

Towards an inclusive response to the pandemic:

The impact of the COVID-19 pandemic on the position of persons with disabilities in Serbia and recommendations for exercising and protecting their rights in situations of epidemiological risk

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Introduction

Within the framework of four-month project implemented in the period September - December 2020 and entitled "Support to the emergency management system that includes persons with disabilities", financially supported by the OSCE Mission to Serbia, the National Organization of Persons with Disabilities of Serbia (NOOIS) conducted research with the aim of improving the emergency regulations and ensuring that the competent authorities have to include persons with disabilities, as one of the most vulnerable groups of population in the pandemic and the state of emergency, in all emergency response and recovery measures. The immediate reason for this research was the situation of persons with disabilities caused by the COVID-19 pandemic. In fact, the intended purpose of the research was to influence the competent public authorities to establish clear protocols in cases of public health threats and ensure that access to health care, and to other protection measures, is not discriminatory for persons with disabilities.

The research consisted of several parts - desk analysis (analysis of existing regulations, but also all regulations and relevant documents adopted during the pandemic), online questionnaires, online interviews and online focus group.

The need to implement the project stemmed from the fact that persons with disabilities are one of the largest marginalised groups everywhere, and at the same time one of the most vulnerable groups of the population in the pandemic and the state of emergency.

The World Health Organization and the World Bank state that persons with disabilities make up about 15 percent of the population.¹ Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.² This definition implies a *social approach to disability*, which means that in addition to medical, it includes social, psychological and other factors relevant to the position of persons with disabilities. The definition is also firmly rooted in the model approach to disability based on respect for human rights promoted by the Convention on the Rights of Persons with Disabilities.³

The 2011 Census of Population, Households and Dwellings⁴ included for the first time a question about disability, which referred to whether and to what extent the respondents had difficulties in performing daily activities due to problems with sight, hearing, mobility, memory or concentration, communication and independence in dressing, eating and maintaining personal hygiene. The Census data about persons with disabilities, although incomplete because the answers were not obligatory, and the Census did not cover the entire territory of the Republic of Serbia, are important in several respects: demographic, educational, economic and others, and can serve as a basis for analysing the level of success in the implementation of policies for improving the position of persons with disabilities. These incomplete data of

1 World Disability Report, World Health Organization and World Bank, New York, Geneva, 2011.

2 Article 1 of the Convention on the Rights of Persons with Disabilities

3 Strategy for the improvement of the position of persons with disabilities in the Republic of Serbia for the period 2020-2024, pp. 11-12.

4 Stanovništvo, Invaliditet (Podaci po opštinama i gradovima), Popis stanovništva, domaćinstva i stanova 2011. u Republici Srbiji, Republika Srbija, Republički zavod za statistiku, Beograd 2013 (Population, Disability - Data by Municipality and Town), 2011 Census of Population, Households and Dwellings in the Republic of Serbia, Republic of Serbia, Statistical Office of the Republic of Serbia, Belgrade 2013)

the Census (2011)⁵ show that at least 571,780 persons with disabilities live in the Republic of Serbia.⁶

The COVID-19 epidemic (and the state of emergency from 16 March to the beginning of May, and post-emergency period) showed many serious gaps in the government's responses regarding the position of persons with disabilities. An additional problem is that persons with disabilities are not recognised as one of the most vulnerable categories of the population. On the other hand, persons with disabilities of all categories (intellectual, sensory and physical), due to their basic health condition and secondary consequences of disability, are especially at risk of respiratory infections that can have fatal consequences (this is especially a problem for persons who are unable to move/use wheelchairs, persons treated with haemodialysis and persons with severe intellectual disabilities). Persons with intellectual disabilities are often unable to identify and show their health problems, which is why the health care system may fail to provide a rapid response, while these persons can get infected and infect others.

For all these reasons, it was necessary to conduct this research that focused on identifying the challenges encountered by persons with disabilities in emergencies, especially in the conditions of the pandemic, and highlighting the reasons that contributed to their enhanced vulnerability to emergencies.

The Law on Disaster Risk Reduction and Emergency Management identifies persons with disabilities as one of the vulnerable groups that should be given priority in the activities of protection and rescue. However, it is nec-

5 Milan M. Marković, *Osobe sa invaliditetom u Srbiji*, Republički zavod za statistiku, Beograd, 2014 (Milan M. Marković, Persons with Disabilities in Serbia, Statistical Office of the Republic of Serbia, Belgrade, 2014)

6 According to the data of the Statistical Office of the Republic of Serbia, the 2011 Census did not cover the territory of AP Kosovo and Metohija, while the coverage in the Municipalities of Preševo and Bujanovac was smaller due to the boycott by most members of the Albanian national community.

essary to invest efforts to improve the legal framework and draft bylaws regulating in more detail the position and role of persons with disabilities both in prevention and in the state's response to disasters and especially to the challenges posed by the COVID-19 epidemic. The response to the pandemic must be in accordance with the measures recommended in the Joint Statement on Persons with Disabilities and COVID-19 of the Committee on the Rights of Persons with Disabilities and the Special Envoy of the United Nations Secretary-General on Disability and Accessibility.⁷ States must ensure that all pandemic recovery services are accessible and include all persons with disabilities. The delivery of food, medicine and assistance to these people must be ensured, while the existing level and range of support services in local communities, including home-care and personal assistance, must be maintained.

The research findings will help decision makers in drafting bylaws and creating policies related to emergencies, taking into account the needs of persons with disabilities, and focusing on the prevention of violations of basic human rights and discrimination to ensure the protection of their health and safety.

7 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25942&LangID=E>

2 Methodology

The research includes an analysis of relevant regulations and strategic documents of the Republic of Serbia and takes into account the findings on the position of persons with disabilities from the previously published research papers. Special attention was paid to the analysis of the answers given by the representative organisations of persons with disabilities to the NOOIS questionnaire on the exercise of rights and the limitations and challenges faced by their members during the COVID-19 pandemic and the state of emergency. The questionnaire is attached in Annex I to this research paper. The questionnaires were distributed taking into account the equal representation of men and women with disabilities, the coverage of persons with disabilities from different geographical areas and the coverage of different forms of disability.

One of the key parts of the research is the analysis of the answers to the NOOIS questionnaires on measures taken to ensure the exercise of the rights of persons with disabilities during the pandemic, given by the ministries responsible for labour, employment, social protection, education, health care and internal affairs. The questionnaire is attached in Annex IV to this research paper. Equal attention was paid to the analysis of the answers given by the Office of the Ombudsperson and the Office of the Commissioner for Protection of Equality to the NOOIS questionnaires on the exercise of rights, the limitations and challenges faced by persons with disabilities during the COVID-19 pandemic and the state of emergency and measures taken by these two institutions during the pandemic to protect the rights of persons with disabilities. The questionnaire is attached in Annex V and Annex VI to this research paper.

The research also includes an analysis of the answers and comments given by the activists and representatives of the organisations of persons with disabilities in the focus group organised by the NOOIS. The composition of focus group participants reflects the equal representation of men and women with disabilities, the coverage of different geographical areas and the coverage of different forms of disability. The questionnaire is attached in Annex II to this research paper. Extensive in-depth interviews with a group of prominent disability movement activists on the exercise of the rights, and the limitations and challenges faced by persons with disabilities during the COVID-19 pandemic and the state of emergency, provide an invaluable source of information and constitute a key part of the research. In selecting the disability movement activists with whom in-depth interviews would be conducted, equal gender representation of men and women with disabilities and coverage of various forms of disability were taken into account. The questions of in-depth interviews are attached in Annex III to this research paper.

The following regulations and strategic documents adopted before the outbreak of the COVID-19 pandemic and the state of emergency were analysed:

- Constitution of the Republic of Serbia
- Law on Disaster Risk Reduction and Emergency Management
- Law on Protection of the Population from Infectious Diseases
- Law on Health Care
- Law on Social Protection
- Law on Foundations of Education System
- Law on Prevention of Discrimination against Persons with Disabilities

- Law on Prohibition of Discrimination
- Strategy for the improvement of the position of persons with disabilities in the Republic of Serbia for the period 2020-2024

We analysed the regulations adopted during the state of emergency as well as regulations adopted during the pandemic and after the state of emergency had been lifted, as follows:

- Decree on measures during the state of emergency, as amended (*Official Gazette of the RS*, nos. 31/20, 36/20, 38/20, 39/20, 43/20, 47/20, 49/20, 56/20, 57/20, 58/20, 60/20).
- Order declaring the COVID-19 infectious disease outbreak
- Decision declaring COVID-19 disease caused by the SARS-CoV-2 virus a contagious disease
- Instruction on the implementation of the part of Decision declaring the COVID-19 disease caused by the SARS-CoV-2 virus a contagious disease regarding the restrictions on the entry of persons in the Republic of Serbia
- Order on the organisation and implementation of quarantine measures
- Rulebook on preventive measures for safe and healthy work to prevent the occurrence and spread of an epidemic of infectious disease
- Decree on measures for prevention and suppression of infectious disease COVID-19

- Decree on organising the work of social protection institutions for accommodation of beneficiaries and social protection organisations for providing residential care services during the state of emergency (*Official Gazette of the RS*, no. 54/20);
- Order prohibiting visits and restricting movement in residential care facilities for the elderly
- Order prohibiting gatherings in the Republic of Serbia in indoor and outdoor public places
- Instructions on the manner and place of conducting enhanced health surveillance in health safety facilities
- Decision on determining special measures to protect the population from the infectious disease COVID-19 in the City of Belgrade
- Decision on opening a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus - "Belgrade Fair"
- Decision on opening a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus - "Dormitory for Students of the Faculty of Medicine in Niš"
- Decision on opening a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus - "Novi Sad Fair"
- Decision on opening a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus - "Čair Hall"

- Decision on opening a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus - "Štark Arena"
- Decision on opening a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus - Sports Hall (Blue Hall), Atenica in Čačak
- Decision on opening a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus - Secondary School of Economics "Stana Milanović" in Šabac
- Decision on opening a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus - Secondary School of Medicine "Dva heroja" Novi Pazar
- Decree on measures in road traffic during the state of emergency proclaimed due to the COVID-19 disease caused by the SARS-CoV-2 virus
- Conclusion on the establishment of a single and centralised software solution - Information system COVID-19 (IS COVID-19)
- Conclusion on quarantine measures
- Decree on the organisation of employers' work during the state of emergency (*Official Gazette of the RS*, no. 31/20)
- Decree on the use of funds from the budget of the Republic of Serbia during the state of emergency proclaimed due to the COVID-19

disease caused by the SARS-CoV-2 virus (*Official Gazette of the RS*, no. 38/20)

- Decree on tax measures during the state of emergency for the mitigation of economic consequences of the COVID-19 disease caused by the SARS-CoV-2 virus (*Official Gazette of the RS*, no. 38/20)
- Decree on misdemeanour for violation of the Ministry of Interior's Order on restriction and prohibition of movement of persons in the territory of the Republic of Serbia; (*Official Gazette of the RS*, no. 39/20)
- Decree on limiting the retail price of protective equipment during the state of emergency proclaimed due to the COVID-19 disease caused by the SARS-CoV-2 virus (*Official Gazette of the RS*, nos. 40/20, 43/20, 48/20, 59/20)
- Decree on special technical requirements, standards and application of medical devices during the state of emergency proclaimed due to the COVID-19 disease caused by the SARS-CoV-2 virus (*Official Gazette of the RS*, no. 41/20)
- Decree on postponement of deadlines for submission of annual financial statements by budget users and users of funds of mandatory social insurance organisations during the state of emergency proclaimed due to the COVID-19 disease caused by the SARS-CoV-2 virus (*Official Gazette of the RS*, no. 47/20);
- Decree on additional borrowing during the state of emergency proclaimed due to the COVID-19 disease caused by the SARS-CoV-2 virus by taking out loans, issuing government securities in the national and international financial market, and providing guarantees of the Republic of Serbia (*Official Gazette of the RS*, no. 52/20)

- Decree on determining the programme of financial support to economic entities for maintaining liquidity and working capital in difficult economic conditions due to the pandemic of COVID-19 caused by the SARS-CoV-2 virus, as amended (*Official Gazette of the RS*, nos. 54/20, 57/20)
- Decree on fiscal benefits and direct aid to economic entities in the private sector and monetary aid to citizens aimed at mitigating economic consequences caused by the disease COVID-19 as amended (*Official Gazette of the RS*, nos. 54/20, 60/20)
- Decree on the procedure of issuing debt securities (*Official Gazette of the RS*, no. 54/20)
- Decree on measures in road traffic during the state of emergency proclaimed due to the COVID-19 disease caused by the SARS-CoV-2 virus (*Official Gazette of the RS*, no. 55/20)
- Decree on modification of general revenues and income, expenditures and expenses of the 2020 budget of the Republic of Serbia to eliminate harmful consequences of the COVID-19 disease caused by the SARS-CoV-2 virus (*Official Gazette of the RS*, no. 60/20)
- Decree on establishing a temporary register and the way of payment of one-time financial assistance to all adult citizens of the Republic of Serbia to reduce the negative effects of the COVID-19 pandemic caused by the SARS-CoV-2 virus (*Official Gazette of the RS*, no. 60/20)
- Decree on the conditions and criteria for state aid compliance to eliminate a serious disturbance in the economy caused by the epidemic of the infectious disease COVID-19

- Decree on the conditions and criteria for state aid compliance to eliminate harmful consequences of the epidemic of the infectious disease COVID-19
- Decree on establishing a guarantee scheme as a measure of support to the economy for mitigating the consequences of the COVID-19 pandemic caused by the SARS-CoV-2 virus
- Decree on fiscal benefits and direct aid to economic entities in the private sector and monetary aid to citizens aimed at mitigating economic consequences caused by the disease COVID-19
- Decree on the procedure for obtaining consent for new employment and additional employment by public fund users
- Decision on the conditions for exemption from customs duties for certain goods
- Decree on the supplement to the basic salary of employees in health care institutions and certain employees who perform tasks in the field of health care and health protection of the population of the Republic of Serbia, and treatment and prevention of the spread of the COVID-19 disease caused by the SARS-CoV-2 virus
- Rulebook on the method of application and the method of payment of one-time financial assistance
- Decision on limiting the level of prices and margins of basic foodstuffs and protective equipment
- Rulebook on special education programme

- Law on Confirmation of Decrees Adopted by the Government with the Co-Signature of the President of the Republic during the State of Emergency
- Law on Validity of Decrees Adopted by the Government with the Co-Signature of the President of the Republic during the State of Emergency and Confirmed by the National Assembly
- Decision on lifting the state of emergency
- Law on Amendments to the Law on Protection of the Population from Infectious Diseases

3

Analysis of regulations and strategic documents of the Republic of Serbia adopted before the declaration of the COVID-19 pandemic

The **Constitution of the Republic of Serbia** guarantees the protection of human rights. Article 21 prohibits discrimination on any grounds, including disability, and guarantees equality before the law. Article 69 guarantees special protection for persons with disabilities. Article 200 regulates the proclamation of the state of emergency. When the survival of the state or its citizens is threatened by a public danger, the National Assembly shall proclaim the state of emergency. When the National Assembly is not in a position to convene, the decision proclaiming the state of emergency shall be adopted by the President of the Republic together with the President of the National Assembly and the Prime Minister, under the same terms as by the National Assembly. When the National Assembly is not in a position to convene, the measures which provide for derogation from human and minority rights may be prescribed by the Government, in a decree, with the President of the Republic as a co-signatory. Measures providing for derogation from human and minority rights prescribed by the National Assembly or Government shall be effective 90 days at the most, and upon expiry of that period may be extended under the same terms. When the decision on the state of emergency has not been passed by the National Assembly, the National Assembly shall verify it within 48 hours from its passing, that is, as soon as it is in a position to convene. If the National Assembly does not verify this decision, it shall cease to be effective upon the end of the first session of the National Assembly held after the proclamation of the state of emergency. In cases

where the measures providing for derogation from human and minority rights have not been prescribed by the National Assembly, the Government shall be obliged to submit the decree on measures providing for derogation from human and minority rights to be verified by the National Assembly within 48 hours from its passing, that is, as soon as the National Assembly is in a position to convene. In other respects, the measures providing for derogation shall cease to be effective 24 hours prior to the beginning of the first session of the National Assembly held after the proclamation of the state of emergency. The Constitution of the Republic of Serbia provides an adequate framework for preventing discrimination and protecting persons with disabilities, and thoroughly prescribes the procedure of the proclamation of the state of emergency.

The **Law on Disaster Risk Reduction and Emergency Management** (*Official Gazette of the RS*, no. 87/18) takes care of persons with disabilities in principle, respecting the guidelines from the Sendai Framework for Disaster Risk Reduction. Article 7 prohibits discrimination and explicitly guarantees that special protection will be provided to persons with disabilities during the implementation of activities aimed at eliminating the consequences of risk situations. Disaster risk reduction measures and activities must be accessible and include persons with disabilities. Article 8 envisages that citizens who are affected by disaster consequences shall be entitled to assistance in accordance with their needs and established priorities. Article 9, which confirms the obligation of the competent authorities to inform the public about risk situations, does not contain special provisions guaranteeing the accessibility of this information. The *UN Committee on the Rights of Persons with Disabilities* has recommended to Serbia to adopt fully accessible and comprehensive emergency strategy, protocols and accessible informative services, including a text message-warning application and manuals in sign language and Braille (recommendation from paragraph 20 of Concluding observations). It has also recommended the implementation of accessibility standards and universal design during post-disaster recovery.

The emergency situation is proclaimed when the risks, threats or consequences for the population, environment and material and cultural goods are of such scope and intensity that it is impossible to prevent or eliminate their occurrence or consequences by regular action of the competent bodies and services, due to which their mitigation and elimination requires the use of special measures, forces and means with an intensified regime of work (Article 38). During the evacuation, priority is given to persons with disabilities, among others (Article 58).

The Law on Disaster Risk Reduction and Emergency Management was adopted in cooperation with representatives of the National Organization of Persons with Disabilities of Serbia and in line with the recommendation of the Sendai Framework for Disaster Risk Reduction 2015-2030, stressing that persons with disabilities are a vulnerable group and category of persons that should be given priority in evacuation, and that the necessary information and notifications must be provided in formats that include sign language and Braille. This is a positive development, but it is necessary to design and implement systemic measures and ensure that emergency services are accessible and available to all persons with disabilities, by applying all accessibility standards and the principle of universal design.

The Sector for Emergency Situations of the Ministry of Interior held joint meetings with experts from the National Organization of Persons with Disabilities of Serbia and sent draft regulations on risk situations for their comments. Manuals for emergency response have been printed in Braille. As part of the project implemented by the Ministry of Interior in 2019, in cooperation with the OSCE and NOOIS, a manual for treating persons with disabilities in the situations of risk was published.

In the second half of 2019, the National Organization of Persons with Disabilities of Serbia implemented the project "Emergency Response with Respect to Persons with Disabilities", financially supported by the OSCE

Mission to Serbia and the Government of Sweden within the project “Consolidating the Democratization Process in the Security Sector in Serbia”. In order to increase the safety of persons with disabilities in natural and other disasters and catastrophes, it is necessary to raise the awareness of citizens, including persons with disabilities, about the ways to respond to emergencies and rescue situations in particular, and this project gave a significant contribution. The following has been done as part of this project:

1. The “Family Guide for Emergency Preparedness and Response” was printed in Braille;
2. An audio version of this Guide has been produced;
3. Educational animation on emergency response with respect to persons with disabilities was recorded (intended for the general public);
4. A leaflet on the same topic was printed.

The **Law on Protection of the Population from Infectious Diseases** regulates protection of the population from infectious diseases and special health issues, determines infectious diseases that endanger the health of the population of the Republic of Serbia and whose prevention and suppression is of general interest for the Republic of Serbia, prescribes implementation of epidemiological surveillance and measures, the manner of their implementation and provision of funds for their implementation, supervision over implementation of this law, and regulates other issues of importance for the protection of the population from infectious diseases (Article 1). The Law defines an infectious disease, causes of infectious disease, source of infection, epidemic, pandemic, at-risk area, infected area, epidemiological surveillance, health surveillance, prevention of infectious disease, suppression of infectious disease, quarantine, emergency situation (Article 2). Protection of the population from infectious diseases is an organised and overall activity of society with the aim of preventing and suppressing infectious diseases, as well as their elimination and eradication. Protection of the pop-

ulation from infectious diseases is carried out by conducting epidemiological surveillance and planning, organising and implementing the prescribed measures, controlling the implementation of these measures and providing financial and other resources for their implementation. Protection of the population from the introduction of infectious diseases from other countries includes the implementation of measures determined by laws, ratified international health and sanitary conventions and international treaties.

The implementation of measures for protection of the population from infectious diseases prescribed by this Law and the provision of funds for their implementation shall be given priority over the implementation of other measures in the field of health care (Article 3). Articles 4 and 5 of the Law categorise and define infectious diseases that are subject to epidemiological surveillance and against which the measures of prevention and control are applied. In case of a threat of an infectious disease not specified in Article 5 of this Law, and which may endanger the population of the Republic of Serbia to a greater extent, the Government, at the proposal of the Minister responsible for health may declare such a disease an infectious disease whose prevention and control is in the interest of the Republic of Serbia, as well as determine appropriate measures, conditions, manner of implementation, implementers and means of implementation. (Article 6). This is exactly what happened in the case of the COVID-19 disease caused by the SARS-CoV-2 virus, which is not explicitly mentioned in Article 5 of the Law. In case of declaring an epidemic of infectious disease or threat of an epidemic of infectious disease or if the threat of an epidemic or pandemic of infectious disease has been declared by the World Health Organization (WHO), the Government, at the proposal of the Minister, determines the need of the Republic of Serbia for the procurement of goods, services and works in order to prevent and suppress that infectious disease.

Infectious diseases, infections related to health care and antimicrobial resistance to certain pathogens, factors that contribute to their occurrence

and transmission, as well as the effects of measures for their prevention and suppression shall be under epidemiological surveillance. In the territory of the Republic of Serbia, epidemiological surveillance shall be conducted and coordinated by public health institutes, in cooperation with health care institutions, private practice and other legal entities that also perform health care activities (Article 7). Articles 9-12 of the Law regulate the competences, rights and obligations of various bodies and institutions in the suppression of infectious diseases. General measures for protection of the population from infectious diseases are implemented in the facilities subject to sanitary control, i.e. they apply to facilities, premises, devices, equipment and persons performing activities in the field of health, social care, education, food business, hospitality, tourism, trade and services, domestic and international transport, sports and recreation (Article 15). Article 16 regulates in detail the general measures for the protection of the population from infectious diseases. Special measures for the protection of the population from infectious diseases are regulated by Article 17:

- 1) early detection of sources, reservoirs and routes of transmission;
- 2) epidemiological examination and research;
- 3) laboratory testing to determine the cause of infectious diseases;
- 4) diagnosing infectious disease;
- 5) registration;
- 6) transportation, isolation and treatment;
- 7) health surveillance and quarantine;
- 8) immunization and chemoprophylaxis;
- 9) disinfection, disinsection and deratization according to epidemiological indications;

- 10) health examinations of certain categories of employees in facilities under sanitary supervision, as well as certain categories of the population in order to detect carriers of infectious diseases;
- 11) health education of certain categories of employees;
- 12) informing health professionals and the population.

The Law further regulates each of these special measures in detail, but does not contain specific provisions on how to ensure the inclusivity of these measures and their accessibility to persons with disabilities. Recommended immunization is immunization recommended by a doctor of medicine or a specialist in the relevant branch of medicine, in accordance with the programme of immunization of the population against certain infectious diseases, including for passengers in international traffic against polio (Article 33). Persons undergoing haemodialysis treatment and persons placed in social institutions where health care activities are performed are subject to mandatory medical examination in order to determine whether they are carriers of infectious diseases (Article 46). The Minister declares the epidemic of an infectious disease of greater epidemiological significance and orders measures that must be implemented in that case (Article 50). Health care institutions, private practice, social institutions in which health care activities are performed and other legal entities that can also perform health care activities are obliged to implement professional, organisational and other prescribed measures to prevent the occurrence of nosocomial infections within institutions and for their early detection and control (Article 54). Funds for the protection of the population from the infectious diseases not specified by this Law, whose outbreak may endanger the health of the population of the Republic of Serbia, and from the infectious diseases whose cause is unknown, as well as funds for preventing, suppressing and extinguishing epidemics of these infectious diseases shall be provided from the budget of the Republic of Serbia (Article 71). The Law on Protection of the Population from Infectious Diseases does not contain any special provisions

on how to ensure that the measures for protecting the population are inclusive and accessible to persons with disabilities.

The **Law on Health Care** regulates the health care system in the Republic of Serbia, its organisation, social care for the health of the population, general interest in health care, supervision over the enforcement of this Law, as well as other issues of importance for the organisation and implementation of health care. The health care system in the Republic of Serbia is made up of health care institutions, higher education institutions that implement accredited study programmes for acquiring appropriate knowledge and skills for performing activities in the field of health care and other legal entities that, in accordance with a special law, perform health care activities, private practice, health professionals and health associates, as well as organisation and financing of health care (Article 6). Social care for health is achieved by providing health care to the groups of the population exposed to an increased risk of disease, health care for persons in connection with prevention, control, early detection and treatment of diseases and conditions of greater public health importance, as well as health care for socially vulnerable population, under equal conditions in the territory of the Republic of Serbia. Social care for health covers, among others, disabled war veterans, war-disabled civilians and other persons with disabilities, whose disability has been established in accordance with the law, beneficiaries of family disability benefits, i.e. monthly income in accordance with the regulations on protection of war veterans, disabled war veterans and war-disabled civilians and beneficiaries of financial social assistance, and beneficiaries placed in social protection institutions or other families, and/or beneficiaries of special allowance for parents, pursuant to the regulations on social protection (Article 11). The principle of health care accessibility implies that citizens are provided with appropriate health care that is physically, communicatively, geographically and economically accessible, and culturally acceptable, especially to persons with disabilities (Article 23). During the analysis of the answers provided by the organisations of persons with disabilities and com-

petent institutions to the NOOIS questionnaires, special attention was paid to the assessment of the implementation of the aforementioned provisions of this Law during the state of emergency and the pandemic.

Article 3 of the **Law on Social Protection** defines the goals of social protection, which include the creation of equal opportunities for independent living and the encouragement of social inclusion. The Law prescribes the observance of the principles of protection of human rights and dignity of beneficiaries of social protection services (Article 24) and prohibits their discrimination (Article 25), including discrimination on the grounds of disability. Services are provided to beneficiaries in the least restrictive environment (Article 27), so as to enable them to remain in the local community. Article 40 of the Law defines groups of social protection services. They include, *inter alia*, community services that include day care and home help. The Law also, for the first time in Serbia, provides support services for independent living: supported housing, personal assistance, training for independent living. Article 41 of the Law defines the beneficiaries of social protection rights and services. Independent living support services are provided to an individual in order to equalise his or her possibilities of satisfying basic life needs with the possibilities of other members of society, to improve his or her quality of life and enable him or her to have an independent and quality life in society (paragraph 1 of Article 45 of the Law). The Law also regulates the conditions for placement in residential care, including in small residential units.

Article 79 of the Law prescribes the types of financial support, including, *inter alia*, allowance for assistance and care of another person and increased allowance for assistance and care of another person. A person who needs assistance and care of another person in basic life activities due to his or her physical or sensory impairment, intellectual difficulties or changes in health condition shall be entitled to allowance for assistance and care of another person (Article 92, paragraph 1). The Law thoroughly defines persons in need of assistance and care of another person (Article 92, paragraph 5). A per-

son who, based on the regulations on pension and disability insurance, has been determined to have one type of 100% physical impairment, or to have a permanent organic disorder of neurological or psychological type shall be entitled to an increased allowance for assistance and care of another person (Article 94). A person with several different impairments shall also be entitled to an increased allowance, provided that the degree of impairment is 70% or more for at least two different types of impairment. The Law also stipulates that one of the parents who has not been employed and who has been directly caring, for at least 15 years, for their child who is entitled to an increased allowance for assistance and care of another person, shall be entitled to a special cash benefit, i.e. a lifelong monthly income equal to the lowest pension of insured employees, when he or she fulfils the general age requirement for receiving a pension according to the regulations on pension and disability insurance, if he or she has not exercised the right to a pension.

During the analysis of the answers provided by the organisations of persons with disabilities and competent institutions to the NOOIS questionnaires, special attention was paid to the assessment of the implementation of the aforementioned provisions of this Law during the state of emergency and the pandemic.

The **Law on Foundations of Education System** guarantees that the education system shall ensure equal rights and access to education for all children, pupils and adults without discrimination and segregation on the basis of gender, social, cultural, ethnic, religious or other background, place of permanent and/or temporary residence, financial situation or health condition, developmental challenges and disabilities and other grounds, and that special attention shall be paid, among other things, to the possibility that children, pupils and adults with disabilities, regardless of their own financial situation, have access to all levels of education in institutions, and that persons placed in social care institutions, sick children, pupils and adults exercise the

right to education during institutionalisation and during hospital and home treatment (Article 3). Persons with disabilities have the right to education that takes into account their educational needs in the regular education system, in the regular system with additional individual or group or in a special preschool group or school, in accordance with this law and the special law (Article 6). The school can organise educational work as a special form of work for pupils on prolonged home and hospital treatment, in accordance with the special law. Teaching can also be organised as home-schooling and distance learning in accordance with the special law (Article 7). Educational work for persons who use sign language, special characters or other technical solutions, can be performed in sign language and using the means of that language (Article 9).

For children and pupils who, due to social deprivation, developmental challenges, disabilities and other reasons, need additional support in education, the institution shall ensure the removal of physical and communication barriers and adopt an individual educational plan. The individual educational plan (hereinafter: IEP) is a special document that contains planning of additional support in education for a certain child and pupil, in accordance with his or her abilities and possibilities. The goal of the IEP is the optimal development of the child and pupil, inclusion in the collective of peers and the achievement of general and special outcomes of education, and satisfying the educational needs of the child and pupil. The IEP is prepared on the basis of previously implemented and recorded measures of individualisation and the developed pedagogical profile of the child and pupil. The IEP is made on the basis of the educational needs of the child and pupil. The Law thoroughly regulates the matter, content, method of development and competent IEP experts. The parent or guardian gives consent to the implementation of the IEP, in accordance with the law. The Minister issues more detailed instructions for the development of the IEP, its implementation and evaluation (Article 77).

During the analysis of the answers provided by the organisations of persons with disabilities and competent institutions to the NOOIS questionnaires, special attention was paid to the assessment of the implementation of the aforementioned provisions of this Law during the state of emergency and the pandemic.

The Law on Prevention of Discrimination against Persons with Disabilities regulates the general regime of prohibition of discrimination on the grounds of disability, special cases of discrimination against persons with disabilities, the procedure for protection of persons exposed to discrimination and measures taken by the state to promote equality and social inclusion of persons with disabilities (Article 1). Denial of rights, imposing special conditions for exercising the rights of persons with disabilities, denial of rights by exercising discretion if denial is based on disability and conducting procedures in a way that actually prevents or significantly impedes the exercise of rights, are prohibited cases of discrimination before public authorities (Article 11). Particularly severe forms of discrimination are the refusal to provide health care services to persons with disabilities, the imposing of special conditions for the provision of such services, which is not justified by medical reasons, the refusal to diagnose and the failure to provide information on the health status of persons with disabilities (Article 17).

The Law on Prohibition of Discrimination regulates the general regime of prohibition of discrimination. Disability is one of the prohibited grounds for discrimination. Article 26 prohibits discrimination against persons with disabilities and violations of their rights in political, economic, cultural and other aspects of public, professional, private and family life.

The Strategy for the improvement of the position of persons with disabilities in the Republic of Serbia for the period 2020-2024 provides an overview of the situation, and by defining an overall goal and objectives, determines the basic directions of action to achieve equality, prevent discrimina-

tion, respect dignity and create conditions that allow persons with disabilities to enjoy all human rights and fundamental freedoms on an equal basis and actively participate in all areas of social life.

The Strategy provides a comprehensive overview of the situation in various areas before setting objectives and prescribing measures to improve the position of persons with disabilities for each area. Regarding the area of employment, the Strategy states that according to the 2007 data, the employment rate of persons with disabilities was 13.3%, the unemployment rate was 26.9%, while the inactivity rate was 69%.⁸ Although these data have changed since the introduction of the obligation to employ persons with disabilities (2010), most persons with disabilities remain to be excluded from the labour market. According to the Census data,⁹ 12.4% of persons with disabilities were economically active, and only 9% were employed. As regards the issues of economic independence and sources of income, pension is the most frequent source of income for persons with disabilities (61.7%), 20.5% of them are dependent persons, while 6.8% of persons with disabilities have earnings or other work-based income, and 4.9% of the total number of persons with disabilities receive social benefits.¹⁰ The share of women in the total number of dependent persons with disabilities is 70.3%.

In addition, the number of persons with disabilities who are placed in different types of institutions (social protection institutions for children and youth, homes for children with disabilities, residential care institutions of adults and the elderly, residential care institutions for adults with disabilities, persons with mental disabilities and persons with psychosocial disability) was 15,748 in 2017 and 16,732 in 2018.¹¹

8 *Anketa o životnom standardu, Republički zavod za statistiku, Beograd, 2007* (Living Standard Measurement Survey, Statistical Office of the Republic of Serbia, Belgrade, 2007)

9 Milan M. Marković, op. cit.

10 Milan M. Marković, op. cit.

11 Letter of the Republic Institute for Social Protection, October 2019

There is still a high degree of the inaccessibility of public facilities, especially those in which various rights are exercised, such as social welfare centres, local self-governments, post offices, police administrations, the Republic Pension and Disability Insurance Fund, despite numerous but unsystematic interventions, which is an obstacle for persons with disabilities. Data from the Report on the Accessibility of Public Authority Buildings to Persons with Disabilities¹² show that out of 23 public authorities whose accessibility was checked, only three buildings fully met the accessibility standards. The accessibility map, which is available on the website of the Protector of Citizens, contains information about the accessibility of various buildings throughout the Republic of Serbia.¹³ Emergency situations are a special segment in terms of information accessibility, which implies accessible protocols and information services, in accordance with the needs of persons with disabilities, in particular in cases where evacuation is needed - warnings, SOS hotlines, manuals in Serbian Braille, audio description and the like, as well as the availability of information about available services in the local community in various adjusted formats. The Ministry of Interior, in cooperation with the Ministry of Education, Science and Technological Development, has been implementing, since 2017, the "Fundamentals of Child Safety" programme for first, fourth and sixth graders of primary schools in the Republic of Serbia, with the aim of raising safety culture among children. Based on the expressed needs of schools for children with disabilities, in cooperation with the Ministry of Education, Science and Technological Development, there are ongoing preparations for the implementation of projects in these schools, including with the use of sign language. In addition, a version of the emergency response manual adapted for persons with visual impairments was created, an evacuation exercise was held in a school

12 Commissioner for the Protection of Equality – Report no. 021-01-22/2013-03

13 <http://mapapristupačnosti.rs/>

for children with disabilities, and a round table on persons with disabilities in emergency situations was organised.¹⁴

14 Letter of the Ministry of Interior, October 2019. The Ministry of Interior, in cooperation with the NOOIS, has prepared the Emergency Response Manual adapted for persons with visual impairment, available on the website of the Sector for Emergency Situations, as well as emergency response posters adapted for persons with disabilities. During 2017, the Ministry of Interior, in cooperation with Caritas Serbia, held evacuation exercises in the School for Children with Disabilities "Radivoj Popović" in Belgrade, and in 2019, in cooperation with the OSCE Mission to Serbia, a round table was held in Novi Sad on the topic "Disaster Risk Reduction - Persons with Disabilities in Emergency Situations".

4 **Analysis of regulations adopted after the declaration of the COVID-19 pandemic**

The Decree on measures during the state of emergency was amended eleven times: The World Health Organization declared the COVID-19 pandemic in March 2020, and four days later the Government of Serbia introduced the state of emergency in the entire territory of the Republic of Serbia in order to prevent the spread of this infectious and deadly disease, which lasted from 15 March to 6 May 2020.¹⁵ The citizens who care about the protection of persons with disabilities, elderly immobile persons, and especially children, as well as all those who need someone else's help, addressed the Protector of Citizens and the Commissioner for Protection of Equality because of the difficulties faced in obtaining movement permits during the ban on movement. The Protector of Citizens and the Commissioner for Protection of Equality addressed the Prime Minister of the Republic of Serbia in order to overcome this problem in a timely manner. The result was the adoption of the Decree amending the decrees during the state of emergency to allow children with developmental disabilities and autism to move during the ban on movement.¹⁶ Persons with developmental disabilities and autism were allowed to move during the ban only accompanied by one adult (one parent or guardian) up to a distance of 200 m from the place of permanent/temporary residence. Blind, visually impaired, deaf or hard of hearing persons, as well as persons who, due to the existence of similar

15 *Poseban izveštaj o aktivnostima Zaštitnika građana tokom vanrednog stanja, Beograd, 2020, str. 3* (Special Report on the Activities of the Protector of Citizens during the COVID-19 State of Emergency, Belgrade, 2020, p. 3)

16 *Op. cit.*, p. 10

impairments, cannot move independently, were allowed to move accompanied by one person during the ban on movement.

The Decree on measures during the state of emergency provided for the restriction of the movement of persons older than 65, as well as the restriction of the movement of all persons in evenings and on weekends. Employees who had work orders from their employers were allowed to move during curfew; this applied also to personal assistants, personal companions of children and geronto-housewives, although they were not explicitly mentioned in the decrees. There were more problems with family members, neighbours and friends who are not part of the formal social protection system, but assist people with disabilities.

The National Organization of Persons with Disabilities of Serbia addressed the Protector of Citizens and the Commissioner for Protection of Equality pointing out numerous problems faced by persons with disabilities during the state of emergency and movement restriction. Regarding this issue, the Protector of Citizens joined the appeal of the National Organization of Persons with Disabilities to the competent authorities to ensure the unhindered functioning of community support services during the state of emergency, such as supported housing, personal assistants, personal companions of children and geronto-housewives. In addition, the Protector of Citizens requested information on the measures taken to address the above issues from the Ministry of Labour, Employment, Veteran and Social Affairs. The Ministry answered that, in cooperation with other authorities, it would control and issue movement permits to all persons who provided social protection services and took appropriate protection measures.¹⁷

¹⁷ Op. cit., p. 13

The Order declaring the COVID-19 infectious disease outbreak declares the epidemic of COVID-19 infectious disease to be the epidemic of greater epidemiological importance for the territory of the Republic of Serbia.

The Decision declaring the COVID-19 disease caused by the SARS-CoV-2 virus a contagious disease declares the COVID-19 disease caused by the SARS-CoV-2 virus a contagious disease whose prevention and control are of interest to the Republic of Serbia, and prescribes measures for its prevention and control. The Decision did not prescribe special measures for persons from particularly vulnerable categories of the population, such as persons with disabilities, except for recommending employees in the health and social protection system of the Republic of Serbia not to travel to countries with intensive COVID-19 transmission, i.e. epidemic hotspots.

The Instruction on the implementation of the part of Decision declaring the COVID-19 disease caused by the SARS-CoV-2 virus a contagious disease regarding the restrictions on the entry of persons in the Republic of Serbia regulates the way of implementing the **Decision declaring the COVID-19 disease caused by the SARS-CoV-2 virus a contagious disease** with respect to entry into the Republic of Serbia of persons coming from the countries with an unfavourable epidemiological situation. The Instruction did not prescribe special measures for persons from particularly vulnerable categories of the population, such as persons with disabilities.

The Order on the organisation and implementation of quarantine measures prescribes the organisation and implementation of the measure of quarantine in order to prevent the occurrence, spread and control of the infectious disease COVID-19, as follows:

- 1) passenger control and health warning for all passengers at airports and other border crossings in the Republic of Serbia, in accordance

with the Expert Methodological Instruction of the Republic Expert Commission for Infectious Diseases;

- 2) designation of the Reference Laboratory for Identification and Verification of SARS-CoV-2;
- 3) education of medical teams for monitoring the health condition of persons who, in accordance with epidemiological criteria, would be placed in quarantine;
- 4) restriction of freedom of movement and mandatory medical examinations of persons who were or are suspected to have been in contact with persons suffering from the infectious disease COVID-19 during the maximum incubation period.

The Rulebook on preventive measures for safe and healthy work to prevent the occurrence and spread of an epidemic of infectious disease prescribes preventive measures that the employer is obliged to implement in order to prevent the occurrence and spread of infectious diseases and eliminate risks for safe and healthy work of employees and persons that happen to be in the working environment when the competent authority declares an infectious disease epidemic. This Rulebook applies to all workplaces in the working environment in which work is performed, excluding field work and work from home. The plan for the implementation of measures must contain:

- 1) preventive measures and activities aimed at preventing an outbreak of an infectious disease epidemic;
- 2) assignment of implementation and control of implementation of preventive measures and activities;
- 3) measures and activities for action in case of an outbreak of an infectious disease epidemic.

The employer shall ensure the implementation of preventive measures at every workplace in the work environment, and in particular as follows:

- 1) before the commencement of work, provide written instructions on measures and procedures for the prevention of an infectious disease outbreak, containing information on the symptoms of an infectious disease;
- 2) in accordance with the possibilities, if work in shifts is not organised, redistribute working hours by introducing the second or third shift with a smaller number of employees;
- 3) maintain enhanced hygiene and disinfection of working premises and auxiliary rooms, including regular disinfection of premises and frequent ventilation of the workspace;
- 4) provide employees with sufficient amounts of soap, towels, running water and alcohol-based hand sanitisers;
- 5) ensure regular cleaning of all surfaces that are frequently touched in the workplace, especially premises and equipment such as toilets, door handles, fixed-line telephones, computer equipment and other work equipment;
- 6) regulate the manner of keeping records on disinfection of working and auxiliary premises, which it organises and implements;
- 7) ensure the development of instructions for safe and healthy work with contractors, suppliers, distributors and external associates;
- 8) organise and ensure regular removal of waste and garbage (bins lined with plastic bags) from the premises so that they can be emptied without contact with the content.

The employer is obliged to ensure the implementation of preventive measures in case of the occurrence of an infectious disease among its employees, in particular as follows:

- 1) the area where the infected employee stayed is regularly physically and chemically disinfected and ventilated; the procedures for entering and leaving the employer's premises are respected, the prescribed means and equipment for personal protection at work and other protection measures during the work process are used;
- 2) the directions of movement of employees through working and auxiliary premises are precisely defined;
- 3) strict control of the movement of employees from the organisational unit in which the infected employee worked is organised;
- 4) contacts of employees from the organisational unit where the infected employee worked with other employees are reduced to the necessary ones with the prescribed protection measures.
- 5) all other measures are implemented as recommended by the epidemiologist.

The employee shall:

- 1) implement all preventive measures of safety and health at work in order to preserve his or her health, as well as the health of other employees;
- 2) purposefully use the prescribed means and equipment for personal protection at work and handle them carefully, so as not to endanger his or her safety and health as well as the safety and health of other persons;
- 3) additionally take care of his or her hygiene by washing his or her hands regularly and correctly;
- 4) keep personal clothing separate from means and equipment for personal protection at work and work clothes;

- 5) obligatorily inform the employer if he or she suspects that he or she, other employees or his or her family members have the symptoms of an infectious disease;
- 6) before the beginning of work, inspect his or her workplace, including equipment he or she uses as well as means and equipment for personal protection at work, and in case of identified deficiencies, inform the employer or other authorised person;
- 7) before leaving the workplace, ensure that the workplace and means of work are in such a condition that they do not endanger other employees;
- 8) in accordance with his or her knowledge, immediately inform the employer about irregularities, harms, dangers or other things that could endanger his or her safety and health at work or the safety and health of other employees;
- 9) cooperate with the employer and the person responsible for safety and health at work, in order to implement additional measures necessary for safety and health at work.

The Rulebook does not contain any special protection measures for employed persons with disabilities or employed social protection or health care providers who provide these services to persons with disabilities, or employees in education who work with pupils with disabilities. However, in these cases, it is important to strictly apply general protection measures because of the susceptibility of persons with disabilities at the time of the pandemic. The Rulebook does not contain any affirmative measures that would improve the position of employed persons with disabilities or parents of children with disabilities.

The Decree on measures for prevention and suppression of infectious disease COVID-19 determines appropriate measures for the prevention and suppression of the infectious disease COVID-19 caused by the SARS-

CoV-2 virus, as well as the conditions, way of implementation, implementers and means for implementing these measures. While there is a danger of spreading the infectious disease COVID-19, during their stay in indoor public places, in order to prevent the spread of the infectious disease COVID-19, citizens are obliged to wear protective masks and maintain a distance of at least one and a half metres between the two persons who do not live in the same household, i.e. one person per 4 sqm can be present. In outdoor public places, if it is not possible to maintain a distance between two people of at least one and a half metres (in front of shops, pharmacies, at bus and other stops, etc.), wearing protective masks is mandatory. Protective masks are mandatory in public road and rail passenger transport. Parents/guardians of minor children or children with special needs are obliged to ensure that children wear protective masks (Article 2).

The Decree on organising the work of social protection institutions for accommodation of beneficiaries and social protection organisations for providing residential care services during the state of emergency regulates the special way and organisation of work of social protection institutions for accommodation of beneficiaries and social protection for providing residential care services in the territory of the Republic of Serbia in case of the occurrence of the infectious disease COVID-19 caused by the SARS-CoV-2 virus during the state of emergency. This Decree applies to all social protection institutions for accommodation of beneficiaries and social protection organisations for providing residential care services founded by the Republic of Serbia, autonomous province or local self-government, as well as to institutions for accommodation of beneficiaries founded by other legal entity or natural person.

If a beneficiary, employee or person engaged to work in the institution has contracted the infectious disease COVID-19 caused by the SARS-CoV-2 virus, he or she is immediately referred for treatment to a health institution, which is designated, by the acts of the competent authorities, as an institution for

admission and care of these persons, under conditions and in a way that prevents the transmission of infectious diseases, according to the Expert Methodological Instruction of the Public Health Institute established for the territory of the Republic of Serbia. In that case, other beneficiaries, employees and persons engaged to work have to remain in the institution in isolation for 14 days (Article 2). If a new case of the infectious disease COVID-19 caused by the SARS-CoV-2 virus occurs in the institution during isolation, the infected person is referred for treatment, while the isolation of other beneficiaries and employees is extended for additional 14 days. Directors of institutions are obliged to take care of structural standards regarding the staffing requirements for the provision of services in terms of social protection regulations (Article 3). The competent epidemiological service issues an order that the measure of isolation of beneficiaries and employees, who were in contact with the sick person, be implemented within the institution of social protection for accommodation of beneficiaries or the organisation of social protection for providing residential care services. Directors of institutions are obliged to ensure that the working hours and daily and weekly rest periods of employees and persons engaged to work are respected during the isolation, in accordance with the law. Employees and persons engaged to work spend their non-working time (rest period) in the institution. Directors are obliged to display a work schedule. Directors of institutions are obliged to ensure that employees and persons engaged to work, without remuneration, have three meals a day, accommodation in the institution, and that they stay in the institution during the isolation separately from the beneficiaries (Article 4).

While the authorities justified these restrictions by the need to protect residents from the COVID-19 disease caused by the SARS-CoV-2 virus, some human rights organisations argued that it was a disproportionate restriction on the freedom of movement in a way that violated the dignity of residents.

The Order prohibiting visits and restricting movement in residential care facilities for the elderly prohibited visits to social protection institutions providing residential care for the elderly, while residents were forbidden to leave these institutions. These restrictions also applied to persons with disabilities placed in these institutions. Visit restrictions have eased slightly as the epidemiological situation improved. While the authorities justified these restrictions by the need to protect residents from the COVID-19 disease caused by the SARS-CoV-2 virus, some human rights organisations argued that it was a disproportionate restriction on the freedom of movement in a way that violated the dignity of residents.

The Instructions on the manner and place of conducting enhanced health surveillance in health safety facilities did not envisage any special measures for persons belonging to particularly vulnerable categories of the population, such as persons with disabilities.

The Order prohibiting gatherings in the Republic of Serbia in indoor and outdoor public places imposed a limit on the number of persons allowed to gather indoors. The Order did not contain special provisions concerning persons with disabilities.

The Decision on determining special measures to protect the population from the infectious disease COVID-19 in the City of Belgrade did not envisage any special measures for persons belonging to particularly vulnerable categories of the population, such as persons with disabilities.

On the basis of the **Decision on opening a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus - "Belgrade Fair"**, the Belgrade Fair was opened as a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus, but this Decision did not envisage any special meas-

ures for persons belonging to particularly vulnerable categories of the population, such as persons with disabilities, nor did it contain special provisions on the accessibility of this facility.

On the basis of the **Decision on opening a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus - "Dormitory for Students of the Faculty of Medicine in Niš"**, a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus was opened in the Dormitory for Students of the Faculty of Medicine in Niš, but this Decision neither envisaged any special measures for persons belonging to particularly vulnerable categories of the population, such as persons with disabilities, nor did it contain special provisions on the accessibility of this facility.

On the basis of the **Decision on opening a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus - "Novi Sad Fair"**, the Novi Sad Fair was opened as a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus, but this Decision did not envisage any special measures for persons belonging to particularly vulnerable categories of the population, such as persons with disabilities, nor did it contain special provisions on the accessibility of this facility.

On the basis of the **Decision on opening a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus - "Čair Hall"**, a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus was opened in the Čair Hall, but this Decision did not envisage any special measures for persons belonging to particularly vulnerable categories of the population,

such as persons with disabilities, nor did it contain special provisions on the accessibility of this facility.

On the basis of the **Decision on opening a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus - "Štark Arena"**, a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus was opened in the Štark Arena, but this Decision did not envisage any special measures for persons belonging to particularly vulnerable categories of the population, such as persons with disabilities, nor did it contain special provisions on the accessibility of this facility.

On the basis of the **Decision on opening a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus - Sports Hall (Blue Hall), Atenica in Čačak**, a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus was opened in the Sports Hall (Blue Hall), Atenica in Čačak, but this Decision did not envisage any special measures for persons belonging to particularly vulnerable categories of the population, such as persons with disabilities, nor did it contain special provisions on the accessibility of this facility.

On the basis of the **Decision on opening a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus - Secondary School of Economics "Stana Milanović" in Šabac**, a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus was opened in the Secondary School of Economics "Stana Milanović" in Šabac, but this Decision did not envisage any special measures for persons belonging to particularly vulner-

able categories of the population, such as persons with disabilities, nor did it contain special provisions on the accessibility of this facility.

On the basis of the **Decision on opening a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus - Secondary School of Medicine “Dva heroja” Novi Pazar**, a temporary facility for accommodation and treatment of persons suffering from the infectious disease COVID-19 caused by the SARS-CoV-2 virus was opened in the Secondary School of Medicine “Dva heroja” Novi Pazar, but this Decision did not envisage any special measures for persons belonging to particularly vulnerable categories of the population, such as persons with disabilities, nor did it contain special provisions on the accessibility of this facility.

The Decree on measures in road traffic during the state of emergency proclaimed due to the COVID-19 disease caused by the SARS-CoV-2 virus does not envisage any special measures for persons belonging to particularly vulnerable categories of the population, such as persons with disabilities.

The Government of the Republic of Serbia adopted the **Conclusion**¹⁸ ordering the measure of quarantine for citizens returning from abroad. There were no special measures for persons from particularly vulnerable categories of the population, such as persons with disabilities.

The Government of the Republic of Serbia adopted the **Conclusion**¹⁹ on the establishment of a single and centralised software solution - Information system COVID-19 (IS COVID-19) for the purpose of conducting epidemiological surveillance in connection with the COVID-19 disease caused by the SARS-CoV-2 virus. The Conclusion did not explicitly envisage the obligation

18 *Official Gazette of the RS*, no. 33 of 17 March 2020

19 *Official Gazette of the RS*, no. 50 of 3 April 2020, no. 57 of 16 April 2020

to apply accessibility standards for information and communication, including software solutions, nor did it specifically stress the need to collect epidemiological data on particularly vulnerable categories of the population, such as persons with disabilities.

The Government of the Republic of Serbia adopted the **Conclusion**²⁰ on recommending employers to allow employees who have a duty of performing regular working tasks during the state of emergency to use part of the annual leave for 2019. These provisions could also apply to employees with disabilities or parents of children with disabilities, but there were neither special affirmative measures for these persons nor additional benefits for employees belonging to particularly vulnerable categories of the population such as persons with disabilities or parents of children with disabilities.

The Government of the Republic of Serbia adopted the **Conclusion**²¹ on giving approval for paying direct financial aid from the budget of the Republic of Serbia in August and September 2020 to economic entities in the private sector that met the conditions for direct financial aid from the budget of the Republic of Serbia, each month in the amount of 60% of direct financial aid. Direct financial aid from the budget of the Republic of Serbia paid to these economic entities can be used only for the payment of salaries and salary compensations to employees. These provisions could also apply to entities such as professional rehabilitation companies if they met general requirements, but there were neither special affirmative measures for these entities important for persons with disabilities nor additional incentives for mitigating the economic consequences of the pandemic for hard-to-employ categories of the population such as persons with disabilities.

20 *Official Gazette of the RS*, no. 52 of 7 April 2020

21 *Official Gazette of the RS*, no. 104 of 31 July 2020, no. 106 of 7 August 2020

The Decree on the supplement to the basic salary of employees in health care institutions and certain employees who perform tasks in the field of health and health protection of the population of the Republic of Serbia, and treatment and prevention of the spread of the COVID-19 disease caused by the SARS-CoV-2 virus envisaged the right to a basic salary supplement equalling 10% of the basic salary for the implementation of measures and activities related to the protection of health of the Republic of Serbia's population, and to the treatment and prevention of the spread of the COVID-19 epidemic caused by the SARS-CoV-2 virus, exercised, among others, by health care employees in social protection institutions and carers in social protection institutions, but not by social protection service providers such as providers of home help and personal assistance.

The Rulebook on the method of application and the method of payment of one-time financial assistance envisages that pension beneficiaries and social assistance beneficiaries are eligible to receive one-time financial assistance. In accordance with this Rulebook, they do not have to apply for this assistance. These persons receive the payment on the basis of the registration number of their valid ID card and the name of the bank where they have an account or where an account for the payment of one-time financial assistance will be opened, and which they choose from the drop-down list of banks (Article 2).

The Decision on limiting the level of prices and margins of basic foodstuffs and protective equipment did not envisage any special affirmative measures for persons belonging to particularly vulnerable categories of the population such as persons with disabilities.

The Decision on the conditions for exemption from customs duties for certain goods prescribes the conditions for exemption from customs duties on imports of ethyl alcohol of an alcoholic strength by volume of 80% vol or higher, undenatured, from tariff heading 2207 10 00 00 of the Customs Tar-

iff. The Decision did not envisage any affirmative measures for persons from particularly vulnerable categories of the population, such as persons with disabilities.

The Decree on modification of general revenues and income, expenditures and expenses of the 2020 budget of the Republic of Serbia to eliminate harmful consequences of the COVID-19 disease caused by the SARS-CoV-2 virus²² changed general revenues and income, expenditures and expenses of the 2020 budget of the Republic of Serbia, their execution, scope of borrowing for the needs of financing deficits and concrete projects and providing guarantees, public debt management, use of donations, project loans, use of revenues from sales of goods and services of budget users and rights and obligations of budget users and certain provisions in the section Budget Execution, determined by the Law on the Budget of the Republic of Serbia for 2020 in order to eliminate the harmful consequences that occurred during the state of emergency introduced due to the COVID-19 disease caused by the SARS-CoV-2 virus. The amount of RSD 14,061,580,000 was allocated for veteran and disability protection, RSD 32,786,803,000 for social protection, and RSD 64,880,847,000 for child protection. In the event that during the year the circumstances of emergency that may endanger human life and health or cause large-scale damage occur, the Government may decide to temporarily suspend the execution of certain expenditures and expenses, as well as to assume the obligations of users of the budget of the Republic of Serbia in order to mitigate negative economic and financial consequence of emergency events.

The Decree on the conditions and criteria for state aid compliance to eliminate a serious disturbance in the economy caused by the epidemic of the infectious disease COVID-19 thoroughly regulates the conditions

22 Official Gazette of the RS, no. 60 of 24 April 2020

and criteria for state aid compliance to eliminate a serious disturbance in the economy caused by the epidemic of the infectious disease COVID-19. These provisions could also apply to entities such as professional rehabilitation companies if they met general requirements, but there were no special benefits for the employers of persons belonging to particularly vulnerable categories of the population, such as persons with disabilities.

The Decree on the conditions and criteria for state aid compliance to eliminate harmful consequences of the epidemic of the infectious disease COVID-19 thoroughly regulates the conditions and criteria for state aid compliance to eliminate harmful consequences of the epidemic of the infectious disease COVID-19. These provisions could also apply to entities such as professional rehabilitation companies if they met general requirements, but there were no special benefits for the employers of persons belonging to particularly vulnerable categories of the population, such as persons with disabilities.

The Decree on establishing a guarantee scheme as a measure of support to the economy for mitigating the consequences of the COVID-19 pandemic caused by the SARS-CoV-2 virus regulates the conditions, procedure, amount and manner of providing funds for issuing guarantees of the Republic of Serbia in accordance with the guarantee scheme defined by this Decree; criteria, conditions and manner of approving loans by banks; reporting, and other issues relevant to the guarantee scheme as a measure of economic support, in order to mitigate the economic consequences of the COVID-19 pandemic caused by the SARS-CoV-2 virus, with the aim of enhancing the liquidity of economic entities. These provisions could apply to entities such as professional rehabilitation companies if they met general requirements, but there were no special benefits for the employers of persons belonging to particularly vulnerable categories of the population, such as persons with disabilities.

The Decree on fiscal benefits and direct aid to economic entities in the private sector and monetary aid to citizens aimed at mitigating economic consequences caused by the disease COVID-19 regulates the fiscal benefits and direct aid from the budget of the Republic of Serbia to economic entities in the private sector aimed at mitigating economic consequences caused by the disease COVID-19, VAT treatment of trade in goods and services without compensation for health purposes, as well as payment of one-time monetary aid from the budget to all adult citizens of the Republic of Serbia. These provisions could also apply to entities such as professional rehabilitation companies if they met general requirements, but there were no special benefits for the employers of persons belonging to particularly vulnerable categories of the population, such as persons with disabilities.

The Decree on establishing a temporary register and the way of payment of one-time financial assistance to all adult citizens of the Republic of Serbia to reduce the negative effects of the COVID-19 pandemic caused by SARS-CoV-2 virus regulates establishing a temporary register of all adult citizens of the Republic of Serbia and the way of payment of one-time financial assistance to adult citizens of the Republic of Serbia who, the date of entry into force of this Decree, have permanent residence in the territory of the Republic of Serbia and a valid ID, as follows: all pension beneficiaries, all beneficiaries of financial social assistance, and all those who apply for one-time financial assistance in accordance with this Decree, with the aim of reducing negative effects of the COVID-19 pandemic caused by the SARS-CoV-2 virus. The Republic of Serbia will pay one-time financial assistance in the amount of EUR 100 in dinar equivalent calculated at the official middle exchange rate of the National Bank of Serbia on the date of this Decree entering into force. Pension beneficiaries also include beneficiaries of temporary compensation - disabled workers of the second and third category of disability, i.e. remaining working ability, in accordance with the provisions of the Law on Pension and Disability Insurance. For the purpose of executing the payment of one-time financial assistance, on the date of entering

into force of this Decree, a temporary register of adult citizens of the Republic of Serbia shall be established in the Ministry of Finance. The temporary register shall contain data about adult citizens who receive pensions and children with disabilities - beneficiaries of temporary compensation provided by the Republic Pension and Disability Insurance Fund, on the date of the entry into force of this Decree, as follows: name, surname and unique personal identification number (JMBC), as well as the manner of payment of pensions from the records of beneficiaries of pension and disability insurance benefits - submitted by the Republic Pension and Disability Insurance Fund, with all necessary data, including the current account number for beneficiaries whose pension is paid through that account as well as beneficiaries of temporary compensation - children with disabilities.

The Decree on postponing the deadline for submitting quarterly reports on the implementation of the annual or three-year business programme during the state of emergency introduced due to the COVID-19 disease caused by the SARS-CoV-2 virus determines the postponement of the deadline for submitting quarterly reports on the implementation of the annual or three-year business programme, as prescribed under Article 63, paragraph 3 of the Law on Public Enterprises during the state of emergency proclaimed due to the COVID-19 disease caused by the SARS-CoV-2 virus. These provisions could also apply to entities such as professional rehabilitation companies if they remained to be public enterprises. However, most of these companies have been privatised.

The Decree on postponing the deadline for acquiring the status of eligible new employee determines the postponement of the deadline for acquiring the status of eligible new employee prescribed by the Law on Personal Income Tax due to the circumstances caused by the state of emergency introduced due to the COVID-19 disease caused by the SARS-CoV-2 virus. These provisions could also apply to employees with disabilities, but there were neither special affirmative measures for these persons nor addi-

tional benefits for employees belonging to particularly vulnerable categories of the population such as persons with disabilities.

The Decree on postponement of deadlines for holding of regular shareholders' meetings and for submission of annual and consolidated financial reports of companies, cooperatives, other legal entities and entrepreneurs, as well as on postponement of deadlines for submission of tax statements for income tax, postponement of terms of validity of authorised auditor licences and real estate value appraisal licences expiring during the state of emergency proclaimed due to the disease COVID-19 caused by the SARS-CoV-2 virus

regulates the postponement of deadlines for holding of regular shareholders' meetings and for submission of annual and consolidated financial reports of companies, cooperatives, other legal entities and entrepreneurs, as well as postponement of deadlines for submission of tax statements for income tax, terms of validity of authorised auditor licences and real estate value appraisal licences, prescribed in Article 364 of the Law on Companies during the state of emergency proclaimed due to the COVID-19 disease caused by the SARS-CoV-2 virus. These provisions could also apply to entities such as professional rehabilitation companies if they met general requirements, but there were neither special affirmative measures for these entities important for persons with disabilities nor additional incentives for mitigating the economic consequences of the pandemic for hard-to-employ categories of the population such as persons with disabilities.

The Decree on the procedure of issuing debt securities regulates a simplified procedure for the issuance of securities in the territory of the Republic of Serbia. These provisions could also apply to entities such as professional rehabilitation companies if they met general requirements for the issuance of debt securities, but there were neither special affirmative measures for these entities that are important for persons with disabilities nor additional incentives for mitigating the economic consequences of the pan-

demic for hard-to-employ categories of the population such as persons with disabilities.

The Decree on the procedure for obtaining consent for new employment and additional employment by public fund users thoroughly regulates the procedure for obtaining consent for the employment of new persons to fill the vacancies in public fund users, within the meaning of Article 27e, paragraph 35 of the Law on Budget System, and for continuing the procedures for filling vacancies in public fund users that began but were not completed by the date of entering into force of the Amendments to the Law on Budget System. The Decree does not contain provisions on special affirmative measures for encouraging the employment of persons with disabilities as one of hard-to-employ categories of the population, although these persons were regularly engaged through public work projects of the National Employment Service before the outbreak of the pandemic.

The Rulebook on special education programme regulates special education programme, instruction on the organisation and work of the institution and determines the institutions that continue to work in the event of imminent danger of war, state of war, state of emergency or other emergency circumstances. The Recommendations and the Plan are implemented in all schools in the territory of the Republic of Serbia, and/or in the environments in which emergency circumstances have been proclaimed, in the period where the proclaimed emergency circumstances are in force. New teaching and learning programmes are based on the general goals and outcomes of education, the needs and abilities of pupils. They focus on the process and outcomes of learning, not on the content. The purpose of the content is to achieve outcomes that are defined as functional knowledge of pupils and shows what the pupils will be able to do, undertake, perform and do thanks to the knowledge, attitudes and skills built and developed during one year of studying a particular subject. Because of all this, the role of a teacher is crucial, because he or she is the one who leads pupils towards achieving

the outcome, by choosing and connecting the content, choosing the methods of learning and activities. However, the Rulebook does not pay enough attention to pupils with disabilities who need additional learning support.

The Law on Confirmation of Decrees Adopted by the Government with the Co-Signature of the President of the Republic during the State of Emergency confirms the Decrees adopted by the Government with the co-signature of the President of the Republic during the state of emergency.

The Law on Validity of Decrees Adopted by the Government with the Co-Signature of the President of the Republic during the State of Emergency and Confirmed by the National Assembly confirms the validity of the Decrees adopted by the Government with the co-signature of the President of the Republic during the state of emergency and confirmed by the National Assembly.

The National Assembly of the Republic of Serbia, at its second session during the state of emergency, held on 6 May 2020, adopted the **DECISION on lifting the state of emergency**.

After identified shortcomings in the Law on Protection of the Population from Infectious Diseases, the National Assembly of the Republic of Serbia adopted the **Law on Amendments to the Law on Protection of the Population from Infectious Diseases** in November 2020 for a better response to the challenges of the pandemic. The Law defines the countries with unfavourable epidemiological situation, personal protection against infection, home isolation, quarantine. COVID-19, a disease caused by the SARS-CoV-2 virus, is explicitly mentioned in the list of infectious diseases; it is also prescribed that persons who, during the epidemiological examination, are identified as contacts by a medical doctor specialist in epidemiology, have a duty to comply with the prescribed measures and instructions determined by the competent medical doctor specialist in epidemiology.

The Law also determines the measures of home isolation and home quarantine. Employees who have been ordered the measure of home quarantine are entitled to an appropriate salary compensation or salary, during the time spent in home quarantine, and the sanitary inspector's decision on determining the measure of quarantine is also a certificate of incapacity for work while the measure is in force. If the measure of home quarantine is determined for a child under the age of 14 or a person who is not able to take care of himself or herself and the protection of his or her rights and interests, a decision is issued to the parent or guardian. It obviously refers to persons with disabilities under guardianship. The sanitary inspector's decision on determining the measure of quarantine issued to the parent or guardian of a preschool child or a person who may not be left unattended, as prescribed by law, is also a certificate of incapacity for work while the measure of home quarantine, determined by that decision, is in force. Accordingly, the parent or guardian is entitled to an appropriate salary compensation or salary.

At the initiative of the NOOIS, the Office of the Protector of Citizens proposed an amendment that would allow a family household member who helps an adult with disabilities who has a legal capacity and has been ordered a measure of home quarantine to be entitled to receive salary compensation in the situation of incapacity for work, like parents and guardians are entitled. The condition would be that a person with disabilities receives an allowance for assistance and care of another person, and does not use social protection services during the quarantine. This amendment was not accepted because it was not submitted in a timely manner since the Law was adopted by urgent procedure.

The Law also regulates the preventive measure of restricting the freedom of movement of persons in collective accommodation in order to prevent the introduction of infection into the collective, and the measures of personal protection against infection. The powers and competences of the inspectorate for supervising the implementation of the measures of personal protec-

tion against infection are expanded, while the sanctions for non-compliance with and violation of epidemiological protection measures are tightened.

Unfortunately, the opportunity was missed to adopt a proposal that would solve some significant practical problems encountered by persons with disabilities and their family household members who help them meet basic living needs during the home quarantine.

5 **Analysis of answers to the questionnaire for representative organisations and associations of persons with disabilities about the exercise of rights and the limitations and challenges faced by their members during the COVID-19 pandemic and the state of emergency**

The National Organization of Persons with Disabilities of Serbia (NOOIS) sent to municipal and inter-municipal organisations of persons with disabilities, through its network, questionnaires on the exercise of rights and the limitations and challenges faced by their members during the COVID-19 pandemic. Sixty-two (62) organisations of persons with disabilities sent their answers to these questionnaires: municipal organisations assisting persons with intellectual disabilities from Aleksinac, Brus, Jagodina, Kladovo, Kula, Priboj, Stari Grad; organisation of blind people from Kosjerić; organisations of deaf and hard of hearing people from Bela Crkva, Blace, Leskovac and Loznica; organisations of people with paraplegia and quadriplegia from Paraćin, Vranje and Čačak; organisations of people with cerebral palsy and polio from Velika Plana, Novi Pazar, Užice, Čačak; organisations of people with muscular dystrophy from Leskovac and Niš; organisations of people with multiple sclerosis from Bačka Kula, Bačka Topola, Bor, Knjaževac; inter-municipal and district organisations of blind persons from North Banat, Kragujevac, Leskovac, Loznica, Novi Pazar, Užice; city organisation of deaf per-

sons from Belgrade; inter-municipal and district organisations of deaf and hard of hearing persons from Kosovska Mitrovica, Pančevo, Pirot, Požarevac, Sremska Mitrovica, Vranje and Čačak; inter-municipal and district organisations of persons with muscular dystrophy from Užice; inter-municipal and district organisations of persons with multiple sclerosis from South Banat, North Banat, South Bačka, Western Bačka, Kolubara District, Srem, Zlatibor District; district organisations of persons with cerebral palsy and polio from Srem District; district organisations of persons with muscular dystrophy in South Bačka District, Pomoravlje District, Raška District and Zlatibor District; district organisations of persons with paraplegia and quadriplegia in Mačva District, Nišava District, Raška District and Zlatibor District, Šumadija, centres for independent living of persons with disabilities from Jagodina and Niš, association for helping people with autism from Užice, association RIME from Zaječar, organisation ... Iz kruga from Niš and provincial organisation of deaf and hard of hearing persons from Kosovo and Metohija.

Thus, a balanced geographical coverage of respondents was achieved in the entire territory of the Republic of Serbia. The questionnaires were completed by 18 men and 44 women, on behalf of organisations of persons with disabilities, which may be an indirect indicator of the gender dimension.

Analysis of answers to questions related to employment

The organisations that completed the questionnaire have 1,221 members who are employed. Four organisations stated that they did not have members who were employed. These findings are in line with the data about a low employment rate of persons with disabilities from the latest population census and the figures contained in the Strategy for the improvement of the position of persons with disabilities in the Republic of Serbia for the

period 2020-2024. It seems that these data and figures support the findings. According to the Census data,²³ 12.4% of persons with disabilities were economically active, and only 9% were employed.

At least 21 members of these organisations of persons with disabilities lost their jobs during the pandemic - 3 organisations stated that they were aware of some job loss cases, but they did not specify the number of persons who had lost their jobs. Forty-two organisations stated that they did not have members who had lost their jobs during the pandemic. All the data show that persons with disabilities in the Republic of Serbia were not exposed to a great risk of losing their jobs during the pandemic.

The possibility of working remotely - from home was used by at least 43 persons with disabilities - 12 organisations stated that they were aware of such cases, but did not specify the number of persons who had used the possibility of working remotely. Thirty-four organisations stated that they did not have members who used the possibility of working remotely - from home during the pandemic, and one organisation stated that employees with disabilities had been sent on leave. These data show that persons with disabilities in the Republic of Serbia did not use sufficiently the possibility of working remotely - from home during the pandemic, although it would have significantly reduced the risk of infection of this vulnerable group. For example, a visually impaired phone operator who continued to go to work regularly at the Clinical Centre in Belgrade during the pandemic got infected and died as a result of COVID-19.

In June 2020, organisations of persons with disabilities and civil society organisations dealing with the promotion and protection of the rights of persons with disabilities in Serbia participated in a survey on the socio-eco-

23 Milan M. Marković, op. cit.

conomic impact of the COVID-19 epidemic in Serbia on the human rights of persons with disabilities, conducted by the UN Country Team in Serbia.²⁴ 83.33% of surveyed civil society organisations state that the major risks faced by persons with disabilities in everyday life before the coronavirus epidemic were access to work and sources of income, as well as access to information and communication, while 77.78% of organisations indicate the risks related to access to health care and social protection, as well as the risk of discrimination. 72.22% of organisations believe that persons with disabilities are at risk in the field of inclusive education, 66.67% indicate the risk of poverty, while 61.11% believe that persons with disabilities are exposed to risks in access to justice and fair trial.²⁵

The data collected from organisations of persons with disabilities by the end of summer 2020 lead to the conclusion that a certain number of these persons lost their jobs during the first period of the pandemic. In analysing these figures, the usually low employment rate of persons with disabilities should not be forgotten. It can also be concluded that work from home provides an opportunity for reducing the risk for employees with disabilities, and therefore should be used much more during the pandemic.

24 *Posledice KOVID-19 na položaj osetljivih grupa i grupa u riziku; uzroci, ishodi i preporuke*, Beograd, 2020, str. 51 (Impact of the COVID-19 on Vulnerable Groups and Groups at Risk - Causes, Outcomes and Recommendations, Belgrade, 2020, p. 51)

25 *Op.cit.*, p. 52

Analysis of answers to questions related to pension system, allowance for assistance and care of another person and one-time financial assistance

The organisations that completed the questionnaire have 1,797 members who receive a pension and 2,200 members who receive an allowance for assistance and care of another person. One organisation stated that thirty percent of its members received a pension, while seventy percent of its members received an allowance for assistance and care of another person, but did not specify the total number of its members, while another organisation stated only that a certain number of its members received a pension and allowance for assistance and care of another person, without providing exact figures. One organisation stated that all its members received an allowance for assistance and care of another person, but did not specify the total number of its members. Two organisations, somewhat paradoxically, stated that they did not have information on whether any of their members received a pension. Two other organisations provided imprecise data, one by stating that a small number of members received a pension, and another by saying that between 50 and 60 members received a pension.

Fifty-three organisations stated that their members had no problems with receiving pensions and allowances for assistance and care of another person during the state of emergency, because cash was delivered to their homes, while bank account users gave an authorisation to persons they trusted. Five organisations also engaged their volunteers to help with delivery. One organisation stated that their members had problems with receiving pensions and allowances for assistance and care of another person during the state of emergency due to movement restrictions. Another organisation pointed out the challenges faced by persons with intellectual disabilities under guardianship with respect to authorisations, while the organisation of deaf persons from Belgrade stressed the problems in choosing

the method and model of pension payment, because certain banks refused to allow phone conversations and communication through a third person/sign language interpreter in cases where deaf pensioners had to choose the payment model, with the explanation that only the pension beneficiary could do it in person. One organisation stated that they had to address the Treasury Administration to facilitate the payment of funds for two persons with disabilities in the banks of their choice, while two other organisations stressed the issue of long queuing time.

Fifty organisations stated that their members had no problems with receiving one-time financial assistance for citizens, while eleven organisations stated that their members faced problems with receiving assistance due to movement restrictions, inaccessibility and shortened working hours of banks, queueing for a long time, delays in payments, problems with ID card reading, insufficient accessibility of services and communication for deaf persons, payment of funds at banks whose services persons with disabilities did not want to use, refusal of bank clerks to pay funds to the mother of a person with multiple disabilities despite having a proper authorisation and the lack of funds.

These data show that there were certain challenges with receiving pensions, allowance for assistance and care of another person and one-time financial assistance for citizens, but that most people with disabilities received these cash benefits without major problems.

Analysis of answers to questions related to health care

The organisations that answered the questionnaires did not provide complete data about the number of persons with disabilities who needed some form of health care during the pandemic and the state of emergency - at least 560 persons needed health care.

Eight organisations stated that their members did not need any form of health care during the pandemic and the state of emergency, and one organisation did not have information about this.

Thirty-four organisations stated that persons with disabilities had not faced any problems with obtaining health care, that they visited the doctor for regular therapy for their chronic conditions and diseases, while the organisation from Novi Pazar stated that doctors had come to visit blind persons in their homes. Fifty-one organisations stated that information on protection measures was accessible, in particular through the media, social media and mobile applications. Seven organisations of deaf persons highlighted the broadcasting of TV news with sign language interpretation, while one organisation of deaf persons pointed out that wearing masks in health care institutions had rendered communication difficult for deaf persons who relied on lip reading and that information on protection measures had not been sufficiently accessible.

Responding to questions about health care, the organisations of persons with paraplegia and quadriplegia from Kragujevac and Niš stressed the issue of obtaining movement permits for personal assistants during curfew, although it had little to do with this topic. The organisation of persons with disabilities from Šabac mentioned that their members had been forced to go to private health care institutions because public health care institutions had admitted only patients with COVID-19, while in Kosjerić and Kruševac

they waited for the results for a long time. The organisation of persons with paraplegia and quadriplegia from Užice stated that in their city “during the state of emergency, it was very difficult to reach a medical specialist. All patients, regardless of symptoms, were first checked for coronavirus. Our member had a urinary tract infection with fever. Ten days after visiting a doctor, he managed to reach the urologist who gave him a diagnosis and began to treat him.”

The organisation for helping persons with autism stated that “the problem lies in the fact that all care for persons with disabilities has been provided by the family for a long time, regardless of the obligations of parents, which further exhausted and burdened parents, and disturbed the mental health, routine, mood of children and youth.” The organisation of persons with disabilities from Pančevo stated that previously scheduled examinations by medical specialists had been cancelled for four of their members during the pandemic. In Bačka Palanka, previously scheduled examinations by medical specialists were also cancelled for a number of persons with disabilities. Persons with disabilities did not go to regular check-ups in Bor either. The organisations from Čačak, Zlatibor District and Srem recorded similar problems faced by their members. In the Kolubara District, it took a long time to get an appointment and results.

The organisation of deaf persons from Belgrade stated that almost all members had faced problems with the use of health care services. The first and biggest problem, according to this organisation, is the impossibility of establishing communication with health care professionals/doctors because of the obligatory wearing of protective masks. Another problem was the “impossibility of going to regular examinations in cases of diagnosed chronic diseases, postponed and cancelled examinations, consultations, surgical interventions, due to the introduction of the state of emergency and the closure of a number of primary and secondary care institutions.” Deaf persons communicate in the Serbian sign language and wearing masks makes such

communication even more difficult. In particular when a deaf person needs to communicate with a hearing person who wears a mask that prevents lip reading. Due to poor communication, there were even cases where a sick deaf person escaped from the hospital after which a warrant was issued, because the person was not aware of how serious the situation was, did not understand the information that he or she had to stay in the hospital because the health care professionals did not pay attention to the accessibility of information and communication.

It is indisputable that the information was more accessible for deaf persons in certain national broadcasting televisions, but these media outlets did not inform about support in using certain services, such as psycho-social assistance and support, communication with epidemiologists in case of noticing and feeling certain symptoms. Deaf and hard of hearing persons neither had access to the volunteer centres of city municipalities that provided assistance in delivering food and medicines necessary for meeting basic needs. All of the above required to make a phone call, calling a landline number in 90% of cases, while in situations where it was possible to call a mobile line, there was no SMS option. In the absence of timely, verified and accurate information and support in the Serbian sign language, an additional feeling of fear, panic and anxiety spread in the community of deaf persons, which resulted in potential endangerment and impairment of mental health."

The City Organisation of Deaf Persons in Belgrade, in accordance with its capacities and available staff, informed its members about all important and relevant facts and protection measures, as well as about all orders that came into force, through available methods and channels of communication. In addition, the City Organisation of Deaf Persons in Belgrade, in cooperation with the Association of Deaf and Hard of Hearing Persons of Serbia, managed to provide deaf and hard of hearing persons with access to the Video Relay Centre (VRC) for 24 hours every working day and on weekends to provide smooth translation services throughout the country. How-

ever, despite the functioning of the Video Relay Centre 24/7, many deaf and hard of hearing persons encountered technical problems, and one of the main problems was access to the internet (internet connection), because without that connection they were not able to make video calls via VRC and other available applications.

The Organisation of Deaf Persons in Loznica also stressed the communication problems faced by their members hospitalised in COVID-19 facilities since the interpreter did not have access due to protection measures. Other visits to the doctor were organised by using the services of an interpreter.

The Organisation for Support of Women with Disabilities in Niš stated that their members with physical disabilities were unable to go to physical therapy because that part of the Clinical Centre in Niš was converted to a COVID-19 facility in a certain period. One member who got infected with coronavirus waited to be discharged from the hospital longer than necessary. It was not easy to find some pieces of information, such as phone numbers for certain services, including local services, and blind persons faced problems with using independently all the options on the eGovernment portal.

One organisation that provides support to persons with intellectual disabilities stated that a small number of its members had experienced panic and anxiety attacks during the pandemic, but did not provide information on how such crises were resolved. Another organisation that provides support to these persons stated that its members had faced problems with accessing regular specialist examinations, and that the information on the pandemic had not been adjusted to persons with intellectual disabilities.

The Organisation of Persons with Muscular Dystrophy in Niš stated that its members “needed pulmonary monitoring the most because they have significantly weakened lungs due to dystrophy. They solved their problems on their own, there were no conditions for safe pulmonary examinations

of non-COVID-19 patients. There were no regular examinations by neurologists, physiatrists, cardiologists, internists and pulmonologists, or any form of rehabilitation. It is impossible to assess the damage since diseases are progressive.”

The Association of Organisations of Persons with Kidney Failure Disability of Serbia (SOBIS) stated that their members in Ćuprija had been informed about “a plan that, due to waiting for COVID-19 test results for the patients on dialysis, the Thursday patients should come for dialysis on Tuesday, and the Friday patient should come on Wednesday (with a 5-day interval between two dialysis sessions)!” Due to the excessively long interval between the two dialysis sessions, the health, and even the lives, of kidney patients were endangered. This is the reason why the SOBIS and the NOOIS addressed the Prime Ministers and the Commissioner for Protection of Equality urging them to take measures within their purview to address this burning issue.

Considering all the responses of organisations of persons with disabilities, it can be concluded that during the pandemic, the already insufficiently accessible health care system became even more inaccessible for persons with disabilities. General health care services have become even less accessible for these persons, specific services aimed at health care and medical rehabilitation of persons with disabilities have become even more sporadic and health care for COVID-19 patients has not been sufficiently inclusive or accessible for persons with disabilities.

A similar conclusion has been reached by the research of the UN Country Team in Serbia: Access to health care is specified as a key area in which the risks for persons with disabilities have increased during the implementation of restrictive measures and the state's response to the epidemic. The main manifestations of these risks are the cancellation or postponement of the majority of necessary therapies because the health system focused entirely on the fight against the COVID-19 epidemic or was limited to emer-

gency interventions. Lack of therapies and home isolation during the state of emergency have led to a deterioration in the health of many people with disabilities. According to the organisations that participated in the research, some persons had to seek therapies and medical services from private medical service providers without the possibility of reimbursement. The accessibility of COVID hospitals, clinics and quarantine facilities (Fair, student and pupil dormitories) was a particular problem; there was no clear protocol in the case of infected child with developmental disabilities or parents/guardians, their accommodation and hospital treatment.²⁶

Analysis of answers to questions related to education

The organisations that answered the questionnaires did not provide complete data on the number of children with disabilities in the education system. They stated that at least 620 children - their members - attended school. At least 209 children use learning support. Nine organisations stated that 79 children using learning support could not use that support during the pandemic, while 16 organisations stated that 130 children continued to use support. Thirteen organisations stated that their child members did not use learning support, while 7 organisations stated that they did not have data on whether their members used learning support. Three organisations stated that there were no children among their members, while 5 organisations did not provide answers to the group of questions related to education. Four organisations did not provide precise answers to the question about the number of children among their members.

²⁶ Op.cit, p. 57

The City Organisation of Deaf Persons in Belgrade pointed out that “deaf parents of hearing children, as well as deaf parents of deaf and hard of hearing children, were not able to monitor and control the work of their children during the attendance of classes, which were held on RTS channels, more specifically, on the RTS Planet platform, with children at home, due to the order on suspending the work of all preschool and school institutions in the territory of the City of Belgrade during the state of emergency. Parents were confused. They needed support at all levels since they were not able to actively participate and help children with homework and learning, because the teaching content was presented in audio-video format, did not contain the option of subtitles and was not adapted for deaf and hard of hearing children at all.”

In the school year 2020/2021, at least 556 children with disabilities began to attend classes in schools in small groups, while 64 children attend classes from home. Seven organisations did not give a precise answer to the question of how many children-their members began to attend the school year 2020/2021.

Considering all the responses of organisations of persons with disabilities, it can be concluded that during the pandemic the majority of children with disabilities began to attend school in the year 2020/2021 in small groups and that a significant number of children who use learning support were unable to use such support during the pandemic. Therefore, it is necessary to intensify efforts to make the education system even more inclusive, by prescribing that the response to the pandemic must cover pupils with disabilities.

The similar conclusion was reached in the survey of the UN Country Team in Serbia:

The introduction of the state of emergency led to suspension of classes in higher education institutions, secondary and primary schools and reg-

ular work of preschool education institutions. Classes were held remotely, through the television channel RTS 3, platform RTS Planet and online learning platforms. The competent Ministry stated in the instruction that *“for pupils who need a structured individualised approach, i.e. adjustment within the individual educational plan (IEP), IEP-1, IEP-2 and IEP-3, the teachers should prepare separate learning materials, and make them available to pupils as agreed with their parents.”* The majority of organisations (66.67%) that participated in the survey of the UN Country Team in Serbia believe that the risks for persons with disabilities related to inclusive education have increased during the implementation of restrictive measures, manifesting through the lack of a systematic approach to inclusive education, the lack of adapted online content for children with developmental disabilities, and the lack of adequate and adapted materials and tasks for children. In addition, the absence of technical conditions for children to follow online classes was also mentioned.²⁷

Analysis of answers to questions related to social protection and permanent housing

The organisations that completed the questionnaires did not provide complete data on the number of their members who used daily community services, independent living support services or were placed in institutions. They stated that at least 513 of their members had used daily community services. At least 346 members of these organisations used independent living support services, and at least 111 members were placed in institutions. Five organisations did not provide answers to this group of questions, while 2 organisations did not provide precise data on the number of members

27 Op. cit, p. 58

using social protection services. One organisation did not provide precise data on the number of members using daily community services, while other organisation did not provide data on the number of its members in residential care institutions.

Twenty-nine organisations stated that their members had used daily community services. Twenty-four organisations stated that their members had not used daily community services. Based on these answers, it can be concluded that daily community services are not sufficiently present in the local communities in Serbia.

Eleven organisations stated that their members had faced problems with using daily community services because transportation was limited, day care centres did not work during the state of emergency, staff and beneficiaries were quarantined in some cases, and in one rural place a carer did not provide home help. Eighteen organisations stated that their members had faced no problems with using daily community services.

Twenty-two organisations stated that their members had used independent living support services. Thirty-two organisations stated that their members had not used independent living support services. Based on these answers, it can be concluded that independent living support services are not sufficiently present in the local communities in Serbia.

Seventeen organisations stated that their members had faced no problems with using independent living support services. Five organisations stated that their members had faced problems with using independent living support services because personal assistants had to wait for a long time to obtain movement permits during curfew.

Thirty-one organisations stated that their members had been placed in institutions. Twenty-three organisations stated that their members had not been placed in institutions.

Sixteen organisations stated that their members had faced problems because of restrictions on visits to permanent housing institutions and restrictions on the movement of residents, difficulties in obtaining medicines, lack of information, lack of contact with families and associations, which had created the feeling of isolation. Deaf residents of residential care institutions had difficulty communicating with staff of these institutions due to the prescribed obligation to wear a protective mask. Twelve organisations stated that their members had not faced problems with placement in institutions during the pandemic. Three organisations did not answer the question of whether their members had faced problems with placement in institutions during the pandemic.

Considering all the responses of organisations of persons with disabilities, it can be concluded that during the pandemic there were various problems related to the functioning of daily community services. There were somewhat fewer problems with the functioning of independent living support service, while persons placed in residential care institutions faced various challenges and restrictions.

A similar conclusion has been reached by the research of the UN Country Team in Serbia: The introduction of the state of emergency and accompanying measures led to numerous problems in accessing **social protection** services, such as personal assistance, personal companions, home help and other services on which day-to-day functioning of many people with disabilities depends. Movement permits during the ban on movement were issued only to official service providers, and after much insistence on determining the procedure for permitting the movement of persons who provided support to persons with disabilities informally (especially in situations where the ban lasted up to 80 hours), the competent ministry prescribed a complicated and bureaucratised procedure. Instead of relocating as many beneficiaries as possible to the family environment (families/ foster care) and small residential units, the competent ministry locked down the social protection

institutions not allowing the beneficiaries to leave them for more than three months. There is a high risk of infection in social protection institutions, and there is a lack of external supervision, which is further exacerbated by measures and powers arising from the state of emergency. In the field of social protection, 61.11% of organisations participating in the survey conducted by the UN Country Team in Serbia stated that the risks for persons with disabilities had increased during the implementation of restrictive measures and the state's response to the COVID-19 epidemic.²⁸

Analysis of answers to questions related to humanitarian aid

The organisations that completed the questionnaires stated that at least 2,941 of their members had used humanitarian aid parcels containing food and hygiene products. At least 988 members of the organisations of persons with disabilities used the help of volunteers. Six organisations stated that they had organised the help of volunteers using their own staff, while members of one organisation had also used the service of home help. Two organisations stated that their members had not used humanitarian aid parcels, and one organisation reported that its members had received only disinfectants, while the help of volunteers from the municipal crisis response team had been negligible. Twenty organisations stated that their members had not used the help of volunteers but had relied on the help of family members, friends and neighbours. Three organisations did not provide an answer to the question of how many of their members had used the help of volunteers, and six organisations stated that they did not have precise data to answer this set of questions. The Organisation of Deaf Persons in Kosovo

28 Ibid

and Metohija stated that they did not have data on the distribution of aid in all Serbian municipalities in Kosovo and Metohija.

Two organisations did not provide answers to this set of questions.

The City Organisation of Deaf Persons in Belgrade stated that its members had used the aforementioned services in applying for humanitarian aid, with the help of Video Relay interpreters from the VRC, and pointed out “that the services provided by the volunteer centres of local self-governments were mostly requested and scheduled orally (over the phone), which prevented deaf persons from using the services and it was, therefore, necessary to facilitate the contacting of volunteer centres primarily through the Video Relay Centre (VRC COVID-19), and as a secondary option, to introduce the possibility of contacting them via SMS and e-mail. They pointed out: “We also sent requests to relevant state institutions recommending them to establish teams so that a deaf volunteer, in cooperation with crisis response teams and volunteer centres in local self-governments, as well as representatives of the City Organisation of Deaf Persons in Belgrade, would visit deaf pensioners and deliver humanitarian aid parcels, primarily in order to avoid misunderstandings and remove obstacles in communication between hearing representatives and deaf persons.”

Considering all the responses of organisations of persons with disabilities, it can be concluded that during the pandemic a significant number of persons with disabilities used humanitarian aid parcels containing food and hygiene products. This confirms the findings of previous surveys that identified persons with disabilities as the population exposed to a higher risk of poverty.²⁹ During the pandemic, people with disabilities also used the help of volunteers from local self-governments’ crisis response teams, but to a much lesser extent, which means that their work should be much more

29 See pp. 13-14 of this research paper

inclusive in the future. Organising a volunteer service in local associations of persons with disabilities is an example of good practice.

Persons with disabilities and participation in political life during the pandemic

The Centre for Independent Living of Persons with Disabilities (CIL Serbia), supported by the International Foundation for Electoral Systems (IFES), wanted to investigate whether the fact that the elections were held during the pandemic had any identifiable impact on the participation of persons with disabilities in Serbia as voters, and more than that - as active citizens. This research focused on the political behaviour of people with different types of disabilities in the period from the elections held on 21 June 2020 to 30 August 2020, and on the civic and political activity of people with disabilities during the pandemic. For this reason, the CIL relied on the so-called boosted sample of socially and politically active persons with disabilities. However, the empirical data of organisations show that the share of this group in the general population of persons with disabilities is small. Therefore, the initial assumption in research sampling was that it was more purposeful to consider the differences in the patterns of political participation in the sample of those who were usually active, i.e. members of organisations of persons with disabilities, involved in political life, or active in the labour market. Since the beginning of the pandemic, many people with disabilities have experienced increased isolation and discrimination. In order to create the target sample of 50 persons with disabilities throughout Serbia, the CIL has compiled a list of 150 people with disabilities. This research did not include a representative national sample of persons with disabilities in Serbia and the research findings cannot be considered relevant for the entire population of persons with disabilities in Serbia. Instead, the research sample is designed to include persons with disabilities who are actively involved

in civic and political events in various communities throughout Serbia. The sample includes people living in rural and urban areas, as well as people living in residential care institutions. The research limitation is that the sample does not include participants/respondents with intellectual and/or psychosocial disabilities. Hence, the data collected in this research study and the findings presented in this report do not include information specific to the experiences of people with intellectual or psychosocial disabilities. At this point, the CIL Serbia has not identified potential participants with these types of disabilities.³⁰

Some of the findings of this research are:

- The COVID-19 pandemic caused disturbances in the life of persons with disabilities and their organisations. Until the provision of services continued, it was important for everybody to adapt, especially for persons with disabilities living in residential care institutions and for people who did not have access to support services during the state of emergency. Voting for persons in institutions was organised at a special polling station set up in respective institutions.
- Persons with disabilities from the sample did not experience significant changes in the level of political participation as a result of COVID-19. This is partly due to the high level of previous mobilization mainly through civic activism and to a lesser extent through political parties.
- Voting at the polling station was not perceived as an increased risk for persons who had decided to go to the polling station. The majority of respondents said that other voters and the polling board had allowed them to skip the queue. In this case, social solidarity and, perhaps, a medical approach to disability benefited voters with disabilities. How-

30 Nikolin, S., Rajkov, G: Političko učešće osoba sa invaliditetom u Srbiji tokom pandemije KOVID-19, Beograd, 2020, str. 6-7 (Nikolin, S., Rajkov, G: Political Participation of Persons with Disabilities in Serbia during the COVID-19 Pandemic, Belgrade, 2020, pp. 6-7).

ever, that is not a sustainable way of voting in the pandemic, because it depends on other people's free will.

- Several people who voted at the polling station in the previous elections, have now decided to vote at home. Most of them considered it to be an easier way, while some of them (two) were unable to vote because members of the local polling board did not come to their homes on the election day.³¹

31 Op. cit., pp. 41-43

6 **Analysis of focus group findings**

On 24 November 2020, the National Organization of Persons with Disabilities of Serbia organised an online focus group discussion on the exercise of rights, the limitations and challenges faced by persons with disabilities during the COVID-19 pandemic, with nineteen disability movement activists. The focus group participants were representatives of the Centre for Independent Living of Persons with Disabilities of Serbia, the Association of Persons with Paraplegia and Quadriplegia of Serbia, the Association of Deaf and Hard of Hearing Persons of Serbia, the Belgrade City Organisation of Deaf Persons, the Association of Mentally Underdeveloped Persons of Serbia “Biser”, Srbobran Municipality, the Association for Helping Children with Special Needs “Naši snovi” Valjevo, the Association of Persons with Dystrophy of Serbia, the Association of Persons with Dystrophy Niš, the Association of Serbian Organisations for Helping Persons with Autism, the Association of Blind Persons of Serbia, the Multiple Sclerosis Association of Vojvodina, the Association of Persons with Occupational Disability of Vojvodina, the Organisation for Supporting Women with Disabilities ...Iz kruga - Vojvodina, the Association for Cerebral Palsy Novi Pazar and the City Organisation for Cerebral Palsy and Polio in Belgrade.

Analysis of focus group answers to questions related to health care

The representative of the Multiple Sclerosis Association of Vojvodina stated that during the COVID-19 pandemic, in addition to having the COVID centres accessible for persons with disabilities and giving them priority, it was

necessary to provide persons with disabilities with access for specialist examinations and to give them priority in such examinations as well. Specifically, persons with multiple sclerosis went to a neurologist, but they needed also other health care services: ophthalmologist, endocrinologist, etc. She pointed out: "Currently, we do not have access to this service. We cannot schedule a medical examination." She suggested that persons with disabilities should be given priority in medical examinations.

The representative of the Organisation for Supporting Women with Disabilities ...Iz kruga - Vojvodina said that this organisation had been cooperating for many years in the field of health care with the Health Centre and the Gynaecology and Obstetrics Clinic, organising preventive gynaecological examinations for women with different types of disabilities. Most preventive examinations are now impossible to access because outpatient units have been converted into COVID centres. She stated that the organisation had tried to ensure the continuation of such examinations, but most medical doctors had to switch to the COVID system. Some of them were infected. Implementing the project "Reproductive and Sexual Health" in the cities across Serbia, they learned that the situation in these cities was similar. She gave an example from Vranje: "It was impossible to undergo either a preventive or an urgent examination. A hydraulic chair, used for gynaecological examinations, remained in the red zone. They made an effort to move the chair to the green zone. The patients who are not COVID positive are very unlikely to undergo any other examination."

The representative of the Centre for Independent Living of Persons with Disabilities of Serbia said that the system of health care for persons with disabilities was problematic even without COVID-19. There was an even bigger problem with the employees in health care institutions, especially hospitals. She stated that the employees were not familiar with the needs of persons with disabilities and were unable to help these persons properly. The situation got even more complicated in the COVID-19 situation. She said that it

was impossible to call a friend or relative to help you during the hospitalisation. She mentioned a case from November 2020, when a person with the consequences of a spinal cord injury from Jagodina got infected with coronavirus and stayed in the hospital due to lung problems. He stayed there for three days and did not eat for these three days because the food service workers would just bring the food and leave. No one was there to help with the feeding. Speaking about this Jagodina hospital case, the representative of the Centre for Independent Living of Persons with Disabilities of Serbia pointed out: "What is even more difficult and dangerous, in this case, a person with the consequences of a spinal cord injury must empty the bladder and intestines after three days, but there is no one to help. He tried to find someone to help him but without success. His assistant is not allowed to enter the hospital. This is a big problem because it can lead to infection. Bedsores caused by lying in bed are a very big problem for persons with physical disabilities. If there is no one to help you to reposition in bed, life-threatening bedsores can appear."

Unfortunately, the failure to provide proper medical care to a person with the consequences of a spinal cord injury from Jagodina had a tragic outcome since the person left the hospital at his own risk to be treated at home. After a drastic deterioration of his health, due to previous improper medical treatment in the hospital in Jagodina, the person was admitted to the hospital in Čuprija, where he died in December 2020.

One user from Belgrade who was hospitalised had big problems with bedsores, because there was no one to help and reposition her. The employees do not have enough knowledge about how they can help persons with disabilities, and there are not enough aids or necessary equipment.

The representative of the Multiple Sclerosis Association of Vojvodina stated that medical commissions gave advantage to wheelchair users, but non-wheelchair users with MS, blind, deaf and hard of hearing persons, per-

sons with intellectual disabilities did not have priority and had to queue for a long time.

The representative of the Association of Persons with Dystrophy in Niš gave an example of two families who recovered from the virus. "In one family, an 18-year-old boy with dystrophy managed to recover from the virus with hemomycin. The father was in hospital, the mother took care of the elderly parents, two younger daughters and the son. In another family, a young man with dystrophy remained negative, while the whole family was positive. The families were immediately ordered to self-isolate. In the first wave, positive family members went to the Hall Čair or other collective accommodation, which reduced the possibility of infecting other family members; it is a problem now. Usually the father who goes to work brings the virus home. Many families do not have the conditions to be in isolation in the apartment. And the whole family gets infected. I suggest that persons with 100% or 70% disability, if they want, are admitted to adequate collective accommodation. Often personal assistants decide not to come. Therefore, if one family member gets infected with COVID-19, I suggest that a person with disability is admitted to an institution if there is no one to take care of him or her or if there are no conditions for self-isolation. Or that someone comes to visit a person with disability in home isolation: a health worker, a geronto-housewife or someone else."

The representative of the Association of Serbian Organisations for Helping Persons with Autism stated that they had submitted a request to the Ministry of Health, as long as 10 years before, for introducing a protocol. She pointed out: "In our family, if we get infected, there is no one to take care of a person with autism. They (people with autism) cannot be in hospital alone. This year, when COVID-19 appeared for the first time, we asked Autism Europe to send us guidelines for the treatment of persons with autism. We received a health passport template from Ireland, in which everything was written: name, surname, age, diagnosis, vaccination, what the person is allergic to.

The biggest problem in autism is communication, and meeting a doctor causes anxiety. Based on that, we prepared material - a protocol on how a person with autism should be treated in the COVID system. We have prepared a guide. We sent it to everyone, the Crisis Response Team, the Government, the Ministries, in 96 health centres and the Batut Institute. Only Batut answered. We had two meetings. They agreed with the guide, they began to collect signatures from health care institutions, and when they collect all those signatures, it will be printed and distributed to all health centres and hospitals. The good thing is that it will be used not only in the COVID-19 situation but also after it. The material will also be used for the education of medical staff because we have noticed that they are not really educated about the attitude towards persons with disabilities. We know best what treatment should look like without anyone being at risk. We need to take action, write it down, send it to them for verification, so that all health care institutions have it.”

The aforementioned guide is an example of excellent practice that should be followed and expanded. The representative of the Association of Persons with Paraplegia and Quadriplegia of Serbia in the focus group discussion supported the idea that protocols for all forms of disabilities should be made, following the example of the Association for Autism’s Guide.

Considering all the views of focus group participants, it can be concluded that during the pandemic, the already insufficiently accessible health care system became even more inaccessible for persons with disabilities. General health care services have become even less accessible for these persons, specific services aimed at health care and medical rehabilitation of persons with disabilities have become even more sporadic and health care for COVID-19 patients has not been sufficiently inclusive or accessible for persons with disabilities. Priority in health care provision should be ensured for persons with disabilities, and protocols for all forms of disabilities should also be developed, modelled on the Association for Autism’s Guide.

Analysis of focus group answers to questions related to employment

The representative of the Multiple Sclerosis Association of Vojvodina gave an example of good practice from the network of its members. The employer allowed a person with disability to work from home although the job required also physical presence. They agreed when physical presence was necessary and safe. She suggested that this issue should be solved systematically.

The representative of the Association of Blind Persons of Serbia stated that they had not received complaints against employers from their members. They were allowed to work from home. The representative of the Association of Blind Persons of Serbia stated that the professional rehabilitation companies had faced losses and a mechanism should be found to help them.

The representative of the City Organisation for Cerebral Palsy and Polio in Belgrade stated that the Association for Cerebral Palsy and Polio of Serbia had companies for professional rehabilitation and employment. Since they are companies, they did not have any special incentives. They were treated in the same way as other companies in Serbia. She also mentioned the problem of parents working in shops or other service industries and having children with multiple disabilities. Some employers did not have an understanding for them. Day care centres did not work; home help services did not function. Children were at home, and if both parents worked, children were alone. She pointed out that employers had shown understanding for persons with disabilities, but not for the parents of children with disabilities who could not stay at home on their own.

The representative of the Association of Deaf and Hard of Hearing Persons of Serbia stated that deaf and hard of hearing employees were employed mainly under contracts for temporary and occasional jobs, and that many of them got fired, especially after illness. She stated that it was difficult for

them to continue after that, because it was difficult for them to get a job anyway.

Considering all the views of focus group participants, it can be concluded that during the pandemic, professional rehabilitation and employment companies did not obtain any special incentives. Some employers allowed persons with disabilities to work from home but others did not have understanding, especially for persons employed under contracts for temporary and occasional jobs and parents of children with disabilities working in shops or other service industries. These issues should be addressed systemically.

Analysis of focus group answers to questions related to education

The representative of the Association of Mentally Underdeveloped Persons of Serbia stated that most of their users were in the system of inclusive education. If they attend regular schools, IEP2 is applied; if they attend schools for pupils with developmental disabilities, a regular curriculum is used along with the creation of IEP1 and IEP2, depending on the individual abilities of pupils. During the first corona wave, the system was not ready for pupils with disabilities. Online classes were created exclusively for the population without disabilities. Special educators and other professional associates developed the programme, but there was a problem of lack of resources. Many families are poor, do not have internet access or technological devices, and it was very difficult to organise classes. They tried to provide conditions through donations, and there was a large number of pupils who needed support. She pointed out that with the worsening of the epidemiological situation, online classes and platforms were used again. She added: "Special education schools have been trying to ensure communication with pupils, but I'm not sure that it will be solved. As regards our associations, we per-

form remote activities; professional teams visit our members in their homes bringing them materials; they give materials to children; parents record and send these recordings to professional associates. We manage somehow.”

The representative of the Association of Deaf and Hard of Hearing of Serbia stated that deaf parents were not able to support their children in online classes. A child of deaf parents does not have the right to get a pedagogical assistant; there is no one to help such a child to successfully participate in online classes. She insisted that this problem needed to be solved, every missed day of school would adversely affect the further education of children of deaf parents. She pointed out that this was a problem faced by many deaf and hard of hearing parents.

The representative of the Association of Persons with Dystrophy of Serbia asked whether personal companions were trained to help children follow online classes and added that it would be a good model of work and support for pupils with disabilities.

The representative of the Association of Mentally Underdeveloped Persons of Serbia “Biser” from Srbobran Municipality said that they had nineteen children who used the services of personal companions. They had to suspend work during the pandemic in March. The companions were not trained; they did not receive instructions on how to behave in that situation. It was not specified whether their role was to help children to become independent or to visit children in their homes. Consequently, the municipality stopped the payment of salaries for personal companions, due to which the association was forced to deregister them. Thus, the association was left without funding for two months, and did not receive the assistance of 30,000 dinars that business entities received. She pointed out: “Now that we are shifting to online classes again, we do not have any instructions once again. And we have made our own decision that personal companions work with children,

supporting them in learning, walking with them - if the parents agree. We hope that the municipality will not make a decision to stop funding.”

The representative of the Association of Blind Persons of Serbia stated that since the introduction of the state of emergency, a large number of blind pupils had submitted a request to the Association to install speech programmes for them. He said that he did not know whether online platforms were fully accessible and suggested the insistence on making online classes and content available to blind pupils as well.

Considering all the responses of focus group participants, it can be concluded that a significant number of children with disabilities who use learning support were unable to use such support during the pandemic and that online teaching is not sufficiently accessible. Therefore, it is necessary to intensify efforts to make the education system even more inclusive, by prescribing that the response to the pandemic in the education system must cover pupils with disabilities.

Analysis of focus group answers to questions related to social protection and permanent housing

The representative of the Association of Serbian Organisations for Helping Persons with Autism reminded that the day care centres had not worked during the first wave of the pandemic, and reopened in the summer. She mentioned that day care services were mostly used by adults with intellectual disabilities - 20 years old and over. When the day care centre opened, the service could be used by children of working parents, which is 10% of about 600 children with autism in Belgrade. She added: “The parents felt

discriminated against. I have the impression that we could have agreed with the decision makers, but we failed to do that. I don't know why."

She also gave an example of excellent practice from Niš, showing how new ideas, new services could emerge from such difficult situations. The Day Care Centre "Mara" organised that its employees visited homes of families, took children for a walk and spent time with them. And it proved to be an excellent solution.

She insisted that the ministry should be addressed with a request to find a solution for children for whom there was no place in the day care centres. She warned that the families of those children had been collapsing, and therefore it was necessary to pay special attention to those people. She also reminded that many special educators did not work. The state decided to close for visits permanent housing facilities, such as "Stacionar 40". She stressed: "It saved many lives." Employees from those institutions have done an important job. The parents were dissatisfied because they were not allowed to see their children. It was difficult to explain to them that it was a way to protect the children. It's a difficult situation."

The representative of the Association for Helping Children with Special Needs "Naši snovi" Valjevo reminded that in case where a service was provided on the basis of public procurement of the municipality, there was a clearly defined contract. After the provision of service, it was invoiced and paid. The epidemic broke out and the question was raised as to whether the contracting authority/municipality, had an obligation to pay the association for the provision of daily community services. This is not something that happened only in Valjevo. Other day care centres in Serbia encountered the same problem. She stressed: "Our duty is to envisage in the next contract how we will work if such circumstances occur. If such a provision had been included in the contract for personal companions there would have been no problems. Our association provides the service of day care and family coun-

sellors. The municipal structures have provided all public institutions (pre-school, school) with non-contact thermometers, disinfection barriers, all the equipment necessary for hygiene; they provided it to everyone except to us. Our facility is municipal; its surface area is 200 sqm on 10 acres of land. We continued to work differently organised, but they forgot about us. Only after we wrote to them, the crisis response team included us in the institutions that needed help, but at that point there were no funds for us in the budget. It was a negative experience. This shows that we as civil sector service providers are less accepted than service providers from the public sector. We didn't work for three weeks, then we began to work, online and in the field, and we walked with children every other day in pairs. We regularly went for a walk with every single child who wanted it. With enhanced measures. Our two beneficiaries are positive. The Director of the Public Health Institute has informed me about the measures we need to take in our future work. I have to mention that we have provided three meals for the beneficiaries. Unfortunately, this is the most important thing for a few families. The contracting authority's attitude towards us is problematic."

The representative of the Centre for Independent Living of Persons with Disabilities of Serbia said that the centres from Belgrade, Niš, Kragujevac, Jagodina, Leskovac and Čačak provided the service of personal assistance. She pointed out: "The state was taken aback; it took two months for the state to remember persons with disabilities and it was only when we reminded them. In the process of adopting measures, it is necessary to take into account the needs of a specific group of citizens.

The first problem that appeared regarding this service was curfew - the ban on movement. We had a lot of problems with obtaining a permission from the Ministry of Interior to issue, in the capacity of service providers, certificates to personal assistants to allow their movement. Transportation was a problem in Belgrade. We did not receive protective equipment from the City Centre; we received one delivery from the Secretariat for Social Protec-

tion and the Ministry of Social Affairs. We additionally asked for donations and purchased, with our own funds, protection supplies, equipment for beneficiaries and delivered it to their homes.”

She pointed out that in Belgrade, the Secretariat for Social Protection had treated equally social protection institutions and local community providers of personal assistance services. She emphasized: “They treated us as if we were a residential care facility for persons with disabilities. We had to adopt five rulebooks and since March we have been obliged to send them daily reports: how the measures are implemented, who implements them. We are responsible if the measures are not implemented. We cannot control the movement of assistants or beneficiaries; we are not an institution. We haven’t managed to explain to them that we are not a residential care facility. The assistants work from 6 to 8 hours. Every second day until 3 p.m. we received an order on what should be adhered to, who should inform whom. We forwarded it to the assistants and beneficiaries, which caused negative reactions among the beneficiaries who felt that it was interference with their privacy. It is the case only in Belgrade.”

The European Association of Service Providers and European organisations of persons with disabilities recommended the strengthening of social protection services, and certainly not reducing them during the pandemic because people needed them more. The representative of the Centre for Independent Living of Persons with Disabilities of Serbia stated that the Belgrade Secretariat for Social Protection had repeatedly sent letters asking who among the beneficiaries wanted to give up the service of personal assistance to avoid contact with people during the pandemic. None of the beneficiaries wanted to give up the service because they needed it. She concluded that it should not happen that the authorities insisted on “voluntary” waiver of rights, that services should be strengthened and not reduced.

The representative of the Multiple Sclerosis Association of Vojvodina insisted that in the process of mapping the problem, we should shift our focus from urban to rural areas. She reminded that there was no personal assistance service there, so people in need of help were assisted by their relatives or neighbours who often lived at the other end of the village. She mentioned the example of a woman who was assisted by her neighbour. She was left without the possibility to change her clothes from Friday to Monday due to the ban on movement during the state of emergency. The representative of this association insisted on the necessity of ensuring support also to those who provided pro bono assistance. The representative of the Association of Persons with Dystrophy in Niš stated that during the focus group discussion she had been contacted by a beneficiary of the service of personal assistant through the Centre for Independent Living Niš and the service of a geronto-housewife. He was tested positive for COVID-19, his general condition was good and it was best for him to stay at home. At the clinic for infectious diseases, he was told that they did not have conditions for him. His personal assistant cancelled the service for fear of infection because his wife was pregnant. The gerontological service staff visited him in protective equipment, and offered protective equipment also for the personal assistant. The representative of the Association of Persons with Dystrophy in Niš expressed her fear that there was no solution for a personal assistant, but also hoped that a solution would be found. It would be good to provide financial assistance to stimulate the centres or find assistants who have recovered from COVID-19 or want to work in protective equipment. She expressed fear that there were no institutions with good conditions.

Considering all the responses of focus groups participants, it can be concluded that during the pandemic there were various problems related to the functioning of daily community services, which were often suspended during the state of emergency and pandemic peaks. There were also problems with the independent living support service that continued functioning due to a huge effort of service providers/organisations of persons with

disabilities, while persons placed in residential care institutions faced various challenges and restrictions. Due to the increasing needs of social protection service beneficiaries, it is necessary to enhance the level and scope of daily community services and independent living support services, while increasing resources and developing innovative solutions.

Analysis of focus group answers to questions related to humanitarian aid

The representative of the City Organisation for Cerebral Palsy and Polio in Belgrade highlighted the problem of communication with social welfare centres during the state of emergency. Most of them work from home. Some were on duty, others were not. She stated that the majority of persons with disabilities from the City Organisation for Cerebral Palsy and Polio were in the “grey zone.” They did not face financial deprivation and did not receive regular assistance, but in this situation they needed help. The City of Belgrade distributed food and medical supply parcels, but there was no social card register. In that process, they returned to the associations to distribute parcels because they did not know who among persons with disabilities was in need. She pointed out: “We had a good cooperation with the crisis response teams in the territory of Belgrade municipalities.” But we had a problem with the social welfare centres because we’ve never managed to find out the exact protocols in regular circumstances and emergencies.”

The representative of the Association for Cerebral Palsy Novi Pazar stated that they had a good cooperation with the city administration during the pandemic. The city administration engaged young people who distributed aid, and opened an SOS helpline.

The representative of the City Organisation of Deaf Persons in Belgrade stated that they had faced a great challenge in cooperation with the crisis

response teams. They had no understanding for the deaf community. They were not able to access aid because the only way to request it was via the SOS line. He emphasized that the crisis response teams had not thought about how to get to a deaf person's home and how to communicate with him or her. There had to be a way to contact a deaf person before coming to his or her address. The representative of the City Organisation of Deaf Persons in Belgrade stated that the organisation had informed all members about the 24-hour availability of translation service during that period. He added that the volunteers who had distributed the aid did not have understanding or time, except some of them. The representative of the City Organisation of Deaf Persons in Belgrade believed that the situation was similar in other cities.

Considering all the responses of focus group participants, it can be concluded that during the pandemic a significant number of persons with disabilities used humanitarian aid parcels containing food and hygiene products. During the pandemic, people with disabilities also used the help of volunteers from local self-governments' crisis response teams, but there were problems related to communication of volunteers with persons with sensory disabilities. Therefore, the work of this service should be much more inclusive in the future. Organising a volunteer service in local associations of persons with disabilities is an example of good practice.

7 **Analysis of in-depth interviews with disability activists about the exercise of rights and the limitations and challenges faced by members of their organisations during the COVID-19 pandemic and the state of emergency**

The National Organization of Persons with Disabilities of Serbia (NOOIS) organised, as part of this research, a series of in-depth interviews with disability activists about the exercise of rights and the limitations and challenges faced during the COVID-19 pandemic and the state of emergency.

A secondary school pupil with physical disability from Belgrade stressed that after the outbreak of the COVID-19 pandemic her life had changed significantly in terms of school, social life, travelling, etc. She said that she watched TV lessons in the morning and participated in the Google Classroom Meets in the afternoon, thus attending classes all day and spending so much time with devices. She pointed out that there were no spa treatments in the conditions of the pandemic, there were no exercises in Sokobanjska rehabilitation center, swimming pools, i.e. there were not any kind of activities. She considered that the information on COVID-19 risks and protection measures was sufficiently accessible to children with disabilities. She suggested to allow spa treatments, with precautions, and all other types of treatment, and also to allow employed parents to use some form of absence from work.

The activist with physical disability, who is a head of the regional organisation of persons with disabilities from Vojvodina, said that her life had changed significantly after the outbreak of the COVID-19 pandemic because she had minimised physical activities. She misses socialising and persons who died of COVID-19. She stated that employed persons with disabilities, just like persons without disabilities, faced the problem of transport and social distancing. Some persons with disabilities also faced the lack of personal assistance. Regular services and specific health measures for COVID-19 were not particularly accessible to persons with disabilities during the pandemic. She suggested that the crisis response team should work to ensure priority for persons with disabilities. The families of persons with disabilities bore the biggest burden of isolation due to the pandemic. She stressed: "Life has slowed down for all of us, and in some cases even stopped." She insisted that caution and personal protection were most important in such situations. She thought that parcels containing masks and disinfectants were an important contribution to the families of persons with disabilities, particularly in rural areas.

The activist of the national organisation for helping persons with autism, who is the mother of a person with autism from Belgrade, pointed out that the life of her family and other families with a person with autism spectrum disorder had completely changed after the outbreak of the COVID-19 pandemic. She stressed that even before the pandemic the functioning of families with a person with autism spectrum disorder had been complicated, often looking like an emergency. One of the problems encountered by parents and families of persons with intellectual disabilities during the pandemic were dismissals of parents. In addition, many employers in the private sector could not ensure work from home for their employees or the job required presence in the workplace. Then a new problem appeared: who would take care of children who were not in schools and day care, and parents had to go to work. Single parents faced the same problem. She insisted that the improvement of the situation in the above cases solely depended

on the rapidly adopted strategies and new services for the normal daily functioning of a family.

She also pointed out that general health care services functioned very poorly for persons with intellectual disabilities, and during the COVID-19 pandemic almost no specific health care measures were provided for these persons. They waited for a long time to be tested, which caused anxiety in these persons, while all other interventions, such as laboratory processing, lung X-rays, any examination or use of ventilators, were impossible. She insisted on the necessity of the systemic state's strategy for the development of official procedures and rulebooks for the COVID-19 treatment of persons with autism.

The activist of the national organisation for helping persons with autism reminded that in the situation of pandemic and emergency, 90% of people with intellectual disabilities or autism did not use daily services (day care) nor did they attend schools. She pointed out that this situation had shown how much persons with intellectual disabilities or autism needed such services, including the entire family that in the absence of these services, was prevented from purchasing disinfection products, necessary protection items (masks, gloves, alcohol, etc.) and everyday food shopping.

She suggested the engagement of personal companions to help children with studying, mastering life skills and going for a walk every day to maintain their daily routine as the only and best way to overcome this situation. As regards the issue of daily services - day care centres whose beneficiaries are older than 20 years, it should be noted that their parents are already at the age when people are prone to illness, and also that the situation is much more difficult for single parents and elderly parents who have the obligation of self-isolation, due to their age, because they face bigger problems than families of school attending children. Having in mind this experience, she insisted that it was necessary to include in the Law on Social Protection the family assistant service for persons with intellectual disabilities.

She stressed that the COVID-19 pandemic led to the state of emergency and the situation where persons with intellectual disabilities in permanent housing facilities, together with professionals, had been isolated for safety and prevention of the spread of infection. Their daily lives were changed and they were denied the possibility to leave the institution, socialise or see their parents/guardians. This was an extremely difficult situation both for the beneficiaries of permanent housing facilities and for the professionals of these institutions that practically lived with them, away from their families. The situation was equally difficult for parents who constantly worried about the wellbeing of their children.

The activist of the national organisation for helping persons with autism concluded that the aforementioned problems revealed that we had lacked solutions to many problems, regardless of the state of emergency, which contributed to the complete paralysis that was very dangerous for the lives of people with intellectual disabilities and their families.

She wondered how long the COVID-19 epidemic would last and asked whether there was a way to change something and help persons with intellectual disabilities and their families. She stressed that before the pandemic there had been many cases of violation of human rights, which could be demonstrated, and that the question now arose as to the level of damage (which could have been rectified after the first peak) once we get out of the COVID-19 pandemic. She wondered if the disability movement and the state would do something now or would keep waiting.

She pointed out that the information on the risks and protection measures against COVID-19 received by the families of persons with autism through daily newspapers, electronic media, printed materials, through the NOOIS and the Ministry of Social Affairs, was quite satisfactory.

The activist of a local association for helping persons with intellectual disabilities from Vojvodina, who is the father of a person with intellectual disability, stated that after the outbreak of the pandemic, people felt a certain degree of fear of infection and behaved more cautiously, but in general, families continued to function as before. He stressed: "In the beginning, we had a problem with adjusting to the new situation, due to uncertainty, but I think that now we are coping well."

The father of a person with intellectual disability stated that since he was employed, during the state of emergency (during the first peak) he was in a daily contact with people, facing the fear of infecting his family with the coronavirus. He added: "My wife is unemployed and was able to take care of our son, and in that respect we did not have any problems other than movement that he absolutely needed, and the ban on movement - quarantine was in force. However, he believed that this situation was extremely difficult for employed single parents who had to work, while their child required constant care and attention. Persons with developmental challenges, persons with disabilities were not recognised as vulnerable population during the pandemic. He stressed: "All Decrees of the Government of the Republic of Serbia, where persons with disabilities are mentioned, were adopted, if I'm not wrong, as late as a month and a half after the proclamation of the state of emergency, which is absolutely devastating. In many situations, this father of a person with intellectual disabilities wondered what would have happened to his son if one of the parents had fallen ill, how he would have been taken care of, who would have taken care of him and how. He insisted: "If it had been necessary for my son to visit the doctor, would he have had to queue in the crowd in front of the COVID health care centre, despite being in the risk category?" He added: "Fortunately, we are well for the time being." However, he believed that the needs of persons with developmental challenges should be taken more into consideration.

He mentioned that during the first wave, the day care service, used by his son every day, was suspended for a month, along with daily services in other towns. On that occasion, his son was denied socialisation and movement; his routine, in which he manages very well, was disrupted, this negative impact manifested as anger, sadness and the constant expectation to start using the day care service again. He suggested that in this situation perhaps some kind of online activity would be important or in some other situations a home visit of personal assistant or special educator.

The father of a person with intellectual disability stated that the pandemic had suddenly interrupted all the services to which children were accustomed. "How to explain it to them?," he wondered. "How to explain that he is not allowed to move; I believe that it was a problem for most parents." He stressed: "Wearing a face mask and getting used to it was also a challenge. The biggest challenge was actually getting out of the daily routine and getting into a chaotic, unknown situation that he could not understand and in which he was deprived of something where he felt safe until that moment."

He believed that various associations and many experts had made an effort and were well organised in this field, but at the very beginning, many parents of children with autism, who responded negatively to breaking the routine they were used to, found themselves in an unenviable position because they did not know how to explain the changes to their children. He believed that UNICEF had provided a good type of support, i.e. specific advice for parents.

The resident of the residential care facility for adults with physical disabilities in Belgrade stated that his life had significantly changed after the outbreak of the COVID-19 pandemic, and that they had been in isolation since March. He said that he had been a resident of this facility for 22 years, since its opening in 1998, and it had never been harder for him. Nobody could come to visit him; he was not allowed to go anywhere. If he left the facility, for example to

visit the doctor, after returning he would have to stay 14 days in isolation. He pointed out: "It discouraged us all, no one leaves the facility even if they have to. Both residents and employees are very dissatisfied."

He said that protection measures had been accessible. They had masks and disinfectants, but the residents did not need them because they did not go out. They usually stayed in double rooms and kept distance. He pointed out that it was very difficult for the residents because the facility was understaffed. They often had help only in the morning and in the evening, which means that they were moved to the wheelchair in the morning and back to bed in the evening. It was a very difficult situation for the residents. Many employees left their jobs in the facility and new ones were waited for. They maintained hygiene in the facility. Disinfection of rooms had been intensified. He suggested to increase the number of employees in the facility.

The resident of the residential care facility for adults with physical disabilities stated that they had faced the situation where it was impossible to get additional help. Earlier, they would engage relatives or pay outside carers to come during the day and help them. Now they were left without this possibility. He stated that in the facility there were four occupational therapists and one physiotherapist for 70-80 beneficiaries. It was a very small number of staff. They had an exercise hall, but there was no one to train the residents. He pointed out: "We just sit in the hall and wait for the day to pass; all days are the same. We've become nervous, both we and staff. It's difficult when for days you don't see a person who smiles at you, talks to you. Everybody is angry. Employees are overloaded and do not manage to dedicate to us. Since the last year we've been a facility without special educators or psychologists. I think that in this situation it would be necessary to have such staff."

He considered that the residents were well informed. He pointed out that the virus did not enter the facility. The residents are aware that it was nec-

essary to “lock down the facility.” The consequences of the lock down were painful. More staff should be engaged. He stressed that it was difficult when you get help from a dissatisfied or angry person. The residents cannot wait to be vaccinated and are regularly informed about it. They hope it will happen in April. They miss visits. There was a period during which visits were allowed, as in gerontological centres; they lasted 15 minutes, with physical distance, and had to be announced. He emphasized that the facility lacked staff, physiotherapists, carers. He also suggested that the work of staff should be better organised.

The activist of the national organisation of blind persons said that she was more cautious than before in terms of adhering to all prescribed measures for suppressing COVID-19. She pointed out that it was more difficult for blind employees to go to work during the state of emergency due to reduced public transport services, and not all of them could work from home. She mentioned that unfortunately, some of these persons had lost their lives due to COVID-19, such as a visually impaired telephone operator who was employed at the Clinical Centre of Serbia.

She stressed that specific measures and additional health care services were not fully adjusted to the needs of persons with disabilities, as many of them were forced to queue for a medical examination. There were also few towns that have provided a telephone line for persons with disabilities through which they could schedule an examination in case they had the symptoms of the disease. Persons with disabilities living alone and outside of urban areas had a particular problem. She insisted on the necessity to organise the services of support in emergency situations for persons with disabilities, phone lines, volunteer centres and similar services.

She noted that during the pandemic most blind persons who used social welfare services had been allowed to continue using them.

On the other hand, the very fact that persons with disabilities placed in residential care/permanent housing facilities were not allowed to receive visits by immediate family members and relatives was difficult for them. She added that the movement of the residents of these facilities had been limited, which was also a significant difficulty and restriction of their rights.

Employed parents of blind children had the problems related to attending online classes and providing adequate support to pupils. She saw additional problem in the fact that not all parents of blind children could always be released from work obligations because they did not have a place to leave a child with visual impairment. Some parents were forced to leave their job to be able to take care of a person with disabilities.

The activist of the national organisation of blind persons said that almost no piece of information about proposed measures and protection against the COVID-19 virus was available in Braille. Blind persons receive all information through social media, while older ones who do not use social media get information through public broadcasting and other electronic and print media, from relatives, etc. It was particularly difficult for blind and visually impaired persons who live alone and who had to manage to get help with the purchase of basic foodstuffs. Local organisations played an important role in providing support services to members who were not beneficiaries of social protection services.

She pointed out that beneficiaries of allowance for assistance and care of another person should be covered by all incentive measures and provided with state aid in the amount given to pensioners, because persons with disabilities normally had higher living costs, which additionally increased in the emergency situation and the circumstances in which we had all been living already for nine months. She believed that the NOOIS should send a letter to the line ministry and the President of the Republic, as soon as possible, ask-

ing them to provide persons with disabilities with the incentive measures of state support.

The activist of the local association of persons with physical disabilities from South Serbia, who is the director of the company that employs persons with disabilities, pointed out that the coronavirus had irreversibly changed his life, not only due to the fact that he fell ill, but also because it happened to all members of his family. In that situation, the fear for one's own life becomes irrelevant compared to the fear for the lives of one's family members. In such situations, the behaviour of other people in our environment becomes noticeable, because the people we have spent years with stop coming out of fear for their own lives, while other people, although aware of the risk, still decide to stick with us, using adequate protection measures. He pointed out that it was not only his experience, but also the experience of his friends.

He said that he did not know many persons with disabilities who were employed, since those who had been employed used the option of disability retirement after 5 years of service. He stressed that persons with disabilities had perhaps been among the most disciplined citizens with respect to complying with safety and isolation measures. He added that the approach to this had been much more serious in the period March-May, but later on everyone relaxed, which was why we faced the current situation.

As an employer, who is also a person with disability, he used incentives and they played an important role in the work of his company at that time. In light of the fact that the pandemic has affected certain branches of the economy much more than others, in his opinion perhaps it was necessary to make a selection instead of applying a linear incentive scheme. As regards the work of the companies for professional rehabilitation of persons with disabilities, he pointed out that his company did not operate like one of these companies and therefore he had no insight into their business operations.

He stated that he had managed the service of personal assistance since the beginning of the pandemic and noted that, to his satisfaction, none of the beneficiaries had problems with the coronavirus, except himself. Most beneficiaries solved the problem of arrival and departure of personal assistants during curfew in the way that personal assistants accepted to live in the homes of beneficiaries or came between two curfews (this only applied to beneficiaries with physical impairments: paraplegia, etc.). He knows that it was possible for personal assistants to obtain daily movement permits allowing them to visit beneficiaries, which somewhat complicated the situation. He considers that permits should be issued at least for a week, which would strengthen the feeling of security among beneficiaries, because they would not have to fear of whether the permit will be obtained on time or not.

Taking into consideration the views of disability activists expressed in in-depth interviews, it can be concluded that at the onset of the pandemic these persons and their families were mainly forgotten and left on their own. Only after the intervention of representative organisations and independent human rights bodies did the system begin to respond in an inclusive manner. However, daily community services were provided with interruptions. Health care services remained inaccessible to a great extent. Pupils with disabilities who followed classes from home did not receive sufficient support. The possibility to work from home depended on the employer's flexibility and was not solved systematically.



Analysis of answers to the questionnaire for independent human rights bodies about the exercise of rights and the limitations and challenges faced by persons with disabilities during the COVID-19 pandemic and the state of emergency

Answers of the Commissioner for Protection of Equality

Answering the NOOIS questionnaire, the Commissioner for Protection of Equality states that since 15 March 2020, when the Decision proclaiming the state of emergency was adopted, they received 53 complaints in which disability was specified as a ground of discrimination and 73 complaints in which health status was specified as a ground of discrimination. In some complaints, both health status and disability are specified as grounds of discrimination. Based on the received complaints, the Commissioner launched a number of initiatives and issued a number of recommendations to implement measures related to the improvement of the position of persons with disabilities and other vulnerable groups. Most complaints referred to the problem of movement of informal carers, persons with autism, the elderly, and to the provision of home help during the state of emergency and the ban on movement. A number of complaints referred to access to facilities

and transport, access to information and health care services in sign language, impossibility of workplace adjustments, lack of employment opportunities or the fact that the employer required a person with disabilities to work from home, neglecting the adjustment of such a workplace, or situations where persons with disabilities were not adequately covered by support measures.

The Commissioner for Protection of Equality received letters and complaints by a number of citizens, but also by representatives of organisations who pointed out the unequal position in which they were placed by the adoption of the Decree establishing the way of payment of one-time financial assistance. In fact, they stated that, apart from pension beneficiaries and financial social assistance beneficiaries, there were other categories of citizens adversely affected more than others by the pandemic and measures for containing the spread of COVID-19, who should have received one-time financial assistance automatically, that is, by priority, without having to apply. The Commissioner proposed the supplementing of Article 3, paragraph 1 of this Decree, which provided that adult citizens of the Republic of Serbia, except for pension beneficiaries and financial social assistance beneficiaries, had to apply for one-time financial assistance, in accordance with this Decree, via phone call to the contact centre or electronically through the portal of the Ministry of Finance - Treasury Administration. Having in mind the adverse effects of the pandemic on other vulnerable categories of citizens, apart from pension beneficiaries and financial social assistance beneficiaries, the Commissioner proposed to execute the payment of one-time financial assistance, without the obligation to apply, automatically to the accounts of persons with disabilities who were the beneficiaries of an increased allowance for assistance and care of another person, whereas the information about them would be submitted by the Ministry of Labour, Employment, Veteran and Social Affairs, Department for Development and Maintenance of Information System and Technical Support in the Sector for Financial Management, Accounting and Controlling.

In addition, the Commissioner pointed out that persons deprived of legal capacity were directly discriminated against by adopting the provision on the payment of one-time financial assistance to adult citizens of the Republic of Serbia, who on the day of entry into force of this Decree had permanent residence in the territory of the Republic of Serbia and a valid identity card. In fact, in accordance with the proposed way of the payment of one-time financial assistance, this measure will not apply to persons who have reached the age of 18 but have been deprived of legal capacity, because pursuant to Article 146 of the Law on Family their legal capacity is equal to legal capacity of a younger minor, that is - a child under 14 years of age in accordance with Article 64 of this Law. The Commissioner stressed that according to the data of the Republic Institute for Social Protection, a total number of adult beneficiaries under permanent guardianship was 12,895 in 2018, and that with respect to the age structure of beneficiaries deprived of legal capacity, 70% of them were adults. Therefore, the Commissioner proposed the supplementing of Article 1 of the Decree to allow the guardians of persons deprived of legal capacity to apply for one-time financial assistance on behalf of their wards, so that they could also receive the determined amount of one-time financial assistance.

Immediately upon introduction of the state of emergency, on 23 March 2020, the National Organization of Persons with Disabilities of Serbia (NOOIS) and the National Organisation for Rare Diseases of Serbia (NORBS) addressed the Commissioner for Protection of Equality, pointing out the problems encountered by persons with disabilities and persons with rare diseases after the adoption of the Decision proclaiming the state of emergency in the territory of the Republic of Serbia. In fact, the NORBS stated in its letter, among other things, that these were the most vulnerable categories of citizens, since persons with rare diseases had “chronically compromised immunity and extremely complicated and progressive health conditions where the effect of the coronavirus can be fatal,” and therefore they should be “treated with the highest degree of caution and provided with

the necessary health care and social protection.” In addition, the letter indicates that the recent notification about “suspending, until further notice, the payment of social assistance in all post offices due to the state of emergency”, and the lack of information on how it will be paid to persons with rare diseases, caused their concern, because these persons “barely manage in regular situations, let alone now when there is a shortage of everything and when they have to acquire certain therapies and aids on their own.” On the other hand, the NOOIS pointed in its letter that since the introduction of the state of emergency persons with disabilities had been facing numerous problems, some of which needed urgent solution, and that it expected all competent institutions to prioritise the survival of these persons, which was the reason for urging the state to “provide clear protocols in cases of public health threats to ensure that access to health care, including other protection measures, is not discriminatory for persons with disabilities”. The NOOIS stated that there was an urgent problem with the functioning of personal assistance service, i.e. the “problem of arrival of assistants in the homes of persons with disabilities in the conditions of restricted movement, especially in cases where they work split hours or where they help beneficiaries in the evening to prepare for sleep and the like, which is later than 5 p.m.”. In this regard, the letter particularly stressed the necessity of issuing permits to these persons for unhindered movement even after 5 p.m., proposing that all licenced providers of this service submitted the names of personal assistants and their users, in order to prevent possible abuses. Another, equally urgent problem mentioned in the letter was the provision of support to persons with disabilities by “persons who are not in the system, i.e. relatives, friends or personally engaged individuals,” due to which the NOOIS called for proposing an adequate solution.

Analysing the situation of persons with disabilities caused by the adoption of Decision proclaiming the state of emergency in the territory of the Republic of Serbia, the Commissioner suggested to consider including personal assistants of persons with disabilities who provided the service in the

evening, i.e. helped persons with disabilities to prepare for sleep and the like, in the group of persons to whom the Ministry of Interior issued movement permits, because the provision of personal assistance service in these cases was impossible due to the blanket movement ban from 5 p.m. to 5 a.m. This Commissioner's suggestion is based on the fact that a number of persons with disabilities who use the service of personal assistance are absolutely unable, due to the nature of their disability, to satisfy their basic needs independently, which is why they need this service even after 5 p.m., particularly if they live alone or with elderly parents.

In addition, the Commissioner gave the same suggestion for cases where the service of assistance and support to persons with disabilities was provided by non-licenced personal assistants, but relatives or friends of persons with disabilities, who did not live in a joint household with them.

The Commissioner stressed that the same problem was faced by terminally ill persons who used the service of palliative care at home, as well as persons with dementia who used the services of mobile teams or informal carers with whom they did not live in a joint household. Therefore, the Commissioner considered that it was necessary to allow the movement after 5 p.m. also to the providers of these services, particularly if their users were persons who, due to their health status, were unable to satisfy their basic needs independently, especially if they lived alone, regardless of whether the service was provided by licenced service providers or relatives, friends, i.e. informal carers who did not live in a joint household with them.

Having in mind the above, the Commissioner proposed that, if the services were provided by licenced service providers who had all the necessary information about users and service providers, they should submit to the Ministry of Interior collective requests for movement permits, and in cases where the service was provided by informal caregivers or relatives and friends who did not live in a joint household with the user, requests for movement per-

mit should be submitted by service providers personally and individually with the mandatory consent of the user whenever it was possible to obtain it. In fact, the Commissioner suggested that in the situations where it was not possible to obtain the service user's consent due to his or her health status (for example, from a person with dementia), the justification of request should be controlled by checking it at the address of residence, indicated in the service provider's request as the address of service provision.

Analysing the problem encountered by employed parents of persons with disabilities, the Commissioner for Protection of Equality referred to the Letter no. 011-00-5/2020-02 of 18 March 2020 by which the Commissioner had notified the Government of the problem of harmonising work and parenthood faced by employed parents of minor children after the adoption of the decision on closing preschool institutions and schools, and proposed the preparation of the Instructions on the conduct of employers during the state of emergency towards employed parents of minor children in accordance with the Decree on the organisation of employers' work during the state of emergency of 16 March 2020. The above Instructions, among other things, included the option to allow employed parents of minor children to perform work outside the employer's premises at all workplaces where such work could be organised, and to allow single employed parents to stay at home to take care of their minor children even in cases where they were employed by employers whose nature of activity was such that it was impossible to organise work in the ways proposed in this Decree. In accordance with the above, the Commissioner gave an identical proposal for cases of employed parents of persons with disabilities, regardless of whether they were minors or not, especially if they were deprived of legal capacity or were the subject of extended parental rights. The Commissioner suggested to give the same possibility to employed parents of children with rare diseases, because these categories of persons with disabilities were most often the users of the day care service, which could not be provided to them during the state of emergency, due to which they stayed at home.

The Commissioner also suggested that in the process of organising support provided to citizens at the local level, the NOOIS's proposal should be taken into consideration. According to this proposal, this support should be provided to persons with disabilities and persons with rare diseases, especially those who due to the nature of their disability or health condition, in satisfying their life needs, face a large number of barriers, which are very difficult and some of them even impossible to overcome in the state of emergency, since they live alone or with elderly parents. Whenever possible, the necessary food, medicine and medical supplies should be delivered to the address of their residence.

The Commissioner for Protection of Equality received a letter sent by several associations that provided help and support to persons with autism in the Republic of Serbia, pointing out various problems faced by persons with autism and their parents and guardians after the adoption of the Decision proclaiming the state of emergency. The letter states, among other things, that parents and guardians of persons with autism face the problem of not being able to purchase "protective consumables," because due to their "24-hour engagement, particularly in the situation of changed routine and limited space, they are unable to go to pharmacies and wait in lines." Therefore, these associations propose that the competent social welfare centres take over the obligation to purchase this equipment and distribute it to parents and guardians by personal collection, home delivery or through volunteer centres. The letter further pointed out that the introduced movement restriction measures were a big problem for this category of persons with disabilities, because for them it was "necessary to maintain a daily routine, avoid tantrums, meltdowns, aggression and self-harm" and suggested the issuance of movement permits to enable persons with autism, accompanied by their parents and guardians, to maintain a daily routine even "during curfew, within limited time and in limited space near the place of residence" in order to preserve their psycho-physical health. In addition, the letter pointed to an equally urgent problem in cases where parents or guard-

ians of persons with autism needed to be placed in “institutional quarantine”, since these persons remained without primary protection in their families; therefore, the associations’ representatives suggested that in such cases, the expert teams of social welfare centres should carry out a coordinated and planned self-isolation of persons with autism to avoid compromising their condition and violating their basic rights and to prevent forced institutionalisation.”

The Commissioner recommended to the Ministry of Labour, Employment, Veteran and Social Affairs to take into account the requests submitted by parents and guardians of persons with autism in the process of checking the requests for movement permits. Particularly taking into consideration that in case of persons with autism, due to the nature of their disability, the inability to maintain routine in daily activities can lead to “tantrums, meltdowns, aggression and self-harm”, in order to preserve their psycho-physical health it is necessary to consider the possibility of issuing permits to move within limited time and in limited space near the place of residence.

The Commissioner stressed that special attention should be paid to solving the problem of providing necessary protection to persons with autism in cases where their parents or guardians needed to be placed in “institutional quarantine”, and that in deciding on protection measures in these cases it was necessary to take into account the opinion of the expert teams of social welfare centres, in order to protect the rights of these persons and prevent their forced institutionalisation, by providing other type of temporary accommodation whenever possible.

In addition, the Commissioner suggested that in the process of organising support already provided to citizens at the local level, it should be necessary to consider the suggestion of these associations to provide additional support to parents and guardians of persons with autism, through the inclusion of social welfare centres or local volunteer services, in solving the prob-

Reacting to the letter of NOOIS and the Association of Organisations of Persons with Kidney Failure Disability of Serbia regarding the problem of patients on dialysis who had been waiting for test results for a long time, due to which the intervals between two dialysis sessions were too long, the Commissioner for Protection of Equality recommended to health care institutions to shorten the time of waiting for COVID-19 test results for patients on dialysis, providing them with conditions for uninterrupted therapy.

Answers of the Protector of Citizens

Responding to the NOOIS questionnaire, the Protector of Citizens stated that during the state of emergency, the Office of the Protector of Citizens introduced five new phone lines that citizens could call every day from 8 a.m. to 10 p.m. to seek help. One of these lines served to provide psychological support to citizens in crisis situations (support was provided by a psychologist from the Sector for Child Rights and Gender Equality), while another line was intended for the National Preventive Mechanism against Torture. However, the Protector of Citizens did not specify whether those lines were accessible to deaf persons.

Answering the NOOIS questionnaire, the Protector of Citizens stated that during the state of emergency their work consisted of preventive and counselling activities, mediation between complainants and administrative authorities, sending initiatives for changing regulations to the competent authorities, procedures of control in the field and handling citizen complaints. The number of citizens that addressed the Protector of Citizens during the state of emergency increased significantly: 3,673 citizens sought help by phone and 1,029 citizens addressed the Protector of Citizens in writing. Calls related to psychological assistance or counselling provided to citizens were not recorded. During the state of emergency, the Protector of Citizens was addressed by a large number of citizens who did not file com-

plaints. In these cases, citizens were informed about their rights and competences of the Protector of Citizens and referred to the competent authorities. In certain situations, the Protector of Citizens' Secretariat helped citizens to contact the competent authorities. Citizens asked for information on the rights of blind persons, pointed out the impossibility of visiting and caring for immobile persons due to the movement ban, pointed out discrimination since they were prohibited to move as persons over 65 years of age. Answering the NOOIS questionnaire, the Protector of Citizens pointed out that it could not provide the exact number of complaints about alleged violations of rights received from persons with disabilities and their families during the pandemic and the state of emergency, because citizens often addressed the Protector of Citizens to ask about their rights without filing a complaint.

During the state of emergency, the Protector of Citizens initiated regulatory changes with the competent authorities, thus allowing unhindered movement of children and parents of children with autism during the movement ban. In addition, after the Protector of Citizens' initiative, persons caring for the elderly, immobile and persons with disabilities, as well as victims of violence, were allowed to move during the movement ban. Throughout the state of emergency, the Protector of Citizens checked "in the field" the living conditions of citizens, especially vulnerable groups including persons with disabilities.

During the state of emergency, the Protector of Citizens visited places with homeless people, Roma settlements and migrant centres. On those occasions, the Protector of Citizens paid special attention to vulnerable categories of persons residing in these places, including women, children and persons with disabilities.

In the Special Report on the Activities of the Protector of Citizens during the COVID-19 State of Emergency³³, the Protector of Citizens considered it necessary for the competent public authorities to develop a plan of work and way of providing services to citizens in the circumstances of emergency, to determine methods of unhindered and efficient cooperation and communication between the competent authorities, as well as a plan for informing citizens about the measures and ways of exercising rights and using services.

In such and similar situations, the Protector of Citizens considers that the competent public authorities should do the following:

- Before adopting measures that restrict human rights, perform the assessment of needs and specifics of vulnerable social groups and analyse the impact of measures on the exercise of the rights of these groups (including the chronically ill, the elderly, persons with disabilities);
- In the process of adopting measures that restrict human rights, consult with the Protector of Citizens and civil society organisations dealing with the rights of vulnerable social groups in order to assess the impact of emergency measures to these social groups;
- Introduce affirmative action measures that would compensate for restrictions in exercising the rights of certain social groups;
- Ensure that officials of public authorities are timely informed about the regulations applicable during the state of emergency and act in accordance with them so that every citizen exercises the same right regardless of official or place;

33 Report is available at: <https://ombudsman.rs/index.php/izvestaji/posebnii-izvestaji/6643-p-s-b-n-izv-sh-ivn-s-i-z-sh-i-ni-gr-d-n-v-nr-dn-g-s-njy>

- Ensure enhanced inspection, in particular in the field of labour relations and social protection;
- In the situation where the deadlines for acting and deciding stop running in administrative procedures, due to the introduction of the state of emergency, envisage exceptions to that rule in cases where termination of procedure could endanger the life and/or health of citizens or cause significant damage to property;
- Ensure better, faster and more efficient communication and coordination within and between public authorities, in particular in issuing the permits for movement during the movement ban, in order to provide citizens with the necessary information and services in a timely and accurate manner, including the appointment of a focal point for communication and coordination with public authorities;
- Provide citizens, in particular those from vulnerable social groups, with complete and understandable information, both when directly addressed by citizens and through the media, thus preventing the spread of fear and panic among citizens;
- Continuously work on improving communication with citizens, primarily by introducing a sufficient number of telephone lines, regular communication via e-mail and taking other measures that may be deemed necessary;
- Regularly update official websites highlighting the most important information and contact details in order to inform citizens in a timely manner, as well as introducing a special section for providing timely answers to citizens' questions regarding the exercise of rights in specific circumstances;
- Adjust the website information about protection measures to particularly vulnerable categories of citizens (persons with disabilities, national minorities).

The Ministry of Interior informed the Protector of Citizens that the Police Department in the General Police Directorate Headquarters had reviewed the Special Report on the Activities of the Protector of Citizens during the COVID-19 State of Emergency, including its conclusions and recommendations, and that this Department had suggested the organisation of a meeting in August 2020 where the participants would be representatives of the Criminal Police Department, the Uniformed Police Department, the Traffic Police Department, the Border Police Department and the Administrative Affairs Department. The Protector of Citizens welcomed this suggestion, as well as the proposed activities of the City of Belgrade Police Department dedicated to improving communication with deaf and hard of hearing persons during the COVID-19 pandemic.

The Protector of Citizens in principle welcomed and considered important the proposals related to the improvement of communication with deaf and hard of hearing persons during the COVID-19 pandemic. The Protector of Citizens held consultations about these proposals with the members of the Protector of Citizens Council - the National Organization of Persons with Disabilities of Serbia, an expert on accessibility issues and the Association of Deaf and Hard of Hearing Persons of Serbia. After completed consultations, the Protector of Citizens suggested to the Ministry of Interior to organise a meeting with the representatives of the Association of Deaf and Hard of Hearing Persons of Serbia, the National Organization of Persons with Disabilities of Serbia and the Protector of Citizens to jointly find the best solutions for this important initiative and include in the process deaf and hard of hearing persons as end beneficiaries.

The Protector of Citizens sent to the Ministry of Interior another proposal regarding the improvement of communication with deaf and hard of hearing persons during the validity of regulations of the Government of the Republic of Serbia on the obligation to wear protective masks: mandatory installation of anti-reflective glass (in public counters halls, etc.) and/or wear-

ing visors in addition to protective masks, so that in case of need the mask could be temporarily removed to allow communication with the user (to enable lip reading), while protecting both persons from virus transmission.

In its communication of 25 March 2020, the Protector of Citizens pointed to the competent authorities that persons with all types of disabilities (mental/intellectual, sensory and physical) were the most vulnerable social group, together with the elderly, in the situation of COVID-19 pandemic, and that therefore it was extremely important to include that vulnerable group in the support measures of the Government of the Republic of Serbia. The Protector of Citizens joined the appeal of the National Organization of Persons with Disabilities (NOOIS) to the competent authorities to invest additional efforts and not to terminate the provision of community support services, such as supported housing, personal assistants, personal companions of children and geronto-housewives. On that occasion, the Protector of Citizens also warned about the serious problem of the functioning of personal assistance service, i.e. the arrival of assistants in the homes of persons with disabilities during the movement ban, and the provision of necessary support and assistance to immobile persons or persons with mobility impairment by relatives, friends or individuals personally engaged in the restricted movement conditions during the state of emergency.

Since the introduction of the state of emergency the Protector of Citizens has been addressed by a large number of citizens who pointed, among other things, to some serious problems related to the provision of necessary support and assistance to immobile persons or persons with mobility impairment, the elderly, persons with dementia, i.e. all these persons who live alone and are unable to take care of themselves during the movement ban, as one of the state's measures for containing the coronavirus pandemic. This is why the Protector of Citizens on 26 March 2020 sent a letter to the Ministry of Labour, Employment, Veteran and Social Affairs and the Ministry of Interior related to the possibility of finding a proper solution to the

problem of the work of personal assistants and informal support to persons with disabilities, immobile elderly persons and elderly persons with mobility impairments, elderly persons with dementia and all persons in need of someone else's help and support to satisfy everyday needs, in the conditions of restricted movement during the state of emergency. In addition, on that occasion the Protector of Citizens requested from the Ministry of Labour, Employment, Veteran and Social Affairs the information about all the measures the Ministry had taken and planned to take in cooperation with other competent authorities and organisations in order to provide support to persons with disabilities and overcome the aforementioned problems. The Protector of Citizens pointed to these and a series of other problems in the field of social protection to the Ministry of Labour, Employment, Veteran and Social Affairs also in its letter of 30 March 2020.

After the Protector of Citizens pointed to the competent authorities (the Ministry of Labour, Employment, Veteran and Social Affairs and the Ministry of Interior) the necessity of solving the aforementioned problems, the Ministry of Labour, Employment, Veteran and Social Affairs issued a communication stating that, in cooperation with the Ministry of Interior, it would control and issue movement permits to persons that provided the services of social protection, home help - geronto-housewives (with proper protection measures), personal assistants, personal companions of children, but also to informal carers of all persons in need of someone else's help and support for their daily functioning.

Since a large number of citizens addressed the Protector of Citizens regarding the difficulties faced in obtaining permits for movement during the movement ban to those who cared about the protection of our citizens with disabilities, elderly immobile persons and elderly persons with dementia, as well as all persons in need of someone else's help, and especially children with developmental challenged and autism, in particular in the period from 1 p.m. on Saturday to 5 a.m. on Monday, the Protector of Citizens addressed

the Prime Minister of the Government of the Republic of Serbia to solve this problem in a timely manner. The Prime Minister of the Government of the Republic of Serbia stated in the communication with the Protector of Citizens that this problem would be solved in the shortest possible period³⁴, which resulted in the adoption of the Decree amending the decrees during the state of emergency³⁵, which allowed children with developmental disabilities and autism to move during the ban on movement.

Answering the NOOIS questionnaire, the Protector of Citizens stated that it did not have the information whether any employed persons with disabilities had lost their jobs during the pandemic.

Comparing this answer to the NOOIS questionnaire with the answers of organisations of persons with disabilities, which stated that a certain number of persons with disabilities had lost their jobs during the pandemic, it can be concluded that vulnerable persons with disabilities in the conditions of the state of emergency did not sufficiently use available legal remedies and initiate procedures for the protection of their rights related to job loss.

Immediately after the proclamation of the state of emergency, the Protector of Citizens was addressed by citizens employed in health care institutions, but also with other employers, who were chronically ill, single parents and/or parents of children under 12 years of age, asking for the information whether on that basis they could be released from work obligations. In such cases, the Protector of Citizens answered to complainants that the Government of the Republic of Serbia had recommended to employers to allow work from home to employees belonging to the most vulnerable and at-risk groups, primarily chronically ill patients, persons over 60 years of age, sin-

34 Available at: <https://ombudsman.rs/index.php?start=35>.

35 *Official Gazette of the RS*, nos. 31/2020, 36/2020, 38/2020, 39/2020, 43/2020, 47/2020, 49/2020, 53/2020 and 56/2020

gle parents and parents of children under 12 years of age, in order to reduce contacts among employees, thus preventing the spread of the coronavirus. The Decree on the organisation of employers' work during the state of emergency³⁶ prescribes the employer's duty to allow employees to perform work outside the employer's premises (remote work and work from home) at all workplaces where such work could be organised in accordance with the general act and the employment contract. If this way of working was not envisaged in the general act and the employment contract, the employer could allow employees to perform work outside the employer's premises, if it was possible to organise it. It was particularly stressed that the Decree prescribed the employer's duty to allow employees to work from home or remotely, if possible, but not to release them from work obligations. A large number of citizens who addressed the Protector of Citizens, in particular chronically ill patients, pregnant women, elderly citizens under the age of 60 who were not released from work obligations, expressed their concern for safety at work, especially in companies with a large number of employees that had not provided adequate working conditions, i.e. protective equipment and prescribed physical distance between employees. Since the employer had an obligation to provide working conditions in these situations, citizens were referred to the Labour Inspectorate.

Handling a citizen's complaint in which she stated that the Social Welfare Centre had not acted in accordance with the Conclusion of the Government of the Republic of Serbia and had not continued to pay her the increased allowance for assistance and care of another person, the Protector of Citizens requested from the competent Social Welfare Centre and the Ministry of Labour, Employment, Veteran and Social Affairs to respond to the allegations from the complaint. Based on the provided response, the Protector

36 Available at: <https://ombudsman.rs/index.php?start=35>.

of Citizens concluded that there was no basis for further procedure against these authorities.

However, taking into account that after the lifting of the state of emergency, the control medical examination was not scheduled for the complainant, the Protector of Citizens addressed the Republic Pension and Disability Insurance Fund to obtain the necessary information. After the Protector of Citizens' request, the complainant was examined.

The Protector of Citizens was addressed by the National Organization of Persons with Disabilities of Serbia (NOOIS) regarding the payment of one-time financial assistance to all adult citizens of the Republic of Serbia to reduce the negative effects of the COVID-19 pandemic caused by the SARS-CoV-2 virus. The NOOIS stated that the branches of the Postal Savings Bank required guardians of persons with disabilities, many of whom were persons with autism, to provide additional documentation, contrary to the instruction of the National Bank, to withdraw money, thus enabling persons with disabilities deprived or partly deprived of legal capacity, as well as persons whose parental rights had been extended, to exercise their right to one-time financial assistance. After the Protector of Citizens pointed to the National Bank of Serbia to this problem, the National Bank of Serbia sent a notification to the Postal Savings Bank, which resulted in allowing persons with disabilities to exercise the right to one-time financial assistance without additional bureaucratic procedures.

During the state of emergency, one of the problems indicated by citizens was the realisation of educational work by distance learning. The Protector of Citizens provided parents with additional explanations about the ways of the realisation of educational work during the state of emergency in accordance with the Operational Plan of the Ministry of Education, Science and

Technological Development³⁷. The Protector of Citizens informed the complainants about the obligations of schools and teachers and the role of parents in the mastering of curriculum and supporting pupils in the process of education.

The Protector of Citizens also addressed the Ministry of Education, Science and Technological Development requesting the information about the way of organising teaching in the situations where pupils were unable to attend classes remotely, i.e. in case of children with disabilities. The Ministry informed the Protector of Citizens that in addition to organising remote lessons for all pupils, in cooperation with the international partners that implemented education related projects, it had provided equipment: tablets, a computer, printers, toner cartridges, with the aim to improve the availability and quality of distance teaching. At the moment of sending this information to the Protector of Citizens, this support had been provided to 70 primary schools - partners in the project implemented by the Pestalozzi Children's Foundation, which facilitated education for a significant number of Roma pupils and pupils from socially deprived communities.

According to the information received by the Protector of Citizens, in order to ensure continuous education and support to children and pupils with developmental challenges and disabilities, the following has been done:

- A letter was sent to all primary and secondary schools with instructions to pay special attention to the organisation of distance teaching for children with disabilities.
- Additional recommendations were issued to schools for pupils with developmental challenges and disabilities in order to continue with

³⁷ Available at: <http://www.mpn.gov.rs/operativni-plan-za-nastavak-rada-skola-u-otezanim-uslovima-uz-program-ucenja-na-daljiju-za-ucenike-osnovnih-i-srednjih-skola/>.

learning and daily routines important to children, as much as possible, through distance learning and support provided to children and families.

- A letter was sent to all municipalities with a recommendation to organise the work of commissions for assessing the need for additional educational, health and social support for children and pupils (interdepartmental commissions) in order to provide the necessary additional support to children and pupils even in the state of emergency.

During the preparation of the mock final exam in the online environment, the schools received special instructions on the ways of adapting this exam to the pupils who were educated according to an individual educational plan. The data were collected from the member states of the European Agency for Special Needs and Inclusive Education about the measures taken by their education systems in response to the situation after the declaration of the pandemic, and it was stated that in this new situation the Republic of Serbia acted like most EU member states.

In cooperation with UNICEF, the Ministry has developed a list of digital resources for supporting distance learning for children with developmental disabilities, which is complementary to the list of digital tools prepared by the SIPRU team and available to schools along with other guidelines prepared by the Ministry for schools concerning the education of children in need of additional support.

In cooperation with the UNICEF Office in Belgrade, an initiative was launched for the project “Digital Technology Library,” whose aim would be to equip with digital technologies the schools with the largest number of pupils from vulnerable groups, and to improve the digital skills of teachers and pupils.

The setting up of a national team for the implementation of the LearnIn initiative of the UNICEF Regional Office and the Pedagogical University of

Zurich is pending. A platform will be created to be a personalised learning resource for participants (teachers and pupils). This initiative was launched before the proclamation of the pandemic, but since then the focus has shifted to supporting education systems in the implementation of distance learning, through the organisation of three webinars/workshops for teachers, which covered topics relevant to the current situation and beyond (support to pupils during the COVID-19 crisis - 6 May 2020; support to pupils after return to school - 22 May 2020; support in the development of learning plans after the interruption of regular classes - 3 June 2020).

The purpose of SOS helpline was changed and it was used for providing psychosocial counselling support to pupils, parents and teaching staff during the organisation of distance learning. However, the response did not include the information whether this line was accessible to deaf persons.

As regards schools that educate pupils in prolonged home and hospital treatment, the Ministry states that they have many years of experience and developed practice of distance learning for pupils who are educated in special conditions due to their health status. In addition to TV lessons, in the conditions of the pandemic, they use information technologies, SMS, Skype, Viber, social media, as well as learning platforms, electronic textbooks and learning materials that can be found on the internet. They plan, organise and work one-to-one, in accordance with the individual educational plan, and great support in learning is provided by the pupils' parents with whom teachers are in daily contact. In residential care institutions for children and young people, classes are conducted remotely, through the institution's coordinator, who forwards instructions regarding classes to the person who is with pupils (educator, nurse) and from whom school receives feedback. In a complaint lodged with the Protector of Citizens, a home help beneficiary pointed out that during the state of emergency this service had not been fully provided, i.e. the geronto-housewife had stopped coming to his house to maintain hygiene. The City Social Welfare Centre and the Čukar-

ica Social Welfare Department informed the Protector of Citizens that the home help service had been reduced to the purchase of food and medicine in order to protect beneficiaries from contracting the new coronavirus. Having in mind that this information was contrary to the official position of the Ministry of Labour, Employment, Veteran and Social Affairs on the obligation of local self-governments to provide continuous service during the state of emergency with adequate protection measures, the Protector of Citizens requested additional information from the service provider - Gerontological Centre Belgrade, which confirmed that the provided service was reduced in order to protect the health of beneficiaries. After the Protector of Citizens' intervention, and upon lifting the state of emergency, the beneficiary informed the Protector of Citizens that the geronto-housewife resumed coming to his home to maintain the premises and hygiene, after which the Protector of Citizens suspended the procedure of controlling the competent bodies.

The Protector of Citizens pointed to the Social Welfare Centre of the City of Belgrade, the Secretariat for Social and Child Protection of the City of Belgrade and all other local self-government units and Gerontological Centres in the entire territory of Serbia the necessity of providing the full service of home help in continuity (including the complete maintenance and hygiene of housing space), provided that geronto-housewives and beneficiaries used protective equipment and implemented all protection measures, to those beneficiaries who had previously stated in writing that they wanted to be provided with the social protection service of home help in full also in the circumstances of the state of emergency proclaimed due to the COVID-19 pandemic.

The Protector of Citizens was addressed by a citizen who wanted to point out the difficult situation of an immobile fellow citizen that had no carer after the proclamation of the state of emergency. On that occasion, the Protector of Citizens addressed the City Social Welfare Centre - Voždovac Department

and received the information that this body had managed to find a carer for the elderly citizen during the state of emergency.

The Protector of Citizens was addressed by the parents of a child with autism requesting help regarding the provision of day care service for the child, which they had used before the introduction of the state of emergency in March of the current year.

The complainants informed the Protector of Citizens that at the beginning of May of the current year, the Secretariat for Social Protection of the Belgrade City Administration had received from the Belgrade City Public Health Institute the Instruction for the Implementation of Measures in Day Care Institutions for Children and Youth with Disabilities Ref: II-8 no. 1782/2, which envisaged a phased opening of day care centres, whereas in the first phase, parents/guardian of service beneficiaries would submit a certificate issued by their employer confirming that they performed work in the employer's head office or other business and organisational units. The complainants also stated that three months had passed, and their son still could not go to the day care centre, because the child's mother was not employed, and the father was retired, due to which they addressed the Protector of Citizens. In accordance with the above, the Protector of Citizens initiated a procedure of controlling the regularity and legality of the action of the Secretariat for Social Protection of the Belgrade City Administration and the Belgrade City Public Health Institute, and organised a meeting with representatives of these bodies.

According to the information submitted to the Protector of Citizens, the Secretariat for Social Protection of the Belgrade City Administration, in the context of the epidemiological situation caused by the outbreak and spread of the epidemic of the infectious disease COVID-19 in the territory of the City of Belgrade, continuously monitored and controlled the activities of the Centre for Accommodation and Day Care of Children and Youth with Develop-

mental Disabilities - a social protection institution founded by the City of Belgrade, consisting of 15 day care centres, evenly distributed in the City of Belgrade.

After the temporary suspension of the service during the state of emergency, the day care service was provided again starting from 1 June 2020, on the basis of the Secretariat for Social Protection's Decision no. XIX-01-072-108/2020 of 29 May 2020, in accordance with the previously adopted Instruction for the Implementation of Measures in Day Care Institutions for Children and Youth with Disabilities Ref: II-8 no. 1782/2 of the City Public Health Institute Belgrade dated 6 May 2020. This Instruction states that the opening of day care centres should be phased until their full capacity. In the first phase, starting from 1 June 2020, the admission of beneficiaries was possible with a certificate issued by the employer confirming that the parent/guardian performed work in the employer's head office or other business and organisational units, as provided by the Plan of Actions for Providing Day Care Services - the First Phase of Service Introduction, no. 1381 of 27 May 2020, adopted by the Centre for Accommodation and Day Care of Children and Youth with Developmental Disabilities. Complying with the Instructions, the institution provided the service in phases, and the first phase included 128 beneficiaries whose parents/guardians had a certificate of work obligation. On 29 June 2020, the institution informed the Secretariat that 242 surveyed parents of day care service beneficiaries stated that they needed the service in the coming period. Due to the complication of the epidemiological situation towards the end of June 2020, the City of Belgrade Mayor declared the state of emergency in the territory of the City of Belgrade, which entered into force on 3 July 2020. On 8 July 2020, the Secretariat ordered the Centre to conduct a survey on the possible preventive and voluntary cessation of using the service in accordance with the epidemiological situation. After the conducted survey, in accordance with the answers of parents, the service was provided to an average of 90 beneficiaries per day, out of the total of 128 who met the criteria for using the ser-

vice in the first phase. Since after the beginning of the first phase there was a great interest in providing the service to a larger number of beneficiaries, on 31 July 2020 the Secretariat sent a letter to the Institution with a request to submit the Proposed Measures for Initiating the Second Phase of Day Care Service, in accordance with assessed risks and all recommendations of the competent institutions for the conduct of employees and beneficiaries in the institution. It was planned to cover a larger number of beneficiaries whose parents were single and over 65 years of age in the second phase. The City Public Health Institute agreed with the Proposed Measures, noting that it was not authorised to determine the criteria for the use of these services in relation to the status of parents. On 25 August 2020, the Emergency Response Team of the City of Belgrade adopted the Plan of Measures for Action in Providing Day Care Services - Second Phase of the Centre for Accommodation and Day Care of Children and Youth with Developmental Disabilities of 6 August 2020. After the improvement of the epidemiological situation, in accordance with the recommendations of the Ministry of Labour, Employment, Veteran and Social Affairs no. 551-00-00411/2020-19 of 21 August 2020 regarding the resumed work of day care centres, and based on the expert opinion of the Belgrade City Public Health Institute, which recommended the relaxation of restrictive measures in the provision of day care services, on 1 September 2020, the Institution submitted to the Secretariat the Amended Plan of Actions for Providing Day Care Services - Second Phase, which envisaged the provision of the service to all interested beneficiaries, in phases, fully respecting the plan of measures of the competent epidemiological service to reduce the risk and prevent the spread of the infectious diseases COVID-19, as approved first by the Belgrade City Public Health Institute, and then also by the Emergency Response Team of the City of Belgrade.

The Amended Plan envisaged that the day care service of the Centre for Accommodation and Day Care of Children and Youth with Developmental Disabilities would be provided to all interested beneficiaries starting with 7

September 2020 in phases - weeks, all with the aim of reducing the spread of the infectious disease COVID-19. The National Organization of Persons with Disabilities of Serbia addressed the Protector of Citizens pointing out numerous problems faced by persons with disabilities during the state of emergency and movement restriction. Regarding this issue, the Protector of Citizens joined the appeal of the National Organization of Persons with Disabilities to the competent authorities to ensure the unhindered functioning of community support services during the state of emergency, such as supported housing, personal assistants, personal companions of children and geronto-housewives.

Having learned from the media that after the termination of the state of emergency the citizens would be allowed to use the public transport service in Belgrade only with personalised cards A1 or A2 or one-, three- or five-day cards and a work order issued by the employer, the Protector of Citizens requested from the Public Transport Secretariat of the Belgrade City Administration to provide the public transport service also to all persons with disabilities that used transport free of charge and possessed a certain category of valid transport cards, with a work order issued by the employer. The public transport service was eventually provided to all users without the aforementioned restrictions.

Performing the tasks of the National Preventive Mechanism against Torture during the state of emergency, the Protector of Citizens did not visit the social protection institutions of residential care type, having in mind a large number of infected beneficiaries and employees.

Having in mind the information received from certain civil society organisations about the complaints they received, mainly related to the inability of beneficiaries to spend time in the fresh air, i.e. to be taken for a walk, and difficulties in maintaining contacts with family members, the National Preventive Mechanism against Torture (hereinafter NPM), after the lifting of the

state of emergency and the improvement of the epidemiological situation, made a plan of visits to these institutions - the first of which was the Residential Care Institution for Adults and Persons with Disabilities in Zemun. The intended purpose of the visit was a thematic examination of the position of particularly vulnerable categories of social protection service beneficiaries in residential care, such as elderly persons with physical disabilities in the conditions of the COVID-19 epidemic.

Although the NPM does not have an obligation to announce its visits, given the epidemiological situation, the visit was announced to the Ministry of Labour, Employment, Veteran and Social Affairs and to the institution. In this announcement, the Protector of Citizens stated its mandate and working methodology, and the fact that all NPM team members during the visit would adjust their standard working methods to the new situation and use all protective equipment so that the health of beneficiaries would not be endangered at any time. However, the NPM was not allowed to conduct the visit with the explanation that the line ministry did not allow the entrance to the institution's facilities due to the epidemiological measures, and that the Order prohibiting visits and restricting movement in residential care facilities for the elderly (*Official Gazette of the RS*, nos. 28/2020, 66/2020 and 87/2020) was in force. It can be concluded that this practice is a disproportionate limitation of the mandate of a human rights protection mechanism and the undermining of international standards, and that the NPM team members should be allowed to visit all institutions without exception, while the mandatory use of protective equipment by NPM team members during the visit is an appropriate measure for eliminating epidemiological risks. The competent ministry was informed about the obligation of cooperation of administrative bodies with the Protector of Citizens and the obligation to allow the NPM to fulfil its mandate.

Over the past three months, the NPM visited the psychiatric institutions treating forensic patients, in order to monitor the treatment of persons in

the execution of security measures of compulsory psychiatric treatment and custody in a health institution, compulsory treatment of drug addicts and compulsory treatment of alcoholics, as well as the execution of relevant protective measures imposed in misdemeanour proceedings. Although the visit focused on forensic patients, the NPM also paid attention to the manner of adhering to the epidemiological measures to protect against the infectious disease COVID-19, as well as the manner of exercising the rights of persons placed in these institutions in these circumstances. It was established that the epidemiological protection measures were fully applied in all institutions in accordance with the recommendations of the Public Health Institute Batut, that there were isolation rooms for persons with symptoms or persons to be admitted to the institution, to avoid their contact with other patients in the period of 14 days. There were no coronavirus patients in the visited institutions, except in the Special Hospital for Psychiatric Diseases Gornja Topionica. From the first case of infection in March to the end of May of the current year, the healthcare workers worked in coveralls, rapid serological tests and, if necessary, PCR tests were performed in the process of admitting new patients, and until the test results arrived they stayed in the isolation room. If symptoms developed in employees, they were sent to self-isolation until they were completely cured. In this institution, after the healing of infected patients, appropriate epidemiological measures continued to be implemented, disinfection barriers were placed at the entrance to the building, and new beneficiaries had to be tested. After the first case of infection in March, there were no newly infected patients.

At the time of the NPM's visit, visits to patients in the Special Hospital for Psychiatric Diseases Dr. Slavoljub Bakalović in Vršac were allowed only outdoors, while other institutions did not allow visits. In all institutions, patients were allowed to have contact with the outside world via phone, either by using telephone booths or officials' phones, or by being allowed to keep mobile phones with them and to be in constant contact with the outside

world. In addition, in all visited institutions, patients were allowed to stay in the fresh air, i.e. to walk in the courtyard of the facility.

Since mid-April 2020, when the news appeared regarding the coronavirus in gerontological centres, several residential care facilities for the elderly and sick, institutions for family accommodation and shelters for children and youth, as well as residential care institutions for persons with disabilities, the Urgent Action Department began to initiate the procedures of controlling these institutions founded by the Republic of Serbia or local self-governments. At the same time, the Protector of Citizens addressed the competent ministry requesting the control of the work of privately-owned residential care institutions. The reasons for initiating the procedure were: determining what protective measures had been taken to prevent the infection of beneficiaries and employees with the coronavirus and what measures had been implemented after establishing the presence of the coronavirus among beneficiaries and employees; determining when the coronavirus had first appeared in beneficiaries; determining the number of infected beneficiaries; determining when and whether all competent institutions had been notified of the coronavirus in the institution. Answering to the NOOIS questionnaire, the Protector of Citizens mentioned that the procedures were still ongoing and the submission of complete information was pending, after which the Protector of Citizens would be able to consider further steps.

The Protector of Citizens received a complaint from the parents of a child who was a beneficiary of the In-patient Clinic for Children and Youth with Autism in Belgrade, stating that about 50 beneficiaries of the average age of 30 were placed in this institution. It was pointed out that an integral part of the facility was a spacious paved courtyard with benches and a fence, a dozen pines and other trees, but since the beginning of the coronavirus epidemic, the beneficiaries had not been allowed to enter the Clinic courtyard, although all the conditions for spending time outdoors were fulfilled.

The Protector of Citizens addressed the Centre for Accommodation and Day Care of Children and Youth with Developmental Disabilities (one of whose parts is the In-patient Clinic for Children and Youth with Autism in Belgrade) and requested its response to the allegations from the complaint, and in particular to inform the Protector of Citizens whether the beneficiaries of the In-patient Clinic were allowed to go out to the courtyard, as well as what measures had been taken in order to protect the health of the beneficiaries from the coronavirus epidemic. The Protector of Citizens also addressed the Ministry of Labour, Employment, Veteran and Social Affairs and requested to be informed about whether the beneficiaries were allowed to stay in the courtyard and under what conditions once the Ministry had controlled the work of the In-patient Clinic. The representatives of the Protector of Citizens' Secretariat met with the representatives of the Council of Parents of the In-patient Clinic for Children and Youth with Autism.

At the request of the Protector of Citizens, the Centre for Accommodation and Day Care of Children and Youth with Developmental Disabilities submitted its response stating, among other things, that they had organised a walk in groups of up to five beneficiaries per employee, for two or three groups of beneficiaries, twice a day. The morning walks took place from 9:30 a.m. to 11:00 a.m., while the afternoon walks took place from 4:30 p.m. to 5:30 p.m. Regarding the protection of the health of the In-patient Clinic beneficiaries, the Centre stated that the In-patient Clinic employees acted in accordance with the instructions, orders and directives of the competent authorities. The Ministry of Labour, Employment, Veteran and Social Affairs submitted to the Protection of Citizens its response specifying the orders and instructions issued by the Ministry in relation with the visits and movement of In-patient Clinic beneficiaries.

After receiving its response, the Protector of Citizens again addressed the Ministry of Labour, Employment, Veteran and Social Affairs and requested the information about whether they had considered the possibility of allow-

ing the parents of the children placed in the In-patient Clinic for Children and Youth with Autism to visit their children. After this request, on 22 August 2020 the Ministry published on its website the information that the visits to residential care institutions and homes for the elderly had been allowed since 20 August 2020, in accordance with the new Conclusion of the COVID-19 Infection Disease Crisis Response Team of the Government of the Republic of Serbia. On that occasion, the Minister for Labour, Employment, Veteran and Social Affairs sent to all institutions and homes the *Instruction on the manner of work of social protection institutions for residential care of beneficiaries and social protection organisations for providing residential care services for adults and the elderly in organising visits to residential care beneficiaries*. Therefore, there was no basis for further action by the Protector of Citizens regarding this complaint.

9 **Analysis of answers to the questionnaires for executive branch authorities about the measures taken to ensure the exercise of the rights of persons with disabilities during the COVID-19 pandemic and the state of emergency**

Analysis of answers to questions related to social protection

Answering the NOOIS questionnaire, the Ministry of Labour, Employment, Veteran and Social Affairs stated that it had established a system of continuous reporting in the social protection system, issued instructions and orders for the actions of institutions and organisations with the aim of protecting the health of beneficiaries and employees, established cooperation with all relevant bodies and services, mediated in cooperation of institutions and social protection organisations with relevant bodies and services, provided protective and sanitary-hygienic materials to institutions and organisations, etc.

At its official website, the Ministry publishes daily reports with the list of (state) institutions and (private and non-governmental) organisations in which the coronavirus has been recorded among beneficiaries and/or

employees, and a total number of beneficiaries and employees. The obligation of institutions and organisations to report daily on the health status of beneficiaries and employees has been established. All institutions and organisations, in particular those providing the service of residential care, were enabled to contact the Ministry via e-mail or through Viber groups 24/7. The Ministry has issued 47 instructions and orders³⁸, which had to be complied with, regulating the obligation and way of the implementation of preventive and sanitary-hygienic measures in institutions and organisations, in particular those providing the service of residential care, by employees and beneficiaries; the way of organising quarantine (14-day shifts) when the infection occurs in the institution and preventive quarantine/isolation in order to prevent the occurrence of infection in the institution; organisation of walks of beneficiaries and visits to beneficiaries; return to work of employees after absence from work; manner of receiving packages; organisation of vaccination of beneficiaries and employees, etc.

Answering the NOOIS questionnaire, the Ministry of Labour, Employment, Veteran and Social Affairs stated that they had established successful cooperation with all authorities and services responsible for the protection of public health, the Public Health Institute of Serbia and all epidemiological services in the territory of the Republic of Serbia, the Crisis Response Team of the Republic of Serbia's Government and local self-governments in whose territories residential care institutions and organisations were located.

In order to better protect the health of beneficiaries and organise work during the epidemic in public residential care institutions, the Conclusion of the Republic of Serbia's Government of 28 May allowed additional employment of 455 carers and medical technicians also in all residential care institutions.

38 <https://www.minrzs.gov.rs/sites/default/files/vanredno-stanje/Pregled%20akata%20V18%20završena.pdf>

Answering the NOOIS questionnaire, the Ministry of Labour, Employment, Veteran and Social Affairs stated that since the outbreak of the epidemic none of the beneficiaries placed in the institutions for persons with physical and sensory disabilities had been infected with the coronavirus. It stated that on the day of submitting the answer, there were no infected beneficiaries in the residential care institutions for persons with physical and sensory disabilities and persons with intellectual and mental disabilities. However, in December 2020, the IS COVID-19 website (Information System COVID-19) informed about the presence of the coronavirus among the beneficiaries and/or employees of the residential care institutions for persons with physical and sensory disabilities and persons with intellectual and mental disabilities in Aleksinac, Blace, Belgrade, Veternik, Doljevac, Kuline and Tutin.

Answering the NOOIS questionnaire, the Ministry of Labour, Employment, Veteran and Social Affairs stated that local self-governments were responsible for the provision of daily community services and support services for independent living, which leads to the conclusion that the Ministry did not take any additional measures to support local self-governments to continue to provide these services guaranteed by the Law on Social Protection during the pandemic.

Analysis of answers to questions related to employment

Answering the NOOIS questionnaire, the Ministry of Labour, Employment, Veteran and Social Affairs stated that during the pandemic and the state of emergency it had regularly paid salary subsidies for persons with disabilities to companies for professional rehabilitation and employment of persons with disabilities.

In addition, in accordance with the Decree on fiscal benefits and direct aid to economic entities in the private sector and monetary aid to citizens aimed at mitigating economic consequences caused by the disease COVID-19, private companies for professional rehabilitation and employment of persons with disabilities exercised the right to receive the payment of minimal net salaries for all employees in the period of 5 months.

In the circumstances of emergency caused by the spread of infectious disease COVID-19, the Ministry of Labour, Employment, Veteran and Social Affairs stated that it had organised its work by using all available channels of communication and working on establishing new ones so that all citizens of the Republic of Serbia, and above all persons with disabilities, had accurate and precise information regarding the situation and their rights and obligations at all times.

In the circumstances of emergency, a number of companies for professional rehabilitation and employment of persons with disabilities sent employees to work from home, and the work in the employer's head office was performed strictly in compliance with mandatory measures and measures recommended by the COVID-19 Infection Disease Crisis Response Team.

Answering the NOOIS questionnaire, the Ministry of Labour, Employment, Veteran and Social Affairs stated that a number of companies for professional rehabilitation and employment of persons with disabilities had performed the activities of production and service, and on several occasions these companies donated protective masks and disinfectants to the Ministry of Labour, Employment, Veteran and Social Affairs, which the Ministry donated to organisations and institutions in its purview, in accordance with the set priorities.

Analysis of answers to questions related to education

In its answer to the NOOIS questionnaire, the Ministry of Education, Science and Technological Development stated that it had organised distance learning due to the epidemiological situation in the country caused by COVID-19, and for the purpose of proper and uniform action of educational institutions in the implementation of the Government of the Republic of Serbia's Decision on the suspension of teaching in higher education institutions, secondary and primary schools and regular work of preschool education institutions (*Official Gazette of the RS*, nos. 30/2020 of 15 March 2020), in accordance with the Decision proclaiming the state of emergency (*Official Gazette of the RS*, no. 31/2020 of 15 March 2020) of 17 March 2020. The in-person education in preschool institutions and in all primary and secondary schools and higher education institutions was temporarily suspended. The Ministry of Education, Science and Technological Development adopted an operational plan that included a large number of different programmes and alternative digital methods of teaching and learning in preschool institutions, in all grades of primary and secondary school, and focused on the organised distant learning that contributed to teaching the programme contents of general subjects and vocational subjects with the largest number of classes.

Before the beginning of the school year 2020/2021, the *Instruction on organising and delivering teaching in primary and secondary school* and the *Instruction on measures for protecting the health of pupils and employees in schools* were forwarded to primary and secondary schools.

The Decision on recording lessons and broadcasting them on RTS2, RTS3 and RTS Planeta was adopted. In parallel, teachers were prepared to record educational materials at home. Thanks to UNICEF, which procured and donated Camtasia software licences in a very short period of time, the recording of lessons at home began in early April 2020, and their broadcasting on RTS

channels began in mid-April. New ways of implementing distance learning have been designed in accordance with the possibilities of the system and short deadlines. The establishment of a national online learning platform at *mojaskola.gov.rs*, which supports the lessons broadcast on RTS, introduces interactivity through tests and contributes to building pupils' self-regulation in learning. In cooperation with the Office for Information Technologies and E-Government of the Government of the Republic of Serbia (hereinafter: the Office), the website *rasporednastave.gov.rs* was established; it contains the schedule of RTS lessons, a link to the platform My School - *mojaskola.gov.rs*, recommendations for establishing online communication between teachers and pupils (software solutions and instructions).

In cooperation with the Office, which provided technical support and hosting, the learning management system Moodle was installed - *My School*. Moodle is a free and open-source software widely used in the world, as well as in our educational system. The Sector for Digitalisation in Education and Science of the Ministry of Education manages the work of the My School portal. From the beginning of distance learning, teachers of general subjects employed in primary and secondary schools contributed to a wealth of digital content on the portal. They prepare tests, on a volunteer basis, which are then placed on the platform by a group of teachers with appropriate digital skills, also on a volunteer basis. Cooperation was also established with professional associations that delegated teachers, thus contributing to the sustainability of this portal.

Educational content is broadcast on TV channels RTS2 and RTS3, and is also available by downloading the free application *RTS My School* for mobile phones and tablets, on the RTS website and the multimedia platform RTS Planeta (<https://mojaskola.rtsplaneta.rs>).

In order to ensure continuous education and support to children and pupils with developmental challenges and disabilities, the following has been done:

- A letter was sent to all primary and secondary schools with instructions to pay special attention to the organisation of distance teaching for children with disabilities;
- Additional recommendations were issued to schools for pupils with developmental challenges and disabilities in order to continue with learning and daily routines important to children, as much as possible, through distance learning and support provided to children and families;
- A letter was sent to all municipalities with a recommendation to organise the work of commissions for assessing the need for additional educational, health and social support for children and pupils (interdepartmental commissions) in order to provide the necessary additional support to children and pupils even in the state of emergency;
- Guidelines for adapting video lessons to pupils with disabilities were developed;
- In cooperation with UNICEF, a list of digital resources for distance learning support to children with developmental disabilities was compiled;
- During the preparation of the mock final exam in the online environment, schools received special instructions on the ways of adapting this exam to pupils who are educated according to an individual educational plan;
- The purpose of SOS helpline was changed and it was used for providing psychosocial counselling support to pupils, parents and teaching staff during the organisation of distance learning;

- Software that converts speech into text has been provided, so that now all teaching content that is recorded and broadcast on TV channels will be subtitled;

The Ministry states that it is in constant communication with schools and that during the epidemic, in addition to TV lessons, they use information and communication technologies, email, SMS, Skype, Viber, social media, as well as learning platforms, electronic textbooks and learning materials that can be found on the internet, in their work with pupils with developmental disabilities. The choice of content and the instructions are aligned with the individual educational plan, while the choice of digital devices depends on the pupil's functionality. Where the use of ICT is not possible, adapted printed materials are prepared and delivered to pupils. A great help in learning is provided by the pupils' parents with whom teachers are in daily contact. However, the Ministry failed to answer more precisely the questions of how video lessons broadcast on television or via the internet were made accessible to blind pupils and to what extent they were translated into sign language for deaf pupils. Moreover, the role of pedagogical assistants in distance learning was not specified.

Regarding the opportunity for all pupils to be informed about the protection against the coronavirus, in order to attend school safely, the Ministry stated that this information had been provided in the form of animated films that conveyed easily understandable information. In addition, the Ministry recognised the need to translate them in the languages of national minorities and to provide accessible information materials for hard of hearing pupils, which is a very important step forward and valuable contribution to the efforts towards making the response to the pandemic inclusive. UNICEF, a partner in this activity, provided support for translation of video materials into Hungarian, Romani, Slovak, Romanian, Croatian and Rusyn languages, as well as interpretation into sign language. These videos are available at: <http://www.mpn.gov.rs/informacije-o-zastiti-od-virusa-kovid-19-i-na-jezicima-manjjina/>

Analysis of answers to questions related to security and emergency management

The Ministry of Interior submitted the answers of the Police Station Majdanpek, the Police Department Bor and the Police Department Smederevo on the measures taken during the state of emergency and the pandemic. They stated that they had taken measures to inform persons with disabilities about the need to stay in their homes as long as possible and apply all epidemiological protection measures as much as possible, and to address the centres designated by local self-governments to help them with anything they may need. Referral to other competent authorities and networking at the local level is a good example of a multisectoral approach. The Police Department Smederevo established a call centre with employed police officers in charge of monitoring the measures of self-isolation and information on the implementation of current epidemiological measures.

The Police Station Majdanpek stated that they had taken measures to allow unrestricted movement to persons helping persons with disabilities, through cooperation of the Ministry of Interior and local self-government concerning the issuance of movement permits for the purpose of unhindered help for persons with disabilities. By applying such multisectoral approach, they solved a huge problem and set an example of good practice. The Police Department Smederevo stated that during curfew hours the call centre had a few requests for allowing the unrestricted movement of persons providing care to persons with disabilities. In such cases, persons were referred to the competent service of the Smederevo City Administration, where it was possible to engage Red Cross volunteers or prove the status of carer to obtain a movement permit from the Ministry of Interior.

The police in Majdanpek cooperated with personal assistants and competent local self-government bodies to make the information on measures during the pandemic and the state of emergency accessible to persons

with sensory disabilities and persons with intellectual disabilities. The Police Department Smederevo stated that the call centre had not received any call related to the provision of information in accessible format. The Police Department Majdanpek stated that they had taken measures to facilitate the delivery of humanitarian aid consisting of food and hygiene products to persons with disabilities during the pandemic and the state of emergency, in coordination with the centres designated by local self-governments to help persons with disabilities. The Police Department Smederevo stated that they had not been engaged in the delivery of humanitarian aid to these persons.

The Ministry of Interior stated that due to the adoption of the Decision proclaiming the state of emergency in the territory of the Republic of Serbia (*Official Gazette of the RS*, no. 29/2020 of 15 March 2020), in accordance with the Decree of the Government of the Republic of Serbia on the organisation of employers' work during the state of emergency, with the aim of containing the spread of COVID-19 and protecting all employees, the Ministry had implemented the following measures:

Police officers with the SD (special duties) status and employees in the positions of civil servants and state employees: Employees over 60 years of age and chronically ill employees were allowed to suspend work, after which they received salary compensation in accordance with Article 117 of the Law on Labour (*Official Gazette of the RS*, nos. 24/05, 61/05, 54/09, 32/13, 75/14, 13/17-*YC*, 113/17, 95/18 - *authentic interpretation*). The chronically ill were obliged to submit to their immediate supervisor a statement given under full criminal and material liability confirming that at the time of giving the statement they had a diagnosed chronic illness, accompanied with an envelope containing a photocopy of the medical documentation in their possession at that time. The Ministry of Interior reserved the right to verify the submitted data. The following employees were allowed to suspend work: those with a child under the age of 12 or a minor child with developmental disabilities or

an adult child over whom only one parent exercised the extended parental right, as well as single parents.

Employees with a child under the age of 12 had to submit a certificate issued by the other parent's employer confirming that he or she could not suspend work to take care of the child or, depending on the grounds for the suspension of work referred to in point 2, other relevant evidence or statement given under full criminal and material liability. The Ministry of Interior reserved the right to verify the submitted data.

Employees assigned to jobs whose performance was possible from home, were allowed to work from home, with the consent of their immediate supervisor and line manager, in the manner and under the conditions prescribed by the Government of the Republic of Serbia in its Decree on the organisation of employers' work during the state of emergency.

Due to the worsened epidemiological situation in the country, and in connection with the declared COVID-19 pandemic, it was recommended to the heads of the Ministry of Interior's organisational units to allow employees with determined chronic illnesses due to which they were particularly at risk (diabetes, lung diseases or oncology patients), to work outside the official premises - from home, at their request.

Police officers temporarily absent from work because of their confirmed COVID-19 disease or because of the implementation of a measure of isolation or self-isolation imposed in connection with that disease, which occurred as a result of direct exposure to risk while performing work and tasks, i.e. in the course of official duties and contacts with persons with confirmed COVID-19 disease or to whom a measure of isolation or self-isolation has been ordered, shall be entitled to a salary compensation in the amount of 100% of the basic salary, and to the contribution for extended pensionable service for police officers in the positions with extended pensionable service.

Employees with the status of civil servants and state employees shall be entitled to a salary compensation in the amount of 100% of the basic salary for the month in which they were temporarily absent from work because of their confirmed COVID-19 disease or because of the implementation of a measure of isolation or self-isolation imposed in connection with that disease, which occurred as a result of direct exposure to risk while performing work and tasks, i.e. in the course of official duties and contacts with persons with confirmed COVID-19 disease or to whom a measure of isolation or self-isolation has been ordered.

General and special prevention measures, ordered by dispatches of the Human Resources Sector of the Ministry of Interior, in accordance with the decisions of the competent authorities, are in force.

The Ministry of Interior stated that during the state of emergency its Sector for Emergency Situations, in addition to performing its regular activities, had monitored the work of emergency response teams and issued certain instructions (guidelines) in the implementation of the measures of the Government of the Republic of Serbia and/or the COVID-19 Crisis Response Team of the Republic of Serbia.

The instructive acts referred to monitoring the implementation of measures, focusing on the most important data to be monitored and the way of reporting. The instructive act of 17 March 2020 mainly referred to the data that the emergency response teams of all local self-governments had to submit through the competent administrations and Department for Emergency Situations, as follows:

About all capacities of local self-governments for the efficient implementation of measures aimed at preventing the spread of the virus;

- All social welfare centres were requested to provide data about all vulnerable categories of the population, including their addresses and

phone numbers, to supply them with food and medicines in an organised manner through volunteers and regular services;

- Setting up immediately the call centres to receive calls from citizens in need of help or delivery of food and medicines;
- All local electronic and print media were obliged to broadcast updated instructions on behaviour and measures to prevent the spread of the virus, as well as to print leaflets;
- Facilitating unhindered work of all emergency services and
- Other activities.

It should be noted that persons with disabilities, except for persons over 65 years of age and persons without family assistance, were not recognised as vulnerable category of the population, which certainly is not in accordance with the Sendai Framework for Disaster Risk Reduction, which requires accessibility and inclusiveness for all persons with all types of disabilities.

The Ministry of Interior states that it complied with all the acts adopted by the Government of the Republic of Serbia during the state of emergency, and issued movement permits, within the scope of its competences, at the request of the relevant ministries, bodies and institutions addressed by citizens.

In accordance with the Decree on measures during the state of emergency (*Official Gazette of the RS*, no. 31/20), which prescribed the exceptions for the ban on movement, the Ministry of Interior allowed unrestricted movement to persons with disabilities. Blind, visually impaired, deaf or hard of hearing persons, as well as persons who, due to the existence of similar impairments, cannot move independently, were allowed to move accompanied by one adult (one parent or guardian). Moreover, unrestricted movement was allowed also to persons that helped persons with disabilities on the basis of work permits for moving during curfew; their requests for the issuance of

permits submitted to local self-governments were forwarded to the Ministry of Interior through the competent ministry. In cooperation with social welfare centres, persons taking care of the elderly, immobile persons and persons with disabilities were identified in order to allow them to move freely during the state of emergency. In case of urgency and unforeseen circumstances, all persons who contacted the duty service, with concrete evidence, were allowed to move freely in order to provide assistance to persons with disabilities during the pandemic and the state of emergency.

Police officers of the Ministry of Interior allowed unrestricted movement to all persons who had a permit issued by municipal crisis response teams for the purpose of assisting persons with disabilities, while persons found without a permit while moving for the purpose of providing assistance and care, were referred to municipal crisis response teams to obtain movement permits.

Through the call centres of the regional police departments, information was provided to citizens about the issuance of certificates for the movement of persons who cared for persons with disabilities or special needs. The citizens who called duty services asking whether they were allowed to take a person with disabilities to a doctor during curfew, were informed by police officers that they were allowed to take a person to a health care institution and that they needed to take the shortest way and apply all the measures adopted by the Government of the Republic of Serbia (wearing protective equipment) and that after the examination and returning home they had to inform about it the duty service by phone. Police officers in the field were informed about this. In cases where the aforementioned persons were found and controlled, they were allowed to move because they had the certificates of local emergency response teams.

In addition, as regards the issuance of personal documents, persons with disabilities or special needs could submit a request if any of these docu-

ments ceased to be valid. Spouses, close relatives and legal representatives of a foreign citizen with disabilities could, at any time, obtain the necessary information about the temporary residence of a foreign citizen with disabilities. Based on the documentation required for temporary residence of a foreign citizen and the degree of his or her disability, police officers went to the address of foreigner's temporary residence, bringing a prepared request form that the foreigner was informed about and had to sign. After the approval of temporary residence, the travel document was delivered to him or her personally.

In certain cases (lack of means of transport, etc.), police officers also assisted the carers of persons with disabilities by submitting the necessary documentation related to persons with disabilities instead of them, and then took the certificates for movement issued by local self-governments and delivered them to the home address of the carers of persons with disabilities.

The Ministry of Labour, Employment, Veteran and Social Affairs adopted a decision allowing persons who provided care and assistance to persons with disabilities to move during the ban on movement to citizens. In addition, healthcare workers had permanent movement permits and many of them provided assistance to persons with disabilities, while carers of persons with disabilities or persons with special needs had a special permit issued by the competent authority allowing them to move during the movement ban. The movement ban did not apply to persons in need of medical assistance and another accompanying person in cases of necessary medical assistance in health care institutions, which means that persons with disabilities were allowed to be provided with professional medical assistance in any case, as stated by the Ministry of Interior in its response to the NOOIS questionnaire.

The Ministry of Interior stated that it had opened a special email account (infokoronavirus@mup.gov.rs) through which all the necessary information on measures during the pandemic and the state of emergency was acces-

sible to persons with sensory disabilities and persons with intellectual disabilities. The Ministry of Interior published recommendations and instructions regarding the epidemiological situation, the state of emergency and the exercise of rights (in particular in the field of administrative affairs and general police work on the issuance of movement permits). It was done through the media, which cooperated with the Ministry of Interior's Media and Communication Department, and by referring to the official website and the Facebook and Instagram pages of the Republic of Serbia's Ministry of Interior. However, the Ministry did not provide more details about how it made the information on measures during the pandemic and the state of emergency through the aforementioned email accessible to persons with sensory disabilities and persons with intellectual disabilities.

The information was available to all citizens through the duty services and on the notice boards in the police stations, through the person authorised for the provision of information, media outlets and social media, and all police officers that were addressed by citizens.

In its guidelines on the work of emergency response teams, the Sector for Emergency Situations of the Ministry of Interior pointed to the obligation of local self-governments to focus particularly on informing the public about the way of getting help, especially for vulnerable population groups. The information on measures during the pandemic and the state of emergency was provided to persons with sensory and intellectual disabilities through the activities of emergency response teams, where team members provided the information to social welfare centres, whose employees were obliged to provide persons with disabilities with all information relevant to that category of the population, in an adequate manner.

In coordination with representatives of local self-governments and health care institutions, which have also established their call centres, persons with sensory disabilities and persons with intellectual disabilities were referred

or informed about measures during the pandemic with the help of volunteers or police officers. In addition, on-duty police officers who received calls to 192, and who were informed on a daily basis about the prescribed measures during the pandemic, provided the necessary information to citizens.

In accordance with the possibilities in the context of epidemiological situation and the state of emergency, local projects dealing with the problem of disability were implemented.

The Ministry of Interior stated that the Police Department Kragujevac, on the basis of the Ministry's approval, had implemented a project initiated by the Association of Deaf and Hard of Hearing Persons of the City of Kragujevac with the aim of overcoming the problem of communication of deaf and hard of hearing persons in emergency situations. Within the framework of this project, the Association of Deaf and Hard of Hearing Persons of the City of Kragujevac provided a software solution and technical devices that allowed deaf and hard of hearing persons to contact the Police Department Kragujevac (via text messages) seeking assistance through donated mobile devices (tablets) available in the Police Department Kragujevac. This is an example of good practice.

The Ministry of Interior stated that it had intensively cooperated with representatives of local self-governments, humanitarian organisations and persons who voluntarily distributed humanitarian aid, by identifying them in the field and pointing out the needs of persons with disabilities during the pandemic and the state of emergency. All requests of persons with disabilities during the state of emergency for the delivery of humanitarian aid in food and hygiene products were urgently forwarded to emergency response teams for the purpose of organisation and delivery of food and hygiene products.

Most local self-governments developed methods and organised help to the population who needed it through a network of volunteers. Until the establishment of a single application, they engaged the units of general-purpose civil protection, civil protection commissioners and deputy commissioners, entities of special importance for protection and rescue who were able to use their available capacities to perform the tasks received from the emergency response teams.

Thanks to the national platform “Be a Volunteer” (budivolonter.gov.rs), developed by the Ministry of Interior (Sector for Emergency Situations and Sector for Analytics, Telecommunication and Information Technologies) together with the IT Office of the Government of the Republic of Serbia, in the period from 24 March 2020 to 6 May 2020 when the state of emergency was lifted, every day about 7,000 people in 27 towns and municipalities were engaged in helping their fellow citizens.

By the Conclusion of the Government of the Republic of Serbia, the National Contact Centre for Volunteers was established and all the time was under the control of the Ministry of Interior - Sector for Emergency Situations, with the support of the IT Office of the Government of the Republic of Serbia. During the pandemic and the state of emergency, through the safe and secure platform, a network of volunteer support distributed to persons over 65 years of age, who were in mandatory isolation, and to other citizens who needed this type of assistance, over 190,000 aid parcels and provided other services, such as the purchase of medicines, food and other types of assistance.

The total number of volunteers who participated in the aid network and were ready to provide support to citizens on a daily basis was about 20,000. The volunteers consisted of members of the Volunteer Fire Brigades (over 2,000), about 5,000 members of general civil protection units and civil protection commissioners, over 8,000 volunteers, over 3,500 members of the

Serbian Red Cross, as well as 200 students and about 1,000 other citizens. Local self-governments and social welfare centres were responsible for the database, i.e. the lists of vulnerable individuals that needed this type of assistance during the state of emergency.

Analysis of answers to questions related to health care

Unfortunately, despite repeated calls, the Ministry of Health did not provide answers to the NOOIS questionnaire, due to which in formulating conclusions and recommendations for this crucial field, the researchers could rely only on the answers of associations of persons with disabilities about the exercise of rights and the limitations and challenges faced by their members during the COVID-19 pandemic and the state of emergency, the answers of independent human rights bodies about the measures taken to protect the human rights and fundamental freedoms of persons with disabilities during the pandemic, the findings of focus groups held with activists of organisations of persons with disabilities and the in-depth interviews with persons with disabilities.

10 **Conclusions and recommendations**

Taking into consideration the review of the existing regulations and strategic documents, the findings of other research papers on this topic published before the beginning of December 2020, the answers of associations of persons with disabilities about the exercise of rights and the limitations and challenges faced by their members during the COVID-19 pandemic and the state of emergency, the answers of the ministries responsible for labour, employment, social protection, education, health care and internal affairs to the NOOIS questionnaire about the measures taken to ensure the exercise of the rights of persons with disabilities during the pandemic, the answers of independent human rights bodies about the measures taken to protect the human rights and fundamental freedoms of persons with disabilities during the pandemic, the findings of focus groups held with activists of organisations of persons with disabilities and the in-depth interviews with persons with disabilities, it is possible to reach the following conclusions and give the following recommendations.

The COVID-19 pandemic showed that the regulations and strategic documents of the Republic of Serbia were not sufficiently inclusive, because persons with disabilities in Serbia were not recognised as part of the population that was particularly exposed to the risk of infectious diseases at the beginning of the pandemic. Protection and mitigation measures taken at the beginning of the pandemic often did not include persons with disabilities, or did not take into account adjustments necessary for persons with disabilities. Persons with disabilities were forgotten and invisible at the beginning of the COVID-19 pandemic and their situation improved only after the intervention of the disability movement and independent human rights institu-

tions - legal acts were amended and measures were somewhat adapted to be more inclusive and cover persons with disabilities. The response to the pandemic must be in accordance with the measures recommended in the Joint Statement on Persons with Disabilities and COVID-19 of the Committee on the Rights of Persons with Disabilities and the Special Envoy of the United Nations Secretary-General on Disability and Accessibility.³⁹

Regarding the **field of health care**, the Law on Protection of the Population from Infectious Diseases does not contain any special provisions on how to ensure that the measures for protecting the population are inclusive and accessible to persons with disabilities. It has turned out that during the pandemic, the already insufficiently accessible health care system became even more inaccessible for persons with disabilities. General health care services have become even less accessible for these persons, specific services aimed at health care and medical rehabilitation of persons with disabilities have become even more sporadic and health care for COVID-19 patients has not been sufficiently inclusive or accessible for persons with disabilities. Information and communications about the epidemiological measures for protection against COVID-19 were not sufficiently accessible either. Therefore, it is necessary to take the following measures:

- Amend the Law on Protection of the Population from Infectious Diseases by introducing:
 1. Amendment to prescribe that all population protection measures in all sectors must be inclusive and accessible to persons with disabilities.
 2. Amendment to grant a family household member who helps an adult with disabilities who has a legal capacity and has been ordered a measure of home quarantine the right to receive, like parents and

39 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25942&LangID=E>

guardians, salary compensation or salary in the situation of incapacity for work due to caring for a person with disabilities in isolation. The condition would be that a person with disabilities is a beneficiary of allowance for assistance and care of another person, and does not use social protection services during the quarantine.

- Introduce an explicit guarantee of accessibility and inclusiveness of measures for protection against infectious diseases for persons with disabilities in all relevant strategic documents and regulations on emergency response to epidemiological risk and pandemic. It is necessary to recognise the special vulnerability of persons with disabilities in the conditions of the pandemic and envisage concrete measures and specific health care activities for these persons during the pandemic, while providing adequate resources for these purposes, including the guaranteeing of priority to these persons in the provision of health care, and the adoption of medical protocols for placement and care of ill persons with different types of disabilities, taking into account the specific characteristics of care for each type of disability.
- Envisage mandatory field visits of healthcare workers for the purpose of diagnosing, including taking PCR tests, blood sampling and the like in the place of residence of persons with disabilities, to avoid their queuing and being exposed to additional risks.
- Envisage a possibility of treating persons with disabilities at home during the pandemic, if medically justified.
- When hospital treatment is necessary, provide a special room for persons with disabilities during hospital treatment and adequate assistance with basic activities of everyday life and care in the hospital.
- Ensure that the reduction in the scope of general health care services in the pandemic does not affect disproportionately specific services consisting of health care and medical rehabilitation of persons with disabilities by preserving and securing sufficient material and human

resources and giving priority to these persons in accessing various general health care services.

- Ensure that COVID-19 specific health care measures are inclusive and accessible to persons with disabilities (including the accessibility of information and communications on epidemiological protection measures) by organising training on the rights and needs of these persons for health care workers and providing sufficient material and human resources.

Regarding the **field of social protection**, it can be concluded that during the pandemic there were various problems related to the functioning of daily community services. There were also problems with the independent living support service that continued functioning due to a huge effort of service providers/organisations of persons with disabilities. Persons placed in residential care institutions faced various challenges and restrictions. Particularly worrying are the relocation of supported housing beneficiaries to residential care facilities, the arbitrary termination of this support service for independent living and the inability of the national preventive mechanisms against torture to control the adherence to the human rights of residents of permanent housing facilities. The work of social welfare centres and the pension and disability insurance fund was also reduced in some places, due to which persons with disabilities faced difficulties in exercising some social protection rights. Therefore, it is necessary to take the following measures:

- It is necessary to ensure the unhindered provision of daily community services and the functioning of support services for independent living, and to prevent any lowering of the level of services, by providing adequate and sufficient material and human resources for the smooth functioning of support services. Special support needs to be provided to organisations of persons with disabilities that provide the aforementioned social protection services so that they can continue to work without obstacles.

- It is necessary to provide sufficient quantities of protective equipment and disinfectants for the beneficiaries of daily community services and support services for independent living and staff who work directly with beneficiaries in order to ensure appropriate epidemiological protection.
- It is necessary to provide flexibility in the work of the providers of daily community services and support services for independent living and, as appropriate, expand the scope, types and ways of providing these services.
- In the situation of possible restrictions on the freedom of movement, it is necessary to ensure prompt and simple issuance of movement permits for staff working with the beneficiaries of daily community services and support services for independent living, family members of persons with disabilities and other persons/volunteers who assist these persons at home.
- Due to the increased level of needs of social protection service beneficiaries, it is necessary to enhance the level and scope of daily community services and independent living support services, while increasing resources and developing innovative solutions.
- It is necessary to ensure the unhindered work of social welfare centres and the Pension and Disability Insurance Fund during the pandemic, in order to allow persons with disabilities to exercise all social protection rights without problems and setbacks. It is necessary to provide sufficient quantities of protective equipment and disinfectants for the staff of social welfare centres and the Pension and Disability Insurance Fund who work directly with beneficiaries in order to ensure appropriate epidemiological protection.
- It is necessary to allow the National Preventive Mechanisms against Torture to conduct the unrestricted control of adherence to the human rights of residents of permanent housing facilities, using the nec-

essary protective equipment and epidemiological control of staff who carry out field visits to these facilities.

- It is necessary to ensure unhindered communication of persons with disabilities placed in residential care institutions with their families and close persons, and to exercise continuous control of the respect of human rights of these persons.
- It is necessary to ensure that the beneficiaries of allowance for assistance and care of another person should be covered by all incentive measures and provided with state aid in the amount given to pensioners.

Regarding the **field of employment**, persons with disabilities in the Republic of Serbia did not use sufficiently the possibility of working remotely - from home, although it would have significantly reduced the risk of infection of this vulnerable group. Some employers allowed persons with disabilities to work from home but others did not have understanding, especially for persons employed under contracts for temporary and occasional jobs and parents of children with disabilities working in shops or other service industries. Professional rehabilitation and employment companies received regular subsidies, but did not obtain any special incentives. Therefore, it is necessary to take the following measures:

- It is necessary to systemically address, by adopting appropriate bylaws, the right of employed persons with disabilities and parents of children with disabilities who do not go to day care centres or schools to work from home for the purpose of safety at work.
- It is necessary to provide sufficient quantities of protective equipment and disinfectants for employed persons with disabilities and parents of children with disabilities who do not work from home. It is necessary to provide additional stimulation for employers of persons with disa-

bilities through adopting relevant bylaws and securing adequate and necessary resources.

- It is necessary to provide additional stimulation for companies for professional rehabilitation and employment of persons with disabilities through adopting relevant bylaws and securing adequate and necessary resources.

Regarding the **field of education**, it can be concluded that a significant number of children who use learning support were unable to use such support during the pandemic and that online teaching is not sufficiently accessible. Therefore, it is necessary to intensify efforts to make the education system even more inclusive, by prescribing that the response to the pandemic in the education system must cover pupils with disabilities.

- It is necessary to organise teaching in educational institutions while providing a sufficient number of personal companions and pedagogical assistants trained to provide support in the conditions of the pandemic.
- It is necessary to provide sufficient quantities of protective equipment and disinfectants for personal companions and pedagogical assistants who work with children.
- It is necessary to ensure that online teaching is fully accessible for pupils with sensory disabilities and pupils with intellectual disabilities.
- It is necessary to provide support to pupils with disabilities who attend online classes and their families through adopting relevant bylaws and securing adequate and necessary resources.

Regarding the **field of humanitarian aid and risk management**, it can be concluded that during the pandemic a significant number of persons with disabilities used humanitarian aid parcels containing food and hygiene products. During the pandemic, people with disabilities also used the help

of volunteers from local self-governments' crisis response teams, but to a much lesser extent, which means that their work should be much more inclusive in the future. Organising a volunteer service in local associations of persons with disabilities is an example of good practice. At the beginning of the pandemic, persons with disabilities, except for persons over 65 years of age and persons without family assistance, were not recognised as vulnerable category of the population, which certainly is not in accordance with the Sendai Framework for Disaster Risk Reduction, which requires accessibility and inclusiveness for all persons with all types of disabilities. Therefore, it is necessary to take the following measures:

- Recognise all persons with all types of disabilities as the group of the population that is particularly exposed to risk in all future strategic documents and action plans for managing risk situations, while providing appropriate and necessary resources.
- Ensure that all information and communications on risk situations are accessible to persons with sensory and intellectual disabilities.
- Ensure that persons with disabilities enjoy priority in the distribution of humanitarian aid and that distribution is performed in an inclusive and accessible manner with appropriate training of staff distributing assistance on the rights of persons with disabilities and methods of providing assistance to these persons.

ANNEXES

ANNEX I

Questionnaire for representative organisations and associations of persons with disabilities about the exercise of rights and the limitations and challenges faced by their members during the COVID-19 pandemic and the state of emergency

Questionnaire

for representative organisations and associations of persons with disabilities about the exercise of rights and the limitations and challenges faced by their members during the COVID-19 pandemic and the state of emergency.

The research is part of the NOOIS's project "Support to the emergency management system that includes persons with disabilities," financially supported by the OSCE Mission to Serbia.

Please send the completed questionnaire to the following e-mail: nacionalnaorg@mts.rs, with reference: Completed Questionnaire

The deadline for submitting completed questionnaires is 5 October 2020.

GENERAL INFORMATION ABOUT THE ORGANISATION:

Name of organisation:

Address:

Questionnaire completed by:

Contact phone number:

E-mail:

QUESTIONNAIRE

Field - employment

- ▶ How many of your members are employed?
- ▶ Did any employed member of your association lose their jobs during the pandemic?
- ▶ Did any of them use the option of working remotely - from home?

Field - pension system, allowance for assistance and care of another person and one-time financial assistance

- ▶ How many of your members receive disability pension?
- ▶ Did any of them have problems with receiving their pensions during the pandemic and the state of emergency?
- ▶ How many of your members receive allowance for assistance and care of another person?

- ▶ Did any of them have problems with receiving allowances for assistance and care of another person during the pandemic and the state of emergency (please describe)?
- ▶ Did any of your members have problems with receiving one-time financial assistance for citizens during the pandemic and if yes, what kind of problems (please describe)?

Field - health care

- ▶ How many of your members needed some type of health care during the pandemic and the state of emergency (approximately, if you do not have accurate information)?
- ▶ Did any of them have problems with using these health care services during the pandemic and the state of emergency (please describe)?
- ▶ To what extent was information on the epidemiological situation, measures, rights and restrictions during the pandemic and the state of emergency accessible to your members?

Field - education

- ▶ How many children of your members or underage members currently attend school?
- ▶ How many children use support during schooling?
- ▶ Can they use that support during the pandemic?
- ▶ How many children attend school from home, and how many go to school during the 2020 fall semester (approximately, if you do not have accurate data)?

Field - services and permanent housing

- ▶ How many of your members use daily community services?
- ▶ Did any of them have problems with using these services during the pandemic and the state of emergency?
- ▶ How many of your members use support services for independent living?
- ▶ Did any of them have problems with using these services during the pandemic and the state of emergency?
- ▶ How many of your members are placed in residential care/permanent housing facilities?
- ▶ What challenges and possible limitations of rights did they face during the pandemic and the state of emergency (please describe)?

Field - humanitarian aid

- ▶ How many of your members used humanitarian aid consisting of food and hygiene products during the pandemic and the state of emergency (approximately, if you do not have accurate information)?
- ▶ How many of your members used the help of volunteers from the municipal crisis response team during the pandemic and the state of emergency (approximately, if you do not have accurate information)?

**THANK YOU
FOR COMPLETING THIS QUESTIONNAIRE**

ANNEX II

Questions for focus groups of persons with disabilities

Questions for focus groups of persons with disabilities about the exercise of rights and the limitations and challenges faced during the COVID-19 pandemic and the state of emergency.

Participants - representatives of organisations of persons with disabilities from the entire Serbia, various categories of disabilities and representatives of persons with disabilities from institutions.

Number of participants - about 20.

Field - health care

- ▶ To what extent were regular health care services and specific measures of protection against COVID-19 accessible to persons with disabilities during the pandemic and the state of emergency? What are your suggestions for improving the situation in this field?

Field - employment

- ▶ What were the challenges faced by persons with disabilities during the pandemic? What are your suggestions for improving the situation in this field?

Field - education

- ▶ Do you know what challenges did persons with disabilities face during the pandemic and the state of emergency? What are your suggestions for improving the situation in this field?

Field - services and permanent housing

- ▶ Are you aware of any persons with disabilities who had problems with using daily community services or support services for independent living during the pandemic and the state of emergency? What are your suggestions for improving the situation in this field?
- ▶ What challenges and possible limitations of rights did persons with disabilities placed in residential care/permanent housing facilities face during the pandemic and the state of emergency?

Field - humanitarian aid

- ▶ Are you aware of any persons with disabilities who had problems with using humanitarian aid consisting of food and hygiene products during the pandemic and the state of emergency? What are your suggestions for improving the situation in this field?

ANNEX III

Questions for in-depth interviews

Questions for the secondary school pupil with physical disabilities

- ▶ To what extent has your life changed since the outbreak of the COVID-19 pandemic?
- ▶ Do you know what challenges did persons with disability face during the pandemic and the state of emergency?
- ▶ What challenges do the families of boys and girls with disabilities face during the COVID-19 pandemic?
- ▶ Is the information on COVID-19 risks and protection measures sufficiently accessible to children with disabilities?
- ▶ What are your suggestions for improving the situation in this field?

Questions for the activist of the national organisation of blind persons

- ▶ To what extent has your life changed since the outbreak of the COVID-19 pandemic?
- ▶ What were the challenges faced by persons with disabilities during the pandemic? To what extent the employers who employ persons with disabilities, especially professional rehabilitation companies, have benefited from employer incentives? What are your suggestions for improving the situation in this field?
- ▶ To what extent were regular health care services and specific measures of protection against COVID-19 accessible to persons with disabilities?

ities during the pandemic and the state of emergency? What are your suggestions for improving the situation in this field?

- ▶ Are you aware of any persons with disabilities who had problems with using daily community services or support services for independent living during the pandemic and the state of emergency? What are your suggestions for improving the situation in this field?
- ▶ What challenges and possible limitations of rights did persons with disabilities placed in residential care/permanent housing facilities face during the pandemic and the state of emergency?
- ▶ What challenges do the families of persons disabilities face during the COVID-19 pandemic?
- ▶ Is the information on COVID-19 risks and protection measures sufficiently accessible to persons with disabilities?
- ▶ What are your suggestions for improving the situation in this field?

Questions for the activist with physical disability of the regional organisation of persons with disabilities in Vojvodina

- ▶ To what extent has your life changed since the outbreak of the COVID-19 pandemic?
- ▶ What were the challenges faced by persons with disabilities during the pandemic? To what extent the employers who employ persons with disabilities, especially professional rehabilitation companies, have benefited from employer incentives? What are your suggestions for improving the situation in this field?
- ▶ To what extent were regular health care services and specific measures of protection against COVID-19 accessible to persons with disabilities during the pandemic and the state of emergency? What are your suggestions for improving the situation in this field?

- ▶ Are you aware of any persons with disabilities who had problems with using daily community services or support services for independent living during the pandemic and the state of emergency? What are your suggestions for improving the situation in this field?
- ▶ What challenges and possible limitations of rights did persons with disabilities placed in residential care/permanent housing facilities face during the pandemic and the state of emergency?
- ▶ What challenges do the families of persons disabilities face during the COVID-19 pandemic?
- ▶ What are your suggestions for improving the situation in this field?

Questions for the activist of the national organisation for helping persons with autism - mother of a person with autism

- ▶ To what extent has your life changed since the outbreak of the COVID-19 pandemic?
- ▶ What were the challenges faced by employed parents of persons with intellectual disabilities or autism during the pandemic? What are your suggestions for improving the situation in this field?
- ▶ To what extent were regular health care services and specific measures of protection against COVID-19 accessible to persons with intellectual disabilities or autism during the pandemic and the state of emergency? What are your suggestions for improving the situation in this field?
- ▶ Are you aware of any persons with intellectual disabilities or autism who had problems with using daily community services or support services for independent living during the pandemic and the state of emergency? What are your suggestions for improving the situation in this field?

- ▶ What challenges and possible limitations of rights did persons with disabilities placed in residential care/permanent housing facilities face during the pandemic and the state of emergency?
- ▶ What challenges do the families of persons disabilities face during the COVID-19 pandemic?
- ▶ Is the information on COVID-19 risks and protection measures sufficiently accessible to persons with autism? What are your suggestions for improving the situation in this field?

Questions for the activist of the local association for helping persons with intellectual disabilities from Vojvodina - father of a person with intellectual disability

- ▶ To what extent has your life changed since the outbreak of the COVID-19 pandemic?
- ▶ What were the challenges faced by employed parents of persons with intellectual disabilities or autism during the pandemic? What are your suggestions for improving the situation in this field?
- ▶ To what extent were regular health care services and specific measures of protection against COVID-19 accessible to persons with intellectual disabilities or autism during the pandemic and the state of emergency? What are your suggestions for improving the situation in this field?
- ▶ Are you aware of any persons with intellectual disabilities or autism who had problems with using daily community services or support services for independent living during the pandemic and the state of emergency? What are your suggestions for improving the situation in this field?

- ▶ What challenges and possible limitations of rights did persons with disabilities placed in residential care/permanent housing facilities face during the pandemic and the state of emergency?
- ▶ What challenges do the families of persons disabilities face during the COVID-19 pandemic?
- ▶ Is the information on COVID-19 risks and protection measures sufficiently accessible to persons with autism? What are your suggestions for improving the situation in this field?

Questions for the activist of the local association of persons with physical disabilities from South Serbia - director of the company that employs persons with disabilities

- ▶ To what extent has your life changed since the outbreak of the COVID-19 pandemic?
- ▶ What were the challenges faced by persons with disabilities during the pandemic? To what extent the employers who employ persons with disabilities, especially professional rehabilitation companies, have benefited from employer incentives? What are your suggestions for improving the situation in this field?
- ▶ To what extent were regular health care services and specific measures of protection against COVID-19 accessible to persons with disabilities during the pandemic and the state of emergency? What are your suggestions for improving the situation in this field?
- ▶ Are you aware of any persons with disabilities who had problems with using daily community services or support services for independent living during the pandemic and the state of emergency? What are your suggestions for improving the situation in this field?

- ▶ What challenges and possible limitations of rights did persons with disabilities placed in residential care/permanent housing facilities face during the pandemic and the state of emergency?
- ▶ What challenges do the families of persons disabilities face during the COVID-19 pandemic? What are your suggestions for improving the situation in this field?

Questions for the resident of the Residential Care Facility for Adults with Physical Disabilities

- ▶ To what extent has your life changed since the outbreak of the COVID-19 pandemic?
- ▶ To what extent were regular health care services and specific measures of protection against COVID-19 accessible to persons with disabilities during the pandemic and the state of emergency? What are your suggestions for improving the situation in this field?
- ▶ What challenges and possible limitations of rights did persons with disabilities placed in residential care/permanent housing facilities face during the pandemic and the state of emergency? What are your suggestions for improving the situation in this field?
- ▶ Is the information on COVID-19 risks and protection measures sufficiently accessible to persons with disabilities placed in residential care/permanent housing facilities? What are your suggestions for improving the situation in this field?

ANNEX IV

Questions for line ministries about the measures taken to ensure the exercise of the rights of persons with disabilities during the COVID-19 pandemic and the state of emergency

Questions for the Ministry of Labour, Employment, Veteran and Social Issues

- ▶ What measures have you taken to protect the health of persons with disabilities in social protection institutions?
- ▶ How many persons with disabilities placed in social protection institutions fell ill with COVID-19?
- ▶ What measures have you taken to facilitate the continuation of providing daily community services and support services for independent living during the pandemic and the state of emergency?
- ▶ What measures have you taken to ensure the financing and continuation of the work of organisations of persons with disabilities during the pandemic and the state of emergency?
- ▶ What measures have you taken to ensure the financing and continuation of the work of companies for professional rehabilitation and employment of persons with disabilities during the pandemic and the state of emergency?
- ▶ What measures have you taken to deliver protective equipment to employers of persons with disabilities during the pandemic and the state of emergency?

- ▶ What measures have you taken to facilitate the delivery of humanitarian aid consisting of food and hygiene products to persons with disabilities during the pandemic and the state of emergency?

Questions for the Ministry of Health

- ▶ What measures have you taken to protect the health of persons with disabilities during the pandemic and the state of emergency?
- ▶ What measures have you taken to make diagnostic and health care measures in the system of COVID-19 centres and hospitals inclusive and accessible to persons with disabilities?
- ▶ What measures have you taken to make the information on COVID-19 protection measures accessible to persons with sensory disabilities and persons with intellectual disabilities?
- ▶ How many persons with disabilities fell ill with COVID-19?

Questions for the Ministry of Education

- ▶ What measures have you taken to protect the health of pupils and students with disabilities during the pandemic and the state of emergency?
- ▶ What measures have you taken to ensure the continuation of protection measures and reasonable adjustments for the needs of pupils and students with disabilities during the pandemic and the state of emergency?
- ▶ How many pupils and students with disabilities fell ill with COVID-19?
- ▶ What measures have you taken to make the information on COVID-19 protection measures accessible to pupils with sensory disabilities and pupils with intellectual disabilities?

Questions for the Ministry of Interior

- ▶ What measures have you taken to protect the health and rights of persons with disabilities during the pandemic and the state of emergency?
- ▶ What measures have you taken to allow the unrestricted movement of persons who help persons with disabilities during the state of emergency?
- ▶ What measures have you taken to make the information on measures during the pandemic and the state of emergency accessible to persons with sensory disabilities and persons with intellectual disabilities?
- ▶ What measures have you taken to facilitate the delivery of humanitarian aid consisting of food and hygiene products to persons with disabilities during the pandemic and the state of emergency?

ANNEX V

Questions for the Protector of Citizens about the exercise of rights and the limitations and challenges faced by persons with disabilities during the COVID-19 pandemic and the state of emergency

- ▶ How many complaints about alleged violations of rights did you receive from persons with disabilities and members of their families during the COVID-19 pandemic and the state of emergency? What were the most frequent problems and fields referred to in these complaints and how did you solve them?
- ▶ Did you launch any initiatives for amending certain regulations during the COVID-19 pandemic and the state of emergency with the aim of protecting the rights of persons with disabilities and members of their families?
- ▶ Are you aware of any employed persons with disabilities who lost their jobs during the pandemic?
- ▶ Are you aware of any persons with disabilities who had problems with receiving their pension during the pandemic and the state of emergency?
- ▶ Are you aware of any persons with disabilities who had problems with receiving allowance for assistance and care of another person during the pandemic and the state of emergency?
- ▶ Are you aware of any persons with disabilities who had problems with receiving one-time financial assistance to citizens during the pandemic, and if yes, do you know what kind of problems?

- ▶ Are you aware of any systemic support for inclusive education provided to pupils with disabilities during the pandemic and the state of emergency?
- ▶ Are you aware of any persons with disabilities who had problems with using daily community services during the pandemic and the state of emergency?
- ▶ Are you aware of any persons with disabilities who had problems with using support services for independent living during the pandemic and the state of emergency?
- ▶ What challenges and possible limitations of rights did persons with disabilities placed in residential care/permanent housing facilities face during the pandemic and the state of emergency? Did you control residential care/permanent housing facilities during the pandemic and the state of emergency in the capacity of a national preventive mechanisms against torture?

ANNEX VI:

Questions for the Commissioner for Protection of Equality about the exercise of rights and the limitations and challenges faced by persons with disabilities during the COVID-19 pandemic and the state of emergency

- ▶ How many complaints about alleged violations of rights did you receive from persons with disabilities and members of their families during the COVID-19 pandemic and the state of emergency? What were the most frequent problems and fields referred to in these complaints and how did you solve them?
- ▶ Did you launch any initiatives for amending certain regulations during the COVID-19 pandemic and the state of emergency with the aim of protecting the rights of persons with disabilities and members of their families?
- ▶ Are you aware of any employed persons with disabilities who lost their jobs during the pandemic?
- ▶ Are you aware of any persons with disabilities who had problems with receiving their pension during the pandemic and the state of emergency?
- ▶ Are you aware of any persons with disabilities who had problems with receiving allowance for assistance and care of another person during the pandemic and the state of emergency?
- ▶ Are you aware of any persons with disabilities who had problems with receiving one-time financial assistance to citizens during the pandemic, and if yes, do you know what kind of problems?

- ▶ Are you aware of any systemic support for inclusive education provided to pupils with disabilities during the pandemic and the state of emergency?
- ▶ Are you aware of any persons with disabilities who had problems with using daily community services during the pandemic and the state of emergency?
- ▶ Are you aware of any persons with disabilities who had problems with using support services for independent living during the pandemic and the state of emergency?

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