

International Disability Alliance (IDA)

Member Organizations:

Disabled Peoples' International, Down Syndrome International, Inclusion International,
International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant questions to be included in the list of issues for Pre-sessional Working Group, CRC 60th Session

The International Disability Alliance (IDA) has prepared the following suggestions for the list of issues, based on references to persons with disabilities to be found in the State reports submitted to the Committee on the Rights of the Child.

BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol on 12 March 2010.

State report

Selected references to children with disabilities in the state report:

11. Seven specialised departments have been established:

Department for monitoring the rights of children

Department for monitoring the rights of disabled people

- Department for monitoring the rights of national, religious and other minorities

Department for economic, social and cultural rights

Department for political and civil rights

Department for elimination of all forms of discrimination

Department for monitoring the rights of detainees/prisoners

72. The most vulnerable category are children of displaced persons, refugees, minorities, foreign nationals and asylum seekers and children with disabilities. The Programme of Social Inclusion of Children that is being implemented in Bosnia and Herzegovina and the Programme of Social Inclusion of Population Program both establish special objectives and measures to improve the protection of rights of all these categories of children. Difficulties in providing appropriate protection of these children's rights are a result of the global crisis and a lack of funds available to social services which have a prime task of ensuring the protection of children and/or improving the status of families with children. Children in Bosnia and Herzegovina do not always enjoy equal protection, as some areas allocate greater funds for their protection and there are areas that do not have appropriate resources, so we are mainly focusing our activities on harmonization efforts in order to ensure equal exercise and protection of rights of children in BiH.

Child disability

230. Overall, 3 per cent of children aged 2 through 9 years have difficulties with speech. Overall, 9 per cent of children of the same age cannot name a single object.

Children with disabilities (art. 23)

242. The Law on Amendments to the Law on the Basis of Social Care, the Protection of Civilian war victims and Families with Children (Official Gazette of the Federation of BiH, 54/04) establishes the fundamental rights of persons with innate or acquired disabilities that as a consequence resulted in at least 60% of damages to the organism. These rights are the following: personal disability benefit, allowance for the care and assistance of a third person and orthopaedic allowance. The Law allows for the exercise of these rights for the first time, i.e. it deals with the rights that these persons could not exercise before the enactment of this Law. Funds for exercise of fundamental rights of persons with disabilities referred to in this Law are provided in the Budget of the Federation of Bosnia and Herzegovina, which secures equality of all persons to exercise their right, regardless of their place of residence.

243. A Decision of Brčko District Mayor No: 01-014-003478/05 of April 27, 2007 on identifying and assessing abilities, classification and registration of children and youth with special needs defines a manner of identification, procedure for assessing abilities, classification and record keeping on children with special needs, as well as a type and level of disability in physical or psychological development of children. Institutions in the Brčko District area that provide health services, educational services, Health Department and other services such as Sub-Department for Social Welfare identify children with special needs.

244. Persons with special needs in terms of this Decision are the following persons:

- (a) With sight impediment;
- (b) With hearing impediment;
- (c) With speech and vocal impediment;
- (d) With physical disability;
- (e) With insufficient mental development (slight, moderate, serious and severe degree);
- (f) With combined impediments/disabilities.

245. The assessment of abilities and classification of persons with special needs is performed by a professional commission. The Commission gives its findings on the abilities and an opinion on relevant protection measures for the persons with special needs. The Sub-Department for Social Welfare issues a decision on ability and sends a person with special needs to an education department and relevant educational institution, i.e. relevant social care institution for the purposes of ensuring special protection, upbringing, education and training for a job and living in general. If the assessment and classification procedure establishes that the person with special needs has damages in terms of his/her physical or psychological development but not in the extent used for classification under the provisions of this Decree, the Professional Commission gives a recommendation on the need to administer medical treatment, correct the damage and apply the relevant procedure.

246. The data from MICS research give indirect information on children with disabilities. Mothers/guardians of children in the 2–9 age group were asked to provide answers to a number of questions to establish the number of disabilities/faults such as sight impediment, hearing impediment and speech impediment. Total of 3% of children from the 2–9 age group have speech disorders. Total of 9% of children of this group is unable to name any item (Source: MICS 2006).

251. The Law on Allocation of Public Revenues in the Federation and Financing of the Federation of Bosnia and Herzegovina defines distribution of public revenues between the Federation of Bosnia and Herzegovina and Cantons. A significant portion of funds is being yielded to Cantons. Cantons define, by their regulations, a type and level of revenues that they yield to the municipalities. Accordingly, social welfare funds and funds for the protection of families with children originate from Cantonal budgets and amendments to the Federation Law define that the basic rights of persons with disabilities and civilian war victims have to be

exercised and funds provided at the Federation level – this is done in full for persons with disabilities (non-war disabilities), while civilian war victims exercise their rights partially from the Federation Budget and partially from the Cantonal Budget under the principle of divided responsibility.

255. Things are additionally complicated by a lack of updated and complete information on social care beneficiaries. The establishment of a data base of social care beneficiaries in the Federation of Bosnia and Herzegovina within a Social Sector Technical Assistance Credit has been finished and it is now functional, covering persons with disabilities only; the social care centres data base became operational on January 1, 2006. With regard to this, it would be necessary to take activities on amendments and changes to the application, that is, improvement of the database for other social care beneficiaries in line with the Law on the Basis of Social Care, the Protection of Civilian war victims and Families with Children.

305. The Action Plan on Educational Needs of Roma includes promotion of systematic changes which would ensure recognition of Roma educational needs: removal of financial and administrative barriers for enrolment and completion of school, preservation of Roma language and culture, achieving support and participation of Roma children, parents and community in education of their children. Children with disabilities are included in primary education through regular classes (inclusion), and teachers work with these students in accordance with special and individually tailored programs.

314. Protection of civilian victims of war is regulated by the Law on the Basis of Social Protection, Protection of Civilian war victims and Families with Children. According to this Law, civilian war victim is a person who has suffered physical damage of at least 60% due to wounds or injuries, as well as the person who was killed, died or disappeared due to the effects of war. The right to a personal compensation can be exercised by persons with disability from 60% to 100% and depending on a degree of disability, categories I to IV can exercise the right to home care and orthopaedic benefit, while the right to family pension can be exercised by members of immediate family of a civilian war victim who was killed or died as a result of injuries, or a missing person. The compensation under this Act is payable in the total of 70% of the monthly amount of war veteran's personal pension, 50% from federal budget and 20% from cantonal budget – from appropriate groups, according to regulations of the Law on the Rights of War Veterans and Their Families.

Suggestions for list of issues

- With respect to decisions concerning the child him/herself, how does the Government ensure that children with disabilities have the opportunity to express their views and for their views to be given due weight in accordance with the child's age and maturity, on an equal basis with other children, and are provided with age- and disability-appropriate support to exercise these rights?
- What measures are being taken to ensure the effective collection of data and statistics, which is respectful of persons' privacy, regarding children with disabilities disaggregated by sex, age, region of residency and type of disability?
- What steps are being taken to provide sufficient support to families to ensure that all children, including children with disabilities, can live and be raised in family environments in the community, and to eliminate the institutionalisation of children by building up community based services and support (including through increased social assistance and welfare benefits) to children with disabilities and to their families, including foster families ?
- Does the Government have a general plan for deinstitutionalisation and the reintegration of children with disabilities, into community settings?

- Please provide information on the number of cases lodged alleging disability-based discrimination and hate violence against children with disabilities in the last years and their outcomes, including sanctions which were ordered against both public and private bodies or individuals in these cases.
- How is information about seeking help and making complaints against perpetrators made available to children with disabilities regarding bullying, violence, abuse or exploitation?
- Is public information and programmes targeted at children made available in accessible formats for children with disabilities?
- Is it a requirement by the Ministry of Education that all children have an individual education plan, drawn up with the active involvement of the children's families, setting out the student's individual learning programme and the cycle of assessment, planning, provision and evaluation surrounding a student's learning? What training on accommodating students with disabilities in mainstream classes is provided to ordinary (i.e mainstream) teachers?
- Is a definition of inclusive education incorporated into the law? What measures are being taken to ensure that mainstream schools are accessible to children with disabilities (e.g. physical environment, teacher training, curricula development, etc)?
- How does the Government ensure that children with disabilities enjoy, without discrimination and on an equal basis with others, extracurricular, cultural and leisure activities organised by schools, such as guided tours, educational visits, sports events, play and recreation?
- How are children with disabilities educated about sexual and reproductive health and how can they have access to services and assistance with respect to their right to sexual and reproductive health in accordance with their age and maturity?