



Number: Oi-K- BL-524/22

Date: 6th September 2022

United Nations
High Commissioner for Human Rights
ohchr-registry@un.org

Subject: Reply to your letter dated 1 July 2022

Dear Sir,

With regard to your questions concerning support systems to ensure community inclusion of persons with disabilities, please find below the responses as follows:

1(a). Does your country have laws, policies, plans, strategies or programmes at any level of government relating to individualized support for persons with disabilities? In particular initiatives related to communication, decision-making, mobility, assistance with daily living activities, housing?

Bearing in mind the competences provided for in the Constitution of Bosnia and Herzegovina, the Constitution of the Republika Srpska and the Constitution of the Federation of Bosnia and Herzegovina, the 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.¹

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.

There are no separate laws or strategies at the level of Bosnia and Herzegovina pertaining to individualised support to persons with disabilities. However, it is important to point out that in 2008 the Council of Ministers of Bosnia and Herzegovina adopted a document entitled “Disability

¹ 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

Policy”², which in fact represents the basic guidelines for strengthening social inclusion of persons with disabilities in Bosnia and Herzegovina.

In the Republika Srpska, the Act on Amendments to the Child Protection Act of the Republika Srpska³ was passed in 2019, introducing the right to parent-caregiver benefits, while in the Federation of Bosnia and Herzegovina the Parent-Caregiver Act⁴, which for the first time systematically governs this area, was passed in 2021.

The Social Protection Act of the Republika Srpska⁵ was passed in 2019, and it extends the scope of rights and beneficiaries exercising the rights for the purposes of this Act.

At the FBiH level, there was a separate strategic document, the 2016-2021 Strategy for Advancing the Rights and Status of Persons with Disabilities in the Federation of Bosnia and Herzegovina⁶, defining the special objectives along with the measures required to be taken in order to achieve them. However, the 2022-2026 Strategy has not yet been adopted in the FBiH.

There is a separate strategic document in the Republika Srpska, the 2017-2026 Strategy for Advancing the Social Status of Persons with Disabilities in the Republika Srpska⁷. The Strategy defines the objectives, including: ensure the passage of laws and bylaws to advance the social status of persons with disabilities, facilitate active participation of persons with disabilities in political life and decision-making process at all levels, etc. In the fields of social protection, security and support the objectives defined include: develop different social services which meet the needs of persons with disabilities, ensure the protection of persons with disabilities in emergency situations caused by natural disasters.

As for the field of communication, the Act on the Use of Sign Language in Bosnia and Herzegovina was passed at the level of Bosnia and Herzegovina⁸.

Taking into account allegations made by persons with disabilities concerning inadequate or incomplete implementation of the said regulation, IHROBiH registered a case⁹ in 2022 with a view to collecting information and conducting an investigation procedure concerning the implementation of the said regulation. The procedure is still pending, and the final decision will be made following the investigation conducted.

² Available at: <https://fmrsp.gov.ba/?wpdmpo=politika-u-oblasti-invalidnosti-u-bosni-i-hercegovini>

³ Child Protection Act of the Republika Srpska, *RS OG*, no 107/19, available at:

<https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/MZSZ/dokumenti/Documents/Zakon%20o%20djecjoj%20zastiti.pdf>

⁴ *FBiH OG*, no 75/21, available at:

[https://parlamentfbih.gov.ba/v2/userfiles/file/Usvojeni%20materijali%202021/Zakon%20o%20roditeljima%20njegovateljima%20\(B\).pdf](https://parlamentfbih.gov.ba/v2/userfiles/file/Usvojeni%20materijali%202021/Zakon%20o%20roditeljima%20njegovateljima%20(B).pdf)

⁵ Social Protection Act of the Republika Srpska, *RS OG*, no 94/19

⁶ Available at: https://fbihvlada.gov.ba/uploads/documents/strategija-za-unapredenje-prava-i-polozaja-osoba-sa-invalidite-compressed_1640955588.pdf

⁷ Available

at: <https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/MZSZ/dokumenti/Documents/Strategija%20unapre%C4%91enja%20dru%C5%A1tvenog%20polo%C5%BEaja%20lica%20sa%20invaliditetom.pdf>

⁸ *BiH OG*, no 75/09, available at:

<http://www.mpr.gov.ba/biblioteka/zakoni/bs/Zakon%20o%20upotrebi%20znakovnog%20jezika.pdf>

⁹ Ž-SA-02-595/22

In addition, the Act on the Use of Sign Language in the Republika Srpska¹⁰ was passed in 2018 and it is aimed at governing the right of deaf persons to use and learn sign language, as well as governing the scope and methods for exercising the right to a sign language interpreter in the Republika Srpska. The said regulation has not yet been adopted in the Federation of Bosnia and Herzegovina and the Brčko District of BiH.

With regard to that, IHROBiH registered another case¹¹ in 2022 which pertains to the adoption of the said regulation in the Federation of Bosnia and Herzegovina. Based on IHROBiH's findings, certain measures have been taken but the law has not been adopted yet.

With regard to personal mobility support for persons with disabilities, please note that in the Federation of Bosnia and Herzegovina the right to orthopaedic aids is governed by the FBiH Health Insurance Act¹² and the Essential Health Package Decision¹³, stipulating that beneficiaries, under their essential health package, are entitled to use orthopaedic and other aids. Based on the Decision, every canton in the FBiH has adopted a separate bylaw defining the list of aids and the requirements and methods for exercising the right to them. In 2022, IHROBiH registered a case *ex officio* concerning the exercise of the right of blind persons to a "screen reader"¹⁴, as well as a case concerning the procurement of hearing aids¹⁵. The investigation procedures are ongoing.

In the Republika Srpska, this issue is also primarily governed by the Republika Srpska Health Insurance Act¹⁶, based on which the Rulebook on the Right to Medical Devices¹⁷, governing the requirements and methods for exercising this right, has been adopted.

The issues such as assistance with daily living activities, housing and accommodation, family and household support, as well as forms of disability-related extra costs, are not governed by any specific law and bylaw. Persons with disabilities can potentially exercise these rights at the local community level.

I(b). What are the government institutions, departments and ministries in charge of budgeting, financing and implementing the above?

At the level of the FBiH and the RS, it is the FBiH Government and the RS Government, i.e. the competent finance ministries proposing the budget to be adopted by the legislative body.

¹⁰ RS OG, no 62/18, available at:

<http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/2015/673-15.pdf>

¹¹ Ž-SA-02-594/22

¹² FBiH OG, no 30/97, 7/02,70/08,48/11 and 36/18, available at:

<https://www.fmoh.gov.ba/index.php/zakoni-i-strategije/zakoni/zakon-o-zdravstvenom-osiguranju>

¹³ FBiH OG, no 21/09

¹⁴ Ž-SA-02-503/22

¹⁵ Ž-SA-02-593/22

¹⁶ RS OG, no 18/1999, 51/2001, 70/2001, 51/2003, 57/2003 – corr. 17/2008, 1/2009, 106/2009, 39/2016 – CC decision, 110/2016, 94/2019, 44/2020 – another regulation and 37/2022, available at: <https://www.paragraf.ba/propisi/republika-srpska/zakon-o-zdravstvenom-osiguranju.html>

¹⁷ RS OG, no.

[114/12, 59/14, 94/14, 100/14, 61/16, 7/17, 053/18, 112/18, 121/18, 21/19, 46/19, 87/19, 107/19,10/20, 89/21, 104/21, 14/22, 29/22, 60/22](https://www.zdravstvo-srpske.org/propisi/pravilnici.html), available at: <https://www.zdravstvo-srpske.org/propisi/pravilnici.html>

1(c). How is the social and solidarity economy (third sector, non-profit sector), particularly the disability sector, involved in budgeting, financing and implementing the above (1(a))?

IHROBiH does not have this information.

1(d). How are persons with disabilities and their representative organizations involved in the design and monitoring of the above (1(a))?

IHROBiH does not have this information.

2(a). Does your country have legislation or policies, at any level of government, regulating and coordinating a care and support system that considers the areas mentioned in 1(a) above? Please provide references to the documentation.

Response provided under 1(a).

2(b). If yes, please describe how the care and support system is financed and what the percentage of the eligible population covered is.

IHROBiH does not have specific indicators on the percentage of the population qualifying for support and care.

3. Does your country have a strategy to develop legislation, policies and programmes to enable the development of support systems as described in 1(a) above which includes targets, indicators and an accountability mechanism? Please provide references to the documentation.

No strategies to develop legislation, policies and programmes to enable the development of support systems have been adopted at the level of the FBiH and the RS.

4. Please provide data on persons with disabilities and families and households accessing care and support systems as described above in 1(a) and 2(a).

IHROBiH does not have these data.

5. Please provide data on the impact of the COVID19 pandemic on persons with disabilities and families and households with members with disabilities (death rates disaggregated by disability status, death rates in institutions compared to those living in the community, impact on income as a consequence of disruption in support or increased support and care demands, disruption in support services, among other).

During the coronavirus pandemic, persons with disabilities in Bosnia and Herzegovina suffered the most negative effects of different measures adopted with a view to combating COVID-19. The most common problems referred to the access to healthcare, therapeutic and rehabilitation procedures and

to the availability of assistance and other support services, but they also referred also to the inability to work and/or work on a reduced scale. IHROBiH does not have the statistical indicators on the impact of the COVID-19 pandemic on persons with disabilities and their families, i.e. it does not have the data pertaining to death rates, etc.

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