



OI-K-SA-102/19

Date: 10 July 2019

Office of the High Commissioner for Human Rights (OHCHR)
United Nations Office at Geneva
registry@ohchr.org

Subject: Reply to your Call for inputs Human Rights Council resolution 37/22 of 13 June 2019

Dear Madam or Sir,

On 17 June 2019 the Institution of Human Rights Ombudsman of Bosnia and Herzegovina (hereinafter: the Ombudsman) received your letter in which you explained that the Human Rights Council requested the Office of the High Commissioner for Human Rights (OHCHR) to prepare a study on article 8 of the Convention on Rights of Persons with Disabilities in consultation with relevant stakeholders, including national human rights institutions. In reply to this request we hereby furnish you with the following answers:

1 (a) Does your country have laws, policies, plans, strategies or guidelines at any level of government relating to raising awareness about persons with disabilities , in particular initiatives to: foster respect for the rights and dignity of persons with disabilities; combat stereotypes, prejudices and harmful practices relating to persons with disabilities; or promote awareness of the contributions of persons with disabilities?

1(b) What are the challenges to implementing the above?

1(a) and 1(b)

We would like to remind that Bosnia and Herzegovina signed the Convention on the Rights of Persons with Disabilities and the Optional Protocol in July 2009 without any reservations or comments and ratified it on 12 March 2010. The Convention formally entered into force on 12 April 2010. By ratifying the Convention on the Rights of Persons with Disabilities, Bosnia and Herzegovina has committed itself to adapting the existing legislation, which will enable persons with disabilities full participation in society and to prohibit all forms of discrimination against such persons.¹

Article II of the Constitution of Bosnia and Herzegovina provides that Bosnia and Herzegovina and its entities assumed the obligation to ensure the highest level of protection of internationally recognized human rights and fundamental freedoms. The rights and freedoms envisaged by the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols are directly applicable in the legal system of Bosnia and Herzegovina and have the priority over other domestic legislation.

¹ „Official Gazette of BiH – International treaties”, no.: 11/09

Economic, social and cultural rights as well as the rights of persons with disabilities are enshrined by the constitutions of the both entities (the Federation of Bosnia and Herzegovina and the Republika Srpska) and ten cantons, and are governed by the entity and cantonal legislation since these rights, pursuant to the constitutional setup of Bosnia and Herzegovina, fall exclusively into the competence of the entities and the cantons.

Furthermore, Article 12 of the Law on Ministries and Other Bodies of Bosnia and Herzegovina² stipulates that the Ministry of Human Rights and Refugees shall, inter alia, have the authority to: monitor and implement international conventions and other documents in the area of human rights and fundamental freedoms, promotion and protection personal and collective human rights and freedoms, coordination and preparation of reports to competent domestic bodies and institutions and international institutions and organizations on the implementation of obligations under international conventions and international documents. Article 15 of the same Law stipulates that the Ministry of Civil Affairs shall be responsible for carrying out tasks and duties under the competence of Bosnia and Herzegovina which relate to the establishment of basic principles of coordination of activities, harmonization of plans of the entity authorities and definition the strategies at the international level in the areas of: health and social protection, pensions, science and education, labor and employment, culture and sports, geodetic, geological and meteorological affairs.

At the level of Bosnia and Herzegovina currently applicable document in the field of the protection and promotion of the rights of persons with disabilities is the *Disability Policy in Bosnia and Herzegovina*³ adopted by the Council of Ministers of Bosnia and Herzegovina on 08 May 2008. The drafting of this document was coordinated by the BaH Ministry of Civil Affairs of Bosnia and Herzegovina along with the BiH Direction for Economic Planning and the governments of the entities⁴. By the adoption of this document, the authorities of all levels in Bosnia and Herzegovina have opted for a new approach to disability based on human rights and the social model, which includes a comprehensive approach to disability issues, the creation and implementation of community based disability solutions applying multi-sectoral approaches and with the participation of all relevant actors. Bosnia and Herzegovina and its entities, the Federation of Bosnia and Herzegovina and the Republika Srpska, as well as the Brčko District, each according to their constitutional jurisdiction, have assumed the obligation to create conditions for the implementation of the Disability Policy in Bosnia and Herzegovina and there defined policy goals. This included, *inter alia*, harmonization of the actions related to protection of persons with disabilities, according to the achieved European and global standards and all trends aiming at making all areas of life and activities open and accessible to persons with disabilities as well as developing strategies and action plans for improvement social position of persons with disabilities⁵.

² Article 12 of the Law on Ministries and Other Bodies of Bosnia and Herzegovina („Official Gazette of BiH“ no. 5/03, 42/03, 26/04, 42/04, 45/06, 88/07, 35/09 and 103/09)

³ „Official Gazette of BiH“, no 76/2008

⁴ The Report on the Implementation of the the the Convention on the Rights of Persons with Disabilities in Bosnia and Herzegovina adopted at 35th session of the the Council of Ministers of BiH held on 17 January 2013, available at: <http://www.mhrr.gov.ba/PDF/LjudskaPrava/IZVJESTAJ%20O%20PROVODJENJU%20KONVENCIJE%20UN%20%20PRAVIMA%20OSOBA%20S%20INVALIDTETOM.pdf>

⁵ In this document, the chapter „Orientation, goals and measures to overcome the existing situation“ reads as follows: ***In order to change the attitude of the community, break stereotypes and eliminate prejudices against persons with disabilities and strengthen human dignity and self-confidence of persons with disabilities and their families:***

Until 2015 in the Federation of Bosnia and Herzegovina the applicable document was *the Strategy for the equalization of opportunities for persons with disabilities 2011-2015* in the Federation of BiH, and *Strategy for the Improvement of the Social Position of Persons with Disabilities in Republika Srpska 2010-2015*.⁶

Currently applicable strategies are the following: *the Strategy for the advancement of rights and status of persons with disabilities in the Federation of BiH 2016-2021*⁷, which, under its specific objective 8 includes raising the public awareness about disability towards elimination of prejudice and cultural and psychological barriers. The activities to be included into the implementation of the specific objective 8 include the following: implementing campaigns for elimination of prejudice about persons with disabilities, introducing commemorative days of importance for persons with

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- *Work to ensure continuous awareness raising on the rights, abilities and possible contribution of persons with disabilities in all areas of life and work, including their families and take the age and gender factors into account.*
 - *Implement different measures to ensure use of sign language and Braille alphabet and additional assistance services in all forms of communication.*
 - *Work to provide persons with disabilities with information disseminated to the general public, in accessible form, on time and at no additional cost.*
 - *Work to develop mechanisms of providing timely information to persons with disabilities, their parents and foster parents, in order to ensure adequate treatment of children and adult persons with disabilities.*

⁶ In 2016 the Council of persons with disabilities prepared a document titled Report on the implementation of the document „Information and recommendations for the better implementation of strategic and action documents in the area of disability at all levels in Bosnia and Herzegovina“ and its contribution to the implementation of the the United Nations Convention on the Rights of Persons with Disabilities in Bosnia and Herzegovina. A part related to the degree of implementation of the Strategy for Equalization of Opportunities of Persons with Disabilities in the Federation of BiH 2011-2015 drafted by the Federal Ministry of Labor and Social Policy reads "in the twelve areas tackled with in the Strategy which included 43 sectoral goals, the cumulative index of achievement of all sectoral goals is 0.5, that is, only 4 sectoral goals were implemented, 19 were partially implemented, while nothing was done in respect of 20 goals. Out of five general goals defined as implementation mechanisms, none have been fully implemented. On a scale from 0 to 2, the overall implementation index is 0.8. Out of a total of 229 planned activities, only 53 were fully implemented, some actions were done in respect of 103 activities, mostly some minimal actions, while while nothing was done in respect of 73 activities. The highest implementation index was achieved in the field of Professional Rehabilitation and Employment, and the lowest implementation index was achieved in the fields of Family and Research and Development, where almost nothing was done.

Implementation of the Strategy for the Improvement of the Social Position of Persons with Disabilities in Republika Srpska 2010-2015 in most of the areas also failed to yield expected results in the advancement of the position of the persons with disabilities. Out of a total of 57 goals set out in 9 areas, only a few was fully implemented, some of the goals were implemented partially, while nothing was done in respect of the most of these goals. It can be said that the social position of persons with disabilities in almost all areas remained at the same level as at the time of the adoption of this strategic document. In some areas, a certain steps have been taken and activities carried out that have made certain changes, but still insufficient and incomplete to allow us to speak about the overall improvement and advancement of the social position of persons with disabilities. Such areas are employment, social protection, accessibility, etc, but in most areas almost nothing has been done. The results of the analysis show that no major progress has been made in terms of changing the paradigm from the medical model into the social model based on human rights, and that the development of policies towards a wider social model, including the human rights model, is still at its initial stage, and that the capacity of the systems providing the social security do not correspond with the needs as they are not based on human rights and do not eliminate discrimination. In almost all documents, the consideration of human dignity as a policy goal in respect of the persons with disabilities is rarely emphasized and when it is, it is primarily related to the the transfer of international standards and documents, i.e. an external incentive. In this sense, research has shown that the activity of disabled persons is seldom set as a public policy goal and is not sufficiently elaborated in documents.

(information available at http://www.mhrr.gov.ba/ljudska_prava/Prava_osoba_sa_invaliditetom/Skraceni_BiH%20Izvjestaj%20o%20implementaciji%20strateskih%20dokumenata%20-%20za%20objavljivanje%20na%20stranici.pdf)

⁷Available at the official web-site of the Government of the Federation of Bosnia and Herzegovina: [http://www.fbihvlada.gov.ba/file/Strategija%20za%20unapre%C4%91enje%20prava%20i%20polo%C5%BEaja%20osoba%20s%20invaliditetom%20u%20Federaciji%20Bosne%20i%20Hercegovine%20\(2016.-2021.\)%20.pdf](http://www.fbihvlada.gov.ba/file/Strategija%20za%20unapre%C4%91enje%20prava%20i%20polo%C5%BEaja%20osoba%20s%20invaliditetom%20u%20Federaciji%20Bosne%20i%20Hercegovine%20(2016.-2021.)%20.pdf)

disabilities in compliance with international documents, awareness raising among the persons with disabilities about their rights and obligations and drafting guidelines on the rights of persons with disabilities in appropriate formats, adjusted to differed groups of persons with disabilities, implementation of training programs to improve understanding of gender-specific issues of persons with disabilities, implementation of public campaigns about violence against women with disabilities, educating women with disabilities in how to recognize and report violence and seek assistance in protection of their rights. In the Federation of Bosnia and Herzegovina only Sarajevo Canton⁸ and Tuzla Canton⁹ have new strategic documents for the advancement of the status of persons with disabilities, while the other cantons had the Action plan which expired in 2016 following which no new strategic document was adopted. It is important to point out that in the majority of cases certain strategic goals related to persons with disabilities incorporated in cantonal development plans.

In Republika Srpska the *Strategy for Improving the Social Situation of Persons with Disabilities in the Republic of Srpska 2017-2026* was adopted in 2017 with the vision to create a society of equal opportunities and implementation of activities with equal participation of persons with disabilities in civil, political, economic, social and cultural areas of life. One of the goals of the Strategy is to respect diversity and to accept disability as a part of human diversity and humanity: Recognizing and providing support for diversity - knowledge and life experience as well as the contribution to the development of the society given by the persons with disabilities should be recognized, appreciated and reflected in the relevant policies of the Government of Republika Srpska.¹⁰

In Brčko District the adoption of the strategy related to the status of persons with disabilities is pending.

The key challenges facing Bosnia and Herzegovina in creation of strategic documents and policies, and in legislative definition of the rights relevant to persons with disabilities relate primarily to non-existence of a universal definition of persons with disabilities in Bosnia and Herzegovina which would be in line with the Convention on the Rights of Persons with Disabilities. Currently different laws (in the area of social, health care, pension insurance and employment) use the different notions for persons with disabilities in different areas. Another challenge lies in the fact that at all levels of government comprehensive statistical data on the number of persons with disabilities as well as other more detailed statistical data that could contribute to more effective planning of measures and funds intended for persons with disabilities are missing.

In their 2016 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 Ombudspersons mentioned the following:

„Statistical data and separate registers/databases of persons with disabilities were supposed to be established during the 2013 census, but results published in July 2016 (an additional problem is that one entity, namely the Republika Srpska, refuses to accept the census results and it adopted its own law on census on its territory), failed to provide these

⁸ Available at: https://mrsri.ks.gov.ba/sites/mrsri.ks.gov.ba/files/akcioni_plan.pdf

⁹ Available at: <http://szztk.ba/wp-content/uploads/2016/10/Strateski-plan-JU-SZZ-TK-2019-2023.docx.pdf>

¹⁰ Strategy for the Improvement of the Social Position of Persons with Disabilities in Republika Srpska 2017-2026, p. 27;

data, so there is no possibility to disaggregate data according to gender or age (children, women and elderly persons with disabilities), which could be used as indicators for the authorities in planning and formulating different actions including determination of budgets for basic and specific needs of these persons and monitoring of their human rights implementation."¹¹

In addition to this, the fragmentation of the legal system (which is a constitutional category), i.e. the existence of three levels of government and ten cantons within one of the entities, contributes to the creation of several different legal regulations, which brings up the danger that certain issues may be drastically differently regulated at different levels of government, or that certain areas are not regulated at all. Ombudspersons continually emphasize the importance of harmonization of the entity and cantonal legal regulations and their alignment with international standards. All of this is often accompanied by a lack of political will to put persons with disabilities in equal position with other citizens of Bosnia and Herzegovina as it comes to the exercise and protection of their rights in an adequate manner.

What legislative and policy measures are taken to address hate crimes, hate speech and harmful practices against persons with disabilities?

2(b). In particular, are there legal remedies available for persons with disabilities seeking compensation and reparation? Are there legal provisions to sanction perpetrators, including through criminal law? Please provide information on their application in practice (e.g. cases of persons condemned for hate crimes against persons with disabilities).

2(a) and 2 (b) Hate crime is a criminal offense motivated by intolerance towards certain groups in society. In Bosnia and Herzegovina. All four criminal laws at all levels of authority recognize and include hate crimes¹². Criminal Laws are applicable to all persons who commit a criminal offense in Bosnia and Herzegovina, thus including the persons with disabilities. The Ombudsman does not have exact data on the number of hate crimes committed in Bosnia and Herzegovina or the number of convicted persons for such criminal offenses, but according to the available data of the High Judicial and Prosecutorial Council, the situation in 2018 was the following:

	Unresolved reports as at 01 January 2018	Registered reports in 2018	Unresolved investigations as at 01 January 2018	Orders not to initiate investigation in 2018	Orders to halt an investigation in 2018	Refusing judgments in 2018	Convictions or suspending sentences in 2018
Criminal Code (CC)							

¹¹ Submission to the UN Committee for the Rights of Persons with Disabilities, 2016 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, p.2;

¹² Article 145a of the Criminal Code of Bosnia and Herzegovina ("Official Gazette of BiH"no. 3/2003, 32/2003 - corrigendum., 37/2003, 54/2004, 61/2004, 30/2005, 53/2006, 55/2006, 8/2010, 47/2014, 22/2015, 40/2015 and 35/2018);

Article 2, paragraph 11 of the Criminal Code of the Federation of Bosnia and Herzegovina ("Official Gazette of FBiH"no. (36/2003, 21/2004 - corr., 69/2004, 18/2005, 42/2010, 42/2011, 59/2014, 76/2014, 46/2016 and 75/2017); Article 123, para 21 of the Criminal Code of Republika Srpska ("Official Gazette of RS"no. 64/2017 and 104/2018) Article 2, para 43 of the Criminal Code of Brčko District ("Official Gazette of Brčko District of BiH", no. 33/2013 - consolidated, 47/2014 – corr. 26/2016, 13/2017 and 50/2018);

of BiH	2	3		1			
CC of the FBiH	2	2		1			
CC of RS	1	1	1	2	1	1	1

Table 1: Criminality structure in 2018¹³ - Criminal offence Incitement of national, racial and religious hatred, dissention and intolerance

In Bosnia and Herzegovina, in general, the judiciary is burdened with the backlog of cases, therefore the Ombudsman often receives complaints from citizens, including those with disabilities¹⁴, who point to a violation of Article 6 of the European Convention on Human Rights and Fundamental Freedoms in the sense of a violation of the right to reasonable length of proceedings. Cases in the courts are resolved in accordance with the schedules for solving of backlog cases made by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, and, as far as Ombudspersons are informed, no other measures are taken for solving the hate crimes.

Although neither the Constitution of Bosnia and Herzegovina, the Constitution of the Federation of Bosnia and Herzegovina, nor the Constitution of the Republika Srpska comprise the explicit prohibition of "hate speech", there is, however, a very broad constitutional and legal basis for the protection of human rights and fundamental freedoms from statements that may be characterized as a hate speech. Such a constitutional basis, which includes the direct application of international standards of human rights and fundamental freedoms, including the protection from discrimination and racism, leaves enough room for further legislative action to protect against "hate speech" which encourages, justifies or respects any kind of discrimination¹⁵. Amendments to the Law on Prohibition of Discrimination in Bosnia and Herzegovina¹⁶ adopted in 2016 constitute a positive development whereby the disability was added as a prohibited ground for discrimination.

In respect of hate speech in the social and electronic media, in their 2018 Annual report Ombudspersons¹⁷ took the view that the issue of human rights violations through high-tech activities is a challenge, not only for lawyers and persons dealing with the protection and promotion of human rights, but for every person, taking into account that high technologies enter all spheres of

¹³Data available at the web-site of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina: <https://vstv.pravosudje.ba/>

¹⁴ Ž-SA-05-989/17: Ombudspersons registered a complaint for unreasonably long criminal proceedings for which a complainant blamed the Municipal court in Sarajevo and the Cantonal Prosecutor's Office of Sarajevo Canton. Namely, the complainant in capacity of an injured party in a criminal offence committed in 2004, did not have any information on the course of criminal proceedings. In reply to the Ombudsman's inquiry Cantonal Prosecutor's Office of Sarajevo Canton issued an indictment only on 29 April 2016 for a criminal offence of inflicting a grave bodily injury and the criminal proceedings before a court in Sarajevo is pending.

Ž-SA-05-251/17: Ombudspersons received a complaint against the Cantonal Prosecutor's Office of Sarajevo Canton for failure to act on criminal offence report. After the Ombudsman's inquiry, the Prosecutor's Office finally informed Ombudspersons that they reached a relevant decision.

¹⁵ Sali-Terzić, S., *Hate speech: International human rights standards and legal framework in Bosnia and Herzegovina - Govor mržnje: međunarodni standardi ljudskih prava i pravni okvir u Bosni i Hercegovini*, 2013, p. 10

¹⁶ "Official Gazette of BiH" no.: 66/16

¹⁷ Available at: [www.ombudsmen.gov.ba](http://www.ombudsmen.gov.ba;);

life. High technology is gaining importance when used for the linked to the individual rights, especially when entering the sphere of one's private life and when they become an object that violates the right to privacy or endangers the person's security. In accordance with international human rights standards in such situations, the state is required to provide protection mechanisms. An additional challenge is when high technology is used to endanger the rights of people who are considered particularly vulnerable, such as children, women and persons with disabilities.

By January 2019, the Ombudsman did not have in its database any adequate parameter related strictly to the complaints against hate speech. Since January 2019, the mentioned parameter was introduced in the database, so we can point out that from January to June 2019, two complaints related to hate speech were received. None of these complaints involves persons with disabilities.

As it comes to reparation and indemnification of persons with disabilities in criminal proceedings, it should be emphasized that pursuant to all four legislative documents related to criminal procedure in Bosnia and Herzegovina¹⁸, the authorized person can file a property claim arising from the commission of the criminal offense. Property claims may relate to compensation for damages, restitution or cancellation of a particular legal transaction.

3(a). What steps have been taken to establish standards and/or good practices on the representation and portrayal of persons with disabilities in broadcast media, including codes, guidelines and other measures (legal, co-regulatory or self-regulatory)?

3(b). In addition, what legal framework, measures or good practices exist to regulate social media in accordance with Article 8 and human rights standards on freedom of expression?

3(a) and 3(b)

The issue of representation of persons with disabilities is very important because the way they are represented in the media contributes to the wider public image of them. In Disability Policy in Bosnia and Herzegovina it is stated that the media in Bosnia and Herzegovina address disability issues in an unacceptable manner, often as a tragedy or sensation, thus maintaining stereotypes about persons with disabilities¹⁹.

A Communications Regulatory Agency operates in Bosnia and Herzegovina (hereinafter: the Agency) in accordance with the Law on Communications of Bosnia and Herzegovina²⁰ with the following mandate: creation and promotion of rules in the broadcasting and telecommunications sectors, licensing of operators in the broadcasting and telecommunications sectors, planning, management and allocation of frequency spectrums, implementation of technical and other quality standards, and establishment and maintenance of the license fee system.

¹⁸ Criminal Procedure Code of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", no. 3/2003, 32/2003 - corr., 36/2003, 26/2004, 63/2004, 13/2005, 48/2005, 46/2006, 29/2007, 53/2007, 58/2008, 12/2009, 16/2009, 53/2009 - amended, 93/2009, 72/2013 and 65/2018), Criminal Procedure Code of of the Federation of BiH, ("Official Gazette of FBiH", no. 35/2003, 56/2003 - corr., 78/2004, 28/2005, 55/2006, 27/2007, 53/2007, 9/2009, 12/2010, 8/2013 and 59/2014), Criminal Procedure Code of Republika Srpska, ("Official Gazette of RS", 53/2012, 91/2017 and 66/2018), Criminal Procedure Code of Brčko District, ("Official Gazette of Brčko District of BiH", no. 34/2013 – consolidated and 27/2014)

¹⁹ 2008 Disability Policy in Bosnia and Herzegovina, p.11

²⁰ „Official Gazette of Bosnia and Herzegovina”, no.: 31/03, 75/06, 32/10 and 98/12

The regulation of audiovisual media services and radio broadcasting services guarantees the protection of freedom of expression and diversity of opinions, respecting generally accepted standards of conduct, non-discrimination, fairness, accuracy and impartiality, ensuring the separation of broadcasters from political control and manipulation, and enabling the development of professional and sustainable providers of audiovisual media services and radio media services in order to strengthen democratic principles and establish a market economy. In accordance with the relevant legal provisions, the Agency, *inter alia*, takes measures to prevent the presence of hate speech and the protection of children and minors from harmful content, and promotes media literacy with the aim of raising public awareness of the responsible and safe use of media services.²¹

Also, the Press Council in Bosnia and Herzegovina is a self-regulatory body reports of which related to the respect for media freedoms are considered to be referential in international frameworks. The Press Council, *inter alia*, acts on complaints from newspaper readers or some other parties interested in the particular text. The Press Council drafted a Press and Online Media Code²² that purpose is to establish the foundation of a system of self-regulation in print and online media, which shall be considered morally binding for reporters, editors, owners and publishers of print and online media. This document was accepted by all journalists' associations in 2005. Article 4 of the aforementioned Code stipulates that journalists must avoid prejudicial or insulting references to a person's ethnic group, nationality, race, religion, gender, sexual orientation, physical disability or mental disability. References to a person's ethnic group, nationality, race, religion, gender, sexual orientation, physical disability or mental disability shall be made only when directly relevant to the occurrence being reported. Article 15 of the same document stipulates that the press and the online media at the appropriate place contain: Print and online media shall, in an appropriate place, contain the following: the name, address, telephone number, fax number, the internet/e-mail address and contacts of the responsible publisher and editor, to whom complaints regarding the writing of print and online media can be addressed. Complainants, claiming that this Code was breached by certain reporting, have to address the publisher or editor responsible for the print or online edition in question, with a denial not longer than the original article.

NGOs have an important role in the protection and promotion of the rights of persons with disabilities in Bosnia and Herzegovina. A good practice example is the Code on the Presentation of Persons with Disabilities in the Media: "What you call us is how you see us".²³ This publication is a result of work of the NGO My Right which continuously co-operates with the coalitions of NGOs of persons with disabilities in Bosnia and Herzegovina since 2009.

When it comes to activities carried out by public authorities, we think consider that there is still much room for more active activities of public authorities in Bosnia and Herzegovina. Campaigns are conducted sporadically and very rarely, and it certainly impacts the image of the persons with disabilities created in the media but also in other social spheres.

Also, in the Report on Implementation of the Document "*Information and Recommendations of the Council for Persons with Disabilities in BiH to improve the implementation of strategic and action documents in the area of disability at all levels of government in BiH*" and its contribution to the

²¹ Available at www.rak.ba;

²² Available at: https://www.vzs.ba/index.php?option=com_content&view=article&id=218&Itemid=9

²³ Available

at: <http://www.myright.ba/uimages/Kodeks%20o%20nacinu%20predstavljanja%20OSI%20u%20medijima%20MyRight.pdf>

implementation of the the UN Convention on the Rights of Persons with Disabilities in Bosnia and Herzegovina it was clearly concluded that media programs are not adjusted to blind persons or those with hearing impairment. The same document reads as follows:

„Information obtained in the field from organizations with disabilities and other civil society organizations shows that media programs are not adjusted to blind persons and hearing impaired persons. The subtitles for the program contents are not used, or the spoken language translations of contents on foreign languages, and very few shows on national televisions have sign language interpreters. Similarly, there is no sign language in the official correspondence, or Braille script, or any other available means, ways and forms of communication of choice available to persons with disabilities. There is no unified single regulation governing the obligation of state bodies and institutions to grant persons with disabilities the right to information in accessible formats and techniques. As the issue of the rights of persons with disabilities to the timely information, prepared by adequate techniques and in adequate formats at no additional cost, and affordable to persons with disabilities is not regulated, it means that the dignity and the integrity of persons with disabilities are not respected, their social inclusion is aggravated, there is no respect for differences, and persons with disabilities are not equal in opportunities, and therefore are exposed to various forms of discrimination.”²⁴

4(a). Please provide information on the existence and implementation of the programmes and activities, including successful examples of campaigns, related to raising awareness about persons with disabilities and their rights, and combating negative attitudes including through initiatives of: training, including human rights education; research, including studies on perception and attitudes; surveys and data collection.

4(b). Please indicate their objective, scope, target audience, impact (including available data), partners and participants, particularly the participation of, and role of persons with disabilities and their representative organisations, and any key factors of success.

4(a) and 4(b)

Complaints received by the Ombudsman and citizens' phone calls point to a low level of awareness of the rights and needs of persons with disabilities. Citizens' remarks suggest that because of the nature of the disability, these individuals often remain isolated and do not know their rights, nor do they seek their protection.²⁵ In their contacts with the Ombudsman citizens points to the fact that the authorities do not take into account this fact in deciding on the rights of persons with disabilities²⁶ Media contents are also not adapted to the needs of people with disabilities (people with hearing impairment)²⁷. It is also due to the absence of public campaigns promoting a positive perception and a greater degree of social awareness of persons with disabilities. Such campaigns should be based on highlighting the good practice examples and recognition of the skills, real values and abilities of persons with disabilities and their contribution to society. It is also a matter of concern that the state

²⁴ Council of Persons with Disabilities, *Report on Implementation of the Document "Information and Recommendations of the Council for Persons with Disabilities in BiH to improve the implementation of strategic and action documents in the area of disability at all levels of government in BiH" and its contribution to the implementation of the the UN Convention on the Rights of Persons with Disabilities in Bosnia and Herzegovina*, 2016, p. 20;

²⁵ Ž-BL-02-202/16, Ž-BL-02-766/15

²⁶ Ž-BL-02-688/15

²⁷ Ž-BL-02-732/15

does not have a strategy to raise public awareness and promote the human rights of persons with disabilities.

This was seen as a concern by the Committee on the Rights of Persons with Disabilities in its Concluding observations on the initial report of Bosnia and Herzegovina²⁸ expressed its concern at the lack of information on the local and the nation-wide campaigns, awareness-raising programmes and trainings for personnel of public and private media, as well as whether the text of the Convention has been made available in sign languages. The Committee recommends that the State party translate the Convention into sign languages and organise trainings for public and private media on how persons with disabilities should be portrayed in order to eliminate negative stereotypes and prejudices towards them. The Committee also recommends that the State party take effective and regular steps in raising awareness among members of the parliaments and government officials at national and local level, as well as to update the training curricula of architects on the rights of persons with disabilities.

Organizations of persons with disabilities have launched a series of activities in the last ten years to raise awareness of people with disabilities of their rights. Raising awareness is especially organized in urban areas, while in rural areas even the records of persons with disabilities are lacking. Stigma, as well as feeling of being less valueable, and the inability to meet basic needs, have a negative impact on the awareness of persons with disabilities and their families about their rights and opportunities. Particularly difficult is the case of persons with mental difficulties and persons with multiple disabilities. They are left to the care of parents who are at the same time their legal representatives, so that they are as invisible persons in the community.²⁹

5. Please provide information on the role of persons with disabilities and their representative organisations, including children with disabilities, in the design, implementation, monitoring and evaluation of all measures relating to awareness raising. Please provide detail on concrete mechanisms and activities undertaken for consultation and active involvement (e.g. regular meetings, online consultations, etc.).

Non-governmental organizations of persons with disabilities to Bosnia and Herzegovina play a great role in implementation and protection of their rights. Although the progress has been made in consulting non-governmental organizations and associations in creation of policies and other documents, unfortunately it can be concluded that consultations are still sporadic. The NGOs of persons with disabilities in their work are guided by the principle "Nothing About Us Without Us", which aims to point out to the public authorities in Bosnia and Herzegovina the importance of involving organizations of persons with disabilities in the decision-making process. The low level of participation of persons with disabilities can result in the adoption of discriminatory legislation which is not applicable in practice, as a result of the lack of awareness of the circumstances and conditions in which persons with disabilities live.

We hope that these answers will contribute to the preparation of the study of Article 8 of the United Nations Convention on the Rights of Persons with Disabilities. If you need further clarification, please feel free to contact us.

²⁸ Committee on the Rights of Persons with Disabilities adopted its Concluding observations at its at its seventeenth session (20 March-12 April 2017);

²⁹ Report on Implementation of the Document "Information and Recommendations of the Council for Persons with Disabilities in BiH to improve the implementation of strategic and action documents in the area of disability at all levels of government in BiH" and its contribution to the implementation of the the UN Convention on the Rights of Persons with Disabilities in Bosnia and Herzegovina, 2016

Sincerely Yours,



Human Rights Ombudsmen
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Nives Jukić

Ljubinko Mitrović, PhD

Jasminka Džumhur, PhD