



Initiative and Civil Action



# NGO REPORT

ON IMPLEMENTATION OF:

**The Convention on the Rights of Persons with Disabilities  
in Bosnia and Herzegovina in the following areas:**

- Awareness Raising (Article 8)
- Accessibility (Article 9)
- Equal recognition before the law (Article 12)
- Access to justice (Article 13)
- Living independently and being included in the community (Article 19)
- Education (Article 24)
- Health (Article 25)
- Women with disabilities (Article 6)

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**The report was made by:**

Relevant legislation: Fedra Idžaković, Prava za sve

Experiences of persons with disabilities: Arijana Čatović, Prava za sve

Response of institutions on implementation of the Convention and Laws in BiH: Vesna Vukmanić,  
Initiative and Civil Action

In cooperation with:

Inicijative preživjelih od mina, Tuzla;

Sunce nam je zajedničko, Trebinje;

Coordinating board of disabilities organizations of Republika Srpska, Banja Luka;  
SUMERO, Sarajevo

**INICIJATIVE**  
PREŽIVJELIH OD MINA  
LANDMINE SURVIVORS INITIATIVES



УДРУЖЕЊЕ РОДИТЕЉА ДЕЦЕ И ОМЛАДИНЕ СА ПОСЕБНИМ  
ПОТРЕБАМА "СУНЦЕ НАМ ЈЕ ЗАЈЕДНИЧКО" ТРЕБИЊЕ  
ASSOCIATION OF PARENTS OF CHILDREN AND YOUTH WITH SPECIAL NEEDS  
"WE ALL SHARE THE SAME SUN" TREBINJE



KOORDINACIJSKI ODBOR INVALIDSKIH ORGANIZACIJA REPUBLIKE SRPSKE

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## Methodology used in writing this Report

This Report is focused on specific articles of the Convention on Rights of Persons with Disabilities<sup>1</sup>, as follows:

- Article 6: Women with disabilities
- Article 8: Awareness-raising
- Article 9: Accessibility
- Article 12: Access to justice
- Article 19: Living independently and being included in the community
- Article 24: Education
- Article 25: Health.

The Report was made on the basis of research and analysis in three areas: **legislative framework** in BiH that is relevant to the said articles; **practice** of public services and institutions responsible for ensuring the above stated rights; and **personal experiences** of persons with disabilities in exercising their rights.

Six non-governmental organizations were participated in writing this report: two as partners in a project (Initiative and civil action / ICVA and Prava za sve); and four regionally distributed non-governmental organizations directly involved in providing services and ensuring rights of persons with disabilities (Initiative of the Mine Survivors from Tuzla; Sunce nam je zajedničko from Trebinje; Coordinating Board of Disability Organizations of Republika Srpska from Banja Luka; and SUMERO from Sarajevo).

**In the process of analyzing laws, policies and relevant reports** 56 laws, 17 pieces of secondary legislation, 3 policies and a series of reports by agencies or non-governmental organizations that concern the implementation of the above listed eight articles of the Convention. As the Constitution of BiH and entity constitutions first provide for entity responsibility, and then for divided responsibility between entity and the cantons in FBiH, the level of complexity of legislation is high and therefore the method of realizing or protecting rights is extremely complex too, with many laws, secondary legislation and policies that have not yet been mutually harmonized (list of the analyzed documents is provided here as Attachment 2).

**Survey of responses of institutions regarding use of rights protected under the Convention and domestic laws** was done on the basis of a questionnaire agreed in advance and through interviews with relevant representatives of institutions in the four geographic areas of BiH (Sarajevo, Banja Luka, Trebinje, and Tuzla). The questions concerned existence of internal rules, procedures or practices that are to ensure implementation of provisions of the Convention and domestic laws in such institutions, particularly the provisions related to awareness- rising, ensuring accessibility, uninterrupted access to justice, involvement in the community life, access to education with emphasis on inclusive education, and health care. By such interviews and written responses of the institutions data were collected on 233 institutions including municipalities, police stations, court/prosecution office, banks, public service institutions, theaters, social protection services,

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<sup>1</sup> In the analysis, the Report uses the term persons/women/children with disabilities, except where it quotes or paraphrasing texts of laws or secondary legislation, which in most cases are not using unified terminology.

institutions for care of persons with disabilities, primary and secondary schools, and faculties, health centers, hospitals and pharmacies.

As a part of research of the **personal experiences of persons with disabilities** with regards to implementation of rights protected under the Convention and domestic laws, interviews were conducted with 147 persons with disabilities or parents of children with mental disabilities.<sup>2</sup> Eight focus group discussions were organized with 15-20 participants in each focus group. Discussions were organized on regional level, two in each of the four wider geographic regions: Sarajevo, Tuzla, Trebinje and Banja Luka. Focus of the discussion was on the possibility of moving independently and being involved in community, access to justice, treatment of persons with disabilities in various institutions in health, social protection, education areas, giving special consideration to the women's rights.

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<sup>2</sup> Participants in the focus groups used different terms to describe persons and children with mental disabilities (children with mental difficulties, children with mental retardation, etc.). In order to avoid ambiguities further in the text when we discuss findings from the field we use the term that is used in the currently available working draft of the Law on Fundamental Rights of Persons with Disabilities of FBiH, which is „mental disabilities“. In those instances where we quote or paraphrase laws, bylaws or policies we use the same terms that are used in such documents.

# Analysis of implementation of the Convention, by articles

## Article 8: Awareness-raising

*This article obliges the Member States to implement effective public awareness policies with the aim of promoting positive perception of persons with disabilities, including measures aimed at strengthening awareness of the rights of persons with disabilities and their dignity, capabilities and contributions, and contribute to combat against the stereotypes and prejudices relating to these persons. The campaigns should cover the general population, through education system and media, as well as by informing the persons with disabilities themselves on the Convention and the rights it protects.*

### Relevant legislation

Strategy for equalizing opportunities for persons with disabilities in FBiH (2010-2014) provides for measures of promoting rights of persons with disabilities and the Convention, particularly under Chapter 2: Accessible living in community and housing that include activities such as: promoting rights of persons with disabilities with emphasis on rights of women and children, as well as the rural population; strengthening awareness among persons with disabilities of their rights and ways to use them; campaign for promoting participation of persons with disabilities at the local community level; activities aimed at doing away with prejudice towards this population etc. The Strategy speaks about some awareness- raising measures in almost all segments. Also the Strategy for improving social position of persons with disabilities in RS (2010-2015) includes in different segments of this document some awareness raising measures of both the citizens and the persons with disabilities.

**Constitutions** of Bosnia and Herzegovina (BiH) and its entities: the Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska (RS) guarantee the highest level of internationally recognized human rights. European Convention on Human Rights and Fundamental Freedoms (European Convention) is an integral part of the Constitution of BiH, and all the rights provided in this document and its protocols have the force of constitutional provisions. This means that the whole national legislation and practice must be in line with rights guaranteed by the European Convention, including prohibition of discrimination on any grounds including disabilities. Annex I to the Constitution of BiH integrates the most important international human rights convention into national legislation thus obliging the country to harmonize its legislation, policies and practice with provisions of such documents. By including these documents and their provisions in the constitution(s) of BiH the country protects human rights as one of its main values.

BiH has ratified the Convention on rights of persons with disabilities (the Convention) and its Optional Protocol in 2010<sup>3</sup> without reservations or declarations. By becoming a Member State of this Convention, BiH undertook to implement its provisions on the whole territory of BiH and to regularly report to the UN Committee that monitors its implementation.

<sup>3</sup> Convention on Rights of Persons with Disabilities (the Convention) and Optional Protocol, „Official Gazette of BiH“ No. 11/09.

## Response of institutions on implementation of the Convention and laws in BiH

*Are there employees' training programs on rights of persons with disabilities? In what way the institutions cope with stereotypes or prejudice towards persons with disabilities – do they have rulebooks, sanctions for violation of rights of persons with disabilities, including those based on gender or age?*

Out of 233 surveyed institutions, only a few have **mandatory staff training programs** on rights of persons with disabilities (on bank, one hotel). All other institutions are lacking regular and mandatory training program. Some 50% of surveyed institutions have staff training programs on various topics, so it may happen that some of them concern rights of persons with disabilities.

Education in form of seminars, round tables, training or specific training in the area of inclusive education is mostly provided by non-governmental organizations on their own initiative; to such events the NGOs invite representatives of institutions, primarily in education sector. Some institutions work directly with relevant institutes (Institute for Training and Education of Students with Disturbed Psychical or Physical Development (Zavod za odgoj i obrazovanje učenika sa smetnjama u psihičkom i fizikom razvoju) from Tuzla, Education and Rehabilitation faculty (Edukacijsko- rehabilitacijski fakultet) in Tuzla, Vladimir Nazor center in Sarajevo) as a part of the education inclusion), and there are no other mandatory and regular trainings on the topic of rights of persons with disabilities organized by institutions of the system.

Some institutions express their good will by making attempts to work with non-governmental organizations to provide some form of staff training. So, for example:

- very good is the example of the Raiffeisen Bank and Hollywood Hotel in Sarajevo who had organized seminars/trainings on rights and approach to persons with disabilities for their managers and sales persons of their bank network; this training was provided by non-governmental organizations;
- staff of the services of Ministry of Internal Affairs of Tuzla Canton whose jobs put them in contact with persons with disabilities (counter rooms, staff at the entrance, etc.) receive every year various trainings and work with human rights organizations, including organizations of parents of children with disabilities;
- staff in the Municipality and the Police Station Lazarevo (Banja Luka region) have attended seminars and training on rights of persons with disabilities;
- employees of the center for social work of Banja Luka attended seminars on rights of persons with disabilities;
- employees in the Child Protection Fund of RS attended seminars on rights and approach to persons with disabilities;
- employees in 5 (of 9 interviewed) educational institutions in Banja Luka had attended seminars on rights of persons with disabilities;
- however, not a single employee of police stations in the Sarajevo Canton has received any education on rights of persons with disabilities.

A matter of concern is that many employees in educational institutions (primary and secondary schools, faculties, particularly in Tuzla and Sarajevo), including Centers for Social Work in Tuzla and health institutions in all four analyzed communities had never had an opportunity to participate in educational events explaining that by their not receiving invitations to participate in any such event.



Very few institutions have **defined rules and procedures for treating and communicating with persons with disabilities**, and even fewer are those who have established mechanisms for reporting violations of rights of persons with disabilities and mechanisms of control and sanctions for violation of rights of people with disabilities.

In only some institutions (mostly in health sector) there are specific documents regulating relations to persons with disabilities:

- Equal opportunity and non-discrimination policy, Health Care Policy for persons with intellectual difficulties, Protocol/Calendar of mandatory and recommended medical controls of persons with Down syndrome; Rulebook on Raising and Educating Children with Disturbed Development; Informative material on priority when examining disabled persons (health institutions in Tuzla Canton);
- In the Raiffeisen Bank, there are Procedures for dealing with clients – persons with certain level of disabilities that include set of standards for treating clients who are persons with disabilities, work procedures and instructions for staff working with the clients.

The others have regulated their relations to users of their services, including persons with disabilities, in binding documents:

- rulebooks on relationship with clients, rulebooks on internal organization of work in the institution, Statute of the University, code of conduct for employees of the institution, procedures for acting upon complaint by client/patient, work safety rules, health protection rules;
- schools call on the laws applicable on education sector that partially regulate the field of inclusive education, house rules of the school, and Rulebook on work of Council of Parents and Students;
- Utility Company “Park” from Sarajevo has an internal policy related to disabilities incurred at work where in case of such disabilities, the affected individuals are assigned to jobs they can do, without having their salary reduced from the level of their previous job if that is better for them.

Special rules and instructions for dealing and communicating with persons with disabilities do not exist in any social protection service of the Sarajevo Canton.

Only in 6 institutions in Tuzla Canton there are records of complaints made by persons with disabilities. In the health center, the complaints concerned access to the dentist’s office and pulmonary diseases office, gynecological table inadequate for examination of women with disabilities, while in the University Clinical Center the complaints concerned level of communication patient-staff.

There are certain differences with regards to respect of human rights of persons with disabilities among institutions of the same kind (for example, municipalities in Sarajevo Canton regulate services for persons with disabilities in various ways).

The number of **persons with disabilities working in institutions** is very limited, particularly in educational and health institutions that employ large number of people. Even the ministries, which should serve as example and provide special criteria to encourage employment of people with disabilities, have none or very few people with disabilities working:

- the Ministry of Labor and Veteran Protection of RS employs two persons with disabilities;

- the nine surveyed educational institutions in Banja Luka employ a total of 8 persons with disabilities;
- centers for social work employ maximum of one to two persons with disabilities;
- 70 schools in the Sarajevo Canton employ a total of 8 men and 6 women with disabilities;
- University Clinical Center Tuzla states that they employ 265 work disabled; however, the most frequently quoted basis for disabilities is discus hernia;
- Sarajevo Pharmacies employ 40 persons with disabilities, 39 of whom are women;
- most persons with disabilities, as a share of total number of employees, work in the following institutions: Center for Professional Rehabilitation and Employment of the Disabled in Banja Luka (34) and production plants of the Industrija Alata Trebinje and Hydro-Power Plants on Trebišnjica on various jobs. Elektroprivreda FBiH employs 452 persons with disabilities, Water Utility Company Sarajevo 152, Raiffeisen Bank 23 on various jobs.
- Tuzla and Trebinje show significant disproportion between numbers of employed men and women with disabilities. In Tuzla, out of 142 employed persons with disabilities, 18 are women and 124 are men. In Trebinje, 27 surveyed institutions employ a total of 196 persons with disabilities (150 men and 46 women), and most of the employed persons with disabilities are war invalids.
- municipalities of Sarajevo Canton (7 municipalities), employ 81 persons with disabilities – 51 men and 30 women, men being mostly war invalids. They work as clerks, expert advisors, officials or senior officials.

## Experiences of persons with disabilities in exercising their rights

Discussions in focus groups with persons with disabilities confirmed the results of the institutions survey. They said that access to rights in institutions is often made difficult by impolite and unprofessional staff that is not trained to provide services to persons with disabilities so they are not aware of right or policies of providing equal opportunity to persons with disabilities. They also said that employees in institutions do not know enough about laws and often offer incomplete or untrue information to persons with disabilities. Experience tells us that they would receive a service or assistance from an institution only if they know their rights and demand that the employees comply with the law. Persons with disabilities underline that they are studying laws on their own in order to use their rights and that not enough training is being provided on that topic, and none by the government.

### Stereotypes and prejudice

More and more often, in order to have “status of a school as a prestigious institution...” (in words of the director) schools impose restricting conditions for enrollment and education of children with disabilities. One example is the grammar school “Meša Selimović” in Tuzla and some schools in Sarajevo Canton against which the procedures had already been initiated by parents of children with disabilities (they were not included in the subject survey). At enrollment, such schools clearly point out that they are meant only for the best students, and that the school or education process is not adjusted to the persons with disabilities in any segments. Students with disabilities are advised by the school to enroll in other, less prestigious institutions.

## Article 9: Accessibility

*This article provides for obligation of members states to take appropriate measures to enable persons with disabilities to live independently and to participate fully in all aspects of life by ensuring accessibility of, for example, transport and traffic, as well as information and communications. The state must establish standards and rules for accessibility of public institutions and private buildings intended for public use, deadlines and gradual progress towards removing barriers and subsequent monitoring of implementation of the rules and introduction of sanctions in cases of non-compliance.*

### Relevant legislation

The area of accessibility of buildings is regulated by entity legislation. So, for example, Law on Spatial Planning and Use of Land at the level of FBiH<sup>4</sup> integrates the rights of persons with disabilities by prescribing that in developing planning documentation, account should be taken of “necessary measures for protection of persons with diminished physical abilities.”<sup>5</sup> Further on, urban development plans must include measures for protection of persons with disabilities. Urban permit must include measures that ensure respect of rights of “persons with diminished physical abilities”,<sup>6</sup> and depending on type of construction, determined are conditions for removing architectural barriers to movement of people with disabilities.<sup>7</sup> Responsible institutions may refuse request for construction if the design fails to comply with these conditions. Monitoring the implementation of these measures during construction is also provided for.

In this regard, of particular importance is the Decree on Spatial Standards, Urban-technical conditions and norms for preventing barriers for persons with diminished physical abilities (Uredba o prostornim standardima, urbanističko-tehničkim uvjetima i normativima za sprječavanje stvaranja svih barijera za osobe sa umanjenim tjelesnim sposobnostima)<sup>8</sup> that identifies spatial standards, urban and technical conditions and norms for preventing putting up architectural obstacles that might interfere or prevent movement, stay and work of persons with diminished physical abilities when satisfying their basic living, working and other needs.

In Republika Srpska, the Law on Spatial planning and construction<sup>9</sup> and the Rulebook on conditions for planning and designing buildings to allow easy access of children and persons with diminished physical abilities<sup>10</sup> regulates this area. It provides that buildings or parts of buildings that are in public use or are used for provision of services or commercial activities, must be designed and constructed in a way that allows easy access, movement, work and stay to persons with diminished physical abilities. Performing certain works, for example on staircases, hallways etc. to change access

4 Law on Spatial Planning and Use of Land (*Zakon o prostornom planiranju i korištenju zemljišta*) at the level of Federation of Bosnia and Herzegovina, “Official Gazette of FBiH” Nos 2/2006, 72/07 and 32/08

5 Ibid, Article 8.

6 Ibid, Article 40.

7 Ibid, Article 42.

8 Decree on spatial standards, urban development and technical conditions and norms for preventing barriers for persons with diminished physical abilities (Uredba o prostornim standardima, urbanističko-tehničkim uvjetima i normativima za sprječavanje stvaranja svih barijera za osobe sa umanjenim tjelesnim sposobnostima), „Official Gazette of FBiH, number 48/09”

9 Law on Spatial Planning and Construction (*Zakon o uređenju prostora i građenju*) (Official Gazette of RS no. 55/10)

10 Rulebook on conditions for planning and designing buildings to allow for easy access of persons with disabilities ( *Pravilnik o uslovima za planiranje i projektovanje građevina za nesmetano kretanje djece i osoba sa umanjenim tjelesnim sposobnostima*) „Official Gazette of RS” no. 44/11

to the building or inside building to allow easy access and movement of persons with diminished physical abilities inside the building, with prior consent of all apartment owners, may be done even without construction permit.

On the basis of the Law on Basics of Road Safety on Roads in BiH<sup>11</sup>, a special Rulebook<sup>12</sup> has been adopted prescribing methods and conditions for recognition of rights to mark a vehicle driven by a person with physical disability. Law on public transport in FBiH<sup>13</sup> and Law on Public transport of RS<sup>14</sup> identify the method of organizing and number of public transportation vehicles that would be equipped with devices facilitating entry and exit of persons with disabilities.

Accessibility of media has been provided for in a number of laws, Law on Communications, Law on Basics of Public Broadcasting system and Law on Public Broadcasting Service,<sup>15</sup> as well as individual laws regulating operation of different public broadcasters. The Laws emphasize protection of freedom of expression and diversity of opinions while respecting generally accepted norms of conducts, non-discrimination, fairness, accuracy and impartiality; advertising with broadcasters has been regulated in line with best European practices, and the operator ensures access to public telecommunication services for all users, with **reasonable profit**, on transparent, objective and non-discriminatory basis, and interests of all users are protected by availability of the services, their quality and price.<sup>16</sup>

Law on BHRT provides that the programs would be adjusted to the needs of constituent peoples and citizens of BiH, edited and broadcasted fairly on three languages in official use in BiH and two alphabets. Law of FBiH says that the programs would serve public interests and must comply with professional standards and rules of the Communication Regulatory Agency. RTVFBiH is obliged to offer diverse and balanced radio and television program that **meets high ethical standards and quality standards, respect of human life, dignity and physical integrity of person and promotes democratic freedoms, social justice and international understanding and peace**. Also the RTRS program has to recognize national, regional, traditional, religious, cultural, lingual and other characteristics of constituent peoples and all citizens of BiH, affirm cultural and other needs of ethnic minorities in BiH, recognize constitutional rights of constituent peoples and citizens of BiH and other in Republika Srpska and will be broadcasted equally on three official languages and two alphabets. RTRS will directly apply other provisions of law that regulate programming principles and programming restrictions.

Not a single one of the above mentioned laws on media mentions or has special provisions on rights of persons with disabilities. In practice, very limited part of program is (sporadically) available to persons with disabilities as they use sign language, small number of institutional web sites accommodate visits by blind or partially sighted people, etc.

11 Law on Basics of Safety on Roads in BiH (*Zakon o osnovama bezbjednosti saobraćaja na putevima u BiH*) "Official Gazette of BiH" number: 13/07

12 Rulebook on methods of marking vehicles driven by a persons with damaged extremities (*Pravilnik o načinu obilježavanja vozila kojim upravlja osoba sa oštećenim ekstremitetima*), „Official Gazette of BiH” number 13/07.

13 Law on Public Transport of FBiH (*Zakon o javnom prijevozu FBiH*) („Official Gazette of FBiH” no. 28/06 and 2/10). Article 10.

14 Law on road transport (*Zakonu o prevozu u drumskom saobraćaju*) ("Official Gazette of RS", no. 46/95 and 66/01)

15 Law on Communications (*Zakonom o komunikacijama*) (Official Gazette of BiH no. 31/03 and 75/06 and 31/10), Law on Basics of Public Broadcasting System (*Zakonom o osnovama javnog RTV sistema*) and Law on Public RTV Service (*Zakon o javnom RTV servisu*) (Official Gazette of no. 37/03) , but also the Law on public radio-television system of Bosnia and Herzegovina (*Zakon o Javnom radiotelevizijskom sistemu Bosne i Hercegovine*) (law on JRTS (Zakon o JRTS-u) from 2005; Law on Radiotelevision of the Federation of BiH regulates FBiH (Zakon o RTV-u FBiH); Law on Radiotelevision of the Republika Srpska defines the RTRS (Zakon oRTRS-u).

16 Law on Communications, Article 4.

## Response of institutions on implementation of the Convention and laws in BiH

*In what way the institutions have adjusted their premises (access, entry, internal movement, toilets), is there a possibility to provide assistance? In what way the access to information on work of the institution has been provided (to persons with damaged hearing, sight, mobility, or intellectual difficulties)?*

**Assistance by a staff member** was one of the terms offered in the questionnaire when conducting a survey of institutional conduct. Almost all institutions that do not have any other way of adjusting information and dealing with persons with disabilities chose this answer, refraining to provide explanation of how the assistance by a staff member was provided. So it appears that the institution provide assistance to persons with damaged hearing/deaf person or deaf and mute persons through “assistance by a staff member”, although it is quite clear that this assistance does not include knowing the sign language. It is not clear to whom a person with any disability should turn to in order to be provided with assistance because there are no special counters/signs or instructions how to get to the assisting staff member in any institution. Practice tells us that persons with disabilities have only the good will of the employees to rely upon, whether they will or will not provide them some special assistance.

So persons with hearing damage may only count on written information that is available to all, provided that the institution has printed materials on their operation, or in rare cases, a web page where they can look for information. Also, persons with intellectual difficulties cannot count on skilled and always present assistance by a staff member. Written materials also include materials available to all, not written in an easy to understand language.

Access to institutions is similarly provided in all analyzed regions. Very few are the institutions that have completely resolved the issue of accessibility, and this in most cases means that they have provided physical accessibility – entrance into the building by installation of access ramps, while the parts of the building, higher floors and toilets have largely remained inaccessible.

Only the associations providing support to persons with different kinds of disabilities have provided good accommodation in terms of adjusting method of information to the specific type of disabilities, using information adjusted to their members (for example, the Banja Luka association of the blind has all the information needed in Braille language and audio recording, the association of the deaf has sign language interpreters), but they do not have accommodations for people with different disabilities.

Accommodation of access road and entrance:

- Out of 18 surveyed institutions in Tuzla, most have access and entrance adjusted, while the remaining part of the building is adjusted only partially and only in some institutions;
- 19 of 25 surveyed institutions in Banja Luka have provided wheelchair access to the entrance and through the entrance;
- Out of nine educational institutions in Banja Luka, only the Special Library for Blind Persons have premises adjusted to people in wheelchairs, while all other institutions' premises are not adjusted to use by persons in wheelchairs;
- Not a single one health institution (Health Fund, Public Fund for Child Protection, Health Center – Family Medicine Office “Lauš”, My Pharmacy “Lauš”, Center for Medical Research) has fully

- adjusted premises for use by persons in wheelchairs, and the family medicine office does not even have toilets adjusted to use by the disabled;
- Only the Nova Banka in Banja Luka has premises that fully accommodate movement of persons in wheelchairs;
  - Out of 62 analyzed institutions, organizations or bodies in Trebinje, access road is adequate in 32, and entrance in 30;
  - In 15 institutions in Trebinje, movement of persons using wheelchairs is completely impossible (in two primary schools, one secondary school, Pension Insurance Fund, office in Trebinje, and in 10 family medicine offices and in the administration building of the Health Center). Primary schools have not provided adequate access to students in wheelchairs, so students with physical disabilities have to be carried to classrooms by their parents;
  - Tourism Organization in Trebinje has adequate access to offices, but access to many tourist attractions is not possible;
  - The Trebinje Library only has adequate access;
  - Persons using wheelchairs cannot come to the seat of the Information and Culture Center that also hosts Radio Trebinje, but they said in their questionnaire that they go to visit persons using wheelchairs to interview them;
  - Auto-transport company in Trebinje does not have a single car or bus that is adjusted to use by persons in wheelchairs;
  - It is also impossible for persons in wheelchairs to go to the Olympic pool in Trebinje, due to specific design of stairs it is not safe, or even possible to bring in a person using wheelchair;
  - One good example is Administrative Service of the City of Trebinje – access to the Public Service Center is equipped with adequate access ramp, and in the Public Service Center there is a special counter for persons in wheelchairs. The Trebinje Museum provided a special lift for persons with disabilities or persons in wheelchairs that enables them to enter the museum and to go to the upper floor of the museum;
  - In Sarajevo Canton, health institutions, in most part, are not architecturally or otherwise adjusted to needs of persons with disabilities. However, most health centers do provide disabilities access to the entrance and entrance;
  - Most schools in Sarajevo Canton (62 analyzed) have only adjusted entrance and entryway;
  - Only the school premises of the “Dobrinja” grammar school are architecturally accommodating in all segments;
  - Social protection services are the first instance the persons with disabilities go to, where they seek their social rights; however, they do not have adjusted materials or space. In Sarajevo Canton, the social service in municipality Center is best adjusted to use by persons in wheelchairs. Social services in Ilidža is the only service that provides possibility of going to higher floors, while other services are poorly or not at all adjusted (Stari Grad, Hadžići, Novo Sarajevo);
  - Most police stations in Sarajevo Canton have adjusted the area in front of the entry, and going to upper floors is possible only in Vogošća police station. Premises of the police station Center do not offer any disabilities accommodation;
  - Center for sports and recreation in Sarajevo is not adjusted in any segment;
  - Hotel Hollywood and power company Elektroprivreda in Sarajevo are fully adjusted in all segments.

Lifts leading to upper floors exist in:

- 3 out of 18 institutions in Tuzla (Pensioners’ Home, Tuzla Municipality Building, Sector for Social Activities and University Clinical Center, Mining-Geological-Civil Engineering Faculty in Tuzla);



- 17 institutions in Banja Luka have enabled movement inside the institution (lifts); still, going to the upper floors is possible only in the Health Fund;
- Out of 62 institutions in Trebinje, movement within organizations or institutions is possible in 26, and going to upper floors is possible in 13;
- Going to upper floors is possible in only two primary and one secondary school out of 62 in Sarajevo Canton.

Counters for persons using wheelchairs exist:

- In 6 out of 18 institutions in Tuzla (Health Center „Dr. Mustafa Šehović“ with its ambulancias/offices, University Clinical Center, Education and Rehabilitation Faculty);
- 5 police stations in Sarajevo Canton have adjusted counters.

Accessible **toilets** (fully in line with norms):

- Exist in 6 out of 18 institutions in Tuzla (Home for Children without Parental Care, Clinic for Physical Medicine and Medical Rehabilitation Tuzla and Primary School Tušanj, Students' Center, Mining-Geology-Civil Engineering Faculty in Tuzla and University Clinical Center in Tuzla (on the Clinic for Surgery and in the Blue Polyclinic);
- 9 of 25 surveyed institutions in Banja Luka have adjusted toilets; however, toilets are not accessible in any of surveyed health institutions;
- Adequate toilets exist in 17 of 62 surveyed institutions in Trebinje;
- Toilets have been adjusted in seven primary and three secondary schools out of 62 schools in Sarajevo Canton;
- Toilets are adjusted in 3 police stations in Sarajevo Canton.

Information on Braille language is offered by:

- Only one institution in Tuzla area (out of 18 surveyed), and this is the Home for Children without Parental Care Tuzla;
- Only 3 out of 25 analyzed institutions in Banja Luka (mostly specialized for work with blind population, for example, special library for the blind);
- Ministry of Labor and Protection of Veterans and War Invalids of RS and Museum of RS prepare information also in the Braille language;
- Braille language is used in the National Library and Association of the Blind of Trebinje;
- In 62 analyzed schools (40 primary and 22 secondary) in Sarajevo Canton, only one uses Braille language;
- None of the surveyed public services institutions in Sarajevo Canton (out of 67) provides information/communication on Braille language, except for the Hollywood Hotel.

Audio signalization for the blind:

- Exists in only one institution in Tuzla (Clinical Center Tuzla with its family medicine office, Center for Community Rehabilitation and Mental Health Center);
- Municipality building in Banja Luka has audio signalization;
- Audio signalization is used at the Faculty for Production and Management in Trebinje, Radio Trebinje and Association of the Blind Trebinje;
- Out of 62 analyzed schools in Sarajevo Canton, only two have audio signalization (one primary and one secondary school);
- 6 primary schools in Sarajevo Canton offer written materials that use enlarged font, or special magnifying lenses or glasses.

Use of sign language is provided:

- In Tuzla area, only in the Home for Children without Parental Care;
- Interestingly, Education-Rehabilitation faculty in Tuzla, which educates students who will professionally work with disabled people, including work with persons with hearing damage, does not have sign language as mandatory course on the faculty, but as one of elected subjects for students. One opportunity for additional training in sign language is offered to students who express wish to do so in cooperation with the associations of persons with damaged hearing;
- Sign language is used in 7 institutions (out of 25) in Banja Luka (Ministry of Labor and Protection of Veterans and War Invalids and Police Station Lazarevo, Health Fund and Public Fund for Child Protection);
- Sign language is not available in any of public institutions in Sarajevo, except for court interpreters when the person with damaged hearing is a party to the proceedings;
- 5 institutions in Trebinje offer sign language interpreters for persons with hearing damage;
- Sign language is used in only one school in Sarajevo Canton.

Written information on work of the institutions are offered in a third of surveyed institutions in Tuzla, and this includes information leaflets and brochures intended to general population, and partly information on the web site:

- For persons with intellectual difficulties, none of the institutions offers specially adjusted information, only the ones intended for general population;
- Written information for persons with hearing damage is used in 14 institutions in Banja Luka;
- 7 institutions in Banja Luka use written form easy to read and understand for persons with intellectual difficulties;
- 19 institutions in Trebinje distribute information materials to persons with disabilities. Alternative forms of communication in Trebinje lack in primary schools, student center, kindergarten, children health center, mental health center and library;
- Only the Secondary School for Metal Processing in Sarajevo has a web page accessible to all that, although not designed fully in line with European standards for designing easy to understand information, is quite suitable and adjusted;
- Informative materials for persons with disabilities about the ways they can exercise their rights / use services are not distributed in health centers of the Sarajevo Canton.

An issue of concern is that some institutions that should, by nature of their work and services they provide (for example, Center for Social Work Tuzla, Social Protection Services in Sarajevo municipalities, Stari Grad, Hadžići and Novo Sarajevo, health institutions, health offices in Trebinje and Banja Luka), be fully accommodating, are not physically accessible. Centers for social work are in some instances situated on the third floor in buildings without elevators (Municipality Tuzla). Schools are generally not accommodating, both in terms of architectural barriers and teaching process. Rare are the schools that are fully architecturally adjusted (newly built grammar school "Dobrinja" in Sarajevo), and almost none other school in BiH is fully adjusted in all segments. Parents are usually the ones financing construction of access ramps in schools where their children go. Even more often the parents carry children into school and carry them to the classrooms when located on upper floors.



## Experiences of persons with disabilities exercising their rights

With regards to architectural barriers, participants in focus groups confirmed everything stated above. In larger cities the traffic routes as well as institutions are more accessible than in smaller places, while they are completely inaccessible in rural areas. One participant from Trebinje who uses wheelchairs said that he had often received his treatment or gave blood for tests on the parking lot in front of the health center because the laboratory was located on the second floor and thus inaccessible to him.

Movement of persons in wheelchairs is in most part made possible in strict center of town (adjusted sidewalk, crossings, etc.). One of ever present problems for their movement is illegal parking on places that are intended for pedestrian use (sidewalks, crossings), and this is particularly often in Sarajevo in Tuzla.

Health workers are often insensitive to problems of the deaf or people with hearing damage who are not able to respond when called by them. This problem is a direct consequence of lack of indication of disabilities in the health cards.

Independent and safe movement of blind persons using white cane is made impossible by a large number of stray dogs who attack them. This is one of the problems that nobody looks at from this point of view.

The issue of access to cultural institutions is also not resolved. In Sarajevo Canton, only the National Theater has a lift for persons using wheelchair, but it is available only when such persons call in advance to tell that they would come. Cinema City, also in Sarajevo, emphasizes in their advertising that they can accommodate persons in wheelchairs; however, only the entry and the halls on the ground floor are accessible, while the halls on the floor are inaccessible.

Even when accessibility has been provided, the ramps are often constructed contrary to provisions of laws and regulations – often they are too steep, not long enough to be used properly, there is no resting place for persons in wheelchairs, no fence to prevent falls, no handrails or the handrails are installed high above the reach of persons in wheelchairs, etc.

Participants say that not a single one important institutions, such as municipal or cantonal institutions, health centers, centers for social work etc. do not have visibly posted information on how to report staff members who behave inappropriately. Participants in focus groups mostly complained about disrespect of their person by employees in institutions, for example, their assistants are asked personal questions as though the person with disability were not even there.

Public transport is not adequately adjusted. Only two low-floor trams operate in Sarajevo, and they are not fulfilling their purpose because no tram stations are adjusted to their use. In Tuzla, there are a few low-floor buses, but they cannot cover all parts of the city. Smaller towns in south-eastern Herzegovina do not have public city transport at all, and inter-city transport is poorly organized and inaccessible, with no low-floor buses. Audio or visual signalization exist nowhere in public transportation. Association of dystrophic patients from Banja Luka resolved the problem of transportation of their members by procuring a van that comes when invited and transports the beneficiaries to the desired location. Costs of this transport are paid by the city of Banja Luka. This is one good example of resolving the issue of transporting persons with disabilities in the city.

Ensuring access to housing units inhabited by persons using wheelchairs is typically done under projects of non-governmental organizations with limited support of institution in the process of obtaining the required permits, or financed by the persons with disabilities themselves (case of Tuzla).

## Article 12: Equal recognition before the law

*This article reaffirms that persons with disabilities have the right to recognition as persons before the law, in other words to have legal and business capacity, it ensures their equal right in owning or inheriting property, controlling their own financial affairs, and having equal access to bank loans, mortgages and other forms of financial credits, and ensures appropriate safeguard mechanisms to prevent abuse etc.*

### Relevant legislation

Depriving of or restricting legal capacity and imposing guardianship is regulated by entity legislation. The main laws defining this area are the entity family laws and laws on non-litigation proceedings, and a number of other regulations.<sup>17</sup> Adults are legally incapacitated due to circumstances that restrict or exclude their ability to independently participate in legal transactions. Persons are placed under guardianship because of their health status, physical, psychical or social disease.<sup>18</sup> In order for a person to be placed under guardianship a court must pass a decision on depriving them of their legal capacity, and only after this the center for social work appoints the guardian.

According to the Law on Non-Litigation Proceedings of FBiH and the Law on Non-Litigation Proceedings of RS<sup>19</sup>, the main reason for depriving a person of their legal capacity is a situation where the adult is not capable of taking care of their own right due to complete or partial inability to reasonably judge their situations or interests. Family Law of FBiH<sup>20</sup> stipulates detailed conditions that have to be met in order to deprive somebody of their legal capacity, such as, for example, mental disease, retarded mental development, excessive abuse of alcohol or intoxicating drugs, senility and other causes. Also, legal capacity may be limited for the same reasons for which it can be taken away, but here the law prescribes **condition that the adult is directly violating their rights and interests or rights and interests of other persons**. Family law of RS does not stipulate causes for deprivation or restricting the legal capacity.

Law on protection of persons with mental disorders of RS<sup>21</sup> provides that persons with mental disorders reasonably suspected of endangering their own life or health, or lives or health of others, in particularly urgent cases may be forcefully brought by authorized officials of the responsible ministry of internal affairs to health institution that has jurisdiction over the place of permanent or temporary residence of such persons or location where the person is located at the time.<sup>22</sup>

The procedure for taking away or giving back the legal capacity may be initiated by court ex officio, by prosecutor, or on proposal by guardianship body (center for social work), spouse, relative (under some conditions) etc. When such procedure is initiated, the responsible court shall notify the land registry department of the court on whose territory the immovable property of the person whose

<sup>17</sup> Law on Administrative Proceedings, Law on Obligations, Inheritance Law, Law on Resolving Conflict of Law and Responsibility in Family and Inheritance Matters

<sup>18</sup> Čano S. and others, (2012), "Universality of law in practice: Analysis of implementation of the United Nations Convention on Rights of Persons with disabilities with focus on persons with intellectual difficulties in Bosnia and Herzegovina" ( „Univarzalnost prava u praksi: Analiza primjene Konvencije Ujedinjenih nacija o pravima osoba sa invaliditetom s fokusom na osobe sa intelektualnim teškoćama u Bosni and Hercegovini,“) SUMERO and People in Need, p. 13.

<sup>19</sup> Law on Non Litigation Procedure of FBiH ( Zakon o vanparničnom postupku FBiH) (Official Gazette FBiH no. 2/98, 39/04, 73/05) and Law on Non Litigation Procedure of Republika Srpska (Zakon o vanparničnom postupku Republika Srpska) (Official Gazette of RS, no. 36/09)

<sup>20</sup> Family Law of FBiH (Porodični zakon FBiH) (Official Gazette FBiH no. 35/05)

<sup>21</sup> Law on Protection of Persons with Mental Disorders of RS (Zakonom o zaštiti lica sa mentalnim poremećajima RS) („Official Gazette of RS“ 46/04)

<sup>22</sup> Initiative of Mine Survivors and BOSPO in cooperation with the Ministry of Human Rights and Refugees of BiH (October 2012) Report on implementation of United Nations Convention on Rights of the Persons with Disabilities in BiH, p.22.

legal capacity is being taken away or given back, as well as the service that is responsible for keeping personal records of the person whose legal capacity is being taken away or given back. The court is obliged to notify the center for social work on everything and the center will then, if deemed necessary, appoint temporary guardian for such person. During the procedure, the person with regards to whom the procedure is being conducted must be examined by expert of medical profession who is appropriately specialized who will issue their findings and opinion on mental status of such person and their ability to reason.<sup>23</sup>

The court shall send its final and binding decision (decision that may not be appealed to higher instances) on deprivation of legal capacity to the responsible body for personal records in order to be entered in birth registry and to the land registry department of the court. The final and binding decision on deprivation or limitation of legal capacity shall also be served to center for social work who is obliged to place the person whose legal capacity has been taken away under guardianship within 30 days from the day of receiving the court decision to that effect.<sup>24</sup>

The guardianship is carried out by guardianship body through appointed guardian or directly through a trained person. Persons who is appointed guardian must possess personal qualities and abilities to act as guardians and must give their prior consent to be appointed as such. **When appointing the guardian, the guardianship body shall also take into consideration the opinions of the protégée if they are capable of understanding the issue, as well as the opinions of their close relatives.** One person may act as guardian for several protégées if that does not contravene with their interests.

The guardian is obliged to take conscientious care of person, rights, liabilities and interests of their protégée and manage their property; in doing so, they must take into consideration opinions of the protégée who is capable of understanding the issue. The guardian is obliged to submit to the guardianship body regular annual reports on their work and status of the protégée's property, as well as additional reports when required by the center for social work.

The protégée whose legal capacity has been limited may enter in legal transactions whereby they acquire rights, unless otherwise specified by law. They may enter legal transactions involving disposition of property or undertaking liabilities only with guardian's consent. Also, such person may give declarations on their personal status except where this Law or decision by the guardianship body specify otherwise.<sup>25</sup>

Guardianship on persons whose legal capacity has been taken away or limited ceases with reinstatement of their legal capacity by decision of court passed in non-litigation procedure.

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<sup>23</sup> Laws on non-litigation procedures of FBiH and RS

<sup>24</sup> Ibid.

<sup>25</sup> Family Law of FBiH, Article 194.

## Response of institutions on implementation of the Convention and laws in BiH

*Do the centers for social work supervise procedures for imposing guardianship of persons with limited legal capacity, whether they do regular reviews and how often?*

The procedure for taking away person's legal capacity is conducted by responsible court. The guardianship bodies are the social protection services (centers for social work). Centers for social work conduct the procedure of determining legal capacity, and in consultations with the beneficiary and their family, select the guardian. Review of different rights, decisions, rulings (evaluation of capacity, institutionalization, legal capacity) is typically done once a year; however, depending on the condition of the person with disability and on the needs, it may be done once in 2-3 years, but it may also be done twice a year. The process of reviewing the decision on deprivation of legal capacity is done when the health of the person is deemed to be improved, and there have been rare cases of reinstating legal capacity.

- In Tuzla, as of 31 December 2012, 243 persons were deprived of legal capacity (110 women and 133 men). None of them has been given back their legal capacity. In the past years, legal capacity has been reinstated to 3 persons.
- In Banja Luka in 2012, 407 persons were registered being under permanent guardianship, and under guardianship for acts 328.
- In Trebinje in 2012, 34 persons were fully deprived of their legal capacity, and for 10 persons guardians for certain affairs were appointed.
- In Sarajevo Canton in 2011 4 persons were partially deprived of legal capacity, and in 2012 9 more. Number of persons in CS completely deprived of legal capacity in 2011 was 86 (38 men and 48 women), and in 2012 this number was 85 (38 men and 47 women). According to information received from seven social protection services of the Sarajevo Canton<sup>26</sup>, persons are more often fully deprived of legal capacity than partially; in the service Center there are cases of partial reinstatement of legal capacity. Social care service state that complaints after imposition of guardianship are rare and mostly filed by relatives of the person under guardianship who complain because they want to be guardians, or when they are unable to perform the guardian's duty.

## Experiences of persons with disabilities exercising their rights

Complaints against work of the centers are related to appointing guardianship for persons with mental disabilities. One participant presented his experience of people from the center communicating usually only with his guardians, not consulting him on his position, conditions of life or problems he had. The guardians participating in focus groups also pointed out that the employees of the center never come to visit their families to see for themselves in what conditions persons under guardianship live. They say that it is possible that the guardian treats their protégé inappropriately, but the centers cannot see this because they never come to families.

<sup>26</sup> Social Protection Service Hadžići has not stated this information.

## Article 13: Access to justice

*This article recognizes the right of persons with disabilities to effective access to justice on an equal basis with others, without excluding them from court or other proceedings, including all stages of the proceedings, ensures effective participation of persons with all kinds of disabilities in the proceedings, regardless of their role (e.g. victims, perpetrators, witnesses, jury members, etc.), and provides for training for those working in justice or prison systems on the rights of persons with disabilities.*

### Relevant legislation

According to Constitution of BiH, particularly in accordance with the European Convention, Article 6: Access to Justice and Article 14 of the Convention that prohibits discrimination on any basis, all citizens of BiH have equal access to justice. This Convention must be applied directly in national legislation or practice as it has the force of constitutional text.

Criminal legislation of BiH guarantees equal access to justice; equal conditions for access to justice are defined by the following laws: Criminal Code of FBiH, Criminal Code of RS.<sup>27</sup> Laws on criminal proceeding in BiH stipulate that institutions of justice must provide for persons with disabilities the sign language interpreter or some other form of linguistic aid.<sup>28</sup> There are no other provisions that are specific for persons with disabilities, so they perform their roles as witnesses, defendants etc. using regular institutes provided for under all substantive and procedural laws regulating operation of courts in BiH. Equal rules are provided in entity criminal procedure laws.

BiH does not have a single regulation in the field of free legal aid. Law on Free Legal Aid in RS<sup>29</sup> was adopted establishing centers for provision of free legal aid. The Law provides for the right to free legal aid of all citizens who meet financial criteria, criteria of “clear basis” and criteria of being obliged to under other laws and international conventions (Article 16). The right to free legal aid have the persons identified as “vulnerable categories”: beneficiaries of social assistance, unemployed people without any other regular income or revenue, poor people, holders of the right to old age or disabilities pension, persons deprived of legal capacity and mentally ill persons placed in health institutions, children without parental care (Article 17). User of free legal aid has the rights

<sup>27</sup> Criminal Code of BiH (Official Gazette of BiH no. 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07), Criminal Code of FBiH Official Gazette of FBiH 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, Criminal Code RS

<sup>28</sup> Law on Criminal Proceedings BiH, (Official Gazette of Bosne and Hercegovine, no. 3/03, 32/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09, 93/09) **Article 45:** when **the suspect or the accused must have a defense attorney:** (1) A suspect shall have a defense attorney at the first questioning if he is mute or deaf or if he is suspected of a criminal offense for which a penalty of long-term imprisonment may be pronounced; **Article 87:** Examination of a Witness through Interpreter: (1) If a witness is deaf or mute he shall be examined through the interpreter. (2) If the witness is deaf the questions shall be asked in writing and if he is mute he shall be asked to answer in writing. If the hearing cannot be conducted in this manner then a person who can communicate with the witness shall be invited to be an interpreter. (3) If the interpreter has not previously sworn the oath, the interpreter shall swear the oath that he shall literally communicate the questions to the witness as well as his testimony; **Article 88.** Oath or Affirmation of a Witness (4) The oath or affirmation shall be taken orally by reading its text or with a confirmation after the text of the oath or affirmation has been read by the judge or the Presiding judge. Mute witnesses who can read and write shall take the oath or affirmation by signing the text of the oath or affirmation, whereas deaf or mute witnesses who cannot read or write shall take the oath or affirmation through an interpreter .

<sup>29</sup> Law on free legal aid in RS (Zakon o besplatnoj pravnoj pomoći u RS), „Official Gazette of RS“ no. 120/08 and Rulebook on internal organization and systematization of jobs in Center for Provision of Free Legal Aid (Pravilnik o unutrašnjoj organizaciji i sistemizaciji radnih mjesta u Centru za pružanje besplatne pravne pomoći) („Official Gazette of RS,“number 41/09)

under this Law irrespective of their... health condition, disabilities, etc. There are no special conditions on adjusted approach when providing legal aid to persons with disabilities.

In FBiH, there is no single regulation on free legal aid except what is provided for in criminal cases, when the court assigns an attorney ex officio (public defender), and this applies to whole BiH. In practice, cantons have passed special regulations and opened services for provision of free legal aid: e.g. the following cantons in FBiH: Tuzla, Zenica-Doboj, West Herzegovina and Sarajevo cantons. There are no special rules on provision or adjusted approach to providing legal aid to persons with disabilities.

## Response of institutions on implementation of the Convention and laws in BiH

*Do the court, police, municipality, notaries, banks provide assistance (and what kind) to persons with disabilities if they are a party in the proceedings so that they implement their legal legitimacy in practice and perform financial transactions (as witnesses, plaintiffs, those who reported theft, persons whose rights are to be determined)? How do the persons with disabilities vote?*

The situation and response received from institutions from all analyzed regions are similar.

If the persons with disabilities are parties to the proceedings, they are entitled to services of a sign language interpreter, and court and the police have to provide them with information in a way that is understandable and acceptable to them. If they are in role of a defendant they are entitled to a public defender, and this applies to all citizens.

- In Trebinje, there are premises in the police station that are adjusted to persons with disabilities, including appropriate toilet;
- The Trebinje Court does not have (architecturally) adjusted conditions during the trial, meaning that the person with disability using wheelchair has to be carried in the courtroom. The Court does have a sign language interpreter, public defender and assistance by family and court personnel;
- In Sarajevo, persons using wheelchair or having difficulties moving can move in Cantonal Prosecution office only in the area up to the entrance, while the Municipal Court is almost fully accommodating for such persons (access to the entrance, entrance, moving inside the institution, counters, going to upper floors, toilets);
- Penitentiary/correctional institution in Sarajevo is not architecturally adjusted to persons with difficulties moving;
- In cases of reporting violations of rights of persons with disabilities (domestic violence etc.) who are not able to come to the police station in Tuzla, reports may be made by phone, and then a mobile team goes to the person reporting the violation. Police stations work with nongovernmental organizations (Vive žene) when having to take a person with disability from their families in case of reported abuse. Cooperation between the police and non-governmental organizations exists in other regions too.

Persons with disabilities **vote** using mobile teams. Persons with intellectual difficulties vote with help of a guardian. Persons at polling stations have been trained on rights of persons with disabilities. They receive lists of persons with disabilities from the center for social work.

## Experiences of persons with disabilities exercising their rights

Persons with disabilities that were consulted in focus groups had no experiences with access to court.

However, the issue of lack of sign language interpreter in police stations was mentioned as evident, in cases when the deaf or hearing impaired persons were involved in traffic accidents, or disturbances of public peace and order. In Banja Luka, officers in such cases invite the secretary of their association to the site investigation (at any time of day or night) because they do not have an officially engaged person – official interpreter.



## Article 19: Living independently and being included in the community

*This article recognizes the right of person with disability to live independently and participate in the community by facilitating various models of independent living, including provision of personal assistants, home help services and various types of housing arrangements including common housing and care that depends on the type of disability, as well as enabling access to persons with disabilities to the services and institutions in the community used by general population.*

### Relevant legislation

A whole set of laws in both entities regulate the placement of persons with disabilities in institutions, as well as the community support services and personal assistance.<sup>30</sup> In FBiH, placement in institutions is made on decision by center for social work on the basis of opinion of an expert team, court decision, body of guardianship or on the basis of findings or opinions of an expert committee on inability to work or findings or opinion of a relevant medical institution. Center for social work that had placed a person in an institution is obliged to monitor how that person is being treated in the institution in terms of care, protection, treatment of physical or mental health they receive in the institution. The institution has to accept the person referred by the center, but they may deny admittance to a person if their capacities are full, or in the case that, having in mind their activity, they are unable of providing appropriate services to the beneficiary.<sup>31</sup>

According to the Law on Social Protection of RS, placement into a social protection institution is done by choice and referral of the beneficiary to appropriate institution that provides them with housing, food, clothing, treatment, assistance, care, education, a training that enables them to earn income, work, cultural/entertainment activities, recreation/rehabilitation, health care and other services.<sup>32</sup>

Laws of both entities that regulate social protection state that the institutions for placement are used for children and adults who need constant care and assistance in meeting their daily needs and cannot have them in their own or another family or otherwise. Law on Social Protection of RS provides an explicit list of persons who are entitled to such housing: children without parental care, until they return to their own family or are adopted or go to a foster family, or until they finish regular education, but not longer than the age of 26; children with disturbed development who have no conditions to stay with their families; children who are victims of violence or human trafficking; adults with disabilities or serious chronicle disease who are unable to live on their own; persons with

<sup>30</sup> Law on Basics of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children of FBiH (Zakon o osnovama socijalne zaštite, zaštite civilnih žrtava rata and zaštite obitelji sa djecom FBiH) („Official Gazette of FBiH“ no. 36//99, 54/04, 39/06 and 14/09); Law on Health Care of FBiH (Zakon o zdravstvenoj zaštiti FBiH) („Official Gazette of FBiH“ no. 46/10), Law on Health Insurance of FBiH (Zakon o zdravstvenom osiguranju FBiH) („Official Gazette of FBiH“ no. 30/97, 7/02 and 70/08), Law on Protection of Persons with Mental Disorders of FBiH (Zakon o zaštiti osoba sa duševnim smetnjama FBiH) („Official Gazette of FBiH“ no. 37/01); and Law on Social Protection of RS (Zakon o socijalnoj zaštiti Republika Srpska) („Official Gazette of RS“ No. 37/12), Law on Health Protection of RS (Zakon o zdravstvenoj zaštiti RS) („Official Gazette of RS“ no. 106/09), Law on Protection of Persons with Mental Disorders of RS (Zakon o zaštiti lica sa mentalnim poremećajima RS) („Official Gazette of RS“ no. 68/07).

<sup>31</sup> Čano S. and others, (2012), Universality of law in practice: Analysis of implementation of the United Nations Convention on Rights of Persons with disabilities with focus on persons with intellectual difficulties in Bosnia and Herzegovina“ („Univarzalnost prava u praksi: Analiza primjene Konvencije Ujedinjenih nacilja o pravima osoba sa invaliditetom s fokusom na osobe sa intelektualnim teškoćama u Bosni and Hercegovini“) SUMERO and People in Need, p. 21.

<sup>32</sup> Ibid. p. 22.



behavioral disorders; elderly persons who are unable to live independently in their families or households; adults who are victims of domestic violence or human trafficking; pregnant women or parent of a child up to one year of age who need temporary placement; person who has been found homeless or begging;<sup>33</sup>

In addition, and under certain conditions, social protection laws provide for rights that may support independent living and inclusion in community of person with disability as a right to: monetary benefit, allowance for provider of care; care in a foster family, in-home assistance or care; or one-time monetary assistance. Monetary assistance is conditioned by income or asset tests, as well as inability to work. Allowance for assistance and support in home is given to elderly persons who are incapable of taking care of themselves. Allowance for assistance and care by a provider of care is paid to elderly and sick persons, persons seriously ill or other persons incapable of taking care of themselves. Provider of care payment allowance may be allowed to a person who is older than three who, due to physical, mental or sensory disorders, or deteriorating health requires continual care and assistance by a provider of care, if not using this right on other grounds and if they are not placed in an institution. This right may be exercised by persons who are completely or partially dependent on the provider of care when meeting their basic needs in life.

The law also provides for additional rights that are under responsibility of local communities in RS, such as, inter alia: personal assistance for persons with disabilities, supported housing, protected housing, assistance in taking care of adults after leaving institutions or foster families, assistance in education of children with disturbed development, etc.

New changes in the social system introduce day centers that provide various kinds of organized day services or stay outside of family of children or adults, under specific conditions for placement in social protection institution, etc.

One should emphasize that the scope of rights or additional rights from laws and regulations also depend on where the person with disability lives (entity, canton, urban or rural community, etc.), origin of disability (war invalid, civilian victim of war or persons with disability not war-related). At present, none of the laws regulates the issue of "supported housing" or deinstitutionalization strategies.

## Response of institutions on implementation of the Convention and laws in BiH

*Are there models for independent living, common housing? How many personal assistants are provided through the center for social work? Are there programs for persons with intellectual difficulties provided through centers for social work, what rights they provide for? Are there community day centers and how available are they?*

Programs for persons with intellectual difficulties are being offered through the centers for social work, but only in the form of institutionalization and to a limited extent through programs of independent living in the community implemented by non-governmental organizations, such as, for example, the program "Supported living in community for persons with intellectual difficulties" provided in cooperation of the association Sumero and social services, or program of the Association

<sup>33</sup> Law on social protection of RS (Zakon o socijalnoj zaštiti RS) "Official Gazette of RS" No. 37/12)

for social inclusion of persons with mental retardation of Tuzla canton. In most cases, persons with intellectual difficulties are placed in foster families.

Institutionalization of persons is done on the basis of a request (by the beneficiary or family member), ex officio or on proposal by responsible physician if condition are met that are provided under applicable laws on social protection (RS, cantons in FBiH). After completion of necessary documentation, an application is submitted to appropriate institution if there is no possibility of placing the person in family or local community.

- Social institutions in 5 Institutes that exist in Sarajevo Canton (Bakovići, Pazarić, Duje, Nahorevo) host a total of 580 persons, mostly persons with psychosocial difficulties (333) and persons with intellectual difficulties (182). Waiting lists for placing persons in social care institutions exist in 6 social protection services in Sarajevo Canton with a total of 15 individuals waiting for this placement.
- Public institution "Gerontology Center" (in Sarajevo Canton) hosts 215 persons with disabilities. Most of them have combined difficulties (88) or intellectual difficulties (73). There are a small number of persons with physical damage (42) or sensory disorders (12). 139 persons with disabilities are women, and 76 are men.

The procedure of classification of persons with disabilities is done on the basis of the Rulebook<sup>34</sup>, in accordance with the principle of discovering, evaluation by commission, and decision-making. Children or persons with disturbed development are on proposal by the school, health institutions or parents are sent to evaluation by commission or examination by the First Instance expert commission for evaluation of capacity and assigning support to children and youth with special needs.

- In Tuzla, they say that there is no review of classification;
- In Sarajevo, classification review exists if set in the finding of the commission, on request of parent/guardian, ex officio or at personal request;
- In Republika Srpska, review is done at the occasion of enrollment in primary and secondary school or faculty.

Community rehabilitation for persons having problem from autistic specter does not exist. Such children are typically included in special education that does not offer specialized programs for them, while the adults are fully left to the care of their parents. Support to such children is provided by non-governmental organizations that in most cases charge their services, while the adults are once again deprived because non-governmental sector does not offer adequate programs for autistic adults. Day care center does not even exist in the Association of Parents of Children and Adults with Autistic Spectrum Disorder from Sarajevo that organizes various activities for their members for a number of hours a week. Right now, the Association is made of 35 families that have either a child or an adult with autism, and around 20 voluntary workers.

**Services of the center for social work** related to inclusion of persons with disabilities in community life are very limited.

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<sup>34</sup> Rulebook on evaluation of needs and orienting children and youth with disturbed development of RS (Pravilnik o procjeni potreba i usmjeravanju djece and omladine sa smetnjama u razvoju u Republici Srpskoj) and Rulebook for determining remaining capacity and classification of children and youth with disturbed psycho-mental development in FBiH (Pravilnik za utvrđivanje preostale sposobnosti i razvrstavanja djece and omladine ometene u psihofizičkom razvoju u FBiH)

Entity and cantonal laws on social protection provide for care and assistance to persons with disability as a monthly monetary allowance. Most persons with disabilities use this money as an addition to the household budget, and very rarely for engaging personal assistants. Personal assistance, as an extended right, exists only in Banja Luka of all four regions; here the center for social work, in partnership with non-governmental organizations, has ensured around 3350 hours of assistance per month for persons with disability through the work of 20 personal assistants, one quarter of whom are men, and 3 quarters are women.

- Centers for social work in FBiH are not able to engage personal assistants;
- Center for social work in Trebinje does not provide personal assistance;
- In Tuzla municipality, only cantonal red cross organization in the Tuzla canton has a day center for elderly persons;
- No social protection service in Sarajevo Canton offers day care/center for persons with disabilities;
- In Banja Luka municipality, there are four day care centers with a total of 80 users (equal share of men and women);
- There are two day centers in Trebinje area – day care center for children and youth with disturbed development and day care center for the elderly. The eparchy, in partnership with the center for social work, delivers food from public kitchen to home addresses of a number of socially vulnerable families who have a member with serious or severe disability.

## Experiences of persons with disabilities exercising their rights

In addition to what has been said above, participants in focus groups also stated that families of persons with disabilities are financially and otherwise burdened by the disability of their member and that the institutions tend to transfer all care onto the family. When parents seek rights for their children with disabilities institutions more and more often refuse to provide that service or right saying that the family members are obliged to support and assist their relatives. So persons with mental disability cannot receive provider of care allowance, for example. Persons with disabilities over 65 are not entitled to care and assistance by a provider of care, what affects them severely, particularly in terms of their participation in community life.

It has been stressed out that persons with disabilities, in order to exercise their right to allowance for care and assistance by a provider of care, must have an open bank account, what represents a problem for persons living in rural areas or persons with mental disability. Persons living in rural communities are often unable to go to towns where banks are normally located due to architectural barriers or lack of adequate means of transportation, while persons with mental disability do not have bank accounts.

Financing placement of persons with disabilities in institutions does not include the possibility of financing the family if such person remains with their family, and financing does not follow the beneficiary if they are placed under the project of “supported housing” currently supported by non-governmental organizations and international donors. Centers for social work are not yet signing contracts with organizations implementing programs of hosting persons with disabilities in supported housing and thus pay no share in financing persons who are placed there.

One good example is financing of the day care center for persons with mental disability in Trebinje from the town budget.

## Article 24: Education

*This article provides that all children and adults with disabilities are entitled to education based on equal opportunity. This applies to all levels and stages of education, from pre-primary to primary to tertiary and life-long learning. All persons with disabilities are entitled to inclusive education with adequate individual support that is necessary for that person to participate in education:*

### Relevant legislation

Constitution of BiH prescribes that all persons in Bosnia and Herzegovina enjoy human rights and freedoms without any discrimination, and this includes the right to education. Right to education is under responsibility of entities, while in the FBiH it is under responsibility of the cantons. Constitution of FBiH provides for cantonal responsibility to **establish educational policies and adopt regulations on education and ensuring education** (Article 4).

BiH has adopted the Framework Law on Pre-Primary Education and Upbringing in BiH<sup>35</sup> that provides that every child has the equal access right and opportunity to participate in relevant education without discrimination on any grounds. The law provides for ensuring equal access and equal opportunity for all.<sup>36</sup> Particularly important is Article 12 that stipulates as a general principle of the Law the compulsory integration programs for children with special needs, including development of individualized programs for integration of children that is adjusted to their abilities and skills.

The Framework law on primary and secondary education in BiH<sup>37</sup> provides for optimal intellectual, moral and social development of individuals, **in accordance with their abilities and skills**,<sup>38</sup> with the aim of ensuring optimal development of every person, including those with special needs, in accordance with their age, abilities and mental and physical capacities.<sup>39</sup> Every student is equally entitled to access and opportunity to participate in education, without discrimination on any grounds.<sup>40</sup> Children and young people with special needs receive education in regular schools and following curricula that are customized for their individual needs. Children are entitled to individualized education curriculum, adjusted to their skills and ability, with mandatory specification of their status in terms of defectology and speech disorders.<sup>41</sup> Children and young people with “severe disorders and difficulties in development may partially or completely receive their education in educational institutions in cases when it is not possible to provide adequate education in regular schools.”<sup>42</sup>

Framework law on higher education in BiH<sup>43</sup> stipulates that this level of education is based, inter alia, on respect for human rights and civil freedoms, including prohibition of all forms of discrimination

35 Framework Law on Pre-Primary Education in BiH (Okvirni zakon o predškolskom odgoju i obrazovanju u BiH) „Official Gazette of BiH,” number 88/07

36 Ibid, Article 6. (2)

37 Framework Law on Primary and Secondary Education in BiH (Okvirni zakon o osnovnom i srednjem obrazovanju u BiH), „Official Gazette of BiH”, number 18/03

38 Ibid. Article 2).

39 Ibid. Article 3. (b))

40 Ibid. (Article 4).

41 Ibid. Article 19.

42 Ibid.

43 Framework Law on Higher Education in BiH (Okvirni zakon o visokom obrazovanju u BiH), „Official Gazette of” number 59/07 and 59/09

including discrimination on the basis of physical or any other disability.<sup>44</sup> There is no specific mention of rights of students with disabilities

Law on primary education and upbringing of RS<sup>45</sup> provides that each child has equal right to participate and have equal opportunity in primary education, without discrimination on any grounds. Inclusion has been defined as participation of persons with disturbed psycho-physical development, persons who have some disadvantages in learning, and generally persons with disadvantages for social participation in education system and everyday life.<sup>46</sup> Chapter V of the Law provides for education of students with disturbed psycho-social development in regular schools and in accordance with curricula adjusted to their individual needs, in line with the principles from the Framework Law on Primary and Secondary Education in BiH.<sup>47</sup>

Law on secondary education and upbringing of RS<sup>48</sup> provides for accessibility of secondary education to all and prohibits discrimination on the basis of disability. Children with special educational needs are entitled to receive secondary education in regular or in special schools. Students have the right to be in regular classes if that is **in accordance with their needs and psycho-physical abilities**. The Minister shall adopt curricula for students with special needs for all kinds and levels of students' developmental problems<sup>49</sup>, while the schools are responsible for identifying and describing special educational needs of their students and for planning how to accommodate their needs.

Law on higher education in RS<sup>50</sup> prohibits direct or indirect restriction of higher education on any grounds. The Government is responsible to provide special funds to public higher education institutions in order to provide equal conditions for realizing right to higher education by students with disabilities.

In FBiH, there is no a single law on education at the entity level. At present, there are 10 cantonal laws on all educational levels in force. In principle, all cantonal laws on pre-primary education are harmonized with the law at the level of BiH and provide for prohibition of discrimination and education in the best interest of the child.<sup>51</sup> The laws provide for introduction of special compensatory pre-primary education curricula for children who, among other things, suffer from disturbed psychical or physical development.<sup>52</sup> There is also a provision for co-financing children with disabilities' stay in kindergartens.<sup>53</sup> A fine is stipulated for institutions hosting children with disturbed physical or mental development if they fail to provide education in accordance with special curricula provided for in the law.<sup>54</sup>

44 Ibid. (Article 4.).

45 Law on Primary Education and Upbringing of RS (Zakon o osnovnom obrazovanju and vaspitanju Republika Srpska) "Official Gazette of RS," no. 74/08

46 Ibid. Article 4.

47 Ibid. Article 83.).

48 Law on Secondary Education of RS (Zakonom o srednjem obrazovanju and vaspitanju RS) "Official Gazette of R S", no. 74/08, 106/09 and 104/11

49 Ibid. Article 48.

50 Law on Higher Education of RS (Zakon o visokom obrazovanju u RS), "Official Gazette of RS," no.73/10 and 104/11)

51 Law on Pre-Primary Education and Upbringing of Sarajevo Canton (Zakon o predškolskom odgoju and obrazovanju Kantona Sarajevo) „Official Gazette of Sarajevo Canton“ number; 26/08

52 Ibid. Article 29. (Intervention, compensation and rehabilitation programs) Special compensatory programs are established to work with traumatized children, children of physically or mentally ill parents, children of socially unadjusted parents, **children of single mothers or deserted mothers**, children without parental care, children from socially vulnerable families, children of refugees or displaced persons, **children from students' families aged one to three and from three years until enrolment in primary school**.

53 Ibid. Article 58.

54 Ibid. Article 63. D)

All cantonal laws on primary education<sup>55</sup> provide that primary education is compulsory and free, and that every child has equal right to access and equal opportunity to participate in appropriate level of education without discrimination on any grounds. The law identifies inclusion as a comprehensive involvement of gifted and talented students, as well as students with developmental difficulties, learning difficulties or difficulties with regards to their social integration in general in educational system. The process of education on inclusive basis is to be performed with help of assistant for children with special needs, in accordance with standards and norms.<sup>56</sup>

Law on secondary education<sup>57</sup> prohibits discrimination, among other things, on the basis of physical or other disability. However, the Law also provides that students with special educational needs may, **under specified conditions**, participate in regular secondary education on the basis of inclusive education principles implemented in line with the Rulebook adopted by the Minister.<sup>58</sup> In addition, the Law provides for establishment of schools for students with special educational needs.<sup>59</sup>

Law on higher education<sup>60</sup> prohibits discrimination and invites responsible bodies to take measures to prevent discrimination. The law guarantees right to diversity and protection against discrimination.<sup>61</sup> Students with disabilities are mentioned in Article 81, paragraph (3) that stipulates that “invalids with established one hundred percent disability have the right to enroll once in public higher education institutions as students who are financed from the budget.”<sup>62</sup>

## Response of institutions on implementation of the Convention and laws in BiH

*Do educational institutions implement and in what extent do they implement the inclusive education – are the educational institutions architecturally accommodating for persons with disabilities, and whether the persons with disabilities are educated in accordance with individualized education/training programs?*

### Pre-primary education

Kindergartens in all analyzed areas mostly include children with lighter developmental disorders. Children using wheelchairs must be assisted by parents and/or special assistants mostly engaged by parents or through non-governmental organizations.

- In Sarajevo Canton, there are 43 private and state owned pre-primary institutions. In school year 2012/2013, 216 children with developmental difficulties were enrolled, 149 of whom were enrolled in the Public Institution “Children of Sarajevo”, while the remaining 67 children attended private kindergartens.

<sup>55</sup> Law on Primary Education and Upbringing of Tuzla Canton ((Zakon o osnovnom odgoju and obrazovanju), "Official Gazette of Tuzla Canton", number: 06/04, 07/05, 17/11

<sup>56</sup> Law on Primary Upbringing and Education of Sarajevo Canton (Zakon o osnovnom odgoju and obrazovanju Kantona Sarajevo), "Official Gazette of Sarajevo Canton ", number 10/04, 21/06, 6/08 and 31/11.

<sup>57</sup> Law on Secondary Education, „Official Gazette of Kantona Sarajevo“ number:23/10.

<sup>58</sup> Ibid, Article 72.

<sup>59</sup> Ibid. Chapter D. SECONDARY SCHOOLS FOR STUDENTS WITH SPECIAL EDUCATIONAL NEEDS, Articles 70 through 75.

<sup>60</sup> Law on Higher Education – Clarified Text (Zakon o visokom obrazovanju - Prečišćeni tekst) („Official Gazette of Sarajevo Canton “ number 22/10)

<sup>61</sup> Ibid. (Article 90).

<sup>62</sup> Under following conditions: a) they have passed entry exam; b) they are capable of performing practical tasks in education process; c) they have acquired the right to enroll the relevant cycle of higher education institution as a public institution and d) that they have submitted evidence issued by responsible institution on their disability status and percentage of disability.



Generally, children with light developmental difficulties are enrolled in kindergartens “Children of Sarajevo”, while the ones with more severe forms of developmental difficulties are not. Children using wheelchairs, in agreement with their parents, enroll the kindergartens that are located on ground floors, and there is only a few of those. In such a case, parents have to provide an assistant on their own as they are not provided by the kindergarten;

- At present, kindergarten for pre-primary education “Naše dijete” from Tuzla is attended by 5 children with disabilities, all of them boys. Teaching assistants are mostly students of the Education/Rehabilitation Faculty in Tuzla.
- According to information provided by the Center for Pre-Primary Education in Banja Luka, there is a group of 9 children with special needs in kindergarten “Marija Mažar” (3 girls and 6 boys), while 33 children with developmental difficulties attend regular kindergartens. They are the children who had not been classified by center for social work but have some medical documentation indicating their lighter developmental difficulties.
- In the kindergarten “Naša radost” and playroom “Ciciban” in Trebinje, there are currently 7 children with developmental difficulties – 5 boys and 2 girls.

### Primary education

Total number of children with developmental difficulties in 70 regular primary and secondary schools in **Sarajevo Canton** in school year 2012/2013 was 2147, most of them having some sort of speech disorders, while the fewest among them are children with impaired vision (97) or hearing (50).

Out of 40 analyzed primary schools in Sarajevo Canton, 29 have pupils with disabilities. Most schools do not accommodate education of children with disability in terms of architectural barriers or otherwise. Most schools have only adjusted their entryway and space leading to the entry, while the remaining parts are adjusted in only some segments. 15 schools are not adjusted in any segments:

- no school has materials on Braille language;
- one school has audio signals;
- 6 schools use augmented written materials or special lenses or glasses;
- sign language is used in only one primary and secondary school;
- going to upper floors is possible in only two schools;
- toilets are adjusted in 7 schools;
- teaching assistants are provided in only four schools, and they have been assigned through cooperation between the school and non-governmental organizations or by the “Vladimir Nazor” center;
- 18 schools have developed individual education programs (IEP) for each student; such programs are designed by expert team of the school (lower grade teachers, higher grade teachers, pedagogue/psychologist) with help of expert team from the “Vladimir Nazor” center or Center for Blind or Partially Sighted Children. Some schools say that they have received help from non-governmental organizations, primarily “Life with Down syndrome” and “Duga” (the Rainbow);
- only two schools use individualized programs for students with intellectual difficulties;
- 11 primary schools attended by children with disabilities do not use individual education programs.

**Primary school „Tušanj“ in Tuzla** is currently attended by six children with disabilities – 2 girls and 4 boys. All children with disabilities follow adjusted curriculum. The inclusive education is supported by students and staff of the Education/Rehabilitation Faculty.

According to the information provided by the Ministry of Education of the Republika Srpska, at the beginning of school year 2011/2012 129 students were enrolled in primary school, regular education, of which number 45 were girls with special educational needs.

- education process is adjusted to children with disabilities on the basis of annual curriculum;
- personal assistants do not exist, this was left upon parents or voluntary work;
- no school in Banja Luka is accommodating to the educational needs of visually impaired children (Braille language, typhlopedagogues, etc). Visually impaired children in Republika Srpska can receive education only in the institute "Budućnost" (Future) in Derventa.

There are four institutions – special schools of this type in Republika Srpska:

- Center "Zaštiti me" (Protect Me) Banja Luka (This center is currently educating 214 students with intellectual difficulties and multiple disabilities, and the curricula are adjusted to needs and abilities of such students. The center also has boarding facilities for 84 students. Right now, 65 students are staying in the center);
- SOS School "Đorđe Natošević" Prijedor;
- Center for hearing and speech impaired, Banja Luka;
- Institute for the blind and partially sighted people "Budućnost" (The Future) from Derventa.

According to the Republic Pedagogical Institute of RS, support to children with special needs is provided by 50 defectologists, 20 expert associates-defectologists and/or speech-language pathologists who are employed in regular primary schools, while the special institutions/schools providing education, habilitation/rehabilitation, placing and vocational training of persons and youth with disturbed development employ experts depending on the needs of children.

**Three primary schools in Trebinje** educate a total of 32 students (20 boys and 12 girls) with certain developmental difficulties – intellectual, physical or combined. Accessibility of schools is not provided to a sufficient extent for students in wheelchairs, so some students with physical difficulties have to be carried by their parents to their classrooms.

- All three primary schools develop individual plans for working with children with disabilities and there are monitoring lists;
- 14 students receive education in accordance with special curricula and they form a special class in Primary School Jovan Jovanović Zmaj;
- 18 students with impaired development receive education in accordance with regular or inclusive curricula. Schools say that they do not have enough people to implement inclusion (2 defectologists, 2 speech-language pathologists, 1 psychologist and 4 pedagogues), and there are no teaching assistants;
- Special problem concerns education of blind and partially sighted children as there is no solution to it in local community.

Visually impaired children from Republika Srpska can receive education only in the Institute Budućnost (Future) in Derventa; however, this is a big problem for children from Eastern Herzegovina or other more distant areas of Republika Srpska because their leaving to Derventa means that they have to be separated from their family, and this violates the right to family life of such children. For that reason, parents of visually impaired children from Trebinje and Eastern Herzegovina often decide to educate their children in institutes in Montenegro, where they have to cover full costs of both boarding and education.



The schools say that inclusion in schools is not additionally financed – only basic costs of the schools are covered, so the schools do not have additional funds available to hire teaching assistant or other required experts.

Inclusion is partly financed by the parents who construct access ramp or assist in education, or by non-governmental organizations through their engagement or by volunteers from Education/rehabilitation faculty (this is in Tuzla).

### Secondary education

According to information available to the Ministry of Education, Science and Youth of Sarajevo Canton, total number of children with developmental difficulties attending 35 **regular secondary schools**<sup>63</sup> in Sarajevo Canton in current school year 2012/2013 is 877, most of them having behavioral problems (318) or chronic diseases and physical disability (292), while children with intellectual difficulties are 166. Fewer children have combined (57) or speech (44) difficulties, and the fewest are the children with visual (29) and hearing (21) impairments.

22 general regular secondary schools have been analyzed:

- Only one secondary school offers information in Braille language and audio signalization;
- In most schools, only the access way and entrance are accommodating. Movement inside the school is possible in 4 schools;
- Only 3 schools have adjusted toilets;
- **Only the grammar school “Dobrinja” is architecturally accommodating in all segments;**
- 10 secondary schools attended by children with disabilities do not have any support of teaching assistants;
- Only 5 secondary schools say that they have a methodology to monitor inclusive education (for example, through the school team for inclusion, staff members participating in seminars organized by Ministry for Education, Science and Youth of SC);
- Majority of secondary schools do not design individualized education programs.

Adjustment of the education process to the needs of students with disabilities in schools where such students go is mostly done on the basis of individually designed curricula, in agreement between teachers, parents and students, and with help of assistants, and in consultations with professors and expert staff and individual behavioral adjustments of the professors to the specific difficulty the student has (for example, a girl student who is deaf and mute communicates by simple written messages with subject teachers, or students with physical difficulties receive education in the classroom to which access is provided since they use wheelchairs and cannot move without them). In most cases, each subject teacher prepares individualized program for subjects they teach, and only in “Dobrinja” grammar school this is done by a team comprising school psychologist, pedagogue, home class teacher and parents of the student. In case of one school they said that they require only the bare minimum of knowledge from the students with intellectual difficulties considering this to be a way to adjust their education process.

Grammar School “Meša Selimović” from Tuzla does not have students with disabilities, does not have teaching process accommodating the persons with disability, or any desire to develop any of that . They consider themselves to be a “prestigious institution” and they set restricting conditions for enrollment and education of children with disabilities.

<sup>63</sup> Both general and private secondary school.

On the other hand, Mixed Secondary Mechanical School in Tuzla is currently attended by 20 students with disabilities. Adjusted teaching program was developed in cooperation between defectologist and subject teachers. When making the adjustment, the emphasis is on limiting the teaching topics and units in scope and content, and by having more repetition time for learning the contents. For students with hearing damage the education is, when necessary, provided in sign language, with use of adjusted curriculum. Teaching methods and forms of education are enriched with visual teaching aids. Examination is done only in writing. There is no prepared individual educational program in school. Education assistants do exist in this school.

In two of four secondary schools in **Trebinje** a total of 19 students with special needs are receiving education. Secondary Technical School has 15 students, most of who had not been subjected to evaluation of capacity, but have been evaluated by expert services of the school (pedagogue, psychologist and teachers) in discussion with the parents. Out of the total number of students with disabilities, 12 are boys and 7 are girls. Teachers adjust their curricula to the needs of students with developmental difficulties on their own because they do not have developed individualized educational programs or monitoring lists. Secondary schools in Trebinje do not have teaching assistant, although they at the same time state that they have enough people to work with children with developmental difficulties.

### Higher education

**5 faculties of the Sarajevo University took part in this survey:** Faculty for Health Studies, Faculty of Political Sciences, Faculty of Philosophy, Civil Engineering Faculty and Faculty for Criminalistics, Criminology and Security Studies.

- None of the surveyed faculties information are adjusted for use by blind people, using Braille language or audio signalization;
- In two faculties, premises are not adjusted to wheelchair use. Faculty of Philosophy in Sarajevo is the only institution of higher education that has access and the whole building completely adjusted, as well as provision of assistance by staff member. Civil Engineering Faculty has adjusted the area up to the entrance, the entrance, counters and movement to upper floors. In front of the Faculty of Criminalistics, the entrance to the building is accessible and there is an elevator leading from ground floor to the last floor; however, amphitheatres and toilets are not adjusted to use by persons with problems moving or seeing;
- Although the sign language is taught at the Department for Pedagogy of the Faculty of Philosophy, it is not stated as a means of accommodating communication to the persons with hearing damage/ deaf persons;
- Informative materials for persons with disabilities concerning the way how to realize their rights/services are not distributed by any faculty;
- Out of the surveyed faculties, only the Faculty of Political Sciences has the records of students with disabilities – they have 2 female students with hearing damage and speech difficulties. Under the TEMPUS project of “Equal Opportunity for Students with Special Needs in Higher Education”, the Sarajevo University had set up a support office for supporting students and staffs of the University in all areas that involve work with students with special needs. A survey was conducted on the number of students with special needs enrolled in Sarajevo University; however, this information is not yet available from this Office.

- At the **Mining-Geology-Civil Engineering Faculty in Tuzla** two students with disabilities are currently enrolled. Support to the curricula is mostly provided in form of understanding and meeting the needs of the students with disabilities by the teaching staff;
- Education-Rehabilitation faculty is currently attended by 2 girls with disabilities. Teaching staff provides their support in studying process by printing the curriculum on augmented print, using electronic mail, using lenses;
- **Three faculties in Trebinje** educate 4 students with disabilities: one student with hearing loss studies at the Academy of Arts, while another student with physical difficulties studies at the Faculty for Production and Management and have no major problems in learning what is required of them. One female Academy student who uses wheelchair has problems accessing the faculty as the Academy of Arts is located on third floor in a building without elevator; however, her colleagues have resolved this problem and they carry their colleague every day to the classroom. For the fourth student, a person with intellectual difficulties, lessons taught at the Faculty for Catering and Hotel Business are presented in form of video presentation, and this student finds this quite interesting and that is how he adopts the teaching contents. Every attempt is made to make technical accommodations in the teaching process in faculties in technical sense, not in terms of contents, and in special situation special teaching methods are used.

### Students' dormitories

Students' center/ students' home in Tuzla comprises 3 pavilions, one of which is fully accessible to persons with disabilities (entrance, lift, bathrooms, toilets). At present, the Students' center Tuzla does not have students with disabilities.

In Students' and Pupils' Home in Trebinje there are no students or pupils with disabilities.

## Experiences of persons with disabilities exercising their rights

Participants in focus groups also stressed inaccessibility and unadjusted teaching process in primary and secondary school and institutions of higher education. One female participant from Tuzla shared her personal experience. When she had enrolled grammar school in Tuzla, she was exposed to continual pressure by the school director and school staff who refused to provide her assistance moving through the institution and repeatedly disparaging her. She was forced to leave the school in Tuzla and finish the secondary school in Kalesija, which is not completely accessible either, but the school staff and school colleagues helped her move around. After completing secondary school, this girl enrolled Faculty of Philosophy where she was once again met with disparagement and discrimination.

The main problems students with disabilities have concerns lack of communication between the teaching staff and students with disabilities in teaching process and needs they have in terms of adjusting the curriculum to their needs.

A matter of particular concern is that in whole BiH there are no special programs for training persons who have become disabled later in life. Only one person in whole of BiH (in the Center Vladimir Nazor in Sarajevo) is trained to train blind persons to walk independently using white cane, and that person works with blind and partially sighted children. Persons with disabilities emphasize that the Braille alphabet, independent movement in micro and macro environment, computer work, training

to move around with use of prosthesis or other skills of critical importance for them were learned through voluntary support provided by other persons with disabilities and their associations. Persons with disabilities stress that this is yet another segment of their independent life that is fully provided for by their families or they are finding different ways to use them on their own in order to accept and cope with all the consequences of disability they acquired later in life. There is no organized support in this sense except the programs lead and financed by associations of persons with disabilities.

Closely related to education and training is the issue of employment of persons with disabilities. In spite of the fact that legislation and strategies to promote rights of persons with disabilities were adopted, these documents are not implemented in practice.

Persons with disabilities continue surviving on income paid to them through social protection system. Persons with disabilities that are evaluated as incapable of working are entitled to social assistance. If they do want to work and get registered with employment offices/ funds they lose their social protection rights. Work invalids do not have rights under social protection schemes as they are entitled to disability pension.

Experience tells us that a person with disability will find employment more easily if they have completed special instead of regular school. All in all, there are very few working persons with disabilities, and most of them still work in their own associations. When they respond to a vacancy announcement they are typically refused because of their disability because employers consider it too expensive and unnecessary to make job accommodations for persons with disabilities. Participants in Sarajevo stated a data from research that showed that institutions that employ persons with disabilities at all usually employ those disabled whose disability is evaluated at 20%.

Employment bureaus are not sufficiently accessible to persons with disabilities. On the other hand, a point was made of the positive example of the Novo Sarajevo Municipality where the employment bureau is connected to the organization Uspon, an organization for professional rehabilitation, training and employment of persons with disabilities.

Also in Republika Srpska, persons with disabilities rarely find employment, and most of them work in associations. A smaller number of persons with disabilities work in institutions and farms. At work, they are typically faced with lack of accommodation of work conditions to their disability, but they do not complain for fear of being fired. Often the incentives paid to companies employing persons with disabilities are abused. Firms fictively employ persons with disabilities, get the incentives from the fund, but fail to perform their obligations.

It has been emphasized that employers are often reluctant to hire parents of children with severe forms of mental disability since they are often absent having to take care of their child because there are no adequate kindergartens or day centers for such children. Usually, one parent is forced to leave work to take care of the child.

Organizations of persons with disabilities have tried to organize various kinds of craft workshops that would employ their members; however, the state is not providing any incentive for this kind of work and they find it very hard to do business because they participate in the market as any other firm.

## Article 25: Health

*This article recognizes right of persons with disabilities to enjoyment of the highest attainable standard of health, ensuring to the persons with disabilities access to health services in their communities, and free of charge, including here health rehabilitation services that are gender sensitive. The States need to introduce protection against discrimination and equal access to good quality health services, including availability of rehabilitation in communities where persons with disabilities live and without additional expenses. The emphasis is also placed on preventing and minimizing secondary disability. In addition, the States are obliged to introduce measure that would educate (train) physicians and other health professionals on rights of persons with disabilities, including in rural areas. It is necessary to make sure that the person with disability is medically treated on the basis of voluntary consent and information. Besides, it is necessary to ensure that information on rights in the area of health is available in various forms, including Braille alphabet.*

### Relevant legislation

BiH does not have a single law on health care, insurance and/o patients' rights. Issue of right to health is regulated by entity laws. We are talking here about at least 6 basic laws regulating rights in this area, and numerous bylaws.<sup>64</sup>

Constitution of FBiH provides for divided responsibility for health between entities and cantons; this means that the entity level has the right to identify policies and adopt laws that concern this area, and cantons pass policies and implement laws.<sup>65</sup> Adoption of measures and regulations in cantons is coordinated by FBiH.

Law on health care of FBiH<sup>66</sup> prohibits discrimination on any grounds. Principles enshrined in this law prescribe, among other things, the following: accessibility of health care, and guaranties unalienable right to health care, i.e. accessible health service, of good quality and equal content of health services.<sup>67</sup>

Under the entity laws<sup>68</sup> health insurance may be compulsory and voluntary. Compulsory health insurance provides to all insured persons equal rights, without discrimination.

Persons with disabilities are entitled to health care under the same conditions as any other insured person, what includes right to primary, specialist/consiliary and hospital health care, right to use

<sup>64</sup> Law on Health Care of RS (Zakon o zdravstvenoj zaštiti RS) („Official Gazette of RS“, number 106/09), Law on Health Care of FBiH (Zakon o zdravstvenoj zaštiti FBiH) („Official Gazette of FBiH“, number 46/10), Law on Health Insurance of RS (Zakon o zdravstvenom osiguranju RS) („Official Gazette of Republika Srpska“, number: 18/99, 51/01, 70/01, 51/03, 57/03, 17/08, 01/09, 01/09, 106/09), Law on Health Insurance FBiH (Zakon o zdravstvenom osiguranju FBiH) („Official Gazette of FBiH“, no. 30/97, 7/02 and 70/08), Law on rights, obligations and responsibilities of patients (Zakon o pravima, obavezama and odgovornostima pacijenata) („Official Gazette of Federation BiH“, number 40/10); Law on protection of persons with mental disorders (Zakon o zaštiti osoba s duševnim smetnjama) („Official Gazette of Federation of BiH“, no. 37/01, 40/02 and 52/11); Law on protection of persons with mental disorders (Zakon o zaštiti lica sa mentalnim poremećajima) Official Gazette of Republika Srpska, number: 46/04

<sup>65</sup> Constitution of FBiH, Article III paragraphs 3 and 4.

<sup>66</sup> Law on health care of FBiH (Zakon o zdravstvenoj zaštiti FBiH) („Official Gazette of FBiH“, number 46/10),

<sup>67</sup> Zakon o zdravstvenoj zaštiti („Official Gazette of FBiH“, number 46/10) and Zakon o zdravstvenom osiguranju („Official Gazette of FBiH“, no. 30/97, 7/02, 70/08 and 48/11)

<sup>68</sup> Law on health insurance of RS (Zakon o zdravstvenom osiguranju RS) („Official Gazette of Republika Srpska“, number: 18/99, 51/01, 70/01, 51/03, 57/03, 17/08, 01/09, 01/09, 106/09), Law on Health Insurance of FBiH (Zakon o zdravstvenom osiguranju FBiH) („Official Gazette of FBiH“, no. 30/97, 7/02 and 70/08).

drugs that are included in basic and supplemental list of medicines, right to dentistry services and dentures, right to orthopedic and other aids and right to health care abroad.

Law on health insurance<sup>69</sup> stipulates the right to orthopedic and other aids, as well as the right to use drugs that are further regulated under cantonal legislation.<sup>70</sup> FBiH has adopted Decision on List of Essential Medicines in FBiH<sup>71</sup> that specifies the list of essential medicines necessary for ensuring health care, as well as the prices of medicines from that list. Based on this list, positive cantonal lists of medicines are adjusted and adopted by cantonal governments. The Federation Ministry of Health is responsible to monitor and conduct periodic evaluation of the Essential List of Medicines of the Federation, as well as the positive list of medicines of the cantons, and is obliged to take measures aimed at ensuring availability of good, safe, confirmed and economical medicines to general population.<sup>72</sup>

The purpose of decision determining basic package of health rights<sup>73</sup> is to harmonize the basic rights at the level of FBiH, while **cantons are at liberty to provide for a broader package of health rights if they have funds to do so**. Basic health services package provides rights to insured persons and their family members including right to health care, right to medicines from Federation Decision on List of Essential Medicines, right to use of orthopedic and other aids, dentistry services and dentures, in accordance with the List of Orthopedic and other aids that may be prescribed under compulsory health insurance.

The Decision also identifies the list of services that **may not** be provided under compulsory health insurance, and they include health spa treatments and other treatments in spas, except when considered part of rehabilitation as a follow-up to hospitalization, prosthesis that are not included in the List of Orthopedic and other aids, and medicines that are not included in the Essential Medicines List. The decision includes list of health services for uninsured persons, including, among other things, health care for mentally ill patients who due to nature and condition of their disease may represent a threat to their own life or lives of others; or may damage material goods, health care for persons suffering from progressive neuro-muscular diseases, cerebral paralysis, multiple sclerosis, health care in cases of paraplegia or quadriplegia. These rights are financed from budgets of cantons or municipalities in accordance with the last place of residence of the uninsured person.

It needs to be said that the Decision on participation (in-payment) of the insured persons in costs of health care in the basic package of health rights<sup>74</sup> and the Decision on paying participation that

69 Law on Health Insurance FBiH (Zakon o zdravstvenom osiguranju FBiH) „Official Gazette of FBiH“ no. 30/97, 7/02 and 70/08, chapter Health Care», Article 33.

70 DECREE / AMENDMENTS TO DECREE on scope, condition and methods of realizing rights of insured persons to use orthopedic and other aids, endoprosthesis, dentistry prosthetics, of Sarajevo Canton from 2008 and 2009; available at <http://www.kzzosa.ba/index.php?type=0&a=29>, site visited on 14.06.2013. or Decision on lists of medicines prescribed or issued to credit of the Health Insurance Fund of Sarajevo Canton and on the method of prescribing them (Official Gazette of the Canton no. 9/09) and Decision Supplementing Decision on list of medicines prescribed or issued to the credit of the Health Insurance Fund of Sarajevo Canton and method of prescribing or issuing them (Odluka o dopuni Odluke o listi lijekova koji se propisuju i izdaju na teret sredstava Zavoda zdravstvenog osiguranja Kantona Sarajevo kao i načinu njihovog propisivanja i izdavanja) (Official Gazette of Kantona no. 26/09), available at <http://www.kzzosa.ba/index.php?type=0&a=3>, site visited on 14.06.2013

71 Decision on Essential Medicines List that are necessary for providing health care in line with standards of mandatory health insurance in the Federation of Bosnia and Herzegovina (Odluka o Listi esencijalnih lijekova neophodnih za osiguranje zdravstvene zaštite u okviru standarda obaveznog zdravstvenog osiguranja u Federaciji Bosne and Hercegovine), "Official Gazette of FBiH", number 75/11, available at <http://www.fmh.gov.ba/index.php/preporucujemo/esencijalna-lista-lijekova>. Site visited on 14.03.2013

72 Ibid.

73 Decision on determining basic health care rights (Odluka o utvrđivanju osnovnog paketa zdravstvenih prava) („Official Gazette of FBiH“, number 21/09)

74 Decision on maximum amounts of in-payment of insured persons in costs of using different types of health care from the basic health rights package (Odluku o maksimalnim iznosima neposrednog sudjelovanja osiguranih osoba u troškovima korištenja pojedinih vidova zdravstvene zaštite u osnovnom paketu zdravstvenih prava) („Official Gazette of FBiH“, number 21/09).



provide for exemption from this obligation of paying health service for specific categories of people, including the following categories of persons with disabilities:

- war invalids with 60% or more disability,
- civilian victims of war and invalids with disability exceeding 60%,
- family members of the soldiers of the Army of the Federation of Bosnia and Herzegovina who were killed or died as a consequence of being injured,
- insured persons – protégées of health institutions, etc.

Also exempted from this participation are the insured persons suffering from the following diseases, **and only for health care with regards to those diseases:**

- paraplegia and quadriplegia
- muscular dystrophy
- multiple sclerosis
- cerebral paralysis
- mental disorders.

Every insured person, including persons with disabilities, is entitled to free choice of general practice physician and dentist, and has the right to medicines and vaccines in accordance with implementation regulations based on principles of medical profession and medical ethics.

Law on health care of RS<sup>75</sup> and Law on health insurance of RS<sup>76</sup> provide for the right to health care and insurance to all without discrimination on any grounds, including disability. Compulsory health insurance includes all citizens who are entitled to: health protection, salary compensation during sick leave, and other rights provided for in the law and acts of the Health Insurance Fund of RS. The insured persons include, among others, persons whose right to health insurance has been recognized under the Law on rights of war veterans, war invalids and families of killed soldiers, unemployed persons while regularly registered with the Employment Service, pensioners and users of the rights based on diminished working capacity, beneficiaries of permanent monetary allowance and persons placed in institutions of social care under the Law on Social Protection<sup>77</sup> if not ensured on some other grounds. The law provides for rights to health care by family medicine physicians, in consultative and other services, in hospital, clinic and specialized hospitals that are realized in the health institution that is closest to their residence. Rehabilitation in specialized institutions that is considered extended hospital treatment may be used on recommendation of responsible medical commission.<sup>78</sup> Right to orthopedic and other aids are regulated under bylaws issued by the Health Insurance Fund of RS.

Details of many rights are defined by bylaws, the same as in FBiH.<sup>79</sup> Organizations of persons with disabilities suggest that in practice, rulebooks and decisions largely disable, restrict or make difficult access to health care and insurance of persons with disabilities.

75 Official Gazette of Republika Srpska, number: 106/09

76 Official Gazette of Republika Srpska, number: 18/99, 51/01, 70/01, 51/03, 57/03, 17/08, 01/09, 01/09, 106/09

77 Official Gazette of Republika Srpska, number: 37/12

78 Rulebook on conditions and method of exercising right to extended medical rehabilitation in specialized rehabilitation institutions (Pravilnik o uslovima i načinu ostvarivanja prava na produženu medicinsku rehabilitaciju u specijalizovanim ustanovama za rehabilitaciju) („Official Gazette of RS number: 63/10 and Instruction on implementation of the Rulebook on conditions and method of exercising rights to extended medical rehabilitation in rehabilitation institutions (Upustvo o primjeni Pravilnika o uslovima i načinu ostvarivanja prava na produženu medicinsku rehabilitaciju u specijalizovanim ustanovama za rehabilitaciju) („Official Gazette of RS number: 68/10)

79 Rulebook on content, scope and method of exercising right to health care (Pravilnik o sadržaju, obimu i načinu ostvarivanja prava na zdravstvenu zaštitu) («Official Gazette of RS» 102/11, 117/11, 128/11, 101/12), Rulebook on content, scope and method of exercising right to health care, decision on participation (Pravilnik o sadržaju, obimu and načinu ostvarivanja prava na zdravstvenu zaštitu, Odlukom o participaciji) («Official Gazette of RS» 63/10, 73/10, 101/10, 42/11, 70/11, 102/11, 13/12, 28/12, 40/12, 87/12, 18/13, 42/13 Rulebook on conditions and methods of exercising right to extended medical

## Response of institutions on implementation of the Convention and laws in BiH

*In what way the persons with intellectual difficulties are provided information on treatment method, what is the communication with the patient, what is the accessibility of premises? Have the health workers in health centers received training on rights of persons with disabilities? Are there rehabilitation centers, community centers, and how accessible are they? Does the health institution has in place mechanisms for referring to rehabilitation treatment, psycho-social assistance in community?*

*Analyzed:*

*Sarajevo: 9 health centers in Sarajevo Canton, General hospital "Prim. dr. Abdulah Nakaš" and Public Institution "Sarajevo Pharmacies"*

*Tuzla: JZU UKC Tuzla; JZU Health Center with Polyclinic „Dr. Mustafa Šehović“*

*Banja Luka: Health fund of RS, Public fund for child protection of RS, Health Center - family medicine office "Lauš", "Moja apoteka Lauš", medical research center.*

*Trebinje: General hospital, Health Center, pharmacy, pediatric health service (dispanzer), regional health institute.*

Premises of health care institutions are in most cases accommodating up to the entrance and including the entrance, while most institutions are not at all adjusted to movement of persons using wheelchair. Going to upper floors is possible only in some of institutions, and adjusted toilets are an exception, not a rule. Even the family medicine offices do not accommodate movement within the institution or adjusted toilets. None of the surveyed institutions provides for communication in Braille alphabet, audio signals or sign language.

Health institutions do not distribute information materials for person with disability on how to realize their rights/services in such institution. Information, if there is any, is designed for all patients (printed materials, information shown on displays, web pages).

Special procedures for informing and treating persons with disabilities generally do not exist in health institutions, and procedures apply to all patients – for example, procedure for patients giving consent to surgery, procedure for treating patients who refuse some treatment, etc. General Hospital in Trebinje is the only one that has in place special procedure for patients with disabilities – admission of patients with disabilities; all other procedures are the same that apply to all other patients.

Information to persons with intellectual disabilities is largely provided in cooperation with their parents/guardians. Frequently, therapeutic and diagnostic methods are presented to those who accompany the persons with disabilities, and this has more to do with avoiding communication, instead of adjusting communication (this is often done with regards to persons with disabilities who

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rehabilitation in special rehabilitation institutions (Pravilnik o uslovima and načinu ostvarivanja prava na produženu medicinsku rehabilitaciju u specijalizovanim ustanovama za rehabilitaciju) («Official Gazette of RS» 63/10), Instruction on implementation of the Rulebook on conditions and method of exercising rights to extended medical rehabilitation in specialized rehabilitation institutions (Uputstvo o primjeni Pravilnika o uslovima i načinu ostvarivanja prava na produženu medicinsku rehabilitaciju u specijalizovanim ustanovama za rehabilitaciju) («Official Gazette of RS» 68/10), Decision on adopting pricelist of health services of the Health Insurance Fund of the Republika Srpska (Odluka o usvajanju Cjenovnika zdravstvenih usluga Fonda zdravstvenog osiguranja Republike Srpske) (Official Gazette of RS 63/10, 73/10, 101/10, 42/11, 70/11, 102/11, 13/12, 40/12, 56/12, 87/12, 101/12), Rulebook on establishing the capacity of insured persons, main records and health card ((Pravilnik o utvrđivanju svojstva osiguranog lica, matičnoj evidenciji i zdravstvenoj knjižici) ("Official Gazette of RS" 102/11, 40/12, 56/12)



do not have any intellectual difficulties). Persons with intellectual difficulties use pharmacies in Trebinje when accompanied by their guardians.

In the Republika Srpska, information on medical treatment of persons with disabilities, as well as all other patients' rights, is provided by Protector of Rights of Insured Persons. In every organizational unit of the Fund, or in every municipality of Republika Srpska, protectors of rights of insured persons have been set up. Their role is to give answers to all questions posed by insured persons, to provide them with professional and technical assistance in realizing rights, and to keep record of all objections and complaints made by insured persons and to put them in appropriate procedure for protection of right. The name of the protector of the right of insured persons in the municipality and contact details are available from web page of the Fund ([www.zdravstvo-srpske.org](http://www.zdravstvo-srpske.org)) as well as from posters exhibited in offices of the Fund, health centers, hospital, pharmacies, orthopedic aids stores, and on flyers the insured persons may receive when having their health card stamped.

Few health workers have received training on rights and how to approach persons with disabilities. Rules and instructions for treating and communicating with them, sanctions for violations, mechanisms of violation and control of respect of rights of persons with disabilities are generally the same ones that apply to all citizens.

All patients who receive treatment in health centers or hospitals are referred to appropriate institutions, including the community rehabilitation centers and centers for mental health.

- Mental health strategy of RS that was adopted in 2012 provides that there should be one CMC for every 25,000 people. At present, there are 19 centers for mental health in RS, with three more under preparation. Interestingly, services of the CMCs are available also to uninsured citizens;
- Programs providing support to persons with disabilities who have become disabled as a consequence of accident do not exist in any health center;
- Association provides free rehabilitation to persons with disabilities in community, but only to their members (association of persons with dystrophy provides services of personal assistance to their members and taxi transport services to persons using wheelchairs in the city of Banja Luka);
- In prosthetic/rehabilitation centers, support offered is generally not adjusted to needs of women with disabilities (one health center in Sarajevo reports that they have women physical therapist to work with female amputees).

## **Experiences of persons with disabilities exercising their rights**

Participants in focus groups spoke about problems exercising right to health. They believe that reviews of disability for chronic and other severe diseases are unnecessary because they are costly, and it is known that the situation of the patient cannot improve but only deteriorate. Every evaluation by commission that does classification costs 200 KM that are paid by the person with disability. One of participants in focus groups from Trebinje said that the status of disability and care for person with disability in family is very expensive and that, combined by lack of care by the state, brings such families or persons with disabilities to the verge of poverty.

For parents of children with disabilities special problem is the children's stay in hospital because only the mother may be allowed to stay in hospital with the child. In case that mother works, father cannot stay in the hospital unless they are able to pay for that from their own pocket.

Participants in focus groups underlined that there are few or none at all dentists who provide services to mentally disabled patients. Even when they do provide services, dentists typically do not treat the cavities, but only extract teeth of persons with mental disabilities. This is especially so in smaller towns in the whole BiH.

Going to rehabilitation center of persons with disabilities is limited because it involves self-financing for most categories of such persons. Persons with disabilities who are exempted from paying participation are often in situation that medical workers still charge them because they are not informed and are not aware of their right to receive this service free of charge.

Persons with disabilities also complained about uneducated health workers who communicate and treat persons with disabilities. There is no sensitivity when it comes to waiting in front of the doctor's office, only war invalids have priority, other persons with disabilities do not. When calling on the persons to enter the office, nobody thinks about whether the person may be with damaged hearing. When communicating, health worker mostly address the person accompanying the person with disability although the blind person is there and present. Additional problem is gynecological examination of women using wheelchairs, related to prejudice about sexual life, lack of education about childbirth; this is further elaborated under the next article (Women with Disabilities).

Everybody states access to various health institutions as a problem. In many health centers where persons in wheelchairs cannot get to the laboratory they have their blood taken on the area in front of the health center.

## Article 6: Women with disabilities

*Although the aspect of gender equality must be integrated in all articles of the Convention, this part of the report is concerned with laws and policies aiming to achieve gender equality and non-discrimination through measures that would ensure full development, advancement and empowerment of women with disabilities and guaranteeing them the exercise of all rights on equal grounds, and removal of all forms of discrimination based on sex or gender.*

### Relevant legislation

BiH has adopted two important laws that concern gender equality. Law on equality of sexes<sup>80</sup> provides for equality of men and women in all areas of society, including, but not limited, to education, economy, employment and work, social and health care, sports, culture, public life and media, irrespective of their marital or family status (Article 2). This law **prohibits discrimination of any person on the basis of gender** (Article 3). Further on, the law prohibits gender related violence, including any action that inflicts or may inflict physical, psychological, sexual or economic harm or suffering or threat thereof that restricts the person or group of person in enjoying their human rights and freedoms in public and private spheres of life (Article 6). Responsible authorities are obliged to take appropriate measures to eliminate and prevent gender related violence.

Law on prohibition of discrimination in BiH<sup>81</sup> defines discrimination as any different treatment, including **any exclusion, restriction or giving priority to a person or group** on the grounds of their actual or assumed characteristics, including gender, **or any other circumstance** the purpose or consequence of which is that any person or group of persons are denied or threatened recognition, enjoyment or realization of their rights in all spheres of life. This law does not explicitly mention disability as grounds for differentiation; however, the law does provide open definition of discrimination that includes prohibition of differentiation on any grounds, including disability.

On the other hand, this law provides for the right of the state to introduce positive discrimination measures, or special measures of temporary nature that prevent or compensate for harm the person or group of persons have suffered, and this particularly applies to **members of vulnerable groups such as persons with disabilities**, thus enabling their full participation in all spheres of life (Article 5). The same article provides for introduction of measures based on implementation of “reasonable accommodations aimed at ensuring principle of equal treatment of persons with disabilities. Therefore, in specific cases, employers are obliged to take appropriate measures to enable the person with disability to have access, participate and progress in employment, and to participate in training when such measures do not impose disproportional burden on the employer” (Article 5, f).

Gender action plan of BiH (2007)<sup>82</sup> provides for some measures, in the section Social Inclusion, to “initiate drafting of policies for persons with disabilities, recognizing the specific needs of women and men, and ensure equal access to service and adequate protection” (Article 8); under the section Health, Prevention and Protection, it provides for “developing gender sensitive strategy for provision of health care to persons with various degrees and forms of disability” (point 5); section Life Long Learning provides for “formulation of additional programs that motivate women and men,

80 Law on gender equality of BiH – clarified text (Zakon o ravnopravnosti spolova BiH-prečišćeni tekst) („Official Gazette of BiH”, no. 32/10),

81 Law on Prohibition of Discrimination in BiH (Zakon o zabrani diskriminacije u BiH) („Official Gazette of BiH” no. 59/09)

82 Gender Action Plan in BiH 2007 seen on 10.06.2013., available at [http://www.arsbih.gov.ba/images/documents/gap\\_bih.pdf](http://www.arsbih.gov.ba/images/documents/gap_bih.pdf)

particularly members of minorities and vulnerable groups, to continue their education”; In the context of this document, vulnerable groups also include persons with disabilities (point 12).

The state recognizes special vulnerability of women with disabilities in the Monitoring Report on implementation of the UN Convention on Elimination of All forms of Discrimination of Women.<sup>83</sup> This report says that women with disabilities are subject to multiple discrimination, “particularly in the area of labor and employment, and in spite of the fact that the Convention on Rights of Persons with Disabilities had been adopted. The state does not offer special programs for employing, retraining or rehabilitating for women with disabilities, and it does not have relevant statistics, data or special measures aimed at protection of women with disabilities in the area of labor and employment.”<sup>84</sup>

The data of the Republic Employment Service of RS from 2009 show much higher number of registered unemployed men than women. Also, the number of men with disabilities who have been directly employed by Fund for Professional Rehabilitation and Employment of Invalids is disproportionately higher than the number of women. This may indicate that among the (un)employed persons with disabilities there were many war invalids-men, but also that few women with disabilities were aware of the programs offered by the said Fund and thus failed to seek employment or funds to start their own business.

## Experiences of persons with disabilities exercising their rights

Women with disabilities in particular point at discrimination in access to the rights under health care - access to gynecological and obstetric care. In addition to lack of appropriate examination tables for women who have difficulty moving and women using wheelchairs, most health workers are not trained on how to examine or deliver women with disabilities. Women with disabilities talk about unprofessional attitude and prejudice on their sexuality on the part of health workers. Many participants in focus groups said that many doctors demand that the personal assistant is present while they are conducting examination thus violating patient’s right to privacy. Parents of persons with mental disability have drawn attention to limited number of diapers they are entitled to from the Health Insurance Institute of Republika Srpska because women with disabilities receive the same number of diapers as men, although they need more during their fertile period. Making prosthetic aids for women with high amputation of legs is in some cases problematic due to small number of women making prosthesis.

Issue of getting custody after divorce is also problematic for women with disabilities. Participants in focus groups pointed out that when opinion on who should get custody of children in case of divorce of marriage, employees of the center propose that the children should be given to the “healthy” parent, although this may not be in best interest of the child, and even when the parent was violent, believing that a person with disability is not capable of raising children on their own. Nobody is talking about and nobody is doing anything to combat violence against women with disabilities. Strategy (of preventing and) combating domestic violence at all levels do not contain special measures for preventing and combating domestic violence against women with disabilities. Blind women say they do not feel comfortable or safe to seek help from people they do not know for fear

<sup>83</sup> Gender equality agency of BiH (Agencija za ravnopravnost spolova BiH), *Fourth and fifth periodic CEDAW report of Bosnia and Herzegovina* (May 2011), seen on 11. 6. 2013, available at [http://www.arsbih.gov.ba/images/documents/cedaw\\_4\\_5\\_bhs.pdf](http://www.arsbih.gov.ba/images/documents/cedaw_4_5_bhs.pdf)

<sup>84</sup> Ibid. Point 270.

of harassment or violence. Some blind persons believe that it is harder for women to walk independently with white cane.

Women with disabilities believe that they are not equally treated within the movement of persons with disabilities and they are not happy with small number of women representatives in body providing advice to the government BiH.<sup>85</sup>

Women's non-governmental organizations from BiH have prepared Alternative Report on implementation of UN Convention on Elimination of Discrimination of Women and Women's Human Rights that reports on position of women with disabilities under the section discussing marginalized women.<sup>86</sup>

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<sup>85</sup> Ibid. Prava za sve and ICVA, data collected in a survey for the purpose of monitoring implementation of the UN Convention on Rights of Persons with Disabilities in Bosnia and Herzegovina. The survey included focus groups with at least 100 participants, field research through individually semi-structured interviews and questionnaires sent to institutions on in four regions (Sarajevo, Trebinje, Tuzla and Banja Luka). Out of ten members of the Council of Persons with Disabilities of Bosnia and Herzegovina three are women.

<sup>86</sup> A. Petrić at all, Annex 3 to Alternative report on Implementation of CEDAW convention and women human rights in Bosnia and Herzegovina, seen on 11.06.2013., available at: [http://www.rightsforall.ba/publikacije-bs/docs-bs/AnnextotheAlternativeReport\(BHSandENG\).pdf](http://www.rightsforall.ba/publikacije-bs/docs-bs/AnnextotheAlternativeReport(BHSandENG).pdf)

## Recommendations

Institutions of executive and legislative power in BiH, first of all the ministries responsible for social protection and relevant parliamentary commissions, should eliminate from current laws regulating rights of persons with disabilities the existing discrimination among persons with disabilities on the basis of origin of their disabilities and directly apply provisions of the Convention on Rights of Persons with Disabilities, Law on Prohibition of Discrimination of BiH and adopted strategies and policies for providing equal opportunity to persons with disabilities.

Relevant ministries must ensure consistent implementation of adopted laws in practice by introducing a system of continual monitoring of implementation of laws by institutions under their responsibility and holding them responsible for omissions in implementation of the law. On the other hand, institutions of executive power, primarily the relevant parliamentary commissions, should introduce system of monitoring adopted laws by introducing requirement of regular reporting by relevant ministries to the parliaments.

Ministries of social protection, ministries of health, ministries of education, ministries of internal affairs (particularly the police services) need to introduce in institutions under their responsibility regular training programs for staff to educate them on the rights of persons with disabilities in order to improve on institutional level the communication with the persons with disabilities, do away with the existing prejudice and adequately respond to the needs of persons with disabilities. Ministry of health and health institutions in particular need to introduce additional, specific training of their staff on how to provide services to persons with disabilities in appropriate ways that are specific for every kind of disability.

Institutions should consider introduction of special procedures and rulebooks for ensuring access to rights of persons with disabilities in all institutions and introduce sanctions for discriminatory conduct by employees in the institution.

Construction and all other inspections monitoring implementation of laws in the area of construction must introduce consistent and harsh sanctions against institutions failing to comply with rules that apply to construction and reconstruction of roads and structures thus not enabling easy access to persons with disabilities. In addition, inspections should work with associations of persons with disabilities to identify a model of cooperation when assessing whether certain interventions in construction of roads or structures are in line with regulations and enable free movement of persons with disabilities.

The police should be more effective and efficient in removing vehicles and punishing drivers of vehicles parked on sidewalks that prevent movement of persons with disabilities. Associations of persons with disabilities should be more agile in putting pressure on the police by repeatedly reporting illegally parked vehicles.

Ministries of social protection need to adopt a decisive and consistent position on implementation of the article of Convention that concerns life in the community and make sure that the funds follow the person whatever option they choose – to live in specialized institution or in the community.

Social work services recognize the need for better service and provision of help to persons with disabilities. Therefore, recommendation has been made to move in direction of narrower specialization in form of special service of centers for social work that would deal with issues relevant to persons with disabilities.

Ministries of education, pursuant to the Law on Primary and Secondary Education, should ensure additional funding for effective introduction of inclusion in schools (by gradually introducing full inclusion in a certain number of schools in every community) that will mean, among other things, architectural accommodation for needs of children with disabilities, standing expert teams (defectologists, psychologists) and teaching assistant, and training of the teaching staff on how to adjust teaching process to children with disabilities. The Ministry needs to pass a rulebook on inclusion that would legally oblige schools to adopt systematic approach to implementation of inclusion and give them necessary guidelines. Special schools, strengthened in terms of professional and expert capacity, may be used as additional resources in implementation of inclusive education.

It is necessary to ensure in every region and/or local community in BiH education of children with disabilities, specifically children with impaired vision (this is presently a big problem in the Republika Srpska), so that the children would not have to be separated from their families and in order to save significant costs involved in education of such children abroad.

It is necessary to urgently establish institutions and/or ensure support to existing organizations providing training to persons with disabilities who have become disabled later in life (on how to move independently in their micro and macro environment with white cane or with help of guide dogs, how to use Braille alphabets, computers, how to help persons using wheelchairs or prosthetic limbs get used to living independently with their disability, etc.).

Existing policies of gender equality and protection of gender based violence need to incorporate clear measures aimed at improving equality of women with disabilities. Equal opportunity policies also need to include special measures for achieving equality of women with disabilities, particularly in the sphere of health protection, as well as in education, employment etc.

Government institutions need to initiate programs to inform persons with disabilities on their rights.

**Attachment 1: Relevant articles of the Convention on Rights of Persons with Disabilities in Bosnia and Herzegovina****Article 8  
AWARENESS-RAISING**

1. States Parties undertake to adopt immediate, effective and appropriate measures:

- (a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
- (b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
- (c) To promote awareness of the capabilities and contributions of persons with disabilities.

2 Measures to this end include:

(a) Initiating and maintaining effective public awareness campaigns designed:

- (i) To nurture receptiveness to the rights of persons with disabilities;
- (ii) To promote positive perceptions and greater social awareness towards persons with disabilities;
- (iii) To promote recognition of skills, merits and abilities of persons with disabilities and of their contributions to the workplace and the labor market;

(b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;

(c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;

(d) Promoting awareness-training programs regarding persons with disabilities and the rights of persons with disabilities.

**Article 9  
ACCESSIBILITY**

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- (b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures to:

- (a) Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- (b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- (c) Provide training for stakeholders on accessibility issues facing persons with disabilities;



- (d) Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- (e) Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- (f) Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- (g) Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- (h) Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

**Article 12:  
EQUAL RECOGNITION BEFORE THE LAW**

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interest.
5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

**Article 13:  
ACCESS TO JUSTICE**

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.
2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

**Article 19:****LIVING INDEPENDENTLY AND BEING INCLUDED IN THE COMMUNITY**

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- (a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- (b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- (c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

**Article 24:****EDUCATION**

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life-long learning directed to:

- (a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- (b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- (c) Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

- (a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
- (b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
- (c) Reasonable accommodation of the individual's requirements is provided;
- (d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- (e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

- (a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- (b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
- (c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deaf-blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

#### **Article 25: HEALTH**

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

(a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programs as provided to other persons, including in the area of sexual and reproductive health and population-based public health programs;

(b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;

(c) Provide these health services as close as possible to people's own communities, including in rural areas;

(d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;

(e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;

(f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

#### **Article 6: WOMEN WITH DISABILITIES**

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

## Attachment 2: Some of regulations regulating rights under Convention that were subjected to analysis in the Report and selected documents

1. Zakon o prostornom planiranju i korištenju zemljišta na nivou Federacije Bosne i Hercegovine, „Official Gazette of FBiH,” number 2/2006, 72/07 i 32/08; Uredba o prostornim standardima, urbanističko-tehničkim uvjetima i normativima za sprječavanje stvaranja svih barijera za osobe sa umanjnim tjelesnim sposobnostima, „Official Gazette of FBiH, number 48/09,“ Zakon o uređenju prostora i građenju (Official Gazette of RS no. 55/10), Pravilnik o uslovima za planiranje i projektovanje građevina za nesmetano kretanje djece i osoba sa umanjnim tjelesnim sposobnostima, „Official Gazette of RS“ no. 44/11
2. Zakon o osnovama bezbjednosti saobraćaja na putevima u BiH “Službenom glasniku BiH” number: 13/07, Pravilnik o načinu obilježavanja vozila kojim upravlja osoba sa oštećenim ekstremitetima, „Official Gazette of BiH“ number 13/07., Zakon o javnom prijevozu FBiH („Official Gazette of FBiH“ no. 28/06 i 2/10), Zakon o prevozu u drumskom saobraćaju ("Official Gazette of RS", no. 46/95 and 66/01)
3. Zakon o komunikacijama (Official Gazette of BiH no. 31/03 and 75/06 i 31/10), Zakon o osnovama javnog RTV sistema and Zakon o javnom RTV servisu (Official Gazette of no. 37/03) but also in the Zakon o Javnom radiotelevizijskom sistemu Bosne i Hercegovine (Zakon o JRTS-u), adopted in 2005; Law on Radio-Television of the Federation of BiH regulates the RTV FBiH (Zakon o RTV FBiH); Law on Radio-Television of Republika Srpska applies to RTRS (Law on RTRS).
4. Zakon o upravnom postupku, Zakon o obligacionim odnosima, Zakon o nasljeđivanju, Zakon o rješavanju sukoba zakona i nadležnosti u porodičnim i nasljednim stvarima, Zakon o vanparničnom postupku FBiH (Sl. novine FBiH no. 2/98, 39/04, 73/05) and Zakon o vanparničnom postupku RS (Sl. glasnik RS, no. 36/09), Porodični zakon FBiH (Sl. novine FBiH no. 35/05), Zakon o zaštiti lica sa mentalnim poremećajima RS („Official Gazette of RS“ 46/04), Laws on non-litigation procedures of FBiH and RS
5. Krivični zakon BiH (Official Gazette of BiH no. 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07), Krivični zakon FBiH Official Gazette of FBiH 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, Krivični zakon RS, Zakon o krivičnom postupku BiH, (Official Gazette of Bosne i Hercegovine, no. 3/03, 32/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09, 93/09), Zakon o besplatnoj pravnoj pomoći u RS, „Official Gazette of RS“ no. 120/08 and Pravilnik o unutrašnjoj organizaciji i sistematizaciji radnih mjesta u Centru za pružanje besplatne pravne pomoći („Sl.glasnik RS,“number 41/09)
6. Zakon o osnovama socijalne zaštite, zaštite civilnih žrtava rata i zaštite obitelji sa djecom FBiH („Official Gazette of FBiH“ br- 36//99, 54/04, 39/06 and 14/09); Zakon o zdravstvenoj zaštiti FBiH („Official Gazette of FBiH“ no. 46/10), Zakon o zdravstvenom osiguranju FBiH („Official Gazette of FBiH“ no. 30/97, 7/02 i 70/08), Zakon o zaštiti osoba sa duševnim smetnjama FBiH („Official Gazette of FBiH“ no. 37/01); and Zakon o socijalnoj zaštiti RS („Službeniglasnik RS“ br- 37/12), Zakonom o zdravstvenoj zaštiti RS („Official Gazette of RS“ no. 106/09), Zakon o zaštiti lica sa mentalnim poremećajima RS („Official Gazette of RS“ no. 68/07), Zakon o socijalnoj zaštiti RS („Official Gazette of RS“ no. 37/12)
7. Okvirni zakon o predškolskom odgoju i obrazovanju u BiH, „Official Gazette of BiH,“ number 88/07, Okvirni zakon o osnovnom i srednjem obrazovanju u BiH, „Official Gazette of BiH“,

number 18/03, Okvirni zakon o visokom obrazovanju u BiH, „Official Gazette of“ number 59/07 and 59/09, Zakonom o predškolskom vaspitanju i obrazovanju RS, "Official Gazette of RS", no. 119/08 and 1/12, Zakon o osnovnom obrazovanju i vaspitanju RS "Official Gazette of RS," no. 74/08, Zakonom o srednjem obrazovanju i vaspitanju RS "Official Gazette of R S", no. 74/08, 106/09 and 104/11, Zakon o visokom obrazovanju u RS, "Official Gazette of RS," no.73/10 and 104/11), Zakon o predškolskom odgoju i obrazovanju Kantona Sarajevo „Official Gazette of Sarajevo Canton“ number; 26/08, Zakon o osnovnom odgoju i obrazovanju, "Official Gazette ofTuzlanskog kantona“, number: 06/04, 07/05, 17/11, Zakon o osnovnom odgoju i obrazovanju Kantona Sarajevo, "Official Gazette of Sarajevo Canton", number 10/04, 21/06, 6/08 i 31/11, Zakon o srednjem obrazovanju, „Official Gazette of Sarajevo Canton“ number: 23/10, Zakon o visokom obrazovanju - Prečišćeni tekst („Official Gazette of Sarajevo Canton“ number 22/10)

8. Zakon o zdravstvenoj zaštiti RS („Official Gazette of RS“, number 106/09), Zakon o zdravstvenoj zaštiti FBiH (“Official Gazette of FBiH“, number 46/10), Zakon o zdravstvenom osiguranju RS („Official Gazette of Republike Srpske“, number: 18/99, 51/01, 70/01, 51/03, 57/03, 17/08, 01/09, 01/09, 106/09), Zakon o zdravstvenom osiguranju FBiH (“Official Gazette of FBiH“, no. 30/97, 7/02 i 70/08), Zakon o pravima, obavezama i odgovornostima pacijenata ("Official Gazette of Federation BiH", number 40/10); Zakon o zaštiti osoba s duševnim smetnjama ("Official Gazette of Federacije BiH", no. 37/01, 40/02 i 52/11); Zakon o zaštiti lica sa mentalnim poremećajima Official Gazette of Republika Srpska, number: 46/04, Zakon o zdravstvenoj zaštiti FBiH (“Official Gazette of FBiH“, number 46/10), Zakon o zdravstvenoj zaštiti („Official Gazette of FBiH", number 46/10) and Zakon o zdravstvenom osiguranju („Official Gazette of FBiH", no. 30/97, 7/02, 70/08 and 48/11), Zakon o zdravstvenom osiguranju RS („Official Gazette of Republika Srpska“, number: 18/99, 51/01, 70/01, 51/03, 57/03, 17/08, 01/09, 01/09, 106/09), Zakon o zdravstvenom osiguranju FBiH (“Official Gazette of FBiH“, no. 30/97, 7/02 i 70/08), Zakon o zdravstvenom osiguranju FBiH „Official Gazette of FBiH“ no. 30/97, 7/02 i 70/08, poglavlje «Zdravstvena zaštita», U R E D B A/IZMJENE I DOPUNE UREDBE o obimu, uslovima i načinu ostvarivanja prava osiguranih lica na korišćenje ortopedskih i drugih pomagala, endoproteza, stomatološko-protetske pomoći i stomatološko-protetskih nadomjestaka Kanton Sarajevo from 2008 and 2009; Odluka o listi lijekova koji se propisuju i izdaju na teret sedstava Zavoda zdravstvenog osiguranja Kantona Sarajevo kao i načinu njihovog propisivanja (Official Gazette ofKantona no. 9/09) and Odluka o dopuni Odluke o listi lijekova koji se propisuju i izdaju na teret sredstava Zavoda zdravstvenog osiguranja Kantona Sarajevo kao i načinu njihovog propisivanja i izdavanja (Official Gazette ofKantona no. 26/09), Odluka o Listi esencijalnih lijekova neophodnih za osiguranje zdravstvene zaštite u okviru standarda obaveznog zdravstvenog osiguranja u Federaciji Bosne i Hercegovine, "Official Gazette of FBiH", number 75/11., Odluka o utvrđivanju osnovnog paketa zdravstvenih prava („Official Gazette of FBiH“, number 21/09), Odluka o maksimalnim iznosima neposrednog sudjelovanja osiguranih osoba u troškovima korištenja pojedinih vidova zdravstvene zaštite u osnovnom paketu zdravstvenih prava („Official Gazette of FBiH“, number 21/09), Pravilnik o uslovima i načinu ostvarivanja prava na produženu medicinsku rehabilitaciju u specijalizovanim ustanovama za rehabilitaciju („Official Gazette of RS number:., Uputstvo o primjeni Pravilnika o uslovima i načinu ostvarivanja prava na produženu medicinsku rehabilitaciju u specijalizovanim ustanovama za rehabilitaciju („Official Gazette of RS number: 68/10), Pravilnik o sadržaju, obimu i načinu ostvarivanja prava na zdravstvenu zaštitu («Official Gazette of RS» 102/11, 117/11, 128/11, 101/12), Pravilnik o sadržaju, obimu i načinu ostvarivanja prava na zdravstvenu zaštitu, Odluka o participaciji («Official Gazette of RS» 63/10, 73/10, 101/10, 42/11, 70/11, 102/11, 13/12, 28/12,40/12, 87/12, 18/13, 42/13), Pravilnik o uslovima i načinu ostvarivanja prava na produženu medicinsku rehabilitaciju u specijalizovanim ustanovama za rehabilitaciju («Official Gazette of RS» 63/10), Uputstvo o primjeni Pravilnika o uslovima i načinu ostvarivanja prava na produženu medicinsku rehabilitaciju

u specijalizovanim ustanovama za rehabilitaciju («Official Gazette of RS» 68/10), Odluka o usvajanju Cjenovnika zdravstvenih usluga Fonda zdravstvenog osiguranja Republike Srpske (Official Gazette of RS 63/10, 73/10, 101/10, 42/11, 70/11, 102/11, 13/12, 40/12, 56/12, 87/12, 101/12), Pravilnik o utvrđivanju svojstva osiguranog lica, matičnoj evidenciji i zdravstvenoj knjižici ("Official Gazette of RS" 102/11, 40/12, 56/12)

9. Zakon o ravnopravnosti spolova BiH-prečišćeni tekst („Official Gazette of BiH“, no. 32/10),
10. Zakon o zabrani diskriminacije u BiH („Official Gazette of BiH“ no. 59/09)
11. Strategija za izjednačavanje mogućnosti za osobe sa invaliditetom FBIH (2010.-2014.), Strategija unapređenja društvenog položaja lica sa invaliditetom u RS (2010–2015)
12. Gender akcioni plan u BiH 2007
13. Čano S. i ostali, (2012), „Univerzalnost prava u praksi: Analiza primjene Konvencije Ujedinjenih nacija o pravima osoba sa invaliditetom s fokusom na osobe sa intelektualnim teškoćama u Bosni i Hercegovini“, SUMERO and People in Need, str. 13.
14. Inicijativa preživjelih od mina and BOSPO in cooperation with the Ministry of Human Rights and Refugees of BiH (October 2012), Report on implementation of the UN Convention on Rights of person with disability in BiH, page 22.
15. Gender akcioni plan u BiH 2007, as seen on 10.06.2013, available at [http://www.arsbih.gov.ba/images/documents/gap\\_bih.pdf](http://www.arsbih.gov.ba/images/documents/gap_bih.pdf)
16. Gender Equality Agency of BiH, *The Fourth and the Fifth Periodical CEDAW Report of Bosnia and Herzegovina*, (May 2011) as seen on 11.06.2013, and available at [http://www.arsbih.gov.ba/images/documents/cedaw\\_4\\_5\\_bhs.pdf](http://www.arsbih.gov.ba/images/documents/cedaw_4_5_bhs.pdf)
17. A. Petrić i druge Dodatak 3. Alternativnom izvještaju o implementaciji CEDAW konvenciji i ženskim ljudskim pravima u Bosni i Hercegovini, as seen on 11.06.2013, available at: [http://www.rightsforall.ba/publikacije-bs/docs-s/AnnextotheAlternativeReport\(BHSandENG\).pdf](http://www.rightsforall.ba/publikacije-bs/docs-s/AnnextotheAlternativeReport(BHSandENG).pdf)