**No: Oi-K-SA-150/16**

**Date: 19.10.2016.**

**Replies to the UN Special Rapporteur on the rights of persons with disabilities to the Questionnaire on provision of support to persons with disabilities**

**Questionnaire on** **the provision of support to persons with disabilities**

1. **Please provide information on the following services that are available for persons with disabilities in your country, including data on their coverage, geographic distribution and delivery arrangements, funding and sustainability, challenges and shortcoming in their implementation:**
2. **Personal assistance;**
3. **In-home, residential and community support;**
4. **Support in decision-making, including peer support; and**
5. **Communication support, including support for augmentative and alternative communication.**

Social protection is an issue falling within the mandate of the entities, and the Brčko District of Bosnia and Herzegovina. Therefore, at the level of the Federation of Bosnia and Herzegovina there is the Law on Basics of Social Protection and Protection of Civil Victims of War and Families with Children in the Federation of Bosnia and Herzegovina[[1]](#footnote-1), at the level of the Republic of Srpska the Law on Social Protection[[2]](#footnote-2) and in Brčko District this matter is governed by the Law on Social Protection of Brcko District[[3]](#footnote-3).

The Law on Basics of Social Protection and Protection of Civil Victims of War and Families with Children in the Federation of Bosnia and Herzegovina [[4]](#footnote-4) sets out the method of founding of institutions if the cantonal legislation does not provide otherwise. Institutions include social welfare centers, child care institutions (children without parental care, educationally neglected children, children impaired in their physical or psychological development), adult care and older persons accommodation institutions, institutions for social and health care of disabled and other persons and day care Institution earmarked to the social welfare beneficiaries. Social care service beneficiaries are entitled to the following benefits: financial and other material assistance, empowerment for independent life and work, placement into another family, placement into social care institutions, social care and other professional services, home care and home assistance.

According to the Law on Social Protection of the Republic of Srpska[[5]](#footnote-5), social care institutions established under this law are the following: social care institutes, social welfare centers, social care institutions including accommodation, day care and services institutions, centers providing home care and domestic help, gerontology centers, centers for social rehabilitation of persons with disabilities, centers for education of children and youth, centers for children and youth with impairment in their development, shelters and advisory centers. Beneficiaries of social care services are entitled to the following benefits: financial assistance, carer’s allowance, support for equalization of possibilities of children and youth with impairments in their development, accommodation in institutions, referral to foster family, home care and domestic help, day care, one-off financial assistance and counseling.

Social welfare centers are assessing meeting of requirements for social benefits. In the Republic of Srpska the founder of the institutions are the following: Government, local self-government units, In addition to that, in the Federation of Bosnia and Herzegovina to legal and physical persons in accordance with the relevant laws governing the establishment of public services. In the Federation of Bosnia and Herzegovina establishment and work of the Institution is governed by the legislation of cantons, while the establishment and work of the institutions considered to be of the importance for the whole Federation of Bosnia and Herzegovina is governed by the federal legislation.

1. **Please explain how persons with disabilities can access information about the existing services referred to in question one, including referral procedures, eligibility criteria and application requirements.**

Persons with disabilities can obtain information on services of home care and domestic help and support can get necessary information on the mentioned services in the framework of *free legal aid* (which can assess their meeting the prerequisites), which is organized at the level of the entities and municipalities in the Republic of Srpska, and cantons in the Federation of Bosnia and Herzegovina. As for Brčko District there is also established a free legal aid office.

In addition to that, within the social protection system, *NGOs* are mostly engaged in provision of support to persons with disabilities in implementation of their rights and their representation before the public administration, as well as the provision of assistance to children and parents of children with special needs. Almost identical situation is in education, health and employment, which proves inter-connection of different work segments in NGO sector dealing with support with persons with disabilities, not only in organization policy, but also their activities on the ground.

*The Institution of Human Rights Ombudsman of Bosnia and Herzegovina* in the framework of its mandate offers support to all the persons on how to realize their rights. The Ombudsman also supports project activities of the associations of persons with disabilities.

1. **Please elaborate on how these services respond to the specific needs of persons with disabilities throughout their life cycle (infancy, childhood, adolescence, adulthood and older age) and how is service delivery ensured in the transition periods between life cycle stages.**

Case-law of the Ombudsman shows that these services do not fit the specific needs of persons with disabilities and that provision of these services depends on development of the local community in which persons with disabilities live. Namely, social protection services are mostly implemented at local/municipal level. Such a system of social protection means that the local community designs social protection programs according to their material and financial abilities. Cases dealt by the Ombudsman show that in both entities the authorities pay more attention to the provision of funds to cover the entitlements of persons with disabilities and their institutional care than some other forms of services, in particular assessment, care and assistance in the community and home, personal assistance and like. In relevant institutions, traditional approaches to social protection system are still present, the approaches that emphasize material support, while neglecting professional assistance leading to the independence and integration of persons with disabilities into the community. For different approach the institutions need additional training to learn new approaches. Persons with disabilities also need support in different understanding of the role of organizations and institutions in public and NGO sector.

In recent years a series of documents including the strategic framework and directions for action in areas directly linked to the needs and social protection of citizens is adopted. *Ombudspersons of Bosnia and Herzegovina in their decisions and recommendations seek to indicate to the relevant authorities to focus to the needs instead of the social status of citizens in designing and implementing their policies involving persons with disabilities. They also indicate to the authorities the kinds of support necessary to the families of persons with disabilities. This is the first step in de-institutionalization process. Support to the families, in particular the professional support is an important segment in implementation of rights of persons with disabilities.*

1. **Please provide information on the number of certified sign language interpreters and deafblind interpreters available in your country.**

The Ombudsman Institution does not have information on number of certified sign language interpreters and interpreters for persons with hearing and visual impairment.

1. **Please provide information on the existence of any partnership between State institutions and private service providers (e.g., non-governmental organizations, for-profit service providers) for the provision of support to persons with disabilities.**

Ombudsman Institution has no relevant indicators of the existence of partnerships between state institutions and private providers who provide services to persons with disabilities.

1. **Please describe to what extent and how are persons with disabilities and their representative organizations involved in the design, planning, implementation and evaluation of support services.**

A significant number of non-governmental organizations in the description of their activities and program of work have provided work in the field of social protection, with the aim of providing assistance to its membership and other citizens who are in need. Given the above, we believe that just people with disabilities and their representative organizations can provide detailed information about their involvement in the design, planning, implementation and evaluation of support services.

It should be noted that at the level of Bosnia and Herzegovina has been established the Council for Persons with Disabilities, established by the Council of Ministers of Bosnia and Herzegovina by Decision on the establishment of the Council for Persons with Disabilities of 30.09.2003, in order to support the monitoring and reporting on the UN Convention on the Rights of Persons with Disabilities and coordination between different levels of government and non-governmental organizations. In accordance with this decision, the Council for Persons with Disabilities in Bosnia and Herzegovina has been formed as a permanent, professional, advisory, inter-sectoral and coordinating non-governmental body of the Council of Ministers of Bosnia and Herzegovina. The Council is consisted of 10 representatives of non-governmental organizations. The Council provides a formal dialogue between non-governmental organizations dealing with disabilities and state institutions.

In the Republic of Srpska, the main link between the Government of the Republic of Srpska and the Union of Associations of Disabled Persons of the Republic of Srpska is inter-sectoral body that has the primary role of policy makers and the EDS and the main filter selection regulations that are proposed for further procedure to the Government and Peoples' Assembly of the Republic of Srpska. Decision of the Government of the Republic of Srpska in the Inter-body represented by representatives of the Ministries of the Republic of Srpska, national coordinator for the improvement of social protection of disabled persons at the Ministry of Health and Social Welfare, two representatives of the Coordination Board of the Union of Associations of Disabled Persons of the Republic of Srpska and a representative of the Association of the Blind of the Republic of Srpska. The ministry responsible for the work of interdepartmental body is the Ministry of Health and Social Welfare. In the Federation, there is no such body. The Federation of Bosnia and Herzegovina adopted a number of important laws that oblige all Federation institutions to use in their work approach sensitive to issues of disability and that no law or regulation must not be adopted if it constitutes discrimination among persons with disabilities (Conclusion of the House of Peoples of the Federation of Bosnia and Herzegovina number : 01-35-479 / 11 of 19.07.2011; Conclusion of the Government of the Federation of Bosnia and Herzegovina V. No. 418/2012 of 28.03.2012.).

1. **Please provide any other relevant information and statistics (including surveys, censuses, administrative data, reports, and studies) related to the provision of support to persons with disabilities in your country.**

Human Rights Ombudsman of Bosnia and Herzegovina in 2009, after visiting the facilities for persons with mental disabilities, issued a *special report on conditions in institutions for mentally disabled persons in Bosnia and Herzegovina[[6]](#footnote-6).*

Also, with the aim of raising awareness of the needs of the entire society and people with disabilities themselves about their rights, the Ombudsmen of Bosnia and Herzegovina in 2010 issued a *Special Report on the Rights of Persons with Disabilities[[7]](#footnote-7)*. The aforementioned special report provides an overview of the most important national and international documents on human rights protection, as well as recommendations to the authorities in Bosnia and Herzegovina with the aim of taking concrete actions to integrate people with disabilities into the modern trends of society.

In January 2016, the Ombudsman drafted a *special report on the accessibility of the working area of legislative bodies in Bosnia and Herzegovina for persons with disabilities* [[8]](#footnote-8), and in order to implement the recommendations of the Special Report, these days takes place the tour of parliaments covered by the Report, together with representatives of paraplegics. The Ombudsmen of Bosnia and Herzegovina in their Annual Reports on the results of the activities devoted a special chapter to persons with disabilities*[[9]](#footnote-9)*. Thus, the Annual Report on the results of activities of the Human Rights Ombudsman of Bosnia and Herzegovina for 2015, the Ombudsmen noted that the reasons of addressing Ombudsman Institution have not changed in comparison with previous years, and complaints may be filed due to: problems of accessibility, late payment fees on the basis of disability or compensation and damages adjudicated by a final court decision, the length of the decision-making procedure on the appeal before an appellate authority, the right to social protection, the exercise of rights to health care, the protection of persons with disabilities from all forms of discrimination, as well as other rights.

Ombudsmen cooperate with associations of people with disabilities trying to inform them about the activities of this institution (eg. Recommendation is addressed to TV services in order to adapt the information programs for the hearing impaired*[[10]](#footnote-10)*), providing them with legal assistance, supporting projects, acting on individual complaints associations etc.

*The answers prepared by*

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1. Official Gazette of the Federation of Bosnia and Herzegovina, no. 36/99, 54/04, 39/06 and 14/09 [↑](#footnote-ref-1)
2. Official Gazette of the Republic of Srpska, no. 37/12. [↑](#footnote-ref-2)
3. Official Gazette of Brčko District of Bosnia and Herzegovina, no. 1/03, 4/04 and 19/07 [↑](#footnote-ref-3)
4. Član 48. [↑](#footnote-ref-4)
5. , Article 81 [↑](#footnote-ref-5)
6. http://www.ombudsmen.gov.ba/documents/obmudsmen\_doc2013020401071133bos.pdf [↑](#footnote-ref-6)
7. http://www.ombudsmen.gov.ba/documents/obmudsmen\_doc2013020406303506bos.pdf [↑](#footnote-ref-7)
8. http://www.ombudsmen.gov.ba/documents/obmudsmen\_doc2016021011073606bos.pdf [↑](#footnote-ref-8)
9. http://www.ombudsmen.gov.ba/documents/obmudsmen\_doc2016041515322172bos.pdf [↑](#footnote-ref-9)
10. http://www.ombudsmen.gov.ba/documents/obmudsmen\_doc2016091310312932bos.pdf [↑](#footnote-ref-10)