



17.1 JAN 2012

**POVERENIK ZA INFORMACIJE OD
OPŠTEG ZNAČAJA**

RODOLJUB ŠABIĆ

**Svetozara Markovića 42, 11000
Beograd**

**PREDMET : ŽALBA-PRIJAVA PROTIV
OMBUDSMANA REPUBLIKE SRBIJE
ZBOG ODBIJANJA DOSTAVLJANJA
INFORMACIJE OD OPŠTEG
ZNAČAJA.**

Poštovani,

Po pravu datom Zakonom o dostupnosti informacija od opšteg interesa 19.12.2011 (zahtev u prilogu dopisa) Udruženja „Pravo na zdravlje „ i „Doktori protiv korupcije“ tražili su dokumentovanu informaciju o rezultatima pravnih mera i koraka koje je preduzeo Ombudsman Republike Srbije po

- **Prijavi o sistemskom ugrožavanju prava na život pacijenata obolelih od malignih bolesti od 13.10.2011 (prijava u prilogu dopisa)**

- **Prijavi konkretnog pojedinačnog slučaja ugrožavanja prava na život pacijenta obolelog od malignog obolenja od 07.12.2011 (prijava u prilogu dopisa)**

Kako je Ombudsman Republike Srbije odbio da dostavi traženu informaciju zahtevamo da preduzmete zakonom predviđene mere u cilju dobijanja informacije od opšteg značaja.

OBRAZLOŽENJE:

Rodoljub Šabić
Commissioner for Information of Public
Importance
and Personal Data Protection

**Matter: Appeal against the
Ombudsman of the Republic of Serbia
for refusal to submit the information
of public importance**

Dear Sir,

On 19 December 2011, acting in accordance with the rights conferred under the Law on Free Access to the Information of Public Importance (request attached hereto), Association „Right to Health“ (Pravo na zdravlje“) and „Doctors against Corruption“ („Doktori protiv korupcije“) requested a documented information related to the results of legal measures and steps which the Ombudsman of Serbia has taken in regard to:

- **Information/denunciation dated 13.10.2011 of systemic violation of the right to life of patients suffering from malignant diseases (information attached hereto)**
- **Information/denunciation in relation to actual individual case of imperilling the right to life of the patient suffering from malignant disease, dated 07.12.2011 (information attached hereto)**

Since the Ombudsman of the Republic of Serbia has refused to provide the requested information, I request that you take all legal steps for the purpose of obtaining the information of public importance.

EXPLANATION:



Zakonom o Zdravstvenom osiguranju lečenje malignih bolesti je u paketu osnovnih zdravstvenih usluga na teret RFZO. Podzonskim aktima precizirano je da zdravstvene ustanove kad nisu u mogućnosti da pruže potrebne terapijske procedure, dužne su da pacijentu izdaju Potvrdu o nemogućnosti pružanja usluge u roku od 30 dana kako bi on lečenje nastavio tamo gde je to moguće. Umesto poštovanja navedenih zakonskih propisa, zdravstvene ustanove su sa znanjem Ministarstva zdravlja i Republičkog fonda za zdravstveno osiguranje rentirale ionako nedovoljne radioterapijske kapacitete stranom osiguravajućem fondu, odbile da izdaju Potvrdu o nemogućnosti pružanja zdravstvenih usluga domaćim pacijentima i organizovale trgovinu listama čekanja na radioterapiju pacijenata obolelih od malignih bolesti. Ove činjenice utvrdio je Odbor za zdravlje i porodicu Skupštine Srbije Juna 2010, Ombudsman Decembra 2010 a javno priznao Ministar zdravlja Septembra 2011.

Kako je i pored svega navedenog praksa svesnog ugrožavanja prava na lečenje pacijenata obolelih od malignih bolesti nastavljena, NVO udruženja „Pravo na zdravlje“ i „Doktori protiv korupcije“ su 13.10.2011 podnela dokumentovanu prijavu Ombudsmanu protiv odgovornih u Ministarstvu Zdravlja i Republičkom fondu za zdravstveno osiguranje.

Komentarišući ovakav odnos prema pacijentima direktor vašingtonskog centra za zaštitu „Duvača u pipštaljku“ Stiven Kon „sugerisao je razmatranje **korišćenja termina**

Pursuant to the Law of Health Insurance, treatment of the malignant diseases is in the packet of basic medical services borne by the State (Government) Fund for Health Insurance. Delegated legislation has set out precisely that medical institutions that are not in a position to render needed therapeutic procedures must issue a patient a certificate of impossibility to provide medical service within 30 days so that s/he can continue treatment with an institution where such treatment is possible. Instead of abiding by the said legal regulations, the medical institutions have, with full knowledge of the Ministry of Health and Government Fund for Health Insurance rented already insufficient radiological-therapeutic capacities and facilities to a foreign insurance fund, refused to issue a certificate of impossibility to provide medical services to domestic patients and organized a trade with waiting lists of the patients suffering from malignant diseases who were waiting for x-ray treatment. These facts were established by the Committee for Health and Family of the Serbian National Assembly in June 2010. This was acknowledged also by the Ombudsman in December 2010 and publicly acknowledged by the Serbian Health Minister in September 2011.

Since despite everything above said the mentioned practice of intentional violation of the right of patients suffering from malignant diseases to be treated has continued, NGO „Right to Health“ and „Doctors against Corruption“ filed on 13.10.2011 a well-documented information/denunciation to Ombudsman against the responsible/culpable individuals from the Ministry of Health and Government Fund for Health Insurance.



„masovno ubistvo“.

Iako svaki dan kasnjenja znaci razliku izmedju zivota i smrti za pacijente obolele od raka, Ombudsman Republike Srbije je odbio da nam dostavi traženu informaciju.

S Postovanjem

Udruzenje za zastitu prava pacijenata

“Pravo na zdravlje

Predsednik Miroslav Petrovic

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Commenting on such attitude towards the medical patients, director of the Washington Center for protection of „Whistle Blowers“, Stephen Cohn, suggested the possibility of **using the term „mass murder“**.

Although every day of delay means difference between life and death for cancer patients, the Ombudsman of the Republic of Serbia has turned down our request to provide us with requested information.

Respectfully,

Miroslav Petrovic

