

**ALTERNATIVE REPORT ON THE IMPLEMENTATION OF
THE INTERNATIONAL COVENANT ON CIVIL AND
POLITICAL RIGHTS FOR PERSONS WITH DISABILITIES
IN THE REPUBLIC OF SERBIA**

SUBMITTED BY:

**NATIONAL ORGANIZATION OF PERSONS WITH DISABILITIES OF SERBIA
(NOOIS)**

**THE FOLLOWING ORGANIZATIONS PARTICIPATED IN THE CREATION OF
THE ALTERNATIVE REPORT:**

1. National Organization of Persons with Disabilities of Serbia (NOOIS)

And members of NOOIS:

2. Union of Associations for Assistance to Persons with Intellectual Disabilities
3. Association for Assistance to Persons with Autism of Serbia
4. Association for Assistance to Persons with Down syndrome
5. Deaf Union of Serbia
6. Union of the Blind of Serbia
7. Muscular Dystrophy Association of Serbia
8. Association of Paraplegics and Quadriplegics of Serbia
9. Association of Cerebral Paralysis and Polio of Serbia
10. Multiple Sclerosis Association of Serbia
11. Association of Labor Disabled Workers of Serbia
12. Network... Out of Circle - Serbia
13. Union of Association of Persons with Amputate and Limbs
14. Association of Serbia and Union of Associations of Kidney Patients of Serbia

**ANALYSIS OF THE IMPLEMENTATION OF PROVISIONS OF I.C.C.P.R.
RELEVANT FOR PERSONS WITH DISABILITIES WITHIN THE FRAMEWORK
OF THE REVIEW OF THE THIRD PERIODIC REPORT OF REPUBLIC OF
SERBIA**

Article 7

Provisions of Law on Protection of Persons with Mental Disabilities prescribe for submission to medical treatment, including prolonged physical restraint, medication and electro shock treatment without patient's free and informed consent, which may amount to torture and inhuman and degrading treatment. Living conditions in many institutions are far from satisfactory. Fire in one of institutions in spring of 2016 tragically lead to death of one of the residents who had been restrained in bed. Authorities initiated investigation in circumstances of this tragic event. State Party still has to implement recommendations of Committee on the Rights of Persons with Disabilities to Serbia from April 2016 (CRPD/C/SRB/CO/1, paragraphs 26 and 28).

Article 9

Provisions of Law on Protection of Persons with Mental Disabilities prescribe for placement of persons with intellectual and psycho-social disabilities in institutions without their free and informed consent. State Party still has to implement recommendations of Committee on the Rights of Persons with Disabilities to Serbia from April 2016 (CRPD/C/SRB/CO/1, paragraph 26).

Article 10

Provisions of Law on Protection of Persons with Mental Disabilities prescribe for placement of persons with intellectual and psycho- social disabilities in institutions without their free and informed consent. Living conditions in many institutions are far from satisfactory. State Party still has to implement recommendations of Committee on the Rights of Persons with Disabilities to Serbia from April 2016 (CRPD/C/SRB/CO/1, paragraph 26).

Article 14

Amendments to Law on the Prevention of Discrimination of Persons with Disabilities in 2016 allowed persons with disabilities, especially blind persons and persons unable to write due to their impairments, to use facsimile seal to sign documents in court proceedings. This is a significant step forward. However, many court rooms are still physically not fully accessible, deaf persons face obstacles in using sign language interpretation in court proceedings due to limited number of registered interpreters in spite of adoption of quality Law on Use of Sign Language, blind persons cannot receive documents in accessible electronic formats and Braille print, documents are not available in easy-to-read format for persons with intellectual and psycho- social disabilities. State Party still has to implement recommendations of Committee on the Rights of Persons with Disabilities to Serbia from April 2016 (CRPD/C/SRB/CO/1, paragraph 24).

Article 19

Law on the Use of Sign Language and set of media laws enhanced considerably legal framework for freedom of expression and access to information for persons with disabilities in Serbia, especially for deaf persons and blind persons. However, in 2016 only 2 percent of programs of public broadcasting TV agencies RTS and RTV were fully accessible with sign language interpretation, subtitling and audio description. State Party still has to implement

recommendations of Committee on the Rights of Persons with Disabilities to Serbia from April 2016 (CRPD/C/SRB/CO/1, paragraph 18).

Article 23

Due to insufficient development of social support services in local communities and lack of full implementation of Social Protection Law, families with children with disabilities still don't receive sufficient support. In spite of decrease in number of children with disabilities in residential institutions, primarily through support to foster parenting, 472 children with disabilities still remain in institutions and constitute around 80 percent of residents of children's institutions. State Party still has to implement recommendations of Committee on the Rights of Persons with Disabilities to Serbia from April 2016 (CRPD/C/SRB/CO/1, paragraphs 14 and 46).

Article 25

Under Constitution of Serbia, adult citizens under guardianship's right to vote and be elected is restricted.

Civil society organisations CESID and others monitoring April 2016 Parliamentary, provincial and local elections pointed out that, in spite of efforts authorities made, approximately one half of polling stations remained inaccessible.

Since 2014 elections, all live debates broadcasted on TV stations with national frequencies are broadcasted with simultaneous sign language interpretation, which is significant step forward.

Article 26

The recent amendments of the Criminal Code in December 2016 took on board the initiative of National Union of DPO of Serbia and explicitly prescribed that discrimination on basis of

disability constitutes punishable criminal offence. It is too early to evaluate the effects of this most welcome legislative reform in practice. However, the legislative reform is on track of recommendations of Committee on the Rights of Persons with Disabilities to Serbia from April 2016 (CRPD/C/SRB/CO/1, paragraph 10).

Progress has been made in cooperation between disability movement and NHRI of Office of Ombudsman and Office of Equality Commissioner, that continue vigorous protection of human rights of persons with disabilities. The two offices continue receiving complaints on violation of human rights of persons with disabilities, and issue recommendations on protecting human rights of those persons. In some cases the recommendations are not implemented by competent public authorities, and enforcement of judicial decisions remains a challenge in some instances.

Draft of new Civil Code contains highly problematic provisions on full guardianship and strict substitute decision- making process for persons with disabilities.

In its' upcoming review of Serbia's third periodic report to Human Rights Committee, the experts of the Committee may, in line of common practice of cross- referencing Concluding Observations to a particular State Party from different treaty bodies, refer to COB of Committee on the Rights of Persons with Disabilities to Serbia CRPD/C/SRB/CO/1.

In particular, the experts may inquire about actions taken to implement recommendations on:

- Measures taken to repeal provisions of Law on Protection of Persons with Mental Disabilities that prescribe for placement of persons with intellectual and psycho-social disabilities in institutions without their free and informed consent (CRPD/C/SRB/CO/1, paragraph 26).
- Measures taken to repeal provisions of Law on Protection of Persons with Mental Disabilities that prescribe for submission to medical treatment, including prolonged

physical restraint, medication and electro shock treatment without patient's free and informed consent, which may amount to torture and inhuman and degrading treatment (CRPD/C/SRB/CO/1, paragraph 28).

- Measures taken to ensure barrier free and non- discriminatory access to justice for persons with disabilities (CRPD/C/SRB/CO/1, paragraph 24).
- Measures taken to increase accessibility of public broadcasting media through use of sign language and subtitling (CRPD/C/SRB/CO/1, paragraph 18).
- Measures taken to adopt a comprehensive strategy and take effective measures for deinstitutionalization of persons with disabilities (CRPD/C/SRB/CO/1, paragraph 40).