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Number: Oi-K-BL-118/24

Date: 23 February 2024

**United Nations Committee on the Rights of Persons with Disabilities**

**crpd@ohchr.org**

**Attn. CRPD Secretary**

**Report of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina on the implementation of the UN Convention on the Rights of Persons with Disabilities in Bosnia and Herzegovina**

**I. INTRODUCTION**

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (hereinafter referred to as "IHROBiH") was established in 1996 in accordance with Annexes IV and VI of the General Framework Agreement for Peace in Bosnia and Herzegovina. Under Article 1 of the Law on Human Rights Ombudsman of Bosnia and Herzegovina (The Official Gazette of BiH, no 19/02, 35/04, 32/06 and 61/23), IHROBiH is an independent institution established with a view to promoting good governance and the rule of law and the rights and freedoms of natural persons and legal entities. IHROBiH is also an equality body and a central FOI institution and performs the duties of a national preventive mechanism. Since it was established, IHROBiH has been accredited with A status by the GANHRI Subcommittee on Accreditation in accordance with the Optional Protocol to the Convention against Torture. There is the Department for Monitoring the Exercise of the Rights of Persons with Disabilities established within IHROBiH, competent for the protection and promotion of the rights of persons with disabilities.

While drafting the Report, IHROBiH will refer to the recommendations of the UN Committee on the Rights of Persons with Disabilities provided in the Concluding Observations.

**II. GENERAL COMMENTS**

Bosnia and Herzegovina ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol (The Official Gazette of BiH - International Treaties, no 11/09) on 12 March 2010. The presentation of these observations was drafted based on the competences established in the Constitution of Bosnia and Herzegovina and the entity constitutions (RS Constitution and FBiH Constitution). Therefore, Ministry of Civil Affairs of Bosnia and Herzegovina is responsible for conducting work and performing tasks within the competence of Bosnia and Herzegovina which refer to establishing the fundamental principles for coordinating activities, harmonising the plans of

entity authorities and defining the strategy at international level in the fields of: healthcare and social protection, pensions, science and education, labour and employment, culture and sport.<sup>1</sup> Under Article III/3 of the Constitution of Bosnia and Herzegovina, social policy and social protection fall within the exclusive jurisdiction of the entities and the Brčko District of Bosnia and Herzegovina, and in the Federation of Bosnia and Herzegovina the competence for social protection is divided between the entities and cantons.

### III. POSITIVE ASPECTS

An overview of the most important documents adopted by the competent authorities in Bosnia and Herzegovina, aimed at the implementation of the Committee's Recommendations and the improvement of the position of persons with disabilities, will be provided in this chapter:

1. The FBiH Government adopted *the Decision on Drafting the 2022-2027 Strategy for Advancing the Rights and Position of Persons with Disabilities in the FBiH*. The 2017-2026 *Strategy for Advancing the Social Status of Persons with Disabilities in the RS* was adopted in the Republika Srpska..
2. *The FBiH Draft Act on the Protection of Mental Health* has been drafted and is currently tabled. This law regulates in one place the protection of mental health at all three healthcare levels (primary, secondary and tertiary) and for the first time decisively establishes the principles on which this system should be based and establishes a set of rights of persons with mental disorders, which until now was not the case. (Committee Recommendation no 27, 29, 33 and 45)
3. *The Act on Social Protection Institutions* (FBiH OG, no 64/22) was adopted in the FBiH and IHROBiH also took part in the adoption process, by sending comments to the Draft Act. It is important to mention that a number of IHROBiH recommendations were included in the text of the aforementioned law. (Recommendation number 35).
4. *The Draft Act on Uniform Principles and Framework for Financial Support to Persons with Disabilities* was determined, providing the definitions of persons with disabilities and disabilities themselves, the uniform principles and institutional model for assessing the degree of disability, the framework and the uniform approach of financial support for persons with disabilities. In addition, fundamental rights are determined, the scope and conditions under which they are exercised, the base for these rights, and financing, the purpose of payment of monetary compensation for recognised rights, the procedure for exercising fundamental rights, supervision over the application of laws and other issues of importance for the exercise of fundamental rights of persons with disabilities in the territory of the FBiH. IHROBiH will monitor the process of adoption of the aforementioned law. (Committee recommendation no 9)

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<sup>1</sup> Article 12, Act on Ministries and Other Bodies of Administration of Bosnia and Herzegovina, *BiH OG*, no 5/03, 42/13, 26/04, 42/04, 45/06, 88/07, 35/09, 59/09, 103/09, 87/12, 6/13 and 19/16

5. The Management Board of the Institute for Forensic Medical Examinations in the FBiH adopted *the Rulebook on the Uniform Criteria and Rules of Procedure for Forensic Medical Examinations* (FBiH OG, no 63/21), regulating the uniform criteria and rules of procedure for forensic medical examinations carried out at the Institute for Forensic Medical Examinations. The Rulebook contains a uniform List of Disabilities, and it is important to point out that with the adoption of the aforementioned Rulebook, the application of the Instructions that were previously applied with the List of Disabilities ceased. In this way, IHROBiH's long-standing insistence that the assessment of disability should be returned to the legal domain and that the application of the Instructions based on the discretionary assessment of the Medical Commission be stopped.
6. *The FBiH Act on Parent Carers* was adopted (FBiH OG, no 75/21), with implications on children with disabilities, as well.
7. The appointment of the *Council of Persons with Disabilities* by the Council of Ministers of Bosnia and Herzegovina is underway, as requested by the IHROBiH recommendation in the Special Report on the Effectiveness of Legal Solutions in the Professional Rehabilitation and Employment of Persons with Disabilities in BiH. (Committee Recommendation no 7).
8. The *Act on Financial Support for Families with Children* was adopted in the FBiH (FBiH OG, no 52/22), which made a significant step forwards in the context of improving the position of families with children. The main objective of the Act is to provide children in the FBiH with approximately equal material conditions for healthy and proper psychophysical development in the family, and to ensure equal access to rights in the protection of families with children. This is particularly important in the context of the issue of different regulation of certain rights in the cantons, which was exactly the case with child allowance, so until the adoption of this Act, some cantons did not even pay child allowance, while the amount of the allowance in the cantons varied depending on the economic power of the canton. (Committee Recommendation no 41)
9. The European Court of Human Rights in Strasbourg issued a judgement in the case of Hadžimejlić and others against BiH<sup>2</sup>, in which it found that the rights of persons deprived of legal capacity and placed in social protection institutions were violated. The judgement found that Bosnia and Herzegovina violated Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, because the applicants were placed in a social protection institution for many years, without a valid legal basis, that is, without a court decision, considering that that continuous judicial control of the justification and expediency of keeping applicants in social protection institutions is not ensured. *Amendments to the FBiH Family Proceedings Act and the FBiH Act on Extrajudicial Procedure* are underway, implementing the principle that the European Court of Human Rights pointed out to in the aforementioned judgment.

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<sup>2</sup> Judgment Hadžimejlić and others v. BIH, available at [http://www.mhrr.gov.ba/ured\\_zastupnika/odluke/PRESUDA%20HADZIMEJLIC%20I%20DRUGI%20protiv%20BIH.pdf](http://www.mhrr.gov.ba/ured_zastupnika/odluke/PRESUDA%20HADZIMEJLIC%20I%20DRUGI%20protiv%20BIH.pdf).

10. In February 2020, the FBiH Ministry of Labour and Social Policy issued the Instruction to Regulate the Procedure and Method for Justifying Funding Intended for Beneficiaries Allocated with Funds from Fees on Organising Games of Chance. This way, there is greater control over the spending of funds intended for the associations' project activities. (Committee Recommendation no 7).
11. *The Act on the Protection of Mental Health* was adopted in the RS (RS OG, no 67/20), regulating the promotion of mental health, prevention and early detection of mental health disorders, rights and obligations in the protection field, and medical intervention for persons with mental health disorders. This Act also regulates the confidentiality of data from medical documentation and records of persons with mental health disorders, social inclusion and life in the community, prohibitions in the protection of mental health, supervision, as well as other issues of importance for the protection of mental health. (Committee Recommendations no 27, 29, 33 and 45).
12. The RS Government adopted *the 2020-2030 RS Strategy for the Development of Mental Health*. This Strategy aims to improve the existing and develop new ways of protecting the mental health not only of individuals, but also of society as a whole. Also, the goal is to reduce the occurrence of mental problems and disorders, increase the availability of quality and timely provision of health services, rehabilitation and social inclusion of persons with mental health disorders, thereby strengthening their role in decision-making in the aforementioned processes, all with a view to increasing personal satisfaction, health of citizens; reducing the costs of providing mental health services, and encouraging economic and social development.
13. The RS Government adopted *the RS Social Protection Strategy (2023-2029)*, one of the objectives of which is the improvement of inspection supervision in social protection, continuous provision of adequate conditions for the accommodation capacity of beneficiaries in social protection institutions, redefining the minimum requirements for the start of the work of social protection institutions and performing social protection activities, establishing a licensing system for social protection institutions in order to increase the quality of service provision, etc.
14. In relation to Recommendations no 29 and 31, the Law on Amendments to the Law on Human Rights Ombudsman of Bosnia and Herzegovina was adopted, creating a legal framework for the establishment of an independent preventive mechanism.
15. By establishing a preventive mechanism in Bosnia and Herzegovina, visits will be made to places that are particularly exposed in terms of torture, i.e. places where persons are deprived of their liberty, such as institutions for the execution of criminal sanctions (prisons and detention centres), police stations, immigration centres, institutions for the accommodation of persons with intellectual disabilities and mental difficulties (psychiatric hospitals, forensics) who have committed criminal acts, etc.
16. Bearing in mind the numerous challenges and issues that persons with disabilities face when it comes to accessibility, IHROBiH created a document in 2022 entitled *Guidelines for*

*Improving Everyday Communication with Persons with Disabilities*<sup>3</sup>. Recognising the importance of adequate and human rights-based access to persons with disabilities, with this document IHROBiH tried to contribute to raising the awareness of the public, public authorities and legal entities of the importance of respecting the integrity, dignity and equality of persons with disabilities. Adjusting communication is one of the key ways to exercise human rights to freedom of expression.

#### **IV. PRINCIPAL AREAS OF CONCERN**

- There is still no single definition of "disability" in Bosnia and Herzegovina. Currently, different entity and cantonal laws define the concept of a person with a disability in the jurisdiction they regulate (social protection and healthcare laws).
- At the levels of the Federation of BiH , Republika Srpska , Brčko District of BiH, there is no database of persons with disabilities, with certain parameters on the basis of which the exact number of persons with disabilities and their structure would be determined, and one of the obligations highlighted by the European Commission Report is to improve the collection of data including sex-disaggregated data.
- The acts on professional rehabilitation and employment of persons with disabilities in both entities have not yet been amended in terms of the IHROBiH recommendations from the Special Report on Experiences in the Application of Acts on Professional Rehabilitation and Employment of Persons with Disabilities. This act has not yet been adopted in the Brčko District of BiH.
- The Act on the Use of the Sign Language has not yet been adopted in the FBiH, as previously done at the levels of BiH (BiH OG, no 75/09) and the RS (RS OG, no 62/18 )

#### **Equality and non-discrimination**

The BiH Prohibition of Discrimination Act includes disability as a ground for discrimination, which stipulates that affirmative measures aimed at equalising opportunities for persons with disabilities will not be considered discrimination (Article 5).

In relation to the Committee Recommendation no 11, unequal treatment is still observed in terms of:

- the mismatched growth of personal disability allowance (PDA) compared to the costs of living; exemptions from the right to PDA of a number of members; and different treatment with regard to the grounds of disability.
- non-recognition of the status of parent carers to persons older than 30 years after the amendments to the RS Child Protection Act. This is about children with permanent severe

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<sup>3</sup> Guidelines for Improving Everyday Communication with Persons with Disabilities, available at: [https://www.ombudsmen.gov.ba/documents/obmudsmen\\_doc2022120108585014bos.pdf](https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2022120108585014bos.pdf); The document was presented to the public on 1 December 2022, on the occasion of celebrating the International Day of Persons with Disabilities.

disabilities whose condition has not changed, whose disability is permanent and only because of age the parent loses the right to the status of parent carer. It is about parents who cannot work precisely because of providing daily care to the child.

- in connection with the exercise of the right to PDA for persons with disabilities who acquired their disability exclusively during the development period, i.e. up to the age of 18, provided for in the Amendments to the RS Social Protection Act, IHROBiH considers it necessary to harmonise the requirements for recognising the right to PDA with the needs of persons with disabilities, and not according to the time of onset of disability. In the Federation of Bosnia and Herzegovina and Brčko District, persons with disabilities and persons with physical and mental disabilities exercise this right regardless of the origin of the disability.
- regarding solving the issue of exercising the rights of persons with disabilities and revising the legislation in such a way that all persons with disabilities ("war and non-war" persons with disabilities) and enabling an equal initial position, in terms of the grounds for exercising rights, as well as to unconditionally implement the CRPD Recommendations.

### **Children with disabilities**

In connection with the implementation of the Committee Recommendation no 15 (b), after the entry into force of the FBiH Act on Parent Carers, there were a lot of complaints regarding its application, which are related to the procedure prescribed for the review of the adopted decisions recognising the right, without determining the deadline in which the FBiH Ministry of Labour and Social Policy should finalise that procedure, while at the same time postponing the start of the application of the right established by the decision. Such a legal solution ultimately brings the applicants, parents of the most difficult categories of disabled persons, to a state of uncertainty as to whether and when the right will finally be recognised, that is, when compensation will begin to be paid to them. According to the response that IHROBiH received from the Ministry, a proposal for amendments to the aforementioned Act will be prepared in the following period.

The RS Child Protection Act, which provides for the right to compensation for the parent carer, introduced requirements that exclude a certain category of persons pertaining to the right to education. Namely, the aforementioned provisions of the Act stipulate that the right to compensation to the parent carer or carer shall be exercised by one of the parents until the child reaches the age of 30 who... 3) is not able to train to work in this profession through continuing education according to the findings of the professional commission, in accordance with the law regulating the field of social protection. Since in this particular case it is a person who continued her professional education, it is undeniable that her mother does not meet the requirements stipulated by the Child Protection Act for compensation to a parent carer or carer, which was established by the competent authorities.

### **Raising awareness**

In connection with the implementation of the Committee Recommendation no 17, IHROBiH notes a low level of awareness of the rights and needs of persons with disabilities. Citizens addressing IHROBiH indicate that due to the nature of disability, persons with disabilities often remain isolated

and do not know their rights, and do not seek their protection. In Bosnia and Herzegovina, media campaigns aimed at raising public awareness of the needs of persons with disabilities and the importance of their inclusion in social processes are carried out sporadically and unsystematically.

## **Accessibility**

The problems faced by persons with disabilities differ depending on the type of disability, as well as the area in which they exercise certain rights. However, what is absolutely certain is that all persons with disabilities face the problem of accessibility - architectural, information, media, accessibility of services and public services. When it comes to the implementation of Committee Recommendation no 19(a), the issue of accessibility, in the legislation of Bosnia and Herzegovina, it is most precisely regulated in the laws on spatial planning and construction at the level of both entities of BiH, and in the laws in the fields of education, healthcare, employment, but these regulations treat the issue of accessibility exclusively as a matter of architectural accessibility and partly the accessibility of equipment installed in space or buildings. Except, partially in the fields of healthcare and education, there are no appropriate legal provisions that would regulate the area of accessibility of services intended for the general population and services specifically intended to support persons with disabilities.

Systematic regulation of the field of information, especially information that is produced in electronic formats and distributed via the Internet or mobile applications has, according to Committee Recommendation No. 19 (c), not been developed in Bosnia and Herzegovina.

Ensuring an adequate number of parking spaces for persons with disabilities is also an issue of accessibility. In practice, it is often seen that there is no adequate sanctioning of persons who have parked in parking spaces marked for cars driven by persons with disabilities.

## **Equal recognition before the law**

In order to implement the Committee Recommendation under point 23, the authorities in the FBiH and RS tried to develop legal provisions through protocols on dealing with cases of violence against persons with disabilities, with special reference to sexual and gender-based violence. Namely, IHROBiH also directed the Initiative for drafting the Protocol and pointed out to the competent public bodies the importance and necessity of establishing clear procedures when it comes to any form of sexual and gender-based violence. This issue deserves the undertaking of comprehensive measures where special attention will be paid to the protection of persons with disabilities. Support for persons with disabilities must be specialised and adapted to the victim.

In the course of 2022, IHROBiH researched whether the institutions in which persons with disabilities are accommodated in the Federation of Bosnia and Herzegovina and the Republika Srpska had adopted written procedures for the prevention, reporting and provision of protection in case of reports of sexual and gender-based violence against persons with disabilities. When persons with disabilities report violence themselves, or when police and prosecutorial authorities act *ex officio*, the education of officers, judges and prosecutors, who must be sensitised to specific cases such as these, is of key importance.

## **Access to justice**

In order to implement Committee Recommendation no 13, with its recommendation to the FBiH, RS and BDBiH Judicial and Prosecutorial Training Centres, IHROBiH indicated that persons with disabilities were a risk group in terms of the manifestation of any form of violence, including sexual and gender-based, and that was important to ensure effective access to courts and a fair trial for persons with disabilities, especially in terms of the efficiency of proceedings and the right to a trial within a reasonable time. IHROBiH is of the opinion that it is important to ensure appropriate training for all who work in the judiciary, especially judges and prosecutors as holders of judicial duties.

## **Freedom from torture and cruel, inhuman or degrading treatment or punishment and from exploitation, violence and abuse**

The FBiH Constitution, as well as all four criminal codes at all levels of government in Bosnia and Herzegovina prohibit all forms of abuse, violence and exploitation of all citizens. Also, in order to implement the Committee Recommendation, cases of forced detention are provided for. Forced detention is possible only in cases permitted by law if it is necessary for the protection of the person and if the person who is hospitalised cannot understand the purpose, nature, consequences, benefits and dangers of medical intervention and is not capable of giving written consent, which is appreciated in each specific case.

## **Freedom of movement and citizenship**

An issue that has been of interest for a number of years is the issue of the conflict of competences of social welfare centres, especially in cases of simultaneous existence of the powers of entity social welfare centres. A specific problem arises when a person with a disability, or more precisely a person deprived of legal capacity whose guardian is a social welfare centre of one entity, changes residence to the other entity.

The issue of resolving conflicts of jurisdiction is directly related to the exercise of human rights. In this particular case, it is about systemic support for a person who has been deprived of legal capacity, but who, regardless, has the right to freedom of movement and participation in decision-making for which they have the capacity. Freedom of movement with support in the form of guardianship that will accompany the ward is one of the basic principles of exercising human rights. IHROBiH clearly pointed out the need to take action in order to resolve the issue of the conflict of competences of social welfare centres located in different entities, that is, the Brčko District of BiH.<sup>4</sup>

## **Living independently and being included in the community**

Persons with disabilities should have access to a range of support services in their homes, accommodation facilities and other support services in the local community, including personal assistance needed to support living and inclusion in the community, and prevent isolation or

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<sup>4</sup>P-223/22; Implementation of the recommendation is monitored;



exclusion from the community. IHROBiH is of the opinion that personal assistance services should be defined according to the specific and individual needs of each beneficiary, taking into account the purpose of personal assistance. By deciding on personal assistance services, the authorities should enable everyone to hire a personal assistant under equal conditions, without distinguishing between the types of disabilities. When assessing the merits of the request, the authorities should assess the facts that are important in order to achieve the purpose of personal assistance, and they concern the possibility of independent decision-making. IHROBiH is of the opinion that assessment of the possibility of independent decision-making, and thus of approving requests for a personal assistant, must be individual for each beneficiary, because the degree of disability is not the same for all persons with established disabilities.

### **Personal mobility**

When it comes to the implementation of Committee Recommendation no 37, the work on cases in IHROBiH showed certain shortcomings in exercising the right to orthopaedic aids for the deaf and hard of hearing, as well as in the area of legal regulation of the right to the sign language. Attending conferences dedicated to the rights of persons with disabilities, dissatisfaction with the current situation was observed, which creates the obligation of competent institutions to continuously work on the improvement of rights through the modernisation of orthopaedic aids and custom-made aids procured.

In the Republika Srpska, a problem arose in the area of co-financing the purchase of a hearing aid because, when purchasing the hearing aid, the Health Insurance Fund co-finances the purchase in the amount of BAM 360, regardless of the price of the hearing aid as an orthopaedic aid. As needs "dictate" the type of the hearing aid, the opinion is that co-financing should be determined as a percentage of the actual price of the hearing aid. Orthopaedic companies recommend the type of the hearing aid regardless of the individual's will and desire, and purchase prices vary depending on needs/recommendations.

According to persons with disabilities, the deaf and hard-of-hearing in the FBiH face the problem of maintaining their hearing aids, after obtaining the right to this orthopaedic aid. According to IHROBiH findings, the deaf and hard-of-hearing have to buy hearing aid batteries independently, which exposes them to additional costs. It is indicated that, after exercising the right to a hearing aid, the costs of its maintenance are borne by the insurance beneficiary.

### **Respect for privacy**

The Personal Data Protection Act provides protection to all natural persons in the territory of Bosnia and Herzegovina, regardless of their citizenship or residence in terms of the right to lawful processing of personal data.

### **Respect for home and family**

The Constitution of Bosnia and Herzegovina, the Constitution of the Federation of Bosnia and Herzegovina and the Constitution of the Republika Srpska guarantee all citizens the right to a home

and family. In the Federation of Bosnia and Herzegovina, several cantons have adopted laws on social non-profit housing. In 2019, the Republika Srpska adopted the RS Social Housing Act.<sup>5</sup>

In order to implement the Committee's Recommendation number 41, the competent authorities adopted several legal solutions listed in Positive Aspects.

## **Education**

The implementation of Committee Recommendation no 43 happens depending on individual cases and sporadically, as the IHROBiH jurisprudence shows:

- In its work on individual complaints, IHROBiH stressed the obligation of all education institutions to continuously work on solving accessibility problems/removing architectural barriers, solving difficult access to the library, and providing scanners for attaching professional literature and speech programs.
- It often happens in practice that due to the different organisation of the education system in the cantons, there are ununiform policies for enrolling children with developmental difficulties in primary schools, which is why they are discriminated compared to children from other cantons, even though the authorities have committed themselves to inclusion in laws and international agreements . IHROBiH points to the concern that there is still stigmatisation during enrolment in the elementary school, that the particular vulnerability is not taken into account, which does not make them unprepared but rather specific compared to other candidates, that the enrolment process itself caused discomfort, stress and a feeling of helplessness.
- Acting in the case of enrolment of persons with disabilities in higher education institutions, IHROBiH pointed out that the educational system must be adapted to the needs of persons with disabilities, and that education institutions must take all measures available to integrate persons with disabilities into the conventional education system.

## **Healthcare (Committee Recommendation no 45.)**

As part of research on the provision of adequate healthcare to all persons who need it, it was noticed that there is a disparity in the treatment and provision of healthcare in Bosnia and Herzegovina, depending on the territory where a person with a disability lives. There are no protocols/procedures for the behaviour of medical staff towards persons with disabilities, nor is there a prescribed obligation to create them, although the stated procedures would have to be publicly and visibly highlighted and/or made available for persons with disabilities, and the application of which would be mandatory and thus could significantly contribute to better information for this category of citizens. It is also necessary to ensure the training of medical personnel.

Providing dental services within the healthcare system should be accessible to children with developmental disabilities, regardless of the canton they are in. IHROBiH issued a Recommendation to take concrete and effective measures in connection with the provision of dental

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<sup>5</sup> RS Social Housing Act, RS OG, no 54/19

services, to adapt the procedure for exercising the right to provide dental services to persons with developmental disabilities so that they can exercise their rights in the easiest possible way.

### **Work and employment**

In terms of the implementation of Committee Recommendation no 47, IHROBiH will review the results of the research conducted for the purpose of drafting the Special Report on the Effectiveness of Legal Solutions in Professional Rehabilitation and Employment of Persons with Disabilities in Bosnia and Herzegovina. Research has shown that persons with disabilities face discrimination on the grounds of disability during employment, as well as at the workplace. On the other hand, employers often have prejudices against employing persons with disabilities, believing that they will not be able to respond to work tasks due to their disability.

The Act on Professional Rehabilitation, Training and Employment of Persons with Disabilities has not been adopted on the territory of the Brčko District of Bosnia and Herzegovina, although this is an obligation prescribed by the Constitution of Bosnia and Herzegovina and the Convention.

### **Adequate standard of living and social protection**

Committee Recommendation under no 51, which calls for revising the PDA system in order to abolish discriminatory practices based on the origin of disability or place of residence, has not been complied with.

In its reports, IHROBiH has emphasised that families with persons with disabilities are particularly vulnerable and that support for these families is necessary, not only referring to financial support but also to other types of support (advisory, moral, etc.).

In order to achieve an appropriate standard of living and the uniformity of the regulations in the Federation of Bosnia and Herzegovina, which regulate child allowance for children with disabilities and children suffering from serious/rare diseases, it is necessary to abolish the means test for exercising this right. IHROBiH recommended to the FBiH Minister of Labour and Social Policy and the ministers of the cantonal social protection ministries to amend the provision of Article 4, paragraph 1, item e) of the FBiH Act on Financial Support for Families with Children in such a way that the benefits under the regulations on veteran disability protection, protection of civilian victims of war and protection of persons with disabilities, as well as compensation for the duration of unemployment, are not included in household income. This is particularly significant considering that the income test is not a requirement for exercising the right to child allowance for particularly vulnerable categories of children in Sarajevo Canton, Posavina Canton and Tuzla Canton. Therefore, all amendments should have been defined primarily through the FBiH-level law, and not through the cantonal regulations, because it is about exercising the right to child allowance, which is regulated by the FBiH-level regulations.

Persons with disabilities face a number of obstacles in their daily lives, and socio-economic empowerment is one of the key challenges they face. The absence of a social threshold in Bosnia and Herzegovina and a low standard of living, which is also reflected in the low amounts of benefits and allowances that persons with disabilities receive in terms of social protection regulations, which contradicts Article 28 of the UN Convention.

## **Participation in political and public life**

Committee Recommendation no 53, which refers to the amendment of the electoral law and the rules of procedure related to the Central Election Commission in order to ensure the equal participation of persons with disabilities in the electoral process, as well as enabling persons deprived of legal capacity to vote, unimpeded physical access to voting, secure mechanisms in order to ensure the secrecy of voting, as well as the availability of other election materials and information in accessible formats in accordance with General Comment No. 2 on accessibility was not carried out.

IHROBiH expressed concern about the allegations that associations of persons with disabilities are not adequately included in the process of drafting regulations, and in this regard, IHROBiH reminded the authorities in their reports and recommendations that the UN Convention on the Rights of Persons with Disabilities in Article 4, paragraph (3 ) prescribes that, during the development and implementation of policies and legislation aimed at the implementation of this Convention, as well as other decision-making processes on issues that directly concern persons with disabilities, the state parties shall do so in close consultation and active participation of persons with disabilities, including children with disabilities, through organisations that represent them. Associations also state that their objections in the process of adopting legal solutions are only of a formal nature, that they are not complied with and that valid legal solutions lead to discriminatory practice.

## **Participation in cultural life, recreation, leisure and sport**

In order to implement Committee Recommendation no 55, amendments to the Bi H Sports Act (BiH Sports Act, BiH OG, no 27/08 and 102/09), and the RS Sports Act (RS Sports Act , RS OG, no 4/2002, 66/2003, 73/2008 and 102/2008 - corrigendum.) provisions were provided for, allowing for support for disabled athletes, thus eliminating discrimination. In the Federation of Bosnia and Herzegovina, the Sport Act has not been adopted.

## **Statistics and collection of statistical data**

Committee Recommendation no 57. has not been implemented as the Committee requested. Namely, the BiH Agency for Statistics of Bosnia and Herzegovina, the FBiH Bureau of Statistics and the RS Bureau of Statistics collect statistical data, among other things, for the areas of "social protection" and "population", but within the aforementioned parameters, the data are not disaggregated by number of persons with disabilities, by type of disability and by cause of disability. Statistical data on persons accommodated in social protection institutions, beneficiaries of social protection rights are collected, but persons who are not accommodated in institutions and have a disability, or do not exercise social protection rights, are not included in the statistics that are kept.

Ombudspersons of BiH:



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Dr. Jasminka Džumhur

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Nives Jukić

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Dr. Nevenko Vranješ