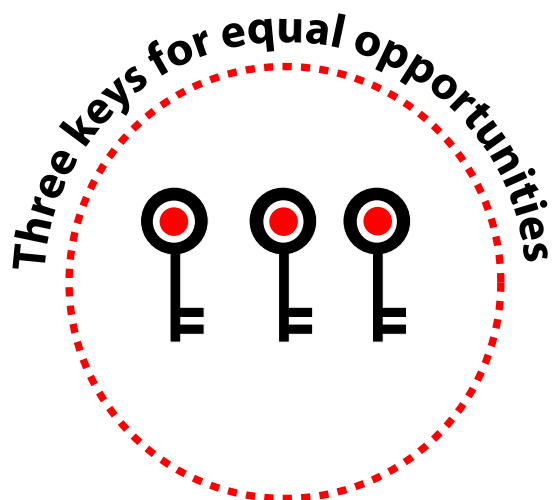




Влада Републике Србије  
Министарство рада, запошљавања  
и социјалне политике  
Сектор за особе са инвалидитетом



*Serbia*



**Convention on the Rights of Persons with Disabilities**

**Strategy For Improving the Position of Persons With  
Disabilities in the Republic of Serbia**

**Law on prevention of discrimination against persons  
with disabilities**







Belgrade, April 2007



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Republic of Serbia  
MINISTRY OF LABOUR, EMPLOYMENT AND SOCIAL POLICY  
Belgrade  
Nemanjina 22-26  
Sector for the Protection of Persons with Disability  
Date: February 19, 2007

Dear Colleagues,

In front of you there are three major documents aimed at the promotion of the status of the persons with disability: UN Convention on the Rights of the Persons with Disability, Disability Discrimination Law, Disability Strategy of the Republic of Serbia.

They are all adopted in 2006. Let us start from the first. In December 2006, UN General Assembly adopted the International Convention on the Rights of the Persons with Disability, the document the drafting of which lasted for full five years with Serbia's active participation in the preparation of the working as well as final versions of the text.

In April 2006, Disability Discrimination Law was passed in the National Parliament, which is the first anti-discrimination act in Serbia and the first one of this type in the Region.

In December 2006, the Government of Serbia adopted the 2007-2025 Disability Strategy of the Republic of Serbia.

All the documents have been created in partnership between government and non-government sector.

We owe special thanks to United Nations Development Programme (UNDP), which provided programme and financial support in the creation of the final Strategy document, Action Plan and in the publication of this edition. My special thanks goes to Milka Damjanovic, Branka Andjelkovic and Vesna Ciprus from UNDP.

The documents introduced here are the three keys with which we in Serbia are going to unlock the field of equal opportunities for all. We are going to continue with our work in 2007, recommending the documents, adopting the laws, developing further policy measures thus transforming ourselves and conditions we live in to develop society with equal opportunities.

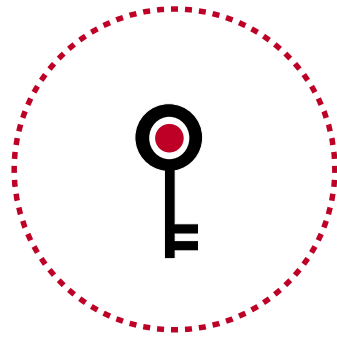
I believe that we shall be even more successful in our further cooperation and even more diligent in our further actions.

Sincerely yours,

ASSSTANT MINISTER

Sladjana Markovic





**CONVENTION ON THE RIGHTS  
OF PERSONS WITH DISABILITIES**



## Preamble

### The States Parties to the present Convention,

- (a) Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,
- (b) Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,
- (c) Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,
- (d) Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
- (e) Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,
- (f) Recognizing the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,
- (g) Emphasizing the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development,
- (h) Recognizing also that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,
- (i) Recognizing further the diversity of persons with disabilities,
- (j) Recognizing the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,

- (k) Concerned that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,
- (l) Recognizing the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,
- (m) Recognizing the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,
- (n) Recognizing the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,
- (o) Considering that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,
- (p) Concerned about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,
- (q) Recognizing that women and girls with disabilities are often at greater risk, both within and outside the home of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,
- (r) Recognizing that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child,
- (s) Emphasizing the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,
- (t) Highlighting the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities,
- (u) Bearing in mind that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human

rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation,

- (v) Recognizing the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,
- (w) Realizing that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,
- (x) Convinced that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,
- (y) Convinced that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,

Have agreed as follows:

## **Article 1**

### **Purpose**

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

## **Article 2**

### **Definitions**

For the purposes of the present Convention:

“Communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alter-

native modes, means and formats of communication, including accessible information and communication technology;

“Language” includes spoken and signed languages and other forms of non-spoken languages;

“Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

### **Article 3**

#### **General principles**

The principles of the present Convention shall be:

- (a) Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;
- (b) Non-discrimination;
- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility;
- (g) Equality between men and women;
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.



## Article 4

### General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:
  - (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
  - (b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
  - (c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
  - (d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
  - (e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
  - (f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
  - (g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
  - (h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;
  - (i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights.

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.
3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.
4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.
5. The provisions of the present Convention shall extend to all parts of federal states without any limitations or exceptions.

## **Article 5**

### **Equality and non-discrimination**

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

## **Article 6**

### **Women with disabilities**

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

## **Article 7**

### **Children with disabilities**

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.
3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

## **Article 8**

### **Awareness-raising**

1. States Parties undertake to adopt immediate, effective and appropriate measures:
  - (a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
  - (b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
  - (c) To promote awareness of the capabilities and contributions of persons with disabilities.
2. Measures to this end include:
  - (a) Initiating and maintaining effective public awareness campaigns designed:
    - (i) To nurture receptiveness to the rights of persons with disabilities;
    - (ii) To promote positive perceptions and greater social awareness towards persons with disabilities;
    - (iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;
  - (b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;

- (c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
- (d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

## **Article 9**

### **Accessibility**

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:
  - (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
  - (b) Information, communications and other services, including electronic services and emergency services.
2. States Parties shall also take appropriate measures to:
  - (a) Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
  - (b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
  - (c) Provide training for stakeholders on accessibility issues facing persons with disabilities;
  - (d) Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
  - (e) Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
  - (f) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

- (g) Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- (h) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

## **Article 10**

### **Right to life**

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

## **Article 11**

### **Situations of risk and humanitarian emergencies**

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

## **Article 12**

### **Equal recognition before the law**

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

### **Article 13**

#### **Access to justice**

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.
2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

### **Article 14**

#### **Liberty and security of the person**

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:
  - (a) Enjoy the right to liberty and security of person;
  - (b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.
2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, including by provision of reasonable accommodation.

### **Article 15**

#### **Freedom from torture or cruel, inhuman or degrading treatment or punishment**

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.

2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

## **Article 16**

### **Freedom from exploitation, violence and abuse**

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.
2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.
3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.
4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.
5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

## **Article 17**

### **Protecting the integrity of the person**

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

## **Article 18**

### **Liberty of movement and nationality**

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:
  - (a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;
  - (b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;
  - (c) Are free to leave any country, including their own;
  - (d) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.
2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

## **Article 19**

### **Living independently and being included in the community**

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- (a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- (b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- (c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.



## **Article 20**

### **Personal mobility**

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- (a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;
- (b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;
- (c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;
- (d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

## **Article 21**

### **Freedom of expression and opinion, and access to information**

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- (a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- (b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- (c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
- (d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- (e) Recognizing and promoting the use of sign languages.

## **Article 22**

### **Respect for privacy**

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.
2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

## **Article 23**

### **Respect for home and the family**

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:
  - (a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;
  - (b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;
  - (c) Persons with disabilities, including children, retain their fertility on an equal basis with others.
2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.
3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.
4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with

applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

## **Article 24**

### **Education**

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:
  - (a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
  - (b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
  - (c) Enabling persons with disabilities to participate effectively in a free society.
2. In realizing this right, States Parties shall ensure that:
  - (a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
  - (b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
  - (c) Reasonable accommodation of the individual's requirements is provided;
  - (d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
  - (e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.
3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

- (a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
  - (b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
  - (c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.
4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.
5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

## **Article 25**

### **Health**

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

- (a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;
- (b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
- (c) Provide these health services as close as possible to people's own communities, including in rural areas;

- (d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;
- (e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;
- (f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

## **Article 26**

### **Habilitation and rehabilitation**

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:
  - (a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
  - (b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.
2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.
3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

## **Article 27**

### **Work and employment**

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including

for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- (a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
  - (b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
  - (c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
  - (d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
  - (e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
  - (f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
  - (g) Employ persons with disabilities in the public sector;
  - (h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
  - (i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
  - (j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
  - (k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.
2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

## **Article 28**

### **Adequate standard of living and social protection**

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.
2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:
  - (a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
  - (b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
  - (c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;
  - (d) To ensure access by persons with disabilities to public housing programmes;
  - (e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

## **Article 29**

### **Participation in political and public life**

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

- (a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
  - (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

- (ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
- (iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
  - (b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
    - (i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
    - (ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

## **Article 30**

### **Participation in cultural life, recreation, leisure and sport**

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:
  - (a) Enjoy access to cultural materials in accessible formats;
  - (b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;
  - (c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.
2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.
3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.
4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.



5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:
  - (a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;
  - (b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;
  - (c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;
  - (d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;
  - (e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

## **Article 31**

### **Statistics and data collection**

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:
  - (a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
  - (b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.
2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.
3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

## **Article 32**

### **International cooperation**

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:
  - (a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
  - (b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
  - (c) Facilitating cooperation in research and access to scientific and technical knowledge;
  - (d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.
2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

## **Article 33**

### **National implementation and monitoring**

1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.
2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.
3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

## Article 34

### Committee on the Rights of Persons with Disabilities

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as “the Committee”), which shall carry out the functions hereinafter provided.
2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.
3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4.3 of the present Convention.
4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.
5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.
8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.
9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint an

other expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.

10. The Committee shall establish its own rules of procedure.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

## **Article 35**

### **Reports by States Parties**

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.
2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.
3. The Committee shall decide any guidelines applicable to the content of the reports.
4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4.3 of the present Convention.
5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

## **Article 36**

### **Consideration of reports**

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.
2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.
3. The Secretary-General of the United Nations shall make available the reports to all States Parties.
4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.
5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

## **Article 37**

### **Cooperation between States Parties and the Committee**

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.
2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

## **Article 38**

### **Relationship of the Committee with other bodies**

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

- (a) The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- (b) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

## **Article 39**

### **Report of the Committee**

The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

## **Article 40**

### **Conference of States Parties**

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.
2. No later than six months after the entry into force of the present Convention, the Conference of the States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General of the United Nations biennially or upon the decision of the Conference of States Parties.

## **Article 41**

### **Depositary**

The Secretary-General of the United Nations shall be the depositary of the present Convention.

## **Article 42**

### **Signature**

The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

## **Article 43**

### **Consent to be bound**

The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

## **Article 44**

### **Regional integration organizations**

1. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by this Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.
2. References to "States Parties" in the present Convention shall apply to such organizations within the limits of their competence.
3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, any instrument deposited by a regional integration organization shall not be counted.
4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

## **Article 45**

### **Entry into force**

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.

2. For each State or regional integration organization ratifying, formally confirming or acceding to the Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

## **Article 46**

### **Reservations**

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.
2. Reservations may be withdrawn at any time.

## **Article 47**

### **Amendments**

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.
2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.
3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.



**Article 48**  
**Denunciation**

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

**Article 49**  
**Accessible format**

The text of the present Convention shall be made available in accessible formats.

**Article 50**  
**Authentic texts**

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.



**Annex II**  
**Optional Protocol to the Convention**  
**on the Rights of Persons with Disabilities**



The States Parties to the present Protocol have agreed as follows:

### **Article 1**

1. A State Party to the present Protocol (“State Party”) recognizes the competence of the Committee on the Rights of Persons with Disabilities (“the Committee”) to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention.
2. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.

### **Article 2**

The Committee shall consider a communication inadmissible when:

- (a) The communication is anonymous;
- (b) The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention;
- (c) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
- (d) All available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;
- (e) It is manifestly ill-founded or not sufficiently substantiated; or when
- (f) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

### **Article 3**

Subject to the provisions of article 2 of the present Protocol, the Committee shall bring any communications submitted to it confidentially to the attention of the State Party. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

### **Article 4**

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consid-

eration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.

2. Where the Committee exercises its discretion under paragraph 1 of this article, this does not imply a determination on admissibility or on the merits of the communication.

## **Article 5**

The Committee shall hold closed meetings when examining communications under the present Protocol. After examining a communication, the Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

## **Article 6**

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end submit observations with regard to the information concerned.
2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.
3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.
4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.
5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

## **Article 7**

1. The Committee may invite the State Party concerned to include in its report under article 35 of the Convention details of any measures taken in response to an inquiry conducted under article 6 of the present Protocol.
2. The Committee may, if necessary, after the end of the period of six months referred to in article 6.4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

## **Article 8**

Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 6 and 7.

## **Article 9**

The Secretary-General of the United Nations shall be the depositary of the present Protocol.

## **Article 10**

The present Protocol shall be open for signature by signatory States and regional integration organizations of the Convention at United Nations Headquarters in New York as of 30 March 2007.

## **Article 11**

The present Protocol shall be subject to ratification by signatory States of this Protocol which have ratified or acceded to the Convention. It shall be subject to formal confirmation by signatory regional integration organizations of this Protocol which have formally confirmed or acceded to the Convention. It shall be open for accession by any State or regional integration organization which has ratified, formally confirmed or acceded to the Convention and which has not signed the Protocol.

## **Article 12**

1. "Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the Convention and this Protocol. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the Convention and this Protocol. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.
2. References to "States Parties" in the present Protocol shall apply to such organizations within the limits of their competence.
3. For the purposes of article 13, paragraph 1, and article 15, paragraph 2, any instrument deposited by a regional integration organization shall not be counted.
4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the meeting of States Parties, with a number of votes equal to the number of their member States that are Parties to this Protocol. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

## **Article 13**

1. Subject to the entry into force of the Convention, the present Protocol shall enter into force on the thirtieth day after the deposit of the tenth instrument of ratification or accession.
2. For each State or regional integration organization ratifying, formally confirming or acceding to the Protocol after the deposit of the tenth such instrument, the Protocol shall enter into force on the thirtieth day after the deposit of its own such instrument.

## **Article 14**

1. Reservations incompatible with the object and purpose of the present Protocol shall not be permitted.
2. Reservations may be withdrawn at any time.

## **Article 15**

1. Any State Party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a meeting of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.
2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

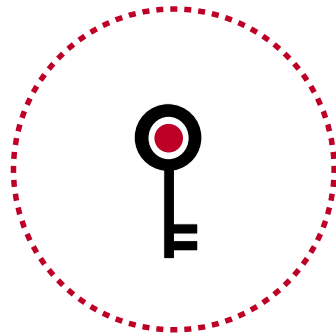
## **Article 16**

A State Party may denounce the present Protocol by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

## **Article 17**

The text of the present Protocol shall be made available in accessible formats.





**STRATEGY**  
**For Improving the Position of Persons With Disabilities in the**  
**Republic of Serbia**



**Based on Article 45, paragraph 1, of the Law on Government (Official Gazette of the Republic of Serbia, no. 55/05 and 71/05 – amendment), the Government has adopted**

## **STRATEGY**

### **For Improving the Position of Persons With Disabilities in the Republic of Serbia**

#### **1. BASIC PRINCIPLES**

The Strategy for Improving the Position of Persons With Disabilities, (hereinafter Strategy), presents a medium-term plan for the activities of all social actors in the Republic of Serbia, strengthening the foundation of a civic society which the Republic of Serbia strives towards. The level of success in achieving this strategic goal will be measured through the level of achievement of the goals set by this Strategy. The goals of the Strategy cover the period from 2007 until 2015, with action plans to be adopted for two-year periods.

As a base for the production of this Strategy, various conclusions of adopted domestic and international documents were used which posit the treatment of persons with disabilities as a human rights issue, and not exclusively as a segment of social policy. It is beyond doubt that the strategic goal of the Republic of Serbia, which is to become a modern and successful society, comprises not only material wealth but also a community of content individuals who enjoy full participation in all segments of society.

The Constitution of the Republic of Serbia as the highest legal act of a country, guarantees human and minority rights and their direct application. The state guarantees the equality of men and women and develops an equal opportunities policy.

The Law on the Prevention of Discrimination Against Persons With Disabilities (the first anti-discrimination law in the Republic of Serbia) provides a general regime on prohibiting discrimination on the basis of disability, special cases of discrimination of persons with disabilities, the procedure on protecting persons exposed to discrimination and measures to be undertaken to support the equality and the social participation of persons with disabilities.

The Poverty Reduction Strategy, a governmental document adopted in October 2003 determines measures and activities that need to be implemented to reduce poverty. In this document, persons with disabilities are highlighted as one of the most vulnerable categories of the population in the Republic of Serbia.

In order to reach defined aims and values, there is a recognized need for the development of key strategies which would determine in more detail how appropriate international standards can be reached. A plan of activities to improve the position of persons with disabilities in the Republic of Serbia is in accordance with adopted strategies - the Strategy for the Development of Social Protection and the National Employment Strategy.

Through the ratification of most international human rights conventions, preparations for the European Union (EU) association process, as well as the adoption of the Millennium Declaration, the Republic of Serbia will fight for an environment governed by the following values: freedom, equality, solidarity, tolerance, non-violence, respect for human rights, the rule of law, the division of power and respect for diversity.

The **Universal Declaration on Human Rights** states that “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Of particular importance for persons with disabilities are the **United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities**. Even though the Rules are not legally binding, there is a great moral obligation and political resolve by states to apply them. More than 40 world states have introduced provisions of the Rules into their laws. Serbia is one of these countries. Some of the provisions of the United Nations (UN) Standard Rules have been introduced into the Law on the Prevention of Discrimination Against Persons with Disabilities in the Republic of Serbia.

The **International Convention on the Rights of Persons with Disabilities** is currently in the process of being adopted by the UN General Assembly. This will be the first legally binding agreement adopted under UN auspices which exclusively deals with disability. It is also the first human rights convention which has been drafted in the new millennium. Through the active participation of the State Union of Serbia and Montenegro and later the Republic of Serbia<sup>1</sup> in the process of preparing a Draft of the Declaration, the Republic of Serbia has become a true regional leader in this area<sup>2</sup>.

The improvement of the position of persons with disabilities is therefore no longer considered a social policy issue; it is one related to the respect of human rights. The basis for accepting European Union (EU) directives and regulations in this area is contained in Article 13 of the **Amsterdam Treaty** on the EU, which enables “the Council to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.” All these decisions cannot affect other decisions from the Treaty and must respect the scope of authority of the Commission.

EU legislation based on these articles show the attention the EU pays to the resolution of this issue, in particular the **European Council Directive (2000/43/EU)** of June 2000, on Equal Treatment Between Persons Irrespective of Racial or Ethnic Origin, as well as the **European Council Directive (2000/78/EU)** of November 2000 which establishes a general framework for equal treatment in employment and vocational training.

<sup>1</sup> An expert of the Ministry of Labour, Employment and Social Policy and representative of organizations of persons with disabilities took part in the Working Group of the Ad Hoc Committee for drafting the Convention, and spoke on behalf of the delegation and in the sessions of the Ad Hoc Committee.

<sup>2</sup> In March 2006, the city of Belgrade and the Republic of Serbia hosted a regional consultation meeting on the UN Convention on the Rights of Persons with Disabilities for South-East European states that are not EU members.

In Article 15 of the revised **European Social Charter**, which was signed by the Union of Serbia and Montenegro in 2005, the Council of Europe stipulates that persons with disabilities have the right to independence, social integration and full participation in community life.

The Council of Europe has also adopted a **Recommendation on a coherent policy for persons with disabilities** which promotes the rights of persons with disabilities to full participation in community life on an equal basis, the right to an independent life according to their wishes and the right to equal opportunities.

One must also mention the **European Equal Opportunities Action Plan** for Persons with Disabilities from 2003, the Directive of the European Parliament and of the Council on Improving the Accessibility of Transport (2001/85/EU), Regulation 261/2004 of the European Parliament and of the Council establishing common rules for compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights. Many other documents contain articles which relate to the rights of persons with disabilities in areas such as telecommunications, public procurement, transportation, etc.

In 2006, the Council adopted the **Council of Europe Disability Action Plan for Persons with Disabilities 2006-2015**.

## **2. MULTI-SECTORAL APPROACH TO IMPROVING THE POSITION OF PERSONS WITH DISABILITIES**

In developing solutions to improve the position of persons with disabilities, it should be borne in mind that the risks of marginalization and social exclusion tend to increase and multiply. Therefore, risk factors are greater for persons with disabilities in rural and remote areas or when they belong to other vulnerable groups. The consequence of this cumulative effect of risk factors is such that poverty rates are greater among persons with disabilities than among non-disabled persons. Disabled girls and women are exposed to multiple forms of discrimination.

The Poverty Reduction Strategy Programme (PRSP) highlights categories of the population that are on the lower end of the scale of poverty<sup>3</sup> and social exclusion. If poverty is considered as a legal issue, it represents much more than a lack of financial resources.

<sup>3</sup> When defining the poverty line in the area of social protection (minimum of social security in providing material support to families), special expenditures incurred by families with persons with disabilities should be taken into account. These expenditures can be divided into direct expenditures (for the special needs of persons with disabilities), indirect expenditures (those not incurred by other households) and special expenditures (unrealized needs of household members because of greater engagement with disabled household members). The PRSP defines a national strategic framework to harmonize, balance and integrate access to development policy, objectives, methodology and activities directly focusing on the poorest and most vulnerable groups which include persons with disabilities. As a vulnerable group, persons with disabilities are specifically mentioned in Annex 1 of the PRSP and in a short analysis of the poverty of disabled persons. However, existing poverty analyses are not comprehensive, as there is no information or relevant studies which can be considered as indicators of poverty and marginalization. The chapter of the PRSP which deals with social protection issues contains numerous plans that are relevant for persons with disabilities. They include deinstitutionalization and the principle that social services must provide at the community level, whenever possible, greater access and accessibility of services, and broaden the diversity and range of services, by introducing pluralism among service providers to increase the quality of services and decrease prices.

Besides widespread material poverty, many issues such as an environment that inhibits access and the non-accessibility of basic services exacerbate the position of persons with disabilities<sup>4</sup>.

World Bank studies show that the poverty of persons with disabilities consists of multiple layers and that causes include the lack of access to basic services as well as to capital, work and education, in addition to decreased participation in decision-making.

The implementation of activities which increase the participation of persons with disabilities in social issues directly contributes to the improvement of their position, but also of other groups (e.g. the elderly, children, national minorities, rural populations, talented students, etc). The inclusion of the issue of persons with disabilities as a complex, multi-sectoral issue in all strategic, departmental and thematic documents is directly linked to the Strategy's implementation process.

### 3. AIM AND OBJECTIVES OF THE STRATEGY

The strategic goal established by this document is the improvement of the position of persons with disabilities to the position of equal citizens who enjoy all rights and responsibilities.

The aim and objectives of the Strategy cover the period from 2007 to 2015.

**The purpose of the Strategy** and the Action Plan is to define the goals, objectives and activities which will contribute to the incorporation of the social model and the human rights principle into policy actions which affect the position of persons with disabilities.

In accordance with the set framework, the plan includes the achievement of the following goals by 2015:

1. Incorporate the issue of persons with disabilities into general development plans by building an institutional framework and operationalizing multi-sectoral and intra-ministerial cooperation in the planning and monitoring of policy in this area;
2. Develop efficient legal protection, with developed and implemented plans for preventing the discrimination of persons with disabilities and sensitizing society to disability issues;
3. Make social, health and other services based on the rights and needs of users, accessible in accordance with modern and internationally accepted methods for the evaluation of disability and resulting needs;
4. Develop policy objectives and implement programmes, particularly in the areas of education, employment, work and housing which provide equal opportunities for persons with disabilities and stimulate independence, personal development and productive life in all areas;

<sup>4</sup> *The incomes of families of persons with disabilities are disproportionately below the poverty line. According to data from 2001, it was estimated that over 70% of 760,000 persons with disabilities in Serbia lived in households with very small incomes below the poverty line.*

5. Ensure the access of persons with disabilities to the constructed environment, accessible transport, information, communication and services for the public through the development and implementation of a plan for removing barriers and constructing accessible facilities and services;
6. Ensure adequate living standards and social security for persons with disabilities.

Further activities in the development of a Strategy will include the production of action plans and the definition of concrete objectives and activities, as well as the implementers of activities which will fulfil the goals established by this document.

The timeframe covered by action plans will be two years, starting with the Action Plan for 2007-2009.

#### **4. PRINCIPLES ON WHICH THE STRATEGY IS BASED**

1. Respect for the dignity, individual autonomy and independence of persons with disabilities, including the right to make decisions about one's life;
  - Persons with disabilities will have the freedom to influence decisions and choices that affect their lives.
2. Non-discrimination;
  - The fight against discrimination and marginalization – the increase in equal opportunities for persons with disabilities by ensuring access to basic rights, services and resources.
3. Full and effective participation and inclusion of persons with disabilities in all areas of social life;
  - Greater participation and social inclusion – programmes, services and buildings should be available to persons with disabilities and fully accessible.
4. Respect for diversity and the acceptance of disability as a part of human diversity and humanity;
  - Accepting and providing support for diversity – the knowledge and life experience, as well as the contribution persons with disabilities can make to society should be accepted, valued and reflected in government policy.
5. Equal opportunities based on equal rights;
  - Persons with disabilities have the same rights as other citizens and therefore must have equal opportunities to realise these rights (to participate in the social, cultural, economic and political life of the community as well as have access to all structures, processes and resources to realize these possibilities).
6. Accessibility;

- The development of an accessible society through the removal of barriers – resolving the issue of accessibility and mobility in the context of equal opportunities and the right to participation.
7. Equality between men and women;
    - The inclusion of gender equality in policies – particularly significant in relation to the most vulnerable groups such as persons with disabilities.
  8. Respect for the development capacities of children with disabilities and respect for the right of children with disabilities to develop their own identities.



## 5. TERMINOLOGY AND MEANINGS

Terminology used in the strategy has the following meaning:

- **Disability** – The preamble of the draft International Convention on the Rights of Persons with Disabilities is based on the premise that disability results from the interaction of persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others.
- **Medical approach to disability (medical model)** – This approach views disability as an individual problem directly caused by illness, injury or other impairment to health, which requires medical assistance and care provided by professionals. According to this model, the main solution for resolving the problem of disability includes treatment, rehabilitation and adapting individuals to existing conditions, viewing the nature of disability as something that almost exclusively relates to the individual and his/her physical, sensory or intellectual deficiencies or impairments.
- **Social approach to disability (social model)** – This approach views the problems faced by persons with disabilities as a socially defined and created issue and as a product of social organization. This model puts the emphasis on barriers that persons with disabilities encounter in their daily lives as individuals and as a group.
- **Persons with disabilities** – This denotes persons with inherent or acquired physical, sensory, intellectual or emotional impairments, who through social or other barriers have no opportunity or reduced opportunities to take part in social activities at a level equal with others, regardless of whether they can realize the above-mentioned activities with the use of technical aids or with support services.
- **Evaluation system** – When evaluating disability, we can differentiate between two types of evaluation systems: expertise and expert evidence. Expertise (expert “findings and opinion”) determines “needs” and “appropriate measures” to provide services for persons with disabilities. Expert evidence determines “disability status” (type and degree of impairment and limitation) and “recognizes the rights” of persons with disabilities (so-called “compensatory rights”).
- **Accessibility** – Rule 5 of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities states, “Access to the physical environment includes the obligation of the state to undertake measures to remove obstacles to participation in the physical environment. Such measures should include the development of standards and guidelines, and should consider the enactment of legislation to ensure accessibility to various areas in society such as housing, buildings, public transport services and other means of transportation, streets and other outdoor environments.”

- **Barriers** – This includes obstacles which prevent or impede accessibility. Barriers can be divided into architectural, information-communication barriers and social-economic barriers (prejudice and inaccessible services).
- **Access** – This is a more general term than accessibility and includes the freedom to enter, access, communicate, receive and provide information, as well as use services, and refers to equal opportunities to access basic human rights.
- **Discrimination** – The Law on the Prevention of Discrimination Against Persons with Disabilities defines discrimination as all forms of unjustified and prohibited differentiation and unequal treatment, with the purpose of excluding, impairing or giving priority, regardless of whether they are applied in a direct or indirect fashion, towards persons or groups, as well as their family members or related persons, based on or related to disability. Article 2 of the draft International Convention on the Rights of Persons with Disabilities defines discrimination on the basis of disability as any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.
- **Equal opportunities** – The UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities define the term “equalization of opportunities” as a process through which various parts of society and the environment, such as services, work, information and documentation are made available to all, particularly to persons with disabilities.
- **Gender equality** – means that men and woman have equal conditions for exercising full human rights and the opportunity to contribute to national, political, economic, social and cultural development, and that they equally enjoy the benefits of such development. This also includes the obligation of the government to conduct an equal opportunities policy; to elaborate in more detail on the principle of equality in certain areas of social life, particularly in the economy and politics; to establish the possibility of undertaking affirmative action to eliminate actual inequality; and to protect the right to equality.

## 6. THE CHANGE OF PARADIGM: “FROM PATIENT TO CITIZEN”

A change in the concept of disability and, most importantly, a principle based on the respect of rights and abilities of persons with disabilities, require the change from a system of rights to one of “compensation” of loss due to individual risks. This also requires a new approach in the development of a safety net based on the development of mechanisms for the equalization of opportunities.

The main difference between the old, medical approach and the new, social approach lies in the issue of causality. In other words, the first crucial difference is **where the problem of disability lies** – i.e. either in the individual or in the society. The difference between these two definitions brings us to the further

differentiation between the nature of disability and suggested solutions for overcoming difficulties faced by persons with disabilities.

The presentation of differences of the main characteristics of the two models is particularly important for understanding **differences** which occur in the application of a certain model and its implications for improving the position of persons with disabilities.

Table 1<sup>5</sup>: From the medical to the social model of disability

<sup>5</sup> Source: Ministry of Social Development, Office for Disability Issues, New Zealand

FROM

TO

Disability is an individual problem	▶	Disability is a problem in society
Differences in abilities make a person feel isolated and inadequate	▶	Differences in abilities represent assets and potential which lead to inclusion
Seeing deficits	▶	Seeing strengths
Us and them: exclusion – (in)tolerance	▶	All of us together: inclusion – value
Society chooses for “them”	▶	Persons with disabilities decide for themselves
Professionals know best	▶	People have different kinds of knowledge
Disability model which strives towards isolation with the aim of controlling-curing	▶	Disability model which requires participation in life, as well as changes in the environment and behaviour/attitudes
Institution-orientated	▶	Community-orientated
Charity-based	▶	Rights-based
Patient or user	▶	Citizen

## 7. STRATEGIC DEVELOPMENT GOALS ( 2007-2015 ) FOR IMPROVING THE POSITION OF PERSONS WITH DISABILITIES

GOAL 1: Incorporate the issue of persons with disabilities into general development plans by building an institutional framework and operationalizing multi-sectoral and multi-ministerial co-operation in the planning and monitoring of developed policy in this area;

The Government has recognized the need to develop a multi-sectoral and multi-disciplinary approach in policy objectives which concern and affect the position of persons with disabilities **by shifting the focus from long-term dependence and a passive role to activating the potential and building the capacity of persons with disabilities, as well as creating opportunities for persons with disabilities to become active and productive members of society.**

Clear evaluations and the experiences of other countries demonstrate that the integrational approach to disability has a positive effect on the economic position of persons with disabilities, increases self-esteem and improves the structures and quality of public consumption, while at the same time contributing to the sustainability of interventions in the long-term.

To accomplish this goal, the following objectives and activities have been planned:

OBJECTIVE 1: By 2010, develop and implement mechanisms to include the issue of disability into key social development trends, development plans, sectoral strategies, programmes and projects

### ACTIVITIES

- 1.1 . Value the experience of persons with disabilities and accept the position that persons with disabilities are the best representatives and best-informed on disability issues, respecting the principle “nothing about us without us”.
- 1.2. Develop tools for including the issue of the advancement of the position of persons with disabilities while planning new or implementing existing policy actions, developing strategies, plans, projects and particularly during the development of the work plans of different ministries.
- 1.3. Build the capacity of organizations and groups representing persons with disabilities to represent the interests of persons with disabilities, supervise development processes and monitor the development of policies on the position of persons with disabilities.

OBJECTIVE 2: Support the establishment of an appropriate institutional framework and ensure the development of mechanisms for joint planning and monitoring of policy objectives by all stakeholders at all levels (national, provincial, district, local) in the area of disability.

## ACTIVITIES

- 2.1. Provide mechanisms and required resources for monitoring the implementation of the Strategy and the Action Plan for 2007-2015, as well as the further development of the Strategy.
- 2.2. Develop a unique database on persons with disabilities and regular reporting mechanisms as part of a monitoring system for activities for improving the position of persons with disabilities.
- 2.3. Develop mechanisms and secure resources for the development of research, the coordinated collection of relevant information and the introduction of scientific and technological innovations for improving the position of persons with disabilities.
- 2.4. Ensure the continued collection of information on persons with disabilities and their living conditions, by introducing disability issues into the regular research and surveys of the National Service for Statistics or specialized institutions for research in particular areas (education, employment, health, etc).
- 2.5. Continue to develop the appropriate role of the Sector for the Protection of Persons with Disabilities within the Ministry of Labour, Employment and Social Policy.
- 2.6. Continue to develop the coordination role of the Council for Persons with Disabilities.
- 2.7. Provide support to local authorities, organizations of persons with disabilities and other interested parties at the local level in forming local coordination bodies and creating local policies to advance the position of persons with disabilities.
- 2.8. In policy development ensure a unique approach is used for the whole system - at the national level; ensure systems for standards, unique procedures and criteria are uniform, while respecting the principle of flexibility which allows users the freedom to influence decisions and choices which affect their lives.

GOAL 2: Develop efficient legal protection, with developed and implemented plans for the prevention of discrimination of persons with disabilities as well as plans for the sensitization of society to disability issues;

The Government has recognized the importance of the International Convention on the Rights of Persons with Disabilities and has provided full support to the drafting of the Convention, first within the Federal Republic of Yugoslavia and the State Union of Serbia and Montenegro, and from 2006 as the Republic of Serbia. Through the work of its experts and relevant governmental bodies, in cooperation and coordination with the movement of persons with disabilities, the Republic of Serbia has provided significant contribution to the drafting of the International Convention on the Rights of Persons with Disabilities. The adoption of the Convention by the United Nations General Assembly will be followed

by the signing of the Convention, the complete harmonization of national legislation with the Convention and the production of a plan for implementing and ratifying the Convention. The values of the International Convention on the Rights of Persons with Disabilities are an integral part of this Strategy.

To accomplish this goal, the following objectives and activities have been planned:

**OBJECTIVE 3:** Ensure respect for the rights of persons with disabilities through the development of mechanisms for the protection of rights of persons with disabilities.

### **ACTIVITIES**

- 3.1. Support the process of adopting and ratifying the International Convention on the Rights of Persons with Disabilities, through the total harmonization of national legislation with the Convention, its implementation and monitoring of its implementation.
- 3.2. Develop plans for the implementation of the Law on the Prevention of Discrimination Against Persons with Disabilities and other regulations to prevent and decrease discrimination of persons with disabilities and provide equal opportunities for their full participation in all areas of community life.
- 3.3. Develop legislation and mechanisms for monitoring and amending laws which will guarantee the non-discrimination of persons with disabilities.

**OBJECTIVE 4:** Raise awareness of the community about persons with disabilities and raise the awareness of persons with disabilities on their rights, position and needs.

### **ACTIVITIES**

- 4.1. Develop and strengthen public education programmes through public debates on disability issues and the inclusion of a disability perspective in discussions on issues of general interest.
- 4.2. Continuously inform the public on the rights, position, needs and abilities of persons with disabilities.
- 4.3. Support education programmes for persons with disabilities to ensure persons with disabilities are aware of their rights, recognize discrimination, are aware of protection mechanisms and can strengthen their skills for self-representation
- 4.4. Support the work of organizations which promote and advocate for a human rights-based approach and that the advancement of the position of persons with disabilities be included into general development plans.

- 4.5. Support the work of organization of persons with disabilities which develop and provide services for persons with disabilities (daycare facilities, clubs, personal assistance service, SOS telephones) at the local, district, provincial and national level.

GOAL 3: Make social, health and other services based on the rights and needs of users accessible in accordance with modern and internationally accepted methods for the evaluation of disability and resulting needs;

The Strategy provides for the gradual but obligatory transformation of the evaluation system into one which would be functional and in accordance with the system being established through the reform process which would provide opportunities to persons with disabilities<sup>6</sup> and be based on their abilities. The Strategy requires the introduction of the (bio-psycho)social model<sup>7</sup>, which constitutes the theoretical base of the “International Classification of Impairment, Disability and Handicap” (ICIDH).

To achieve this goal, the following objectives and activities have been planned:

OBJECTIVE 5: Advance the system of support and services focused on the user in accordance with his/her needs

## ACTIVITIES

- 5.1. Continue to develop the concept of evaluating abilities and needs towards a (bio-psycho)social model and synchronize national classification standards with international standards for the classification of impairment, disability and handicap.
- 5.2. Develop quality standards for social, medical and other services provided to persons with disabilities in the local community, ensuring programmatic and methodological support in their implementation.
- 5.3. Develop a quality control system for social, medical and other services through a system of supervision, monitoring, education programmes and professional advancement for service providers.
- 5.4. Ensure that a system of social, medical and other services for persons with disabilities fully respects the principle of accessibility of services in the local community, fully applying the process of deinstitutionalization

<sup>6</sup> There are two types of disability “evaluation systems”:

- Expertise (expert “findings and opinions”) which evaluates the “needs” and “appropriate measures” (treatment) and whose function it is to provide services (rehabilitation and social security) for persons with disabilities. Expertise is based on modern scientific paradigms, valid doctrine of a professional structure and follows professional standards for the quality of services. It is the basis for the evaluation of special measures, the planning of resources and equipment and the organization of a system for the provision of services. The system of expertise and services generates information and provides “information flow” to ensure networks of accessible services for comprehensive treatment (creation of opportunities) for persons with disabilities.

- Expert evidence which evaluates the “status of disability” (type and degree of impairment and limitation) and whose function is to “recognize the rights” of persons with disabilities (so-called “compensatory rights”). Expert evidence represents a set of normative powers, procedures (protocols) and standards for the situational analysis (of disability) relevant for defined criteria for the recognition (and realization) of certain rights determined by statutory laws.

<sup>7</sup> The World Health Organization, 2000 – the bio-psycho-social model is a “coherent view on different perspectives of health from a biological, social and individual aspect”.



- 5.5. Ensure the development of multidisciplinary team work at all levels by linking institutions with the two other sectors.
- 5.6. Ensure the accessibility of social, medical and other services in an architectural, organizational and programmatic sense – a space without barriers, with mobile services, flexible working hours, adapted information formats, trained services providers and the inclusion of new technologies.
- 5.7. Develop mechanisms which will foster pluralism among service providers (governmental institutions, agencies, associations of citizens and the private sector), which will provide services based on the respect of determined standards and the principle that the user (person with disability) is at the centre of the created/provided services.
- 5.8. Develop standards of services, training and qualifications for personal assistants.
- 5.9. Ensure continuity, complementarity and inter-sectoral cooperation in the provision of services to persons with disabilities.
- 5.10. Develop the model “resources follow the user”, so that a person with a disability has the right to choose the type of service and service provider.
- 5.11. Foster and support the development of new services in the local community with the application of individualised plans which foster activism and support the independence of persons with disabilities.
- 5.12. Ensure comprehensive medical protection for persons with disabilities (health promotion, disease prevention at all levels, early diagnosis, treatment and rehabilitation), without discrimination in relation to their state and illness and in accordance with their needs.
- 5.13. Ensure that persons with disabilities realize their right to modern medical and technical devices (prostheses, orthoses and other assistive devices for mobility, standing and sitting, assistive devices for vision, hearing, speech and other devices) in accordance with their needs.
- 5.14. Ensure that medical staff provide medical protection to persons with disabilities, respecting all patients’ rights (the right to: information, notification, free choice of doctors, privacy and confidentiality of information, freedom of choice and consent, access to medical documentation, secrecy of information, complaint, compensation of damages).
- 5.15. Ensure persons with disabilities have access to specialized services for medical protection and rehabilitation.
- 5.16. Ensure the existence and development of rehabilitation programmes for all groups of persons with disabilities, based on their individual needs.

- 5.17. Develop programmes for informing users with disabilities of their rights and possibilities for using services, and for that purpose develop maps of accessible services available at the local level.
- 5.18. Introduce new professions relevant for the development of services, through a programme for the development of the classification of professions.

OBJECTIVE 6: Strengthen the families of persons with disabilities through a support system for the provision of appropriate services and facilities which assist the integration of persons with disabilities into the community.

## ACTIVITIES

- 6.1. Promote the family as the primary and optimal environment for persons with disabilities with the full application of and strong support to deinstitutionalization.
- 6.2. Develop services and programmes to support parents and families of persons with disabilities.
- 6.3. Ensure the provision of regular and comprehensive information to persons with disabilities and their families on their rights and obligations.
- 6.4. Develop and implement education programmes for parents and their inclusion into rehabilitation programmes.
- 6.5. Develop programmes and activities to provide additional support to single parents with disabilities, as well as families which have two or more members with disabilities.

OBJECTIVE 7: Advance the quality of work of service providers

## ACTIVITIES

- 7.1. Develop and implement a training programme for professionals working with and providing services to persons with disabilities according to the modern, internationally accepted and legally binding human rights-based disability model.
- 7.2. Ensure provided services are of a high quality by providing adequate training to persons involved in the system of service provision (e.g. volunteers, students and others).
- 7.3. Develop an appropriate institutional mechanism which will ensure that persons with disabilities as users, participate in the service-provision process, including selection, needs assessment, participation in decision-making, monitoring and evaluation related to services.

**GOAL 4:** Develop and implement policy actions and programmes, particularly in the areas of education, employment, work and housing, which provide equal opportunities for persons with disabilities and encourage independence, personal development and active life in all areas;

This goal represents the essence of the change anticipated by this document. It involves creating conditions for activating the potentials of persons with disabilities and creating opportunities for persons with disabilities to become active and productive members of society.

Employment and education are thus recognized as key factors for the independent living of persons with disabilities. In addition to these two areas, goal 4 contains objectives focusing on access to other services at the local level, which together with general accessibility represent preconditions for independence. They also create conditions for participation in cultural, sports/recreational life and leisure activities, and equalize opportunities for men and women as a precondition for the equal participation of women with disabilities in community life.

**OBJECTIVE 8:** Ensure all persons with disabilities can exercise their right to adequate education and ensure equal opportunities for learning and development in the local community for all children, youth and adults with disabilities.

## **ACTIVITIES**

- 8.1. Create a strategy for implementing and advancing existing legislation on the prevention of discrimination at all levels of the education process (preschool to university studies).
- 8.2. Ensure that in the education system (formal and informal) persons with disabilities receive individualized support to reach their fullest potential in academic and social development in accordance with the concept of an inclusive society.
- 8.3. Enable interested groups and/or persons to apply alternative types and means of communication.
- 8.4. Ensure that the education of persons, particularly children, who have hearing impairments, vision impairments or a combination of sensory impairments, is carried out in forms of communication that are most appropriate and in an environment which ensures academic and social development to their fullest potential.
- 8.5. Undertake appropriate measures to train and employ teaching personnel who are proficient in sign language or Braille, including teachers with disabilities.
- 8.6. Undertake appropriate measures to ensure children with disabilities have equal opportunities in using the services of preschool institutions together with other children.
- 8.7. Develop and implement training programmes for experts and staff who work with persons with disabilities at all levels of education

- 8.8. Develop programmes for motivating and educating the parents of children with and without disabilities who will contribute to awareness-raising on the necessity and importance of educating children with development problems in the regular education system at all levels, while respecting the development capacity of these children and their right to preserving their own identity.
- 8.9. Gradually introduce and develop accessible and inclusive education at all levels.
- 8.10. Ensure that persons with disabilities have equal opportunities in accessing general tertiary education, professional training and education, adult education and lifelong learning.

OBJECTIVE 9: Increase equal opportunities in work and employment for persons with disabilities through the development and application of systemic measures based on needs and abilities;

## ACTIVITIES

- 9.1. Strengthen the motivation of persons with disabilities to participate in the work process by promoting the principle of active living.
- 9.2. Increase the levels of knowledge and competence of all stakeholders directly involved in the process of creating and applying employment policies for persons with disabilities.
- 9.3. Strengthen the role and responsibility of social partners for a comprehensive approach to the employment of persons with disabilities.
- 9.4. Increase the level of employment, employment retention and promotion of persons with disabilities, by applying the concept of lifelong learning based on the abilities of persons with disabilities and the needs of the labour market.
- 9.5. Develop and establish a system for informing persons with disabilities of employment opportunities.
- 9.6. Develop and establish a system for informing employers of the abilities of persons with disabilities.
- 9.7. Develop mechanisms for the support of employers in the employment of persons with disabilities
- 9.8. Develop a mechanism for evaluating working abilities and needs based on adopted international standards.
- 9.9. Establish the employment of persons with disabilities in the open labour market as an absolute priority. For person with disabilities, whose needs cannot be met in open employment, alternatives include supported employment and small units of sheltered employment.
- 9.10. Develop the model of a social economy.

- 9.11. Continue to develop the concept of an accessible workplace with the development of standards in the area of workplace safety and health.
- 9.12. Develop standards of accessibility, social support and vocational training in companies for the employment and professional training of persons with disabilities.
- 9.13. Develop mechanisms and resources for professional rehabilitation.
- 9.14. Make general programmes for training and employment programmatically, informationally and spatially accessible to persons with disabilities.
- 9.15. Develop measures to stimulate self-employment, entrepreneurship and develop programmes to support entrepreneurship and the establishment of small and medium-sized enterprises by persons with disabilities.
- 9.16. Establish service provision for persons with disabilities as a regular activity of agencies supporting the development of small and medium-sized enterprises and regional development.
- 9.17. Create new professions of agents for the employment of persons with disabilities in the open market, who will channel and support the employment of persons with disabilities.
- 9.18. Develop services for the support and development of active participation, greater employment, and work activities of persons with disabilities

OBJECTIVE 10: Develop and ensure equal opportunities for women with disabilities for their equal and active participation in community life;

## ACTIVITIES

- 10.1. Develop and ensure access to required and appropriate services for women with disabilities in order to increase their quality of life.
- 10.2. Increase the awareness of society, including persons with disabilities, on relations between the sexes, gender and disability.
- 10.3. Provide information about the position of women with disabilities in relation to their social roles and particular vulnerability to family violence.
- 10.4. Provide information to women with disabilities on women's human rights (reproductive right).
- 10.5. Undertake measures for preventing the violence towards, mistreatment and exploitation of women with disabilities.

- 10.6. In cooperation with relevant institutions and organizations of persons with disabilities, develop and implement programmes of psychosocial and legal support to women with disabilities who have experienced violence, mistreatment and exploitation
- 10.7. Provide support to organizations and institutions that deal with violence against persons with disabilities.
- 10.8. Undertake measures and activities to increase the level of knowledge and skills of women with disabilities for their equal and active participation in community life.

OBJECTIVE 11: Improve the quality of life of persons with disabilities by creating opportunities for their free choice of living conditions and lifestyles in an environment of their choice.

## ACTIVITIES

- 11.1. Develop programmes for independent and assisted living which enable persons with disabilities to remain in their communities.
- 11.2. Develop and implement public education programmes to decrease prejudice on the rights of persons with disabilities to marriage, sexuality and parenthood.
- 11.3. Develop and implement support programmes for persons with disabilities in order for them to realize the right to independence and independent choice.
- 11.4. Develop and implement support programmes for persons with disabilities who choose marriage and parenthood.
- 11.5. Undertake measures and activities to create conditions for persons with disabilities to exercise equal rights in the adoption of children.
- 11.6. Undertake measures and activities to develop “specialized foster care”.

OBJECTIVE 12: Increase the participation of persons with disabilities in the community by creating conditions for participation in cultural, sports/recreational life and leisure activities.

## ACTIVITIES

- 12.1. Ensure the development and application of all technical and technological formats in television programmes, film, theatre, sports, tourist and other contents to ensure unimpeded access by all persons with disabilities.
- 12.2. Ensure that cultural, sport and tourist services become accessible to disabled persons.
- 12.3. Develop programmes which support the development and application of the artistic, sports and intellectual potentials of persons with disabilities for their own benefit and the enrichment of society

- 12.4. Ensure the recognition of the special cultural and linguistic identities of persons with hearing impairments based on their equality with others, including sign language and culture, providing them with appropriate support to exercise this identity.
- 12.5. Foster and promote the participation of disabled persons in general sports activities at all levels.
- 12.6. Ensure that persons with disabilities have the opportunity to organize and participate in cultural and sports activities specific for persons with disabilities; with this aim develop and apply appropriate programmes through which persons with disabilities can receive adequate support.
- 12.7. Ensure that children with disabilities have equal access to games, cultural, recreational, sports and leisure activities, including activities that take place through the education system.

GOAL 5: Ensure the access of persons with disabilities to the constructed environment, accessible transport, information, communication and services for the public through the development and implementation of a plan for removing barriers and constructing accessible buildings and spaces, services, information and communication;

According to the social model, accessibility is not only an act or state but is related to the freedom of choice to enter, access, communicate or in any other way use one's basic human right. Thus the problem of accessibility does not only involve the removal of physical barriers but requires policy makers to develop systemic solutions which view the issue of **accessibility** as a part of **access** where spatial accessibility is only an element of the entire right to access and participation by all citizens, including persons with disabilities.

The development of access firstly requires the identification and removal of barriers that exist in society. Barriers can be divided into architectural, information-communication and socio-economic barriers.

Secondly, it involves the systemic inclusion of the issue of access so that new programmes, plans and projects are developed with a built-in accessibility component in accordance with the principles of "Universal design" and "Design for All" in the physical environment, transport and communication, as well as in the design of products and services of general importance.

In architecture, this would include the obligatory application of the principle of "Universal Design" from the project phase with a ban on the issuance of permits to buildings that are not accessible. The same principle would be applied to transport.

In a programmatic sense, in relation to services which are provided through health, education, economic and social programmes, it is necessary to include the issue of access for persons with disabilities by recognizing them as an integral part of the user group when designing programmes and respecting the right to access and participation as elements of a quality control system.

This also requires the creation and application of innovations, new technologies and the use of best global and local practices.

To achieve this goal, the following objectives and activities have been planned:

**OBJECTIVE 13:** Ensure that all new facilities open or provided to the public, public transport infrastructure and facilities used for the public transport of passengers in all modes of transport, are accessible to persons with disabilities.

### **ACTIVITIES**

- 13.1. Promote and educate the public and experts on the concept of accessibility - universal design/access to all, with the aim of preventing the creation of new barriers and discrimination.
- 13.2. Consistently apply regulations which prescribe the application of accessibility standards, monitor their implementation and apply sanctions to violators.
- 13.3. Support the establishment and development of bodies and institutions which will deal with issues of accessibility and promotion of the principle of "Universal Design".

**OBJECTIVE 14:** The gradual and continued adaptation of existing public facilities, transport infrastructure and means of public transport in all modes of transport, to render them accessible to persons with disabilities.

### **ACTIVITIES**

- 14.1. Secure financial resources for the removal of barriers in all public services, public buildings, transport infrastructure and means of transport of passengers in all modes of public transport.
- 14.2. Produce action plans for the reconstruction of existing buildings and infrastructure according to a priority list and the gradual, continued and systematic substitution of existing inaccessible means of public transport in all modes of transport with new accessible ones
- 14.3. Develop and apply the principle of parallel tracks in organizing public transport for persons with disabilities in addition to introducing new accessible means of transport in all modes of public transport.

**OBJECTIVE 15:** Ensure the accessibility of information, communication and services including the application of information and communication technologies as well as other scientific achievements to provide equal opportunities for and improve the position of persons with disabilities.



## ACTIVITIES

- 15.1. Support the research, development, production and application of new information-communication technologies to provide better accessibility and access to information and communication for persons with disabilities.
- 15.2. Develop accessible mechanisms for informing users with disabilities including sign language interpreters.
- 15.3. Ensure persons with disabilities have access to all facilities and public services include emergency alert systems.

GOAL 6: Ensure adequate living standards and social security for persons with disabilities.

In addition to the strategic commitment to provide opportunities for the adequate education, activation and employment of persons with disabilities, one must take into account that at the moment almost 70 % of persons with disabilities live on or below the poverty line and that approximately the same percentage of persons with disabilities are dependents or pensioners.

One must also take into account the additional costs of disability due to special diets, the procurement of assistive devices, sanitary materials, medicine, shoes, clothes, personal toiletries and energy requirements. Persons with disabilities must be ensured adequate living standards and social security.

Persons with disabilities must be provided with adequate social protection, in accordance with the principle of social solidarity.

OBJECTIVE 16: Provide all persons with disabilities with social security and the full and unimpeded enjoyment of that right.

## ACTIVITIES

- 16.1. Ensure persons with disabilities have equal access to appropriate services, facilities and other assistance to fulfil their needs related to disability at an accessible cost.
- 16.2. Ensure persons with disabilities have access to social protection and poverty reduction programmes.
- 16.3. Ensure that persons with disabilities and their families have access to state assistance to cover disability-related expenditure, including adequate training, counselling, financial assistance and institutions for temporary accommodation.
- 16.4. Ensure the realization of the right to specific assistive devices for correction and compensation, their regular maintenance, the provision of sanitary materials and medicine with the coverage of procurement and maintenance costs from obligatory medical insurance funds.

- 16.5. Ensure persons with disabilities have access to publicly financed housing programmes.
- 16.6. Ensure persons with disabilities have equal access to privileges and programmes of pension insurance.
- 16.7. Create legislation for managing inheritance, through endowments and trust funds which families can leave to persons with disabilities with diminished legal capacity in order to prevent the placement of these persons in institutions after the death of their parents or guardians.

## **10. IMPLEMENTATION AND MONITORING OF STRATEGY**

### **Action Plan**

Further activities in developing the Strategy will include the production of two-year Action Plans and the definition of concrete objectives and activities to achieve the goals of this document in order to improve the position of persons with disabilities in all segments of life.

The developed Action Plan will cover the first two-year period from 2007 to 2009.

### **Control Survey**

In addition to the specially developed and clear work plan, it is necessary to ensure that regular two-year plans developed in all ministries respect the principle of full participation-inclusion and accessibility for persons with disabilities as an integral part of all planned programmes and activities. For this purpose, a Control Survey will be prepared following the Rapid Handicap Survey<sup>8</sup> model which will be used as a tool while creating plans for the coming period.

The Strategy recommends that models of Control Surveys for issues of common interest such as environmental protection and gender equality, which have to be used when designing programmes and activities in developed countries, are developed and applied for disability planning purposes.

### **Creation of an Institutional Framework and Operationalization of Multi-Sectoral and Inter-Ministry Cooperation**

In addition to regular governmental activities, it will be essential to provide programmatic and financial support to local authorities in the coming period for the implementation of unique standards to ensure defined activities are consistently implemented at all levels. In addition, local authorities will require other support in the development of local action plans for improving the position of persons with disabilities and including this issue in other strategic documents at the local level. The Action Plan will further elaborate on activities in this area.

<sup>8</sup> *The Control Survey is presented through the Rapid Handicap Analysis (RHA) – Stakes – National Research and Development Finland, Manual on Inclusive Planning, UN publication.*

## Managing Implementation and Evaluation

A significant obstacle to the holistic model of development and monitoring of disability policy is the lack of information<sup>9</sup>. Policy-makers will first have to identify solutions and develop unique standards, methodology and procedures in this area so that they can use information that is relevant, compatible and up-to-date and so that its collection is cost-effective and efficient.

In addition to this, it is necessary to ensure continued information collection on persons with disabilities and their living conditions by introducing disability-related questions into regular research and surveys of the general population undertaken by the National Statistical Office or specialized institutions for research in certain areas (education, employment, health and others). Thus this question can immediately be included into research measuring living standards (planned for 2007), research and surveys of the labour force in the open labour market, surveys of the consumer basket and other research. This method allows the comparison of segments of the population with and without disabilities as it uses the same measuring methods in addition to specific questions related to persons with disabilities.

### Regular Annual Reports

In order to monitor achieved results and evaluate success in the implementation of developed plans, the Government will establish a body – the Council for the Implementation of the Strategy for Improving the Position of Persons with Disabilities – which will be tasked with compiling the reports of relevant ministries, institutions and other partners on the activities and achieved results in advancing the position of persons with disabilities.

Results will be published on the website of the Ministry of Labour, Employment and Social Policy and the editing and updating of the website will be carried out by the Ministry.

## 11. COSTS OF IMPLEMENTATION OF THE STRATEGY

The primary goal is to summarize the implementation costs of the Strategy until 2015, in order to ensure an appropriate framework and structure of financial resources for the full social participation of persons with disabilities in issues related to economic and social development in the country.

The secondary goal is to develop and suggest indicators for the planning and monitoring of the implementation of activities and objectives for the efficient implementation of the Strategy which will be implemented through action plans.

*At the moment there is no comprehensive and adequate quantitative or qualitative data on disability. Official statistics do not follow disability through the official census or other more comprehensive regular statistical surveys. In Serbia, there are several reliable sources of information related to this area such as: the Pension Disability Insurance Fund, the education system, the health system, the National Service for Employment (NSZ). In addition to this, data is also collected by organizations of persons with disabilities.*

## 1. Basic assumptions for the cost estimate of implementation

The strategic framework of the policy determined in this strategy which posits the issue of improving the position of persons with disabilities as the respect of human rights and equal opportunities, requires the evaluation of costs of implementation of the Strategy, which takes into account the significant increase in the social participation of persons with disabilities in economic and social development issues in the country. The issue of disability is an issue of the society and not of individuals and it is the society that should create conditions so that the abilities of persons with disabilities are the basis for their social inclusion. This requires significant changes in society, primarily in approaching the implementation of the policy of improving the position of persons with disabilities as equal citizens, with respect for diversity and equal opportunities based on equal rights.

The need to re-channel the dependence and passive position of persons with disabilities onto their activation requires the consideration of required financial resources for the implementation of this strategy. This certainly includes the participation of persons with disabilities in building mechanisms of a system for the improvement of their position, as well as their direct inclusion into economic and social processes in order to improve the quality of development and improvement of their living standards as well as the living standards of all citizens.

One of the primary aims of the Strategy is to ensure social, medical and other services are accessible to persons with disabilities and are based on their rights and needs. Needs will be evaluated based on the application of internationally accepted methods. In addition, architectural, organisational and programmatic accessibility to these services should be assured. It is also necessary to develop and ensure accessibility to other services which require the application of modern technologies, as well as information programmes for persons with disabilities on their rights and the possibility of using these services at the local level.

For persons with disabilities it is extremely important to ensure accessibility in the regular education system and participation in the labour market. Increased participation in the labour market, in the long term, requires the greater participation of persons with disabilities in the regular education system, and in the short term, greater coverage of persons with disabilities by labour activation policy in order to increase the level of their employment, as well as greater investments in the improvement of working conditions in workplaces employing persons with disabilities. Education and employment are key factors for the independent life of persons with disabilities.

Employment, the development of services, independent living and an accessible environment at the local level are the basic preconditions for free lifestyle choices of persons with disabilities and realising their rights to establish a family, be involved in cultural, sports and leisure and other activities.

Persons with disabilities should be ensured social security. This includes ensuring income to cover additional expenditure due to disability. This expenditure is linked to special diets, the procurement of assistive devices, medicine and other materials.

### **Situation analysis**

It should be emphasised that no single institution in the Republic of Serbia has an adequate database on persons with disabilities. This presents a great problem in creating policies focused on improving the position of persons with disabilities and establishing an adequate system of indicators for monitoring the implementation of these policies.

Conducted surveys suggest that there are between 700,000 and 800,000 persons with disabilities in the Republic of Serbia. Of this total, about 330,000 persons are of working age (15-64), of which 168,227 persons are active. The employment rate of persons with disabilities is extremely low and amounts to about 13%, which means that of the total number of active persons with disabilities, only 21,876 are employed.<sup>10</sup>

On the basis of available data, we estimated the income of persons with disabilities (1) based on realised income and (2) income from public funds. Public funds covered by this survey are: Pension Disability Insurance (Employees' Fund, Fund for the Self-Employed, Farmers' Fund), Social Protection and Disabled Veterans' Protection. It is important to emphasise that persons with disabilities can only receive income from pension-disability insurance based on employment status.

In 2005, the total estimated annual income for the 317,289 identified persons with disabilities who received income on the above-mentioned bases amounted to about 36,080 million dinars, of whom about 295,413 are users of public funds<sup>11</sup>, while about 21,876 also received income based on employment. The average annual income from public funds per user amounted to about 113,736 dinars, or about 9,478 dinars per month, while the average annual income of employed persons amounted to about 113,407 dinars, or about 9,451 dinars per month. The participation of net income in the total income of persons with disabilities was about 6.9%, while income from public funds totalled 93.1%.

Table 1

## INCOME OF PERSONS WITH DISABILITIES IN THE REPUBLIC OF SERBIA

In millions of dinars

Type	2001	2002	2003	2004	2005
TOTAL ANNUAL INCOME OF PERSONS WITH DISABILITIES	14,518.8	20,240.6	24,215.3	29,077.6	36,080.0
Income from net earnings of employed persons with disabilities	872.2	1,303.7	1,609.6	1,989.0	2,480.9
Incomes from public funds	13,646.6	18,936.9	22,605.7	27,088.6	33,599.1
Income from Pension Disability Insurance Funds	8,783.5	12,020.2	14,454.4	17,137.2	20,605.8
- Employees' Pension Disability Insurance Fund	8,138.1	11,156.3	13,405.1	15,861.3	19,060.8
Pensions	6,992.9	9,691.5	11,656.3	13,713.7	16,652.4
Compensation for assistance and care	609.0	844.1	1,030.2	1,283.2	1,516.4
Compensation for bodily injury – total	536.1	620.7	718.6	864.3	892.0
Compensation for children of persons with disabilities	...	...	...	...	89.3
- Pension Disability Insurance Fund for the Self-Employed	232.9	320.4	385.5	454.4	546.1
Pensions	207.9	290.5	350.1	411.1	498.0
Compensation for assistance and care of other person	5.2	7.1	8.6	10.5	13.3
Compensation for bodily injury – total	19.8	22.8	26.7	32.8	34.9
- Farmers' Pension Disability Insurance Fund	412.5	543.6	663.9	821.5	998.9
Pensions	279.7	390.8	471.1	553.1	670.0
Compensation for assistance and care of other person	0.7	0.9	1.1	1.3	1.7
Compensation for bodily injury – total	132.1	151.9	191.7	267.1	327.2
Social protection	1,115.1	1,519.6	1,953.0	2,245.6	3,484.7
Monetary compensation and other assistance	795.1	1,083.6	1,392.5	1,601.2	2,484.8
Accommodation	153.3	208.9	268.5	308.7	479.1
Foster care	166.7	227.1	291.9	335.7	520.9
Disabled veterans' protection <sup>1</sup>	3,748.0	5,397.1	6,198.3	7,705.9	9,508.6

Source: Ministry of Labour, Employment and Social Policy, Pension and Disability Insurance Funds, Statistical Office of the Republic of Serbia, European Agency for Reconstruction, International Labour Organisation

<sup>1</sup> Includes the incomes of family members because there is no breakdown in records.

Table 2

## STRUCTURE OF INCOME OF PERSONS WITH DISABILITIES IN THE REPUBLIC OF SERBIA

Type	In percent				
	2001	2002	2003	2004	2005
TOTAL ANNUAL INCOME OF PERSONS WITH DISABILITIES	100.0	100.0	100.0	100.0	100.0
Income from net earnings of employed persons with disabilities	6.0	6.4	6.6	6.8	6.9
Income from public funds	94.0	93.6	93.4	93.2	93.1
Income from Pension Disability Insurance Funds	60.5	59.4	59.7	58.9	57.1
- Employees' Pension Disability Insurance Fund	56.1	55.1	55.4	54.5	52.8
Pensions	48.2	47.9	48.1	47.2	46.2
Compensation for assistance and care	4.2	4.2	4.3	4.4	4.2
Compensation for bodily injury – total	3.7	3.1	3.0	3.0	2.5
Compensation for children of persons with disabilities	...	...	...	...	0.2
- Pension Disability Insurance Fund of the Self-Employed	1.6	1.6	1.6	1.6	1.5
Pensions	1.4	1.4	1.4	1.4	1.4
Compensation for assistance and care of other person	0.0	0.0	0.0	0.0	0.0
Compensation for bodily injury – total	0.1	0.1	0.1	0.1	0.1
- Farmers' Pension Disability Insurance Fund	2.8	2.7	2.7	2.8	2.8
Pensions	1.9	1.9	1.9	1.9	1.9
Compensation for assistance and care of other person	0.0	0.0	0.0	0.0	0.0
Compensation for bodily injury – total	0.9	0.8	0.8	0.9	0.9
Social protection	7.7	7.5	8.1	7.7	9.7
Monetary compensation and other assistance	5.5	5.4	5.8	5.5	6.9
Accommodation	1.1	1.0	1.1	1.1	1.3
Foster care	1.1	1.1	1.2	1.2	1.4
Disabled Veterans' Protection <sup>1</sup>	25.8	26.7	25.6	26.5	26.4

Source: Ministry of Labour, Employment and Social Policy, Pension and Disability Insurance Funds, Statistical Office of the Republic of Serbia, European Agency for Reconstruction, International Labour Organisation

<sup>1</sup> Includes the incomes of family members because there is no breakdown in records.

Table 3

### RESOURCES EARMARKED FOR PERSONS WITH DISABILITIES THROUGH PROGRAMMATIC ACTIVITIES

In millions of dinars

Type	2001	2002	2003	2004	2005
TOTAL				87.1	348.7
Programmatic activities through associations of persons with disabilities – financed from the budget of the Republic of Serbia				<b>53.1</b>	<b>314.7</b>
Programmatic activities through associations of persons with disabilities – from municipal budgets				34.0	34.0

Source: Ministry of Labour, Employment and Social Policy

Table 4

### SERVICES FOR PERSONS WITH DISABILITIES WHICH ARE ORGANISED AND FINANCED AT THE MUNICIPAL LEVEL

Type	2001	2002	2003	2004	2005	2006
TOTAL						124.6344
Transport of persons with disabilities						6.8
Household assistance						30.6
Counselling						6.6
Daycare						71.5
Protected accommodation						5.5
Other services <sup>1</sup>						3.7

Source: Ministry of Labour, Employment and Social Policy

<sup>1</sup> Includes: Equipment for accommodation in home for persons with disabilities, inclusion into a service centre, accommodation in an institution, education services, therapeutic services, monetary assistance, programme for extended social protection.



A part of the income of persons with disabilities is received through relevant associations. These resources are spent through programmatic activities and are allocated from the budget of the Republic of Serbia and municipal budgets. Available data shows that in 2005, about 348.7 million dinars were spent on the programmatic activities of persons with disabilities, of which 90% was received from the budget of the Republic of Serbia and 10% from municipal budgets. At the local level, services for persons with disabilities have been organised (transportation of persons with disabilities, household assistance, counselling services, daycare, protected accommodation, educational services, therapeutic and other services) and about 104 million dinars was spent on these activities in 2005.

Total expenditure for the health care of persons with disabilities, including the procurement of assistive devices, amounted to 13,435 million dinars in 2005. Total expenditure for the education of persons with disabilities amounted to about 638.7 million dinars (about 113.4 million dinars for education in the regular system and 525.3 million dinars for the work of special schools).

During the implementation of the SPAS project through the Centre for Independent Living of Persons with Disabilities of the Republic of Serbia, it became obvious that the personal assistance system is very efficient in helping to reach the strategic goals of improving the position of persons with disabilities and increasing the employment of persons with disabilities as well as total employment. The greatest share of the expenditure for financing personal assistants during the project's duration was covered by donor funds and the personal funds of the service users of personal assistants, while a smaller share was covered from the budget of the Republic of Serbia. In 2005, about 8.5 million dinars of budget funds were spent for these purposes.

Resources for supporting the employment of persons with disabilities are provided from the budget of the Republic of Serbia in the following manner: (1) through the implementation of programmes for the employment of persons with disabilities through the National Employment Service and (2) through the transfer of resources from the budget of the Republic of Serbia (through the Ministry of Labour, Employment and Social Policy) to companies where disabled persons comprise at least 40% of the total number of employees.<sup>12</sup> Total funds for the employment of persons with disabilities in 2005 amounted to 645.5 million dinars.

<sup>12</sup> Law on Professional Training and Employment of Persons with Disabilities, (Official Gazette of the Republic of Serbia, no. 25/96 and 101/05).

Table 5

**EXPENDITURE FOR EDUCATION, HEALTHCARE, PERSONAL ASSISTANCE, INFRASTRUCTURE AND EMPLOYMENT OF PERSONS WITH DISABILITIES**

In millions of dinars

Type	2001	2002	2003	2004	2005
TOTAL	5,735.9	8,382.3	9,525.3	12,183.8	15,043.3
Education	263.6	375.0	392.7	500.4	638.7
Regular education	49.3	67.4	70.3	88.9	113.4
Special schools	214.2	307.6	322.4	411.5	525.3
Health	5,224.6	7,698.6	8,763.2	11,137.6	13,435.1
Personal assistance <sup>1</sup> (budgetary obligation)					8.5
Employment	247.7	308.7	369.4	545.9	645.5
Active measures of employment (HC3)	43.1	34.0	61.1	18.7	32.9
Transfer of funds from the budget of the Republic of Serbia (Ministry of Labour, Employment and Social Policy)					
Quota - 40% of total number of employees in the company are persons with disabilities <sup>2</sup>	204.6	274.7	308.3	527.3	612.5
Costs for adapting public facilities for persons with disabilities					300.0
Public sector					
Private sector					

Source: Statistical Office of the Republic of Serbia, Ministry of Labour, Employment and Social Policy, Ministry of Finance, National Employment Service.

<sup>1</sup> Source: "The price of independence", Centre for Independent Living of Persons with Disabilities of the Republic of Serbia and G17 Institute, Belgrade 2005, ISBN 86-84463-04-8.

<sup>2</sup> Articles 3 and 18 of the Law on Professional Training and Employment of Persons with Disabilities (Official Gazette of the Republic of Serbia, no. 25/96 and 101/05).

In the previous year, certain adaptations were carried out to ensure disability access to public buildings in larger cities. It is estimated that about 300 million dinars were spent for this purpose in 2005.

Total funds identified for persons with disabilities represented 2.81% of the gross national product in 2005, without including the earnings of employed persons with disabilities, or 2.95% with the inclusion of these earnings. On the other hand, it is estimated that persons with disabilities account for 10 to 11% of the total

population of the Republic of Serbia. If you take into account that disability requires additional expenditure, it is clear that the financial position of persons with disabilities in the Republic of Serbia is at a low level.

Quantitative framework – 2007-2015

## Methodology

The methodology for calculating funding levels for persons with disabilities that are realistically possible during the implementation of the Strategy is founded on the basic and specific goals determined by this strategy. Projections were done by applying simple statistical methods, because they are in this case more appropriate for carrying out valid quantifications. Therefore, the following points were taken into account: 1) a multi-sectoral approach to the issue of improving the position of persons with disabilities; 2) structural changes which would be required to achieve the basic strategic goal that persons with disabilities become equal citizens with all rights and responsibilities, as well as the possibility of participating in making decisions of interest to the total development of the country and the improvement of the personal and living standards of all citizens of the Republic of Serbia; (3) realistically possible dynamics of the economic development of the Republic of Serbia by 2015.

## Basic assumptions

Projections for 2007-2015 are based on the following basic assumptions:

- The change in the gross national product is in accordance with the projection of the National Strategy for the Economic Development of Serbia 2006-2012.
- The working population (15-64) will gradually decrease and the number of working persons with disabilities will decrease accordingly.
- The employment rate of persons with disabilities will dynamically increase and in 2015 will reach the level of almost 40%, which at the same time will lead to the dynamic decrease in the unemployment rate of persons with disabilities.
- The growth of the average effective income will be slower than the effective growth of the gross national product.
- Significant changes will take place in the structure of resources according to purpose. There will be an increase in the proportion of funds for ensuring a significant increase in the participation of persons with disabilities, accessibility, the independence of persons with disabilities in their choices of lifestyle and behaviour, the qualitative environment, the level of access to information, etc.

- It is necessary to ensure additional resources for the use of information technology and services based on these technologies.

## **Projections**

Based on the formerly determined assumption, a projection of the gross domestic product was made in its nominal and effective total. In 2015, the nominal gross domestic product will be about 6,069,539.4 dinars.

Total funds allocated for persons with disabilities according to presently identified purposes, will amount to about 217,698.4 million dinars in 2015. The participation of these funds in the gross domestic product will increase from about 2.82% in 2006 to about 3.59% in 2015.

Table 6

## INCOME OF PERSONS WITH DISABILITIES IN THE REPUBLIC OF SERBIA 2006-2015

In millions of dinars

Type	2006	2007	2008	2009	2010	2015
GROSS DOMESTIC PRODUCT	2,142,000.0	2,477,400.0	2,854,200.0	3,237,200.0	3,656,000.0	6,069,539.4
TOTAL INCOME OF PERSONS WITH DISABILITIES	43,323.4	48,775.7	54,514.3	61,653.8	69,354.5	129,641.7
Income from net earnings of employed persons with disabilities <sup>1</sup>	2,874.6	3,330.8	3,859.4	4,471.8	5,181.5	10,835.0
Income from public funds	40,448.8	45,444.9	50,654.9	57,181.9	64,173.0	118,806.7
Income from Pension Disability Insurance Funds	24,756.5	28,463.7	32,218.1	36,432.1	40,166.4	65,426.9
Social protection	4,405.8	5,667.0	6,984.0	8,391.8	10,618.6	28,948.5
Monetary compensation and other assistance	3,147.0	4,341.9	5,613.0	6,902.5	9,005.2	25,135.2
Accommodation	629.4	623.7	630.7	635.9	645.9	945.9
Foster care	629.4	701.4	740.3	853.4	967.5	2,867.4
Disabled Veterans' Protection <sup>2</sup>	11,286.5	11,314.1	11,452.8	12,358.0	13,388.0	24,431.3

Source: Office for Statistics of the Republic of Serbia, Ministry of Labour, Employment and Social Policy, Ministry of Finance

<sup>1</sup> Feasibility study on improving the employment of persons with disabilities in the Republic of Serbia, European Agency for Reconstruction, 2006

A Survey of Policy Tools for Promoting Employment Among People with Disabilities in the Countries/entities of the Stability Pact for Southeastern Europe, ILO 2005

<sup>2</sup> Includes the incomes of family members because there is no breakdown of records.

Table 7

**PARTICIPATION OF INCOME OF PERSONS WITH DISABILITIES IN THE GROSS DOMESTIC PRODUCT OF THE REPUBLIC OF SERBIA, 2006-2015**

Type	In percent					
	2006	2007	2008	2009	2010	2015
TOTAL INCOME OF PERSONS WITH DISABILITIES	2.02	1.97	1.91	1.90	1.90	2.14
Income from net earnings of employed persons with disabilities <sup>1</sup>	0.13	0.13	0.14	0.14	0.14	0.18
Income from public funds	1.89	1.83	1.77	1.77	1.76	1.96
Income from Pension Disability Insurance Funds	1.16	1.15	1.13	1.13	1.10	1.08
Social protection	0.21	0.23	0.24	0.26	0.29	0.48
Monetary compensation and other assistance	0.15	0.18	0.20	0.21	0.25	0.41
Accommodation	0.03	0.03	0.02	0.02	0.02	0.02
Foster care	0.03	0.03	0.03	0.03	0.03	0.05
Disabled Veterans' Protection <sup>3</sup>	0.53	0.46	0.40	0.38	0.37	0.40

Source: Statistical Office of the Republic of Serbia, Ministry of Labour, Employment and Social Policy, Ministry of Finance.

<sup>1</sup> Feasibility study on improving the employment of persons with disabilities in the Republic of Serbia, European Agency for Reconstruction, 2006

A Survey of Policy Tools for Promoting Employment Among People with Disabilities in the Countries/entities of the Stability Pact for Southeastern Europe, ILO 2005

<sup>2</sup> Source: "The price of independence", Centre for Independent Living of Persons with Disabilities of the Republic of Serbia and G17 Institute, Belgrade 2005, ISBN 86-84463-04-8.

<sup>3</sup> Includes the incomes of family members because there is no breakdown of records

The total funds given in the previous table did not include the earnings of the employed. It is estimated that, with the assumed increase in the employment rate of persons with disabilities and the effective growth of average net earnings, there will be a significant increase in the mass of earnings of employed persons with disabilities, as well as an increase in their relative participation in the total income of persons with disabilities, from about 6.64% in 2006 to about 8.36% in 2015.

The previous table contains the total projected funds for the application and use of information technology only for 2015. However, if funds earmarked for this purpose were accumulated through the years 2007-2015, about 169,779.8 million dinars in total would need to be allocated.

Table 8

**STRUCTURE OF INCOME OF PERSONS WITH DISABILITIES IN THE REPUBLIC OF SERBIA 2006-2015**

Type	In percent					
	2006	2007	2008	2009	2010	2015
TOTAL INCOME OF PERSONS WITH DISABILITIES	100.00	100.00	100.00	100.00	100.00	100.00
Income from net earnings of employed persons with disabilities <sup>1</sup>	6.64	6.83	7.08	7.25	7.47	8.36
Income from public funds	93.36	93.17	92.92	92.75	92.53	91.64
Income from Pension Disability Insurance Funds	57.14	58.36	59.10	59.09	57.91	50.47
Social protection	10.17	11.62	12.81	13.61	15.31	22.33
Monetary compensation and other assistance	7.26	8.90	10.30	11.20	12.98	19.39
Accommodation	1.45	1.28	1.16	1.03	0.93	0.73
Foster care	1.45	1.44	1.36	1.38	1.40	2.21
Disabled veterans' protection <sup>2</sup>	26.05	23.20	21.01	20.04	19.30	18.85

Source: Statistical Office of the Republic of Serbia, Ministry of Labour, Employment and Social Policy, Ministry of Finance.

<sup>1</sup> Feasibility study for improving the employment of persons with disabilities in the Republic of Serbia, European Agency for Reconstruction, 2006

A Survey of Policy Tools for Promoting Employment Among People with Disabilities in the Countries/entities of the Stability Pact for Southeastern Europe, ILO 2005

<sup>2</sup> Includes the incomes of family members because there is no breakdown of records

Table 9

**EXPENDITURE FOR EDUCATION, HEALTHCARE, PERSONAL ASSISTANCE, INFRASTRUCTURE AND EMPLOYMENT**

In millions of dinars

Type	2006	2007	2008	2009	2010	2015
TOTAL	19,206.6	25,417.4	35,054.6	40,595.1	47,111.6	89,803.1
Education	765.7	940.8	1,201.4	1,487.6	1,874.4	4,470.8
Healthcare (including the procurement of assistive devices)	16,583.8	19,727.8	23,884.8	27,361.1	31,379.8	59,706.8
Personal assistance <sup>1</sup> (budgetary obligation)	15.7	21.7	30.0	45.5	60.2	119.9
Employment	773.8	1,085.5	1,720.1	2,550.2	3,681.9	8,887.1
Active employment measures (National Employment Service)	39.5	144.7	409.6	759.0	1,305.4	3,598.5
Transfer of funds from the budget of the Republic of Serbia <sup>2</sup>	734.4	940.8	1,310.6	1,791.2	2,376.5	5,288.7
Costs for adapting public facilities for persons with disabilities	1,049.0	3,618.3	8,191.0	9,108.0	10,041.6	16,356.7
Public sector						
Private sector						

Source: Statistical Office of the Republic of Serbia, Ministry of Labour, Employment and Social Policy, Ministry of Finance, National Employment Service.

<sup>1</sup> Source: "The price of independence", Centre for Independent Living of Persons with Disabilities of the Republic of Serbia and G17 Institute, Belgrade 2005, ISBN 86-84463-04-8.

<sup>2</sup> Articles 3 and 18 of the Law on Professional Training and Employment of Persons with Disabilities (Official Gazette of the Republic of Serbia, no. 25/96 and 101/05).



Table 10

**PARTICIPATION OF EXPENDITURE FOR EDUCATION, HEALTHCARE, PERSONAL ASSISTANCE AND EMPLOYMENT IN GDP**

Type	In percent					
	2006	2007	2008	2009	2010	2015
TOTAL	0.897	1.026	1.228	1.254	1.289	1.480
Education	0.036	0.038	0.042	0.046	0.051	0.074
Healthcare (including the procurement of assistive devices)	0.774	0.796	0.837	0.845	0.858	0.984
Personal assistance <sup>1</sup> (budgetary obligation)	0.001	0.001	0.001	0.001	0.002	0.002
Employment	0.036	0.044	0.060	0.079	0.101	0.146
Active employment measures (National Employment Service)	0.002	0.006	0.014	0.023	0.036	0.059
Transfer of funds from the budget of the Republic of Serbia <sup>2</sup>	0.034	0.038	0.046	0.055	0.065	0.087
Costs of ensuring disability access to public facilities	0.049	0.146	0.287	0.281	0.275	0.269
Public sector						
Private sector						

Source: Statistical Office of the Republic of Serbia, Ministry of Labour, Employment and Social Policy, Ministry of Finance, National Employment Service.

<sup>1</sup> Source: "The price of independence", Centre for Independent Living of Persons with Disabilities of the Republic of Serbia and G17 Institute, Belgrade 2005, ISBN 86-84463-04-8.

<sup>2</sup> Articles 3 and 18 of the Law on Professional Training and Employment of Persons with Disabilities (Official Gazette of the Republic of Serbia, no. 25/96 and 101/05).

Table 11

### FUNDS EARMARKED FOR PERSONS WITH DISABILITIES THROUGH PROGRAMMATIC ACTIVITIES

In millions of dinars

Type	2006	2007	2008	2009	2010	2015
TOTAL	743.9	989.0	1,283.3	1,852.0	2,945.5	8,396.4
Programmatic activities through associations of persons with disabilities – financing from the budget of the Republic of Serbia	670.9	771.9	873.7	971.5	1,071.1	1,744.7
Programmatic activities through associations of persons with disabilities from municipal budgets	73.0	217.1	409.6	880.4	1,874.4	6,651.7

Source: Ministry of Labour, Employment and Social Policy

Table 12

### SERVICES FOR PERSONS WITH DISABILITIES ORGANISED AT THE MUNICIPAL LEVEL

In millions of dinars

Type	2006	2007	2008	2009	2010	2015
TOTAL	124.6	156.8	195.8	253.8	329.4	954.1
Transportation of persons with disabilities	6.8	9.6	12.3	14.6	17.4	33.3
Household assistance	30.6	36.2	41.0	45.5	60.2	119.9
Counselling services	6.6	9.6	13.7	18.2	23.4	43.6
Daycare	71.5	82.0	92.8	103.2	113.8	185.4
Protected accommodation	5.5	12.1	27.3	60.7	100.4	545.2
Other services <sup>1</sup>	3.7	7.2	8.7	11.5	14.1	26.7

Source: Ministry of Labour, Employment and Social Policy

<sup>1</sup> Includes: Equipment for accommodation in home for persons with disabilities, inclusion in service centre, accommodation in an institution, educational services, therapeutic services, monetary assistance, programme for extended social protection.

## SCOPE AND STRUCTURE OF PROJECTED FUNDS FOR PERSONS WITH DISABILITIES ACCORDING TO PURPOSE

In millions of dinars

	2005	2006	2007	2008	2009	2010	2015
GROSS DOMESTIC PRODUCT	1,750.000.0	2,142.000.0	2,477.400.0	2,854.200.0	3,237.200.0	3,656.000.0	6,069.539.4
Pension Disability Insurance Funds, Social and Disabled Veterans' Protection	33,599.1	40,448.8	45,444.9	50,654.9	57,181.9	64,173.0	118,806.6
Education	638.7	765.7	940.8	1,201.4	1,487.6	1,874.4	4,470.8
Healthcare (including the procurement of assistive devices)	13,435.1	16,583.8	19,727.8	23,884.8	27,361.1	31,379.8	59,706.8
Personal assistance <sup>1</sup> (budgetary obligation)	8.5	15.7	21.7	30.0	45.5	60.2	119.9
Employment	645.5	773.8	1,085.5	1,720.1	2,550.2	3,681.9	8,887.1
Costs for adapting public facilities for persons with disabilities	300.0	1,049.0	3,618.3	8,191.0	9,108.0	10,041.6	16,356.7
Programmatic activities	348.7	743.9	989.0	1,283.3	1,852.0	2,945.5	8,396.4
Services	104.0	124.6	156.8	195.8	253.8	329.4	954.1
TOTAL	49,079.6	60,505.3	71,984.8	87,161.3	99,840.1	111,210.9	217,698.4

## SCOPE AND STRUCTURE OF PROJECTED FUNDS FOR PERSONS WITH DISABILITIES ACCORDING TO PURPOSE

	In millions of dinars			Structure in percent		
	2005	2006	2015	2005	2006	2015
GROSS DOMESTIC PRODUCT	1,750,000.0	2,142,000.0	6,069,539.4			
Pension Disability Insurance Funds, Social and Disabled Veterans' Protection	33,599.1	40,448.8	118,806.6	68.47	66.85	54.58
Education	638.7	765.7	4,470.8	1.30	1.27	2.05
Healthcare (including the procurement of assistive devices)	13,435.1	16,583.8	59,706.8	27.37	27.40	27.43
Personal assistance <sup>1</sup> (budgetary obligation)	8.5	15.7	119.9	0.02	0.03	0.06
Employment	645.5	773.8	8,887.1	1.31	1.28	4.08
Costs for adapting access to public facilities for persons with disabilities	300.0	1,049.0	16,356.7	0.61	1.73	7.51
Programmatic activities	348.7	743.9	8,396.4	0.71	1.23	3.85
Services	104.0	124.6	954.1	0.21	0.21	0.44
TOTAL	49,079.6	60,505.3	217,698.4	100	100	100
Participation in gross national product in percent	2.80	2.82	3.59			
Funds for applying and using information technology and creating a database for the establishment of planning and monitoring indicators			54,522.4			
TOTAL			272,220.8			
Participation in gross domestic product, (in percent)			4.49			

## **Costs for the implementation of the Strategy**

Total costs for the implementation of the Strategy will amount to about 326,972.9 million dinars. These costs include: (1) the difference between total funds projected for 2015 and total funds estimated for 2006 in the amount of 157,193.1 million dinars; (2) the accumulation of projected resources for the application and use of information technology by persons with disabilities and for the creation of adequate databases on persons with disabilities in order to establish a system of indicators to monitor the implementation of the Strategy and the production and monitoring of national action plans for the implementation of this strategy for 2006-2015, in the amount of 169,779.8 million dinars.

Expenditures for the implementation of the Strategy will represent about 7.57% of the growth of the gross national product for 2006-2015.

## **7. FINAL PART**

This strategy will be published in the Official Gazette of the Republic of Serbia.

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In Vrsac, 28 December 2006

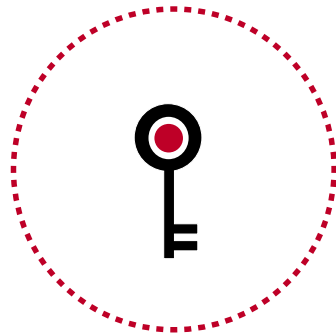
GOVERNMENT

PRESIDENT

Vojislav Kostunica

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**LAW ON PREVENTION OF DISCRIMINATION  
AGAINST PERSONS WITH DISABILITIES**





**Part one**  
**BASIC PROVISIONS**



## **Subject of the Law**

### **Article 1**

This Law governs the general regime of prohibiting discrimination on grounds of disability, specific cases of discrimination against persons with disabilities, procedure of protecting persons exposed to discrimination and measures to be taken for encouraging equality and social inclusion of persons with disabilities.

## **Principles of the Law**

### **Article 2**

This Law is based on the following principles:

1. prohibition of discrimination against persons with disabilities;
2. respect of human rights and dignity of persons with disabilities;
3. inclusion of persons with disabilities in all spheres of social life on equal footings;
4. inclusion of persons with disabilities in all decision/making processes pertaining to their rights and responsibilities;
5. equal rights and responsibilities.

## **Meaning of terms**

### **Article 3**

In this Law:

1. the term «persons with disabilities» shall mean a person with innate or acquired physical, sensory, intellectual or emotional disability who, due social and other barriers, do not have the opportunity or have limited opportunities to be included in social activities to the same extent as others, regardless of whether they can realize such activities with the use of technical aids or support services;
2. the terms «discrimination» and «discriminatory treatment» shall mean any discrimination or unequal treatment or failing to act (exclusion, limiting or giving advantage) in regard of persons or a group, as well as their family members or persons close to them, in an open or concealed way, and which on grounds of disability or pertaining reasons;
3. the term «public authorities» shall mean the government body, body of territorial autonomy, local self-governance body, organizations empowered for performing public authorities, as well as legal entities establishing or financing in full or for the most part, the Republic, territorial autonomy or local self-governance.

## **Responsibilities of public authorities**

### **Article 4**

The public authorities are obliged to ensure that persons with disabilities enjoy rights and freedoms without discrimination.

## **General prohibition of abuse of rights**

### **Article 5**

It is prohibited to exercise the rights stipulated by this Law contrary to the purpose for which they are granted or with intention to violate or restrict rights of others or to cause serious consequences for the country's security, public order and moral.

**PART TWO**  
**GENERAL PROHIBITION OF DISCRIMINATION**



## **Forms of discrimination**

### **Article 6**

- (1) Forms of discrimination are direct and indirect discrimination, as well as violation of the principle of equal rights and responsibilities.
- (2) When a person or group (hereinafter: the person discriminated against), in same or comparable situation, by way of any act or action, is placed or has been placed in less favorable position or could be placed in a less favorable position on grounds of his/her or their disability shall be deemed direct discrimination.
- (3) When a person discriminated against on grounds of his/her disability is placed in less favorable position by passing a document or undertaking an action which is seemingly based on the principle of equality and non-discrimination shall be deemed indirect discrimination, unless such document or action is legally justified, while means for achieving that goal are appropriate and necessary.
- (4) It shall be deemed that there is discrimination also in the following cases:
  1. when the person discriminated against is without good reason treated worse than someone else is treated or would have been treated, exclusively or mostly because the person discriminated against requested, or intends to request, legal protection against discrimination or because he/she offered, or intends to offer, a proof of discriminatory treatment;
  2. when the person discriminated against is obviously treated in a humiliating manner exclusively or mostly on grounds of his/her disability.
- (5) Discrimination also includes calling for and instigating discrimination and assisting in discriminatory treatment.

## **Violation of the principle of equal rights and responsibilities**

### **Article 7**

It shall be deemed that the principle of equal rights and responsibilities is violated:

1. when the person discriminated against is, exclusively or mostly on grounds of his/her disability, unjustifiably deprived of rights and freedoms or is imposed responsibilities, which other persons or a group are not deprived of or imposed in the same or comparable situation;
2. when the purpose or consequence of actions taken are unjustified;
3. when there is a disproportion between the undertaken measures and the purpose which is realized through these measures.

## **Article 8**

It shall be deemed that there is no violation of the principle of equal rights and responsibilities or discrimination in case of:

1. provisions of the Law, regulations, as well as decisions or specific measures which are passed for the purpose of improving position of persons with disabilities, their family members and associations of persons with disabilities, which provide special support necessary for exercising and realizing their rights under same conditions under which other exercise or realize them as well;
2. passing or retaining existing documents and measures aimed at eliminating or improving unfavorable position of persons with disabilities who are provided special support.

## **Severe forms of discrimination**

### **Article 9**

It is particularly prohibited and punishable:

1. causing or encouraging inequality or animosity towards persons with disabilities;
2. promotion or deliberate discrimination on behalf of public authorities in course of procedure before that authority, through public media, in political life, in course of providing public services, in the areas of employment, education, culture, sports, and other.

## **Prohibition of writing and displaying discriminatory messages and symbols**

### **Article 10**

Writing and displaying or in other way disseminating messages and symbols in public spaces, which call for discriminatory treatment against persons with disabilities, is prohibited.



**PART THREE**  
**PARTICULAR CASES OF DISCRIMINATION**



## **Discrimination in procedures before public authorities**

### **Article 11**

- (1) Public authorities may not, through their own action or failure to act, discriminate against persons with disabilities.
- (2) Discrimination against persons with disabilities by public authorities includes:
  1. depriving the person with disabilities of a right, in case this right is granted to persons without disabilities under the same circumstances;
  2. setting special conditions for exercising rights of persons with disabilities, unless such conditions are justified by reasons of general, personal and property safety, which the public authority is obliged to specifically indicate;
  3. depriving rights within discretion of its competence, when rights were deprived on grounds of disability of a lodger of complaint;
  4. conducting the procedure for exercising rights of persons with disabilities in a way which in fact makes impossible or considerably aggravates exercise of such rights.
- (3) Harassment, insulting and demeaning persons with disabilities on behalf of holders of public office and persons employed in public authorities in course of procedure for exercising rights of persons with disabilities on grounds of his/her disability, shall be deemed as a particularly severe form of discrimination.

## **Discrimination related to associations**

### **Article 12**

- (1) In associations, discrimination on grounds of disability is prohibited.
- (2) In associations, discrimination on grounds of disability includes:
  1. refusing applications for membership in associations to person with disabilities on grounds of his/her disability;
  2. setting special requirements for membership of persons with disabilities in the association;
  3. depriving the right to person with disabilities to vote and be elected in managing bodies of the association;
  4. setting special requirements for electing persons with disabilities in managing bodies of the association.

- (3) It shall be deemed that there is no discrimination on grounds of disability in case of establishment or activities of associations of persons with disabilities and other forms of their self-organizing.

## **Discrimination related to provision of services and use of facilities and public areas**

### **Article 13**

- (1) Discrimination on grounds of disability in regard of accessibility of services and access to facilities in public use and in public areas is prohibited.
- (2) In the sense of this Law, services shall mean any service which, with or without compensation, a legal entity or physical person provides within its activities or permanent occupation.
- (3) In the sense of this Law, facilities in public use shall mean: facilities in areas of education, health care, social protection, culture, sports, tourism or facilities which are used for environmental protection, protection against natural disasters, and alike.
- (4) In the sense of this Law, public areas shall mean: parks, green areas, squares, streets, pedestrian crossings and other public roads, and alike.
- (5) Discrimination on grounds of disability in regard of accessibility of services particularly include the following:
  1. refusing to provide services to a person with disabilities, unless provision of such services would jeopardize life or health of person with disabilities or other person;
  2. provision of services to person with disabilities under different and less favorable conditions than those under which the service is provided to other beneficiaries, unless provision of such services under regular conditions would jeopardize life or health of person with disabilities or other person;
  3. refusing to make technical adjustment of facilities which are necessary for provision of services to beneficiaries with disabilities.

### **Article 14**

It shall be deemed that there is no discrimination in the sense of Article 13 of this Law in case of:

1. increase of price of services which is proportionate to increased costs directly incurred by providing services to beneficiaries with disabilities;
2. providing services related to specific needs of some beneficiaries with disabilities, or for specific way of satisfying their general needs;
3. activity related to eliminating existing and preventing new forms of discrimination on grounds of disability.

## **Article 15**

A particularly severe form of discrimination on grounds of disability is harassment, insulting and demeaning persons with disabilities – beneficiaries of services on grounds of his/her disability, when such action is performed by person directly providing such service or person superior to him/her.

## **Article 16**

- (1) Owners of facilities in public use, as well as public company competent for maintenance of public areas are obliged to ensure access to a facility in public use or public area to all persons with disabilities regardless of the kind or degree of his/her disability.
- (2) Responsibility referred to in paragraph 1 of this Article also applies to other persons to whom the right of use is transferred, unless otherwise is agreed with the owner or with the competent body.
- (3) The owner of the facility in public use is obliged to make adjustments of the facility in order to meet requirements for satisfying the obligation referred to in paragraph 1 of this Article.
- (4) The body competent for issuing permit for use for the facility in public use shall issue such permit when the requirement referred to in paragraph 1 of this Article is fulfilled.

## **Discrimination related to healthcare services**

### **Article 17**

- (1) A particularly severe form of discrimination on grounds of disability is any discrimination of persons with disabilities in course of providing healthcare services.
- (2) It shall be deemed that there is discrimination against persons with disabilities in course of providing healthcare services in case of:
  1. refusing to provide healthcare services to person with disabilities on grounds of his/her disability;
  2. setting special requirements for providing healthcare services to persons with disabilities when such requirements are not justified by medical reasons;
  3. refusing to make a diagnosis and denying appropriate information on current health status, undertaken or planned measures of treatment and rehabilitation to the person with disability on grounds of his/her disability;
  4. any harassment, insult or demean of persons with disabilities during his/her stay in healthcare institution on grounds of his/her disability.

## **Discrimination related to education and upbringing**

### **Article 18**

- (1) Discrimination on grounds of disability is prohibited at all levels of education and upbringing.
- (2) Discrimination referred to in paragraph 1 of this Article includes the following:
  1. Denying a pre-school child, pupil, or student with disabilities to enroll in an upbringing or educational institution which corresponds to his/her previously acquired knowledge, or educational abilities;
  2. expelling a child of pre-school age, pupil or student with disabilities from an upbringing or educational institution which he/she is already attending on grounds of disability or reasons related to his/her disability;
  3. setting a particular requirement of not being disabled for enrolling in upbringing or educational institution, including submission of a certificate on health status and previous check of psycho-physical abilities, except if such requirement is established in accordance with regulations governing the area of education.

### **Article 19**

It shall be deemed that there is no discrimination in the area of education on grounds of disability in case of:

1. checking special affinities of children of pre-school age, pupils or students, that is, candidates for enrolment in an upbringing of educational institution according to specific subject or group of subjects, their artistic activities or kind of specific talent;
2. organizing specific forms of teaching or upbringing of pupils or children of pre-school age, who, due to their inadequate intellectual abilities, cannot pursue regular teaching contents, as well as referring pupils or children of pre-school age to such classes or upbringing, if enrollment is performed based on documents of a competent body which determined the need for such form of education of pupil or child of pre-school age.

### **Article 20**

Harassment, insulting and demeaning child with disabilities of pre-school age, pupil or student on grounds of his/her disability, when such act is performed by educator, teacher or other person employed in an upbringing institution or educational institution shall be deemed as a particularly severe form of discrimination.

## **Discrimination related to employment and labor relations**

### **Article 21**

- (1) It is prohibited to discriminate against on grounds of disability at employment and in exercising employment rights:
1. against persons with disabilities seeking employment;
  2. against escort of person with disabilities seeking employment;
  3. against employed person with disabilities;
  4. against employed escort of person with disabilities.
- (2) In the sense of this Law, a person seeking employment shall mean a person who is duly registered with the competent employment service in compliance with the law governing employment.
- (3) In the sense of this Law, an escort of a person with disabilities shall mean any person regardless of kinship, living in joint household with person with disabilities and permanently assisting that person in satisfying everyday living needs without any compensation in money or other material compensation.

### **Article 22**

It shall be deemed that there is discrimination on grounds of disability at employment in case of:

1. not employing persons with disabilities or escort of person with disabilities on grounds of disability or escort of person with disabilities on grounds of disability, or because of being in capacity of escort;
2. setting special health requirements for employing persons with disabilities, except when such special health requirements for performing specific jobs are determined in accordance with the Law;
3. previous checking of psycho-physical abilities which are not directly related to jobs for which employment is established;
4. refusing to make technical adjustments for the workplace which would enable work of persons with disabilities, if costs of such adjustments are not covered by employer or are not disproportional to the gain which the employer would realize by employing persons with disabilities.

### **Article 23**

It shall not be deemed that there is discrimination on grounds of disability in case of:

1. choosing candidate without disability who had best results in previous checking of psycho-physical abilities directly related to requirements for the job;
2. taking incentive measures for faster employment of persons with disabilities in accordance with the Law governing employment of persons with disabilities.

#### **Article 24**

It shall be deemed that there is discrimination on grounds of disability in exercising employment rights in case of:

1. determining lower earnings on grounds of disability of the employee, regardless of his/her labor output;
2. setting special working conditions for employee with disabilities, unless such conditions are not directly related to requirements of such job;
3. setting special requirements to the employee with disabilities for exercising other employment rights to which all employees are entitled.

#### **Article 25**

It shall be deemed that there is no discrimination on grounds of disability in exercising employment rights when an employee's remuneration is according to labor output.

#### **Article 26**

Harassment, insulting and demeaning employee with disabilities by the employer or person superior in working process, on grounds of his/her disability, shall be deemed a particularly severe form of discrimination.

### **Discrimination related to transportation**

#### **Article 27**

- (1) It is prohibited to discriminate against on grounds of disability in public transportation in all forms of transportation.
- (2) Discrimination referred to in paragraph 1 of this Article shall mean:
  1. refusing to transport passengers with disabilities;
  2. refusal by the crew of the transportation facility to provide physical assistance to a passenger with disabilities when the passenger cannot use transportation service without such assistance and when providing assistance does not jeopardize traffic safety;



3. determining unfavorable conditions for transportation of passengers with disabilities, particularly in regard of terms of payment, except to the extent to which these requirements are justified by technical requirements or higher costs necessary for transportation of passengers with disabilities.

## **Article 28**

It shall be deemed that there is no discrimination on grounds of disability in public transportation in case of:

1. organizing transportation of passengers with disabilities by transportation facilities adjusted to the needs of such passengers;
2. organizing transportation of passengers with disabilities by granting a reduced price on public transportation of such passengers.

## **Article 29**

Harassment, insulting and demeaning passengers on grounds of disability during transportation by the crew of the transportation facility on grounds of his/her disability shall be deemed a particularly severe form of discrimination on grounds of disability.

## **Discrimination related to marital and family relations**

### **Article 30**

- (1) Any discrimination in exercising rights pertaining to the marital and family relations on grounds disability is prohibited.
- (2) The discrimination referred to in paragraph 1 of this Article means:
  1. denying the right of marriage to persons with disabilities;
  2. setting special requirements for persons with disabilities to enter into marriage ;
  3. setting special requirements for persons with disabilities for exercise of parental rights;
- (3) Denying or restricting rights which are in compliance with the law governing marital and family relations shall not be deemed discrimination related to marital and family relations on grounds of disability.

## **Discrimination against associations of persons with disabilities**

### **Article 31**

Any form of discrimination against associations of persons with disabilities is prohibited.



**PART FOUR**  
**MEASURES FOR PROMOTING EQUALITY OF**  
**PERSONS WITH DISABILITIES**



Measures for promoting establishment of support services for persons with disabilities

### **Article 32**

Local self-governance units are obliged to encourage establishing support services for persons with disabilities for the purpose of higher level of their independence in their everyday life as well as exercising their rights.

Measures for creating a more accessible environment

### **Article 33**

Local self-governance units are obliged to take measures for the purpose of making the physical environment, buildings, public areas and public transportation more accessible to persons with disabilities.

Measures for ensuring equality before public authorities

### **Article 34**

Public authorities are obliged to take measures for ensuring equality of persons with disabilities in procedures before the public authorities.

Measures for providing access to information

### **Article 35**

Public authorities, territorial autonomies and local self-governances competent for culture and media are obliged to take measures aimed at making information and communications more accessible to persons with disabilities by using appropriate technologies.

Measures for ensuring equality in areas of education and upbringing

### **Article 36**

Public authorities, territorial autonomies and local self-governances competent for education and upbringing are obliged to take measures with the purpose of making education and upbringing of persons with disabilities an integral part of general education and upbringing system.

Measures for ensuring equal participation of persons with disabilities in cultural, sports, and religious life of community

### **Article 37**

Local self-governance units are obliged to take measures for ensuring equal participation of persons with disabilities in cultural, sports, and religious life of the community.

Activities focused on creating equal opportunities

## **Article 38**

All public authorities, territorial autonomies and local self-governances are obliged to undertake activities aimed at creating equal opportunities for persons with disabilities and ensuring participation of persons with disabilities and their associations in these activities.

**PART FIVE**  
**DISPUTE PROCEDURE FOR PROTECTION AGAINST**  
**DISCRIMINATION ON GROUNDS OF DISABILITY**





## **Contents of this part of the Law**

### **Article 39**

The provisions of this part of the Law govern a specific civil procedure for the protection against discrimination on grounds of disability.

Application of the law governing civil procedures

### **Article 40**

Provisions of the law governing civil procedures are applied in court procedure pertaining to protection against discrimination on grounds of disability, unless otherwise is prescribed by this Law.

## **Territorial jurisdiction**

### **Article 41**

Territorial jurisdiction in a dispute for protection against discrimination on grounds of disability, besides the court of general territorial jurisdiction, is also of the Court on the territory of permanent or temporary residence of the person with disabilities who was discriminated against.

## **Initiating procedure**

### **Article 42**

- (1) Procedure in disputes for protection against discrimination on grounds of disability is initiated by a civil action.
- (2) The civil action for protection against discrimination on grounds of disability may be filed by a person with disabilities who was discriminated against and his/her legal representative.
- (3) The civil action for protection against discrimination may also be files by the escort of person with disabilities in case that he/she was discriminated against in the sense of Article 21 and Article 22 of this Law.

## **Civil action**

### **Article 43**

The following may be claimed by the civil action referred to in Article 42 of this Law:

1. injunction of performing an act threatens to cause discrimination, injunction of further performing act of discrimination, or injunction of repeating act of discrimination;
2. performing act for the purpose of eliminating consequences of discriminatory treatment;

3. establishing that the accused treated the plaintiff in a discriminatory manner;
4. compensation for material and non-material damages.

## **Review**

### **Article 44**

In a dispute for protection against discrimination on grounds of disability, a review is always allowed.

## **Provisional measure**

### **Article 45**

- (1) Persons referred to in Article 42 paragraphs 2 and 3 of this Law may, together with civil action for protection against discrimination on grounds of disability, in course of the court procedure, as well as upon completion of court procedure, until execution is carried out, request the Court to, through a provisional measure, issue an injunction of discriminatory treatment in order to eliminate danger of violence or greater irreparable damage.
- (2) In motion for issuing provisional measure, the proposer must make it probable that the measure is necessary for the purpose of eliminating the danger of violence because of discriminatory treatment, preventing use of force or occurrence of irreparable damage.
- (3) The Court is obliged to decide on motion for issuing provisional measure within 48 hours from the day the motion was received by the Court.

**PART SIX  
FINAL PROVISION**



**The Law coming into force**  
**Article 46**

This Law shall come into force on eighth day from the day of its publication in the «Official Gazette of the Republic of Serbia».