



Centar za samostalni
život osoba sa invaliditetom
Srbije
...pravo na izbor



13.07.2012.

The Second cycle of Universal Periodic Review (UPR) – Serbia

Submission by the civil society organizations regarding situation with Persons with Disabilities

This report has been made by Centre for Independent Living of Persons with Disabilities (founded in 1996, contact details: Serbia, 11000 Belgrade, Milenka Vesnica 3 , tel/fax: (+381 11) 360-55-09; 367-53-17; 367-53-18 , e-mail: office@cilsrbija.org ; gordanarajkov@open.telekom.rs and Committee for human rights Nis, (founded in 1999, contact details: Serbia, 18000 Nis, Obrenoviceva bb, TPC Kalca LAM.B-II-39, tel/fax: (+381 18) 526 232; 526 233; 526 234, e-mail: office@chrin.org.rs ; ddjordjevic@chrin.org.rs).

The report is covering three of many areas which are relevant for status of persons with disabilities (PWD) in Serbia namely: Employment, Social Protection and Access to Environment

The Employment of Persons with Disabilities in Serbia

In the area of **employment** of persons with disabilities in regard to the Law on Employment and Professional Rehabilitation of PWD, the Centre for Independent Living conducted few of different research.

In regard to legal regulations, Serbia has a number of significant regulations that provide an adequate legal framework and an adequate strategic framework for inciting employment of PWD in Serbia, such as : The Strategy for the Improvement of the Status of Persons with Disabilities in Serbia 2007-2015, the National Strategy for Poverty, National Employment Strategy, the Law on Labor, the Law on the Prevention of Discrimination against Persons with Disabilities and the Law on Employment and Professional Rehabilitation of Persons with Disabilities. Additionally, the fiscal regulations and programmes of the Active Employment Policy provide, along with guaranteeing various advantages, a significant incentive to employers who decide to employ persons with disabilities.

The research “Employment of Persons with Disabilities in Serbia: Possibilities and Challenges”

had a goal to:

- Examine the current legal framework for employment of PWDs in Serbia;

- Identify the current incentive measures for employment of PWDs;
- Examine and analyze the characteristics of unemployed PWDs as an offer on the labor market;
- Examine the capacities and readiness of employers to employ PWDs.

Additionally, the research aimed at examine the initial effects of the Law on Employment and Professional Rehabilitation of PWDs brought in 2009, to the status of these persons. Analysis of the research brought to the following conclusions:

1. The data on qualifications, professional capacities, skills and virtues and economic status showed that PWDs could be active participants on the labor market and provide employers with recognizable characteristics of employees
2. For an equal participation on the labor market, it is particularly important for PWDs how they will recognize and develop their own capacities, skills and qualifications. Simultaneously, research identified a set of obstacles that should be eliminated to provide equal opportunities on the labor market for PWD. The data on employers provide information on the demand for labor force in private and public sectors and the perspectives for employment of PWDs.
3. The survey encompassed a higher number of men (54% in the 1st and 55.3% in the 2nd survey), than women on the labor market. These data differ from general gender structure of persons seeking employment in Serbia, where participation of women (54.06%) is higher than of men.
4. The period in which the disability occurred has an impact on education, profession and specific requirements in professional rehabilitation. Persons born with a disability are mostly persons suffering from cerebral paralysis and polio, eye-sight or hearing damage, and they go to special schools that educate them for specific occupational profiles. As a rule, such type of education is not practicable on the labor market as these occupations are often in surplus of what is required and technologically obsolete. Persons living with a disability that occurred in adult age when they had already attained certain level of education are in better position and most of them had already been employed.
5. The majority of the surveyed unemployed persons with disabilities (51.6%) do not need assistance from other persons in carrying out daily routine. However, assistance is still needed to approximately one half (46.8%) of the surveyed PWDs. Unemployed persons with disabilities registered at the National Employment Office mainly need assistance from other persons "outdoors" and not when carrying out daily activities.
6. Over 4/5 of the surveyed unemployed PWDs believe that barriers in their surroundings represent aggravating factor in "getting a job" and "providing financial security".
7. The highest number of the unemployed PWDs (68.5%) live with their parents and other members of the family household (brothers, sisters, grandmothers, grandfathers, etc.).
8. It is estimated that 1/5 of the unemployed PWDs live below the line of poverty, which is significantly higher percentage than in the total population where 7.9% inhabitants live below the line of absolute poverty and 13.2% below the line of relative poverty.
9. Unemployed PWDs have a positive attitude towards education and recognize it as an important factor in employment and career development.
10. Over 2/3 of unemployed PWDs believe that the opportunities for their employment in their municipalities are unfavorable.

11. Persons with disabilities are well-informed about the Law on Employment and Professional Rehabilitation of PWDs. Slightly less than 2/3 had been familiar with it before the Law was passed. Following the adoption, the number of the informed ones increased by 7.2%.
12. One third of unemployed PWDs feel confident in regard to their employment perspective.
13. The employment rate of persons with disabilities in the surveyed companies is extremely low about 1.95%. In public institutions the rate is even lower: local self-governments (0.13%), the National Employment Office (0.12%) and public institutions (0.53%). Practically, it means they do not have a single person with disability per 100 employees.
14. Experience in employing persons with disabilities is the key factor in eliminating prejudices on the working abilities and effects of work of persons with disabilities.
15. The majority of employers (66.7%) evaluate that employment of women is more difficult, while every twentieth employer believes that employment of women is not a problem.
16. The first target group in the activities for improving employment possibilities of PWDs are, in fact, employers who do not have a clearly defined stand on the plans for this year. Some are indecisive (17.9%), and some (25.5%) have not thought about it yet. Their decision may be influenced with better provision of information and other incentive measures.
17. The employers are relatively well informed about the legal measures for increasing employment rate of PWDs, but significantly less about the concrete plans and activities for employment of PWD that exist at the local level.
18. Employers most often express their expectations in regard to financial support for new employment of PWDs and generally, they rely on the state in regard to that matter.
19. In the actual societal conditions, employers still cannot see their role as a business activity that contributes to development of the society. Connectedness of the economy and the state, without individual initiatives, even besides the mandatory measures, will not significantly increase the number of employed PWDs.

Social Welfare Protection of Persons with Disabilities

1. Analysis of Strategic Documents and Legislative Regulations

In Serbia, the following documents have been put in effect in last few years: The Strategy for Reduction of Poverty in Serbia, the Strategy for Social Welfare Development, the Strategy for Improvement of the Position of Persons with Disabilities, the Law on Social Welfare and Provision of Social Security to Citizens and the Law on the Prevention of Discrimination against Persons with Disabilities in Serbia. They all recognize that the reasons of poverty of persons living with disabilities and also their insufficient social inclusion reflect the under-development of support services.

2. The Gap between the Policy and the Practice

- All the analyzed strategies brought since 2003, recognize the importance of the existence of various social services, as a precondition to social inclusion of persons with disabilities. Also, all these documents recognize that the existing network of services is insufficient and inadequate and lacks alternative forms of support.
- The strategic documents foresee that it is necessary to incite and support development of new services in local communities which incite activism and independence of persons with disabilities, as well as to include as many services providers as possible through financial support of the rights and

the accreditation and licensing system, regardless of the type of providers, i.e. public services, private or non-governmental organizations. It also implies the creation of standards and advancement of the services quality.

- Researching the actual state showed that significantly higher number of services was spontaneously developed than those stipulated by the Law since 2011., which is caused by the expressed needs for various types of services for persons with disabilities. Nevertheless, there are still few adequate services (geographically distributed in an unbalanced manner), which could provide quality services, especially for the basic needs of persons with disabilities and which stimulate active and independent living.
- Although the new Law on Social Protection brought in May 2011. is proscribing a number of new groups of social support services, by-laws that should give precise standards and the mechanisms for the implementation of the Law are still not completed, thus disabling full implementation of the Law in practice.
- Although the expectations from the non-governmental sector are high, especially the organizations of persons with disabilities, no preconditions have been created that would enable them to fulfill their role in providing innovative services, including changes in the mode of operations in building new capacities (providing training for human resources, technical and financial resources).
- Therefore, the basic gap is to be found in the inadequate application of the existing and non-existence of other adequate laws and regulations (defined standards of social services, licensing and accreditation procedures) as well as in the new responsibilities given to local self government for the provision of non-institutional social services without building their awareness and human and financial capacities to fulfill that responsibility.

2. Social Characteristics of the Respondents

- The educational structure of persons with disabilities does not facilitate finding a job or their inclusion into the society. Persons with physical impairments have the best education, while persons with learning disabilities have the poorest one . Only 12.8% of PWD stated that they were employed, and over 55% shared the opinion that their working potentials were not used.
- Material situation is equally difficult for all persons with disabilities, without significant differences in regard to the form of disability. The most common source of income of persons with disabilities is the cash allowance for care and assistance of other person, whereas the largest portion of personal income falls within a range of up to RSD 10,000. Purchasing power of rural households in which persons with disabilities live is by far lower, whereby 1/10 do not have any income.
- Social participation of persons with disabilities is low. The reasons for social marginalization are the following: inaccessibility due to architectural barriers, non-acceptance, prejudices, low standard and insufficient number of services, as well as the passive stand of PWD themselves. Encouragingly, less than 1% of persons with disabilities sees the reason for non-inclusion in their own disability, contrary to almost 1/3 of the respondents who see the reasons in the social environment, meaning that they speak about the trend of leaving the medical and accepting the social approach to disability among PWD and their families. The principle of the participation of PWD in decision making in the area of social protection policy and creating services is represented to a great extent at the national level, whereas it is insufficiently represented in local communities.
- Family support is recognized as the most important form of support, therefore we can conclude that persons with disabilities are generally oriented towards their own family. The role of the state is very important as evaluated by both the beneficiaries and the services providers, and the support among PWD themselves is ranked third by importance as valued by the beneficiaries, and first as

valued by the services providers. Surprisingly, the services providers expect that persons with disabilities themselves should help themselves the most, i.e. this type of support they rank higher than the support that should be provided by the state and local community. Even though the non-governmental sector in Serbia actively participates in provision of services to persons with disabilities, their role is ranked lower in regard to other services providers.

3. Services for Persons with Disabilities

- Services for persons with disabilities represent an important factor in providing support, and the types and structure of non-institutional services are generally identical to the services that have usually been provided by the organizations so far. Among regular service providers there are no advancements in devising new types of services and rising the level of quality of the services which the providers organize within the project framework. In priority, these services are intended for the satisfaction of basic necessities of the beneficiaries, but do not enable persons with disabilities to lead an independent life. The distribution of the services across regions is unbalanced, and the number and quality of the services is determined by the level of the economic development of a region.

- The contents of the services are insufficiently known both to the services providers and the beneficiaries. This is implied, on one hand, by the fact that a varying number of providers expressed opinion about individual services, and on the other hand, when listing the services they use, the beneficiaries mixed up the contents of some services. As per the complexity and innovation, the services of training for work, personal assistants services and daily centers stand out, as well as the rehabilitation and daily care services. The service providers are the institutions of the system and organizations of persons with disabilities. Most commonly, the services are provided by projects that are organized by associations of persons with disabilities in 2/3 of the cases, and there are no privately owned official providers of services for persons with disabilities.

- Knowledge ability of persons with disabilities on the existence, possibilities and ways of using the social welfare system services is still insufficient and negatively reflected on the entire concept. Only one third of the surveyed persons with disabilities use the services. The most commonly used services are the following: sports, recreational and cultural activities; transportation related to programme activities, daily care, and education. The most poorly used services are the following: assistance at home, personal assistants, protected residence, therapeutic services and specialized city transportation. The least used services are assistance at home and protected residence, as these services do not exist in over 70% of municipalities, and where they do exist, they are predominantly intended for elderly people or specific categories of beneficiaries.

- The need for specific services varies depending on the form of disability, as well as the use of assistance of other people in carrying daily activities. The beneficiaries need the services provided by the legal acts (assistance and care at home, daily care), and many other services that would support the activism and independence of persons with disabilities. It means that it is necessary to develop, in a balanced manner, both the services that persons living with various forms of disabilities may use (specialized transportation or trainings), as well as the services specific for certain categories of persons with disabilities (personal assistants or therapeutic services). The conclusions of the focus groups with the beneficiaries imply that the majority of persons with disabilities is not covered with the so-called passive medical protection model that is generally related to the institutional framework.

- Cash allowance for care and assistance, which is basically intended for direct "purchase" of services by the beneficiaries, is provided for the majority of persons who meet the legal requirements; however, it was found out that one half of persons with disabilities who receive this allowance do

not use the funds for that purpose but for other personal needs, which speaks about the poverty level of persons with disabilities, as well as about the need to develop further various services.

RECOMMENDATIONS

Employment of persons with disabilities

State bodies at the national and local levels

- It is necessary that the Government of the Republic of Serbia with its relevant ministries and local authorities create preconditions to give rise of the employment rate of persons with disabilities that include the following:
 - Provision of support services for persons with disabilities,
 - Provision of accessible environment and public transportation,
 - Provision of accessible information and communication services,
 - Adaptation of work places and working processes when needed.
- The process of the implementation of the Law and employment of PWDs should be systematically followed on the quota principle and represent the good practice examples as a model for creating the support measures for adapting working environment and optimizing the work performance.
- To increase the level of information on sustainable development and action plans for employment at the local level.
- The state bodies should stimulate employment of PWDs and to innovate the models and follow up what employers particularly expect when employing new employees in a permanent manner, as employers express their expectations most commonly in regard to financial support.

The National Employment Service

- To motivate persons with disabilities to have additional education in order to develop new skills and be able to respond to the needs and changes in accordance with the constant changes and demands of the labor market.
- To focus the work of the Commission that deals with the work capability assessment of persons with disabilities to their capabilities and the need for support in work;
- To modernize the record keeping on persons with disabilities on the labor market and harmonies it with the concept of disability and typology that would indicate the type of damage and limitations (bodily, sensory, intellectual) and contain relevant information for employers and policy makers for employment of persons with disabilities (PWDs);
- To use positive experiences and apply affirmed forms and means (PWDs employment fairs, public debates, round tables, panels etc.) for improvement of communication and exchange of experiences between employers and persons with disabilities in order to decrease the influence of stereotypes and prejudices on PWDs' working capacities.
- To ensure accessibility to the National Employment Service services at the local level both in a physical sense and the manners of communication.

Organizations of Persons with Disabilities

- To work on establishing coalitions for employment at the local level, as they have proved as a convenient form of advocacy and joint action of stakeholders for creating greater possibilities for employment of PWDs and to ensure support for their continuous work and spreading positive experiences as good practices examples.
- To incite members of the associations of persons with disabilities to get involved into programmes and activities for strengthening the capacities for seeking jobs and strengthening their capacities to place their working potentials on the labor market.

Social Welfare Protection

1. It is proposed that the Government of the Republic of Serbia and the relevant ministries further develop or begin operationalisation of SSS, SRSZ, SOSI through creation of action and/or annual operational plans and define mechanisms with which the said strategies can be implemented, including precise regulations related to the jurisdiction and obligations of local self-governments in meeting the social needs of citizens.
2. The Government and the relevant ministries should prepare the adoption of or alterations of adequate legal regulations (in priority, by-laws Law on Social Welfare Protection), which would ensure development of the existing services and the introduction of new social services for persons with disabilities in the local community and to include as many various social stakeholders in the sphere of provision of services.
3. The Ministry of Labor and Social Policy and the Republic Institute for Social Welfare should work to create and define quality standards of services for persons with disabilities in continuity, and to ensure equal status of all services providers through provision of financial support to the rights and the accreditation and licensing system, regardless of the service provider type in question, i.e. public, private or non-governmental.
4. It is necessary to ensure the needed normative conditions and mechanisms that will have a binding character for local self-governments and to facilitate bringing of local plans of actions for implementing national strategic documents and to ensure the control of the implementation of the Law on Social Welfare Protection at the local level.
5. The Government, the Ministry of Labor and Social Policy and local self-governments should plan the funds through programme budgeting in continuity in order to provide the necessary funds for the implementation of the relevant documents and strategies, especially UN Convention on Rights of PWD, the Strategy for the Improvement of Status of Persons with Disabilities, thereby enabling the realization of the basic goals, priorities, measures and activities contained in the Strategy.
6. It is recommended that MNRSP develops mechanisms for financial support to underdeveloped municipalities that cannot financially support non-institutional forms of social support for persons with disabilities from their own sources.
7. It is recommended that, within the framework of the projects for the application of the Strategy for Development of Social Welfare Protection and creation of local plans of actions, which are implemented with support of donor agencies, to include and define the plans for permanent advancement of the status of persons with disabilities and to create diverse services of non-institutional protection at the local level.
8. It is necessary that local self-governments in cooperation with associations of persons with disabilities and the non-governmental sector identify which services are insufficient in order to

develop them further, and to map the existing ones and to establish whether, and to what extent, they meet the real needs of beneficiaries.

9. It is recommended that local self-government supports and incites the non-governmental sector to provide services to persons with disabilities, and that the expert services evaluate the real need for the services, to help in their creation, and to provide training and implement monitoring.

10. It is necessary to design training programmes to service providers at the level of local self-governments through the following:

a. development of educational and training packages and seminars,

b. creating educational programmes for families of persons with disabilities,

c. increase professional competencies of the existing staff and education of new staff to work with persons with disabilities in order to enable them to move from the passive (medical) to active (social) model of protection,

d. development of professional capacities of the providers and beneficiaries for active planning of projects and considering possibilities of cooperation with donors and active participation at the Calls for Proposals.

11. It is necessary to support activities of association and organizations of persons with disabilities and to increase their capacities to provide services at the local level, in order to ensure participation and incite active involvement of persons with disabilities into the local community social life.

12. Associations of persons with disabilities and other non-governmental organizations at the local level should intercede for increased provision of information to persons with disabilities particularly in rural areas, about services/programmes of social welfare protection that exist in a local community, in order to increase greater coverage of beneficiaries and rational use of capacities of the services providers.

13. The status of persons with disabilities should be researched from much wider aspects than those exercised with this research in order to provide persons with disabilities with adequate services (depending on the form of disability and the local community possibilities), which is a proposal for future researches.

Accessibility of privately owned buildings

By the end of 2011, the Network of the Committees for Human Rights in Serbia - CHRIS conducted a research by sending requests for delivery of information of public importance in regard to direct control of the application and implementation of the provisions of the Law on the Prevention of Discrimination against Persons with Disabilities, the Law on the Prohibition of Discrimination and the Law on Employment and Professional Rehabilitation of Persons with Disabilities to 315 state-owned institutions in 5 cities (Niš, Negotin, Novi Pazar, Novi Sad and Valjevo). Out of the total above mentioned number, slightly less than a half of the institutions (156) delivered their replies to the request. Certainly, this figure implies the attitude and relationship of the society towards the problems that persons with disabilities are faced with on daily basis in their attempts to be on an equal footing with other citizens at pursuance of their rights. This institutional survey covered units of local-self-governments, courts-of-law, judicial and tax administration institutions, public

companies, social welfare institutions, healthcare institutions, and institutions of culture and education.

This institutional survey was conducted with an aim to find out whether, and to what extent, the provisions of the aforementioned laws are implemented in practice and whether the state institutions act in accordance with the aforementioned laws in terms of the advancement of the status of this marginalized social group. The purpose of this survey is to observe to what extent the institutions owned by the state have adapted their buildings to be used by persons living with some type of disability and to what extent these buildings are **accessible and available** to persons with disabilities; and whether, and in what manner, they act in accordance with the provisions of the Law that sets forth the obligation related to employing of persons with disabilities.

Conclusion

The results of this survey implicate unambiguously that there is a high level of discrimination towards persons with disabilities in regard to accessibility and availability of their buildings/premises. The fact that only 34% buildings (of the total number of those institutions in the aforementioned cities that submitted their replies) have a ramp to ensure the accessibility to persons with disabilities to their buildings/premises, speaks in favor of what has been stated above. The statistics reports that the most degrading situation is in Negotin where only 20% institutions have ramps; whereas the most responsible approach in respecting the legal provisions is recorded in Novi Sad where 55% institutions have accessible ramps. In the sample of the 5 surveyed cities, only 16% institutions that have lifts or wheelchair platform lifts are recorded. In percentage, the highest number of buildings that provide a possibility of vertical movement of persons with disabilities, either lifts or wheelchair platform lifts, is recorded in Novi Sad; whereas, the worst situation is in Valjevo where only 4 % buildings are equipped accordingly. Only 15% institutions that were surveyed met the requirements of the Regulations on Accessibility in regard to the height of counters. The fact that only two institutions in the territory of the Municipality of Negotin have counters adapted to the needs of persons with disabilities, out of the 20 surveyed institutions, should pose a matter of concern. The survey shows that 9% of the state-owned institutions have toilets specifically adapted for the needs of persons with disabilities. The most responsible approach in regard to respecting the Law on Planning and Construction and the accompanying Regulations was recorded in the territory of Novi Sad where 6 institutions have the above mentioned toilets; whereas, in Negotin, Novi Pazar and Valjevo, only one institution per town has such toilets adapted to the needs of persons with disabilities - that is simply incomprehensible.

Recommendations

State bodies at the national and local levels

1. It is necessary to ensure and facilitate the removal of architectonic barriers with additional measures in line with the standards stipulated by the existing laws and by-laws.
2. It is necessary that each local self-government forms a local team for accessibility and to make a long-term strategy for accessibility based on the "design for all".

3. It is necessary that the state bodies provide financial support for the activities of local teams related to the accessibility and the implementation of local strategies at the national and local levels.
4. To create binding measures so that each budgetary beneficiary that uses a building for public purposes, beginning from 2013, plans in its budget special funds allocated for gradual and planned removal both of the access barriers and indoors barriers.