

Law on Civilian Invalids of War

("Official Gazette of RS", No. 52/96)

I GENERAL PROVISIONS

Article 1

This law defines the rights of civilian invalids of war, family members of civilian invalids of war, as well as family members of war victims.

Article 2

A civilian invalid of war is a person who has suffered a visible bodily injury of at least 50%, owing to wounds, injuries or contusions caused by abuse or deprivation of liberty by the enemy during wartime, during execution of military operations, on account of residual war ordnance, enemy sabotage or terrorist actions.

Article 3

A family member of a civilian invalid of war is considered to be an individual living in a common household with the civilian, prior to their death.

A war victim's family member is considered to be a family member of a person who was killed or has died under the circumstances prescribed by Article 2 of this Law; if the family member has lived in a common household with the aforementioned person, prior to their death.

According to Sections 1 and 2 of this Article, family members are considered to be: the spouse, children (born in or out of wedlock, adopted children or step-children), as well as parents.

II RIGHTS AND CONDITIONS FOR EXERCISING THE RIGHTS

Article 4

This Law prescribes the following rights:

- 1) individual disability allowance;
- 2) allowance for care and assistance by another person;
- 3) orthopedic allowance;
- 4) medical care and financial compensation related to the realization of medical care;
- 5) privileged and free of charge transport;
- 6) food and accommodation fees during travel and stay in another place upon the invitation of the responsible authority;
- 7) monthly allowance;
- 8) reimbursement of funeral expenses.

Article 5

The municipality, or the city, can additionally regulate further rights in the field of civilian invalid of war protection, e.g. can provide a wider scope of rights than the ones defined by this law, as well as more favorable conditions for their exercise, if sufficient resources in their budget are secured for this purpose.

Article 6

The rights under this law can be obtained unless they are being exercised on a different legal basis.

Article 7

Civilian invalids of war are classified according to the degree of the bodily injury and thereby exercise their rights, prescribed by Article 4 Point 1 of this law, to the extent, in the way and according to the procedure prescribed by the federal and republic laws, which govern the rights of disabled war veterans.

Civilian invalids of war can exercise their rights, prescribed by Article 4 Items 2 to 6 of this Law, to the extent, in the way and according to the procedure prescribed by the federal regulations, which govern the rights of disabled war veterans.

Civilian invalids of war can exercise their rights, prescribed by Article 4 Items 7 and 8 of this law, to the extent, in the way and according to the procedure prescribed by the national legislation, which governs the rights of disabled war veterans.

Article 8

Persons mentioned in Article 3 Paragraph 1 and 2 of this Law can exercise the rights prescribed by Article 4 Items 5 and 6 of this Law, under the conditions, to the extent, in the way and according to the procedure prescribed by the national regulations, which govern the protection of family members of fallen soldiers and deceased veterans.

If two or more persons mentioned in Article 3 Paragraph 3 of this Law meet the requirements for of the exercise of the right to a monthly allowance, they are entitled to one monthly allowance as co-beneficiaries, whereas each monthly allowance assigned to one person is increased by 50% for every additional person.

Article 9

Rights regulated by this Law cannot be obtained by persons who have been active members or supporters of enemy military formations.

III FUNDING FOR THE REALIZATION OF THE RIGHTS

Article 10

The funding necessary for the realization of the rights defined by this Law is provided for in the National Budget.

The minister responsible for protection of the disabled and veterans and the minister responsible for financial matters arrange by mutual agreement the manner in which the funding is allocated and the allowances are disbursed.

IV PROCEDURE FOR EXERCISING RIGHTS

Article 11

The rights under this law, in the first instance, are under the jurisdiction of the municipal or city administration.

The rights under this law, in the second instance, are under the jurisdiction of the ministry responsible for the protection of the disabled and veterans; and the territory of the Autonomous Province of Vojvodina and the City of Belgrade are under the jurisdiction of the corresponding authorities of the Autonomous Province of Vojvodina and the City of Belgrade.

The tasks prescribed by Paragraphs 1 and 2 of this Article are performed by the municipal, or city administration, as well as the corresponding authority of the Autonomous Province of Vojvodina and the City of Belgrade as tasks delegated to them.

Article 12

The fact that a person has been killed or has been injured under the conditions prescribed

by Article 2 of this Law, is determined only through the presentation of the written evidence from the period when the person was killed or received bodily injuries.

V TRANSITIONAL AND FINAL PROVISIONS

Article 13

The municipal or city administration shall adjust the rights of the beneficiaries who were entitled to certain rights according to the regulations which were applicable until the moment when this Law came into effect, to the regulations of this Law, over a period of 6 months, beginning from the first day of the enforcement of this law.

The responsible authority is to acquire a new report from the doctor, as well as the opinion of the relevant medical board, during the procedure of the adjustment of the rights mentioned in Paragraph 1 of this Article, which are to be decided in accordance with the doctor's report and the opinion of the medical board about the working disability or the need for nursing fees and assistance from other persons.

Article 14

The right to disability allowance acquired through the Law on Civilian Invalids of War ("Official Gazette of SR Serbia", No. 6/75, 14/78, 45/79, 7/82, 9/83, 10/83, 42/83, 50/83, 46/84, 26/85, 37/85, 35/86, 28/87, 44/88, 12/89 and 49/89) is to be exercised to the extent and in the way determined by that law, until the decision for the harmonization of that law with the regulations of this law has been made.

Article 15

On the day of the enforcement of this law, the following laws cease to apply: Law on Civilian Invalids of War, ("Official Gazette of SR Serbia", br. 6/75, 14/78, 45/79, 7/82,

9/83, 10/83, 42/83,50/83, 46/84, 26/85, 37/85, 35/86, 28/87, 44/88, 12/89 i 49/89), The Regulation on Financial Allowance and Other Rights of Soldiers, War Veterans and Disabled Civilians from Military Operations after August 17th, 1990 ("Official Gazette of RS", No. 7/92, 20/92, 31/92, 45/93, 75/93 and 8/94) in the part which regulates the protection of war disabled civilians, The Regulation on the Right to Additional Protection of War Veterans, Beneficiaries of Family's Disability Allowances and Civilian Invalids of War ("Official Gazette of RS", No. 39/92, 45/93 and 75/93) in the part which regulates the protection of war disabled civilians, The Law on the Rights of War Veterans , Civilian Invalids of War and Family Members of Fallen Soldiers from the Republic of Srpska, Bosnia and Herzegovina, Who are Currently Living in the Republic of Srbija. ("Official Gazette of RS", No. 84/92) in the part which regulates the protection of war disabled civilians, The Regulation on the Increase of Allowance to Beneficiaries of Disability Allowances and Allowances According to Regulations from the Veteran Protection and the Protection of War Disabled Civilians ("Official Gazette of RS", No. 75/93) in the part which regulates the protection of war disabled civilians and The Regulation on the Amount of Allowance for Civilian Invalids of War ("Official Gazette of RS", No. 8/94).

Article 16

This Law comes into effect eight days after being published in the "Official Gazette of the Republic of Serbia", and it is to be applied as of January 1st, 1997, excluding the regulations concerning the right to a monthly allowance, which shall be applied as of April 1st, 1997.