

## SUMMARY

Discrimination represents unlawful behavior, an unjustified distinction or unequal treatment, or omission, exclusion, restriction, or giving preference in relation to persons or groups of persons, or persons close to them, because of some of their actual or presumed personal characteristics. Discrimination may be directed toward different individuals or groups, having in mind their personal characteristics, and it may occur in all areas of social life. If not adequately and promptly suppressed, discrimination can seriously affect the development of society as a whole.

In our country, as in other European countries, persons with disabilities are one of the most vulnerable social groups, exposed to all forms of discrimination. The widespread stereotypes and prejudices regarding the capacities and abilities of persons with disabilities, the number and diversity of problems they face daily, together with the difficult social and economic position they are in, result in persons with disabilities being at greater risk of discrimination, and often exposed to multiple and intersectional discrimination.

The Republic of Serbia has, over the past years, established an adequate anti-discrimination legal framework in the field of human rights and the prohibition of discrimination, i.e. has created a comprehensive and coherent system of legal protection against discrimination, which includes mechanisms of civil, criminal, and misdemeanor protection, as well as protection before the Commissioner for the Protection of Equality (hereinafter: the Commissioner), the central national body specialized in protecting citizens from discrimination and promoting equality.

That our society is facing numerous challenges in the area of promoting equality and combating discrimination of various social groups is primarily shown by the practice of the Commissioner. In handling citizens' complaints (2015–2024), taking into account the personal characteristics cited as grounds for discrimination in the complaints processed before the Commissioner, discrimination based on disability is the most frequent, followed by discrimination based on sex, age, health status, and national affiliation.

The prevalence of stereotypes and prejudices regarding the capacities and abilities of persons with disabilities, together with their overall social and economic position and the difficulties in exercising rights due to various reasons, results in persons with disabilities being at greater risk of discrimination and often exposed to multiple and intersectional discrimination.

The situation of persons with disabilities is also illustrated by the results of the 2023 survey *Attitudes of Citizens Toward Discrimination in Serbia*, according to which participants believe that discrimination is most prevalent based on sexual orientation (59%), political affiliation (55%), property status, and disability (both 54%). The extent to which persons with disabilities require support is shown by data from the same research: a significant majority (82%) of respondents believe that persons with disabilities, if provided with adequate support, can be included in community life, while 80% believe that public facilities and transport should be adapted for persons with disabilities and others with reduced mobility.

To protect and promote the rights of persons with disabilities, the Republic of Serbia has ratified a number of important international treaties, among which, immediately after its adoption at the United Nations and before the European Union, the *Convention on the Rights of Persons with Disabilities* and the *Optional Protocol to the Convention on the Rights of Persons with Disabilities* were confirmed. This Convention, which covers all areas of social life, obliges the State Parties to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities, without discrimination of any kind. In its Concluding

Observations on Serbia's first report on the implementation of the Convention, the Committee on the Rights of Persons with Disabilities made a series of recommendations for improving equality of persons with disabilities in our country.

In addition to the above, our legal system includes a wide range of regulations relevant to the realization of equality of persons with disabilities, relating to various areas of social life such as social and health protection, education, planning and construction, passenger transport benefits, professional rehabilitation, employment, etc., which also regulate specific measures for equalizing the status and improving the equality of persons with disabilities.

To comprehensively consider not only the individual problems faced by persons with disabilities but also their interrelation and interconnectedness, the Commissioner, on their own initiative and with the support of the United Nations Population Fund (UNFPA) Serbia, prepared this special report. The report highlights relevant provisions of the Convention on the Rights of Persons with Disabilities and the Concluding Observations of the UN Committee on the Rights of Persons with Disabilities (to enable monitoring of their implementation since their issuance), cross-referenced with specific corresponding provisions of domestic regulations from various fields and illustrated by examples from the practice of the institution itself in protecting the rights of this social group. It is indisputable that progress has been made over many years toward improving the position of persons with disabilities; however, there remains significant room for further action across all systems to ensure actual equality, accessibility, and participation of persons with disabilities, particularly those from the most vulnerable groups, such as children with developmental difficulties and/or disabilities, persons with intellectual and psychosocial disabilities, persons in institutional care, and women with disabilities.

Based on the frequency of complaints submitted to the Commissioner in various areas of social life, this report provides a more detailed examination of discrimination in the areas of accessibility related to use of facilities and public surfaces, employment and labor, health and social protection, as well as education, with special focus on children with developmental difficulties and disabilities. In this way, existing problems can be systematically identified by area, and relevant conclusions and recommendations drawn for further action to improve the situation of this social group.

A major challenge for creating data-based policies is the lack of data on persons with disabilities, their number and structure, especially data disaggregated by sex, age, material status, that is, poverty, employment, education level, coverage by social protection services, realization of other rights, etc., which are areas that should receive particular attention in the coming period. For example, according to official data from the Census<sup>1</sup>, 356,404 citizens declared themselves as persons with disabilities, representing 5.4% of the total population. Between the two censuses, more than 200,000 fewer people declared themselves as persons with disabilities, and the total number of persons with disabilities in our country does not correspond with World Health Organization estimates, which state that about 10–15% of the total population are persons with disabilities. The issue of functioning and social inclusion of persons with disabilities should be integrated and regularly implemented within the statistical research conducted by the Statistical Office of the Republic of Serbia, such as population censuses, the Survey on Income and Living Conditions, and other research. Results should be regularly processed and published, as they can best indicate changes in disparities between persons with disabilities and the general population and help define indicators related to

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<sup>1</sup> *Census of Population, Households and Dwellings 2022*, Statistical Office of the Republic of Serbia, available on the website: <https://data.stat.gov.rs/Home/Result/3104020901?languageCode=sr-Cyrl>

disability across all areas of action, particularly those that have a key impact on their status, as specified in the *Strategy for the Improvement of the Position of Persons with Disabilities*.

One of the dominant problems faced by persons with disabilities, which causes difficulties in exercising various rights and accessing services, is the inaccessibility of public facilities and areas, as well as difficult communication and access to information. The fact is that physical accessibility is not ensured for some facilities where rights to health care, rehabilitation, education, and social protection are realized, as well as for various other services such as banks, post offices, cultural and sports institutions, etc., as confirmed by the large number of complaints received by the Commissioner regarding this issue.

The practice of the Commissioner has shown that resolving such problems often does not require large financial resources but rather recognition of the issue and the goodwill to solve it. The awareness that accessibility is essential for the functioning of each of us at some point in life, and that denying accessibility constitutes a violation of the law and fundamental human rights, requires that accessibility constantly remain among the top priorities of all competent public authorities.

Considering the number and diversity of complaints received on this matter and in order to improve the position of persons with disabilities regarding the accessibility of facilities, the Commissioner, during 2023, sent three initiatives to the Ministry of Construction, Transport, and Infrastructure, which would significantly contribute to addressing this issue. Based on one of these initiatives, the Law on Amendments to the Law on Planning and Construction simplified the procedure for obtaining consent to adapt entrances to multi-apartment residential buildings. However, the relevant provisions of the same law regarding project content when constructing facilities, so that they would include evidence of compliance with accessibility standards as a mandatory component, have not been amended, nor has a systemic long-term national plan for removing architectural barriers and improving accessibility for all public-use buildings and public areas been developed. Such a plan should determine priority facilities, such as centers for social work, health, preschool, and educational institutions, pension and disability funds, police administrations, etc., define reasonable deadlines for removing barriers, and specify competent authorities, funds, and other necessary elements. The Ministry has not informed the Commissioner about any action taken on this initiative.

In addition to architectural accessibility, attention must also be paid to other aspects of accessibility. Digital services should be made accessible, information and communication accessibility ensured, as well as accessibility of public transport, streets, and squares. Regarding the prevention of blind persons from using their facsimile stamps, the Commissioner filed a strategic lawsuit against a notary public, and the Higher Court ruled that by failing to allow a blind person to sign a document using a seal engraved with their signature, the notary committed a serious form of direct discrimination under the Law on the Prevention of Discrimination Against Persons with Disabilities. Also, when the national public broadcaster considered discontinuing sign language translation of news programs, the Commissioner issued a recommendation of measures, after which the broadcaster continued airing its programs in a manner accessible to persons with disabilities.

Ensuring accessibility is a complex issue that requires the dedication of all social actors so that various rights can be fully realized, such as the right to vote and to participate in political life. Following research on the accessibility of polling stations for persons with disabilities in several municipalities, mediation procedures were conducted and a memorandum of understanding on future cooperation was signed. The Republic Electoral Commission also adopted a *Decision on the Assessment of Polling Station Accessibility in Serbia*, developed a

*Training Manual for polling board members*, and prepared a *Guide for Assessing Polling Station Accessibility*.

Another significant issue faced by persons with disabilities, highlighted by the Commissioner's practice, is discrimination in the field of employment and labor. This report pays particular attention to this area, considering that inclusion in the labor market is a key condition for greater social participation, combating social isolation, and often ensuring the economic independence of entire families. The low level of economic activity among persons with disabilities indicates that they are still not integrated into the labor market, even though the obligation to employ persons with disabilities was introduced into our system back in 2009 with the *Law on Professional Rehabilitation and Employment of Persons with Disabilities*, which also introduced and began implementing numerous measures to encourage employment and professional rehabilitation, enabled obtaining disability status, and regulated the assessment of working capacity.

Despite reforms aimed at improving participation in the open labor market, a large number of persons with disabilities remain unemployed, and no precise data exist on the number of employed persons with disabilities. According to the latest available data, in 2023 a total of 17,054 persons with disabilities were registered with the National Employment Service, and 8,505 were included in professional rehabilitation and employment measures. Of these, only 35 individuals participated in the measure for workplace adaptation, representing 140% of the planned implementation, which points to the need for more active planning and implementation of employment policies, better monitoring of their outcomes, and assessment of their impact. When creating new measures, it is necessary to ensure alignment with the state of the labor market and to utilize the expertise of employees in the National Employment Service.

The State Audit Institution, in its reports, raised questions related to the planning and allocation of funds for the budgetary fund for professional rehabilitation and employment of persons with disabilities, to ensure full implementation of necessary measures and greater inclusion of persons with disabilities in the open labor market.

This issue becomes particularly important given the latest data from the *Labor Force Survey*<sup>2</sup>, according to which the unemployment rate has been continuously decreasing and reached 8.1% in the third quarter of 2024. In the Belgrade region, the unemployment rate is 5.9%, which is almost alarming for employers seeking workers.

Certain changes are also needed in the assessment of working capacity and the possibility of employment or retention of employment, since the decisions often include statements about obstacles to labor market participation rather than about the abilities and potential a person with disability or about the possibilities and needs of employers. This approach, together with the provisions of the Labor Law that allow employers to terminate the employment of an employee with a disability or health difficulties if they cannot provide appropriate work, has negative consequences, which is certainly not the purpose of protecting these workers. In practice, there are not infrequent cases where, after the onset of disability, a person is reassigned to a lower position or dismissed. To draw public attention to this problem and to help establish case law, the Commissioner conducted a strategic lawsuit against an employer who stated that the company “*has no room to employ workers with health problems at the very start.*”

For the preparation of this report and to understand the labor market situation, guided by the principle “Nothing about us without us”, the Commissioner conducted the research *The Position of Persons with Disabilities in the Labor Market*. The research included

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<sup>2</sup> Available at: <https://www.stat.gov.rs/sr-latn/vesti/statisticalrelease/?p=15384&a=24&s=2400?s=2400>

representatives of organizations of persons with disabilities, enterprises for professional rehabilitation and employment of persons with disabilities, employees of such enterprises, focus groups with employers from the “open economy”, and representatives of the disability assessment body of the Pension and Disability Insurance Fund (RF PIO). The results of this research point to significant challenges in the areas of education and preparation for labor market inclusion, the use of assistive technologies, and the need for greater state and employer support during employment and job retention of persons with disabilities. The most significant barriers to inclusion of persons with disabilities in the labor market cited in this research were employers’ prejudices about their capacities (92%), insufficient workplace accessibility (46%), and lack of appropriate qualifications of persons with disabilities (46%).

The Commissioner’s practice also confirms the presence of stereotypes and prejudices regarding the capacities and productivity of persons with disabilities, which greatly hinder their employment. It is therefore necessary to take numerous actions in this field, including empowering both persons with disabilities and employers to include as many of these individuals as possible in the labor market. The Commissioner has, for many years, actively organized seminars and trainings for employers, emphasizing the need to embrace diversity and tolerance in the workplace, explaining the concept and forms of discrimination, as well as protection mechanisms, and providing concrete positive examples from practice. As early as 2017, the Commissioner developed the *Equality Code – Guidelines for Developing Employers’ Anti-Discrimination Policy Codes in Serbia*, as a practical tool to assist employers in conducting inclusive and anti-discriminatory employment and career management policies. This manual was updated and amended in 2024, primarily due to dynamic changes in the labor market and the regulatory framework. The *Partnership for Equality* network was also renewed, enabling participating employers, through signing the charter, to share experiences, identify opportunities, and thereby increase worker productivity and business efficiency.

A particular issue raised by the business community concerns reasonable accommodation of workplaces and/or job duties, which was also highlighted by the UN Committee on the Rights of Persons with Disabilities in its Concluding Observations on Serbia’s report. Acknowledging the problem, and after a comprehensive analysis of available materials, the Commissioner prepared a *Guidance on Taking Actions Related to Reasonable Workplace/Job Accommodation*, containing numerous examples that employers can efficiently apply in practice. This guidance, along with a brief overview of the Equality Code and examples of socially responsible business practice, especially those concerning persons with disabilities, is attached to this report in the section Support for Inclusive Employment Policies in the Workplace.

Adequate education and qualifications are of direct importance for the inclusion of persons with disabilities in the labor market. Unless persons with disabilities are adequately prepared for the labor market through education and vocational training, not only will their economic empowerment not be achieved, but they will be predetermined to work in jobs that are generally lower-paid and less favorable, or remain excluded from the labor market altogether, leading to social isolation and poverty. The results of the Commissioner’s research for this report show that the majority of participants believe that both regular and special schools insufficiently prepare persons with disabilities for work. Most respondents believe that special schools provide better preparation for employment than regular ones (23% compared to 8%), results that warrant closer attention and further study.

The development of inclusive education that supports each child’s development and allows them to reach their full potential also contributes to preventing discrimination, intolerance, and prejudice. When children grow up and are educated in inclusive environments, among peers,

in an atmosphere that values diversity, those who need additional support become more adaptable and achieve better results, while their stigmatization decreases.

Although inclusive education was introduced into our system 15 years ago, in practice there are still numerous problems, from assessing the condition and capacities of children to their proper inclusion in the educational process. Many problems remain related to the creation and implementation of individual education plans (IEPs), classes with more students than allowed who are educated under IEPs, entrance exam content not adapted to children with disabilities, a large number of inaccessible school buildings, lack of suitable textbooks, insufficient provision of services such as personal assistants, lack of public transport, inadequate meals, and so on. These practical issues clearly indicate the need for continuous work on the consistent implementation of inclusive education, adequate training for teachers and other community actors and parents, better use of experience and capacities of schools for educating children with developmental difficulties and disabilities, and ensuring the availability and continuity of appropriate support services. In previous years, the Commissioner twice sent recommendations to all local self-governments, pointing out that children with disabilities were not provided with the necessary personal-assistant services, emphasizing that it is not enough for the service merely to be prescribed by an act of a local self-government unit, but that it must also be practically ensured through continuous funding throughout the year. These recommendations have significantly improved the situation, though problems remain. Unmet needs and difficulties in implementing inclusive education are also evidenced by the fact that the service of pedagogical assistants, although foreseen by educational regulations, has still not been introduced in practice.

When it comes to education, it is necessary that all levels of education be fully accessible to persons with disabilities. The Commissioner has pointed out to higher education institutions and faculties the need to amend and supplement the standards related to facilities and equipment, that is, to the organizational and material resources of higher education institutions, and to incorporate the prescribed accessibility standards into the standards required for the quality implementation of all forms of teaching, ensuring information and communication accessibility, providing adapted textbooks, teaching aids and auxiliary educational materials, as well as appropriate assistive technology devices. A recommendation of measures was also sent to all local self-government units to include special criteria (affirmative measures) for pupils and students with disabilities when announcing scholarships. Unfortunately, many of the problems we have pointed out still persist.

Ensuring equal enjoyment of the right to education also depends on services provided by other systems, primarily social and health protection, since full effects of inclusive education cannot be expected without active cooperation among these systems.

In the field of social protection, for quite some time there has been discussion about the need to amend and supplement, or even adopt an entirely new Law on Social Protection. There is also a recognized need for a new strategic document on the development of social protection, as a key instrument for determining future directions in this field, especially given that the previous strategy expired back in 2009. The preparation and adoption of these regulations has taken an extremely long time, and although the current Law on Social Protection was adopted in 2011, some areas are still unregulated by by-laws. As a result, most counseling, therapeutic, and socio-educational services remain undefined, and no standards have been established for their provision, even though this type of support is vital for the stability and quality of life of many citizens, including persons with disabilities.

At the beginning of 2022, after several years of development, the *Strategy on Deinstitutionalization and Development of Community-Based Social Protection Services for*

*the Period 2022–2026*<sup>3</sup> was adopted. The strategy notes that, although Serbia is formally committed to establishing the process of deinstitutionalization, only certain results have been achieved in practice, particularly concerning children and youth, while outcomes for persons with intellectual and mental disabilities remain unsatisfactory. The number of such persons in residential institutions has remained virtually unchanged for years, and exits from institutions are rare, primarily because some community-based services that support remaining in a natural environment are insufficiently developed.

According to data from the Republic Institute for Social Protection<sup>4</sup>, the number of beneficiaries in institutions for adults and elderly persons with disabilities and other difficulties has remained almost the same for years, and institutional care continues to dominate over other services provided by law for persons with disabilities.

Social protection services are not provided according to the needs of persons with disabilities, nor continuously or throughout the entire country. For instance, independent living support services were available in only 27 municipalities and cities in 2021 (29 in 2018). The most common among them was personal assistance, provided in 2021 in just 18 local self-government units. The lack of these and other alternative services means that some individuals have no opportunity for independent living and are therefore forced to become users of residential care or remain in institutions for many years against their will.

Recognizing the situation of persons with disabilities in institutions, as well as the evident need for services and the limited availability of such support, the Commissioner has, for years, included recommendations for improvement in their regular annual reports. These recommendations urge competent authorities to ensure the continuous provision of necessary services for persons with disabilities, continue the process of deinstitutionalization, increase the number of community-based services, and adopt a multisectoral approach to this problem, involving cooperation across systems to achieve progress.

Another issue is that, due to the absence of an organized system of services, there is a large number of informal caregivers, most of whom are women. This adds to their burden, prevents their inclusion in the labor market, creates economic dependency, and deepens gender inequality. Therefore, when amending the law, it is necessary to consider methods of financing and harmonizing the provision of social protection services across the entire territory of the country, in accordance with the needs of the population.

Given the state's strategic commitment to deinstitutionalization, attention must also be paid to the capacities of the social protection system, which must respond to numerous emerging challenges. Failure to assess the overall needs of the social protection system and to regulate this area systematically may result in weakened institutional capacities, increased workloads, staff burnout, and the inability to improve service quality. The system must respond to daily demands and accurately map citizens' needs, promptly activate all forms of support and assistance, while simultaneously strengthening control mechanisms and monitoring and evaluation of service quality, which is crucial for improving the situation of persons with disabilities. These are the reasons why, for years, the Commissioner has been emphasizing the need to strengthen, both quantitatively and qualitatively, the capacities primarily of social, health, and child protection services, as well as other services working to protect socio-economically vulnerable groups and those at higher risk of discrimination, to strengthen

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<sup>3</sup> "Official Gazette of RS", No.j 12/2022

<sup>4</sup> Report on the Work of Social Protection Institutions, Republic Institute for Social Protection, available at: <https://www.zavodsz.gov.rs/sr/izve%C5%A1taji-iz-sistema/>

inspection authorities and increase the number of inspections in these areas, to review existing staffing standards, and to establish criteria based on the actual needs of these services.

Persons with disabilities are also beneficiaries of financial assistance measures aimed at reducing poverty and social exclusion. It is necessary to review the conditions for exercising the right to financial social assistance, ensuring that no person or family is left without this right when their circumstances are such that they cannot secure basic living needs and minimum human standards. This implies relaxing property-related conditions that are currently taken into account when determining eligibility.

Alongside social protection services, a particularly significant issue is ensuring adequate, available, and accessible health care.

The Commissioner's practice shows that discrimination based on health status consistently ranks among the top grounds on which citizens file complaints each year. This ground for discrimination is also frequently cited in combination with other personal characteristics, such as disability, age, gender identity, or sex, making it a case of multiple discrimination. Discrimination against persons with disabilities in this field manifests itself in various ways — from inaccessibility of health-care institutions and insufficiently sensitized medical staff for working with persons with disabilities, to outright denial of services, inability to make appointments or receive rehabilitation, or to obtain adequate therapy at the expense of the state budget.

Ensuring the accessibility of health-care institutions is often one of the basic prerequisites for persons with disabilities to fully enjoy their right to health care, including services provided by secondary and tertiary health institutions. The issue of accessibility is particularly sensitive when children with disabilities are accommodated in such institutions, in pediatric wards. Attention should also be paid to spa and rehabilitation centers, as appropriate accessibility standards have not been sufficiently ensured. On this matter, the Commissioner issued a recommendation of measures to health institutions specialized in rehabilitation, recommending that they take all necessary actions and measures to ensure the accessibility of the facilities they use and the services they provide, so that persons with disabilities, especially those who use wheelchairs, can stay independently and, on an equal basis with others, use therapeutic services. The inaccessibility of spa institutions carries particular weight, as it effectively denies or hinders the use of this type of health service for persons with disabilities.

Another problem in this area is the insufficient availability of information, particularly in accessible formats, as well as limited access to services due to inadequate technical capacities, low awareness among medical personnel about disability, and inadequate communication between health workers and persons with disabilities. Of special importance in this area are the awareness, knowledge, and capacities of medical personnel to provide services to persons with disabilities, which requires various training programs and continuous sensitization.

Women with disabilities face specific challenges and barriers in accessing health care. In addition to the existing prejudices and stereotypes against them within the health system, many institutions lack hydraulic gynecological chairs, which makes gynecological examinations difficult or even impossible. Moreover, there are prejudices regarding pregnancy and motherhood among women with disabilities. The situation is particularly unfavorable for women deprived of legal capacity and those in residential institutions, as decisions concerning their reproductive health are not made independently but by their legal guardians.

Special hospitals for psychiatric illnesses have begun the process of deinstitutionalization, resulting in a constant decline in bed occupancy since 2012. However, one of the key challenges in deinstitutionalizing persons with disabilities from health-care and psychiatric institutions is

that many have nowhere to go, as they either have no family or their families are unable to care for them, while alternative support services, including housing options, are still underdeveloped. This process therefore requires the inclusion not only of the users themselves and their social support networks but also of civil society organizations, independent institutions, in particular the National Preventive Mechanism, and other relevant actors, in order to ensure progress of the deinstitutionalization process.

These problems confirm the necessity of stronger coordination and cooperation in work, i.e., an intersectoral approach in the provision of health and social services, especially in the care of persons with mental and intellectual difficulties, whether in institutions or in the community.

For persons with disabilities, the right to medical and technical aids is of great importance, as such aids facilitate the performance of basic life functions. Ensuring more efficient therapies, medicines, materials, and new-generation aids at the expense of the Republic Health Insurance Fund (RFZO), particularly for persons with disabilities, the elderly, dialysis patients, and those suffering from rare or systemic diseases, has for years been a key focus of the Commissioner's work. It is important to note that the RFZO often acts upon the Commissioner's initiatives and recommendations, which has led to the expansion of the list of medicines, aids, and therapies funded by the state.

In relation to the exercise of this right, there are not infrequent cases of improper or unequal application of legal provisions by certain authorities. Thus, the Commissioner issued a recommendation of measures to the Ministry of Health regarding the work of medical commissions which, in the process of issuing medical certificates of physical and mental fitness for driving motor vehicles, did not apply uniform practices and procedures when issuing such certificates to persons with disabilities. Furthermore, in order to improve the position of children and pupils with non-communicable chronic or rare diseases, the Commissioner submitted an initiative to the Ministry of Health to adopt procedures for dealing with these children during their stay in preschool and school institutions, with the aim of providing better support, ensuring proper disease control, and preventing complications.

Persons suffering from dementia, as a specific form of disability, also face different problems that require special attention. According to the latest census data, 22% of Serbia's population is aged 65 and over, and the trend of rapid aging is accelerating. It is evident that the number of such persons will continue to grow, bringing increasingly complex challenges due to the system's inadequate response, lack of capacity, and insufficiently trained health workers.

Given the major health crisis in 2020 caused by the COVID-19 virus, this report briefly highlights the necessity of ensuring access to regular health services and therapies, medical examinations, and psychological support during crises, as well as the need for clear and efficient procedures for the provision of health-care services in such situations. From the very beginning of the health crisis, numerous institutions and organizations around the world, including the Commissioner, paid special attention to the situation of vulnerable population groups in emergency circumstances, among which older persons and persons with disabilities were recognized as the most endangered. The situation was particularly difficult for persons with disabilities residing in institutions, who were exposed to a higher risk of infection, had limited assistance due to an insufficient number of staff, were unable to receive visits (which were effectively banned for more than 140 days), and faced restrictions or prohibitions on freedom of movement.

Throughout the crisis, the Commissioner continuously alerted the relevant authorities and intervened in various ways regarding the problems faced by individuals in accessing services, emphasizing the importance of maintaining essential services during emergencies, simplifying

and speeding up procedures, and the need to issue movement permits for persons with autism and their parents or guardians during lockdown periods.

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## RECOMMENDATIONS

*The issue of functioning and social inclusion of persons with disabilities should be integrated and regularly implemented within the statistical surveys conducted by the Statistical Office of the Republic of Serbia, such as population censuses, the Survey on Income and Living Conditions, and other studies, in order to enable the creation of data-based policies.*

The competent ministries (for labor and employment, and for education) should *make available disaggregated data according to various criteria on employment and participation in the educational process.*

In individual areas of social life where discrimination is most frequent, the following recommendations are highlighted:

### *1. Accessibility*

- Intensify work on implementing the principle of universal design in all areas, to ensure architectural, informational, and communication accessibility (all authorities and organizations at all levels);
- Develop a systemic long-term national plan for removing architectural barriers and improving accessibility in all public-use facilities and public areas (Ministry of Construction, Transport, and Infrastructure);
- Amend the relevant provisions of the Law on Planning and Construction regarding the content and mandatory elements of the main project, i.e. the project for the building permit and/or execution, and introduce an obligation requiring these projects to include an Accessibility Compliance Report as an obligatory component (Ministry of Construction, Transport, and Infrastructure);
- Review the accessibility of existing digital services and intensify efforts to make all services accessible to all social groups by simplifying procedures, providing accessible information, organizing trainings, and using other suitable methods (Office for Information Technology and e-Government; ministries within their scope of work);
- Enable the use of a seal containing personal identity information or a seal engraved with a signature – a facsimile – in all legal transactions for persons with disabilities who have permanent physical or sensory impairments or illnesses, by amending the Law on the Prevention of Discrimination against Persons with Disabilities and harmonizing other regulations with this law, such as those governing the verification of signatures, handwriting and transcripts, promissory notes, and public notaries (competent ministries, Association of Banks, National Bank, Association of Public Notaries, and other authorities);
- Ensure the accessibility of all forms of public transport (Ministry of Construction, Transport, and Infrastructure; local self-government units);
- Ensure informational and communication accessibility by broadcasting news and as many other programs as possible in formats accessible to persons with disabilities (national public broadcasters, other national-level broadcasters, and cable operators);
- Ensure accessibility of the electoral process by providing accessible polling stations and election materials (Republic Electoral Commission; city electoral commissions).

## *2. Employment and Labor*

- Improve the implementation of existing and create new measures for encouraging the employment and professional rehabilitation of persons with disabilities, taking into account the characteristics of the labor market at the level of local communities, monitor the outcomes and impact of these measures on the position of persons with disabilities in the labor market, track their effects, and publish the results (Ministry of Labor, Employment, Veteran and Social Affairs, National Employment Service, other bodies and organizations);
- Regularly develop and conduct relevant trainings and education for employers, especially on deconstructing stereotypes and prejudices about the abilities and capacities of persons with disabilities, as well as about obligations and methods of reasonable accommodation of workplaces or duties. Implement empowerment activities for persons with disabilities regarding their labor market participation, aligned with market needs (National Employment Service, in cooperation with other bodies and organizations);
- Analyze the supply and demand in the labor market, particularly concerning individuals with educational profiles that are in short supply (such as medical, teaching, educational, caregiving, and similar professions), and, in cooperation with the education sector, create appropriate incentive measures for their education, training, and employment in order to ensure the support needed by persons with disabilities (National Employment Service, local self-government units, educational institutions);
- Consistently implement and monitor the enforcement of the obligation to employ persons with disabilities, while encouraging all employers, including budget beneficiaries, to hire persons with disabilities (Tax Administration, all authorities and organizations, employers);
- Review the consequences of the application of Article 102 of the Labor Law regarding the dismissal of employees with disabilities and health problems when the employer cannot provide appropriate work, and make corresponding amendments to the regulations in order to ensure oversight of activities related to reasonable accommodation of the workplace and/or job duties (Ministry of Labor, Employment, Veterans and Social Affairs);
- Adopt a by-law on the work engagement of persons with disabilities, spatial and technical conditions, professional qualifications of employees, and other work conditions in work centers (Ministry of Labor, Employment, Veteran and Social Affairs);
- Ensure a sufficient number of qualified professionals to assess working capacity and possibilities for employment or job retention, and develop and continuously implement adequate training (Pension and Disability Fund, National Employment Service);
- In decisions on the assessment of working capacity and the possibility of employment or job retention, more precisely specify the descriptions of the individual's abilities and capacities in relation to the specific jobs and tasks they perform or could perform, in accordance with the social model of disability (Disability Assessment Body of the Pension and Disability Insurance Fund – RF PIO, National Employment Service).

## *3. Education*

- Legally define the concept and rights of the child in accordance with the provisions of the Convention on the Rights of the Child (Ministry for Family Care and Demography).

- Regulate the procedure and method for disability assessment in children, as well as monitoring during their development (Pension and Disability Fund);
- Improve the legal framework for deprivation of legal capacity and guardianship of adults, enabling autonomous decision-making and emphasizing the capacities of persons with disabilities (Ministry for Family Care and Demography);
- Increase the number of developmental counseling centers and make them available to children across the country (Ministry of Health; local self-governments);
- Improve accessibility of mainstream education for children with disabilities, developmental difficulties, and those in institutional care, and include teaching staff in specialized training programs (Ministry of Education; Ministry of Labor, Employment, Veteran and Social Affairs; other institutions);
- Establish continuous cooperation and effective coordination between the education system and the systems of health and social protection. Improve cooperation between the mainstream education system and the system focused exclusively on the education of children with disabilities and developmental difficulties, in order to enhance the efficiency of providing professional support (Ministry of Education, Ministry of Labor, Employment, Veteran and Social Affairs, educational institutions, other bodies and organizations);
- Provide scholarships and loans, as well as priority access at all levels of education, ensuring availability and coverage through affirmative support measures according to the needs of children with disabilities (Ministry of Education, in cooperation with other actors; local self-governments; higher education institutions);
- Ensure the priority enrollment of children with disabilities and developmental difficulties in preschool institutions in accordance with regulations, increase the number of preschool institutions or educational groups within preschools, and provide adequate staffing capacities for the provision of additional support (Ministry of Education, local self-government units, preschool institutions);
- Improve the accessibility of educational institutions, continue efforts on digitalization in education and securing availability of information and communication technologies to all pupils with disabilities (Ministry of Education; local self-governments; educational institutions);
- Provide the personal assistant service continuously, in accordance with needs, as well as other support services for parents and families during schooling and immediately after its completion, with special emphasis on improving support measures for children with disabilities from vulnerable groups — for example, children in institutions, children from Roma settlements, and children from single-parent families (Ministry of Education, Ministry of Labor, Employment, Veterans and Social Affairs, local self-government units);
- Amend the classification of activities to enable the engagement of pedagogical assistants supporting students with developmental difficulties (Ministry of Education).
- Implement teaching and learning programs aimed at fostering values and promoting a culture of tolerance, understanding, and respect for diversity, gender equality, intergenerational solidarity, and non-discrimination of various social groups. Enhance the competencies of teaching staff and other professionals working with children in education in recognizing and responding to discrimination, understanding the functioning of the system for the prevention of and protection from violence in schools,

as well as in the area of children's rights (Ministry of Education, educational institutions, other bodies and organizations).

#### *4. Social Protection*

- Amend and supplement the existing Law on Social Protection or adopt a new one, within which it is also necessary to review the scope and amount of material benefits (Ministry of Labor, Employment, Veterans and Social Affairs);
- Based on an analysis of the overall situation and population needs, develop a strategic document and corresponding action plans relating to the development of social protection in the Republic of Serbia (Ministry of Labor, Employment, Veterans and Social Affairs);
- Regulate by by-laws all areas that have not yet been regulated, particularly by establishing standards for the provision of intersectoral health and social protection services through the adoption of an appropriate by-law (Ministry of Labor, Employment, Veteran and Social Affairs, other bodies);
- Amend the Rulebook on Detailed Conditions and Standards for Providing Social Protection Services in order to adapt existing services or standardize new targeted social protection services (Ministry of Labor, Employment, Veterans and Social Affairs);
- In the Action Plan for the Implementation of the Strategy for Active and Healthy Aging in the Republic of Serbia, include activities related to older persons with disabilities (Ministry for Family Care and Demography);
- Implement the process of deinstitutionalization while ensuring the continuous development of existing and new services necessary for independent living in the community (Ministry of Labor, Employment, Veterans and Social Affairs; social protection institutions; local self-government units);
- Quantitatively and qualitatively strengthen the capacities of social and child protection, reinforce inspection authorities, and increase the number of inspections in these areas. Review existing staffing standards and establish criteria based on the real needs of these services (Ministry of Labor, Employment, Veterans and Social Affairs; social protection institutions; local self-government units);
- Provide support to informal caregivers by assessing their needs, introducing support services, training programs, networking, and similar measures (Ministry of Labor, Employment, Veterans and Social Affairs; Ministry for Family Care and Demography; local self-government units);
- Develop intersectoral cooperation at all levels between the systems of social protection, health care, education, employment, local self-government bodies, civil society organizations, and others (competent ministries; local self-government units; authorities and organizations).

#### *5. Health Protection and Emergency Situations*

- Improve the availability and accessibility of health-care services, including mental health services, across the entire territory for all users, by providing adequate accessible facilities, equipment, and a sufficient number of health professionals (Ministry of Health, Republic Health Insurance Fund – RFZO, local self-government units, and territorial autonomy authorities);

- Conduct regular training and sensitization of health-care personnel on respecting human rights in the provision of health-care services to persons with disabilities (Ministry of Health, RFZO, local self-government units, and territorial autonomy authorities);
- Simplify procedures for exercising rights, and raise the awareness and knowledge of persons with disabilities about their rights and the available health-care and patient-protection services (Ministry of Health, RFZO, local self-government units, and territorial autonomy authorities);
- Continue efforts to ensure more efficient therapies, medicines, materials, and new-generation medical aids funded by the RFZO (Ministry of Health, RFZO);
- Ensure the respect of the rights of persons with disabilities, particularly women with disabilities, a safe environment, and adequate and humane treatment related to reproductive health, pregnancy, and childbirth, in accordance with legal provisions and modern professional standards in health institutions (Ministry of Health, gynecology and obstetric institutions, health inspectorate);
- Establish an intersectoral working body to improve cooperation between the health-care and social protection systems and to create intersectoral services (Ministry of Health, Ministry of Labor, Employment, Veteran and Social Affairs);
- Establish precise and applicable procedures for responding to crisis situations, based on an analysis of the response of competent authorities to the COVID-19 health crisis, involving experts from various fields, representatives of vulnerable social groups such as persons with disabilities, their organizations, and human rights institutions (competent authorities in cooperation).