantee the exercise of the rights of the child.
* The Government adopted the National Gender Equality Strategy for the period 2016-2020 with the Action Plan for the period 2016-2018.[[11]](#footnote-11) It is a basic strategic document passed to improve gender equality, which identifies improving the status of vulnerable groups of women suffering multiple discrimination as a specific objective and provides for special measures for its implementation.
* The National Strategy on Preventing and Combating Violence against Women and Domestic Violence, adopted by the Government in 2011, identifies improving the institutional response in the immediate aftermath of domestic violence, with focus on the needs of the person subjected to violence, as one of its specific objectives; it is intended as a form of special intervention aimed at a target group of persons who are at a high risk of being subjected to violence. Part of this objective is the activity named “Empowerment of Women”, including awareness of their rights, which explicitly states that awareness raising among women will take a special form of support and protection for women in the vulnerable categories, including women with disabilities.
* The Government of the Republic of Serbia passed the National Ageing Strategy in 2006[[12]](#footnote-12) for the period until 2015. This Strategy envisages rehabilitation of persons with disabilities and their inclusion in the world of work through practical application of the Law on Prevention of Discrimination of Persons with disabilities and other measures. It also aims to preserve and improve the health status and quality of life of the elderly, including elderly persons with disabilities, by providing health care services of appropriate scope, content and quality. However, the Strategy did not provide for the adoption of an action plan on its implementation. A new Strategy has not been passed.
* ***How is the participation of persons with disabilities and their representative organizations ensured in the development and implementation of such strategies/plans:***
	+ According to the Strategy for Improvement of the Status of Persons with Disabilities in the Republic of Serbia, organisations of persons with disabilities should be allowed to become involved in the provision of certain social security services to persons with disabilities. The Strategy envisages that persons with disabilities should earn a portion of their income through relevant associations. Funding for this would be provided through programme activities and would be allocated from the national budget of the Republic of Serbia and from municipal budgets.
	+ To enable the application of the Strategy for Prevention and Protection against Discrimination, civil society organisations are included as implementing bodies in each of the activities. According to the Strategy, citizens’ associations which advocate human rights, especially those which aim to prevent discrimination against vulnerable social groups, should submit alternative reports on implementation of the Strategy to the Office for Human and Minority Rights.
	+ According to the Strategy and Action Plan on Development of Mental Health Protection, patients (beneficiaries) must be involved in the process of mental health care. Beneficiaries (patients), beneficiaries’ associations and family groups should be involved in the process of planning, organisation and oversight of mental health institutions. The associations should be included in cross-departmental cooperation between psychiatric services and relevant Ministries. In the course of monitoring by the National Preventive Mechanism[[13]](#footnote-13) it was found that only some psychiatric institutions had formed bodies such as *patients’ council*, which participates in the making of decisions relevant for patients’ hospitalisation and hospital treatment.[[14]](#footnote-14) With regard to those institutions which did not have bodies such as *patients’ council,* the National Preventive Mechanism has issued recommendations for them to make every effort to include patients in an organised manner in the making of decisions relevant for their hospitalisation and hospital treatment.
	+ According to the Social Security Development Strategy, a beneficiary should participate in the social security process, undertake specific activities and assume responsibility for his/her social security. As envisaged by the Strategy, social charity organisations and institutions have been allowed to provide certain social security services, with a view to their further development and use.
1. Provide information on the legislative and policy framework in place in your country concerning non-discrimination, including:
* ***Whether “disability” is specifically mentioned as a prohibited ground of discrimination***
	+ The Constitution of the Republic of Serbia[[15]](#footnote-15) and certain laws explicitly prohibit discrimination based on disability, among other prohibited grounds for discrimination. One piece of legislation that should be specifically mentioned here is the Law on Prevention of Discrimination against Persons with Disabilities[[16]](#footnote-16), which governs the overall regime which prohibits discrimination based on disabilities, identifies specific cases of discrimination against persons with disabilities, lays down the procedure for affording protection to persons subjected to discrimination and provides for measures which should be undertaken to foster equality and social inclusion of persons with disabilities.
	+ Persons with disabilities are mentioned as a particularly vulnerable group in the Law on Prohibition of Discrimination[[17]](#footnote-17), which provides for general prohibition of discrimination, identifies the forms and cases of discrimination and sets out procedures for the protection from discrimination. Discrimination is deemed to exist in cases of breaches of the principle of respect for equal rights and freedoms of persons with disabilities in the political, economic, cultural and other aspects of public, professional, private and family life. Apart from the Laws listed above, prohibition of discrimination based on disability is also mentioned in several Laws which govern different fields of law.[[18]](#footnote-18)
* ***The******existence of any budgetary mechanism to ensure the provision of reasonable accommodation by public entities***
* The Law on Professional Rehabilitation and Employment of Persons with Disabilities[[19]](#footnote-19) imposed a duty on all employers with minimum 20 employees to hire persons with disabilities. Any employer who does not employ persons with disabilities in accordance with this statutory duty will have to pay 50% of the average wage per employee in the Republic of Serbia for every person with disabilities they did not employ. The money collected from these penalties in this specific case will be transferred to the Budget Fund for Professional Rehabilitation and Promotion of Employment of Persons with Disabilities, which also includes funds allocated from the national budget of the Republic of Serbia as incentives for the employment and professional rehabilitation and financing of wages of persons with disabilities. The Budget Fund is managed by the Ministry in charge of employment.
* ***Whether the denial of provision of reasonable accommodation amounts to discrimination***
	+ As denial of reasonable accommodation is not specifically mentioned in the law as a form of discrimination, the existence of discrimination on this ground is determined on a case-by-case basis, taking into account the specific circumstances of each individual situation.
* ***The existence of any affirmative action measures for persons with disabilities***

Affirmative action measures for persons with disabilities include the following:

* + **The Law on Professional Rehabilitation and Employment of Persons with Disabilities** provides for employment incentives in order to create assumptions for equal participation of persons with disabilities in the labour market; professional rehabilitation; a duty to employ persons with disabilities; the conditions for founding and operating as an enterprise for professional rehabilitation and employment of persons with disabilities and other special forms of employment and occupational engagement of persons with disabilities and other issues of relevance for this subject matter.
	+ **The Law on Adult Education**[[20]](#footnote-20)provides that persons with disabilities who attend adult education programmes must be provided with accessibility of such programmes and any reasonable individual accommodations.
	+ **The Law on Basic Elements of Education System** provides for measures aimed at enabling persons with developmental disorders and disabilities to exercise their right to education in a way which recognised their educational needs in the regular education system, with additional individual or group support or in a special pre-school group or school.
	+ Under **the Law on Primary Education[[21]](#footnote-21)**, pupils with developmental disorders and disabilitiesare as a rule educated at schools together with other pupils, or at a school for pupils with developmental disorders where this is in their best interest. A pupil with developmental disorders and disabilities is entitled to an individualised learning plan, in accordance with the Law.
	+ **The Law on Secondary Education[[22]](#footnote-22)** provides for additional support for children and adults with developmental disorders and disabilities in the education process in the form of elimination of physical and communicational obstacles and passing of individual learning plan suited to their specific needs, provision of distance learning and workplace adaptations according to the person’s abilities and type of disability as part of practical training.
	+ Under **the Law on Public Information and the Media[[23]](#footnote-23)**, in order to protect the interests of persons with disabilities and ensure their equal enjoyment of the freedom of opinion and expression, the Republic of Serbia, its autonomous provinces and its local self-governments must undertake measures to enable such persons to freely receive information intended for the public, in an appropriate form and through the use of appropriate technologies, and must provide a share of funding or other resources for the work of the media which provide information in the sign language or in Braille or use other means to enable such persons to freely exercise their rights to public information.
	+ **The Law on Personal Income Tax[[24]](#footnote-24)** provides for tax relief for the employment of persons with disabilities.
	+ **The Law on Corporate Income Tax**[[25]](#footnote-25) provides for corporate income tax exemptions for enterprises for training, professional rehabilitation and employment of persons with disabilities, in proportion to the share of such persons in the total number of their employees.
	+ **The Law on Sports**[[26]](#footnote-26) sets out the duty of the Republic of Serbia, autonomous provinces, local self-government units and organisations in the field of sport to undertake specific activities aimed at increasing the participation of persons with disabilities in sporting activities and to ensure that persons with disabilities are treated equally in sports.
	+ According to **the Law on Associations**[[27]](#footnote-27), funds for incentives or for covering the shortage of funding for broadcasting by associations of disabled veterans of war and associations of persons with disabilities are to be provided from the national budget of the Republic of Serbia.
	+ The enactment of the **Law on Textbooks**[[28]](#footnote-28) introduced new institutes and new categories of textbooks and teaching aids in order to improve the quality and availability of textbooks for pupils with developmental disorders and disabilities.
	+ **The Law on Sign Language**[[29]](#footnote-29) provides for the right to use sign language and the right to learn sign language and use the services of sign language interpreters, the manner in which the services of sign language interpreters can be used, measures aimed at promoting and advancing the use of sign language through provision of information and education in sign language and other issues of relevance for the use of sign language.
	+ **The Law on Employees in Autonomous Provinces and Local Self-government Units[[30]](#footnote-30)** introduced an obligation to ensure that the structure of employees in those authorities reflects as much as possible the ethnic composition, the gender distribution and the number of persons with disabilities in the relevant population.
	+ Under **the Decision of the government of the Republic of Serbia** on the Number of Students enrolled in the First Year of Undergraduate Vocational, Academic and Integrated Studies funded from the Budget of the Republic of Serbia for Higher Education Institutions founded by the Republic of Serbia in the School Year 2015/2016**[[31]](#footnote-31)**, the University of Belgrade is allowed to enrol 90 persons of Roma ethnicity and 90 persons with disabilities under affirmative action programmes.
* ***The existence of any legal, administrative or other effective remedies available for persons who have been subject of discrimination on the basis of disability (including denial of reasonable accommodation***
	+ The legal, administrative or other effective remedies available for persons with disabilities who have been subject to discrimination on the basis of disability, including denial of reasonable accommodation, are as follows: the right to file a complaint with the Equality Commissioner, the right to file a complaint with the Protector of Citizens, the right to file a complaint with the Provincial Ombudsman, the right to take legal action before the competent court, the right to a constitutional appeal and the right to file an application to European Court of Human Rights.
* ***The establishment of governmental agencies or other similar institutions to guarantee to persons with disabilities equal and effective protection against discrimination:***
	+ The Law on Prohibition of Discrimination established the Equality Commissioner as an independent national authority autonomous in the exercise of the duties set out in that Law. The manner of exercise and protection of rights of persons with disabilities is also governed by a special law, namely the Law on Prevention of Discrimination against Persons with Disabilities, which provides for a special litigious procedure for the protection from discrimination based on disability. The Republic of Serbia has still not designated a body in charge of implementing the Convention on the Rights of Persons with Disabilities, in accordance with Article 33 of the Convention.[[32]](#footnote-32)
	+ In addition to these institutions, the Protector of Citizens (Ombudsman), as an independent national authority established under the Law on the Protector of Citizens[[33]](#footnote-33), also has an important role in preventing and fighting discrimination. With regard to the protection of specific rights and freedoms within the mandate of specialised independent authorities established under relevant laws (Commissioner for Information of Public Importance and Personal Data Protection, Equality Commissioner etc.), the Protector of Citizens cooperates to promote the exercise and protection of those rights, while any complaints against violations of those rights will be heard by the Protector of Citizens only after citizens have exhausted all available remedies before the appropriate specialised independent authority. Exceptionally, the Protector of Citizens is authorised to decide to initiate an investigation even before citizens have raised their grievances with another specialised independent authority if he finds that any of the special circumstances provided for in the Law on the Protector of Citizens pertain (if the complainant could suffer irreparable harm or if the complaint relates to violations of the principle of good governance, grossly unfair treatment of the complainant by administrative authorities, belated acting or other violations of the rules of ethical conduct by public administration employees). Citizens have the right to file complaints to the Protector of Citizens against other independent specialised citizens’ rights institutions if they believe their rights have been violated by illegal or irregular acting of those institutions.
	+ The Autonomous Province of Vojvodina also has the institution of the Provincial Ombudsman, who plays an important role in the fight against discrimination in the Autonomous Province as regards the implementation of provincial regulations. Certain towns/cities and municipalities in the Republic of Serbia also have local ombudsmen who oversee compliance with the regulations passed by local self-governments.[[34]](#footnote-34)

3. ***Provide information on the legislative and policy framework in place in your country concerning accessibility for persons with disabilities in relation to the physical environment, transportation, information and communications, and to other facilities and services; including:***

* **The existence of national standards, guidelines, and regulations on accessibility and universal design, including access to Information and Communication Technologies:**
	+ As regards the legislative and policy framework in place in the Republic of Serbia concerning accessibility for persons with disabilities in relation to the physical environment, transportation, information and communications, and to other facilities and services, the umbrella law is certainly the Law on Planning and Construction, which has been amended on multiple occasions since its enactment and which is implemented through relevant bylaws and other implementing regulations aimed at facilitating and ensuring its full application. This Law defines the concept of accessibility standards and provides that public and commercial buildings and other facilities intended for public use (streets, squares, parks etc.) must be designed, constructed and maintained so that all users, and especially persons with disabilities, children and the elderly, can freely access them, move and stay in them, i.e. so that they can be use those buildings and facilities in accordance with the relevant technical regulations which incorporate standards which set out mandatory technical measures and design, planning and construction requirements to ensure normal access and movement of persons with disabilities, children and the elderly. A highly important part of the legislation is also the *Bylaw on Technical Standards for Planning, Design and Construction of Buildings to ensure Normal Movement and Access for Persons with Disabilities, Children and the Elderly.[[35]](#footnote-35)* The Bylaw sets out detailed standards which define mandatory technical measures and requirements for the planning, design and construction of buildings. Notwithstanding the fact that a legislative framework and relevant accessibility standards are in place, many public facilities remain inaccessible to persons with disabilities, which hampers or completely prevents the exercise of their rights. A significant number of social security institutions are inaccessible or hardly accessible to persons with disabilities. Furthermore, a certain number of branches of the Republic Health Insurance Fund and the Republic Pension and Disability Insurance Fund, medical centres and other facilities in the social security and health care system and education institutions are inaccessible or are hardly accessible.
	+ In 2015, **the Law on Dog Guide Assistance** was enacted, which provides for the right of persons with disabilities to travel with assistance dogs in public transport.In connection with the application of this Law, taking into account certain events which have occurred in public transportation, the Protector of Citizens preventatively provided the city of Belgrade and other towns/cities with urban and suburban public transport with proposals of measures they should consider and adopt in order to promote and enable the exercise of the right of persons with disabilities to travel with assistance dogs on public transport.[[36]](#footnote-36)
	+ In 2015, **the Law on Sign Language** was enacted, which provides for the right to use sign language and other issues of relevance for the use of sign language.
	+ **The Law on Road Traffic Safety**[[37]](#footnote-37)introduces the possibility of practical training of drivers with disabilities in a vehicle manufactured or converted in accordance with his/her needs.
	+ Under **the Law on Basic Elements of Education System**, education institutions must eliminate physical and communicational obstacles and pass individual learning plans for children and pupilswith developmental disorders and disabilities in need of additional educational support. However, the system of additional educational support to children with developmental disorders and disabilities is still underdeveloped, while the existing support services are not sufficiently available a. The Protector of Citizens highlighted this shortcoming at the national level in his 2015 Annual Report.[[38]](#footnote-38)
	+ According to **the Law on Professional Rehabilitation and Employment of Persons with Disabilities**, employment of persons with disabilities under special conditions involves adaptation of the workplace or the job or both the workplace and the job by the employer. For the purposes of this Law, adaptation is deemed to include adaptation of work processes and duties, technical assistance and provision of support to persons with disabilities at the time of employment or subsequently on the job through on-the-job counselling, training, assistance and support, work supervision, development of personal work methods and performance evaluation. However, persons with disabilities still face various obstacles and problems when seeking employment, including inaccessibility of education institutions, all of which contributes to the low rate of their employment.
	+ In 2015, the Protector of Citizens worked together with the Association for Accessibility Audit to develop a database on accessibility of public buildings - an interactive ***Accessibility Map***.[[39]](#footnote-39) The map contains information on accessible buildings in Serbia’s municipalities and towns/cities (public transport stops, public parking spaces reserved for persons with disabilities, pedestrian crossings and public buildings managed by local self-government units and power utility buildings), as well as on support services for persons with disabilities and the citizens who need them.
* ***The existence of time bound action plans to make public and private facilities and services accessible for persons with disabilities:***
	+ The Strategy for Improvement of the Status of Persons with Disabilities in the Republic of Serbia and Resolution endorsing the Action Plan on Implementation of the Strategy for Improvement of the Status of Persons with Disabilities in the Republic of Serbia for the period 2013-2015. Some local self-governments have passed local accessibility action plans[[40]](#footnote-40)*.*
* **The existence of accessibility requirements for public procurement:**
	+ We do not have available information on this issue from the aspect of the mandate of the Protector of Citizens.
* **The existence of any enforcement mechanism of accessibility standards:**
	+ The Law on Planning and Construction also provides for an enforcement mechanism of accessibility standards based on oversight of compliance with this Law and its implementing regulations and inspections conducted by the inspectors of the Ministry in charge of urban planning and construction. The Law also provides for a state qualifying examination as a requirement for certain jobs established under this Law, which examination must be taken before a committee formed by the Minister in charge of urban planning and construction. Licences for responsible urban planners, designers and contractors are issued and revoked by the Serbian Chamber of Engineers. The Serbian Chamber of Engineers was established under the Law on Planning and Construction to improve the conditions for professional work in the fields of spatial and urban planning, building construction and other fields relevant for planning and construction, protection of general and individual interests in the performance of work in those fields, organising in the provision of services in those fields and for the pursuit of other goals.
	+ As regards the abovementioned regulations which govern accessibility standards in other fields of law, they are enforced by the competent Ministries.
* **The provision of training on accessibility issues for State officials and other actors:**
	+ We do not have any available information on this matter, other than the fact that the Serbian Chamber of Engineers provides continual professional advancement training programmes to its members.

**4. Please provide information on the legislative and policy framework in place in your country concerning support services for persons with disabilities**, **including:**

* The diversity and coverage of services available (e.g., services for supported decision-making, communication, mobility, personal support, housing and living arrangements, access to general services such as education, employment, justice and health; and other community services):
	+ The system of support services for persons with disabilities and the elderly is insufficiently developed and financially unsustainable, which has been pointed out by the Protector of Citizens in his regular annual reports.[[41]](#footnote-41) The economic crisis and austerity at all levels contributed to cancelling or reduction of support services for persons with disabilities and the elderly. The following support services are available to persons with disabilities: transport of persons with disabilities, domestic help, counselling, education services, therapeutic and other services, day care, shelter, assisted housing, personal aides for children, pedagogical assistants, personal assistants, social entrepreneurship, residential care, placement in a different family (family placement), community centres and medical rehabilitation.[[42]](#footnote-42) Furthermore, the Law on Social Security provides for an allowance for support with activities of daily living, which is available to all persons with disabilities; however, the criteria under which persons with disabilities can exercise this entitlement must be improved. In this context, the entitlement to an allowance for support with activities of daily living is available to all persons who need the assistance and care of another person in order to satisfy their basic living needs due to physical or sensory disabilities, intellectual disabilities or health conditions, on the condition that this entitlement is not available to them on any other grounds. An entitlement to increased allowance for support with activities of daily living is also available if a person has a 100 % physical disability on one basis or has a permanent organic neurological or mental disorder or if a has multiple disabilities with a 70% or higher level of disability on at least two bases. According to pension and disability insurance regulations, the entitlement to an allowance for support with activities of daily living is available to insurance beneficiaries and pensioners who are found to be in need of assistance and support with activities of daily living due to the nature and gravity of their injury or disease.
* **The availability of certified sign language interpreters**:
	+ The provision of services of sign language interpreters is governed by the Law on Sign Language. This Law guarantees the right of hearing-impaired persons to use sign language before civil service, in the political life, in education institutions and in the workplace. The services of sign language interpreters are provided by the associations of hearing-impaired persons and their federations, as well as by the civil service, which must provide this service through an employee who knows sign language and who can act as a sign language interpreter or allocate funds for procuring the services of a sign language interpreters if the relevant association or federation does not have access to funds allocated for that purpose under the law or if it is necessary to urgently procure the services of a sign language interpreter. Serbia has an Association of Serbian Sign Language Interpreters. Certificates of sign language proficiency are issued by the associations of deaf and hard-of-hearing persons. The Law provides for further work towards standardisation of the Serbian sign language and the sign languages of national minorities. It also provides that the Minister shall pass a sign language learning programme within 6 months of the date when that Law comes into force.
* **The types of service delivery arrangements (e.g. direct provision, public-private partnerships, partnerships with community-based or non-government organizations, contracting out, privatization:**
* The legislative framework allows for the provision of services to persons with disabilities both by the government and by the private sector. In addition to the Republic of Serbia, autonomous provinces and local self-governments, certain services can also be provided by associations, sole traders, companies and other organisational forms provided for by the law. A social security service provider may be formed and operate with different forms of ownership. Furthermore, enterprises for professional rehabilitation and employment of persons with disabilities may be formed by the Republic of Serbia, autonomous provinces, local self-governments, companies, associations of persons with disabilities or natural or legal persons. Such enterprises operate using privately-owned assets or state-owned, socially-owned or mixed-ownership assets. These enterprises are exempted from the privatisation process under the amendments to the Law on Privatisation of 2014.[[43]](#footnote-43)
* **The financial mechanisms to ensure affordability of support services for all, persons with disabilities:**
	+ Social security and support services are funded from the national budget of the Republic of Serbia, the budgets of autonomous provinces and the budgets of local self-governments. Relevant regulations also provide that the costs of certain social security services must be shared by the beneficiary, a relative of the beneficiary who has a legal duty to support him/her and the persons who assumed the duty to cover the costs of the service, in the manner and to the extent provided for by the law. Furthermore, additional sources of funding include commercial operations, donations (by Serbian and foreign entities) and assignment of assets, foundations and endowments.
* **How services enable direct choice and control of users with disabilities?**
	+ In accordance with the relevant regulations[[44]](#footnote-44), the user or his/her legal representative can directly choose social security services and the institution/provider of social security services and sign a service agreement with the social security institution/provider of his/her choice. However, the user or his/her legal representative is not given direct choice and is not able to sign agreements for the provision of the following services: residential care services for children; residential care services for adults who are declared incompetent; residential care services at children and youth upbringing institutions; and family placement services, except in the cases provided for by the law. These services are used exclusively at the referral of the competent centre for social work or under a court order, in accordance with a special law. Although the law grants users the right to choose service providers and allows for the formation of different support services, in practice the users’ right to choose is limited due to the lack of various and numerous support services across local self-government units. The availability of support services differs between local self-government units and usually depends on the level of development of the local community. Austerity measures and staff cuts in the public administration have reduced the scope of or altogether eliminated certain social security services. However, in many ways this does not depend solely on the financial situation and would benefit much more from cooperation between different public authorities, family empowerment and public awareness raising.
1. Official Gazette of RS, No. 1/07. [↑](#footnote-ref-1)
2. Official Gazette of RS, No. 73/13. [↑](#footnote-ref-2)
3. Official Gazette of RS, No. 60/13. [↑](#footnote-ref-3)
4. Official Gazette of RS, No. 107/14. [↑](#footnote-ref-4)
5. Official Gazette of RS, No. 8/07. [↑](#footnote-ref-5)
6. Official Gazette of RS, No. 108/05. [↑](#footnote-ref-6)
7. Currently the Ministry of Labour, Employment, Social and Veteran Affairs [↑](#footnote-ref-7)
8. Official Gazette of RS, No. 28/2013; the Council was formed for a period of four years of the date when this Decision came into force. [↑](#footnote-ref-8)
9. Official Gazette of RS, No. 72/2015 and 109/2015. [↑](#footnote-ref-9)
10. Available at: <http://www.ljudskaprava.gov.rs/index.php/ljudska-prava/strategije> [↑](#footnote-ref-10)
11. The Strategy was adopted on 14 January 2016, available at: http://www.srbija.gov.rs/vesti/dokumenti\_sekcija.php?id=45678 [↑](#footnote-ref-11)
12. Official Gazette of RS, No. 76/06. [↑](#footnote-ref-12)
13. Under the Law on Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette of RS – International Treaties, No. 07/11) enacted on 28 July 2011, the Protector of Citizens is entrusted with the duties of the National Preventive Mechanism, in cooperation with the Ombudsmen of the Autonomous Provinces and associations pursuing the goals of promoting and protecting human rights and freedoms. [↑](#footnote-ref-13)
14. Available at: http://ombudsman.npm.rs/index.php?option=com\_content&view=category&layout=blog&id=112&Itemid=116 [↑](#footnote-ref-14)
15. Official Gazette of RS, No. 98/2006. [↑](#footnote-ref-15)
16. Official Gazette of RS, No. 33/2006 and 13/2016. [↑](#footnote-ref-16)
17. Official Gazette of RS, No. 22/2009. [↑](#footnote-ref-17)
18. In addition to the above laws, the following laws also prohibit discrimination based on disability: the Law on Public Media Services (Official Gazette of RS, No. 83/2014), the Law on Electronic Media (Official Gazette of RS, No. 83/2014 and 6/2016 – new Law), the Law on Dog Guide Assistance (Official Gazette of RS, No. 29/2015), the Law on Sign Language (Official Gazette of RS, No. 38/2015), the Law on Social Security (Official Gazette of RS, No. 24/2011), the Law on Protection of Persons with Mental Disorders (Official Gazette of RS, No. 45/2013) the Law on Youth (Official Gazette of RS, No. 50/2011), the Law on Basic Elements of Education System (Official Gazette of RS, No. 72/2009), the Labour Law (Official Gazette of RS, No. 24/2005, 61/2005, 54/2009, 32/2013 and 75/2014), the Law on Police (Official Gazette of RS, No. 6/2016), the Law on Pre-school Education (Official Gazette of RS, No. 18/2010), The Law on Pupil and Student Standard (Official Gazette of RS, No. 18/2010 and 55/2013) the Law on Advertising (Official Gazette of RS, No. 6/2016), the Law on Health Care (Official Gazette of RS, No. 107/2005…106/2015), the Law on Red Cross (Official Gazette of RS, No. 107/2005. [↑](#footnote-ref-18)
19. Official Gazette of RS, No. 36/2009 and 32/2013. [↑](#footnote-ref-19)
20. Official Gazette of RS, No. 55/2013. [↑](#footnote-ref-20)
21. Official Gazette of RS, No. 55/20130 [↑](#footnote-ref-21)
22. Official Gazette of RS, No. 55/13. [↑](#footnote-ref-22)
23. Official Gazette of RS, No. 83/14, 58/15 and 12/16 - authentic interpretation. [↑](#footnote-ref-23)
24. Official Gazette of RS, No. 24/01, 80/02, 80/02 – new Law… and 5/16 – adjusted dinar amount. [↑](#footnote-ref-24)
25. Official Gazette of RS, No. 25/01, 91/15 - authentic interpretation and 112/2015. [↑](#footnote-ref-25)
26. Official Gazette of RS, No. 10/15. [↑](#footnote-ref-26)
27. Official Gazette of RS, No. 51/09 and 99/11 – new Law. [↑](#footnote-ref-27)
28. Official Gazette of RS, No. 68/15. [↑](#footnote-ref-28)
29. Official Gazette of RS, No. 38/15. [↑](#footnote-ref-29)
30. **Official Gazette of RS, No.** 21/2016. [↑](#footnote-ref-30)
31. Official Gazette of RS, No. 48 of 2 June 2015. [↑](#footnote-ref-31)
32. The Law on Ratification of the Convention on the Rights of Persons with Disabilities (Official Gazette of RS – International Treaties, No. 42/2009). [↑](#footnote-ref-32)
33. Official Gazette of RS, No. 79/2005 and 54/2007. [↑](#footnote-ref-33)
34. Local ombudsman institutions have so far been establised in twenty-three local self-governments in the Republic of Serbia, namely in: Belgrade, Novi Sad, Subotica, Backa Topola, Zrenjanin, Kragujevac, Sabac, Krusevac, Kraljevo, Vranje, Nis, Pancevo, city municipality of Vracar, city municipality of Vozdovac, city municipality of Rakovica, Kikinda, Becej, Smederevska Palanka etc. [↑](#footnote-ref-34)
35. Official Gazette of RS, No. 22/2015. [↑](#footnote-ref-35)
36. Available at: http://zastitnik.rs/index.php/lang-sr/2011-12-25-10-17-15/4517-o- [↑](#footnote-ref-36)
37. Article 231. Official Gazette of RS, No. 41/09, 53/10, 101/11, 32/13 – decision of the Constitutional Court, 55/14, 96/15 – new Law and 9/16 – decision of the Constitutional Court. [↑](#footnote-ref-37)
38. http://www.zastitnik.rs/attachments/Godisnji%20izvestaj%20Zastitnika%20gradjana%20za%202015.pdf [↑](#footnote-ref-38)
39. Available at: http://www.zastitnik.rs/attachments/Godisnji%20izvestaj%20Zastitnika%20gradjana%20za%202015.pdf [↑](#footnote-ref-39)
40. Local accessibility action plans, passed in Novi Sad (Official Gazette of the City of Novi Sad, No. 21/2012 and 35/2013) and Zrenjanin (Official Gazette of the City of Zrenjanin, No. 22/2010) [↑](#footnote-ref-40)
41. Available at: http://www.zastitnik.rs/attachments/Godisnji%20izvestaj%20Zastitnika%20gradjana%20za%202015.pdf [↑](#footnote-ref-41)
42. The Law on Social Security, the Law on Basic Elements of Education System, the law on Health Insurance (Official Gazette of RS, No. 107/2005…and 10/2016 – new Law). [↑](#footnote-ref-42)
43. Article 3 of the Law on Privatisation (Official Gazette of RS, No. 83/14). [↑](#footnote-ref-43)
44. Articles 77 and 78 of the Law on Social Security [↑](#footnote-ref-44)