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**Social Protection of Persons with
Disabilities in Bosnia and Herzegovina**

Introduction

- Large number of people with disabilities
- No accurate number due to lack of evidences
- It is estimated that up to 15% of the total population have some degree of disability
- Large number of that percentage are victims of war and casualties during the war.

Regulation of the State Bosnia and Herzegovina

- ▶ The State of Bosnia and Herzegovina is made up of two entities: Republic of Srpska and Federation of Bosnia and Herzegovina
- ▶ Brčko Distrikt: Local government unit with separate legislation and system
- ▶ Jurisdiction of the institutions of State Bosnia and Herzegovina:
 - Foreign policy
 - Foreign trade policy
 - Customs policy
 - Monetary policy

- Financing of institutions and international obligations of Bosnia and Herzegovina
 - Policy and regulation of immigration issues, refugee issues and asylum issues
 - Conducted international and inter-entity criminal law regulations, including relations with Interpol
 - Establishment and functioning of joint and international means of communication
 - Regulation of inter-entity transport
 - Air traffic control
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- Social policy is not the responsibility of the institutions of Bosnia and Herzegovina

Jurisdiction of the Entity

- The right to establish special and parallel relations with other States
- Providing necessary assistance to the institutions of Bosnia and Herzegovina in meeting their international obligations
- Legal security and protection of persons under jurisdiction, establishment and maintenance of civil law enforcement institutions operating in accordance with international standards while respecting internationally recognized human rights and fundamental freedoms
- Concluding agreements with States and international organizations with the consent of the Parliamentary Assembly

The competences of the joint bodies of the State of B&H in the social protection of persons with disabilities

- Ratification of international documents
- Human rights protection
- Implementation of international documents
(15 additional human rights agreements applicable in Bosnia and Herzegovina)
- The rights and freedoms provided for in the European Convention for the Protection of Human Rights and Fundamental Freedoms and in its protocols are directly applicable in Bosnia and Herzegovina. These acts take precedence over all other laws.
- Policy in the field of disability

Competences of the joint bodies of the State of Bosnia and Herzegovina in the social protection of persons with disabilities

- **Entities of the Republic of Srpska and Federation of Bosnia and Herzegovina and Brcko District:**
- RS: Responsibility for legal regulation, realization and partial financing
- In FBH: Policy and basic grounds (principles, beneficiaries, rights and financing) of social protection for specific systems
- Brčko Distrikt: Local government unit with separate legislation and system

- **Cantons in FBH:**
- More specific regulation for specific areas
- Implementation of legally determined rights
- Co-financing of individual rights
- **Local government units:**
- Bearers of social protection in RS: planning, financing, implementation
- No competences in FBH

Characteristics of existing organizations

- Each level of organization has its own systems, which are legally determined
- Great similarity in the content of social protection
- Linkage and fulfillment of coordination functions is not defined
- There is no minimal level of negotiation and harmonization among entities
- Key coordination role is being realized through projects supported by international organizations
- Associations and organizations of persons with disabilities at the local and entity levels
- On all levels in social protection systems and institutional organization: varying models of care, help and support to social protection beneficiaries and, thus, persons with disabilities

Understanding of social protection

- Understanding of social protection in a narrower sense: protection of vulnerable groups
- Broader understanding of social protection: social insurance, social support, social services, universal payments
- UN Convention on the Rights of Persons with Disabilities: broader understanding – social protection system, child protection system and veterans and disability protection system (including protection of civilian war victims)

- Presentation perceive social protection in a broad context and includes social protection system, social protection measures in the child protection system (both: children and the family), veterans and disability protection and protection of civilian war victims
- Approach to disability issues is not based on unique principles and human rights, which results in significant differences between disabled persons, their position, rights and life conditions on all levels

Application of international documents in the field of disability

- UN Convention on the Rights of Persons with Disabilities – ratified in 2010. without any reservation or declaration
- Standard rules for equal opportunities for persons with disabilities ratified in 2013.
- European Social Charter ratified in 2008.
- First initial report submitted in 2012.
- More alternative reports from civil society organizations
- 2017. Committee on the Rights of Persons with Disabilities: Final Considerations on the Initial Report of Bosnia and Herzegovina

Strategic approaches in the field of disability

- Disability policy 2009.
- Entity strategies:
 1. A strategy for equalizing opportunities for persons with disabilities in Federation of Bosnia and Herzegovina (2011-2015)
 2. A strategy for promoting the rights and status of persons with disabilities in Federation of Bosnia and Herzegovina (2016-2021)
 3. A strategy to improve the position of persons with disabilities in Republica of Srpska (2010-2015)
 4. A strategy for promoting the social position of persons with disabilities in Republica of Srpska (2017-2026)

Social welfare content for people with disabilities

Definition and assessment of disability

- There is no unique definition and unique terminology
- B&H does not applied UN Convention on the Rights of Persons with Disabilities terminology in definition of disabilities
- Each system makes the assessment in accordance with its own criteria (mostly medical), sporadic inter systematic exchange and usage of data
- There are no unique or shared records – right records

Rights of persons with disabilities in the social protection system

- An inherited traditional system of protection of the former state
- Cash benefits
- Social services in which placement in institutions plays a significant role

Users:

FB&H - Non-war disabled persons with 100 and 90% of disability

- Civilian victims of war with 60% or more disability

RS - Civilians with disabilities according to functional approach (wholly or partially dependent on the assistance of another person in meeting the needs) and the degree of physical damage (from 70%-100% of disability)

Characteristics of social protection PWD

- Rights do not have a clear purpose
- A small number of social protection rights
- The degree of damage is a basic criterion in the exercise of rights
- Material status is not a criterion
- Minimal social security is not defined
- Social services are underdeveloped, day care services are not legally binding in the Federation of Bosnia and Herzegovina

- There are no professional standards of service quality
- Training and education of workers in work with PWD systemically disordered
- Integrating health issues and addressing them through health care (patients with rare diseases and nephrological diseases)
- Significant differences in extent and amounts of rights, which creates systematic discrimination among persons with disabilities in the social protection system according to place of life, causes of disability
- Accommodation in institutions is highly represented

| The name of the Right | Republic of Srpska | | Federation of BH | |
|---|-------------------------|----------------------------|-------------------------|----------------------------|
| | Number of beneficiaries | Individual amount in Euros | Number of beneficiaries | Individual amount in Euros |
| Personal disability allowance | 4.192 | 44,00–68,00 | 44.172 | 41,00–55,00 |
| Allowance for support and help provided by another person | 26.394 | 45,00–91,00 | 30,703 | 68,00–137,00 |
| Orthopedic allowance | – | – | 17,644 | 10.00 |
| Financial support (permanent) | 3,610 | 63.00–121.00 | 7,740 | 27.00–60.00 |
| Other types of financial allowances | 4,586 | 15.00–360.00 | 5,091 | 20.00– 250.00 |
| Training for work/equalization of opportunities | 333 | – | 815 | – |
| Placement in another family | 489 | 100.00–300.00 | 537 | 50.00–350.00 |
| Placement in social care institutions | 450 | – | 1,260 | – |
| Help in the household | 285 | – | 685 | – |

Rights of disabled persons within the system of war veterans disability protection

- War and peace military invalids: specific system regulated in entity laws
- Copying of the system from the SFRJ
- The privilege of the system in society and the particular sensitivity of both entities
- **BiH spends 3-4% of GDP on non-contributory social benefits or about 37% of consolidated budgets at all levels of government, 2/3 of which goes to veteran's benefits**

- Safeguarding the rights, regardless of the pressure for audits and better targeting of remuneration
- Basis for the right: participation in war and bodily impairment
- Focus on financial payments and privileges
- Purpose of payments defined in unclear manner (personal disability allowances, family disability benefits)
- Significant differences in entities in terms of amounts
- Significant differences between Entities in the amount of entitlements
- Significantly better position in comparison with other disabled persons

| The name of the Right | Republic of Srpska | | Federation of BH | |
|---|-------------------------|----------------------------|-------------------------|----------------------------|
| | Number of beneficiaries | Individual amount in Euros | Number of beneficiaries | Individual amount in Euros |
| Personal disability allowance | 32.100 | 15,00–393,00 | 50.223 | 22,00–415,00 |
| Allowance for help and support provided by another person | 700 | 196,00–357,00 | 695 | 200,00–431,00 |
| Orthopedic allowance | 5.100 | 20,00–104,00 | 9.260 | 74,00–125,00 |
| Additional material provision | 5.077 | 60,00–297,00 | – | – |

Social protection of civilian war victims

- Varying regulations in entities in accordance with the same principles
- Organizationally: in FBH within the social protection system and in RS within the veterans and disability protection
- Traditional manner of regulation of rights (status of civilian war victim and disability)
- Focus on financial payments
- 60% of disability is a minimum for rights
- Attempt to introduce means testing in RS
- Existence of family disability allowances

| The name of the Right | Republic of Srpska | | Federation of BH | |
|---|-------------------------|----------------------------|-------------------------|----------------------------|
| | Number of beneficiaries | Individual amount in Euros | Number of beneficiaries | Individual amount in Euros |
| Personal disability benefit | 1.645 | 59,00–192,00 | 4.332 | 53,00– 297,00 |
| Allowance for support and help provided by another person | 78 | 153,00 | 282 | 147,00–297,00 |
| Orthopedic allowance | – | | 1.850 | 50,00–86,00 |
| Allowance for a family member who is incapable for work | 81 | | | |
| Additional financial support | 309 | | | |
| Allowance for self-support | 31 | | | |

Institutional protection

- Lack of accommodation and day care facilities
- Public sector accommodation establishments
(in FBH-5; RS-7)
- Day care centers are mostly in the NGO sector
- More than half of the local communities have no day care centers
- Day care centers for children, for adults very rare
- The private sector does not participate in institutional protection
- Institutional placement reforms – improving living conditions and supported housing projects

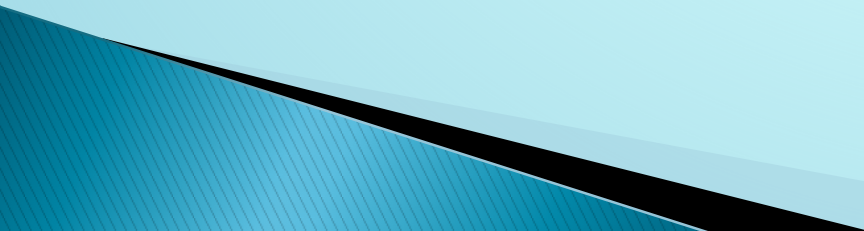
Special measures in RS child protection for children with disabilities

- Child allowance: exercising rights without checking the financial status of children with mental and physical disabilities up to 18 years of age and 30% increase in the amount
- Reimbursement of paid part-time wage compensation for enhanced care and care of child with disabilities
- Reimbursement of paid part-time wage compensation for child up to 3 years of age
- Project to meet the developmental need of children

Measures for protection of families with children in the FB&H

- Protection of families and children are on the Cantonal jurisdiction
- Diversity of systems of measures and approaches e.g. Hercegovacko-Neretvanski Canton doesn't have any special conditions and protection measures, Tuzla Canton defines more favorable conditions for exercising rights: without determining the financial status of the family and the amount of cash allowance increased by 50%

Conclusion

- Complex state organization influences the organization of social protection
 - Rights of disabled persons regulated in several tenths of sector and organizational systems
 - Financing of rights with the participation of entity, cantonal and municipal budgets
 - Non-existence of a complete and comprehensive mechanism for social security of disabled persons
 - Lack of development of services in local communities for a life within the everyday environment
 - A large number of PwDs in institutions
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- Systematic and sector discrimination depending on the cause of disability, entity, canton, local government unit, development etc.
- Rights are not based on needs but rather on causes of disability
- Rights do not ensure overcoming of issues, such as poverty and social exclusion
- Disability movement and its reaction on discrimination: lack of support, different opinions on the term of status and purpose of rights
- Problems with record keeping and maintaining databases

Assessment of social protection by different organizations

1. Committee on the Rights of Persons with Disabilities – Recommendations:

- Revising the system of benefits (disability benefits) in order to harmonize laws and regulations at all levels of government with a view to abolishing current discriminatory practices on the basis of causes of disability, especially between war and non-war disabled persons or places of residence
- Adopting a comprehensive strategy with clear time constraints and ensuring sufficient resources for effective deinstitutionalization
- No new accommodation facilities will be built, professionals at the institutions will have adequate training on the Convention regulations and the social work curricula will be harmonized

2. Human Rights Ombudsman B&H – Special Report on Human Rights of PWD

- Harmonization of criteria for granting disability benefits
- Greater resources and reallocation of existing assets
- Housing policy and solving housing issues
- Community services development, comprehensive advisory assistance
- Visit and treatment of PWD in rural areas
- Support to NGOs and associations

Thank you for your attention