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

**FOR THE SPECIAL RAPPORTEUR ON THE RIGHTS OF PERSONS WITH DISABILITIES CONCERNING GOOD PRACTICES TO ENSURE EFFECTIVE ACCESS TO JUSTICE FOR PERSONS WITH DISABILITIES**

**Please provide information on any existing good practices in legislation, policies and/or institutional measures taken in your country to ensure effective access to justice for persons with disabilities on an equal basis with others, as required by article 13 of Convention of the Rights of Persons with Disabilities**.

1. The Law on the Prohibition of Discrimination against Persons with Disabilities[[1]](#footnote-1), among the provisions introducing the prohibition of discrimination in different areas of life, stipulated the obligations of the administrative bodies to ensure the equality of persons with disabilities. Thus, the following obligations are stipulated:

* Local self-government units are obliged to encourage the establishment of support services for persons with disabilities in order to increase the level of independence of persons with disabilities in everyday life and in order for them to exercise their rights.
* Local self-government units are obliged to take measures making physical environment, buildings, public areas and transport accessible to persons with disabilities.
* Public administration bodies are obliged to take measures to ensure the equality of persons with disabilities in the proceedings before these bodies.
* In the proceedings before public administration bodies, these bodies are obliged, in addition to signing the documents in a manner specified by a special regulation, to enable a person with disabilities with permanent consequences of physical or sensory impairment or illness to sign a document by means of a stamp containing personal identity data or by means of a signature name stamp.
* Public administration bodies, territorial autonomy bodies and local self-government bodies competent for culture and media operations are obliged to take measures to make information and communication accessible to persons with disabilities by using appropriate technologies.
* Public administration bodies, territorial autonomy bodies and local self-government bodies competent for the education affairs are obliged to take measures to make the education of persons with disabilities an integral part of the general education system.
* Local self-government units are obliged to take measures to ensure equal participation of persons with disabilities in cultural, sports and religious life of the community.
* Every public administration body, territorial autonomy body and local self-government body is obliged to take activities to create equal possibilities with persons with disabilities and to ensure the participation of persons with disabilities and their associations in these activities.

1. The Law on the Prohibition of Discrimination[[2]](#footnote-2) stipulated that every person is entitled to the equal access and equal protection of their rights before the courts and public administration bodies. Discriminatory actions by an official or a person in charge in a public authority body are considered a grave breach of duty. The Law explicitly defines the discrimination as any unwarranted difference making or unequal treatment, i.e. omission (exclusion, limitation or preferential treatment), in relation to individuals or groups as well as members of their families or persons close to them, be it overt or covert, on the grounds of genetic characteristics, health and disability inter alia.
2. The Law on Free Legal Aid[[3]](#footnote-3) stipulated that the free legal aid can be provided to a person with disabilities, as well as to the person in respect to whom the process of partial or complete deprivation or restoration of the legal capacity is conducted. Free legal aid comprises provision of free legal advice, representation, writing submissions and defence. Free legal aid is provided by lawyers and services of legal aid in local self-government units, and free legal support is provided by notaries, mediators and law schools.
3. The Law on the Protector of Citizens[[4]](#footnote-4) stipulates that the Protector of Citizens takes special care on providing certain specialization for performing activities under the competence of the Protector of Citizens, particularly in the area of protecting the rights of persons with disabilities, gender equality, child rights, the rights of national minorities and the rights of persons deprived of liberty. The Protector of Citizens is authorized to monitor the observance of citizens’ rights, to identify the violations committed by documents, actions or failure to act by the administrative authorities, when it comes to the violations of the state laws, other regulations and general acts. The Protector of Citizens is authorized to monitor the legality and regularity of administrative authorities operation, which is done upon citizens’ complaints or by own-initiative procedure. The Protector of Citizens identifies the omissions in the operations of administrative authorities and issues recommendations to rectify them. Furthermore, the Protector of Citizens issues Opinions, offers good services and advice, mediates and promotes the exercise and the protection of human rights. The Protector of Citizens may propose laws, submit amendments to the draft laws and initiate the enactment or the amendment of the laws or bylaws.
4. The Law on the Prohibition of Discrimination introduced the Commissioner for the Protection of Equality into the legal system who is competent for receiving and investigating complaints on the violation of the discrimination prohibition, issuing opinions and recommendations in particular cases, pronouncing measures, filing a lawsuit due to the violation of the right to equality, filing misdemeanour charges for violation of discrimination prohibition and recommending measures for achieving equality to administrative authorities and other persons.
5. **Criminal Procedure Code[[5]](#footnote-5) under the criminal act Racial and Other Discrimination criminalizes** the violation of fundamental human rights and freedoms guaranteed by the commonly accepted rules of international rights and ratified international contracts by the Republic of Serbia on the grounds of differences in race, colour, religion, nationality, ethnic origin or other personal characteristic. Within the criminal act Violation of equality the denial or limitation of human and citizen’s rights on the basis of disability, inter alia, has been criminalized.

**Please provide information on any innovative initiatives that have been taken in your country to promote and ensure access to justice for persons with disabilities.**

1. The Protector of Citizens conducts educational and promotional activities on human rights and freedoms, child rights, gender equality and the rights of persons with disabilities. Thus, the representatives of this authority have conducted trainings for the employees in the public authority bodies, inter alia, on the position of citizens in a vulnerable position such as, inter alia, the persons with disabilities.
2. During 2018, the Protector of Citizens, in cooperation with the Accessibility Audit Association, conducted the project Accessibility for All, the aim of which was to contribute to the improved implementation of local regulations on the accessibility of facilities of public purpose for the persons with disabilities. Furthermore, the project contributed to strengthening the capacities of this Institution as the National Institution for Human Rights Protection for monitoring and reporting in the area of accessibility. During five months, the data was collected from relevant stakeholders on implementing accessibility on the local level in 26 selected towns and municipalities. On the basis of the analysis of the collected data, a Special Report of the Protector of Citizens with Recommendations for improving the Accessibility[[6]](#footnote-6) which was referred to the competent authorities was written.
3. Within the survey on the representation of women in decision making positions in municipalities and in towns, the Protector of Citizens established that there is an extremely small number of persons with disabilities who can be found at decision making places (mayors, speakers of municipal assemblies, members of city councils, nominated or appointed persons), and a substantially small number of them is employed in city or municipal administrations. A special Report on the representation of women in decision making positions[[7]](#footnote-7) was publically presented on a wide scope during 2017 and 2018.
4. Every year, the Protector of Citizens in cooperation with the Social Inclusion and Poverty Reduction Unit of the Republic of Serbia and the Standing Conference of Municipalities and Cities organizes a contest for selecting the initiatives of local self-government units which contributed the most to the accessibility development during the previous year.
5. The Protector of Citizens designed a Map of the Path to Deinstitutionalization in the Republic of Serbia, the Interactive Accessibility Map, a Special Report on Inclusive Education and a Special Report on the situation of Child Rights in the Republic of Serbia the first chapter of which is devoted to children with developmental disabilities.
6. UN Agency for Gender Equality, within the project **Autonomy, Voice and Participation of Persons with Disabilities** in Serbia, supported and aided the girls and the women with disabilities to exercise their rights in 2018, encouraged them and motivated them to improve their daily life and supported them by means of mentorship in pursuing their career and in professional development.

1. Official Gazette of the RS No. 33/06, 13/16. [↑](#footnote-ref-1)
2. Official Gazette of the RS, No. 22/09. [↑](#footnote-ref-2)
3. Official Gazette of the RS, No. 87/18. [↑](#footnote-ref-3)
4. Official Gazette of the RS, No. 79/05, 54/07. [↑](#footnote-ref-4)
5. Official Gazette of the RS, No. 85/05,88/05 – corr., 107/05, 72/09, 111/09, 121/12, 104/13, 108/14, 94/16, 35/19 [↑](#footnote-ref-5)
6. Available at: <https://www.ombudsman.rs/index.php/izvestaji/posebnii-izvestaji/5908-special-report-of-the-protector-of-citizens-accessibility-for-all>. [↑](#footnote-ref-6)
7. 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-7)