



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Combined second and third periodic reports submitted by Bosnia and Herzegovina under article 35 of the Convention pursuant to the optional reporting procedure, due in 2020* **

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** The annexes to the present report may be accessed from the web page of the Committee.



Abbreviations

BiH	Bosnia and Herzegovina
FBiH	Federation of Bosnia and Herzegovina
RS	Republika Srpska
BDBiH	Brčko District of Bosnia and Herzegovina

Introduction

1. The second and third Report on Implementation of the United Nation's Convention on the Rights of Persons with Disabilities in Bosnia and Herzegovina provide information for the period from the beginning of 2013 to the end of 2019. The report shows the progress made for the reporting period, and provides answers to the Committee's recommendations from April 2017.

A. General principles and obligations (Articles 1–4)

2. At the level of BiH institutions, a formal consultation mechanism was adopted through the internet platform eConsultation,¹ which was established with the aim of involving civil society representatives and citizens in the creation and implementation of public policies within the competence of BiH institutions, which is in line with European standards and integrations. At the entity and cantonal levels, there is no similar platform for mandatory consultations.

3. Furthermore, formal and informal consultations are also conducted by the Council of Persons with Disabilities of BiH, which is an expert and advisory body of the Council of Ministers of BiH in charge of monitoring the rights of persons with disabilities in BiH. The work of the Council is very transparent and various organizations of persons with disabilities from different regions of BiH are regularly invited to the sessions, thus networking and conducting consultations between the Council and other organizations. The Ministry of Human Rights and Refugees of BiH, together with the Council of Persons with Disabilities of BiH, regularly marks December 3, the International Day of Persons with Disabilities, and all relevant representatives of governmental and non-governmental sector and international organizations are invited to these gatherings to consult in partnership and reach conclusions and proposals for possible solutions to issues of importance to this population.

4. In 2017, the Government of the FBiH formed the Interdepartmental and Intersectoral Coordination Body of the Government of the FBiH for monitoring, directing and reporting on the implementation of the Strategy for Advancement of Rights and Status of Persons with Disabilities in the FBiH (2016–2021), composed of representatives of relevant organizations and two representatives of organizations of persons with disabilities.

5. The Government of the RS has appointed the Interdepartmental Body² for the Assistance to and Protection of Persons with Disabilities, which is composed of representatives of ministries and representatives of associations of persons with disabilities who have the basic role of creators of disability policy and strategy. The decision on granting the public interest status of association in the RS³ also determined the status of the associations of organizations of persons with disabilities, which are partners in all activities. Traditional organizations of persons with disabilities and organizations by type of disability have been declared organizations of public interest for the RS. The Government of the RS has adopted Guidelines for the actions of the republic administrative bodies on public participation and consultations in the drafting of a law⁴ that stipulates regular consultations, which also include organizations of persons with disabilities. Consultations on the law are carried out in the drafting phase, provided that the drafter of the law can accept or reject the remarks and suggestions on the preliminary draft law with an explanation.

6. Generally competent ministries at all levels of government in the adoption of various policies, strategies, legal acts and reports of interest to this population from the beginning of their development and through public consultations include relevant representatives of organizations of persons with disabilities as needed according to the dynamics of the adoption of these acts.

¹ <https://ekonsultacije.gov.ba/>.

² The new convocation ("Official Gazette of the RS", 88/19) has the task of working more intensively on the implementation of the RS Strategy.

³ Official Gazette of the RS, 100/06, 117/10 and 7/16.

⁴ Official Gazette of the RS, 123/08.

7. It is important to mention that in BiH there are federations of associations of persons with disabilities that are long-term partners of institutions, namely the Council of organizations of persons with disabilities of FBiH and the Coordination Board of Organizations for the Disabled in RS. They bring together large number of associations and federations that are formed by type of disability.

8. The competent ministries allocate, in accordance with the budget possibilities, significant financial resources for the support of organizations⁵ through various grants and through the funds of games of chance. On the other hand, organizations believe that these funds are symbolic and insufficient for their adequate functioning. Also, certain funds are allocated at the level of individual local communities, so that some local communities provide good financial support, while some communities do not allocate anything.

9. The competent institutions generally believe that most organizations do not have sufficient resources and do not have adequate material, technical, spatial and personnel conditions for work. The low level of educational structure of persons with disabilities and the small selection of highly educated professionals who are willing to actively participate in the work of organizations further burden the situation.

10. The Agency for Gender Equality of BiH (ARS BiH), as well as the entity gender centres, through their work support the work of organizations that bring together women with disabilities or are mothers of children with disabilities. Thus, in 2013, the FIGAP program supported the project: “Mothers of children with special needs as equal citizens of society” of the Association of Citizens “SNAGA” Mostar; in 2016, from the budget of the Agency for Gender Equality of BiH supported the project: “Women and girls with disabilities have the right to a life without violence” of the Association for the improvement of culture of living “BONAVENTURA” from Sarajevo. In 2015, the First Conference of Women with Disabilities in BiH was held in Banja Luka, organized by the humanitarian organization “Partner” and with the support of the TACSO project in BiH, with the goal of empowering women with disabilities, networking and informing them about the assistance the institutions in BiH can provide them.

11. The Gender Centre of RS supported the project of the Organization of Amputees UDAS, entitled “Alternative to Victim is Independence”, which supported and promoted the artistic work of artists with disabilities and within which 38 works of art were created and exhibited, and in 2014, it supported a special program of Specialized libraries for the blind and partially impaired persons in the RS, entitled “From hobbies to bread”.

12. In 2013, the Gender Centre of FBiH provided support from the FIGAP program funds to the Association of Patients with Poliomyelitis, Brain and Spinal Cord Injuries from the Central Bosnia Canton, for the implementation of the project “Sensorimotor Integration”.

13. Also, several non-governmental organizations have implemented projects with various donor funds with an emphasis on women and girls with disabilities, namely the Women’s Network BiH, CURE Foundation, Association “Women to Women”, Association for civil initiatives “Glas”, Prozor-Rama and World Vision in BiH in partnership with the Organization of Amputees “UDAS” RS.

14. Currently, the Strategy for Advancement of Rights and Status of Persons with Disabilities in the FBiH (2016–2021) and the Strategy for Improving the Social Position of Persons with Disabilities in RS (2017–2026) are in force, while the Brčko District of BiH still does not have a strategic document for persons with disabilities.

15. The document “Disability Policy in BiH”⁶ provides basic guidelines for strengthening the social inclusion of persons with disabilities in BiH, the document is based on human rights and the social model, which is a comprehensive approach to disability. BiH does not have a single concept, i.e. a law for the protection of persons with disabilities based on human rights, and these persons exercise their rights at the levels of the entities, cantons and the

⁵ See the amounts in the attached table.

⁶ Official Gazette of BiH, 76/08.

BDBiH. There has also been no comprehensive analysis of the relevant legislation with the provisions of the Convention, but some analyses have been done.

16. The Federal Ministry of Health conducted two analyses. The first analysis “Manual for social inclusion interventions of mental health service beneficiaries” published in 2018 in cooperation with the Ministry of Health and Social Welfare of the RS and the Federal Ministry of Labour and Social Policy, with the support of the Mental Health Project in BiH. The document includes an analysis of legislation in the social policy sector and the health sector, for the entire territory of BiH, in relation to ensuring the conditions for real social inclusion of categories of citizens such as people with mental impairments. Legislation is viewed through the prism of the provisions of the CRPD. The needs for changes in regulations were recorded, as well as potential measures for social inclusion programs, which can be developed, and for which there are no obstacles in the current legal framework. The program activities that can be established in the local community with a focus on recovery and psycho-social rehabilitation of persons with mental impairments are described, practical guidelines are given to employees in the field of social protection and health to implement community change activities that will contribute to a better quality of life, drawing attention to the specifics of disability caused by mental impairments.

17. The second analysis “Standards for individual assessment of persons with mental impairments for the provision of health and social services” was done in 2017 in cooperation with the Federal Ministry of Labour and Social Policy, with the support of the Mental Health Project in BiH, and was published in January 2018. In addition to the analysis of legislation in the social policy sector and the health sector, regarding the conditions for the stay of persons in social institutions, the document elaborates criteria for assessing the possibilities for the functioning of persons with mental impairments in the community. It is an analysis that aimed to consider the need for interventions in the current legal framework, both in terms of approving accommodation in a social institution for persons with mental impairments, and in terms of the need for structured care during their stay in that institution.

18. Amendments were made to the Law on Sports of BiH, where for the first time in BiH the issue of equal participation of women in the Sports Council was regulated, as well as the prohibition of discrimination on all grounds, including disability.

19. The Federal Ministry of Labour and Social Policy did not pass new laws in the reporting period, but prepared a draft Law on Uniform Principles and the Framework of Material Support for Persons with Disabilities in FBiH, which the FBiH Government sent to the parliamentary procedure but has not yet been adopted.

20. Analysis of the compliance of regulations with the provisions of the Convention in FBiH is a planned activity in the Strategy for Advancement of Rights and Status of Persons with Disabilities in the FBiH (2016–2021). The Coordination Body of the Government of the FBiH for monitoring, directing and reporting on the implementation of the Strategy asked the Ministry for Human Rights and Refugees of BiH for support in terms of developing a unified methodology for analysing the compliance of regulations in BiH with the Convention, but this Ministry did not have the capacity to respond to this request.

21. Within the competence of the Federal Ministry for Issues of the Veterans and Disabled Veterans of the Defensive-Liberation War, the Law on Amendments to the Law on the Rights of War Veterans and Members of their Families of the FBiH was passed in the reporting period,⁷ and amendments to the Law on the Rights of War Veterans and Members of their Families are being prepared, the intention of which is to improve the social and material status of these categories.

22. In the RS, in the reporting period, amendments were made to the Law on Vocational Rehabilitation, Training and Employment of Persons with Disabilities⁸ and a new Labour Law was adopted.⁹ Amendments to the Law on Social Protection of RS,¹⁰ the Law on

⁷ Official Gazette of the FBiH, 90/17.

⁸ Official Gazette of the RS, 82/15.

⁹ Official Gazette of the RS, 1/16 i 66/18.

¹⁰ Official Gazette of the RS, 37/12, 90/16 and 94/19.

Children's Protection of RS,¹¹ the Rulebook on Needs Assessment and Guidance of Children and Youth with Developmental Disabilities¹² and the Rulebook on Determining the Ability of Persons in Exercising Social Protection Rights and Determining Functional Status of the Beneficiaries¹³ were also adopted.

23. In 2019, the Main Public Sector Audit Service of RS performed an audit of the performance of professional rehabilitation and employment of persons with disabilities, which will be followed by amendments to the Law on Vocational Rehabilitation, Training and Employment of Persons with Disabilities.

24. With the Law on Amendments to the Law on Social Protection¹⁴ the BDBiH enabled the protection of persons with disabilities based on human rights, in accordance with the Convention.

25. All the above laws are partially in line with the provisions of the Convention.

B. Special rights (Articles 5–30)

Article 5

Equality and non-discrimination

26. The Law on Prohibition of Discrimination¹⁵ prohibits discrimination, on the basis of disability, and prescribes procedures for determining the discrimination and prescribes fines. In all laws in the areas of health, social and veteran-disability protection, education, culture, sports, etc., there are general provisions prohibiting discrimination on the grounds of disability, as well as sanctions for violating them. On the other hand, the representatives of the organizations consider that the application of these provisions is superficial and inconsistent, and that in practice they encounter numerous forms of discrimination in all segments of society.

27. In the entities and the BDBiH, harmonized criteria and procedures for assessing the percentage of disability, regardless of the cause of disability, are still not developed and applied, but assessment in each area is performed according to special regulations (non-war invalids, civilian victims of war and war invalids).

28. At the initiative of the Federal Ministry of Labour and Social Policy, the commission of the Institute for Medical Expertise set out the proposal of the Rulebook on the Criteria and the Procedure of Medical Expertise of Health Status and the List of Disabilities as its integral part, and the Institute obtained the necessary consents to the document from five ministries that have a statutory authority to oversee the legality of the Institute's work. The Government of the FBiH adopted a conclusion obliging the Board of Directors of the Institute to adopt the proposed Rulebook and the List of Disabilities after obtaining these consents, but this has not been realized to date.

29. In the RS, in the field of work and employment, an analysis of compliance of all legislation with the provision prohibiting discrimination on the grounds of disability, including multiple and cross-sectoral discrimination, was conducted, which provision prohibits discrimination on the grounds of disability due to "physical and mental health and other features not directly related to the nature of the employment relationship". The term "invalid" is still used in the title of the law because that term is a constitutional category, although the term "person with disabilities" is used in everyday correspondence and communication. The principle of reasonable accommodation in the RS has not been adopted and listed as a separate institute, but is applied to employment under special conditions in terms of adjusting the workplace and jobs performed by a person with disabilities.

¹¹ Official Gazette of the RS, 114/17, 122/18 and 107/19.

¹² Official Gazette of the RS, 117/12 and 16/18.

¹³ Official Gazette of the RS, 116/12, 111/13 and 9/17.

¹⁴ Official Gazette of the BD BiH, 21/18.

¹⁵ Official Gazette of BiH, 59/09 i 66/16.

30. The Law on Social Protection of the BDBiH¹⁶ introduced the right for persons with disabilities to the allowance for assistance and care of another person by determining dependence on assistance of another person by categories: complete dependence, severe, moderate and mild, and it is done based on the Barthel Index for Activities of Daily Living.

31. From the perspective of non-governmental organizations, different realization of rights based on the occurrence of disability is unacceptable because it is reflected in almost all areas, and is especially visible in the system of benefits for assistance and care of another person, procurement of medical aids and rehabilitation, where the war invalids are in a much better position.

32. In addition, the RS organizations believe that it is necessary to make changes in accordance with the term “Person with Disability” as defined by the Convention, and it is necessary to change the terminology in the RS Constitution, the Law on Vocational Rehabilitation, Training and Employment of Persons with Disabilities of the RS (invalids), as well as in the area of education where different terms are used for children with disabilities (“Children and youth with developmental disabilities”, “Children and youth with special needs”, “Students with special needs”).

33. The principle of reasonable accommodation has not been adopted and cited as a specific form of discrimination.

Article 6

Women with disabilities

34. The Gender Action Plan of BiH (GAP BiH) for the period 2018–2022¹⁷ contains strategic goals, programs and measures for achieving gender equality in all areas of social life and work, which are operationalized and implemented on an annual basis at all levels of government in accordance with constitutional jurisdictions. GAP BiH identifies priority and cross-cutting areas for achieving strategic goals, and one is “Improving the position of multi-marginalized groups of women and men”, which includes women and men with disabilities, as well as girls and boys with disabilities.

35. The reports on the implementation of the Framework Strategy for the implementation of the Convention on Preventing and Combating Violence against Women and Domestic Violence in BiH 2015–2018 show the results but also obstacles to implementation, and it was concluded that protection against violence is insufficient, and when it comes to women with disabilities the situation is even more alarming. From all statistics on violence against women and domestic violence, it is not possible to identify the number of victims who are children or persons with disabilities.

36. A Comparative analysis of the compliance of protection and prevention of violence against women and domestic violence with the Istanbul Convention was prepared, and BiH adopted a number of legislative and other measures to promote women’s rights and prevent discrimination against women so that BiH legislation is harmonized. The analysis showed that specific groups, such as women with disabilities, do not have adequate services in safe houses for accommodation of victims of violence, that there are not enough safe houses and that they are not easily accessible to all victims throughout BiH.

37. The Action Plan for the implementation of the Strategy for Prevention and Combating Domestic Violence for the period 2018–2020 of the FBiH includes activities that address issues of importance to persons with disabilities (including women and girls with disabilities).

38. The Law on Basics of Social Protection, Protection of Civilian Victims of War and Families with Children in the FBiH¹⁸ recognizes the status of a special category of civilian victims of war to survivors of sexual abuse and rape in war, most of whom are women.

¹⁶ Službeni glasnik Brčko distrikta BiH, br:01/03, 04/04, 19/07, 2/08,21/18,32/19.

¹⁷ Official Gazette of BiH, 89/18.

¹⁸ Official Gazette of the FBiH, 36/99, 54/04, 39/06, 14/09 and 45/16.

39. The FBiH Law on Foster Care¹⁹ stipulates that services are also provided to children with disabilities within the specialized foster care system.

40. According to the RS Law on Protection from Domestic Violence²⁰ a victim with a disability enjoys special assistance and protection. A Protocol on the procedure in case of violence, abuse or neglect of children was also adopted, the purpose of which is to improve social care for the child and its protection and to provide the necessary assistance in all situations when any child, including a child with disabilities, is exposed to forms of violence or abuse, in a way to ensure an adequate and timely response of the competent institutions and services.

41. The Committee for Gender Equality of the BDBiH regularly invites representatives of women with disabilities to its meetings during its activities. Their participation in the work of the Committee is active and is of great importance for creating a framework for active participation in the process of combating discrimination on the grounds of disability in all segments of life and in the adoption of legal acts and decisions.

42. On several occasions, the Committee for Gender Equality held meetings, as well as round tables on the topic: The status of women with disabilities and violence against women with disabilities in the BDBiH. Significant attention, through the meeting with the media, was paid to media coverage of domestic violence, the fight against discrimination, raising awareness about the problem of violence in general, and especially against women with disabilities. The new Law on Protection from Domestic Violence of the BDBiH²¹ prescribes protection from domestic or family violence, and victims who are persons with disabilities have special assistance and protection.

43. In the reporting period 2015–2018, the Federal Ministry of Health, in cooperation with UNFPA and the Partnership in Public Health Sarajevo, developed several documents intended for employees in health institutions related to gender equality.

44. The Strategy for Advancement of Rights and Status of Persons with Disabilities in the FBiH (2016–2021) states that special attention should be paid to vulnerable and multi-discriminated groups (such as women), and defines the activities of implementing education programs to improve respect for gender specifics of persons with disabilities, support pertaining to the specific needs of women with disabilities in the field of health care and employment, as well as activities to prevent violence against women with disabilities. It also supports the inclusion of people with disabilities in political life.

45. In the Strategy for Improving the Social Position of Persons with Disabilities in RS (2017–2026), one of the basic principles is gender equality, and specific measures also apply to health services for women, and their participation in public and political life is emphasized.

46. The number of women with disabilities members of political parties, as well as in public and political positions, is unknown. The number of political party programs that promote and advocate for the inclusion of persons with disabilities in public and political life is also unknown.

47. According to the organizations, traditional prejudices about the position of women in relation to men are still present in society, but their involvement in social life is increasing every day. Some associations of women with disabilities have a proactive attitude in advocating policies to improve the social position of this marginalized group. With the support of international foundations and humanitarian organizations, projects are being implemented that affect the development of awareness on these issues, and strengthen the capacity of women with disabilities and their organizations.

¹⁹ Official Gazette of the FBiH, 19/17.

²⁰ Official Gazette of the RS, br 102/12, 108/13 and 82/15.

²¹ Official Gazette of the BD BiH, 07/18.

Article 7

Children with disabilities

48. The three current family laws do not contain explicit and universal provisions prohibiting corporal punishment of children, including children with disabilities. These laws universally prohibit all forms of violence, misuse, abuse and neglect of all children and prescribe protection measures.

49. On the other hand, education laws at all levels, in addition to all forms of violence, prohibit the corporal punishment of all children, including children with disabilities. This also applies to institutions for the care of children which are continuously subject to regular professional and extraordinary supervision, in accordance with the recommendations of the (CPT).

50. In BiH, a small coverage of children with preschool education is evident, and the largest number of children with disabilities is registered only in the process of enrolment in primary schools. However, in individual cases, children through voluntary and compulsory preschool education can be recognized as children with difficulties by educators, and in these cases, parents are individually advised to go to appropriate services for early growth and development.

51. In the FBiH, based on the Framework policy of early growth and development of children in BiH and the Strategic Plan for Improving Early Growth and Development of Children in the Federation of BiH 2013–2017, a model for providing early growth and development services through Centres for Early Growth and Development at Health Centres has been developed and, thereby, the legislation was amended. The Ordinance on detailed conditions of space, equipment and staff for the establishment and performance of health care activities in health care institutions was adopted.²² Decision on standards and norms regarding health protection in relation to compulsory health insurance in FBiH;²³ The Rulebook on Continuing Professional Education in Early Detection, Diagnostics, Intervention and Monitoring of Developmental and Other Disorders Affecting the Growth and Development of Children.²⁴ The focus of the services of the Centres for Early Growth and Development is on early recognition of deviations in healthy growth and development of the child and early identification of risk factors for his health and healthy growing up, as well as early intervention in children where necessary with training of parents who can help with intervention when possible. Guides for experts in the field of early growth and development have been developed and standardization of Scales as a basic measuring instrument has been implemented. At the same time, educational materials for parents were developed: “Early Childhood Development: What to Know?” and “Curriculum for Parent Education from Birth to School”, used by trained professionals to provide adequate support to families through systematic parent education. Pursuant to the Law on Health Data Records,²⁵ in 2018, bylaws were adopted defining the form and content of forms for collecting data in the field of early growth and development of children in health care institutions.

52. Following the adoption of the Information on the Implementation of the Strategic Plan for Improving Early Growth and Development of Children in the FBiH 2013–2017²⁶ the Government of the FBiH instructed the Federal Ministry of Education and Science, in cooperation with the Federal Ministry of Health, the Federal Ministry of Labour and Social Policy, the Federal Ministry of Finance, the Institute for Public Health of the FBiH and UNICEF BiH, to coordinate the implementation of activities aimed at developing a new Strategic Plan for Improving Early Growth and Development of Children in the FBiH.

53. The Program for Early Childhood Growth and Development in the RS 2016–2020²⁷ defines the program activities of the Ministry of Health and Social Welfare, the Ministry of

²² Official Gazette of BiH, 26/12, 23/13, 90/13, 15/14, 82/14, 83/15, 58/18 and 89/18.

²³ Official Gazette of the FBiH, 82/14, 107/14 and 58/18.

²⁴ Official Gazette of the FBiH, 82/13.

²⁵ Official Gazette of the FBiH, 37/12.

²⁶ Number 181/2018 dated 08 February 2018.

²⁷ Conclusion of the Government of Republika Srpska No. 04.2-SL/16 of 07 April 2016.

Education and Culture and the Ministry of Family, Youth and Sports on the realization of the goals set by the Policy.

54. In the reporting period, UNICEF funded introductory training to promote early growth and development for educators in preschools and primary schools in RS.

55. In the BDBiH, there are no legal regulations and services related to early intervention and detection of disabilities in children.

Article 8

Awareness-raising

56. The CRPD has not been translated into sign language in BiH.

57. The Federal Ministry of Health through the Mental Health Project carries out various activities to raise awareness, namely: empowering service beneficiaries to be able to get involved in key areas of social and economic life of their community by reducing stigma and discrimination against them and their families; increasing media awareness of mental health reporting thanks to the support from experts in developing media reporting guidelines and their use in higher education institutions and developing strategic partnerships with the media; etc.

58. The Communications Regulatory Agency of Bosnia and Herzegovina (CRA) does not have the authority to conduct trainings for the media. Regarding the issue of portrayal of persons with disabilities in the media, CRA bylaws, the Code on audio-visual media services and radio media services, which prescribes program standards in broadcasting, contain a definition of vulnerable persons, which implies a socially and/or health-deficient person, including, inter alia, persons with learning difficulties, health and mental health problems, mental illness or persons suffering from memory loss, sick persons, survivors of trauma, victims of violence and families of the missing. Article 3 of the Code stipulates that the media service provider shall pay special attention to the treatment of vulnerable persons appearing in its content, and shall not provide content that includes any discrimination, inter alia, on the grounds of disability.

59. In the practice so far, there have been no cases of violation of the applicable provisions relating to the treatment or discrimination of persons portrayed in the media on the basis of their disability. Agency conducted a survey among all licensees for the provision of audio-visual media services, including public service broadcasters, on the representation of TV content intended for persons with disabilities. Of the 67 TV stations viewed, 8 (2 commercial and 6 public) broadcast a program adapted for people with disabilities. The highest number of broadcast programs adapted to this group of viewers in relation to the total broadcast program (10%) was recorded at one public TV station (TV Vogošća), while other TV stations have low minutes of participation of this type of program in the total broadcast program and it ranges from 0.29% to a maximum of 2%. TV stations that are part of the Public Service Broadcasting (PSB) in BiH broadcast about 1% of programs intended for people with special needs.

60. World Vision in BiH in partnership with the Organization of Amputees "UDAS" within the project "Integrated socio-economic support to mine victims in BiH" organized 2 events "Lunch with the media" in Tuzla²⁸ and Banja Luka.²⁹ A total of 24 media representatives from Banja Luka, Tuzla, Zvornik, Lukavac and Doboje have raised their capacity to understand disability, use correct language and avoid sensationalism in the representation of persons with disabilities in the media. The activity is to support the media to present persons with disabilities in accordance with the objectives of the CRPD.

61. The Joint Committee on Human Rights of the Parliamentary Assembly of BiH is a permanent working body of the Parliamentary Assembly of BiH that considers issues related to the exercise of human rights and fundamental freedoms guaranteed by the Constitution of BiH and the legislation of BiH. In the reporting period, the Joint Committee established the practice of holding regular annual conferences on the human rights situation, and carried out

²⁸ Prvi 30. novembra 2017. godine.

²⁹ Drugi 16. aprila 2019. godine.

activities to raise the awareness of MPs and delegates, and one of the priorities were the rights of persons with disabilities, removing stereotypes and prejudices. These topics are also advocated through other activities, such as thematic sessions and meetings that they organize regularly.

62. Educational institutions in FBiH mark important dates set in international documents (World Down Syndrome Day, World Health Day, World Mental Health Day, International Day of Persons with Disabilities, World Autism Awareness Day).

63. Within the Faculty of Architecture, Civil Engineering and Geodesy of the University of Banja Luka, subjects are taught with specific teaching units that treat architectural barriers in the scientific field of architectural design.

64. During the implementation of teaching at the Faculty of Civil Engineering, University of Sarajevo, the importance of the rights of persons with disabilities is pointed out, especially as required by legal regulations that address issues of planning, design and construction of facilities. An example is a course in which students are trained to design and plan parking lots and garages in which practical work involves writing a project in which students must include knowledge of the rights of persons with disabilities.

65. Regarding the study of architecture, it should be emphasized that architecture is a regulated profession that must take into account the needs of people with physical disabilities. Architects and students, are obliged to adhere to the valid legal provisions of spatial planning and standards when designing projects. Within the second cycle of studies at the Faculty of Architecture, University of Sarajevo, an elective course entitled “Persons with Disabilities and Architectural Barriers” was formed.

Article 9

Accessibility

66. BiH has not adopted a comprehensive national accessibility strategy. Accessibility regulations are within the constitutional competence of the entities, cantons and the BDBiH, but even these levels of government do not have adopted accessibility strategies, instead, this area is regulated by relevant laws and bylaws.

67. In the reporting period, there was no promotion of universal design adapted for people with disabilities for all buildings, public services and public transport.

68. Spatial planning in the FBiH is regulated by the Law on Physical Planning and Utilization of Land at the Level of the FBiH, laws on spatial planning by cantons, as well as accompanying bylaws and regulations on determining interventions and spatial standards.³⁰ This Law stipulates that buildings with several housing units, public buildings, and service and commercial buildings must be designed and constructed in such a way that persons with reduced physical abilities are permanently provided with unimpeded access, movement, residence and work.

69. In the RS, a new Law on Physical Planning and Construction³¹ has been adopted, which, in addition to the old law, stipulates that collective housing facilities, facilities or parts of facilities that are in public use or used for performance of service and economic activities, must be designed and constructed to ensure unimpeded access, movement, work and residence for persons with reduced physical abilities, and which introduced a novelty to define the conditions for removing barriers to movement of persons with reduced physical abilities by zoning planning documents (zoning plan and regulation plan). The same Law provides for the possibility of performing certain works without obtaining a building permit, such as works on stairs, corridors, etc., to change access to the building and inside the building to allow unimpeded access and movement in the building for persons with

³⁰ Decree on determining spatial interventions and buildings for which the Federal Ministry of Physical Planning issues urban planning permit and/or location information (Official Gazette of the FBiH, 32/14) and the Decree on spatial standards, urban and technical conditions and norms to prevent the creation of architectural and urban barriers for persons with diminished physical abilities (Official Gazette of the FBiH, 48/09).

³¹ Official Gazette of the RS, 40/13 – entered into force on 24 May 2013.

disabilities, with previously obtained consent of all condominium owners. In accordance with the Law, a new Rulebook on the Conditions of Planning, Designing and Building Facilities, Ensuring Unimpeded Movement and Access for Children and Persons with Reduced Physical Abilities, was adopted.³²

70. The Law on Amendments to the Law on Railways of the RS³³ is harmonized with Directive 2009/9/ES, and it stipulates that access should be facilitated for persons with disabilities in places intended for entry and exit of users.

71. Article 5 of the Law on Amendments to the Law on Transport and Road Traffic of the RS³⁴ prescribes that taxi transport can also be performed by a passenger motor vehicle specially designed for the transport of persons with disabilities.

72. The Law on Sports of the RS³⁵ prescribes the participation of persons with disabilities in sports, and defines that “owners of sports facilities are obliged to provide physical access to persons with disabilities to sports facilities.”

73. The Law on Physical Planning and Construction of the BDBiH³⁶ also stipulates that public and commercial buildings are designed and built in such a way to ensure unimpeded access, movement, work and residence for persons with reduced mobility. The BDBiH Government also adopted the Decree on spatial standards, urban and technical conditions and norms to prevent the creation of architectural and urban barriers for persons with diminished physical abilities,³⁷ which prescribes design of buildings in order to prevent the creation of barriers for persons.

74. Organizations of persons with disabilities believe that the current laws, regulations and ordinances regulate this area very well, but in practice there are still phenomena of neglect of the current legislation, so that the regulations are neglected during the execution of works, and no adequate adjustment is made. From their perspective, there are shifts in architectural accessibility, pointing out that shopping malls and banks are much better adjusted (they think it is so because they are consumers too) than public institutions (educational, cultural and sports). Numerous adjustments are partial and incomplete, so the access to the building is often adjusted, but not the interior and toilets. They also state that some adjustments are not always in line with needs, are often made to meet regulations, and in practice are useless, while some are unacceptable or even dangerous for more severe forms of physical disability (e.g. too steep slopes at entrances to public and other facilities, narrow entrances, lack of elevators). Toilets are a special problem because they endanger the privacy and independence of people with disabilities due to very poor solutions or a complete lack of adjustment.

75. They also believe that public transport is not adjusted in most cities, as there is no information for blind and deaf people about stops, access ramps and accessible stops, etc. In some cities there is a small number of accessible taxis. Exceptions are sporadic and insufficient.

76. World Vision BiH in partnership with the Organization of Amputees “UDAS” within the project “Integrated socio-economic support to mine victims in BiH”³⁸ paid special attention to ensuring accessibility. Through the common slogan of the project “Mine, barrier and victim free BiH by 2025!”. WV stressed the need to ensure not only a safe (mine-free), but also accessible (barrier-free) environment for mine victims and other persons with disabilities. The need to not only prevent new mine incidents with human casualties, but also to empower mine victims and other persons with disabilities, in order to realize their rights and develop their potential and participate in the development of their communities as fully integrated citizens, was also emphasized.

³² Official Gazette of the RS, 93/13.

³³ Official Gazette of the RS, 24/12.

³⁴ Official Gazette of the RS, 12/13.

³⁵ Official Gazette of the RS, 4/02, 66/03, 73/08, and 102/08 - Articles 35, 36, 37 and 38.

³⁶ Official Gazette of the BD BiH, 29/08, 18/17, 48/18 and 54/18.

³⁷ Number: 01.1-02-028134/09 dated 02 September 2009.

³⁸ Funded by the European Union and implemented in the period from August 1, 2017 to July 31, 2019.

77. Information and communication accessibility for persons with disabilities is defined by the 2017–2021 BiH Electronic Communications Sector Policy³⁹ and the Law on Communications.⁴⁰ Under the current regulatory framework, specifically Rule 77/2015 on the provision of audio-visual media services, there is a general provision in the program obligations, which states that “an audio-visual media service provider shall, upon request, seek to make its services accessible to persons with hearing and/or visual impairments”, but it is not stated how the stated obligations will be realized, which is in the domain of the editorial policy of the stations themselves, since the CRA currently does not have mechanisms for monitoring the accessibility of TV programs for persons with disabilities.⁴¹

Article 11

Situations of risk and humanitarian emergencies

78. In order to implement the Sendai Framework for Disaster Risk Reduction 2015–2030, in the Work Program for 2020, the Council of Ministers of BiH determined the obligation to develop a Strategy for Disaster Risk Reduction in BiH, and the proposer will be the Ministry of Security of BiH, and will cover issues related to persons with disabilities. Based on the Decision of the Council of Ministers of BiH, the “Plan for protection and rescue of natural or other disasters of institutions and bodies in Bosnia and Herzegovina” and the “Plan for protection and rescue of natural or other disasters of the Ministry of Security of BiH” were adopted.

79. In accordance with the provisions of the Law on Protection and Rescue of People and Material Goods from Natural and Other Disasters,⁴² FBiH, Canton and Municipality/City adopt the Program for Development of Protection and Rescue of People and Material Goods from Natural and Other Disasters, which corresponds to the document “Strategy for emergencies” and plans for protection and rescue from natural and other disasters, which in their content correspond to the document “Risk protocol”. The Law on Protection and Rescue of the FBiH provides for the emergency evacuation of certain categories of the population, such as persons with disabilities. The provision of the Law on Fire Protection and Firefighting in the FBiH⁴³ determines the obligation of the FBiH, cantons and municipalities/cities to adopt a Fire Protection Plan, which in its content corresponds to the document “Risk protocol”. The Program for the Development of Protection and Rescue of People and Material Goods from Natural and Other Disasters and the Plan for the Protection and Rescue of People and Material Goods from Natural and Other Disasters of the FBiH are in the process of adoption. Within the framework of various projects, local self-government units in the previous period carried out activities which regulated these issues through various types of manuals. In the FBiH, helplines technically equipped to receive calls, applications for text warning messages have not been established, nor have general manuals in sign language and Braille.

80. The Law on Protection and Rescue in Emergency Situations of the RS⁴⁴ and planning documents at the level of the RS and local self-government units recognize persons with disabilities as one of the vulnerable categories of the population, and in case of evacuation and care, they are clearly defined as a priority. The document Assessment of vulnerability to natural disasters and other accidents, protection and rescue plans and the Program for risk reduction from natural disasters and other accidents, are in force in RS. Within the documents

³⁹ Official Gazette of BiH, 46/17.

⁴⁰ Official Gazette of BiH, 31/03, 75/06, 32/10 and 92/12 – Article 7 (2c) - it is ordered to protect the interests of all users of telecommunications services in terms of availability of these services, their quality and prices.

⁴¹ Mid-Term Development Plan of the Communications Regulatory Agency 2019-2021, STRATEGIC OBJECTIVE 5.14: Information and communication accessibility for persons with disabilities, among other things, envisages: amendment of CRA rules and regulations in terms of defining binding provisions related to accessibility, especially accessibility of TV programs; conducting monitoring of the accessibility of TV/video programs (public and private TV stations) in order to determine the actual situation; and an awareness campaign.

⁴² Official Gazette of the FBiH, 39/03, 22/06 and 43/10.

⁴³ Official Gazette of the FBiH, 64/09.

⁴⁴ Official Gazette of the RS, 121/12 and 46/17.

the Protection and Rescue Plan, local self-government units are obliged to develop an Evacuation and Rescue Plan, and persons with disabilities are recognized as one of the vulnerable categories. So far, the RS has not established a system of help lines, applications intended and accessible only to persons with disabilities, but it is planned to put these technical solutions into practice.

81. The current Law on Protection and Rescue of People and Material Goods from Natural and Other Disasters of the BDBiH⁴⁵ does not contain provisions relating to persons with disabilities and the procedure for rescuing them in the event of natural disasters. Bylaws and an evacuation plan are being prepared. Persons with disabilities are evacuated according to oral information about their existence in certain locality and, accordingly, have priority in evacuation.

Article 12

Equal recognition before the law

82. Confiscation and return of legal capacity is regulated by three non-litigation laws in force in the FBiH, RS and the BDBiH. In the procedure of deprivation and restoration of legal capacity, the court determines whether an adult, due to complete or partial inability to reason, is able to take care of their rights and interests, and, accordingly, to completely or partially deprive an adult of legal capacity, or completely or partially restores legal capacity to the adult whose relevant reasons have ceased to exist. These procedures are urgent and are carried out within 30 days from the date of receipt of the proposal. When making a decision on partial deprivation of legal capacity, the court shall state in which part the legal capacity is revoked and in which part the legal capacity is not revoked.

83. Article 11, paragraph (2) of the FBiH Family Law stipulates that: “Exceptionally, a court may, in a non-litigation procedure, allow a person who is incapable of reasoning to enter into marriage if it finds that he or she is capable of understanding the meaning of marriage and its obligations and that the marriage is obviously in his/her interest.” The RS and BD family laws do not have a similar provision.

84. Currently, the Law on Protection of Mental Health of the RS is being drafted in RS, in which the chapter Rights and Obligations of Persons with Mental Health Disabilities will regulate the right of persons who have been completely or partially deprived of legal capacity, i.e. the right to the information on the possibility of consulting a person in whom he or she has confidence, respecting his/her autonomy, will and inclination for the purpose of supporting the consent to the medical measure.

Article 13

Access to justice

85. All persons with disabilities have equal access to justice in BiH as all other legal and natural persons.

86. When it comes to architectural barriers, it is evident that judicial institutions in BiH are most often located in old buildings, whose reconstruction and adaptation has been carried out for many years, mostly from donor funds, due to limited budget funds. In this regard, a number of facilities of judicial institutions have been adapted, while newly built facilities are in line with architectural accessibility standards.

87. During 2018, the High Judicial and Prosecutorial Council of BiH (HJPC BiH) performed a preliminary analysis of the degree of architectural and functional accessibility of buildings in which the premises of courts and prosecutors’ offices are located, and a report on accessibility of buildings was prepared at the end of 2019. Such a report will later be used as a basis for possible adaptations of the facilities of judicial institutions, noting that their realization depends on the availability of possible funds for capital investments and donor funds. Separately from this process, the HJPC BiH in the past period performed an analysis of the needs for providing access to persons with disabilities in the prosecutors’ offices, and mobile ramps were procured in 4 prosecutors’ offices for this purpose. In 2017 the HJPC BiH

⁴⁵ Official Gazette of the BD BiH, 2/10.

adopted an Outreach strategy for persons who come in contact with prosecutors' offices in BiH, which sets standards for dealing with persons with disabilities, and the implementation by individual activities is measured on a semi-annual basis. In that sense, in 50% of prosecutors' offices, physical access to the prosecutors' offices for persons with disabilities is provided, and in 40% of prosecutors' offices a brochure on the rights of injured parties and witnesses was made accessible and understandable to different categories of persons and regardless of disability.

88. When it comes to communication accessibility, in accordance with the Law on the Use of Sign Language in BiH, BiH bodies and institutions are obliged to provide deaf people with the right to use sign language in all cases when regular communication does not enable deaf people to participate equally in proceedings. BiH bodies and institutions are obliged to provide a deaf person with a sign language interpreter at the request of a deaf person or ex officio as soon as they receive a document (identity card) recognizing his/her right to an interpreter.

89. In 2017, the HJPC BiH conducted an analysis of the websites of prosecutors' offices, which includes recommendations for the adaptation of websites for persons with visual impairments. Unfortunately, there are still no changes regarding the use of Braille and adaptations for blind people in court proceedings.

90. The training of judicial office holders in BiH is provided by the entity centres for the training of judges and prosecutors within their annual programs. These programs provide adequate training on human rights, deprivation and restoration of legal capacity, discrimination, as well as on improving the application of the European Court of Human Rights standards in the practice of the highest courts.

91. In addition, in 2017, with the support of NGOs, training was held for prosecutors on sensitized approach to vulnerable victims and witnesses.

92. In the RS, training of prosecutors and judges on the topic of International Standards in the Protection of Persons with Disabilities in Criminal and Civil Proceedings is planned for the next period. The RS Ministry of Internal Affairs plans to form a working group with the aim of developing a curriculum for the training of police officers, and to address the topic of the rights of persons with disabilities.

93. So far, the BDBiH Police officers have not attended trainings related to the rights of persons with disabilities.

Article 14

Liberty and security of the person

94. BiH health laws do not allow for deprivation of liberty, involuntary retention on treatment, means of coercion, and coercive medical measures for disability-based treatment. Those measures are allowed only under the conditions and in the manner prescribed by the laws on the protection of persons with mental and intellectual disabilities⁴⁶ of the entities and the BDBiH. Forced detention and involuntary placement are possible when a person, due to his/her mental impairment, seriously and directly endangers the life, health or safety of him/herself or the safety of other persons.

95. The court decides on any involuntary placement of adults with mental impairments without their consent, i.e. children and minors with mental impairments and persons deprived of legal capacity without the consent of their legal representatives. Proceedings are conducted under the provisions of non-litigation procedure as an emergency (deadline 7 days), and all cases are reported to the Committee for the Protection of Persons with Mental Impairments. It is stipulated that if the treatment procedure is carried out without the consent of a person with a mental impairment, the possible procedures of his/her treatment should be explained

⁴⁶ In the Federation of BiH, the Law on Protection of Persons with Mental impairments of the FBiH (Official Gazette of the FBiH, 37/01, 40/02, 52/11 and 14/13), in Republika Srpska, the Law on Protection of Persons with Mental impairments of the RS (Official Gazette of the RS, 82/13) and in the Brčko District of Bosnia and Herzegovina, the Law on Protection of Persons with Mental impairments of the BD BiH (Official Gazette of the BD BiH, 12/06), are in force.

to that person as far as possible and that person should be included in the planning of his/her treatment. It is important to note that the Law provides a legal mechanism for the protection of persons with mental impairments in cases where involuntary detention and involuntary placement in a health institution is necessary, through court decisions, with clear rules of procedure and established deadlines, which imply urgency. This avoids any arbitrariness and violation of their basic rights.

96. A new Law on Protection of Mental Health is being prepared in the FBiH, which will be further harmonized with the provisions of the CRPD, related to mental impairment.

97. A new Law on Protection of Mental Health is also being drafted in RS.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

98. A forcibly placed person shall be released from the health care institution as soon as the time of involuntary placement specified in the court decision on involuntary placement expires. As an alternative measure, treatment continues in mental health centres operating within health centres.

99. In the FBiH and RS, in order to improve the services of mental health centres for people with mental impairments who have multiple health and social needs, a model of health service “Coordinated Care” (“Case Management”) was introduced. It involves the process of assisting a person with a mental impairment to access a range of different services in order to improve their health, functioning, recovery and social inclusion. It is aimed not only at the person with mental impairments, but also ensures the involvement of the family, as well as the legal representative, and ensures cooperation between various providers of health, social, educational and other services in the local community to ensure continuity of care. Coordinated care is organized and implemented by a multidisciplinary team, with completed education in the field of coordinated care and it is regulated by special rulebook.

100. Through the Mental Health Project in BiH, a model of discharge has been developed, which implies the participation of all relevant subjects of society, in order to be adequately included in community support and rehabilitation programs. This model is currently in the pilot phase, and will be finalized after all comments and suggestions.

101. In the Proposal, the RS Law on Protection of Mental Health does not use the term “forced hospitalization” but “detention without consent” and/or “placement without consent”. In both cases, a person with a mental health impairment, as well as a person with a mental health impairment who has been completely or partially deprived of legal capacity, must be informed about their state of health, diagnosis, treatment prognosis, etc and shall be entitled to information on the possibility of consulting a person in whom he or she has confidence.

102. Persons who have survived torture and sexual violence exercise their rights in criminal proceedings, including the right to compensation, i.e. a property claim decided by a court. In the verdict, by which it finds the accused guilty, the court may award the injured party a property claim in whole or in part, and refer him/her to civil proceedings for the rest. If the data of the criminal procedure do not provide a reliable basis for either a full or a partial verdict, the court will instruct the injured party that he/she can realize the property claim in its entirety in civil proceedings.

103. The Law on Basics of Social, Protection, Protection of Civilian Victims of War and Families with Children in the FBiH⁴⁷ recognizes the status of a special category of civilian victims of war who are survivors of sexual abuse and rape in war. This category is mostly made up of women.

104. According to the Law on the Protection of Victims of War Torture in the RS,⁴⁸ the status of a victim of war torture (as of August 31, 2019) was realized by 152 persons, of which 92 persons exercise the right to a monthly income. The monthly income is received by victims of war torture – victims of sexual violence and persons who were in the encampments

⁴⁷ Official Gazette of the FBiH, 36/99, 54/04, 39/06, 14/09 and 45/16.

⁴⁸ Official Gazette of the RS, 90/18.

as minors and have a physical impairment of at least 20% (including mental impairments). Proceedings on all requests for status and rights of victims of war torture have not yet been completed.

105. The Assembly of the BDBiH passed the Decision on the Protection of Civilian Victims of War,⁴⁹ which prescribes who is considered a civilian victim of war, the types of rights that these persons have and the process of exercising those rights, and there are, categories of persons with permanent psychological damage due to sexual abuse and rape.

Article 16

Freedom from exploitation, violence and abuse

106. In the FBiH, based on the Law on Protection of Persons with Mental Impairments, Committees for the Protection of Persons with Mental Impairments in health care institutions are being established, which at least once a year submit a report on their work to the competent cantonal and Federal Ministries of Health and propose measures to improve activities of protection and treatment of persons with mental impairments. In addition to the aforementioned committees, in accordance with the amendments to the Law, the FBiH Committee for Monitoring the Protection of the Rights of Persons with Mental Impairments was established as an expert, independent, advisory body of the Federal Ministry of Health that monitors the protection of the rights of persons with mental impairments in primary, secondary and tertiary health care, in social protection institutions established in accordance with the Law on Founders' Rights and Obligations over Institutions of Social Protection in FBiH.⁵⁰ This Committee is multidisciplinary and is formed on the basis of a public announcement in accordance with the Rulebook on the Selection, Organization and Work of the Committee for Monitoring the Protection of the Rights of Persons with Mental Impairments in the FBiH⁵¹ and is appointed for a period of four years. The Committee reports to the Federal Minister of Health on the findings and proposes measures to improve the situation in this area 30 days after the supervision in the institution, and once a year. The reports of the committees are regularly monitored and analysed, and appropriate measures are taken if necessary. On average, the Committee carries out four to six inspections a year in healthcare facilities. When it comes to social institutions, this Committee has so far performed supervision in the Public Institution Institute for the Care of Mentally Disabled Children and Youth Pazarić and in the Public Institution Institute for Mentally Disabled Persons "Drin", Fojnica. Regarding the supervision, detailed reports were made as well as the recommendations for improving the situation in these institutions.

107. In the FBiH, the Law on Protection of Persons with Mental Impairments stipulates that every person with mental impairments voluntarily or forcibly placed in a health care institution has the right to: file complaints directly with the director of the health care institution or the head of the department with regard to the form of treatment, diagnosis, discharge from the institution and violation of their rights and freedoms; make requests and file, without supervision and restrictions, objections, appeals and other legal remedies to the competent courts or administrative bodies; consult at their own expense with a doctor or attorney of their choice. In addition to the above, these persons may file a complaint to the competent inspection.

108. In the FBiH, the Centre for Social Work, which has placed a child in a social care institution, is obliged to monitor his or her treatment in the institution for the purpose of care, protection, treatment of that person's physical or mental health. The Rulebook on Requirements for Work and Provision of Services in Social Welfare Institutions in the FBiH⁵² stipulates that the service provider is obliged to protect the human rights of beneficiaries, their interests and meet their basic and specific needs, depending on the category of beneficiaries. The service provider is obliged to clearly define the procedures for reviewing complaints of beneficiaries, and to enable the consideration of such complaints and response within 15 days from the date of receipt, as well as to keep records of them. The service

⁴⁹ Official Gazette of the BD BiH, 33/12 and 15/15.

⁵⁰ Official Gazette of the FBiH, 31/08 and 27/12.

⁵¹ Official Gazette of the FBiH, 44/13.

⁵² Official Gazette of the FBiH, 15/13 and 44/16.

provider must also enable beneficiaries to submit requests, complaints and other submissions to the competent authorities in order to protect their rights. Regulations in the field of social protection do not regulate the issue of providing compensation and rehabilitation to victims of violence and abuse in social protection institutions.

109. In accordance with the Action Plan in order to prevent future human rights violations under Article 5 of the Convention on Involuntary Accommodation of Persons with Mental Health Impairments in the RS, and based on the Judgment of the European Court, Hadžimejlić and Others v. BiH, planned are comprehensive analyses of material technical conditions in social and health care institutions, analysis of the need for additional equipment, intensified procedures of professional and inspection supervision over the work of social protection institutions in the care of persons with mental health impairments, etc.

110. In the past period, the implementation of the professional work of the Public Institution Home for Persons with Disabilities in Prijedor was supervised. Out of a total of 188 beneficiaries, 29 beneficiaries have been deprived of their legal capacity. These beneficiaries are also under the care of close relatives or employees of the Centres for Social Work and all beneficiaries have impaired intellectual functioning or multiple impairments. In the case of persons with mental health impairments who have been completely or partially deprived of legal capacity, they must be informed of their right to information on the possibility of submitting requests, complaints, appeals and other legal remedies to the competent judicial and other authorities.

111. Inspection supervision over health care institutions in the RS is performed by the health inspector in accordance with the law which regulates the field of inspections in the RS, and includes professional supervision and internal supervision. Professional supervision is performed regularly and extraordinarily, and the committee is appointed by the competent Ministry of Health. The request for extraordinary professional supervision can be submitted to the Ministry by the Fund, the health inspector, employees of the health institution for mental health protection and a citizen who is not satisfied with the service of the health institution for mental health protection, as well as his/her family. The Ministry assesses the justification of the request and decides on extraordinary professional supervision. The health institution is obliged to conduct internal supervision over the work of its organizational units, as well as over the work of health workers and health associates, and prescribes the manner of performing internal supervision. The Minister may temporarily prohibit the performance of psychiatric activities in a health institution for the protection of mental health, if he/she does not implement the ordered measures within the prescribed period.

112. In the field of social protection in the RS, internal, inspection and professional supervision is performed. Internal supervision⁵³ can be regular and extraordinary and is performed ex officio, or at the request of the beneficiary, or at the request of the founder of the social protection institution. The inspector in social protection is obliged to determine whether the work of the social protection institution, legal and natural person performing social protection activities, is harmonized with the Law on Social Protection of the RS and bylaws that regulate this area. The RS Ministry of Health and Social Welfare also supervises the implementation of the professional work of social protection institutions, regardless of in whose ownership the institution was established.

Article 17

Protecting the integrity of the person

113. In the FBiH, the Law on Rights, Obligations and Responsibilities of Patients guarantees every patient the right to information and participation in the treatment process, stipulates the right to self-determination and consent to a medical measure, including protection of the rights of a patient unable to consent. As a rule, no medical measure may be taken against the patient's consent. This Law explicitly states that a patient with a disability has the right to receive information in an accessible form, adapted to his/her educational level,

⁵³ It is performed in accordance with the Law on Social Protection of the RS, the Law on Republic Administration and the Law on Administrative Inspection. Inspection supervision over the implementation of the Law on Social Protection of the RS, and regulations adopted on its basis, is performed by the inspection in charge of social protection.

physical as well as emotional state, and to express consent in a form accessible to him/her. The same Law stipulates that if a patient is a minor or the patient is a person deprived of legal capacity, a medical measure may be taken against him with the notification and consent of his/her parent, legal representative or guardian, provided that the minor patient, or patient deprived of legal capacity, is involved in making a decision on consent to the proposed medical measure, in accordance with his/her maturity and ability to reason. If the interests of the patient and his/her parent, legal representative or guardian are opposed, the competent health worker is obliged to immediately inform the competent centre for social work.

114. In the FBiH, the Law on Rights, Obligations and Responsibilities of Patients, a medical measure without the consent of the patient, i.e. parents, guardians or legal representative of an incapacitated patient, can be undertaken only in exceptional cases determined by the Law and in accordance with medical ethics, that is, when it directly endangers the life and health of others, over a patient who is unconscious or for other reasons unable to communicate his/her consent to an emergency medical measure, as well as to conducting physical examinations and other actions for the purpose of criminal proceedings, or mandatory psychiatric evaluation in case of suspicion that the sanity of the suspect or accused of a criminal offense has been excluded or reduced, in accordance with the regulations on criminal procedure of the FBiH.

115. In the RS, in accordance with the Proposal of the Law on Protection of Mental Health, the consent of a person with mental health impairments to medical intervention in a written form provides a person with mental health impairments who, after an assessment of the ability to give consent, has been determined to understand the purpose, nature, consequences, benefits and dangers of medical intervention in accordance with the regulations governing out-of-court proceedings. Respecting the independence the person can consult a person in whom he or she has confidence. Exceptionally, if this person does not give his/her consent even after counselling for the purpose of support for giving consent to medical intervention, he/she may undergo medical intervention only with the consent of the legal representative in a written form. Consent to a medical measure may be withdrawn at any time in a written form. A person with a mental health impairment who may be subjected to the medical intervention without consent in the form of detention or placement if: the medical intervention is necessary to prevent significant deterioration of health, undertaking medical intervention without consent of the person is necessary to prevent endangering life and safety of that person or the life and safety of others.

Article 19

Living independently and being included in the community

116. The state strategy of de-institutionalization has not been adopted in BiH, as the issues of social care are within the competence of the entities, cantons and the BDBiH. No laws or other regulations have been enacted in the entities that guarantee that there will be no new investments in social welfare institutions.

117. The Government of FBiH has adopted the Strategy of De-Institutionalization and Transformation of Social Protection System in the FBiH (2014–2020), and in accordance with it, an Action Plan⁵⁴ has been developed. These strategic documents are aimed at improving the conditions for the development of protection systems that will ensure improved quality of life, non-discrimination, protection of human rights and freedoms for all beneficiaries of social protection through the transition from institutional to social care in the community. Regarding the financing of the de-institutionalization process, the Federal Ministry of Labour and Social Policy realized a capital transfer to social protection institutions aimed at improving the existing spatial conditions and establishing housing communities as a form of organized supported housing. The goals to be achieved are to improve the living conditions of the wards, to improve the existing infrastructural conditions for the functioning of institutions at the FBiH level, social welfare and training for

⁵⁴ The FBiH Government gave consent by virtue of the Government Conclusion number 1591/2017 dated 07 December 2017.

independent living and work tailored to the remaining abilities and implementation of work activities of the wards.

118. In the FBiH, within additional and continuous education of mental health professionals, especially with the support of the Mental Health Project in BiH, the participants are continuously acquainted with the provisions of the CRPD, including the importance of social inclusion and ensuring their right to be included in the community, that is, live in the community on an equal basis with others. Through this project, organizations of persons with disabilities are continuously involved in all activities of importance for the treatment and rehabilitation of persons with mental impairments; the work is being done on empowering them for independent living, but also on strengthening their capacity to take on social roles through targeted engagement in non-governmental organizations, relations with government bodies, there is also work is being done on strengthening their capacity for rhetoric, especially public speaking, etc.

119. In the field of social protection⁵⁵ in the RS, one of the goals is the de-institutionalization which represents the activities of relocating persons with disabilities from institutions to local communities in accordance with the individual welfare and protection plan, transformation of social protection institutions and development of support services.

120. Representatives of the associations of persons with mental health impairments are involved in drafting legal and strategic documents in this area, and these persons are also involved in drafting an individual recovery plan together with the expert team of the Centre for Protection of Mental Health, which is especially emphasized in the Draft Law on the Protection of Mental Health.

121. Most of the curricula for the social work studies at the universities of BiH have been updated and are in line with the provisions of the Convention. Thus, at the Department for Social Work at the University of Banja Luka, these issues are addressed through the subjects of social work with persons with disabilities, poverty and social inclusion and social policy, and at the University of Sarajevo these issues are addressed through two subjects dealing with persons with disabilities (children and adults).

122. The University of Tuzla Faculty of Special Education and Rehabilitation is the only institution of this type in BiH. At the study department Special Education and Rehabilitation at the Department of Intellectual Disabilities, the subject Support Programs in Working with Persons with Intellectual Disabilities was introduced, where teaching units were updated in the spirit of prevention of institutionalization and de-institutionalization. In the first year of undergraduate study, a subject called Inclusive Practice is studied. At the Senate session, the University of Tuzla adopted the Master Plan for the Development and Implementation of Social Dimension Strategies, which envisages a number of measures, which envisages measures to improve the accessibility of teaching materials and plans for inclusive teaching, which will oblige teachers and administrative staff and other faculties to acquire basic knowledge and improve the teaching, exams and other curricular obligations in accordance with the principles of inclusive education, and trainings for teaching and administrative staff have already been held.

Article 20

Personal mobility

123. In the FBiH, pursuant to Article 33 of the Law on Health Insurance⁵⁶ insured persons have the right to use orthopaedic and other aids. The list of orthopaedic aids is part of the Decision on the basic package of health rights,⁵⁷ while the scope of rights is determined by cantonal regulations⁵⁸ and is borne by the budgets of the cantonal health insurance funds. Aids are procured mainly through public procurement, with some exceptions where people can choose where to procure the aids. Trainings for the use of aids are mostly done within a

⁵⁵ Action Plan for Equalization of Opportunities for Persons with Disabilities in RS 2016–2026 (Goal 7.3.3.).

⁵⁶ Official Gazette of the FBiH, 30/97, 7/02, 70/08 i 48/11 and 36/18.

⁵⁷ Official Gazette of the FBiH, 21/09.

⁵⁸ A list of new cantonal regulations is given in the annex.

home that provides orthopaedic aids. There is an evident increase in the cost of orthopaedic aids in the FBiH, so in 2018 the costs amounted to BAM 27,306,197 and are higher by 4.8% compared to 2017 and have a growth trend compared to previous years.

124. The Institute for Health Insurance and Reinsurance of the FBiH provides the health service “humane reproduction of persons with disabilities”, which is financed by the Federal Solidarity Fund. A positive example is the Health Insurance Fund of Tuzla Canton, which annually evaluates the Uniform Lists of Orthopaedic and Other Aids, and has continuous and transparent cooperation with associations of persons with disabilities and, on the basis of their proposals, and in accordance with financial possibilities, expands this list and evaluates it. The Health Insurance Fund of Tuzla Canton does not conduct public procurement of orthopaedic and other aids, but the List determines the participation of the Fund in the procurement of aids that are realized by the insured person procuring aids from any legal or natural person engaged in the manufacture/delivery of aids. The participation of the Fund on the List of Aids is determined in the amount of the percentage of participation from the price of aids, and for certain aids the insured person bears the difference in the price of aids.

125. In the RS, the Rulebook on Amendments to the Rulebook on the Right to Orthopaedic and Other Aids⁵⁹ was adopted, which prescribes the content, scope and manner of exercising the right to medical aids as the right to health care, prescribed by the Law on Health Insurance. The right to a medical aid is exercised with a legal entity registered with the competent authority with which the Fund has concluded a contract on delivery of the medical aids to insured persons, in the manner prescribed by this Rulebook. The insured person exercises the right to a medical aid in accordance with medical indications and other conditions determined by the List of Medical Aids, on the basis of which the order for purchase/repair of a medical aid is issued, prescribed on the form attached to the Rulebook. The Rulebook on the Right to Orthopaedic and Other Aids from 2018/19 shortened the procedure for obtaining an orthopaedic aid, as well as the duration of it.

126. By concluding the Protocol on Cooperation between the RS Ministry of Labour, War Veterans and Disabled Persons’ Protection and the RS Health Insurance Fund on March 2, 2018, the possibility was given that war invalids – amputees and paraplegics can exercise the right to orthopaedic aid (medical device) through this Ministry in the form funds for the purpose of purchasing orthopaedic aids of their choice, in which case they may not exercise this right through the Fund in the manner prescribed by the regulations of the Fund and vice versa. Payment of funds for the purchase of orthopaedic aids is made in accordance with the internal act of the Ministry adopted on the basis of the said Protocol, which is an integral part of the List of orthopaedic aids for war invalids amputees and paraplegics for which the Ministry may approve funds and which stipulates the type, code, composition of the set of orthopaedic aids, value and duration of the orthopaedic aid. The RS Ministry of Labour, War Veterans and Disabled Persons’ Protection has concluded such a protocol with the Health Insurance Fund of the BDBiH.

127. In the Health Insurance Fund of the BDBiH, the Rulebook regulating the subject area was revised, and, as of 01 September 2019, the amended Rulebook on the Right to Orthopaedic and Other Aids of insured persons of the Fund is in force. In the process of procuring the necessary aids, the insured persons select the institution in which they will procure the aids, and the training of the beneficiaries on the use of the aids is performed by the competent doctor and the institution that delivers the aids.

128. Persons with disabilities in BiH still believe that the existing solutions for the procurement of aids are discriminatory, because they are different depending on the cause of disability and territorial affiliation. Disabled war veterans are in a more favourable position pertaining to procurement of better aids and rehabilitation services. They consider the solution in the FBiH to be especially bad, where the cantons are left to determine the scope of rights and the procedure for exercising them, without the criteria established at the FBiH level. They also believe that the funds provide a low amount of participation, and that the aids of insufficient quality are provided for non-war persons with disabilities.

⁵⁹ Official Gazette of the RS, 114/12, 59/14, 94/14, 100/14, 61/16, 7/17, 053/18, 112/18, 121/18, 21/19, 46/19.

Article 21**Freedom of expression and opinion, and access to information**

129. The Law on Sign Language has been adopted in the RS.⁶⁰

130. According to the Law on Communications,⁶¹ it is required to protect the interests of all beneficiaries of telecommunications services in terms of availability of these services, their quality and prices. According to Rule 68/2013⁶² on the performance of the activity of a provider of fixed public telephone services, the service provider should publish the phone directory in electronic form on its website so that it is possible to apply programs, the so-called “Screen readers”, in order to provide access for blind and partially sighted people.

131. BH Telecom as a socially responsible company, and a socially sensitive company, plans in the coming period to provide tools for adapting all its services to people with disabilities. Currently, the mobile version of their website has a rating of 83/100 on the Google Lighthouse Accessibility test, the desktop version on Web Accessibility has a rating of 81%, but will work on adjusting it in the coming period to reach 100%. Also, in the coming period, BH Telecom plans to establish the possibility of video calls to the contact centre, which would hire a worker with knowledge of sign language. BH Telecom d.d. Sarajevo offers packages of services intended for people with disabilities, and a service called “Tu sam/I’m here” which provides easier use for people with disabilities (the application contains a panic button, etc.).

132. Mtel a.d. Banja Luka does not currently provide information in accessible formats.

Article 23**Respect for home and the family**

133. The Law on Basics of Social Protection, Protection of Civilian Victims of War and Families with Children in the FBiH⁶³ stipulates that a family with a child with physical or mental disabilities/impairments and a family with one or both disabled parents are provided with more favourable conditions for acquiring and exercising rights and higher amounts of material and other benefits determined by this Law and the cantonal regulation. This Law also prescribes the right to social and other services in order to prevent the occurrence and mitigate the consequences of social problems.

134. In the document Public Policy on the Development of Foster Care in the FBiH,⁶⁴ the importance of organizing and conducting public campaigns aimed at affirming and promoting foster care in the FBiH is recognized, and the promotion of foster care in the FBiH is performed by non-governmental and international organizations dealing with child protection (HHC, UNICEF, etc.)

135. The RS Law on Social Protection⁶⁵ prescribes the following rights: financial assistance, allowance for assistance and care of another person, support in equalizing the opportunities for children and youth with disabilities, placement in an institution, foster care, help and care at home, day care, one-time financial assistance and counseling. These rights provide assistance to persons and families who are in a state of social need due to various circumstances, including disability.

136. The Strategy for Improving the Social Position of Persons with Disabilities in RS 2017–2026, as one of the goals in the field of social protection, envisages providing minimum social security for persons with disabilities according to the same criteria, regardless of the causes of disability. One of the activities to achieve this goal is to improve the rights through the introduction of disability benefits and a step in the prevention of accommodation of

⁶⁰ Official Gazette of the RS, 62/18, implementation under the authority of the Ministry of Education and Culture of the RS.

⁶¹ Official Gazette of the BiH, 31/03, 75/06, 32/10 and 92/12, Article 7, paragraph 2 c).

⁶² Official Gazette of the BiH, 17/13, Article 5, paragraph 5 b).

⁶³ Official Gazette of the FBiH, 36/99, 54/04, 39/06, 14/09, 45/16 and 40/18.

⁶⁴ Adopted by the Government of the Federation of BiH by virtue of the Government Conclusion. number: 1438/2015 dated 22 October 2015.

⁶⁵ Official Gazette of the RS, 37/12, 90/16 and 94/19.

persons with disabilities in institutions, and support for the families. In 2018 and 2019, the RS Government made decisions approving the placement of funds for the improvement of the position of persons with disabilities through personal disability benefits, and amendments to the Law on Social Protection were introduced in order to include benefits.

137. The RS Law on Child Protection⁶⁶ also prescribes the rights to child allowance and increased allowance for children with disabilities, and reimbursement of paid salary compensation during part-time work for the purpose of enhanced care for a child with developmental disabilities. By applying Strategy for Improving the Social Position of Persons with Disabilities in RS 2017–2026, a new right in the field of child protection has been standardized “Compensation to a parent caregiver or caregiver”. In this regard, amendments to the RS Law on Child Protection are planned in order to improve the minimum social security of children with disabilities, to support to the biological family and to prevent the placement of children in social protection institutions so the children can stay with their families. The new right in the field of child protection would be exercised as a financial compensation by parent caregivers or caregivers who take care of children with disabilities 24 hours a day.

138. The Strategy for Improving the Social Protection of Children without Parental Care in the RS (2015–2020)⁶⁷ envisages the development of foster care as a family care service for children without parental care. With the financial support of UNICEF, trainings were held for representatives of the Centres for Social Work in the RS, with the aim of developing their capacities in the coming period, improving competencies and training to assess the general ability of foster families to perform the foster role and tasks of foster parents.

Article 24 **Education**

139. BiH does not have a uniform strategy on inclusive education, but these issues are regulated at the levels of the entities, cantons and the BDBiH. Throughout BiH, the overall adaptation to inclusive education can be described as partial, but continuous work is being done to improve it.

140. All laws in the field of education in BiH guarantee every person the same right of access, equal opportunities to participate in appropriate upbringing and education and the enjoyment of equal treatment, without discrimination on any grounds, and no law contains discriminatory provisions. The principle of inclusion of persons with disabilities in the education system is normatively incorporated into all legal and other acts in the field of education in BiH.

141. Certain results have been achieved with the Strategic Directions for the Development of Education in BiH and the Implementation Plan 2008–2015 in the area of integration of these children into the regular school system, but these successes vary from one competent authority to another. Larger urban centres have a more developed approach to inclusive education, in contrast to rural and territorially disparate areas.

142. At the end of 2017, the competent education authorities in BiH, with the support of UNICEF, defined general recommendations for inclusive education.

143. Within the Joint Programme of the European Union and the Council of Europe “Quality Education in Multi-ethnic Societies”, (January 2018 to May 2019), the Ministry of Civil Affairs of BiH in cooperation with the competent education authorities in BiH prepared a document “Policy Recommendations with the Roadmap for the Promotion of Inclusive Education in BiH”. The recommendations are in line with the Council of Europe’s vision for quality education and Recommendation CM/Rec (2012)13 of the Committee of Ministers of the member states on ensuring quality education, as well as with international standards for quality education for all, especially in the segment of inclusion.

144. Also, based on the recommendations of the European Commission Subcommittee on Innovation, Information Society and Social Policy and the Stabilization and Association

⁶⁶ Official Gazette of the RS, 114/17,122/18 and 107/19.

⁶⁷ Adopted by the National Assembly of Republika Srpska at its VII session held on October 29, 2015.

Committee agreed between the European Commission and BiH in order to improve inclusive education and implementation of inclusive practices in BiH, the BiH Ministry of Civil Affairs prepared a document “Recommendations for inclusive education in BiH”, based on the results and agreed goals during the implementation of the Joint Programme of the European Union and the Council of Europe “Regional support for inclusive education”.

145. In the Strategy for Advancement of Rights and Status of Persons with Disabilities in the FBiH(2016–2021), Specific Objective 2 (Improve the accessibility of the environment for persons with disabilities through the removal of architectural and information-communication barriers, as a key aspect for their full inclusion in society) and Specific Objective 3. (Involve persons with disabilities in all areas of life on an equal footing with others, especially in the fields of education, cultural, sporting, public and political activities) provide for a range of activities related to the issue of accessibility in inclusive education.

146. The Federal Ministry of Education and Science promotes inclusive education and lifelong learning in the FBiH for pupils and students through the financing of projects in the field of inclusion and the development of strategic documents aimed at, or containing measures aimed at improving education for children with disabilities and students with disabilities.

147. Inclusive education is implemented according to various bylaws in the cantons of the FBiH, such as: Rulebook on Inclusive Education of Students with Special Educational Needs in the Zenica-Doboj Canton,⁶⁸ Rulebook on Education of Students with Special Educational Needs in Primary and Secondary Schools of Bosnian-Podrinje Canton Goražde, Rulebook on Inclusive Education,⁶⁹ etc.

148. The Tuzla Canton has adopted a Strategy for the Inclusion of Children with Disabilities in Education with a seven-year implementation plan.⁷⁰

149. The Ministry of Education, Science and Youth of the Sarajevo Canton has prepared a Strategy for the Inclusion of Strategy for the Inclusion of Children with Disabilities in Education with a seven-year implementation plan in the Sarajevo Canton.

150. Strategies for inclusive education have not been adopted in most cantons, but are planned to be adopted in the Zenica-Doboj Canton, Bosnia-Podrinje Canton of Goražde and Herzegovina-Neretva Canton. Inclusive education will be integrated into the education strategy of the West Herzegovina Canton as a special goal.

151. The architectural accessibility of the school environment in the FBiH varies, so it is better in some cantons, but the situation is progressively improving, and it is being worked on continuously. Most of the entrances are adequately arranged, while there is still a big problem of adapting the interior of schools. Individualized educational programs for children with intellectual disabilities who cannot follow regular curricula are regularly developed in schools, in cooperation with the parents of the children. For most children who need a teaching assistant, as well as other didactic and educational aids, they are provided and financed from the budgets of schools, local communities, competent ministries of education and from donor funds.

152. The Ministry of Education, Science and Youth of the Sarajevo Canton, in cooperation with Save the Children, provided a donation of six Roby caterpillars to overcome infrastructural barriers for children using wheelchairs in the Sarajevo Canton.

153. The Federal Ministry of Education and Science has allocated significant funding for inclusive education,⁷¹ with a number of activities funded by donors (UNICEF, Save the Children). The situation is diverse in the cantons, and there are significantly different allocations for inclusive education for financing various services such as: providing

⁶⁸ Official Gazette of the Zenica-Doboj Canton, 10/15.

⁶⁹ Official Gazette of the Sarajevo Canton, 32/19.

⁷⁰ Adopted at the 50th Session of the Assembly of the Tuzla Canton on March 29, 2018.

⁷¹ See the tables in the Annex.

transportation for students, teaching materials, professional staff (defectologists, assistants and for various other needs of inclusive education).⁷²

154. In some cantons, there are still no specific budget allocations for inclusive education, such as in the Herzegovina-Neretva Canton.

155. In accordance with the decision of the Ministry of Education, Science and Youth of the Sarajevo Canton, the organization “EDUS” was given space in 2019 in the Centre “Vladimir Nazor” in Sarajevo, in which it implements a program of preschool education to support children with autism spectrum disorders in the amount of BAM 1.200.000,00 for the year.

156. The Ministry of Education, Science and Youth of the Sarajevo Canton plans to form 20 professional, three-member support teams for schools, exclusively intended to support work with children with disabilities. The teams will consist of defectologists, psychologists and speech therapists, and will have the task of providing professional support to educational institutions from preschool to high school level in the form of early intervention, support for professional treatment, counselling for teachers and professional associates, education and assistance to teachers and professional associates in creating an individually tailored programs for the students, etc.

157. In the FBiH, cantonal pedagogical institutes conduct continuous training of teaching staff, and some of the topics are inclusive education. Some of the trainings were conducted with the support of donors such as UNICEF, Save the Children and the Association “DUGA”.

158. At the initiative of the Pedagogical Institute of Zenica, the project “Development of individual educational programs” was approved and will be implemented in 2020. This Institute previously conducted trainings on the following topics: Social cohesion, Education for social justice, Specific learning difficulties for Primary and secondary school students and the application of the Rulebook on Inclusive Education of Primary and Secondary School Students.

159. In the Bosnian-Podrinje Canton of Goražde, during the school year 2012/13, the amount of BAM 30,000 was invested in education in the field of inclusion and work with children with special needs, through the Project of Education for teachers and professional associates of primary and secondary schools in the field of inclusion and work with children with special educational needs in educational institutions in this Canton.

160. In the RS, the Ministry of Education and Culture, in cooperation with the Republic Pedagogical Institute, is implementing inclusion in schools. In accordance with the law, students with disabilities receive upbringing and education in regular schools (in regular, combined or special classes) or schools for children with disabilities. In schools for children with developmental disabilities, students are educated in accordance with the recommendations stated in the findings and opinion of the expert committee. Educational work for these students is realized on the basis of the curriculum, and individual educational programs proposed by the professional team of the school, and adopted by the teachers’ council. If the findings and opinion of the expert committee for needs assessment and guidance of children and youth with disabilities propose the engagement of a person to support a student with disabilities – assistants, the school will request the consent of the Ministry for his/her engagement.

161. Since the school year 2010/2011, the RS Ministry of Education and Culture has been financing assistants who have been approved as a priority for students with autism/combined impairments with elements of autism and students with physical disabilities (students with limited mobility and immobile students). Students with other disabilities are granted assistants depending on the available funds planned in the budget. The assistant provides technical assistance in moving and meeting hygiene needs, communication and social inclusion and other types of assistance, depending on the needs of students, at the suggestion of the teacher or the professional service of the school. From the school year 2010/2011 to

⁷² In the Tuzla Canton, the amount of BAM 542,500 was planned in the budget for 2019, in the Zenica-Doboj Canton, the amount of BAM 84,650.00, in the West Herzegovina Canton, the amount of BAM 1,780,100.

school year 2018/2019, the Government of the RS allocated a total of BAM 3,229,381 for the assistants.⁷³

162. In the professional services of primary schools in the RS in the school year 2018/2019, in addition to the obligatory pedagogue, a defectologist was hired in 21 schools, a psychologist in 125 schools, a speech therapist in 12 schools and a social worker in 9 schools. Curricula have been created for students with visual impairments, hearing impairments, mild intellectual disabilities, students with moderate and severe intellectual disabilities, and for children with autism.

163. In the RS, in addition to 187 primary and 92 secondary schools, there are four centres for education and upbringing of children with mental and physical disabilities, which, based on the decision on the type and degree of disability, mainly children with moderate and severe disabilities are referred to. These children, in addition to the professional educational service also need daily care and rehabilitation that can be provided there. The enrolment area of these centres is the entire RS, and these centres provide accommodation and meals for students who come from different cities in the RS.

164. The RS has set the goals in the Strategy for Improving the Social Position of Persons with Disabilities in RS 2017–2026 in the field of upbringing and education.

165. The Education Development Strategy of Republika Srpska 2016–2021 also sets the goals for improving the education of children with disabilities.

166. The equipment of schools in the RS with didactic resources and aids for working with students with disabilities, as well as with adequate literature, professional and practical, in regular classes is very modest. Material and technical working conditions in special institutions range from optimal to good fulfilment of pedagogical standards. All students in special institutions are educated according to special programs, depending on the type of disability that the student has, and classes are realized in combined classes. In the RS, so far, no textbooks have been printed for students with disabilities. Textbooks from the Republic of Serbia for special classes are used in special primary and secondary schools, as well as textbooks approved by the RS Ministry of Education and Culture and intended for regular education. Textbooks in Braille are being reprinted at the Centre for Children and Youth with Developmental Disabilities “Budućnost”.

167. Local self-government units provide part of the funds for co-financing the stay in the preschool institution for children with disabilities. The RS budget also allocates funds for financing schools for children with disabilities. Part of the costs are also borne by the local self-government units.

168. Every year, the Republic Pedagogical Institute of the RS organizes counselling for the areas of special education and inclusion. The main goal of this counselling is to improve the quality of education of students with disabilities in special institutions and classes, as well as in the process of inclusive education. The counselling is intended for defectologists/special educators and rehabilitators employed in special classes or professional associates and other educational profiles working in special classes, as well as teachers, pedagogues, psychologists and social workers in schools. The Republic Pedagogical Institute continuously organizes these counselling in the field of special teaching and inclusion, which is certainly not a training or a seminar, but it is an opportunity and possibility for teachers to be additionally informed and to strengthen their competencies.

169. The Law on Amendments to the Law on the Bar Exam in RS⁷⁴ exempts all persons with disabilities from payment of the bar exam fee.

170. The right to education of children with disabilities in the BDBiH is regulated by the Law on Primary and Secondary Education of the BDBiH⁷⁵ according to which children with “minor psycho-physical difficulties” who need to study under enhanced supervision of psychologists, pedagogues, speech therapists and defectologists, are educated in regular

⁷³ Table is provided in the Annex.

⁷⁴ Official Gazette of the RS, 84/19.

⁷⁵ Official Gazette of the BD BiH, 10/08, 25/08, 4/13, 48/16 and 22/17.

classes of primary and secondary school. At the same time, children who have “more pronounced difficulties in psycho-physical development”, attend classes in special classes of schools, according to the adapted curriculum. In that case, they are included in the rehabilitation and re-socialization program. All primary and secondary schools in the BDBiH have formed professional teams whose task is to work with children with special needs. Accessibility to the school environment is defined in Article 9 of the Law on Primary and Secondary Education of the BDBiH.

171. Within the University of Banja Luka is a University Centre for Assistance to Students with Special Needs. For registered students, the University Centre⁷⁶ provides additional education through various workshops. Such a workshop was initiated by the students themselves, and it was held in cooperation with the Citizens’ Association “Infopart” from Banja Luka, and an agreement was reached on a project to build a module for traffic lights with sound signalization that will be implemented in cooperation with the Faculty of Electrical Engineering and the city of Banja Luka.

172. Within the completed Tempus project EQOPP – BiH (Equal Opportunities for Students with Disabilities), trainings for the Vice Dean for Teaching and the Quality Assurance Coordinator, as well as representatives of the administrative staff from all faculties of the University of Banja Luka were realized. The task was for them to provide further education and training to the teaching and administrative staff at the faculties. Centre for Assistance to Students with Disabilities works for many years, which, from time to time, organizes trainings for teaching staff, as well as students with disabilities. The manuals and brochures for students with disabilities, as well as academic and administrative staff are posted on the website of this Centre.⁷⁷ The project auditors (three auditors, Austria, Spain and BiH) rated the Centre for Assistance to Students with Disabilities of the University of Banja Luka by far the best of all public universities in BiH.

173. Within the University of Banja Luka, inclusive education is studied at the Faculty of Philosophy, (study programs Teacher Training, Preschool Education, and Pedagogy) and at the Faculty of Political Sciences (study program Social Work).

174. Trainings for teaching staff at the University of Sarajevo are realized in organizational units through the implementation of domestic and international projects. The University has established a Student Support Office (UPS!) that provides support to students with disabilities in the study process, provides assistive technology and aids, organizes trainings for students, provides accessible literature and generally works to improve the quality of life. According to the Records, 92 students with disabilities study at the University of Sarajevo.

175. As part of the MATCH project, a local training course was held at the Faculty of Sports and Physical Education, as one of the mandatory project activities aimed at raising the awareness of students of this Faculty on social inclusion, and how it can be implemented through sports and sports activities.

176. The Erasmus + project “Library Network Support Services: libraries in Western Balkan” trained librarians on the rights and needs of people with disabilities, and highlighted the issue of library information services and services in higher education libraries as support to the learning and participation of students with disabilities.

177. In the academic year 2017/18, two cycles of training for teachers and associates of the Faculty related to inclusive education, including issues of persons with disabilities, were realized at the Faculty of Philosophy of the University of Sarajevo, with the financial support of UNICEF.

178. In the academic year 2018/19, the Office for Student Support of the University of Sarajevo has implemented a series of trainings for teaching staff on the topic of inclusive education within the project Higher Education – Education for All, funded by the UN

⁷⁶ There are 49 registered students with disabilities in the academic year 2018/2019.

⁷⁷ <http://www.centar.rs.ba/>.

agencies.⁷⁸ One of the modules related to inclusive education is included in the TRAIN training program (Training & Research for Academic Newcomers), which includes the implementation of modules for academic staff. The Office for Student Support provides the opportunity for consultations, counselling and assistance in the process of improving inclusiveness at the tertiary level of education.

179. The study program of Special Pedagogy within the Department of Pedagogy has been introduced at the Faculty of Philosophy of the University of Sarajevo, where inclusive education is studied. It is important to point out that the new document: the Rules of Study for the first cycle of studies, second cycle of studies, integrated, professional and specialist studies at the University of Sarajevo regulates the obligation of teacher studies to have the subject Inclusive Education with at least 3 ECTS credits. All students are expected to take this course in the coming academic years, which aims to raise an inclusive culture and practice at all levels of education.

180. The University of Tuzla has the Faculty of Special Education and Rehabilitation as the only institution of this type in BiH. The study of the first cycle is organized through three study departments, six departments and four narrow scientific fields. Inclusive education is studied in the first year of study in all three departments (Speech Therapy and Audiology, Special Education and Rehabilitation, Behavioural Disorders) through the subject Inclusive Practice where first cycle students are introduced to the definition, concept and strategy of inclusive practice and philosophical, legislative and educational establishment of inclusive practice and its application.

181. Equipment for students with disabilities is provided at the University of Istočno Sarajevo, as well as a database of these students. Within the project “Higher Education for All”, a Program for students and teaching staff was organized from May 28 to 29, 2019, the topic of which was inclusive education. More similar training programs are planned. Inclusive education at this University is studied at the Department of Special Education and Rehabilitation of the Faculty of Medicine in Foča, and in the fourth year of the first cycle of studies within the subject Speech Therapy, Developmental Disorders and Inclusive Education. In addition, in the study program Pedagogy at the Faculty of Philosophy, inclusive education is studied within the subject Special Pedagogy in the fourth year of the first cycle of studies.

Article 25

Health

182. In the FBiH, the training of health staff on the rights of persons with disabilities is carried out through regular education, professional training in the form of specialist programs, and through additional and continuous education.

183. In the territory of the FBiH, gynaecological dispensaries are organized at the primary level within the health centres. Unfortunately, the dispensaries are not adequately equipped to provide services to women with disabilities.

184. In the field of health care in the RS, laws and bylaws have been passed aimed at improving the health care and health insurance of persons with disabilities, which enables health care to be provided under equal conditions throughout the territory of RS. The greatest attention is paid to the Rulebook on the Right to Orthopaedic and Other Aids, which regulates the area of procurement of aids and means necessary for the communication of persons with disabilities. Networks of counselling services that would provide specific counselling services for parents who have children with disabilities, and for all other beneficiaries who need counselling and support related to disability, have been partially established in community physical rehabilitation centres and in community mental health centres.

185. The Strategy for Improving the Social Position of Persons with Disabilities in the RS (2017–2026) in the field of health care, sets a number of goals, such as: ensuring equal access

⁷⁸ (sources: <https://www.unsa.ba/doga%C4%91aji/program-obuke-iz-oblasti-inkluzivnog-obrazovanja> i <https://www.unsa.ba/novosti/ured-za-podrsku-studentima-realizirao-program-obuke-iz-oblasti-inkluzivnog-obrazovanja>) – also available in English on the website.

to health care rights and services for persons with disabilities, providing professional and other conditions for early diagnostic procedure and early interventions for children with disabilities, organizing continuous education of family medicine teams and other specialists in the field of health of women with disabilities, reproductive and sexual health, family planning and other specific areas, ensuring equal access to health services for women with disabilities, etc.

186. In order to improve physical accessibility in institutions where health care is provided to wheelchair users, a new Rulebook on Detailed Requirements for the Establishment and Operation of Health Facilities was adopted in accordance with the Law on Health Care⁷⁹ which clearly and precisely defines the minimum requirements for opening of the health facility.

187. Law on Health Care in the RS⁸⁰ prescribes that continuous education is a special type of professional training of health workers and health associates, which is organized to acquire knowledge and skills in order to monitor and apply modern scientific achievements.

188. The Strategy for the Promotion of Sexual and Reproductive Health in the RS (2019–2029) was adopted, in which special attention was given to the improvement of the sexual and reproductive health of persons with disabilities.⁸¹

189. In the BDBiH, training of health staff on the rights of persons with disabilities is carried out through regular education, professional training in the form of specialist programs, and through additional and continuous education. In the BDBiH, health care for women in the reproductive period is organized at the primary and secondary levels, but the dispensaries are not adapted for persons with disabilities.

190. World Vision in BiH in partnership with the Organization of Amputees “UDAS” within the project “Integrated socio-economic support to mine victims in BiH”, promoted peer support (support groups) as a proven successful complementary approach to traditional community rehabilitation services for mine victims, most often amputees. The project organized a workshop for 16 employees from mental health centres, physical rehabilitation centres and the centres for social work from 10 project municipalities in order to raise capacity in the field of peer support and challenges in the rehabilitation of mine victims and amputees.

191. According to organizations, most gynaecological dispensaries in BiH are not adequately equipped and adapted to the needs of women with disabilities. In those dispensaries which are in larger city centres and which have adequate equipment, the major problem is the staff who are not trained to provide support during examinations.

Article 27

Work and employment

192. In the reporting period, no changes were made to the labour legislation in BiH that would introduce the terms “reasonable accommodation” and “universal design” in accordance with the provisions of the Convention.

193. The term “reasonable accommodation” in the Law on Vocational Rehabilitation, Training and Employment of Persons with Disabilities in the FBiH⁸² is not present, but the term “adjustment of the workplace and working conditions” is used. The FBiH Fund for Professional Rehabilitation and Employment of Persons with Disabilities provides the possibility of adjusting the workplace and working conditions through incentives, namely a financial incentive for employment and financing and co-financing of sustainable employment programs for persons with disabilities. The term “universal design” is also not defined by this Law.

⁷⁹ Official Gazette of the RS, 53/17 and 98/17.

⁸⁰ Official Gazette of the RS, 106/09 and 44/15.

⁸¹ Official Gazette of the RS, 95/19.

⁸² Official Gazette of the FBiH, 9/10.

194. The current RS Labour Law⁸³ does not have provisions defining “reasonable accommodation” and “universal design”. These issues “are somewhat resolved by the Law on Vocational Rehabilitation, Training and Employment of Disabled Persons, but they can be better defined in the Law in the coming period, given that changes are planned. So far, no standards of “reasonable accommodation” and “universal design” have been promoted in the private and public sectors in the RS. This is mainly done on an ad-hoc basis, on a case-by-case basis in the employment of persons with disabilities through projects and programs in which an adjusted workplace is one of the basic conditions and which must be met by the employer in order to be granted incentives.

195. In the BDBiH, there are still no law and a fund for professional rehabilitation and employment of persons with disabilities, but work is underway to pass this law. This means that there are no special projects related for the employment.

196. World Vision in BiH, in partnership with the Organization of Amputees “UDAS”, within the project “Integrated socio-economic support to mine victims in BiH” especially promoted self-employment and entrepreneurship of persons with disabilities. A total of 60 people with disabilities (57 mine survivors and 3 families of mine victims) were supported through a set of integrated economic support activities to start or expand their own small businesses. Selected users in 11 municipalities participated in small business training, visited agricultural fairs to improve their product promotion and sales skills, and received tools and equipment worth an average of € 2,400 per user to start or expand their businesses. The total number of members in 60 supported families is 266, including 69 minor children.

197. Various employment and self-employment programs within active employment measures are implemented by the Federal Employment Agency and cantonal employment services in accordance with their annual work programs, in which they plan the participation of unemployed persons, including persons with disabilities.

198. The Federal Employment Agency and cantonal employment services, independently and in cooperation with the non-governmental sector, organized and participated in various conferences, working groups and round tables on the implementation of promotional activities for employment of persons with disabilities on an equal basis for all persons with disabilities in the open labour market.

199. In accordance with the competencies from the Law on Mediation for Employment and Social Security of Unemployed Persons⁸⁴ and the Rulebook on Records in the Field of Employment,⁸⁵ cantonal employment services carry out group information, individual counselling, individual consultations and preparation for work so that the easier, conditionally and harder to employ unemployed persons can actively search for work and find employment, and this right is equally exercised by persons with disabilities.

200. During the reporting period, the FBiH Fund for Vocational Rehabilitation and Employment of Persons with Disabilities promoted, inter alia, the right to work for persons with disabilities and the employment of persons with disabilities at 112 promotional activities (conferences, round tables, presentations, workshops, etc.) and employment of persons with disabilities on an equal basis for all persons with disabilities in the open labour market, regardless of the cause of the disability.

201. Through a financial incentive the Fundco-financed and financed the employment of 4,015 persons. When granting funds, preference is given to persons with disabilities who are employed on the open labour market.

202. In the FBiH, it is evident that a large number of employers avoid fulfilling their obligations under Articles 18 and 19 of the Law on Vocational Rehabilitation, Training and Employment of Persons with Disabilities, i.e. they avoid employing persons with disabilities and paying special contributions in accordance with the Law. The Fund has already launched a number of activities pertaining to the amendments to this Law.

⁸³ Official Gazette of the RS, 1/16 and 66/18.

⁸⁴ Official Gazette of the FBiH, 55/00, 41/01, 22/05 and 9/08.

⁸⁵ Official Gazette of the FBiH, 74/18.

203. In the RS, persons with disabilities are equally included in the open labour market under general conditions through the Employment Agency and independently under the conditions established by the regulations governing employment mediation without adjusting the workplace or jobs and workplace.⁸⁶

204. The RS Ministry of Labour, War Veterans and Disabled Persons' Protection, the Employment Agency and the RS Fund for Professional Rehabilitation and Employment of Disabled Persons carry out activities for employment of persons with disabilities on an equal basis for all in the open labour market, regardless of the cause of disability. This employment is carried out through annual Employment Action Plans through public calls and targeted programs and projects for people with disabilities, because these people are one of the target categories of the Employment Strategy of the RS in the previous and now valid period of 2016–2020. Special incentive measures are envisaged for employers who employ persons with disabilities in the form of a larger amount of funds, more favourable conditions for participation in public calls and other employment conditions.

Article 28

Adequate standard of living and social protection

205. The Federal Ministry of Labour and Social Policy has had several initiatives in an effort to equalize disability benefits in the FBiH, regardless of the cause of the disability. In that sense, it prepared a draft Law on Uniform Principles and the Framework for Disability Support for Persons with Disabilities in the Federation of BiH, which the Government of the Federation of BiH sent to the parliamentary procedure. The House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina adopted the Draft of this Law in 2014 and it was sent for consideration and adoption to the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina, but it has not been adopted so far.

206. At the initiative of this Ministry, the Rulebook on the Criteria and the Procedure of Medical Expertise of Health Status and the Uniform List of Disabilities were prepared and harmonized, according to which the Institute for Medical Expertise of Health Status would assess all persons with disabilities regardless of the cause of the disability. However, the Board of Directors of the Institute has not yet adopted these documents.

207. Protection of persons with disabilities in the RS is provided through laws in various fields, and activities have been undertaken to improve their protection through amendments to these laws, but no activities have been undertaken to provide all persons with disabilities, regardless of the cause of disability, compensation for bodily injury.

208. War invalids and civilian victims of war, precisely because of the causes of disability, represent a separate group who are protected by special regulations, both in the RS, the FBiH, the BDBiH, and in the surrounding countries established following the breakup of the former Yugoslavia, from which the model of veteran-disabled protection and protection of civilian victims of war was basically taken over. For the occurrence of disability in war invalids and civilian victims of war, the cause are the circumstances of war for which the country is responsible, and is obliged to allocate financial compensation for the disability for which it is responsible in proportion to the sustained disability. For this reason, there was no equalization of benefits for war and non-war invalids, because the country has a greater degree of responsibility in allocating benefits for war invalids who did not have physical injuries, but sustained them in performing military duties, by order of the country, with coercive measures.

209. In accordance with the constitutional competencies, the rights of persons with disabilities are within the competence of the entities and the BDBiH, which enact regulations and finance the rights determined by these regulations from separate budgets, according to the place of residence of the person. Given that these are separate legal systems, there has been no activity to equalize these rights between these levels of government in the previous period.

⁸⁶ Article 21, paragraph 2 of the Law on Professional Rehabilitation, Training and Employment of Disabled Persons.

Article 29**Participation in political and public life**

210. In the reporting period, there were no amendments to the Election Law of BiH related to active and passive political rights for persons with disabilities in the election process. The existing Law does not deny persons with disabilities the right to vote and they can vote and be elected. The Law and Rulebook on Conduct of Election in BiH⁸⁷ define the right of persons in need of assistance of voting assistants, and also prescribe a mobile team for those voters who are unable to go to the polls due to disability (or other reasons). The Central Election Commission of BiH does not keep records of political engagement and interest in it by persons with disabilities, nor have there been cases where someone sought help or indicated a problem related to disability in exercising their rights before the Central Election Commission of BiH.

211. Regarding the exercise of voting rights for persons with disabilities deprived of legal capacity, Article 3.2 paragraph (3) of the Election Law of BiH stipulates that the Central Voters Register does not contain the names of BiH citizens who have been deprived of full legal capacity by a final decision of the competent body. If a person's legal capacity is revoked, he/she will be deleted from the Central Voters Register, and if a person's legal capacity is returned to him/her it will be entered in the Central Voters Register. As for the partially deprived legal capacity decided on by the competent courts, those persons have the right to vote and to be elected if the final decision of the competent court does not state that this right has been taken away from them. The Central Election Commission of BiH does not have records of data in the Central Voters Register on voters whose legal capacity has been revoked:

- According to the received information, in the past period in the RS there were several persons with disabilities who participated in election process, and one person with disabilities (amputee) won a mandate in the National Assembly of the RS.

Article 30**Participation in cultural life, recreation, leisure and sport**

212. The Ministry of Foreign Trade and Economic Relations of BiH, at the initiative of the Institute for Intellectual Property of BiH, sent to the Council of Ministers of BiH a draft basis for initiating the procedure for BiH's accession to the WIPO-administered Marrakesh Treaty to facilitate access to published works for persons who are blind, partially sighted, or otherwise unable to use printed material. The basis for accession to this international Treaty was adopted by the Council of Ministers on October 16, 2019, and it was sent to the Presidency of BiH. After that, it will be sent to the Parliamentary Assembly of BiH for ratification.

213. World Vision BiH in partnership with the Organization of Amputees "UDAS" within the project "Integrated socio-economic support to mine victims in BiH", in a specially created set of activities promoted the right of persons with disabilities to participate in cultural and sports life on the basis of equality with others (Sitting Volleyball Tournament, Art Colony and Traveling Exhibition).

214. The Library for the Blind and Visually Impaired Persons in BiH in Sarajevo and the Special Library for the Blind and Visually Impaired Persons in the RS in Banja Luka are intended to provide library services for visually impaired, and are intended for general education, information and meeting the cultural needs of these persons.

C. Special obligations (Articles 31–33)**Article 31****Statistics and data collection**

215. There is still no harmonized systematic data collection and maintenance of records on persons with disabilities in BiH. The records are distributed in accordance with the samples

⁸⁷ Official Gazette of BiH, 69/18.

in three systems in each entity and the BDBiH, and the criteria is not harmonised and the data are not comparable.

216. The 2013 Census of Population, Households and Dwellings in BiH collected data in accordance with the recommendations of the Washington Group on Disability Statistics (abbreviated set of questions). The data collected can be disaggregated according to all the demographic characteristics that were the subject of the census, which is also in line with the characteristics given in the recommendation. It is important to note that the information was given personally by the respondent according to the respondent's self-assessment and that the responses were recorded as given by the respondent.

217. The Federal Bureau for Statistics conducts an annual survey in the field of social protection on the basis of the FBiH Law on Statistics⁸⁸ and the Plan for conducting statistical surveys of interest to the FBiH. Data on minors and adults with disabilities are collected through regular annual surveys from centres for social work and social protection services. The methodology applied is not fully harmonized with international regulations and standards, but the Bureau is continuously working on updating it.

218. The Federal Ministry of Labour and Social Policy has a SOTAC database that is used in the implementation of material benefits established by the Law on Basics of Social Protection, Protection of Civilian Victims of War and Families with Children in the FBiH for non-war disabled persons and civilian victims of war for all beneficiaries from the territory of the FBiH. The database is electronic and is updated automatically in the process of use and include variables such as age, gender, residence, type and cause of disability, but do not include nationality, socio-economic status, employment, and barriers.

219. The Strategy for the Advancement of Rights and Status of Persons with Disabilities in the FBiH 2016–2021 plans to introduce a system for monitoring data in accordance with the Convention, which should be managed by the Federal Bureau for Statistics, and all competent institutions at all levels of the government in the FBiH are obliged to collect data.

220. The RS Institute of Statistics collects statistical indicators in accordance with multi-annual work programs and annual work plans, based on the EU Statistical Requirements Compendium and other relevant statistical standards. The Institute develops programs and work plans in cooperation with other producers of statistics at the level of the RS, and within the statistical system of BiH, taking into account the needs of users. For these surveys, data are collected on an annual basis.

221. In the field of veteran-disabled protection, protection of civilian victims of war and victims of war torture, the RS Ministry of Labour, War Veterans and Disabled Persons Protection ensured keeping records through the application of the RS Rulebook on Uniform Registry of Beneficiaries of Rights in the Field of War Veterans and Disabled Persons' Protection⁸⁹ and the Rulebook on Uniform Registry of Beneficiaries of Rights⁹⁰ relating to the records of victims of war torture.

222. In the field of labour and employment in the RS, and in accordance with the Law on Vocational Rehabilitation, Training and Employment of Disabled Persons, records are kept on employees with disabilities by the Fund for Professional Rehabilitation and Employment of Persons with Disabilities based on the Rulebook on Records of Employees with Disabilities⁹¹ by the RS Employment Agency. Records on beneficiaries of rights in the field of veteran-disabled protection and protection of civilian victims of war in the RS contain data disaggregated by age, sex, residence, nationality, type of disability, cause of disability, socio-economic status, but also other characteristics. The collected data on employed and unemployed persons with disabilities are classified by age, sex, residence, type of disability, cause of disability, socio-economic status, employment and other characteristics prescribed by the procedures. In the field of veteran-disability protection and protection of civilian victims of war in the RS, and in the field of labour and employment, it is not planned to

⁸⁸ Official Gazette of the FBiH, 63/03 and 9/09.

⁸⁹ Official Gazette of the RS, 66/12.

⁹⁰ Official Gazette of the RS, 116/18.

⁹¹ Official Gazette of the RS, 61/12.

further improve the system of statistical collection and processing of data, as they are considered to be in accordance with the Convention and the relevant recommendation.

223. The RS Institute of Statistics within the Social Protection Statistics collects data through regular statistical surveys “Beneficiaries and forms of social protection” and “Institutions of social protection for children, youth and adults with disabilities” (data are classified by type of disability, age, sex and place of residence). Data are collected from centres for social work and social welfare services, in the municipalities that do not have centres, and from social welfare institutions that accommodate persons with disabilities. Within the Social Protection Statistics, data collected through the annual ESSPROS survey (European System of Integrated Social Protection Statistics), related to disability are financial allocations of budgetary institutions (ministries, funds and local governments) for social protection of the persons with disabilities in the RS as a whole. The data collected include: cash benefits, disability care allowances, benefits in kind, disability pensions, early retirements in case of reduced ability to work, benefits for the economic integration of the persons with disabilities, accommodation of the persons with disabilities and assistance in performing daily tasks.

224. In addition to the above, the statistical survey of primary and secondary education, the RS Institute of Statistics collects data on the number of students in special schools by type of program, depending on the type of disability, while in higher education data are collected on students with disabilities.

225. Through a statistical survey of primary and secondary education, data are collected by age and gender. Data on students with disabilities are classified according to gender, age, place of residence, highest level of education, year of study, and method of subsistence during their studies.

Article 33

National implementation and monitoring

226. At the state level, the Ministry of Human Rights and Refugees of BiH and the Council of Persons with Disabilities of BiH monitor the implementation of the Convention.

227. In BiH, not all individual contact points for monitoring the Convention have been appointed at all levels of government, and in all competent institutions. Nevertheless, key institutions at all levels of government monitor its implementation through their work and through monitoring the implementation of entity strategies, based on the provisions of the Convention through entity expert bodies (Coordination Body of the Government of the FBiH for Monitoring, Coordination and Reporting on the Implementation of the Activities of the Strategy for Advancement of Rights and Status of Persons with Disabilities in the FBiH (2016–2021) and RS Government’s Interdepartmental Body for the Assistance to and Protection of Persons with Disabilities).

228. Most of the ministries responsible for the exercise of the rights of persons with disabilities within the establishment plan, employ officials who have a statutory obligation to monitor implementation and report under the Convention.

List of Annexes

1. Annex I to the Report
 2. Entity Strategies
 - Strategy for Advancement of Rights and Status of Persons with Disabilities in the Federation of Bosnia and Herzegovina (2016–2021)
 - The Strategy for Improving Social Status of the disabled in the Republic of Srpska (2017–2026)
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