

PROTECTION OF PATIENTS' RIGHTS  
EQUAL FOR ALL PATIENTS

Law Scanner

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## Foreword

Law Scanner is organization involved in patients' rights protection, social policy, human rights protection and in providing legal aid to citizens. With this report we would like to influence public awareness of patients' rights and their protection and of other rights proscribed by Health Care Act and Health Insurance Act. This report is focused only on patients' rights defined by domestic legal acts, since Republic of Serbia did not ratify European Charter of Patient's Rights.

Project activities considered visits to hospitals and medical centers in two regions (Kolubara-Valjevo, Mionica, Lajkovac, Ub; Mačva-Šabac, Koceljeva, Vladimirci, Bogatić) and one local municipality in Belgrade (Zvezdara). In each of these places, project team visited Roma settlements.

Report is divided in two sections:

I Patients' rights protection- In this section we have described current medical conditions in health centers and hospitals, as relevant for providing medical services. Other activities considered interviews with Directors and medical workers, in order to determine their awareness of patients' rights and impression of Protector's practice. Such information was also gathered through conducted survey.

Analysis of Protector's practice was based on data collected through interviews with Protectors and on information they have sent as a response to Demand for accessing information of public importance, related to number of submitted complaints and decision making process.

Major activities were practiced in order to collect information on patients' awareness of their rights and to inform them about those rights. Each member of the team was distributing leaflets to each interviewed patient, informing him how to recognize violation of patients' rights and how to act in such case.

II Health care of Roma community- During our visits to medical institutions we were corresponding with officials about health protection of Roma people. Focus was on effects that have occurred after legal amendments were applied, especially on Roma people and employees in medical institutions.

From health mediators we gained results from the "field" in past 3 years, information regarding cases of discrimination as well as suggestions for future legal amendments.

Visits to Roma settlements we have conducted in cooperation with Roma nongovernmental organizations from Valjevo – Roma center for Democracy (Radmila Vasić), Bogatić – Roma Society (Branko Kokić) and Belgrade –Mali Princ (Slavica Vasić). Together with representatives from these organizations, Law Scanner has visited Roma settlements and neighborhoods in every town where medical centre or hospital, involved in this project, is located.

To Roma that have had problems with violation of their rights in health care system and social care system, we provided free legal aid during our visits. Cases that demanded more detailed analysis of legal facts, we analyzed later.

After field activities, collected data were analyzed and stored in a newly formed database.

Project was supported by Fund for an Open Society Serbia and we would like to thank them, since they recognized the need to analyze present protection of patients' rights, especially of Roma community.

Members of the team devoted to project activities are: Vojislav Bajić, Marina Mijatović, Tamara Magdelenić, Mihailo Pavlović, Marija Kostić and Jovana Vujnović.

## Introduction

Health care system reform in Serbia started in 2002. and included all three levels of health care (primary, secondary and tertiary).One part of the changes is related to the allocation of health centers and hospitals from the Medical center, so that both institutions are separate legal entities. Legislation amendments led to greater accessibility of health care to patients.

In order to provide equal health protection to all residents, exercising rights from health insurance to groups who are at increased risk of disease is prescribed by law.

Vast number of regulations and rules were adopted, in addition to The Health Care Act (THCA) and The Health Insurance Act (THIA) that should govern the further implementation of legal norms in practice. Provisions that are not in compliance with the law are often detected by analysis of by-laws. Administrative authorities who are competent to act under the laws and regulations generally do not run the comparison of documents, so they often do not realize that the norms of the regulations are not in compliance with laws. In such situations, residents can not exercise their rights prescribed by the law.

In addition to the contradictions in the practice of law, branch of the Republican Fund for Health Insurance is not uniform as a result of the arbitrary interpretation of acts. There are situations where employees in the branches refuse to provide exercising certain rights to residents because their personal attitude is not in compliance with the norm.

Due to poor awareness of residents about their rights prescribed by THCA and THIA the exercise of rights is left to the employees in the branches.

On the other hand, the protection of patients' rights is completely unknown to the residents of Serbia. It can be argued that in some cities and towns the Protector is well promoted and promoted to a higher percentage of patients is familiar with the existence of Protector, but the worrying fact is that very few of them know when it might be addressed.

This situation in the field of protection of the patients' rights shows that it is not sufficient to adopt legal norms that will introduce and define institution of Protector of patients' rights and introduce the list of entitled rights. The Ministry of Health has conducted only one campaign 2007th, "You are entitled", since the Protector has been introduced, which included sharing leaflets and hanging up posters at health institutions. Any activity which is aimed at raising awareness about patient rights was not carried out since 2007.

The performance of Protector became pointless because none of the Protectors is able to perform his tasks objectively and without pressure from employees. A legal norm itself provided contradiction by prescribing that the Director shall appoint the Protector. It is impossible that a lawyer employed by the institution protects the interests of health institution and patients in the same time.

Health care system reform has enabled members of the Roma population better access to health care. However, in practice all objectives defined in legislation, strategies and action plans have not achieved. Most of the formal conditions are fulfilled, and one of the most important is that many Roma has a health card that can be certified by a branch of the Republic Fund for Health Insurance. In spite of that, during providing health care services

there are a number of violations of rights based on discrimination. Employees in branch offices and health care professionals do not show enough interest to participate in improving the health of Roma.

## KOLUBARA REGION

### GENERAL HOSPITAL IN VALJEVO

Within general hospital, there are four health centers - Valjevo, Mionica, Osečina and Ljig, but health services on the secondary level are also provided to the patients from two medical centers– Lajkovac and Ub. 966 members of medical personnel are employed in the Hospital.

Posters about patient rights which are set up in campaign "You are entitled" 2007. conducted by Ministry of Health, are hung up in the hospital, an extract from the Rome Convention on the Rights of Patients, and at every department there is a particular notice about Protector with data— name, surname and contact. However, since 2007, no campaigns about patients' rights in order to educate residents have been conducted. Additionally, the content of posters is not sufficiently clear to the patients, which prevents them from getting familiar with the rights from The Health Care Act (THCR).

The updating of the site of the institution is entrusted to a professional team and the hospital has its own service and public relations. However, information on the Protector of patients' rights is not easily accessible to the average Internet user. Given the lack of information about their patients' rights, information on this institution should be more visible.

#### ***Protector of patients' rights***

The Protector of patients' rights was appointed for performing this task in 2003 by Director of Health center. Beside performing this task, she is also performing other legal tasks, so she is not able to be sufficiently dedicated to protecting patients' rights.

#### Legislation

Most remarks Protector gave are about the volume of legislation and the terms for response to the complaint. Procedures are mostly led by the internal guidelines of the Ministry, so amendments to the law are necessary. When it comes to terms for answering the complaint, the term should be extended from 8 to 15 days, because it is impossible to complete the whole procedure in 8 days. However, according to the instructions of the Ministry of Health, the term can be prolonged in praxis and not represent the violation of law.

#### Training and cooperation wuth other institutions

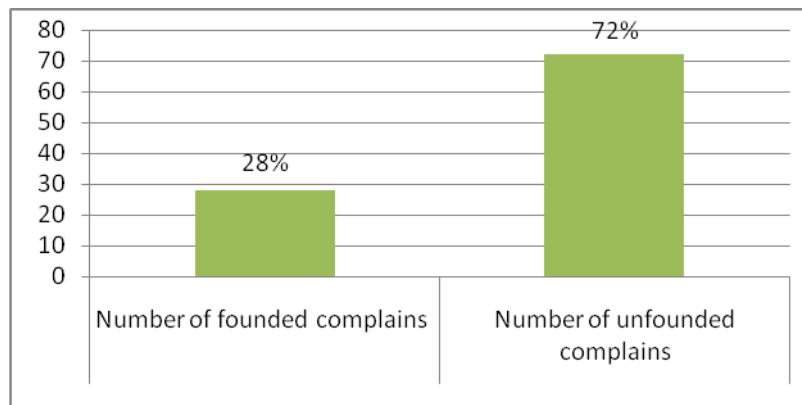
The Protector has no cooperation with colleagues from other health centers and hospitals, nor does she get responses to annual reports from the Ministry. Education for the improvement of the Protector and improvement of patients' rights was not conducted since implementing the institution of the Protector.



## Working practice

From 2003. till January 2012. a total of 300 complaints were filed in all medical institutions in the Protector's jurisdiction in Valjevo.

According to the response to the access to information of public importance in the period since 2005. to 2011, a total of 138 complaints against the employees in General Hospital were filed by patients. The fact that 72% of the complaints were unfounded says a lot about the lack of awareness of patients. The majority of complaints were related to the lack of courtesy of medical staff and the treatment that is provided to patients. Anonymous complaints are not recorded and processed.



## ***Medical personnel about patients' rights***

### Director of the Hospital

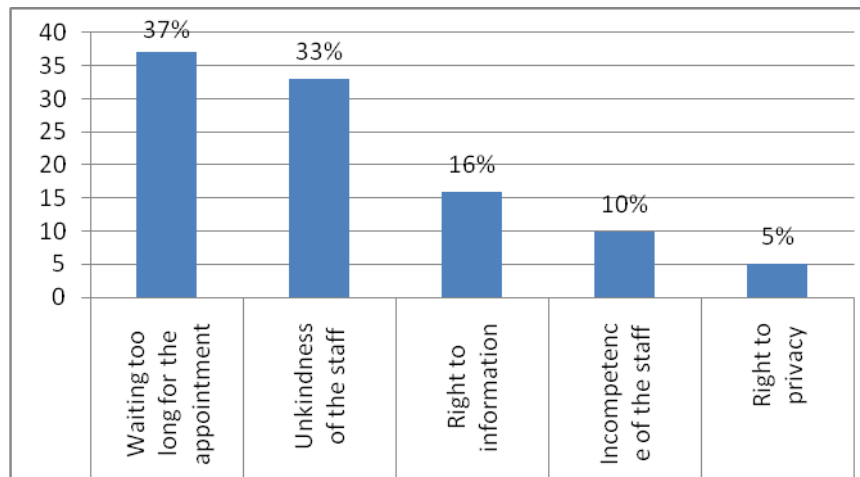
According to one interpretation of the hospital director, one of the most important rights of patients is a right to adequate health care that is currently impossible to implement, because there are not enough funds available. However, we can not agree with the statement that all patients' rights are violated only because of the lack of funds, especially because the hospital has modern appliances and a large number of services.

During a visit to the hospital after completion of monitoring, patients pointed out the lack of courtesy of medical staff, and violation of Articles 27 and 28 THCA. The information about the infringement of two specified articles was gathered on the basis of survey results and the information given by patients who had contacted us by phone.

Contrasting the statements of employees is the information we got from the patients who addressed the Law Scanner, saying that they were not allowed to buy their own tubes needed for laboratory analysis. Patients have informed us (06 April) that it is likely to wait for a receipt in the laboratory up to 30 days, and that there were no tubes available for two days in the beginning of April. Most of them were willing to cover the cost for obtaining means for the analysis. Following the rejection of the patients' proposal, the patients were not given any additional information about the further procedure of scheduling.

## Doctors and medical staff

The Medical staff believes that the patients' rights are not violated and that by new regulations they "were given enough rights" and that the filed complaints are mostly due to ignorance and misinterpretation of the patients. However, 55 respondents said they were cases of poor communication. According to most employees, the right from Article 40a is mostly violated. All respondents (100%) are fully informed of the existence of the Protector, his work and all of the rights of patients. Also, 100% of the respondents are aware of the fact that complaints were filed against the hospital medical staff.



## *Patients*

Informing patients about the existence of the Protector is on a satisfactory level(80%), while only 20% had never heard of the Protector before. Most patients learned of the Protector from other patients and from posters in the institution (30%). However, 60% of respondents did not know to state any right on the basis of which they may file a complaint, the way they can contact the Protector, nor what their rights were after receiving the response.

The very consciousness of the Protector's existence is insufficient because it does not provide full information to residents about protecting their rights as patients. During the interview of patients, we gave further explanations about jurisdiction and the procedure of filing a complaint.

However, all respondents had negative attitude towards this institution and believe that they can not get an objective answer considering the fact that the Protector works in the hospital.

None of the respondents had ever contacted the Protector, mostly because of fear of further treatment in hospital and because they were sure that filing a complaint would not solve the problem. A large percentage of the patients studied are not satisfied with the volume of information received from medical staff about their disease and do not participate equally in their treatment.

### Recommendations

- To organize education for all employees about patients' rights;
- To organize training for all employees about the importance of raising awareness of health care of Roma population;
- To make data about contacting the Protector of patients' rights more visible on the web page;
- To introduce the work of the Protector to patients and conduct an internal campaign within the hospital in which the Protector will actively participate.

### HEALTH CENTER IN VALJEVO

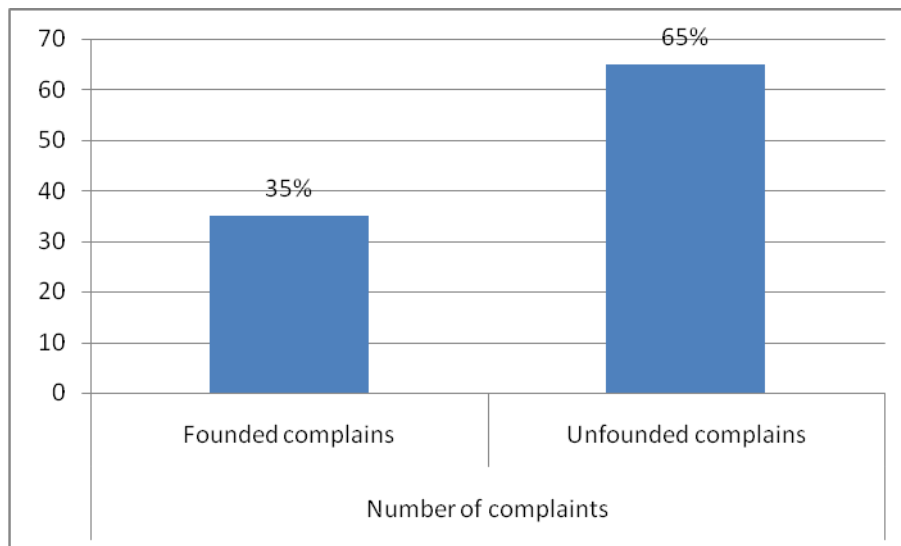
The access to the facility is adjusted to the people with disability, but the arrangement of departments in the building is not completely adjusted to these people. Department of home care, provided for patients who need medical service in their own homes, is located on the first floor, and patients who need to come to their regular therapy are not directly connected with this department. An institution that provides health services should prioritize the needs of patients and such a situation can not be justified with financial reasons. There are few posters „You are entitled“ in the building, but the data about the Protector are not clearly visible.

### *Protector of patients' rights*

Although the Health center got separated from Medical center, this facility does not have its own Protector, but is in the same jurisdiction of the Medical center's Protector.

### Working practice

From 2005 – 2011. A total of 115 complaints were filed against employees in Health center. The number of filed complaints has increased continuously between 2005. and 2009. when 39 complaints were filed. However, since 2010. number of complaints has decreased three times. This information is not about better health service in the health center, but about having no confidence in the Protector's work (the data was received from patients).



### ***Medical professionals about patients' rights***

#### **Director of Health center**

Director of Health center thinks that the patients are given adequate health service and that there are no problems in the doctor-patient relations. The only thing to be pointed out is lack of medical staff, especially doctors in gynecology (six anticipated, while only three are working), so it is not possible to comply with scheduled time for medical examination. Documentation management and complete administration prevent the doctors from dedicating adequately to patients. On average, of 15 minutes that a patient spends in the office, about 10 drops for sorting out the documentation. This kind of overloading the doctors with paperwork negatively affects the quality of service.

#### **Doctors and medical staff**

Medical staff have negative attitudes towards patients' rights and believe that the implementation of these rights has led to abuse of the right to file a complaint. According to their opinion, patients are not informed about the state the Health care is in and financial problems of health institutions. 58% of the employees have stated long waiting periods for medical examination and a lack of courtesy of medical staff as a basis for filing a complaint. It is positive that all employees are familiar with the work of the Protector of patients' rights.

### ***Patients***

The dissatisfaction of the patients with the work of medical staff is very worrying. During the conversations they complained mostly about the lack of courtesy of medical staff and the scheduling of medical examinations. The Health center has introduced a phone number by which patients can schedule medical examinations. However, the number is generally not in function, so patients are forced to come to health centers only to make an appointment, which is why it gets very crowded in front of the counter. Patients are not familiar with the cause of non-compliance with an appointment, and 85% of respondents were waiting for medical examinations for more than 30 minutes.

The interviewed patients (100%) did not address to Protector because they believe that they can not exercise their rights by filing a complaint. The main reason is that the

Protector is employed in a medical institution and can not work in the interest of patients while "receiving a salary from the hospital director." The fact that 54% of respondents were not able to state any of their rights illustrates that the patients are poorly informed about their rights.

### **Recommendations**

- To improve the work of service for scheduling medical examinations;
- To educate employees about patients' rights;
- To implement the institution of Protector of patients' rights to Medical center;
- To conduct a campaign for better informing of patients about their rights; To reorganize the internal structure of departments within the health center so it can be accessible to people with disabilities.

## HEALTH CENTER MIONICA

Primary health care of 12 947 insured by Republican Health Insurance Fund data is provided at Health center, while Hospital in Valjevo provides health care on the secondary level. The Health center employs 47 medical professionals, and two health stations - Vrujci and Rajković are in jurisdiction of this facility.

At the entrance to the Health center the poster highlighting the patients' rights is hung up, but there is no data about the Protector of patient's rights, the way to address to Protector, nor the other protection mechanisms that are available. Poster hung up in this manner has no importance, because the enumeration of rights, without the detailed meanings and ways of protecting these right, do not help the patient in any case. On the other hand, the website of the Health center includes data about Protector, its jurisdiction and contact, but it can only be useful to the part of the population which uses Internet.

### ***Protector of patients' rights***

Protector of patients' rights has not been appointed for a health center in Mionica. Although separated from the Health Centre Valjevo, which became an independent legal entity, Protector of Valjevo is in jurisdiction of this facility. This solution is very bad, because it can not be expected from the patient who is already in difficult position to address to Protector with the headquarters in another town. Addressing to the Director is also inadequate, since it is addressed to a small number of medical professionals and it is certain that she will stand for their protection, rather than the protection of the patient who files a complaint. Responsibilities, basic information and contact of the Protector are highlighted only at the site of the Health center, but not in the building. Also, the web site contains the instruction in what cases a complaint could be filed. Bearing in mind that medical professionals are not trained to work on computer, and that the percentage of Internet users is small compared to the number of insured, this method of informing residents about the rights prescribed by THCA and mechanisms of protection is not satisfactory, because a small

number of patients will be able gain information about Protector and procedure of filing complaints. This is confirmed by the fact that 20% of doctors and medical staff are not familiar with the work of the Protector of patients' rights.

Given this situation, it is clear that the accessibility of health care in Mionica is very unsatisfactory, as well as the awareness about rights. For this reason, it is necessary to set the data about Protector to a place accessible and visible to each patient.

### ***Medical professionals on patients' rights***

#### **Director of health center**

According to the Director of Health center patients are highly protected and know their rights. On the other hand, adequate legal protection is not provided to doctors and institutions such as the Medical Chamber and the Ministry of Health were not prepared to improve the status of medical professionals. Medical professionals are familiar with patients' rights and the institute of Protector.

This statement is denied by the survey according to which 1/5 of medical professionals are not familiar with the protector, which can not be a negligible number, just as doctors and nurses are obliged to obey the rights of patients, but also to provide information to the Protector after filing a complaint.

As for the relation of doctors and patients, Director is considers the communications is on a satisfactory level. In current practice, there are no initiated proceedings. Several complaints were filed, which were mostly unfounded, because most are not related to the violation of the rights prescribed by THCA. This statement is contradictory, because the Director said that patients are informed of their rights so that they can not simultaneously be familiar with the law and file unfounded complaints.

Official data that we obtained on the basis of requests for access to public information, indicate that the number of complaints to the health center is increasing, a number of unfounded complaints is not small as Director and medical professionals stated.

The exercise practices of representatives of pharmaceutical companies not to offer their products by entering the office when the medical examination is in progress, indicates the awareness of patients' rights, emphasized by doctors themselves. This directly violates the right to privacy, but no doctor has said that any verbal complaints were filed in this regard or there was any response by the patient or doctor. These data suggest that the lack of awareness of medical professionals on patients' rights is evident and that it is necessary to conduct training about the articles THCA regarding patients' rights and the role of Protector of patient rights, in order to improve the relationship between doctors and medical staff to patients. The Ministry of Health must be included in this campaign, which is not communicating with the institution, and municipal authorities as well, which do not show any interest in improving the conditions of the institution which provides services to residents.

#### **Doctors and medical staff**

Health professionals share the opinion of the Director that patients are well informed on the rights of patients and filing of complaints, which are also contradictory claims. On the question of which rights are often violated by the medical staff, 67% of medical professionals said that it was long waiting period on receipt, while 33% said it was impoliteness, which is

not in the accordance with the statement that patients are overprotected and acting of medical professionals health professionals in accordance with the rights prescribed by law.

### ***Patients***

According to available data, surveyed patients learned about Protector mainly through the media or friends. Basically they are familiar with the fact that they have certain rights, but 67% said they did not know to enumerate them. 100% of the respondents never addressed to the Protector of patient's rights, nor has filed a complaint, and the most common reason given was lack of information. This confirms the fact that just 33% learned about Protector through, but no one was familiar with the name of Protector nor the methods for addressing him.

### **Recommendations**

- To hang up posters containing data on Protector, contact and instruction for filing a complaint and instructions on how you can file a complaint on visible place;
- To ask form authorities for the urgent appointment of a competent Protector of patient's rights to a Health center in Mionica,
- To establish closer cooperation with local authorities to achieve effectively functioning of Health centers and health units in the municipality, particularly in the information on the rights of patients prescribed by THCA;
- To Initiate participation in projects of practical training of medical professionals conducted by the Ministry of Health, particularly the work on the computer and patient rights;
- To recruit new, younger staff;
- To update the site regularly and found information about health services that are available to patients.

## HEALTH CENTER IN LAJKOVAC

Within the health center, there are three health stations (Jabučje, Bogovađa and Slovac) and three clinics (Bajevac, Vračević and Mali Borak). Secondary health care is provided in the hospital in Valjevo. 74 medical professionals, 26 doctors and 48 members of medical staff are employed in Medical center.

At the entrance to the health center the house rules of the institution are highlighted, but there is no poster containing information about the Protector (name, contact and working hours) or a list of patients' rights. At the reception desk there is a box on which it is indicated that patients can put their complaints on the work of the staff and the service they received, but that anonymous complaints will not be taken into consideration. On the web page of the facility the name of the Protector of patients' rights can be found (labeled as "the patient's lawyer"), but there is no contact (phone or e-mail).

### ***Protector of patients' rights***

The Protector, which is also a professional lawyer, and an advisor to the mayor of Lajkovac municipality, has been performing this task for 6 years. Due to these obligations, he works as a Protector only once a week at the Health center- Thursdays between 12-14 hours. In this way, the patients' right to file a complaint is violated directly, and indirectly all other rights provided in Part V of Human rights and values in health care and patients' rights from The Health Care Act (THCA) <sup>1</sup>..

#### Legislation

The Protector considers that the provisions of law regulating his work are scarce, but on the other hand satisfactory. He thinks that an amendment would not bring better results. As for the legal term of eight days to act on the complaint, the Protector thinks that the term is not short. According to the working practice, the complaint is always decided about in due time..

#### Training and cooperation with other institutions

There is no cooperation with other health institutions or the Ministry, nor any training for Protectors was organized.

#### Working practice

A small number of complaints per year (one a year) is due to a lack of awareness of patients. In many cases, patients address to the Protector for problems which are not in Protector's jurisdiction, and such complaints are dismissed and not taken into consideration.

### ***Medical professionals about patients' rights***

#### Director of Health center

The biggest problems the medical professionals are facing in work, and that simultaneously affect both patients and the exercise of their rights, is the inability to obey the article 40a THCA upon the reception at medical examination by a doctor, so it happens that a doctor during office hours examines up to 60 patients. On average, a doctor must examine the patient and complete the entire administration in seven minutes. This ratio of doctors and patients has negative effect to the quality of health services.

#### Doctors and medical staff

Employees at the Health center believe that patients are given more rights than necessary and that the implementation of such regulations endanger them. The answer to this question is usually got when asked the question "Who will protect us." On the general question of the survey sent to the medical professionals (such as communication with patients), 91% of them responded that there is no miscommunication. However, when through the controlling question in the survey, a relatively similar question is asked (to which is the

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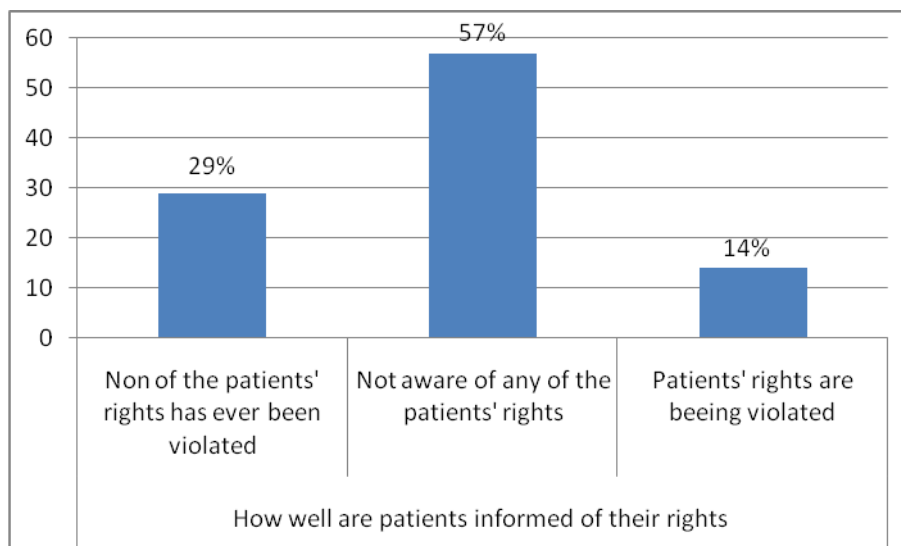
<sup>1</sup> "Sl. glasnik RS", br. 107/2005, 72/2009 - dr. zakon, 88/2010, 99/2010 i 57/2011



main reason for complain in relation with providing medical services by the medical staff), it turns out that health care personnel are familiar with the fact that one third of filed complaints are related to poor communication between the doctor and patient.

### ***Patients***

Slightly more than half of respondents were aware of the existence of Protector, but 100% of them has never addressed him . According to the survey 29% of patients thinks that no rights are violated, while 14% thinks that generally, all rights are violated, while 57% responded that they are not familiar with the rights. However, patients who said that no rights were violated and those who argue that all rights are violated, did not know to state any of the rights from THCA. The quality of cooperation between doctor and patient, the active participation of patients in their treatment, informing patients about new medications and methods of treatments as well as education aiming prevention, is illustrated by the the fact that 86% of patients think that their right to information is violated (article 27 THCA). The same percentage said that the right to be informed is violated also (art. 28 of THCA). These data indicate that the doctor-patient communication is almost always unilateral.



### **Recommendations**

- To appoint urgently a Protector of the patients' rights who will work in the health center and be available to patients during the week;
- To conduct a campaign for patients about patients' rights;
- To educate employees about the rights of patients;
- To determine the way of a regular communication between the Protector and health mediators.

## HEALTH CENTER UB

Health center Ub provides health services to a total of 23.781 insured, of which 18.156 were registered. Material conditions for providing services in Health center are minimal. The building is in poor condition and it is necessary to be renovated. Corridors, offices and clinics are dilapidated, reception department is a small to accommodate all patients, there is no ramp for people with disabilities and there are no signposts in the building. The equipment is old or it is lacking, which is one of the reasons why waiting hours for medical examination are very long. Motor pool is in very poor condition, a number of vehicles is small. Medical staff is overloaded with the number of patients. They do not have any necessary means for work because the equipment is obsolete or it is lacking.

### *Protector of patients' rights*

The protector has been performing this task since 2006, and she is also performing all legal and administrative tasks. She thinks that her work is very difficult and that she is overloaded which affects the quality of her work. The institution of Protector is not anticipated by Systematization as a "particular work place", so the Protector is not specifically paid for performing this task. It is obvious that there is a violation of patients' rights through inadequate giving of information about possibility of filing a complaint, although the Protector appointment is in correspondence with statutory form.

### Legislation

The Protector believes that the appointment of Protector is not well regulated and that by analysis we can clearly conclude that the Protector is not independent in his work. It is necessary to change the provisions of THCA so the Protector will not be appointed by director of the institution. Protector did not give the proposal for amendment of legislation. Protector has no objections on the other statutory provisions, and so far the complaints procedure is resolved within the statutory period of eight days. Ministry of Health, nor any other body has never delivered any secondary legislation to Protector.

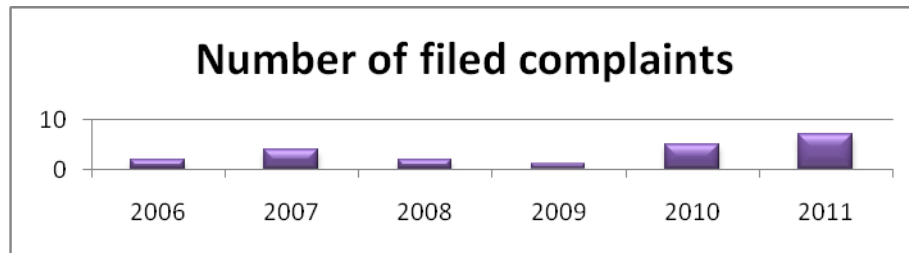
### Training and cooperation with other institutions

The Protector has never attended any training nor any professional literature was delivered. There is no communication or cooperation with protectors from other health centers and hospitals. Beside sending the submitted reports to the Ministry of Health, the protector has no other contacts with the competent Ministry, nor did she ever receive a response to reports. Ministry of Health has no cooperation with the Protector of patient's rights in improving their practices and protecting patients' rights.

### Working practice

The fact that there are a lot of filed complaints which are not in Protector's jurisdiction and are unfounded or rejected, which is the case with all filed complaints during 2010, is in contrast with Protector's claims that patients are very well informed about their rights. There are various reasons for filing a complaint. Patients used to complain earlier mostly about long waiting hours for medical examinations. Beside that, the biggest number of complaints is related to lack of courtesy of medical staff and doctors. This kind of complaints are not

recorded, the Protector deals with them “at the scene of the crime“. No employees in the Health center were sanctioned based on filed complaint. The number of filed complaints is increasing annually. The Protector thinks that she is not under pressure by Director of Hospital, beside bad legislation about this matter.



The Protector claims that there are no initiated proceedings against any employee in this institution, and in the past, there was only one case of filing a complaint to the labor inspectorate, which was rejected as unfounded.

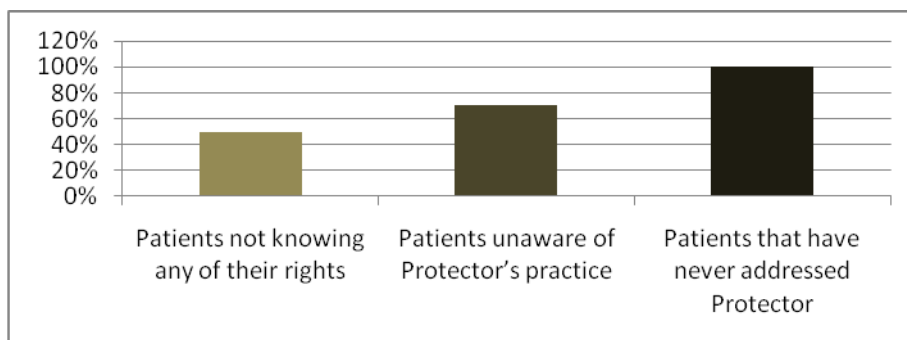
### ***Medical personnel about patients' rights***

90% of respondents said that their rights are being violated and that most cases are the denial of prompt medical care. In contrast, only 10% of respondents are familiar with any violation of the rights of patients, and the same percentage knows about initiated proceedings against the employee. It is significant that only 10% of employees are familiar with the fact that the Protector initiated a procedure in spite of the large number of oral complaints of patients, and that all employees are familiar with the institution of Protector and that they would suggest addressing to him in case of violation of rights.

### ***Patients***

90% of respondents said that they wait for medical examinations longer than 30 minutes which is the violation of the principle of access to health care and patients' right to access to health care. 50% are not familiar with any patient right prescribed by THCA. 70% of respondents had never heard of the Protector, and none of the respondents had never addressed the Protector.

These results explain the small number of complaints was recorded by the Protector of patient's rights and which is familiar to the employee in this institution. At the same time, these results are in contrast to the allegations of the Protector that in recent years, the patients' awareness about their rights increased and that they are very well informed about their rights.



### Recommendations

- Health center shall be completely renovated;
- It is necessary to replace and purchase new equipment in all departments, and this is especially true in the radiology department in order to reduce long waiting lists,
- The vehicle fleet for transportation of patients and public-health nursing services shall be renewed;
- New doctors shall be employed, especially in the department of general practice;
- Health center shall conduct their own initiative campaign that would affirm the rights of patients;
- Health center shall affirm the patient's right to file complaints to Protector of patient right and basic information related to the Protector, such as his working hours and headquarters;
- it is essential for Health center to appoint a person who has the necessary qualifications for the position of Protector of patients' rights, who has never worked in this facility before and who shall be specifically paid for performing this task.

## MAČVA REGION

### GENERAL HOSPITAL ŠABAC

General Hospital in Šabac is a health institution which provides services to patients in Mačva District (315.405 residents) on the secondary level of health care. The hospital is equipped with modern appliances, but in most of its departments the equipment is obsolete and it shall be changed, and the hospital's capacities shall be renovated.

#### *The protector of patients rights*

She has been performing this task for less than a year. Despite this work, she also performs other legal duties in the Hospital, and she is overloaded with working duties, which negatively affects the quality of working as a Protector of patients' rights. She is not specifically paid for performing this task, and that is why she is not financially and legally independent. The work of Protector is sufficiently affirmed, especially among employees, while the patients' awareness about the Protector's existence is better than in other facilities.

The protector does not give the impression of a person whose personal integrity inspire confidence in an independent action in the interest of patients, and if necessary, against the Hospital's interest. This impression is also supported by the Protector's plea that we do not make her views regard to bad legislation public.

### Legislation

The Protector of patients' rights thinks that legislation is inadequate. In law, she is appointed by Director of the Institution, who is given the possibility of dismissing her from work. The possibility of putting the Protector under pressure by Management of the facility is obvious. She emphasized that because of existing methods of protector's appointment, there is an obvious conflict of jurisdiction between her working both as a lawyer in the facility and as a protector of patients' rights, which precludes a quality and independent work, especially when conducting proceedings on the complaint against the hospital staff. She underlined that the terms prescribed by law are too short for her to be able to manage answering the complaint in 8 days, and that they should be at least 15 days. Because of the scarce legislation, General Hospital in Šabac adopted a document that regulates the procedure to the Protector. It can be said that this is a positive step, which indicates once more that the existing legislation is bad, inadequate and scarce.

### Training and cooperation with other institutions

The protector emphasized that she was never an attendant of any training relating to protectors' work, nor has she any cooperation with the Ministry besides sending regular reports, to which she never received a response.

### Working practices

The Protector thinks that patients are not well informed about their own rights. Considering this, there is a large number of filed complaints that are not within her jurisdiction. Patients object to lack of courtesy of medical staff, especially nurses, and the organization of services within facilities. When receiving complaints, she contacts the Head of Department, who then engages in solving the problem. If the problem still persists, the Protector takes the statement from the employee against whom the complaint is filed, and collects other facts, upon which she states her opinion. The decision of Director shall be issued on the basis of such opinion. The protector underlines that the number of complaints decreases annually. The Protector claims that currently there are no active civil and criminal proceedings initiated by patients, against General Hospital or its employees.

### ***Medical personnel about patients' rights***

### Director of the hospital

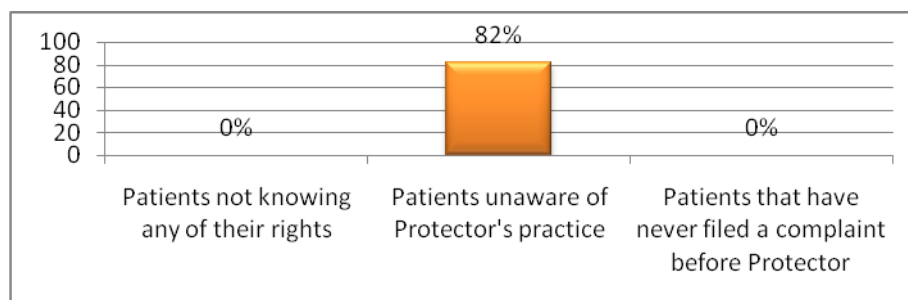
At the time of the visit of project team, despite the verbal promises given, Director was not present at the Hospital, although the project team members repeatedly announced in advance that there will be a visit.

## Medical staff

All interviewed emphasized that there were no poor communication with patients, which is quite opposite to the patients' statements, and especially protector's statements, who emphasized that the most frequent reason for filing complaints was lack of courtesy of medical staff. All interviewed stated that the patients' rights were violated by waiting too long for the service. All are familiar with the protector, and even 50% of employee are familiar with the fact that the proceedings on the complaint are conducted against members of medical staff.

## *Patients*

65% of patients wait for the service for more than 30 minutes. 36% of the respondents think that the employees are not providing adequate information about medical treatment, 27% think that the staff does not take into consideration their objections. None of the respondents is familiar with any of their rights from THCA. 82% of the patients are familiar with the protector of patients' rights, but none of the respondents has ever contacted the protector. Knowledge of their rights is very low, and frequency of filing complaints or informal addressing is negligible.



## Recommendations

- It is necessary to renovate the existing hospital facilities, and purchase new appliances, in accordance with possibilities of the Hospital;
- to Make better signaling within the hospital rounds and to build a bigger parking lot for patients;
- Running of facility shall be more transparent; Employees shall be educated about patients' rights;
- The campaign about patients' rights shall be conducted among patients and medical staff;
- The right to object and file a complaint shall be promoted;
- The protector of patients' rights shall be anticipated by Systematization as "particular workplace", and that shall be a person who had never worked in hospital before and who will be specifically paid for performing this task.

## HEALTH CENTER ŠABAC

### *General information about the Health center*

Health center in Šabac is providing health services in the field of primary health care in the town of Šabac. Since 2007. The Health center is separated from the Medical center and is now an independent legal entity. After adoption of the Decree of the Government of the Republic of Serbia on the Plan network of health institutions, health centers in Šabac, Koceljeva, Vladimirci and general hospital in Šabac have been set up. Building The Health center building is in the hospital complex, with only the administration building completely separate. The Health center has employed a total of 558, of which a total of 442 medical professionals.

Health center Šabac regulate its own web page and Facebook profile. Although the web page is regularly updated, the selection of drop down menus is not systematic, which is particularly obvious in the case of involving the section about Protector of patients' rights to the section about Internet health. In the section about Protector of patient rights, working hours are not highlighted although it launched as a separate section that includes more information.

### *Protector of patients' rights*

The Protector is performing the other legal tasks in Health center. She has been appointed to this function since the opening of Health center and Medical center. She is not able to dedicate to patients' rights because she is overloaded with work. As addition to this claim is the fact that establishing communication with Protector is very difficult. The web site contains her phone number, but is almost impossible to contact her this way.

Law Scanner team has been trying to schedule an interview with Protector for several times by contacting Health center by calling two listed numbers on the web site. Since no one has reported the number we had visit in person, without notice, the sector for administration in order to schedule an interview with the Director and Protector.

Protecting patients' rights Zaštita and performing other legal tasks in Health center are completely opposite functions. Because of it, Protector is often in conflict of interests because she is not able to represent both interests of the employees and patients, so she is representing the interest of The Health center more in practice.

### Legislation

The answer to the filed complaint can not be delivered within the legal term of eight days, according to working practice. In order to collect detailed information from medical professionals against whom a complaint is filed and to objectively analyze the facts, term must be extended to 15 days. If the complaint relates to medical professionals at clinics or health station, it happens that the answer to parties is submitted within 30 days.

### Training and cooperation with other institutions

Since her appointment, Protector has had only one training in 2007/2008., but have never received feedback from the Ministry of Health. No meetings with other Protectors have been organized and she is not familiar with the practice in other health facilities.

### Working practice

The majority of filed complaints is related to unkindness of medical staff, then because of the infringement of Article 40a (right on time) and the impossibility of scheduling. In relation to proceedings because of the unkindness of medical staff, proving misconduct is the main problem. It often happens in practice that patients address to Protector orally before filing of a written complaint. Verbal complaints are recorded, but not in the official reports, or those who are sent to the Ministry of Health. In 2011. two disciplinary proceedings were initiated. For this type of procedure a special commission was formed.

Only two health inspectors have visited the Health center, but the Protector does not know how their visit ended because the report was not delivered to her. We were not able to arrange a meeting with Director despite several attempts. Last time, when we interviewed the Protector the Director was at the institution, but we are not even addressed while we waited to be received by the Protector.

This behavior demonstrates the director's attitude toward the protection of patients and improvement of the Protector's work.

### Doctors and medical staff

Because of Director's for failure to cooperate ,the meeting with the medical professionals was not organized. However, we conducted a survey of employees and got the answers.

All employees are familiar with the work of the Protector, but none of the interviewed medical professionals was familiar with patients filing complaints. In accordance with this answer employees did not specify any patients' right which is mostly violated in their opinion.

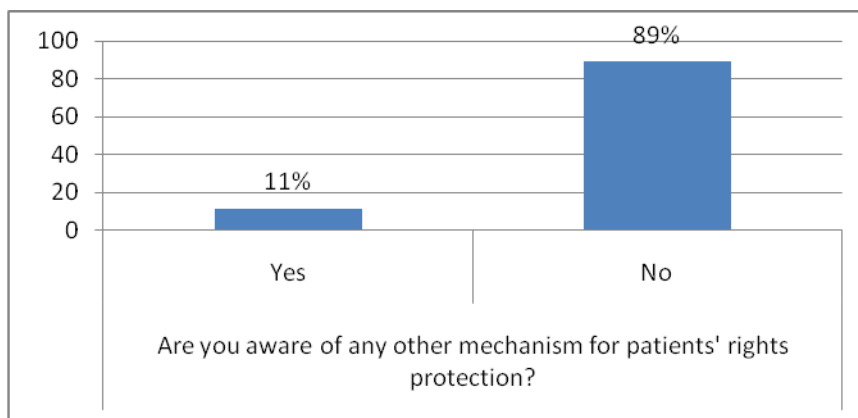
It is interesting that all the answers in the survey are 100% identical.

### ***Patients***

Patients are dissatisfied with relation with medical professionals because they are impolite and do not give enough information about formal innovations in providing health services.

None of the respondents was familiar with any patient right and was not familiar with the Protector. Also, 100% of the respondents had never addressed to the Protector. Only 11% is familiar with the other mechanisms of protection(health inspection).





### **Recommendations**

- To provide training for all employees on patients' rights and the importance of increasing awareness of the crucial role of medical professionals for improving health care;
- To conduct internal campaigns for patient rights prescribed by THCA;
- To introduce the work of the Protector to all patients and enable better communication of patient-Protector.

### HEALTH CENTER KOCELJEVA

According to the Republican Health Insurance Fund, in the area of the municipality of Koceljva, the total number of insured persons is 12 430; 61 medical professionals are employed in the Health center which is providing primary health care. Health services on the secondary level are provided at Medical center Šabac.

The poster with information about patients' rights and Protector of patient's rights is not heng up in the building. The Health center does not have the website, but it has opened an account on Facebook. It is not clear whether the Facebook page is an official presentation of the Health center, because it does not include any data that would provide a clear picture of the work of this institution. Doctors' working hours, notice of the Protector's jurisdiction and instructions for filing a complaint are not provided powers and instructions to file a complaint. This creates an image of frivolity, because it is necessary to build the web page and to allow Internet users to be electronically informed about the work and health services that can be provided in this medical institution. This will reduce overloading of medical professionals with incoming calls about gaining information about doctors working hours and provided services.

### ***Protector of patients' rights***

Protector of patients' rights has been performing this task for seven years and as the only lawyer in the facility, she also performs the duties of personnel officer. She is not specificaly paid for performing this task,I and is employed under a contract of employment.

The very fact that she has no law degree brings into question the competence to act as Protector. She was appointed by the director, but he claims she is not in conflict of interest and that she performs an objectively.

It is believed that patients are very well aware of their rights, Protector, and know in which cases they can fill a complaint. This claim was denied by surveyed patients. 73% is not familiar with the rights prescribed and protected by THCA and 88% is not familiar with Protector and his role, while 12% learned about this institute via media.

### Legislation

Protector has no objections to the legislation concerning the organization and competences of the institute. She thinks that the provisions of law are clear enough for performing the tasks adequately and in that part of the legislation amendment is not needed. The legal term of eight days for answering the complaint is quite sufficient, and she has managed to act on the complaint within three days, so far.

### Training and cooperation with other institutions

Protector did not attend any training for performing its work and improving patients' status. Protector cooperates with colleagues from other health institutions. Protector sends reports regularly in the prescribed time limits, but does not receive instructions and feedback. This practice makes the performance of Protector fully irrelevant. Without education, instruction and any response of the relevant Ministry, the Protector estimated cases practically alone, she has no obligation to show initiative in improving her work and patients' rights.

### Working practice

In one year the average is about 10 complaints are filed in average per year to the Protector. This fact is explained by trying to resolve misunderstandings and dissatisfaction of patients internally, by talking with medical professionals and patient. In many cases patients do not want to sign after a lodged complaint, so in this case, it is solved on the verbal level.

According to the interpretation of the Protector, complaints filed by patients are largely unfounded and are related to long waiting periods at receipt, doctors refusing to write a doctors order, as well as the ratio of nurses to patients.

## ***Medical professionals on patients' rights***

### Director of Health center

Director expressed satisfaction with the Protector's performance, although she does not show any initiative to promote her work and inform patients of their rights, given that a huge number is not familiar with the existence of Protector. One of the biggest problems is overloading of doctors with a large number of medical examination during the day and the administrative work that needs to be finished afterwards. Medical professionals do not have computer skills and that fact significantly slow down their work. In addition, the Ministry has prescribed norms for the number of doctors and medical staff with the rationalization of costs, so the doctors are put in a difficult position. In doing so, the age structure of medical professionals is unfavorable because most of them have more than 25 years of service, so that the poor working conditions threaten the mental and physical health of employees.

Ministry of Health does not pay the training of doctors and medical staff, medical facility and doctors themselves are liable for the costs of internal training. External training is funded by Health center, and sometimes it is common to address to doctor's chamber for financial assistance.

### Doctors and medical staff

The general attitude of medical professionals is that patients are familiar with the rights prescribed by articles of THCA.

All respondents were familiar with the institute of Protector of patients' rights, while 33% are familiar with the cases of filing a complaint against a colleague.

### *Patients*

Survey show that 27% of respondents think that they have never violated any right, while 73% are not familiar with the rights of patients. None of the patients addressed to Protector, because 88% of communication with doctors and medical staff, while 64% think that the right of the patient's time is not obeyed.

These data clearly indicate that the patients are poorly informed, and that it is necessary to organize campaign of patients' rights and protecting mechanisms through coordinate work of medical institutions, especially the Protector, local government and the Ministry.

### Recommendations

- To employ a person with a law degree, who will perform as a Protector, or to provide additional training to Protector so it could provide protection for the rights of patients in a quality manner ;
- To promote patients' rights through the media, posters, seminars- open to the public;
- To open and regularly update web page with relevant data about Protector of the patient's rights and health care services;
- To train medical professionals to

## HEALTH CENTER VLADIMIRCI

Health center provides primary health care to the population. It operates within a Medical center in Šabac, health stations in Debrč, Provo and Kaona, as well as six field clinics. It employs a total of 76 medical professionals, and the municipality has a total of 15 556 insured.

Health center consists of a complex of buildings in which special services for providing health care are operating. As the buildings themselves are not labeled with the data about departments that provide certain health services, it is very difficult to patient to navigate, and it takes a lot of time.

No posters are hung up containing data about the rights of patients, nor about Protector of patients' rights and his contact.

Health center does not edit web page, which in modern conditions is certainly a defect. By regularly updating the site, by entering the relevant precise data about the services that the health facility provides, the rights prescribed by law and to whom patients can address in case of violations of those rights, would greatly contribute to informing residents about the operating of departments and services available, and improve the status of patients which is not on a high level.

### ***Protector of patients' rights***

Protector of patients' rights in charge of the Health center has been performing this duty for two years. As Head of legal affairs, he is performing Protector duty in addition to other legal matters. In this way the Protector is in conflict of jurisdiction, because he needs to protect both interests of Health center and patients which makes him incompetent to provide protection.

It is located in a separate building, in a room which is next to the Director's office. Since there is no data in visible places, contact information and location of the Protector, this solution is very bad because it creates greater isolation and the possibility of direct influence on the work of Protector by Director. Having separate office in another building would be much better solution, and it would provide greater access to patients and independency.

In his opinion, the biggest problem in exercising the patients' rights is the lack of a coordination between the Republic Health Insurance Fund and the Government, Ministry, particularly in the verification of medical-care booklets, and administration that makes medical professionals overloaded. He claims the education of patients, and Protector as well, is essential for successful operating, but that the competent institutions must take an uniform attitude on the issue of patient rights and their protection.

### **Legislation**

In his point of view, the legislation is bad, the provisions are not sufficiently precise and specific. It is necessary to detail the jurisdiction, with greater independence in operating. In accordance with these, the Protector's tasks shall be separated from performing other legal duties, or a person who will only perform as Protector shall be employed.

The legal term, for a response to the complaint is not short and provides time for processing of each, but the problem is stated as a lack of cooperation of patients who do not accept to share personal data when filing a verbal complaint.

Reports are drawn up in six months, and he do not send them to the Ministry of Health, but to the branch in Šabac.

### **Training and cooperation with other institutions**

Promotion of operation and jurisdiction of Protector is not done, and the Ministry of Health has not delivered any poster with patients' rights. He did not attend any training also.

This illustrates the attitude of the Ministry towards the Health center, but the Protector who did not make any effort to initiate cooperation with relevant local and national institutions in order to promote patients' rights. As for not cooperating with other colleagues in the Republic, except for occasional consultations with the Protector of Šabac, it is clear that this institution is not functioning to the extent prescribed.

### Working practice

Patients are not aware of their rights and Protector of the institute, and therefore they rarely file complaints, which are mostly unfounded and related to the accuracy of doctors, but also to the problem related to social protection. Does not lead to any dispute with the health center doctors, and informal complaint was about 15 informal complaint were filed, no disputes are initiated against Health centre or employees. Patients address to the Director rather than the Protector, which is another confirmation of the weakness of this institute.

### ***Medical professionals on patients' rights***

#### Director of Health center

The director has negative attitude towards patients' rights, because he claims that too many patients are too much protected and that is why they behave arrogantly. They often have requirements that are impossible to meet without being oblivious, and they do not take into account the conditions in which medical professionals are operating. Taking into consideration that dissatisfied patients address to Director rather than to Protector, the amount of filed complaints due to Director's attitude.

#### Doctors and medical staff

Familiarity with the Protector of patients' rights and doctors operating is unsatisfactory. Only 67% are familiar with the institution of Protector and its duties. None of the respondents was familiar with any filed complaint by patient. On the asked question of rights which are often violated, and what patients complain most, 66% think that that is a long waiting period for receipt to the doctor, while 17% answered that they "complain at all." On the other hand, none of the respondents in the practice had any problem in communicating with patients.

These data clearly indicate that the director has too much control over the Protector's work, and therefore a small number of employees and patients are familiar with its duties. The impression which is gained is impression is gained that the Protector at the Health center exists only to comply with law prescription, but has no actual powers, while performs under instructions from the Director.

### ***Patients***

Bad situation in terms of protecting the rights of patients is confirmed by patients themselves. Slightly more than half of surveyed patients was not familiar with any right prescribed by THCA. Also, 50% were not familiar with the Protector of patients' rights, while 40% of respondents learned about Protector through the media, and 10% from other patients. None was familiar with the name of Protector of Health center when asked. Also, none of the

respondents has addressed to the Protector nor filed a complaint. 30% of them considered to be in violation of the right to information, while 20% are not satisfied with communication with doctors and medical staff.

### **Recommendations**

- To single out the Protector's office and to make his work independent; second;
- To cooperate with relevant national Health Ministry;
- To establish cooperation with local authorities and the media, in order to inform residents about their rights and protection mechanisms;
- To provide training to Protector;
- To hang up the posters in the building of health centers with the enumerated rights of patients and data on the Protector;
- To make a web page that will contain relevant information on the work of Health center, patient rights and jurisdiction of the Protector and method of filing a complaint.

## HEALTH CENTER BOGATIĆ

Health center Bogatić is serving 19.985 of the insured registered, of a total of 26.731 insured on the territory of this municipality. Beside the principal building of Health center, there are also 7 clinics and 5 health stations. The building of Health center provides a minimum of requirements for reception and patients' treatment. The premises are cleaned and maintained, but the Health center shall be renovated. Available capacities of the Health center are not sufficient, which can be best seen when considering the number of specialists in many departments, where there is often only one of them. Number of patients substantially exceeds the proscribed standard for the number of patients per a chosen doctor, which in practice leads to employees being overloaded with the number of patients, and too long a period of time that a patient spends waiting for medical examination.

### ***Protector of patients' rights***

The Protector is performing this task since 2008. Despite this work, he also performs other legal duties, which affects the quality of working as a Protector of patients' rights. He is not specifically paid for performing this task.

### **Legislation**

The existing legislation is scarce, and the Protector is not in dispose of any secondary legislation. He thinks that existing legislation is inadequate, considering the fact that he is appointed by the Director of the institution he is obliged to control. The Protector is facing a conflict of interests, because from the moment when the complaint is filed, considering the fact that he is a lawyer in the institution he is working in, he represents the institution and not the patient who filed the complaint. Because of all this, he is not independent in performing

his tasks, because he is under constant pressure and is facing the possibility of being dismissed by the Director if giving priorities to patients' interests and not the interests of the institution he represents. The attitude of the Protector is that the legislation should be different and that he should be appointed by the Ministry of Health, and not by the Director of institution he is working in.

The Protector manages to respond to complaints in 8 days term.

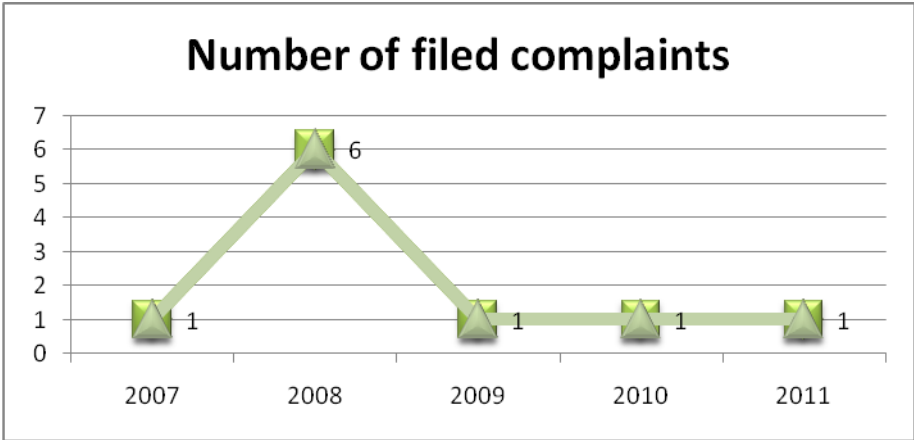
Training and cooperation with other institutions

The Protector emphasized that he was never an attendant of any training since the moment he started performing this task, nor has he any cooperation with Ministry, which has never sent any response to reports he is sending on regular basis. No cooperation with oter protectors and institutions is established. Ministry of Health does not pay any attention to the Protector of patients' rights' work and practice, nor intend to improve his work.

Working practice

Practical work of a protector in this facility basically does not exist, considering the fact that annual number of the complaints is negligible. Only the year 2008. stands out by a slightly higher number of complaints- 6 for the whole year, while the average for other years is 1 per year. The above statistics confirm the Protector's attitude that the patients are not well informed about their rights and that they are aware of the fact that filing a complaint can not influence protection of their rights and sanctioning offenders.

In most cases, patients' complaints are verbal, and Protector does not record them formally. According to him, patients complain informally mostly about the lists of medicaments and the impossibility of certain medicaments to be prescribed on a perscription, as well as waiting too long for medical examinations at the specialist's and general practitioner's. The Protector of patients' rights claims that currently there are no active legal or administrative proceedings against the Health center or any employee.



## ***Medical staff about patients' rights***

### **Director of Health Center**

Beside the fact that the Director of the facility was informed about the visit of Law Scanner team, she refused to meet the members of the team. This approach of the Director indicates the relationship between this institution and the professional public, and poses a question of adequate working control of the Health center.

### **Doctors and medical staff**

83% of the interviewed stated that patients wait too long for a reception at the specialist's or G.P.'s, whereas only 67% of the interviewed are familiar with the Protector, and 83% of the employees have never heard that someone initiated the proceedings or filed a complaint to the Protector.

This indicates that the employees are badly informed about the Protector, his jurisdiction and the initiated proceedings.

## ***Patients***

75% of the interviewed patients claim that they wait more than 30 minutes for medical examination at specialist or medical of general practice, which questions the effective functioning of this institution and working organization in it. More than 80% of the patients think that their right to be informed is not violated, as well as the possibility to give their suggestions to medical staff. 43% of the interviewed said that the members of medical staff gave reference for private health facilities for providing certain health services, which is a very high percentage for such a small environment, with a small number of insured. 75% of the interviewees do not know either one patient's right prescribed by law, which refers to the right of filing a complaint, and 43% have never heard about the Protector of patients' rights. None of the interviewed has ever filed a complaint to the Protector.

## **Recommendations**

- The functioning of the facility shall be reorganized and new specialists at some departments and medical of general practice shall be employed; Running of facility shall be more transparent to residents and professional public;
- The employees shall be educated about patients' rights proscribed by law;
- Medical center shall inform patients about their rights, working of facility and its internal organization;
- Protector of patients' rights work shall be affirmed among the patients;
- The protector of patients' rights shall be predicted by Systematization as "particular workplace";
- The person who is performing this task shall be the one who fulfills all requirements for employment and the one who has never worked in Medical Center Bogatić before.



## BELGRADE – ZVEZDARA

### HEALTH CENTER ZVEVDARA

Health center Zvezdara provides primary health care for 141.005 insured, from which is 96.230 registered. It is a renovated facility, which is well maintained and fulfills the basic requirements for patients' examinations. The access to Health center is bad, especially for person with disability. The doctors at some departments, especially the general practitioners are overloaded with the numbers of patients. Some departments do not have adequate medical equipment, nor technical appliances like computers and printers. Posters about patients' rights are hung out on several places, as well as the right to object, with the name of the Protector of patients' rights.

#### **Protector of patients' rights**

Protector of patients' rights has been performing this task for 4 years. In the same time, he is also a Head of legal service, which is why he is in obvious conflict of interests. As a Head of Legal Service, he represents and protects interests of Health Center, which refers to the cases when patients file objections. He is not specifically paid for performing this task, which additionally weakens his position.

#### Legislation

Protector thinks that legislation is scarce, but he did not give concrete proposals for change or amendment of laws. Also, the term for acting on the objection shall be at least 7 working days. He is not in disposal of secondary legislation which determine his work and jurisdiction.

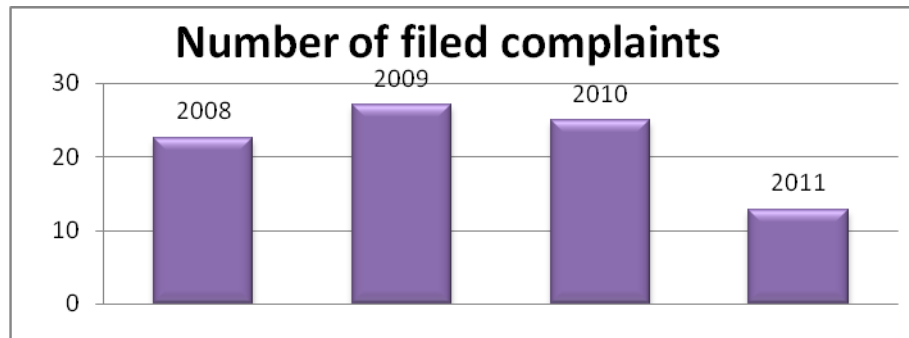
#### Training and cooperation with other institutions

Protector initially was attending some training organized by Ministry, but such trainings are not organized any more. He has no cooperation with other protectors. Initially, he received posters and leaflets, which promote his work, but he has not received any material later. He submits reports on regular basis to Director of Health center and Ministry of Health, from which he has not received any response and feedback from, which additionally confirms general lack of interest of Ministry to improve the Protector's work.

#### Working practice

The number of officially filed objections annually does not exceed 20 and it tends to decrease. In 2008, 2009 and 2010 every fifth objection was founded, where as the rest were dismissed or denied. The number of founded objections rapidly declined in 2011, where from 13 filed, only one was founded. All procedures established by the objections were resolved in the second degree, indicating dissatisfaction of the applicants' with Protector's decision. The most frequent reason for filing an objection of the in the period since 2008. by 2011 is a violation of the principles of health care and quality of health services. Protector avoids to officially record and process filed objections, Zaštinik izbegava da podnete prigovore zvanično

zavede i procesuiru but attempts to resolve the conflict by agreement between doctor and patient, and providing explanations to the patient. According to all this, he primarily protects the interests of the institution he is working in.



### ***Medical personnel about patients' rights***

#### Director of Health Center Zvezdara

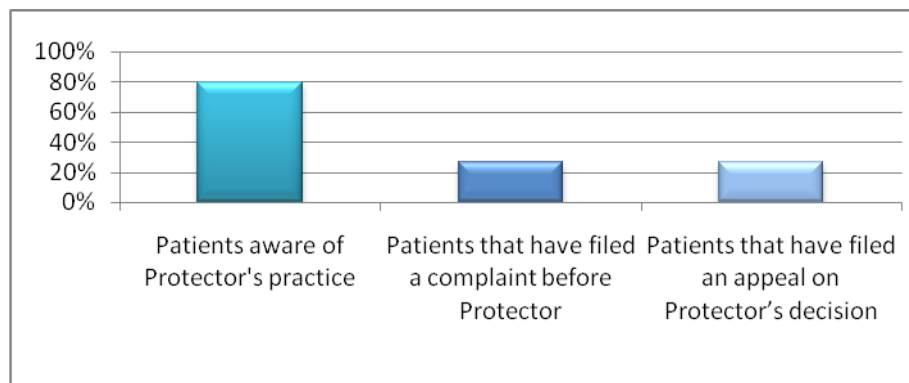
It is emphasized that the biggest problem is the doctors being overloaded with the number of patients. The equipment at some departments is obsolete. The problem for the doctors is very frequent change of list of medicaments, which is the main reason for misunderstanding between the doctors and the patients. Patients are not well informed about their rights and obligations and that it is necessary that it be clearly listed and defined in a legal document, and then presented to patients and medical staff.

#### Medical staff about patients' rights

All of the interviewed claim that they never had bad communication with patients, and that their right to be informed is obeyed. 70% of the employee thinks that patients are waiting too long for medical examinations. All are familiar with the protector, but no one knows of any proceedings initiated. This attitude of the employees is in contrast with the official data about the number of filed objections.

### ***Patients***

73% emphasized that they wait for medical examination for more than 30 minutes. 90% of patients think that the right to be informed is obeyed, where 82% think that the right to obtain information is obeyed. 27% of the interviewed stated that they addressed private health institution, acting on recommendation of medical staff for health services. It is an explicit example of violations of rights of access to health care. 82% is not familiar with any patient right prescribed by law, including the right to object. 80% of the interviewed patients are informed about Protector of patients' rights, but 27% of this number have never addressed to Protector. All patients which addressed to Protector emphasized that they were not satisfied with his work. These results further contribute to the overall conclusion regarding the Protector of patient rights.



### **Recommendations**

- Health center shall increase its capacities, especially by employing new general practitioners;
- It is necessary to restore the equipment to individual departments or to increase existing capacity;
- It is necessary to make the accesses more accessible to person with disability;
- Some departments shall be equipped with computers and printers; It is necessary to redesign the web page of Medical center;

### **BRANCH OF HEALTH CENTER ZVEZDARA -MIRIJEVO**

According to unofficial information, Mirijevo branch, with about 100 employees of the medical staff, is serving 10,000 insured located at Mirijevo territory, and the whole Zvezdara municipality. It is new and very modern building which is well maintained. Waiting premises, as well as offices are neat, clean and equipped with modern appliances. The corridors of the department of general practice for the treatment of adults, are narrow and have no bench, so many patients are waiting for long for medical examination, without being able to sit down. This branch is not equipped as well as Health center Zvezdara. There is no hang up poster which promotes patients' rights and Protector's work.

#### ***Protector of patients' rights***

Protector from Health center Zvezdara is in jurisdiction for this institution as well. He is singled out by his residence, so he is less available to the patients, which is why they are not able to file an objection in a short notice. At the same time, there is no highlighted contact of Protector anywhere within the building of Mirijevo branch.

#### ***Chief***

Branch has no director, but the head of the institution is a chief. Chief thinks that Mirijevo branch is very well equipped. The biggest problem for doctors is being overloaded with work because of the large number of patients, especially in the department of gynecology. A major problem for patients, and doctors, are very frequent changes in the list

of medicaments, which leads to mutual misunderstanding. Chief emphasizes that the training of staff is inadequate, expensive, and is only satisfying form for renewal of license. Patients are poorly informed about their rights, which is a common cause of conflict between patients and medical staff. A typical problem is scheduling medical examinations because patients do not obey scheduled timetable, but it should be noted that neither the institution does not. Chief has no information whether any proceedings are initiated against an employee in front of Protector or some other judicial or administrative proceedings are initiated.

### ***Medical staff about patients' rights***

50% of the interviewed point out bad communication with the patients who are "poorly informed and rude" as a main problem. Employees think that they are overloaded with work, even 70% of them claims that patients are waiting too long for the service, and only 15% thinks that none of the patients' rights is violated. All of the interview are familiar with the Protector, and 30% are familiar with some of initiated proceedings and filed objections. This kind of data is in contrast with chief's claims of not being familiar with any of this cases.

### ***Patients***

75% of the interviewed claims that they wait for medical examination from 15 to 30 minutes, where as 25% iclaims that they wait more than 30 minutes. All of the interviewed think that their right to be informed is obeyed, where as 25% point out that their right to be informed is violated. 25% anketiranih je sugerisano od strane zaposlenih da se pružanje određene zdravstvene usluge obrati privatnoj zdravstvenoj ustanovi.

63% of the interviewed patients are not familiar with any of their rights proscribed by HCA, where as 37% claims that none of their rights is violated. 90% are familiar with the Protector of patients' rights, but only 13% of this number have ever addressed to him.

### **Recommendations**

- It is necessary to increase the number of employed general practitioners and specialists in gynecology and obstetrics;
- To implement a campaign affirming the patient's rights, especially the right to object;
- Printers shall be provided in all medical offices; Branch of Health center Mirijevo shall have its own web site or special section within the redesigned site of Health center Zvezdara;
- Systematization of jobs necessary to predict particular job protector of patient rights in the health branch of the Zemun Mirijevo, which will only perform this task for him to be paid separately, the patron of the place it is necessary to appoint a person to has not been employed in the health Zvezdara.

## HOSPITAL CLINICAL CENTER ZVEZDARA

HCC Zvezdara provides services on the secondary level of health care for 141.005 insured, of which 96.230 of the insured are registered. Poor physical status of the hospital and the complexity of its capacity, prevent effective delivery of health services. Most of the appliances are new, but their number is insufficient, so that in cardiology, endocrinology, and urology patients are waiting too long. The interior of the hospital is in very bad condition, especially facilities for hospitalization. In these departments there are no basic conditions for a stay of patients, such as adequate furniture, clean bedding, whitewashed rooms and air conditioners. In addition, patients complain about lack of courtesy and poor nutrition.

### *Protector of patients rights*

Protector has been performing this task since 2005. At the same time, she is also a chief of legal service in the hospital and the only lawyer in the service, which significantly increases the demand on her work, which is obviously not enough for a hospital that serves such a large number of insured.

### Legislation

Protector thinks that legislation is scarce and inadequate. She is not in a position to dispose of any secondary legislation which regulates more closely the protector's jurisdiction and responsibilities. She thinks that the major problem is legal solution in which the Protector of the institution is appointed by the Director of the institution, since it allows the Protector to be pressured by the institution where she works, but she never had such experience. It is indicative only mentioning of inadequate legal solutions if problems in this sense do not exist in practice.

### Training and cooperation with other institutions

After the appointment of the Protector, Ministry of Health organized training for the Protector of patients' rights, which she attended. Beside this, the Protector has no contacts with colleagues from other health centers or hospitals nor any cooperation. The Ministry had originally submitted the information materials in the form of brochures and flyers, but she has not received it recently.

In this way, the situation observed while visiting other medical institutions was confirmed once again, that the Ministry of Health has not paid any attention to the work of Protector.

### Practices

The Protector thinks that the patients are poorly informed about their rights. Submitted objections to be resolved are often from the area which is not in her jurisdiction. Most of the submitted objections are justified and founded because of bad equipment and small capacities. Very often patients are not being received by a specialist within a specific period of 30 days, which is a very common reason for submitting the objection. In case of a serious

violations of patient rights due to medical error, a Special commission for monitoring is formed consisting of three medical specialists in specific areas to consider the type and degree of resulting injury. The final decision is based on their findings.

Protector points out that several proceedings are initiated for damages against the hospital staff and the institution, but none of these procedures have been finished yet. The hospital is represented by the law firm and the protector thinks that their incompetence, as well as the incompetence of the judicial bodies cause a long duration of these procedures.

**Medical staff about patients' rights**

89% of the interviewed claims that there is no bad communication with the patients. Even 90% pointed out that the patients' rights are violated and that the main reason for that is waiting too long for service in some departments.

All are familiar with Protector and her work, 67% of the interviewed is familiar with the fact that some patients submitted the objections.. 90% of the interviewed would recommend addressing to Protector if needed.

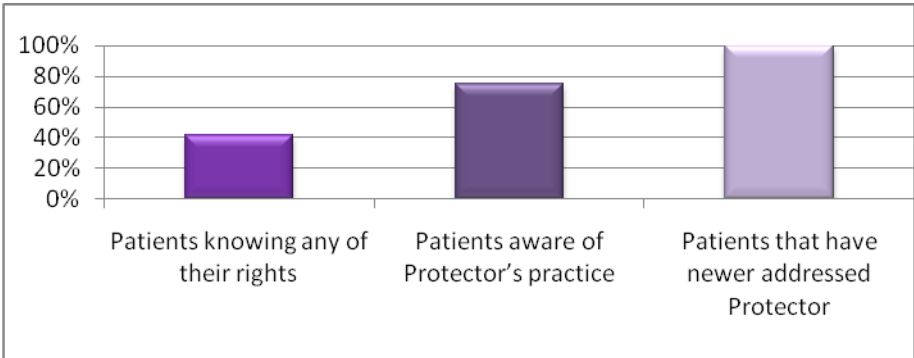
According to employees, the most common reason for submitting the objection was unprofessional conduct of medical staff and waiting too long for medical examinations.

**Patients**

50% of the interviewed pointed out that they wait more than 30 minutes for medical examinations and providing other medical services, thus reaffirming the capacities of HCC Zvezdara being overloaded. The patients right for adequate and prompt health care is violated this way, which represents a problem on the secondary level of health care, in which untimely intervention can cause serious consequences for the patient, even fatal outcome.

83 %, in reference to 91% thinks that their right to information, in reference to right to be informed.

64% is not familiar with any patients' right nor any right prescribed by law. Although 75% of patients are familiar with Protector of patients' rights, no one addressed to Protector either formally or informally.



## Recommendations

- HHC Zvezdara shall increase its capacities particularly in the departments of cardiology, endocrinology, and urology;
- It is necessary to put in order renovated polyclinic, HCC Zvezdara shall create new web page;
- It is necessary to conduct a campaign among patients about affirmation of patients' rights, especially the right to object;
- Training among employees about patient rights, and Protector's jurisdiction and initiated proceedings shall be organized;
- There is an urgent need to appoint another graduate lawyer who would carry out tasks of Protector of patient rights in this institution;
- It is necessary to employ the person who has never worked in HHC Zvezdara before and who will be paid for this job.

## HEALTH CARE OF ROMA

The most significant changes in legislation that have improved access to health care for Roma population are the adoption of two laws in 2005, The Health Care Act (THCA) and The Health Insurance Act (THIA). As the social care for the health represents the public interest, it was necessary to introduce the provision that accurately determines the conditions for equal access to health services for all citizens of Serbia.

In order to achieve equality, the article 11 THCA states that special attention is paid to a group of people who are exposed to increased risk of disease. In this group, item 11, lists the members of the Roma population. However, art. 11 had to be compliant with the Health Insurance Act (Article 22, item 11) so the access to health care could generally be provided to Roma population.

The Government of the Republic of Serbia in 2009. adopted a Strategy for improving the situation of Roma. According to the strategy, in part related to health care, life spans for Roma is 10-12 years shorter than in the general population. As the causes of poor health of the Roma population, the following factors can be distinguished: poor living conditions (especially hygiene), lack of access to primary health care and lack of awareness about prevention.

It is important to emphasize that the measures anticipated in Reform of the health system in 2002 had the significant impact on improving formal access to health care, in terms of ease of having health insurance cards and providing basic rights to compulsory health insurance. However, there is still a large number of Roma is unable to care for their own health in accordance with Art. 15 THCA. The biggest problem is lack of finance for medicines that are prescribed, and which are not on the list of medicines that are dispensed by prescription. After visits to Roma settlements in the Kolubara and Macva region and Belgrade (Beograd municipality), we realized that most of the population, even of 35 years of age, have problems with cardiovascular diseases.

Although health care for women is arranged by the Regulation on the national program of health care for women, children and youth, it can not be said that it fully

contributed to improving the health of the Roma population in praxis. One of the guiding principles of the program is to care for vulnerable groups, which implies the existence of the priorities in planning services for the provision of health services. This should include working of specifically educated medical personnel who would know how to give instructions and help this group to participate actively in preserving their health. Also, training should include methods of eliminating discriminatory behavior and the establishment of trust between doctors and patients. It would be quicker and easier for Roma population to get acquainted with the useful effects: birth control, preventive medical examinations and overall care of your health, through doctor-patient communication..Beside introducing The national guide for physicians in primary care, relating to the protection of pregnant women, Roma women rarely address to gynecologist during the pregnancy.

. Health care of children is also regulated by all these acts. According to the program, the mortality rate of Roma children is still high, 25.9% in 1000 births. The most common causes of mortality are infectious diseases and malnutrition. Taking into account the percentage of mortality and causes, it can be concluded that the health care of children is not on the appropriate level. When it comes to preschool children, their biggest problem is the vaccination that is 30% lower than the average.

The introduction of health mediators affected positively the awareness of the importance of Roma's own health care. Mediators have been introduced since 2009 and currently there are 75. Their work mostly referred to the education of Roma women about reproductive health, child vaccination and treatment of cardiovascular diseases. Mediators have a major role in scheduling the medical examination with a GP, although in some places they have good cooperation with hospitals (General hospital in Sabac). During the week, mediators have prepared a detailed action plan which is divided into two parts: the work in the health center when they receive parties and provide assistance related services in the institution, working in the field when they visit Roma settlements with medical personnel. While working in the field, the mediators gathered data on the Roma population, as the basis for further defining a method for improving the health of Roma. The number of Roma who regularly use their rights to health insurance is much bigger in places where there is a mediator (Valjevo, Valjevo, Sabac and Koceljeva).

Law Scanner project anticipated visit of settlements in all the places where health centers and hospitals were visited (Kolubara region - Valjevo, Valjevo, Valjevo and Mionica; Mačva region - Sabac, Bogatić, Koceljeva and Vladimirci, Belgrade - Zemun). In order to achieve cooperation with the Ministry of Health, we submitted a proposal for supporting the project. We stated in the Proposal that we will talk with mediators in order to get information about the health of the Roma population and their knowledge of patients' rights. At a meeting in the Ministry we have been informed verbally that we will not be allowed to have an interview with mediators, and that they can not give out information without permission.

However, they promised to consider our proposal. By the end of the implementation of the activities, we have not received an answer, and we did not interview only the mediators form Health center Zvezdara, who asked for permission to talk to us.

Law Scanner has established cooperation with Roma organizations and together conducted all the activities planned for the visit of Roma settlements: the settlement in the Kolubara district - Roma Center for Democracy in Valjevo; settlements Mačva County – Roma Society in Bogatic, Roma settlement in Belgrade, Zvezdara - The Little Prince from Belgrade.



During the visit of Roma settlements, we obtained information on the quality of health care, compared with doctors and medical staff, knowledge of basic rights and problems in obtaining health services.

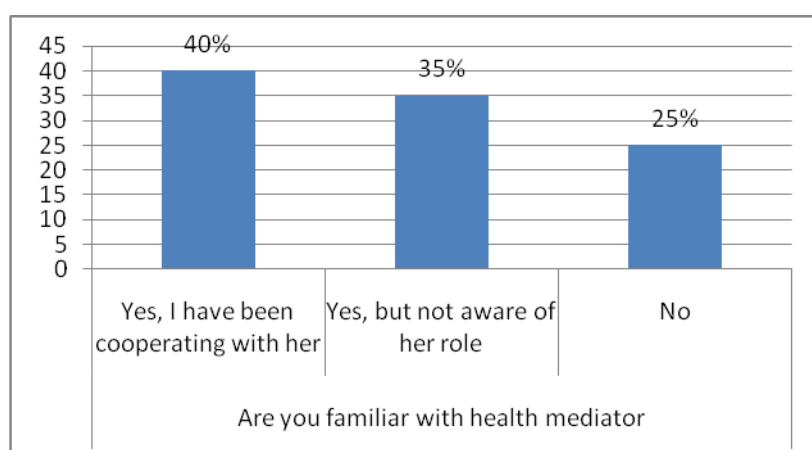
## KOLUBARA REGION

### ROMA SETTLEMENTS IN THE TERRITORY OF VALJEVO TOWN

Roma settlements belonging to the town of Valjevo are Bair, Bolnički blok, Novo naselje, Balačka, Grabovica, Dublje, Sedlari and Kotešica. According to the Roma Center for Democracy, there is 1500 Roma residents in all these areas. Some settlements are located near Valjevo (Balack, Grabovica, Sedlari and Kotešica), while a smaller number is closer to downtown. Most settlements outside the city have no water and sewerage system (Balack and Grabovica). Balačka settlement received the fountain in 2011 which was placed in the center of the settlement.

#### *Medical professionals on patients' rights*

Medical personnel believe that the Roma often seek "more rights than they legally belong." It remains incomplete, which are the additional right that members of Roma population seek in comparison with to the majority population. Employees were contradictory in their statements on cooperation with mediators. In the hospital, the members of medical personnel claimed that there is no contact with the mediators, while according to the survey, 56% of them had co-operation. However, a large percentage (46%) did not know of the existence of this institution. In the Health center, 46% of employees had never heard of the health mediators, while 36% do not know what is her role.



### ***Protector of patients' rights***

The Protector thinks that there are no problems in communication with members of Roma population because they rarely file a complaint..There are no recorded cases of filing a complaint based on discrimination.

### ***Health mediator***

Mediator is familiar with the patients' rights and has submitted the only one objection to work of ambulance..Most of the problems in working practice, so far, are related to dealing with discrimination against the Roma population. Reducing the number of discrimination cases is very slow and it is necessary to conduct additional training for health care.

Another aspect of the problem is non-compliance of Article 22, paragraph 1 THCA in branch in the Republic Health Insurance Fund because workers in the branch do not want to issue health cards on this grounds. The work of health mediators influenced the increase: the number of children vaccinated, the number of preventive gynecological examinations and birth in the hospital and the number of Roma who have chosen doctor. The health mediators' help is reflected in the scheduling of examinations, authentication of health cards, the choice of doctors and gynecologists. The presence of mediators during the medical examination is often required.

### ***Roma on health care***

In order to establish a doctor-patient trust, medical professionals need to adjust the communication level of education of the patient so that he can understand the information on diseases, treatment and consequences of non-use of prescribed medicines. According to Roma women, doctors generally accuse them of neglecting and taking poor care of children, even when they bring children with high fever. It is positive that the number of Roma women who give birth in hospital increased, but the employees still have bad treatment towards them. In these situations, Roma women are often left alone to give birth, with the comment that they know how to do it because they already done that several times. It happens that patients who want to participate more actively in their treatment, do not receive answers to questions because doctors believe that it is sufficient that they were told which medication should use and when to come for the regular control. It is clear that a relationship of superior and subordinate is established this way, which may result in incorrect treatment of patients and endangering health status of the patient in praxis.

None of the Roma respondents was familiar with the Protector of the patients' rights, while they are familiar with the work of mediators, which help them most in scheduling medical examinations and vaccination of children.

### **Recommendations**

- To educate the Roma population on the rights of patients and all the protection mechanisms;
- To encourage Rome alone to fight for their rights in THCA;

- To make medical professionals more sensitive on the problems of the Roma population;
- To inform workers in the Republic Health Insurance Fund of the special forms of mandatory health care.

## ROMA SETTLEMENT IN TERRITORY OF MIONICA MUNICIPALITY

According to the Roma Center for Democracy, 440 Roma live in territory of Mionica municipality. Nanomir settlement, which is located between the two municipalities, Lajkovac and Mionica, is not renovated after the earthquake in 1999. Roma families who had to move out of their homes, still live in small containers with no water, electricity or bathroom space. Most of the population is unable to maintain basic hygiene. The second part of the settlement, where houses are not demolished, has water and electricity, and there are basic life conditions.

Because the settlement is between two municipalities, residents of Nanomir may make a decision whether to choose a doctor in Lajkovac or Mionica.

### *Medical professionals on Roma health care*

Medical professionals at the Health center think that since the legislative changes, the number of Roma who have chosen doctor increased. According to medical personnel, there has never been a problem in relationship with the Roma population, because they all have the same treatment and there was no reason for filing the complaint. These statements are consistent with responses from the survey that was completed by medical professionals, but are inconsistent with the data obtained from interviews with Roma.

### *Health mediator*

There are no health mediator in the Health center.

### *Roma on health care*

Roma living in Nanomir are dissatisfied with the health services provided in health centers (Lajkovac and Mionica). Most of them have changed selected doctors or health center. However, the treatment towards Roma in the Health center in Mionica is much worse than in Lajkovac. The cause of the poor quality of health care is that there is no protector nor health mediator in the Health center. The members of Roma population are poorly informed about their rights. Interviewed Roma have never heard of the Protector, and none of them did address to the mediator. Doctors are not willing to give explanations of the disease and to adjust the therapy to education of patient. Discrimination is mostly manifested by verbal means, and it often happens that medical care on that grounds is denied, causing a change of selected doctor or medical center. This behavior of employees can only negatively affect gaining confidence in the medical professionals.

### **Recommendations**

- To appoint health mediators and Protector;
- If the Protector is to be appointed, it is necessary to be specifically educated for working with the Roma population;
- To educate medical professionals on patients' rights and the rights of groups listed in section 22 of HIA;
- To educate the Roma population of all the rights of THCA.

## ROMA SETTLEMENT IN TERRITORY OF LAJKOVAC MUNICIPALITY

### ***General information about the settlement***

530 Roma currently live in the municipality of Lajkovac. The settlement is located on high ground compared to the center of Lajkovac. Some houses in the settlement fulfill the normal life conditions, where as some are very loose and not connected to electricity, water, sewerage system and heating. Many residents are working abroad and often change their place of residence. The streets in settlement are paved, but there is no regular public transport lines.

### ***Medical professionals on Roma health***

100% of respondents did not have any objections to cooperation with Roma, and evaluated it as good. 80% are familiar with the health mediator, and 67% had cooperation with her. 36% stated that the Roma have too much demand, to behave rudely and complained of discrimination, which is in contrast with previously given answer of not having problems in cooperation. 18% is familiar with the fact that complaints for discrimination of Roma are filed to the Protector. The Director believes that the situation of Roma has been improved since introducing the health mediator.

### ***Protector of patient rights***

Protector considers that the Roma are treated well and are not endangered in health care system. He points out that no official complaint on the basis of discrimination were filed. Protector is not familiar with the institution of health mediator and its role.

### ***The health mediator***

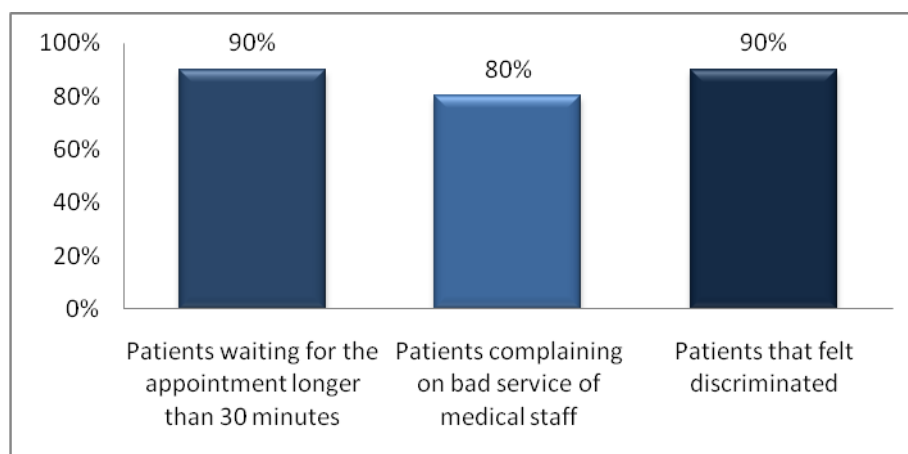
All Roma speak Serbian, so they have no problems in communicating with medical staff. Informally they most complain of working hours of Health center and distance between some settlements and The Health center. It is believed that they were not sufficiently informed about their rights, and have never demanded from mediators to help them to file a complaint

to Protector, although she is familiar with the fact that some complaints were filed to the Director who is not competent for dealing with them.

The health situation has improved since the mediator appointment of the health mediator, because a large number of patients verified their medical-care booklets. The biggest problem, yet, for some patients, is that they can not verified medical-care booklet because their place of residence is not registered. The health mediator regularly goes to the field and has good cooperation with the residents. She points out that the Ministry organizes regular training and associate health mediators from various health institutions in Serbia.

### ***Roma on health care***

The Roma are poorly informed about their rights. More than 70% think they do not get all the information about health services, and the same percentage believe that doctors do not take into consideration the comments and suggestions given by patients in connection with the prescribed therapy or treatment. 80% of respondents claimed that they waited for medical examination more than 30 minutes although the medical examination was scheduled. The vast majority felt that the longer waiting period for admission to the doctor was due to discrimination. In addition, 90% of respondents think that they are not treated equally to the majority by medical staff. 80% said that quality service is not provided, while 70% indicated that they were sent to a private health facility by medical staff.. None of the respondents is familiar with the Protector nor has ever addressed to him, and only 40% of respondents sought health services from the health mediators.



### **Recommendations**

- To affirm the rights of patients among the Roma population;
- To conduct campaign on the rights of Roma and the role of health mediators among the employees;
- To present the problems faced by members of ethnic communities to Management of the institution;
- To conduct a campaign among Roma on the right to file a complaint;

- To present the priority problems of the Roma community to the Protector of patients' rights.

## ROMA SETTLEMENT IN TERRITORY OF UB MUNICIPALITY

In the municipality of Ub, 500 members of the Roma community are currently living. Roma settlement is located three kilometers from Ub. Beside the residents who live in adequate living conditions, a significant number of residents of this settlement still live in houses without water, electricity and sewerage system. Some of the biggest problems in the settlement is the lack of school buses transporting children to and unpaved side streets in the settlement. Also, the ambulance usually will not come for the intervention on received call by residents of this community. Health education of Roma in the municipality of Ub is very low.

### *Medical professionals on Roma health care*

All of the surveyed medical professionals have pointed out that the cooperation with the Roma is good, but still 12% of them are familiar with the fact that a member of community filed a complaint to Protector. Although the health mediator in this Health center is not appointed, 40% of respondents claimed that they cooperated. The Employees think that the same type of health service is provided to Roma patients and to the majority, and that there were no cases of discrimination. These results are in contrast with data obtained from the Roma community who pointed out numerous examples of discrimination in the Health center.,during talks with the team members.

### *Protector of the patients' rights*

Protector of patients' rights claims that there are no filed complaints based on discrimination, and that Roma did not differ from other patients on the grounds for filing complaints. Roma, in general, have filed a few complaints as a result of being poorly informed about their rights, especially about the right to file complaint.

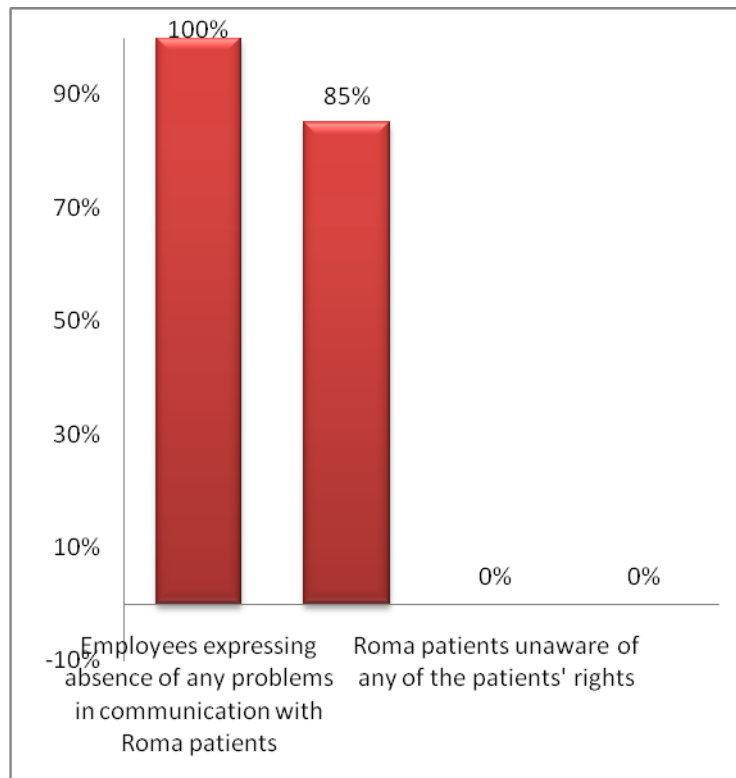
According to the Protector, the biggest problem in practice is that many members of this community do not have a verified medical-care booklets. Young children do not come for medical examination regularly, or are not regularly vaccinated, a pregnant woman does not even come for regular checkups. Emergency cases are threatened and recorded without verified medical-care booklet and such medical-care booklet is temporary verified for a period of one month.

### *The health mediator*

Health mediator is not appointed in The Health center, and all of the above problems of the Roma community in the health care, impose an obvious need for the appointment of mediators in the health center.

### ***Roma on health care***

All respondents stated that the wait for the medical examination for more than 30 minutes, although they had the medical examination scheduled as all other patients. Communication with medical staff is very poor (90%), while 85% believes that the health center does not provide good medical services. Doctors in most cases (95%) do not take into consideration the suggestions and opinions of patients, related to the prescribed treatment and therapy, which violates the right to information and notification. None of the patients surveyed is not familiar with any of the patients' right, have never heard of Protector, nor have ever filed a complaint.



### **Recommendations**

- To appoint mediators in The Health center Ub;
- To conduct a campaign among employees about patient rights and tolerance towards minority groups;
- It is among the Roma community to promote patients' rights, especially the right to file a complaint;
- Protector must affirm its work among members of this community;
- To determine why Roma wait for so long for a medical examination at the with a doctor's and solve the existing problem based on it;
- It is essential that the Health center independently or in cooperation with inspection and other services, determine why the patients are sent to private health institutions medical personnel;

- Municipalities need to activate their resources, to paved streets in the settlements and provide a school bus.

## MAČVA REGION

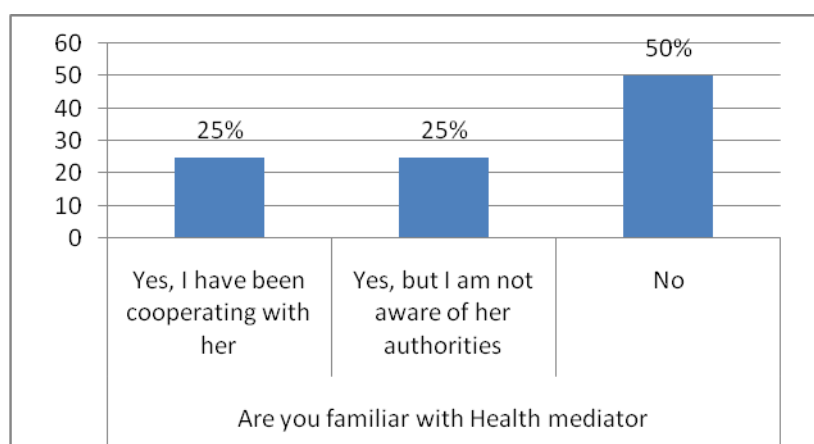
### ROMA SETTLEMENT IN THE TERRITORY OF ŠABAC CITY

According to the Association of Roma, 6000 Roma live in 36 Roma settlement, in the city of Šabac. One Part of the settlement is closer to the city, while some settlements are more than 15 kilometers away from the city.

Zminjak village is located 22 kilometers away from Šabac. It has no health center because according to the Regulation of the health institutions network plan, it does not fulfill the conditions for its establishment. There is a health clinic in Zminjak where one nurse and one doctor work. The health services for residents can be provided at the Health center in Prnjavor or in Šabac.

#### *Medical professionals on Roma health care*

Employees in the health center and hospital believe that the Roma have the same treatment as the rest of the population and that there is no discrimination. How many of them are familiar with the health situation of Roma is illustrated in survey result which shows that 50% of employees do not know and had never heard of the health mediators, while only 25% had experience in collaboration with her. This is quite negative information considering that (unofficially) about 6,000 Roma live in Šabac.



#### *Protector of patients' rights*

Both of the Protectors, in the health center and in the hospital, think that there is no discrimination in health institutions. Protector in the hospital is familiar with the mediators, but is not familiar with the possible ways of addressing to mediator, because there is no information about her responsibilities and about the office where she works. However, the



protector of the health center collaborates with mediators, is familiar with the way they work and often resolves their demands.

### ***Health mediator***

Two mediators are working in the Health center and they also provide help to Roma on the secondary level of health care. Both mediators are well accepted in all settlements. They are going to the field together and with GP, stomatologist and gynecologists. When it comes to women protection, medical examinations are often scheduled for many women from one settlement, because considering long distance, the transportation to Šabac need to be organised. This is often done by performing "actions". Most of complaint of Roma refer to lack of courtesy of employees while receipt and medical examination, but the violation of rights from art. 27 and 28 THCA because the information they get about disease and therapy is completely unintelligible.

### ***Roma on health care***

According to survey results and interviews, during the settlement visit, we got various information about disrespect of the patients. Most of the complaints are about waiting for medical examination that in average last from 2-5 hours. The patient's right for time is not obeyed even when is the time of medical examination scheduled in advance. One of the patients told us that his medical examination was scheduled at 14.30 and that he gave up examination at 19.30 because he had last inter-city bus at 20h.

It happens that in both institutions, patients are rejected for medical examinations by doctors. Not providing the medical service to blind patient who had medical examination scheduled, is one example of ultimate disrespect of the patient.

### **Recommendations**

- It is necessary to create a detail plan of education of the employees about Roma population rights in the system of health care;
- To conduct a campaign among Roma population so they can get familiar with the institution of Protector of patients' rights;
- To make Protectors to participate more actively in promoting patients' rights in Roma community;
- To sanction the cases of violating of patient's rights and discrimination.

## ROMA SETTLEMENT IN THE TERRITORY OF KOCELJEVA MUNICIPALITY

According to the Association of Roma, 1400 members of Roma population live in the municipality of Koceljeva. The Roma are involved in the social life of municipality through the Council on international relations and work in the local parliament and council.

There are several settlements in the municipality. Members of the research team visited Draginje and talked to residents about the situation of Roma, the problems they are facing, especially when providing health care and how satisfied they were with the work of medical institutions. A clinic is build in the settlement, but it has only one doctor employed who has up to 50 medical examinations daily, which increases the possibilities of setting the wrong diagnosis and prescribing the wrong therapy.

### *Medical professionals on Roma health care*

Medical professionals in Health center Koceljeva say they have no problems in communicating with members of the Roma population, and that they have good co-operation with Roma associations. There is still a large number of Roma without medical-care booklets validated, but they provide health care even to that patients.

### *Protector of patients' rights*

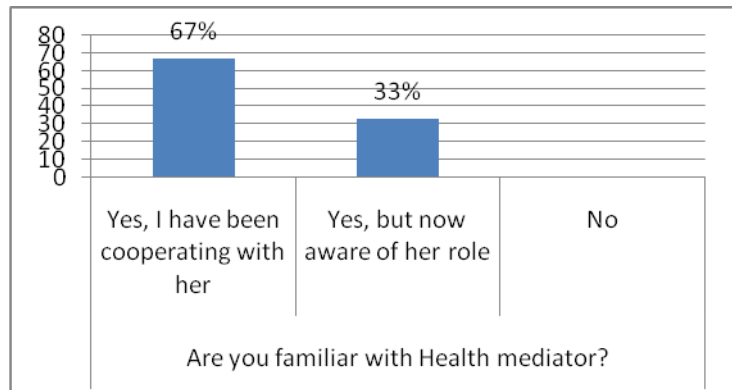
Protector of patients' rights, Nadežda Pantelić, had no filed complaints by members of Roma community so far. This data can be explained by the lack of information, given that 50% of respondents of Roma is not familiar with the Protector.

The fact that 100% of respondents is not familiar with the other protection mechanisms in case of violation of their rights is quite worrying. This low level of awareness of residents is a direct consequence of Protector's poor performance of tasks, also the Health center and local community, whose duty is to conduct a campaign on affirming of the rights prescribed by THCA.

### *Health mediator*

Health mediator, Gordana Petrović believes that since introducing the of the institution of the health mediators in the health system, the health care of Roma significantly improved. She is satisfied with communication with medical professionals, has regular contact with other health mediators sends reports monthly, to the Ministry of Health.

Surveys show that 33% of health professionals are not familiar with its role, which indicates a lack of cooperation and a weak link in the health service and is in contrast with the mediator's claims.



### ***Roma on health care***

Members of the Roma community are still discriminated, especially when they need to get a doctor's order for treatment in a medical institution on the secondary level. Over 80% believes that the right to own a medical-care booklet is most commonly violated right as well as having to pay for large number of medicines that are not proscribed on a prescription. Only half of respondents believe that they are treated by doctors and medical staff as well as majority population.

### **Recommendations**

- To provide medical-booklets to all members of Roma population in accordance with the law;
- To conduct a campaign of as many members of Roma population of their rights, health mediators and Protector of patients' rights, prescribed by THCA;
- To employ an additional number of health professionals in clinics with the introduction of the doctor on duty;
- To inform all employees of the health center and health facilities and the role of health mediators.

## **ROMA SETTLEMENT IN THE TERRITORY OF VLADIMIRCI MUNICIPALITY**

According to data available to the Association of Roma, 1800 Roma lives in the municipality of Vladimirci.

Primary health care is provided at the Health center Vladimirci, where as ,the health care on the secondary level is in jurisdiction of Medical center Šabac. There are several settlements in the municipality, and the research team visited one of them on the outskirts of the city, whose residents pointed out the difficulties they encounter in health care.

### ***Medical professionals on Roma health care***

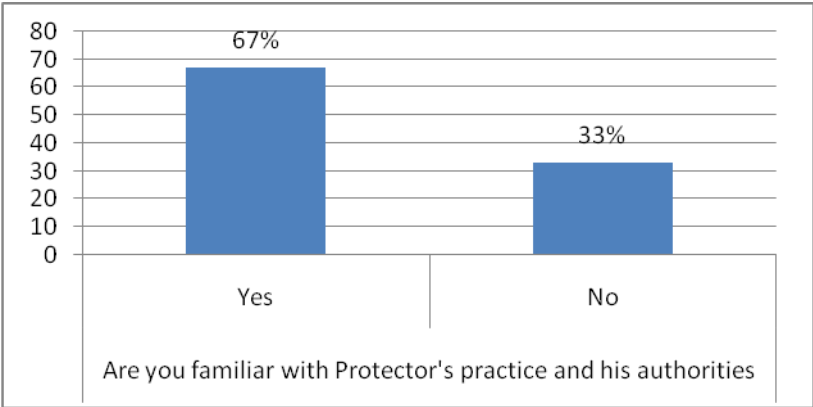
Surveys show that 17% of medical professionals had problems in communicating with members of the Roma population and the most common reason is illiteracy and dissatisfaction

with living conditions. While, all of the respondents believe that the same treatment is provided to Roma as the rest of the population, that their rights are not violated, and therefore there are no complaints filed.

In contrast to this, over 60% of Roma believe that Roma do not have the same treatment as the majority population, which clearly indicates the increased level of discrimination of this population, and expressed indifference of health professionals for their situation.

***Protector of patients' rights***

Protector has not attended any training in the areas of patients' rights. Over 90% of Roma is not familiar with this institute, and no one has filed a complaint for violation of rights. This information is devastating, but if you take into account that 33% of doctors and medical staff are not familiar with the work of the Protector of patients' rights, it is clear that awareness of the importance of patients' rights is on a very low level and that the medical professionals, the Director, including the Protector do not pay any attention.



***Health mediator***

Health mediator is not appointed in Health center Vladimirci, and none of the respondents is familiar with her role. Total condition of providing health services and problems in obtaining the health care faced by Roma, indicate the urgency of introducing the institute of the health mediators.

***Roma on health care***

None of the members of the Roma population surveyed was not familiar with any of patients' right. At the same time, 43% were dissatisfied with communication with medical professionals and medical staff, and complained about the inability of the medical examination in the case of doctor's absence. A particular problem is the difficulty in obtaining the documents due to which their access to basic rights is denied. Noone is dealing with solving their problems.

### **Recommendations**

- To employ health mediators to facilitate the implementation of health care; Greater involvement of responsibilities of persons in institutions, especially the Director and Protector to eradicate discrimination cases;
- To organize educational workshops in the settlements and in the Health center of Roma rights and ways of their protection prescribed by THCA;
- To conduct training of medical personnel emphasizing the importance of their role in raising of health education of the Roma population.

## ROMA SETTLEMENT IN TERRITORY OF BOGATIĆ MUNICIPALITY

### ***General information about settlement***

1200 Roma are living in nine small settlements in the municipality of Bogatić. Numerous members of Roma community are living in Glogovac settlement. The road to the settlement is paved, where as side streets are not paved in some parts of the settlement. Some houses are in poor condition and lack basic life conditions such as electricity, water and sewerage system. There is no city bus that connects this settlement with the center of Bogatić.

### ***Medical professionals on patients' rights***

All of the respondents emphasized the good cooperation with Roma and did not list major problems. They also believe that patients are very well informed. None is familiar with the fact that any member of Roma community filed a complaint on any grounds. These results are in contrast with the views of the Roma community, whose members are mostly complain of poor treatment at the Health center and frequent cases of discrimination against patients on receipt and during the delivery of health services.

### ***Protector of patients' right***

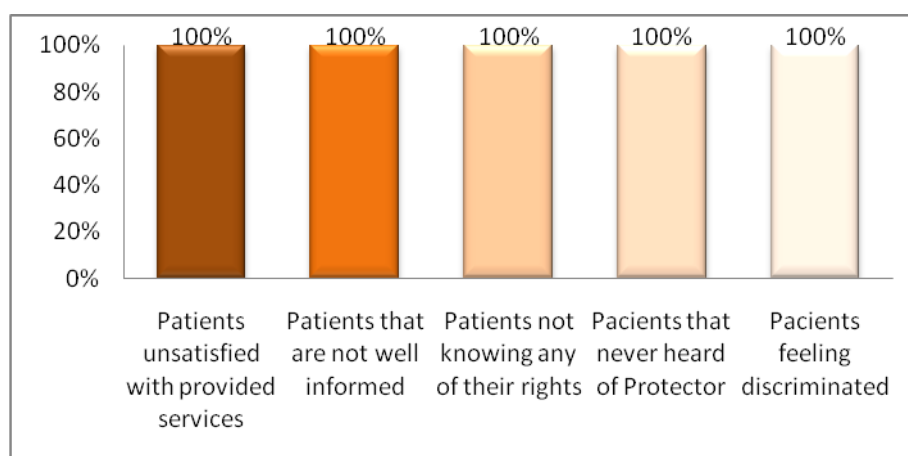
Protector is familiar with the fact that Roma complained about the way they are treated, but none of the formal complaint was filed because the patients addressed directly to Director not the Protector. The number of complaints filed annually is small. Members of Roma community are not sufficiently familiar with the institution of the Protector nor the right to file a complaint. Protector emphasized that patients are aware of its small jurisdiction and there fore are not motivated to file complaints. The general impression is that Protector has no will to initiate formal proceedings, which contributes to poor practice.

### ***Health mediator***

Health mediator is not appointed in this institution.

## ***Roma on health care***

Many respondents believe that the poor treatment of Roma is the consequence of their ethnicity. All respondents reported that doctors do not take into consideration the remarks and suggestions that they imply in terms of medical treatment or prescribed therapy, they are not satisfied with the communication with medical staff and that they wait for medical examination at selected doctor or medical specialist longer than 30 minutes. 100% of Roma respondents said they are not treated the same way as members of the majority population. In an indirect way, the right to file a complaint is violated because the oral complaints are not recorded, nor official proceeding are initiated against the employees of this institution. The cause of this condition is the lack of information about their rights prescribed by law. None of the patients surveyed was familiar with any patients' right, nor the Protector of patients' rights and the possibility of filing a complaint.



## **Recommendations**

- The appointment of health mediators is required;
- It is necessary to conduct training of employees and management in the institution, to present them health care needs of the Roma community;
- It is necessary to conduct a campaign on affirming tolerance among employees, and patients of other nationalities;
- To engage the Protector, who shall performed just this tasks, related to the complaints filed by patients, including oral complaints, especially those based on discrimination,;
- To perform the control of employees in the Health center Bogatić, by authorities, especially the health inspection, ex officio, due to possible violations of THCA, especially in connection with the referral of patients to private health institutions.

## BELGRADE – ZVEZDARA

### ROMA SETTLEMENT IN THE TERRITORY OF ZVEZDARA MUNICIPALITY

Orlovsko settlement is a settlement located in the municipality of Stari Grad on the northeastern end of Mirijevo. The set of eleven residential containers were placed in a settlement in 2009 and were settled by families from the illegal and unsanitary settlements in Belgrade. There are no public transport stations near the settlement, so the children are forced to walk around 3 km to school.

#### *Medical professionals on Roma health care*

The employees at the Health center and Mirijevo branch believe that the same quality of health services is provided to Roma population, and sometimes even better than to the majority population. Communication with the Roma is generally good, but the most common causes of problems arise in the misinterpretation of "medical priorities". The Director believes that the health education among the Roma community increased, especially since the introduction of the institution of health mediators, they come for the medical examinations more often and that the number of Roma who have a medical-care booklet increased.

The Head of the Health center Zvezdara branch believes that cooperation with the Roma is excellent. They understand the Serbian language in most cases, and those who do not speak Serbian are mainly the refugees from Kosovo, which rarely come to medical examinations themselves.

#### *Protector of patients' rights*

The Protector believes that communication and relationship with the Roma population are very good and there was no cases of filing a complaint based of discrimination. However, it shall be pointed out that the separate records of filed complaints of Roma are not kept, but the knowledge that the complaints were filed could be set out as a general fact. This statement of the Protector is confirmed in the results of the survey where the employees stated that they were familiar with none of the cases of filing a complaint by Roma.

#### *Health mediators*

There are two health mediators in the Health center who did not want to talk with the members of Law Scanner team because they ask the written permission from the Ministry of Health.

All employees at the Health center Zvezdara are familiar with the role of health mediators, and another 81% had a co-operation with health mediators. However, the state of the Health center Branch is quite different. Only 20% of staff is contacted with the mediators, while 70% of respondents is aware of the health mediators existence, but is not familiar with their function.

### ***Roma on health care***

The Roma have indicated that in providing health services, the most difficult is to schedule a medical examination with a specialist. It often happened that they were waiting for the medical examination for several months and that at the day of the examination, they were informed that it was impossible to conduct the medical examination because the appliances were not in order. Then they get no further information about scheduling options. A major obstacle in achieving adequate health care of this population is the lack of information on rights that are prescribed by law. They also emphasized the problem of charging for certain health services for children with verified medical-care booklets, which is in contrast with Article 11, paragraph 1 THCA which provides that children under the age of 18 are covered by health insurance.

Female population in most cases encountered discrimination in maternity hospitals because they are often left alone to give birth by doctors, and when they are present they suggest a variety of offenses related to the number of children who have given birth.

Communication with doctors, in terms of understanding disease and treatment, is very bad. Because of using professional expressions by doctors, and not giving the prognosis of diseases, prescribed therapy is misused.

When it comes to the work of Protector of patients' right, none of the Roma had ever heard of that institution, nor is familiar with its role. On this occasion, we inform them of any rights prescribed by THCA and about the right to file a complaint.

### **Recommendations**

- To provide training of health professionals on the rights of the Roma population in health care;
- To include the concept of discrimination in the regular training of the employees as well as elimination method and the importance of affirmative action;
- To conduct training on reproductive health and to educate the Roma population on the rights of health care in the Roma settlement.