

**STATEMENT OF MYRIGHT-EMPOWERS PEOPLE WITH DISABILITIES  
UPR PRE-SESSION ON BOSNIA AND HERZEGOVINA  
GENEVA, OCTOBER 11, 2019**

***MyRight – Empowers people with disabilities* is a member of the BiH Civil Society Initiative for UPR**

*MyRight - Empowers people with disabilities* is an umbrella organization that brings together various Swedish organizations of persons with disabilities to support the development and work of similar organizations around the world.

Since 2009, *MyRight in BiH* has been coordinating a capacity-building programme for persons with disabilities and their organizations to empower them in the exercise of the rights guaranteed under the Convention on the Rights of Persons with Disabilities (CRPD). The programme supports the individual projects and joint activities being implemented by five coalitions of organizations of persons with disabilities, which bring together more than 60 different local organizations of persons with disabilities and cover wide geographical areas stretching over both the constituent entities of Bosnia and Herzegovina, the Republika Srpska and the Federation of BiH, including both urban and rural areas. Our close cooperation with these coalitions on the continuous monitoring of their members' rights ensures we are well informed regarding the state of human rights in BiH, particularly for persons with disabilities, as presented in this document.

### **Statement outline**

This statement looks at the rights of persons with disabilities in BiH in general and their right to education more specifically, which five coalitions of organization of persons with disabilities have singled out as a critical precondition for ensuring the future of children/youth/persons with disabilities and inclusiveness.

The state has not implemented the recommendations it received and accepted under the Universal Periodic Review in 2014. The progress made in regards to the recommendations is so minimal that it would be an exaggeration to state that they are "in the process of implementation". The only positive change since the last cycle of UPR has been amendment of the national Anti-discrimination law, which introduced disability as grounds for prohibiting discrimination. However, it does not include all forms of discrimination on grounds of disability, including multiple and intersecting discrimination.

### **Rights of persons with disabilities in BiH in general**

It is our duty to inform you, and particularly the states that gave recommendations for implementation of the CRPD and improvement of the social status of persons with disabilities during the last cycle, that were accepted by our authorities, namely Angola, Slovakia, Afghanistan, Venezuela, Spain and Qatar, that nothing has been done to tackle continued state discrimination against persons with disabilities, whereby

individuals are provided different access to their rights and entitlements, in both scale and scope, because of their disability with especial reference to whether it arose during the war during military service or in civilian life, or at birth, or was acquired during peacetime.

Given the multiple levels of government and administrative divisions within BiH, there is no single countrywide approach to providing all citizens equal access to their rights throughout the state.

The authorities of Bosnia and Herzegovina are not doing enough to establish the support services required for independent living and the social inclusion of persons with disabilities. This has resulted in long-term isolation, dependence on support from families, and long-term poverty for many.

There is an evident lack of effort to enforce regulations prescribing that buildings be constructed without architectural barriers. Alongside the lack of provision of accessible and affordable transport, this creates huge barriers to the active participation of persons with disabilities in social activities.

Information of concern to the public provided through the public broadcasters and on public institutions' websites is not made accessible to persons with disabilities.

### **Recommendations:**

- Bring legislation in BiH fully into line with the UN Convention on the Rights of People with Disabilities (CRPD) and adopt harmonized human rights-based concept of disability.
- Reform the provisions of disability benefits, harmonizing laws and regulations at all levels of government and ending discrimination based on cause of disability, in particular between war-related and non-war related disabilities.
- Ensure all public spaces and facilities and all public information are accessible to persons with disabilities, both by actually enforcing existing legislation and by introducing new legislation that deals with these issues clearly.

### **Rights of persons with disabilities to inclusive education**

Most mainstream schools still do not include students with disabilities in the true spirit of inclusive education. One reason for this is the education authorities' ignorance about and lack of understanding of what inclusive education entails. None of the education laws prescribes an obligation to provide reasonable accommodation for students with disabilities, the denial of which constitutes discrimination against them on the basis of their disability.

Education budgets do not plan sufficient resources for quality inclusive education or financing for reasonable accommodation.

Teaching staff is the most important segment for the provision of quality inclusive education. They still are not receiving the knowledge required about and for inclusive education during their university.

There are still no realistic statistics on the number of children with disabilities in mainstream schools, disaggregated by age, disability, and success, or the number of children in special schools and special classes, or the number of children not included in the education system at all.

The education system does not produce indicators for the inclusive education of children with disabilities to allow ministries to monitor progress in the implementation of inclusive education. Such a tool is vital for adequate response to and improving deficiencies or ambiguities identified.

### **Recommendations:**

- Incorporate inclusive education training into university curricula for future teachers and provide training programmes and in-service education for current teaching staff.
- Amend the laws on education at all levels, introducing an obligation to provide reasonable accommodation for students with disabilities in accordance to the General Comment on article 24 of CRPD.
- Provide budgets for quality inclusive education for children, young people, and other persons with disabilities.
- Establish indicators to ensure effective monitoring of and reporting on the implementation of inclusive education.
- Promote the right of children with disabilities to education in the regular school system in order to raise public awareness.