



Republic of Serbia
Government
Office for Human and Minority
Rights
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Answers of authorities of the Republic of Serbia to the Questionnaire of the Office of the High Commissioner for Human Rights on the Rights of Persons with Disabilities

1. Does your country have laws, policies or guidelines on access to justice, at any level of government, which ensure persons with disabilities, particularly women and children with disabilities:

a) to participate in judicial and administrative proceedings on an equal basis with others in their role as witness, juror, complainant, defendant or other, including through the provision of procedural and age-appropriate accommodations (please identify and share the text of those provisions);

b) to have individual legal standing in all administrative and judicial procedures, including the right to be heard as part of their right to fair trial;

c) to have access to effective remedies that are appropriately proportional to the right(s) infringed and tailored to their specific situation; and

d) to have effective access to justice in the context of disasters, migration and asylum-seeking, conflict and post-conflict situations and transitional justice, and formal or informal systems of customary, indigenous and community justice, among others.

The Republic of Serbia is devoted to strengthening democratic society primarily focusing on respecting human and minority rights. According to the Constitution of the Republic of Serbia, generally accepted international law regulations and certified international agreements compose the integral part of the legal order and are directly implemented.

The right to fair trial is guaranteed by the Constitution of the Republic of Serbia. Article 32 of the Constitution prescribes that everyone is entitled to have an independent, impartial and legally established tribunal publicly discuss, within a lawful and sensible time limit, and decide on their rights and obligations, reasonableness of suspicion being the reason for instituting the proceeding, as well as regarding the accusations held against such persons. Everyone is guaranteed with the right to using the services of a translator free of charge, if they do not speak or understand the language in the official use on the court of law including the right to a free interpreter, if such a person has sight, hearing or speech impairments. With respect to the individual legal position in all administrative and judicial proceedings, including the right to having a hearing as part of their right to fair trials, persons with disabilities have the equal legal position as all other citizens, which guarantees the right to having a fair trial and hearing. Process laws prescribe the right to the services of an interpreter free of charge in a proceeding before the court of law.

The Criminal Procedure Code prescribes in its Article 87 that if the defendant is deaf, questions are going to be posed in writing to him, if the person is mute, he/she shall be asked to respond in writing, and if the person is blind, the content of the written evidence shall be presented to him/her upon the hearing in an oral manner. In case the hearing cannot be conducted in the given manner, an interpreter shall be invited to establish understanding with

the defendant. The same rules apply in terms of witness examination. Pursuant to Article 74 of the Criminal Procedure Code, the defendant is prescribed to have defense: "the defendant must have a defense counsel: 1) if he is mute, deaf, blind or incapable to conduct his own defense successfully – from the first interrogation until the final conclusion of the criminal proceedings". Article 96 of the Code prescribes that the witness must give an oral oath, by reading the text of the oath, or by giving an affirmative reply after being read out the text by the authority conducting proceedings. Mute witnesses able to read and write sign the text of the oath, and deaf, blind or mute witnesses who are illiterate are sworn in with the help of an interpreter.

The Civil Procedure Law prescribes in its Article 95 that Parties and other participants to the proceedings who are blind, deaf or mute are entitled to the free of charge interpreter in the proceedings before the court. Pursuant to Article 256 of the Law, if a witness is deaf, questions shall be asked in writing, and if a witness is mute he or she, shall be invited to reply in writing. If it is not possible to conduct the hearing in this manner, the court shall summon an interpreter.

The Law on Police prescribes that in exercising police powers, a police officer shall act humanely and respect the dignity, reputation and honor of each person and other fundamental rights and freedoms. What is also prescribed is that physical force may not be used against persons under the age of 14, persons who are apparently ill, feeble, heavily disabled or against women who are visibly pregnant or who warn that they are pregnant.

As for the children and youth with disabilities, provisions of the Criminal Procedure Code apply as well as the provisions of the Civil Procedure Law, including the provisions of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles.

The Law on Preventing Discrimination of Persons with Disabilities introduced in 2016 amendments enabling exercise of equal rights of persons with disabilities who, due to the nature of their disability – physical and sensory damages or illnesses, are unable to individually write their own signature, by enabling the use of signature stamps containing identity data or with an engraved signature, upon performing various activities and exercising their rights. By adopting **the Law on the Use of Sign Language, as well as the Law on Movement of Blind Persons with Guide Dogs Serbia made a step forward last year** in terms of preventing discrimination and exercising the rights of persons with disabilities, as well as facilitating their mundane activities. On the account of the adopted laws, an entire series of bylaws to general enactments was also passed.

General prohibition of discrimination is also prescribed by the **Law on Police**, envisioning the duty of employees working in the Ministry and Police to equally treat everyone regardless of their race, sex or nationality, their differences deriving from their social origins, birth, religion, political or other beliefs or preferences, gender and gender identity, property status, culture, language, age and psychological or physical disability.

In the procedures before the organisational units of the Ministry of Interior Affairs, for the purpose of exercising the rights and interests of persons with disabilities who are in need of the services of an interpreter in order to realise their involvement in the procedure, the whole procedure is maintained with the presence of the interpreter.

The Ministry of Interior Affairs has ensured for persons with disabilities, i.e. persons who are unable to personally come to the police administration or unit for the purpose of submitting the request for ID card issuance and travel documents, that the request shall be received, i.e. acquisition of the required data shall be conducted (biometric and alphanumeric) as well as to perform delivery of ID cards and travel documents without the necessity for visiting the premises of the Ministry of Interior. In order to provide accessibility to the exercise of rights of persons with disabilities in the field of documents issuance, the Ministry of Interior has installed access ramps in police administrations, i.e. precincts with appropriate counter halls. All police administrations of the Ministry of Interior Affairs were delivered with the Questionnaire on the Accessibility of Precincts in the Republic of Serbia based on which the adaptation needs were not expressed.

Moreover, requests for document issuance (ID card, travel documents, vozačka driving licence) of persons with disabilities, are received with prioritisation, every work day in police administrations, i.e. precincts of the Ministry of Interior. Additionally, in the territory of the City of Belgrade, persons with disabilities are entitled to submit requests for document replacement and other requests associated with administrative issues in accordance with legal regulations in the field of administrative affairs every first and third Saturday in the month in four precincts, being the following: Novi Beograd Precinct, Stari grad Precinct, Voždovac Precinct and Rakovica Precinct. Notifications on the aforementioned matters shall be visibly presented on notice boards of these precincts.

The Draft Law on Free Legal Aid, the adoption of which is expected, envisions that members of vulnerable social groups, with particular emphasis on persons with disabilities and children, are *ex lege* beneficiaries of free legal aid regardless of their financial status.

Furthermore, **there is an ongoing adoption procedure of the new Strategy for Improving the Position of Persons with Disabilities in the Republic of Serbia until 2020**, with the objective of ensuring a continuous implementation of activities contributing to the improvement of position of persons with disabilities by eliminating any obstacles they face in various fields of social life and also providing the exercise of all of their rights on equal terms. There is another adoption procedure regarding the **Strategy Implementation Action Plan**, which is specifying certain measures and activities in the direction of activities conducted in all eight fields of the Strategy, which aside from measures and activities also entails the expected outcomes, owners of the activities and necessary funds.

In terms of access of persons with disabilities to effective legal remedies, pursuant to Article 13 of the European Convention on Protection of Human Rights and Freedoms and Article 47 of the EU Charter on Fundamental Rights, Constitution of the Republic of Serbia prescribes in its Article 36 paragraph 2 that every person enjoys the right to make an appeal or other legal remedy against the decisions deciding on their rights, obligations or legally grounded interests.

The right to legal remedy is entitled by all procedural laws in terms of regular and extraordinary remedies, complaints and objections. Provisions of procedural laws prescribe deadlines, obligatory elements as well as persons authorized to express legal remedies. Pursuant to Article 170 of the Constitution, a constitutional appeal can be stated against individual acts or actions of state authorities изјавити or organizations entrusted with public authorisations, violating or depriving of human or minority rights and freedoms stipulated by the Constitution, provided that other legal remedies used for their protection have been exhausted or not envisioned. Additionally, Article 32 of the Constitution of the RS guarantees that everyone is entitled to have the court make a decision on his/her rights and obligations within a sensible time limit, which is a legal ground for introducing a constitutional appeal to the breach of the right to court trial within a reasonably long period. The Law on Constitutional Court of the Republic of Serbia prescribes that a constitutional appeal can be stated even if legal remedies have been exhausted, in the event when the rights of the complainant to court trial within a reasonably long period is breached. Also, constitutional appeal can be stated by other state or other authorities competent for monitoring and exercise of human and minority rights and freedoms (Article 83 paragraph 2 of the Law on the Constitutional Court).

2. Do you have examples from your country on:

a. *how procedural and age-appropriate accommodations are provided and applied, including protocols or other guidelines;*

b. *education programmes on the right of access to justice for persons with disabilities for Law students as well as in schools of social work, sign language interpretation, forensic science, psychiatry and psychology, among other relevant faculties; and*

c. legal aid programmes , public and/or private, which include the right of access to justice for persons with disabilities in their practices, including the availability of support and liaison services for courts or other judicial or quasi-judicial instances.

In terms of procedural and other benefits adapted for age groups, provisions of the Law on Criminal Procedure and the Law on Civil Procedure shall apply, as well as the provisions of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles. Also, the *Protocol on Judiciary Protection of Minors from Abuse and Neglect* is being implemented. The Guideline on Conduct of Police Officers toward Juveniles and Young Adults, includes a special point describing the method of conduct toward juveniles and young adults with developmental disabilities in situations when it is established that such persons have been the victims of a criminal act, i.e. offence, or have been the perpetrators of such acts.

Concurrently, work on the Draft on the new Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, that is improving the justice measured for every child, is coming to the end.

Within the project "Improvement of Child Rights through Strengthening the Systems of Judiciary and Social Protection in Serbia", implemented in cooperation with the Ministry of Justice, Ministry of Labour, Veteran and Social Affairs and UNICEF, the *Guidelines on examining children in such a manner which prevents secondary victimisation and hardship of the child while involved in the justice process*. Moreover, as part of the same project, support units for children involved in the criminal procedure have been established in Belgrade, Kragujevac, Niš and Novi Sad with the objective of providing support to groups of children and their families with reference to court proceedings.

Educational programmes are continuously being implemented within the competent institutions, in accordance with their special competences. Followed by the support of UNICEF IPA 2013 "Strengthening the Systems of Judiciary and Social Protection in order to Improve Child Protection in Serbia", 91 informative sessions were held in the period from May to November 2015 in all higher and basic courts, with the topic of protecting juveniles as a victim or witness in a criminal procedure, with the presence and participation of judges and judicial assistants, deputies public prosecutors and prosecutorial assistants, representatives of the centres for social work and police. The total of 573 members of police took part in the informative sessions, as well as 247 representatives of the social care centres, 166 police representatives, and also 29 representatives of other institutions. Leaflets and posters covering the topic were distributed upon the occasion, and Guidelines on Protection of Children Victims in Criminal Procedures were developed. During 2016, the Guidelines were distributed and training sessions were continued. During 2017, it is planned to implement eight one-day training courses, where the speakers are going to public prosecutors and psychologists. A training regarding the field of informing and providing support to victims and witnesses has commenced, both for the persons performing activities in the Services, and for the owners of public prosecuting functions. Seminars were held in Niš (27–28 February, 2017), (13- 14 March, 2017) Kragujevac, Novi Sad (20-21 March, 2017), and Belgrade (3-4 April, 2017).

The seminar "Cybercrime and Protection of Children and Minors" supported by the project "Save the children" was held on 26 and 27 January 2017 in Belgrade and on 2 and 3 February 2017 in Novi Sad for judges, prosecutors, deputy public prosecutors, prosecutorial assistants and counsels of the higher court in Belgrade, basic courts in Belgrade, higher public prosecutor's office in Belgrade, basic public prosecutor's offices in Belgrade and basic public prosecutor's office in Pančevo; judges, prosecutors, deputy public prosecutors, prosecutorial assistants from the higher court in Novi Sad, basic courts in Novi Sad, Zrenjanin and Bačka Palanka and basic public prosecutor's offices in Novi sad, Ruma and Zrenjanin.

Public Administration of Sremska Mitrovica realised the local Action Plan in 2012 called "Safe Connection – We Understand Each Other even without Being Heard". The project

was realised with the aim of providing training for police officers for the purpose of improving communication with persons with hearing impairments, directed toward realisation of personal and property safety of such persons and building mutual trust of deaf and hard of hearing persons and the police.

Representatives of the ministry of Interior were present at the tribune "Public Sector and the Law on the Use of Sign Language", held on 3 November 2015 in Belgrade, in the organisation of the Serbian Association of Deaf and Hard of Hearing Persons, for the purpose of familiarisation with legal provisions of the Law on the Use of Sign Language.

A lecture on safety in traffic, with special focus on the participation of persons with disabilities in traffic was held for the celebration of the International Day of Persons with Disabilities in December 2015, in the premises of the Association for Cerebral Paralysis and Polio in Belgrade, (around 50 members of the society attended the lecture).

Police Administration of Jagodina developed an Action Plan in 2015 called "We Understand Each Other even without Being Heard". The project was devoted to improvement of communication of police with deaf or hard of hearing persons and solving the problems faced by such persons. As part of the project, media promotion was planned, as well as training for police officers for using sign language, visit and socialising with students of the school "11. maj" in Jagodina and members of the Inter-municipal Association of Deaf and Hard of Hearing Persons, as well as expanding the access to school "11. maj" in Jagodina.

As part of the proposal for realising the Action Plans, the Police Administration in Novi Sad composed a Draft local Action Plan called "Accessible to Everyone" in cooperation with the ICITAP Office to the Embassy of the United States of America in Belgrade, под називом, to be implemented in cooperation with the Association of Deaf and Hard of Hearing of Vojvodina, for the purpose of improving communication regarding the work of the police with the persons with hearing impairments.

Since the system of free legal aid has still not been fully established, an informal system of free legal aid is functioning. The civil society organisations dealing with the issues of access to justice for persons with disabilities, are ensuring legal aid and a number of services within their competences related to providing support to persons with disabilities, services of free legal aid in the local self-government units, as well as services of the centres for social care.

In addition to already existing, the Republic of Serbia has established two more human rights mechanisms: (1) Council for Monitoring the Implementation of the Recommendations of the United Nations Mechanisms for Human Rights and (2) Council for Monitoring the Realisation of the Action Plan for the Implementation of the Strategy for Prevention and Protection against Discrimination.

In order to meet the recommendations of the Universal Periodic Review Second Cycle (2013) and the effective monitoring of their implementation, the Serbian government in 2014 established the Council for Monitoring the Implementation of the Recommendations of the United Nations Mechanisms for Human Rights. The main goal of this body is more efficient monitoring of recommendations and the improvement of cross-sectoral cooperation with regard to their implementation, as well as strengthening of cooperation with UN mechanisms. The Council has drafted a plan for the follow-up of all recommendations addressed to Serbia containing the status of implementation, goals, deadlines and bodies responsible for the implementation of each recommendation.

There are two key principles in the work of the Council: inclusiveness and transparency. Inclusiveness means that the work of the Council includes not only executive authorities and the competent committee of National Assembly but also independent bodies, civil society organisations and other relevant actors as well. Transparency implies openness and honesty in the process. The Council provides a forum for discussion and exchange of opinions of the participants and it gives an opportunity for improving the communication and

cooperation both within the executive branch, as well as between the executive bodies and other stakeholders.

Another mechanism is the Council for Monitoring the Realisation of the Action Plan for the Implementation of the Strategy for Prevention and Protection against Discrimination, established by the Government in 2015, with a task to monitor the progress of enforcement of measures and implementation of activities, in accordance with deadlines and to timely warn of challenges in the enforcement of measures within the framework of the Action plan for the Implementation of the Strategy by 2018.

Issues regarding the protection and promotion of human and minority rights are addressed at the highest state level. The National Assembly, being the highest representative body and holder of constitutional and legislative power, conducts the activities in the field of human and minority rights and gender equality through the work of the Committee on Human and Minority Rights and Gender Equality. The Republic of Serbia has established independent bodies for the protection of human rights and provided all necessary conditions and requirements for their work. Over the past two years held a number of training to contact persons and their deputies, representatives of the departments that are responsible for the implementation of the Action Plan, as well as for representatives of civil society and local government, with the aim of improving coordination both in the implementation of measures and activities as well as to improve the quality of the report.

3. *Does your country have laws, policies and strategies to ensure the participation of persons with disabilities on an equal basis with others in the judiciary or other judicial or quasi-judicial instances, including in their role as judges, witnesses, jurors, lawyers or any other active party to judicial or quasi-judicial procedures?*

The Law on Prevention of Discrimination of persons with disabilities governs the general regimen of discrimination prohibition on the ground of identity, special cases of discrimination of persons with disabilities, protection procedure of persons exposed to discrimination and measures taken so as to encourage equality and social inclusion of persons with disabilities. The Law on Prevention of Discrimination of persons with disabilities covers the procedures before the public authorities. Therefore, Article 34 of the Law stipulates that public authorities are bound to take actions of equality provision for persons with disabilities in the procedures held before authorities. Public authorities are obliged to ensure signing of documents by signature stamps containing identity data in the procedures held before such authorities, aside from the possible signing of documents in the manner arranged by a special regulation, to a person with disability with permanent physical consequences or sensory impairments or illness, or to perform the activity with an engraved signature stamp. Article 13 of the Law specially regulates discrimination prohibition on the ground of identity in terms of availability of services and access to facilities in public use and public areas. Article 16 of the Law prescribes that the owner of a facility in public use, as well as the public enterprise competent for maintenance of public surfaces, shall be obliged to ensure access to the facility in public use, i.e. public surface to all persons with disabilities, regardless of the type and degree of their disability.

The Law on Professional Rehabilitation and Employment of Disabled Persons governs the following: employment incentives to create conditions for equal inclusion of disabled persons in the labour market; working abilities assessment; professional rehabilitation; obligation to employ persons with disabilities; conditions for establishing and performing activities of an enterprise for professional rehabilitation and employment of persons with disabilities and other special forms of employment and work engagement of disabled persons; other issues of relevance for professional rehabilitation and employment of disabled persons.

The Law on Civil Servants prescribes equal availability of job positions, indicating that upon the employment in state bodies, it should be taken care that the national composition, gender representation and the number of persons with disabilities should reflect the population structure as much as possible.

The Law on Labour, envisions protection of disabled persons in the sense that the employer is obliged to ensure working conditions in line with the working abilities of the employee, in accordance with the Law.

The Law on Judges prescribes the conditions for the election of judges, i.e. a judge elect shall be a citizen of the Republic of Serbia who meets general labour conditions for working in state bodies, with a university degree in law, the bar exam certificate and who has the qualifications, skills and eligibility to hold a judge position. Article 46 of the Law on Judges prohibits discrimination on all grounds upon electing or proposing for the election of judges.

The Law on Public Prosecution prescribes the general conditions for electing public prosecutors, i.e. a public prosecutor and deputy public prosecutor can be elected if he/she is a citizen of the Republic of Serbia and if he/she meets general conditions for working in state bodies, with a university degree in law, the bar exam certificate and who has the qualifications, skills and eligibility to hold the position of a public prosecutor. Article 82 of the Law on Public Prosecution prohibits discrimination on all grounds upon electing or proposing for the election of a public prosecutor.

The new Strategy for Improving the Position of Persons with Disabilities until 2020, has for its special objective promotion and active engagement directed toward ensuring the equal treatment of persons with disabilities, within the third field of action: Equality, in all areas of social life through comprehending the procedural and legal obstacles for ensuring an equal access to justice; taking actions for overcoming legal obstacles via full harmonization of procedural rules with the provisions of the Convention of the Rights of Persons with Disabilities with the aim of realising an equal access to justice; a continuous training for the owners of judiciary functions, administrative and technical staff in the judiciary and trainees of the Judicial Academy on the rights of persons with disabilities; adapting the conditions in the Institutes for Execution of Criminal Sanctions to the needs of persons with disabilities; statistical monitoring of judicial procedures pertaining to discrimination prevention on the ground of disability according to the types of discrimination, gender-based, age-based, etc.; funds collected based on the postponement of prosecution (prosecution opportunity) directed in certain percentage toward the associations of persons with disabilities and implementation of activities for such persons.

What is also envisioned is the provision of the highest possible level of protection from discrimination and enforcement of an active policy of fighting against discrimination and promotion of equal opportunities in all spheres of social life by raising awareness of social agents on the forms of discrimination and overcoming them especially in the field of public services provision, access to justice, employment and labour, education and operation of public authorities, particularly by supporting the work of civil associations dealing with these issues.

4. *Does your country monitor and collect disaggregated data with respect to access to judicial or quasi-judicial procedures concerning:*
- a. *the participation of persons with disabilities in judicial or quasi-judicial procedures, including the number of complaints submitted, nature of complaints and outcomes;*
 - b. *persons with disabilities obtaining remedies and the nature of those remedies, whether they are adequate, effective, prompt and appropriate, responding to their specific situation;*
 - c. *persons with disabilities being convicted, the nature of their sentence, and whether they benefitted from safeguards of the right to fair trial on an equal basis with others; and*

d. the opening and conduct of impartial and independent investigations of human rights violations of persons with disabilities, particularly those relating to the right to life, liberty and security of the person , freedom from violence, abuse and exploitation, and freedom from torture or cruel, inhuman or degrading treatment or punishment.

One of the main obstacles for efficient reporting on international conventions derives from the fact that there is still no possibility for monitoring the work of judiciary bodies in the Republic of Serbia in real time, there is a concurrent use of four different information systems (AVP, SAPS, SIPRES, SAPO) which are not interconnected, data are being collected and unified manually, instead of using an automatic process. The consequence of this is huge time and human resources consumption for data collection, unifying the obtained data with a significant delay, into which all affects the analysis, precision and promptness of data obtained from the judiciary system. Likewise, numerous data required for reporting per international conventions are not collected systematically. This way the data start to be collected only when the request from the international organizations has already been received, leading to the point that certain data cannot be collected or their collection requires significant time and human resources consumption.

When referring to the participation of persons with disabilities in judiciary procedures, as well as use of legal remedies, classified data are not being collected in a systematical way. It is possible to obtain a portion of such data via analysis of records on the use of the interpreting services during a judicial procedure. However, it is necessary to review the cases manually for the purpose of collecting the given data.

As for the data pertaining to the convicted persons with disabilities, in all institutes being part of the Department for the Execution of Criminal Sanctions, according to the available funds and architectural and spatial possibilities, it is taken care that the accommodating conditions required for persons with disabilities are in line with the Law on the Execution of Criminal Sanctions and the Regulation on the House Rules of Penitentiaries and District Prisons. These persons are most often placed in dormitories on the ground floor of the pavilion, possibly close to the rooms to be in frequent use during the stay in the institute (dining room, etc.). A few institutes have at their disposal dormitories specially adapted for the needs of persons with disabilities, equipped with the necessary aids, specially constructed beds, adapted toilets, etc., whereas in the institutes without such premises, more adequate solutions are established in the existing capacities, by making certain corrections, installing builtins or by purchasing suitable aids. Persons who are moving with the help of aids are enabled to have unhindered movement through the pavilion and in fresh air, enabled by removing the doorsteps, building in ramps and holders and similar repairs. In the previous period, special attention was paid to the needs of persons with disabilities upon every reconstruction of institutes or their parts, with the newly constructed institute in Belgrade which fully meets the existing standards, and the institutes which still do not have the adapted premises but plan their adaptation in the forthcoming period, in accordance with the financial possibilities.

Upon the reception to the Institute, The Health Care Service obtains all the necessary medical documentation, enabling the institutional medical doctors to provide suitable medical care to persons with disabilities for their specific needs, and also with provided services of psychiatrists and psychologists for persons with psychosocial disabilities. The hired number of doctors is insufficient compared to the number of inmates, so that the Department for the Execution of Criminal Sanctions shall continue with the procedure of employing medical doctors and nurses in accordance with the passed Regulation on the Systematisation of Job Positions. Persons whose degree of disability required to be placed in the prison infirmary are provided with the service, where they are under constant oversight of doctors. Certain institutes have purchased suitable wheelchairs, crutches and similar aids, and the institutes which did not manage to do this, purchase such aids for specific cases, if a person does not bring his/her own aids or does not have the funds to purchase them individually, in accordance with the needs and medical recommendations. For the purpose of purchasing such aids, institutes establish cooperation with local health institutions and social care centres. Persons whose treatment cannot be provided in the institute where they are placed, are directed for medical treatment to

the Special Prison Hospital in Belgrade or another health institution within the Ministry of Health. It is worth noting that there is a special psychiatric department in the Special Prison Hospital. Having in mind that there is an increasing need for specialist medical examinations, these persons are directed to such examinations on a more frequent basis to general and specialised medical institutions. If health or other circumstances require, a longer stay in fresh air is allowed, and many institutes have introduced the practice of delivering food to dormitories and ensuring regular medical visits, instead of inmates going to examinations to the infirmaries.

Upon determining the programme for treating each person, their health condition needs to be taken into consideration, and therefore upon individualisation of treatments for each person with disabilities, it is required to make suitable adjustments to his/her needs. If there is a possibility, in the sense of the needs of the institute or vacancies, employing is conducted in accordance with the remaining work capacity, assessed by the institute medical doctor. Aside from this, there are special programmes of occupational therapy, educational and vocational training as well as artisan and other workshops (depending on the nature of disability and estimated needs and capacities). The existing number of programmes for persons with disabilities is definitely not sufficient, therefore, the institutes are to introduce new activities and specialize programmes in accordance with the assessed needs of the convicts. Prison wardens are aware of their needs in their every day work as well as upon performing their every day duties determined by the regulation on house rules. For the purpose of providing the use of non-custodial special rights, institutional services get in contact with the members of the families of inmates, and in preparing the post-penal reception programme, their disabilities and health needs are taken into consideration, therefore, cooperation with local social care centres is established. All institutional services involved in the implementation of the programme cooperate with each other so that the persons in question would not be exposed to an unequal position due to their disability and upon composing a report on their treatment and behaviour, predominately delivered to the courts of law or to the Department for the Execution of Criminal Sanctions which are also relevant in deciding on their rights or probationary release who also analyse their health status (infirmity doctor's report or relevant medical documentation are attached to these reports).

Within the regular monitoring of the condition of human rights, the National Mechanism for Prevention of Torture, the Ombudsman, Provincial Ombudsman and non-governmental organisations dealing with the protection of human rights, regularly visit the Institutes for the Execution of Criminal Sanctions and their recommendations in terms of improving the position of inmates with disabilities have always been accepted in the scope allowed by the available finances. Moreover, Associations of Persons with Disabilities visit their members or other inmates with disabilities, and provide them with the support within their capacities and help them after leaving the institutes.