No. 07-00-151/2017-02 Date: 15 July 2017

**OPINION**

The present opinion was issued following a complaint procedure lodged by N.O.O.I.S. against the Serbia Chamber of Public Notaries on account of discrimination of persons with disabilities in situations when these persons are in need of notary public services. The complainant claimed that the organization has learned that in situations when a person with disability who is unable to make a handwritten signature or is blind or deaf and is in need of notary public services, must provide two witnesses, which automatically rises that person’s legal costs. In its declaration, Serbia Chamber of Public Notaries stated that when extending services to persons with disabilities, a notary public is under the obligation to perform its work and activities in keeping with regulations and to act in accordance with the provisions of the Law on Out-of-court Proceedings governing the procedure for creating a personal identification document and in keeping with the Law on Signature, Manuscript and Transcript Certification. In the course of the complaint procedure it was ascertained that the procedure for creating a personal identification document as well as the procedure for signature, manuscript and transcript certification are defined by the Law on Out-of-court Proceedings and the Law on Signature, Manuscript and Transcript Certification, it has also been established that these laws stipulate that witnesses must be present when persons with disabilities take part in the procedure for creating a personal identification document and in the procedure for signature, manuscript and transcript certification and that public notaries must adhere to these provisions when extending their services. With reference to claims made in the complaint stating that “the complaint refers to the amount of fees and that a proposal should be made towards exempting persons with disabilities and organizations of persons with disabilities from paying document certification fees or at least decreasing the fees considerably,” the Commissioner for the Protection of Equality issued a recommendation for achieving equality to the Ministry of Justice and to the Serbia Chamber of Public Notaries, No. 07-00-111/2017-02 dated 22 May 2017, to undertake all measures and activities within their scope of authority aimed at harmonizing notary public fees with anti-discrimination regulations by exempting persons with disabilities from paying increased notary public service fees on account of mandatory presence of witnesses or interpreters in situations when persons with disabilities must provide witnesses or interpreters in procedures before public notaries. Bearing in mind the aforementioned, the Commissioner for the Protection of Equality issued an opinion stating that by requiring the presence of witnesses when pursuing legal procedures involving persons with disabilities in keeping with the provisions of the Law on Out-of-court Proceedings and the Law on Signature, Manuscript and Transcript Certification, Serbia Chamber of Public Notaries i.e. public notaries have not violated provisions of the Law on the Prohibition of Discrimination.

|  |
| --- |
|  COMMISSIONER FOR THE PROTECTION OF EQUALITY |
|  Brankica Janković |