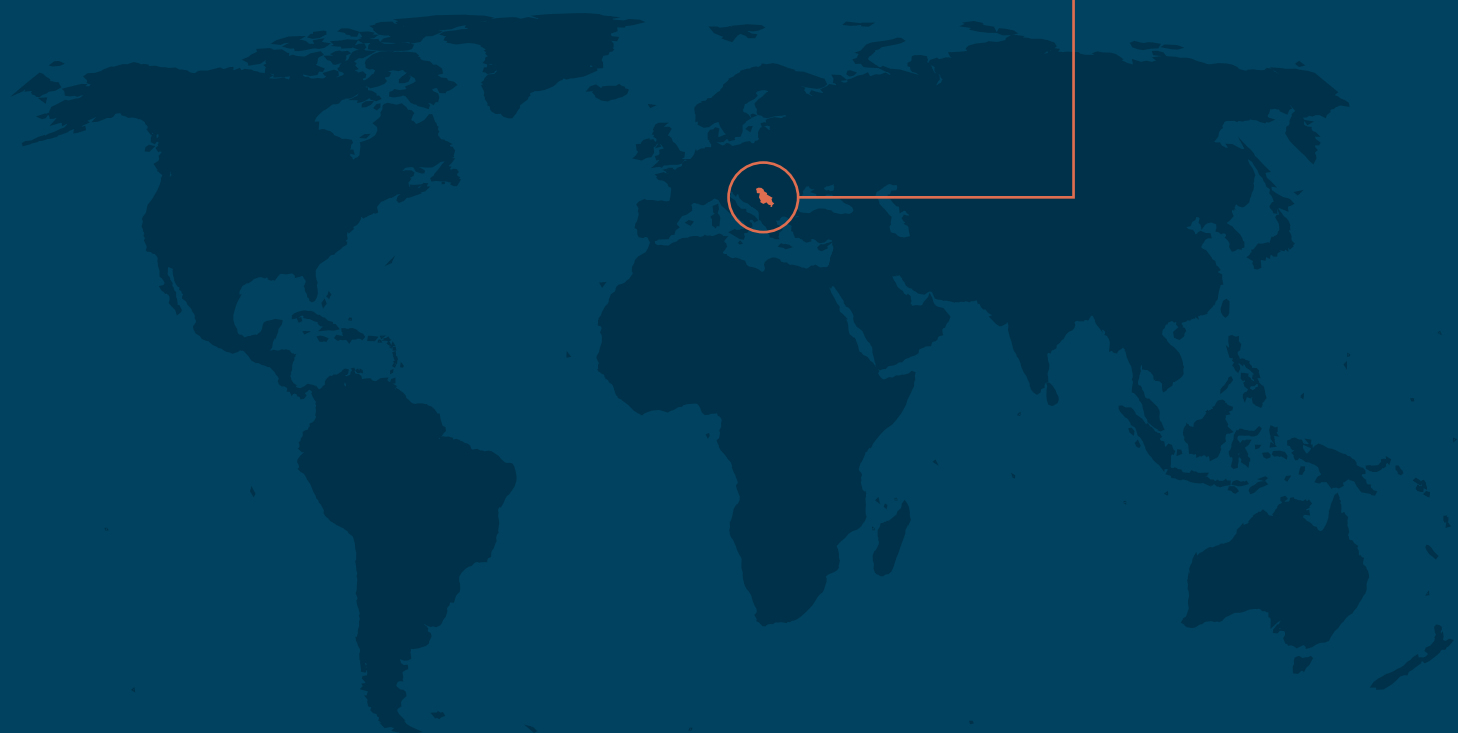


# SITUATIONAL ANALYSIS OF THE RIGHTS OF PERSONS WITH DISABILITIES

**SERBIA**



**COUNTRY BRIEF**

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## COUNTRY BRIEF

MARCH 2024

### Disclaimer

This brief was prepared by the Technical Secretariat. It summarizes the key findings from the situational analysis report and does not necessarily reflect the position of the UNPRPD MPTF.

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# ACRONYMS AND ABBREVIATIONS

<b>CCA</b>	Common Country Analysis
<b>CCPR</b>	International Covenant on Civil and Political Rights
<b>CED</b>	Convention on the Protection of All Persons from Enforced Disappearances
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities
<b>CSOs</b>	Civil Society Organizations IEP Individual Education Plan
<b>GDP</b>	Gross Domestic Product
<b>IDDC</b>	International Disability and Development Consortium
<b>ILO</b>	International Labour Organization
<b>LNOB</b>	Leave No One Behind
<b>NOOIS</b>	National Organisation of Persons with Disabilities
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>OPDs</b>	Organizations of Persons with Disabilities
<b>SDG</b>	Sustainable Development Goals
<b>UNCT</b>	UN Country Teams
<b>UNDESA</b>	United Nations Department of Economic and Social Affairs
<b>UNESCO</b>	United Nations Educational Scientific and Cultural Organisation
<b>UNDIS</b>	UN Disability Inclusion Strategy
<b>UNDP</b>	United Nations Development Programme
<b>UNFPA</b>	United Nations Population Fund
<b>UNICEF</b>	United Nations Children’s Fund
<b>UNPRPD</b>	UN Partnership on the Rights of Persons with Disabilities
<b>UNSDCF</b>	UN Sustainable Development Cooperation Framework
<b>USAID</b>	US Agency for International Development
<b>USD</b>	US dollar
<b>WGQ</b>	Washington Group Short Set of Disability Questions
<b>WHO</b>	World Health Organisation

# 1

## BACKGROUND

The United Nations Partnership on the Rights of Persons with Disabilities Multi-Partner Trust Fund (UNPRPD MPTF) is a unique partnership that brings together United Nations (UN) entities, governments, organizations of persons with disabilities (OPDs) and broader civil society to advance the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) and disability-inclusive Sustainable Development Goals (SDGs) at the country level around the world.

The UN entities participating in UNPRPD are ILO, OHCHR, UNDESA, UNDP, UNESCO, UNICEF, UNFPA, UN Women and WHO. Other UNPRPD members include the International Disability Alliance and the International Disability and Development Consortium. The main contributors to the UNPRPD MPTF are Australia, Finland, Norway, Sweden and the United Kingdom.

In 2020, with the Strategic and Operational Framework 2020-2025, UNPRPD adopted a new programme design approach. The Framework moves towards proactive, results-oriented joint programming to drive implementation of the CRPD and disability-inclusive SDGs.

In the same year, the UNPRPD launched its fourth funding call and invited UN Country Teams (UNCTs) to submit proposals for joint country-level programmes with the objectives of advancing CRPD implementation and improving the implementation of disability-inclusive SDGs. The selected teams were then allocated an initial budget to deliver an induction training, conduct a country situational analysis and complete a full joint programme proposal based on the findings of the situational analysis.

From 10th May to 12th June 2023 UNCT conducted the comprehensive situational analysis. The methodology included a desk review of relevant literature, key informant interviews and focus groups, stakeholder mapping exercises, and consultative workshops with key stakeholders.

This brief provides a summary of the key gaps and opportunities presented in the full report. The full situational analysis report with additional background and context can be found on the UNPRPD website.

# 2 WHY A COUNTRY ANALYSIS?

Many countries still struggle to transform the CRPD into concrete policies, systems, programmes and services that uphold the rights of persons with disabilities. It is urgent that governments and their implementation partners deliver on their SDG commitments through CRPD-compliant interventions. To support countries in the most catalytic way requires understanding the main bottlenecks and priorities in each country in relation to the fulfilment of the CRPD. We needed to know who the key stakeholders are, how implementation/monitoring mechanisms are functioning (or not), which capacities stakeholders may need to improve, and which ongoing development processes could be leveraged to become more disability inclusive.

The situational analysis was designed to:

- Inform the design of future UNPRPD funded programmes in the country and serve as a baseline for these programmes;
- Inform UNCTs of gaps in terms of disability inclusion in ongoing national processes and programmes and recommend further, in-depth analysis where needed;
- Build a base of mutual understanding and working relationships among UN entities, government, OPDs and other civil society organizations (CSOs), as well as the private sector and academia, as the basis for future co-design of joint programmes;
- Strengthen the capacity of those stakeholders to more effectively include and address the rights of persons with disabilities as outlined in the CRPD; and,
- Serve as an advocacy tool for OPDs and other civil society partners, both national and international.

## 3

# INTRODUCTION TO DISABILITY CONTEXT IN SERBIA



Population

**6.647.003**



Disability Prevalance

**8%**

The Republic of Serbia is ranked as an upper-middle-income country, with a GDP per capita of 9,230.2 USD. According to the 2022 Census on population, household, and dwellings, the population of Serbia is 6.647.003 with 51,4% of women and 48,6% of men. In 2021, the at-risk-of-poverty rate was 21,2%, and the at-risk-of-poverty or exclusion rate amounted to 28,5%. Young people aged 18 to 24 are at the highest risk of poverty (27,7%), followed by people over 65, while women are at higher risk in each age group.

Administratively, the country is divided into five regions and 160 municipalities (local self-governments), which are classified according to the level of development into five groups. Out of 160, 47 municipalities are classified as underdeveloped while 43 are extremely underdeveloped. The census conducted in 2022, as well as the 2011 Census, included the Washington Group Short Set of Disability Questions (WGQ). The results of the 2022 census data on disability will be published on 1st December 2023. According to the 2011 results, 571,780 citizens were identified as persons with disabilities, which represents about 8% of the total population. Although women generally represent a higher percentage of the population, this divide is higher among persons with disabilities (58% women, 42%).

The average age of people with disabilities is 67 years in comparison to 42,2 years of the overall population. Serbia signed the CRPD on 17 December 2007 without any declarations, reservations, or objections, and the National Parliament ratified the CRPD and the Optional Protocol on 29 May 2009. The initial report on the implementation of the CRPD was deposited at the UN on 21 June 2014. Several shadow reports from the organizations of persons with disabilities (OPDs) and other civil society organizations were submitted to the Committee, including the submissions of a shadow report by the Mental Disability Rights Initiative of Serbia MDRI-S and a shadow report of the Coalition of Disabled Persons Organizations.

Concluding observations by the CRPD Committee on the initial report on the CRPD implementation were received on 21st April 2016 and the Committee issued a total of 32 recommendations to the Republic of Serbia. The independent monitoring report finds that only one recommendation was fully implemented, namely the ratification of the Marrakesh Treaty for enabling access to published works by persons who are blind, visually impaired, or otherwise unable to use printed materials. Although the submission deadline for the next period report of the Republic of Serbia was initially set on 31 August 2023, there is a significant delay as far as the next reporting cycle is concerned.

# 4 FINDINGS

## 4.1 Stakeholder coordination mechanisms

The key stakeholders responsible for implementing and monitoring the CRPD are highlighted below. A comprehensive list of stakeholders is included in the full report.

- 1 Equality and non-discrimination
- 2 Accessibility
- 3 Inclusive service delivery
- 4 CRPD-compliant budgeting and financial management
- 5 Accountability and governance

### Government and its coordination mechanisms

The Serbian Government established the Council for Persons with Disabilities in 2005 to advise the government on disability-related matters, but its recommendations often face implementation challenges due to the lower-ranked officials among its members, lacking decisive authority. The Ministry for Labor, Employment, Veteran, and Social Affairs provides administrative support to the Council, but its role is largely focused on medical and charity models of disability, limiting its effectiveness in promoting rights-based approaches. Despite publishing annual reports on the implementation of the Action plan (AP) for the implementation of the Strategy for the Improvement of the Status of Persons with Disabilities (2020-2024) and implementing funding schemes aimed at improvement of the rights of persons with disabilities, the Ministry lacks comprehensive inclusion of disability perspectives in national plans and budgets. Intersectionality is often ignored, and data on disability rights realization is not systematically compiled. Several ministries have units dedicated to disability rights, but their capacities are limited, and coordination between ministries responsible for the AP implementation is weak.

Parliamentary committees seldom hold hearings specific to disability rights, although some efforts have been made to evaluate existing laws related to discrimination and employment of persons with disabilities. Independent institutions like the Ombudsman and the Commissioner for Protection of Equality address discrimination complaints, but there are capacity concerns and underutilization of their complaint mechanisms by persons with disabilities and organizations representing them.

In academia, Serbian universities lack disability studies programs, and the prevalent focus is on outdated medical models of disability. This academic deficit hinders evidence-based policymaking and perpetuates outdated views of disability, posing challenges to the implementation of the Convention on the Rights of Persons with Disabilities (CRPD).



## Organizations of persons with disabilities (OPDs)

The disability movement in Serbia plays a crucial role in advocating for the rights of persons with disabilities, although it faces various challenges. Traditional organizations of persons with disabilities (OPDs) have been established since the 1950s and 1960s, mainly focusing on specific impairments. However, their reliance on public funds often limits their advocacy strategies and public engagement. Additionally, there are few cross-disability organizations, such as the National Organisation of Persons with Disabilities (NOOIS), which was founded in 2006 and comprises both traditional and cross-disability associations.

Despite NOOIS's efforts to advocate for policy changes and its participation in various working groups, its influence has been limited, exacerbated by shrinking civic space and obstacles to advocacy programs. The involvement of women with disabilities in leadership positions within OPDs remains low, reflecting broader patriarchal gender norms in society.

People with intellectual impairments face significant barriers to participation in the disability movement, as there are no self-advocacy organizations representing them, and they are often represented by their parents. Similarly, persons with psychosocial impairments feel excluded from the disability movement, affecting their access to advocacy support and public funding.

There are concerns about the representation and democratic governance within OPDs, with some members feeling disconnected from decision-making processes. Structural and institutional barriers, including lack of personal assistance services and transportation, hinder participation.

## UN agencies and other international organisations

The UN, through its Country Team (UNCT) in Serbia, is actively promoting inclusion and equality for persons with disabilities by coordinating efforts of 20 UN agencies, funds, and programs. This is in line with the Sustainable Development Cooperation Framework for 2021-2025, which focuses on green and inclusive economy, social equity, human potential, and rule of law. The UNCT employs inclusive governance mechanisms like the Human Rights and Leave No One Behind Thematic Group and Gender Thematic Group to address disability inclusion issues.

In 2022, the UNCT adopted a UNDIS Action Plan to monitor the inclusion progress. Persons with disabilities are actively engaged in UN initiatives such as the Youth Advisory Group. The UNCT also ensures accessibility standards are met, although improvements are ongoing, especially in digital platforms. UN agencies support disability inclusion through various programs, such as leadership empowerment for women with disabilities by UN Women and rights advocacy by OHCHR.

Other donors like USAID also contribute to the economic empowerment and political participation of people with disabilities, while several EU-funded projects have contributed to community-based services and family support. However, securing funding from international donors remains challenging for disability organizations due to administrative complexities. The UN plays a unique role in ensuring inclusiveness in development efforts and building the capacity of organizations representing persons with disabilities.

## Summary of stakeholder coordination analysis

The analysis of the relevant stakeholders shows significant challenges and barriers in the fulfilment of the rights of persons with disabilities in terms of capacities, authority, and responsibility.

- The Council for Persons with Disabilities, as a coordination mechanism established under Article 33 of the CRPD, lacks the authority to implement the recommendations at the policy and state levels.
- Most of the governmental ministries apart from the Ministry of Labour, Employment, Veteran and Social Affairs do not have budgets allocated for disability programming and monitoring mechanisms such as disability focal points to track compliance with CRPD norms and standards within their jurisdiction.
- The Protector of Citizens – Ombudsman is authorized as a national monitoring mechanism for CRPD implementation, but the mechanism has not been set up yet.
- The parliamentary committees are not strengthened for the full understanding of the rights of persons with disabilities and they rarely use their oversight and control role.
- Complaint mechanisms of independent human rights and equality institutions are insufficiently used by persons with disabilities and their representative organizations, and when they are, equality institutions do not apply CRPD norms and standards directly and consistently.
- There are no disability studies at Serbian universities and faculties are either operating at a medical model of disability or are active on a project-based principle which leads to a paucity of scientific research on disability from the social model perspective of disability.
- The disability movement is not fully representative, while the democratic structures in the organizations are assessed as weak. Project-based funding for OPDs including those at the national level compromises their sustainability and ability to attract and retain human resources. OPDs and persons with disabilities claim they lack the capacity to advocate for their rights successfully and to be meaningfully represented in the working groups for the changes of the legislation and policies. On the other hand, key barriers such as prejudices, lack of services, and inaccessible transport effectively prevent them from participating. Organising and mobilizing around impairment rather than social model and human rights of persons with disabilities compromises cohesion and solidarity within the disability movement ultimately leading to the exclusion of marginalized groups of persons with disabilities from the movement.

## 4.2 Preconditions for disability inclusion

A critical new element of the UNPRPD strategy is its focus on the essential preconditions for disability inclusion to advance the CRPD. These preconditions must be met to address the requirements of persons with disabilities across all sectors. The following findings focus on the preconditions.

### EQUALITY AND NON-DISCRIMINATION

The Constitution of Serbia guarantees equality before the law and prohibits discrimination on various grounds, including mental or physical disability. The Law on the Prevention of Discrimination against Persons with Disabilities, influenced by international standards, forbids direct and indirect discrimination in various areas but does not address the segregation of children with disabilities or the denial of reasonable accommodation as discrimination. The Strategies for the Prevention and Protection against Discrimination acknowledge persons with disabilities as a group at risk of discrimination and outline activities to include a disability perspective in legislation. Legal action against discrimination can be initiated by the Commissioner for Equality Protection, although challenges persist in recognizing and addressing discrimination effectively.

The Strategy for Improvement of the Status of Persons with Disabilities in Serbia (2020-2024) aims to enhance social inclusion, guarantee rights, and incorporate a disability perspective into policymaking. However, reports indicate persistent challenges, including restricted access to rights, prevalent stereotypes, and socio-economic disparities, resulting in substantial discrimination against persons with disabilities.

Key concerns highlighted in reports include limited employment opportunities, challenges in achieving inclusive education, disparities in social protection services, and outdated legislation around legal capacity denial based on disability. Children with disabilities, particularly those from marginalized backgrounds, face increased risks and require early intervention services to address their diverse needs effectively.

### Key findings

- Denial of reasonable accommodation as disability-related discrimination is not yet recognized in domestic legislation.
- The first action plan for the Strategy for the Improvement of the Status of Persons with Disabilities has expired, and the implementation report lacks data on progress, gender-disaggregated data, spending details, and specific reasons for implementation delays.
- Legislation allowing the full or partial deprivation of legal capacity based on disability remains unchanged.
- Supported decision-making lacks legislative or institutional arrangements, and training programs for professionals have not been implemented as outlined in the Strategy's Action Plan.
- Persons with intellectual and cognitive impairments face the highest risk of institutionalization and legal capacity deprivation, along with various forms of violence and discrimination.
- Women with disabilities, especially those who have experienced institutionalization, are vulnerable to intersectional discrimination, including gender-based violence and specific types of disability-related violence.
- Complaint mechanisms of independent human rights and equality institutions are underutilized by OPDs and persons with disabilities, resulting in a small number of complaints related to disability.
- The Commissioner for Protection of Equality does not directly apply CRPD norms regarding denial of reasonable accommodation in discrimination complaints.

## INCLUSIVE SERVICE DELIVERY

### Disability assessment and referral services

The disability referral and assessment systems in Serbia lack a unified, CRPD-compliant approach, resulting in complex processes and pathways for individuals with disabilities to access support services. These systems include:

- body impairment assessment,
- assessment of the need for assistance and care by another person, additional education, health, and social support,
- assessment of the needed level of support in social protection services,
- assessment of the need for medical-technical aids, and a
- work capacity assessment.

The Republic Pension and Disability Fund takes charge of the critical task of determining an individual's disability status, which subsequently dictates their access to pension and insurance benefits. For the Body impairment assessment needed for cash benefits and various forms of discounts (e.g. utility bills, public transport tickets, tax reliefs for car imports, etc.), the assessors are using a Barema method referring to the percentage of impairment or scale. Also, the other assessment systems often focus on medical criteria, rather than on individualized needs assessments.

### Disability support services

In terms of disability support services, Serbia provides various social services divided into daily community services, placement/residential services, and independent living services. These services aim to support individuals with disabilities in meeting their daily needs, improving quality of life, and fostering inclusion in the community. However, there are challenges such as inconsistent service provision, limited coverage, and a predominant medical and charitable perspective on disability.

In terms of deinstitutionalization, Serbia has made efforts to transition individuals with disabilities from residential institutions to community-based care. However, children and adults with disabilities are still overrepresented in residential institutions, facing issues such as segregation, neglect, and lack of access to education and support services. Women and girls in institutions are exposed to specific forms and manifestations of gender-based violence, including forced abortions, sterilization, administration of contraceptives without informed consent, sexual abuse and harassment. Efforts to deinstitutionalize have been hindered by challenges in funding, implementation, and lack of transparency in strategy formulation. There is a need for stronger commitment to community-based care and inclusive policies to uphold the rights and promote the social inclusion of persons with disabilities in Serbia.

### Mainstream services

#### a. Social protection

In practice, the system of provision of needed services from the local self-government where 90 local self-governments (out of 160) are classified as under-developed and devastated with only a few or no community living services leads to dependence of persons with disabilities on the social welfare and pension systems.

#### b. Health

Health access was identified as the third most violated right for persons with disabilities. The COVID-19 pandemic exacerbated existing issues in health access for persons with disabilities, including therapy cancellations, worsened health due to isolation, and poor access to health services in rural areas.

While Serbia offers a universal health system with free primary care access, systemic gaps exist in health access for persons with disabilities. Challenges include insufficient training for health workers, particularly in communication with children and adults with disabilities, and concerns regarding early diagnosis and treatment. Research reveals significant gaps in the sexual and reproductive rights of women with disabilities, with major issues being the lack of reliable information on reproductive health, inadequate access to quality health services due to physical and communication barriers and untrained health professionals.

### c. Education

Serbia's constitution mandates free primary education for all, with additional support for children from vulnerable groups. However, the country has seen a decrease in the coverage of children in pre-university education, with a shift towards individual education plans for those with disabilities. Serbia maintains a segregated schooling system, with an increase in students in secondary special schools and continued operation of special classes in mainstream schools, indicating segregation.

Challenges include a lack of legislative provisions matching the availability and accessibility of local support services, insufficient assistive technologies, and inaccessible online education during the pandemic.

### d. Employment and livelihood

The right to work and access to employment are identified as significant concerns, by persons with disabilities. Despite legislative efforts to promote employment of persons with disabilities, only a small percentage are economically active, and many face barriers such as inaccessible workplaces and low incomes.

The Law on Professional Rehabilitation and Employment of Persons with Disabilities includes quotas for employing persons with disabilities, but enforcement and effectiveness remain unclear.

### e. Access to justice

Discrimination against persons with disabilities is evident in Serbia's legal and guardianship regime, which limits their capacity to enter legal relations independently. The number of persons deprived of legal capacity has not substantially decreased over the years, with a lack of supported decision-making arrangements. Many persons deprived of legal capacity are placed in residential institutions, with women facing additional barriers to accessing justice in cases of violence due to their legal status.

## Key findings

- Disability assessments are not in line with the CRPD, scattered across various systems, leading to bureaucratic complications and denying rights to persons with disabilities.
- Lack of local support services and low service user numbers impact community living and deinstitutionalization efforts.
- Municipal development directly affects access to services, with underdeveloped areas receiving inadequate social protection transfers, hindering community living and inclusive education.
- Early childhood intervention for children with disabilities is insufficient.
- Inclusive education lacks efficient support mechanisms.
- Ineffectiveness in reforms for employment support for persons with disabilities due to a lack of monitoring mechanisms and transparency in fund allocation.
- Health professionals lack specific training to work with persons with disabilities, and awareness programs to reduce prejudices and stereotypes are lacking, especially concerning sexual and reproductive health and support services for those with intellectual impairments.
- Legal capacity deprivation and plenary guardianship laws strip persons with disabilities of basic human rights, with no effective supported decision-making system in place.

## ACCESSIBILITY

The Law on Planning and Construction mandates accessibility standards to ensure unhindered movement for persons with disabilities, children, and the elderly, with penalties for non-compliance. The Regulation on Technical Accessibility Standards provides specific requirements for public spaces, buildings, and facilities, but was created without public consultation, leading to underdeveloped standards. Despite a solid legislative framework, implementation of accessibility standards is lacking due to a shortage of qualified staff, architects familiar with universal design, and frequent corrections to inaccessible constructions. Many public buildings, including health and social institutions, educational facilities, police stations, and administrative bodies, remain inaccessible. Transportation accessibility is challenging, with limited specialized van transport, discriminatory behavior by some drivers, and inaccessible stops. Airports and air traffic services often discriminate against persons with disabilities, displaying prejudiced behavior and inadequate assistance. The Law on Movement with the Help of a Guide Dog recognizes guide dogs as companions but lacks trained dogs, instructors, or training facilities. Information and communication accessibility laws cover electronic services and media, but cognitive accessibility regulations are lacking, with limited development of easy-to-read materials. The Law on the Use of Sign Language promotes access to learning sign language and interpreter services but falls short in recognizing Serbian sign language, deaf culture, and deaf-blind individuals' needs. The sign language interpreter profession lacks formal education or training opportunities.

### Key findings

Legal provisions for accessibility exist, but practical arrangements to ensure accessibility are lacking in Serbia. A comprehensive operational plan for accessibility, as planned in the 2021-2022 Action Plan for the Strategy for the Improvement of the Status of Persons with Disabilities, has not yet been prepared. Challenges include:

- Insufficient sanctions for non-compliance with accessibility standards, lack of expertise and professional staff to monitor standards, and overall lack of knowledge about universal design.
- Funds allocated to organizations and stakeholders for accessibility are insufficient and lack a systematic approach.
- Information and communication accessibility is less developed compared to architectural accessibility, with a focus on the latter.
- There are no legislative or official arrangements for cognitive accessibility, and the Law on the Use of Sign Language does not explicitly recognize Serbian sign language or the culture of deaf people.
- Deaf-blind people are overlooked in accessibility legislation, as different interpretation services for this group are not recognized.

## CRPD-COMPLIANT BUDGETING AND FINANCIAL MANAGEMENT

Financial planning and allocations for disability rights encompass funds for social protection, medical-technical aids, assistance and care allowances, and residential placement. However, there are challenges such as inefficient and unfair distribution of earmarked transfers for social protection to local self-governments (LSGs), inadequate budgetary allocations for medical-technical aids, below-minimum-wage allowances for assistance and care, and steady but insufficient coverage. Additionally, funds for residential placement is a concern, with resources primarily directed towards managing residential institutions rather than community-based services. The Budgetary Fund for Professional Rehabilitation and Employment of Persons with Disabilities lacks transparency in fund usage and shows a significant difference between incomes and expenses, raising questions about its effectiveness.

Overall, these challenges underscore the need for more transparent and targeted financial planning and allocations to adequately support the rights and needs of persons with disabilities. Additionally, there is a call for greater investment in community-based services and initiatives to foster inclusion and participation in all aspects of society.

### Key findings

- There is a lack of publicly available data on the difference between applications for certain services or cash benefits and approved applications. A significant number of people do not receive services or social benefits, and even when they do, the amounts are below the minimum wage and dignified living.
- The relevant authorities have not put in place monitoring mechanisms, nor have they conducted an assessment of the adequacy of budgetary allocations and realization of the human rights of persons with disabilities.
- There are no studies which investigate the extra cost of living with disability. Substantial funds are still being invested in residential institutions instead of in community living, as the residential institutions are costly by their definition, but additional funds are invested in infrastructure and maintenance so that the residential institutions can be license.
- There is a serious lack of transparency of the funds in the Budgetary Fund for the Employment of Persons with Disabilities, as well as their spending and effectiveness.

# ACCOUNTABILITY AND GOVERNANCE

## Inclusive evidence and data gathering systems

The Statistical Office oversees data collection, including on disability, but challenges remain due to varied classification systems and a lack of standard disability definitions. The education system also struggles to track inclusive education and lacks specific data on vulnerable children groups. In 2019, Serbia participated in the Multiple Indicator Cluster Survey to identify children likely to experience activity limitations, but this approach has limitations as it relies on caregiver assessments and provides only a snapshot of the situation.

## National accountability mechanisms

The Government of the Republic of Serbia established the Council for Monitoring the Implementation of the UN Human Rights Mechanisms Recommendations in 2014. This council, coordinated by the Ministry for Human and Minority Rights and Social Dialogue, comprises 18 members who are high governmental officials. For better coordination, each ministry appointed a focal contact point. It collaborates with civil society, including OPDs, independent institutions, and MPs to implement UN recommendations. The council maintains transparency by inviting participation from various stakeholders and making all documents and meeting recommendations available online. However, Serbia faces challenges in implementing the high volume of UN recommendations and in consolidating disability data.

## Key findings

- One of the primary challenges is the lack of a unified definition of what constitutes a disability across different sectors which would allow consistency and comparability in data collection efforts.
- Census data which captures the number of people with disabilities on the basis of Washington's Group set of questions is not enough to provide an insight into the roots of inequalities persons with disabilities face. Traditional survey methods might not be suitable for capturing the full spectrum of disabilities. Household surveys, for example, may underrepresent people with intellectual and psychosocial impairments who are in institutional care.
- Data collectors including the Statistical Office of the Republic of Serbia lack appropriate training to sensitively and effectively gather information on disability-related topics. Collecting comprehensive disability data through disability surveys requires significant resources, both financial and human and demands careful planning and budget allocations.
- OPDs are lacking the capacity and knowledge for data collection methods and tools which would enable them to collect data from their members and use this data as complementary evidence to the government's data for the purposes of disability rights advocacy.



## 4.3 Cross-cutting approaches: Participation, gender, inequalities

The UNPRPD has adopted three cross-cutting approaches to be intrinsically applied across all of UNPRPD MPTF's work, including its structures, programmes, and processes to ensure full and meaningful participation of all persons with disabilities.



### **Participation:**

Enabling full and effective participation of persons with disabilities



### **Inequalities:**

Ensuring the inclusion of marginalized and underrepresented groups of persons with disabilities



### **Gender:**

Addressing gender inequality and advancing the rights of women and girls with disabilities

## PARTICIPATION

While OPDs in Serbia actively engage in shaping policies, their effectiveness is often hindered by structural barriers such as inadequate reasonable accommodation and persistent prejudices and a perception of persons with disabilities as passive beneficiaries rather than active agents of change. Despite efforts to include OPDs in local policymaking, their involvement remains limited, with less than 10 municipalities establishing councils involving OPDs. OPDs strive to influence policies and promote awareness of inclusive practices. However, challenges persist, including a suppressive political environment, reliance on state funding, and the exclusion of non-affiliated OPDs, which impede their advocacy efforts. Fragmentation within the disability movement further hampers advocacy efforts, particularly concerning disagreements between different disability groups. To enhance OPD engagement, improvements are needed in communication, capacity building, data collection, alliance formation, and monitoring and evaluation mechanisms along with the promotion of inclusive policies and the challenge of existing prejudices.

## GENDER

Women in general, and especially those with disabilities, facing significant inequalities in Serbia. The COVID-19 pandemic has exacerbated these disparities, with a majority of women with disabilities feeling neglected by government measures, leading to adverse impacts on their healthcare, mobility, and financial stability. Violence against women, particularly those with disabilities, is alarmingly high, with inadequate access to mainstream and specialized services. Despite efforts from organizations like "Out of Circle" to provide support and advocate for policy changes, challenges persist, including prejudices regarding parental rights, inadequacies in shelter accessibility, and lack of support infrastructure. Comprehensive government interventions are essential to address these challenges and ensure the well-being and rights of women with disabilities in Serbia.

## INEQUALITIES

Inclusion of marginalized groups with disabilities remains a critical concern. Persons with intellectual and psychosocial impairments, as well as individuals living with HIV/AIDS, often find themselves excluded from the disability movement in Serbia. Women with disabilities face compounded challenges, including underrepresentation in leadership roles, higher rates of violence, limited healthcare access, and financial resources. Persons with disabilities living in institutions and those who lack legal capacity have almost no avenues to have their voices heard. Ensuring equal opportunities for all, particularly marginalized disability groups, should be prioritized, with a focus on inclusive and supported decision-making processes.

## 4.4 Disability inclusion in broader development, humanitarian and emergency contexts

### National Development Plans

In June 2023, Serbia adopted a Decree and initiated the development of the National Development Plan, its first comprehensive sustainable development strategy since 2008, with a focus on upholding the Leave No One Behind (LNOB) principle. While extensive consultations are planned, Organizations of Persons with Disabilities (OPDs) did not participate in the decree's consultation. UN agencies collaborate with the government to ensure alignment with national Sustainable Development Goals (SDGs) and EU accession processes.

In 2022, an LNOB tool was introduced in partnership with the Ministry of Human and Minority Rights and Social Dialogue to promote equality in legislative and strategic acts.

Serbia's 2019 Voluntary National Review barely discussed disability inclusion. The subsequent review has been delayed, largely due to political instability post-pandemic. With the 2024 elections approaching, the next review might be postponed. There is a limited interest in the Government to proceed with Voluntary National Review at regular intervals due to competing priorities related to the EU accession agenda. However, Local National Reviews could aid SDG monitoring, with several Serbian municipalities initiating this process. UN agencies consider supporting these efforts financially.

### Disaster risk reduction and humanitarian action

The Law on disaster risk reduction and emergency situations management in Serbia prioritizes equality and human rights protection, including provisions for accessibility in disaster risk reduction measures. A comprehensive disaster risk assessment conducted by the Ministry of Internal Affairs in 2018 recognizes persons with disabilities as a vulnerable group in emergencies. The National Disaster Risk Management Program and the 2016-2020 Action Plan emphasize empowering women and persons with disabilities in disaster response and preparedness, advocating for inclusive approaches. However, there is a lack of publicly available follow-up reports on the implementation of these measures.

Efforts have been made to enhance accessibility and inclusivity in emergency situations, including the development of the Family Manual for Behavior in Emergency Situations in cooperation with the OSCE Mission to Serbia, which has adapted formats accessible for persons with disabilities. Workshops and round tables with OPDs have highlighted the importance of recognizing persons with disabilities in risk reduction plans and improving cooperation with local emergency authorities. In 2022, a Service for supporting mobility and communication presented a manual for supporting persons with disabilities in residential buildings during disasters, aiming to provide guidance to building managers.

## Climate change

The European Commission's Annual 2022 progress report on Serbia highlights the country's limited progress in climate change adaptation and mitigation. While Serbia adopted the Law on climate change in March 2021, the implementation remains at an early stage, with only a few pieces of necessary implementing legislation enacted. Additionally, the Climate Strategy and Action Plan have not been adopted yet. Despite claims of an inclusive and participatory strategy development process, there is no mention of the inclusion of persons with disabilities or their organizations. Furthermore, the Integrated National Climate and Energy Plan lacks considerations for disability. There is a lack of capacities of professionals in the area of DRR and climate change regarding the rights of persons with disabilities, which leads to a lack of appropriate measures in the action plans, and implementation of concrete activities, but also a lack of monitoring mechanisms. There is no systemic measure to engage OPDs to implement the activities and programs in these areas, which is important for a participatory and inclusive approach. The capacities, sustainability, and funding need to be provided to OPDs.

It should be noted that climate change disproportionately affects the poorest, rural areas in Serbia, particularly the Southern and Eastern regions, exacerbating depopulation trends. Persons with disabilities are identified as particularly vulnerable to climate-related threats to public health.

## COVID-19 recovery

Serbia's response to the COVID-19 pandemic was fragmented, with regulations and decrees issued across sectors, making a comprehensive analysis difficult. Initial decisions often overlooked the specific needs of vulnerable populations, including persons with disabilities, and bypassed civil society consultations. Advocacy from disability organizations, civil society, and human rights institutions prompted the government to revise its approach to address these needs. The UN in Serbia developed a COVID-19 Socio-Economic Response Plan offering recommendations for supporting persons with disabilities.

Despite immediate challenges, Serbia has not introduced a comprehensive post-pandemic recovery strategy or provisions for future crises. While there is a Programme of Economic Measures to Mitigate the Negative Effects Caused by the COVID-19 Pandemic, the country's resilience relies heavily on international programs, particularly EU support provided across three pillars: competitiveness and economy, the environment, and good governance under IPA multi-country and regional programs.

# 5 CONCLUSIONS

Serbia faces challenges in implementing the Convention on the Rights of Persons with Disabilities (CRPD) despite ratifying it almost 15 years ago. Outdated legislation based on the medical and charity model of disability, discriminatory practices, legal capacity deprivation, and inadequate disability assessment systems hinder CRPD compliance. Even when laws align with the CRPD, practical implementation falls short, leading to exclusion and inequality for persons with disabilities. Access to rights heavily depends on economic and social development at the local level, with underdeveloped regions lacking essential support services.

The disability movement struggles with fragmentation, focusing on impairment-specific organizations rather than a unified advocacy for human rights. Capacity-building programs for disability organizations and professionals are essential for effective advocacy and policy influence.

Opportunities for intervention lie in strengthening existing legislation, establishing monitoring mechanisms, and investing in capacity-building programs. Lessons from other sectors, such as gender-responsive budgeting, can be applied to disability rights. Further research is needed to understand the realization of economic and social rights for persons with disabilities, including employment, health, and access to support services, with a focus on gender equality and marginalized groups. The most urgent systemic changes that the UN can support include:

- The Government's Council for Persons with Disabilities adopts a systemic approach to planning, budgeting, and monitoring CRPD recommendations, aiming to enhance transparency and visibility.
- Establishment of disability focal points across all levels of government to support CRPD implementation and mainstream disability issues.
- Establishment of an independent national monitoring framework, by the Ombudsman Office, aligning with CRPD Article 33 and national legislation.
- Development of inclusive data collection on persons with disabilities is improved across various administrative systems.
- Development of a roadmap for reforming assessment methodologies and procedures in line with a human rights approach.
- Amendments to anti-discrimination legislation recognize denial of reasonable accommodation as a specific form of disability-based discrimination.
- Efforts to improve the availability and coverage of community-based support services, including independent living services, involve reviewing and revising national and local social protection policies based on identified needs.
- Involving OPDs in budgetary planning and monitoring to ensure transparent and CRPD-compliant budgeting and sufficient resource allocation.
- The UN Sustainable Development Cooperation Framework (UNSDCF) and Common Country Analysis (CCA) consider the disability perspective in their strategies, targets and assessments.

More detailed recommendations are found in the full Situational Analysis.



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