

How can Disabled People's Organisations improve people with disabilities' accessibility by influencing legislation?

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Country: Serbia

Region: South East Europe

Languages available: English (full report available in Albanian)

Building a Proper Legal Framework for the Free Movement of People with Disabilities

Description of the practice and the process involved

In order to ensure the implementation of accessibility standards, **legislation related to building and planning must explicitly state that accessibility standards are mandatory.**

In Serbia, the law on planning and construction was **recently amended accordingly** and states that designers, architects, investors and builders who fail to implement these standards in planning and construction of new public spaces will be subject to **economic sanctions**. In reality, what the amended Law on Construction and Planning in fact says is that **technical standards must be implemented but without specifying which ones and without explicitly stating that they are mandatory**. It is **only in the by-law** that accessibility standards are mentioned so the law can be interpreted in the way that technical standards encompass the accessibility standards from the by-law. However, this is often **not the case in practice** as standards are either **not implemented at all or are inadequately implemented** (i.e. a ramp is built but it is too steep), which is even worse as funds are spent in vain and accessibility is not implemented in reality.

This amendment was initiated by the Department of People with Disabilities in the Ministry of Labour, Employment and Social Affairs in cooperation with DPOs and in consultation with the Ministry of Capital Investments. At first the amendments were not approved but **after DPOs, the Department of People with Disabilities and the Association of Urban Planners lobbied** together, the amendments were accepted by the Parliamentary Committee and adopted by the Parliament.

Besides this, a time **plan to adapt three old public buildings in all municipalities of Serbia** was adopted by Ministries of Labour, Employment

and Social Affairs, of Capital Investments and of State Administration, all **in accordance with proposals of DPOs.**

Finally, some **municipalities and cities**, like Belgrade, **include adaptation of street crossings and marking of parking spaces in the annual programs** of their activities on a regular basis.

DPOs in Serbia are currently trying to get the Ministry of Capital Investments to circulate **a letter to local authorities on implementing accessibility standards in cooperation with DPOs.**

In April 2006 **disability anti-discrimination legislation** was adopted in Serbia, regulating that **a failure to provide access to public buildings, transport and services constitutes a prohibited act of discrimination against persons with disabilities.** It also prescribes that **state and public authorities shall take measures to ensure access to built environment** for persons with disabilities. The Ministry of Labour, Employment and Social Affairs initiated this law after the **strong lobbying of DPOs** and it was drafted in **collaboration** with disability advocates. This is the **first disability anti-discrimination legislation on disability** to be adopted in the region and it sets an **excellent example** for the other countries to follow. The law will go into effect in January 2007.

Some of the difficulties encountered

There are two critical points to address within the 2006 disability anti-discrimination legislation:

- First, the law stipulates that only an organisation cannot file a suit, thereby **placing the responsibility solely on individuals.** This factor can be **intimidating thus preventing people** from filing suits.
- Secondly, the new anti-discrimination law does not contain burden of proof **placing the burden on the person filing the suit** to prove they were discriminated against. Again, this can be **daunting** for a person filing a suit especially in a region where discrimination lawsuits are not common.

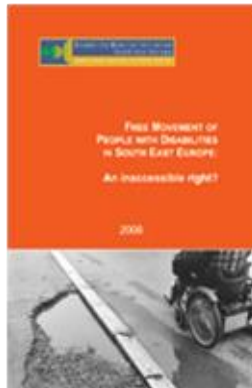
What are the main points that require attention? How could it be improved?

Now that the amendment on the Law of Construction and Planning has passed, it will **need to be implemented together with DPOs and competent actors.** It is the DPOs who should work with competent state monitoring bodies to **evaluate the implementation process regarding the accessibility standards.**

Despite all positive changes in legislation, they will not mean anything **unless they are applied in practice at the local level.** Local urban plans, local building permits and local development plans have to **include accessibility standards.**

As previously mentioned, one of the main reasons that accessibility standards are not implemented is **a lack of awareness amongst local authorities**. Local actors such as building inspectors and those issuing building permits will **need to be trained on accessibility standards** as well as **how to monitor compliance with the law**. Therefore, there is a great need **to work with local actors to raise their awareness** around accessibility issues. Looking at Hungary as an example, **DPOs have begun to use court litigation to demand changes in the built environment**.

Background and context



Full project report: [Free Movement of People with Disabilities in South East Europe: An inaccessible right?](#) (DMI SEE, 2006)

Criteria for the good practices: see page 23 of the full report.

Recommendations from the good practices: see pages 91 – 93 of the full report

Links to further resources:

[Full text on article 9 – Accessibility](#)

[Full text on article 19 – Living independently and being included in the community](#)

[Full text on article 20 – Personal mobility](#)