Date: 14th April 2020

Re: Oi-K- SA - 61/20

**Special Rapporteur on the rights of persons with disabilities Ms.** **Catalina Devandas**

sr.disability@ohchr.org

**Subject: Replies of BiH Ombudsman to your letter dated 04 March 2020**

Dear Ms Devandas,

 The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (hereinafter: the BiH Ombudsman) has received your letter dated 04 March 2020 in which you say that pursuant to Human Rights Council resolution 35/6, you are currently preparing a report for the 75th session of the General Assembly on disability-inclusive international cooperation. The study aims to assess the extent to which international cooperation, including official development aid, is inclusive of and accessible to persons with disabilities, and to provide guidance to States and international cooperation actors on how to become more disability-inclusive, in line with the Convention on the Rights of Persons with Disabilities.

In this regard we hereby submit the following replies:

By ratification of the UN Convention on the Rights of Persons with Disabilities[[1]](#footnote-1), Bosnia and Herzegovina, its entities and Brčko District of BiH have assumed the obligation to harmonize its legislation with international standards in the area of disability. In this regard, in May 2008 adopted was a document titled Policy in the Area of Disability in Bosnia and Herzegovina[[2]](#footnote-2) in which the state adopted a new, human rights based approach to disability related matters. Bosnia and Herzegovina has also accepted Standard Rules on the Equalization of Opportunities for Persons with Disabilities. The mentioned document, as the basic international document, prescribes the rules to be followed by the state in securing living conditions and exercising the rights of persons with disabilities. Pursuant to the provisions of the Standard Rules for Equal Opportunities for Persons with Disabilities, the authorities of Bosnia and Herzegovina at all levels have an obligation to ensure to every citizen the enjoyment and protection of fundamental human rights and freedoms guaranteed by international conventions.

Federation of Bosnia and Herzegovina has adopted the 2016 - 2021 Strategy for Improvement of the Rights and Status of Persons with Disabilities in the Federation of Bosnia and Herzegovina[[3]](#footnote-3), which, *inter alia*, aims at the implementation and advancement of program of international assistance and cooperation of the institutions of the Federation of Bosnia and Herzegovina and organizations of persons with disabilities with international partners.

Republika Srpska has adopted the 2017 - 2026 Strategy for the Advancement of Social Status of Persons with Disabilities in Republika Srpska[[4]](#footnote-4), which also among its goals has strengthening of international and regional cooperation with the organizations representing and gathering the persons with disabilities.

The Convention on the Rights of Persons with Disabilities stresses the importance of the participation of organizations of persons with disabilities and organizations representing them internationally and, in this regard, calls on the states to consult and involve organizations of persons with disabilities in the preparation of the state report to the Committee on the Rights of Persons with Disabilities[[5]](#footnote-5). States should consult persons with disabilities when drafting the report and for other human rights mechanisms, such as other treaty bodies, universal periodic review and special procedures.

The Convention on the Rights of Persons with Disabilities calls on the states to closely consult and actively involve persons with disabilities, through their representative organizations, when proposing candidates for work on the Committee on the Rights of Persons with Disabilities[[6]](#footnote-6), which gives the possibility to persons with disabilities to suggest qualified candidates, and to be elected as members of the Committee. States should encourage nominations of persons with disabilities and support their participation in the election process for membership in the Committee and other treaty bodies.

International cooperation is crucial element in providing support to national efforts to achieve the purpose and objectives of the Convention on the Rights of Persons with Disabilities and the states should take adequate measures to strengthen international cooperation between the states, including South-South and triangular cooperation (international assistance systems) in partnership with international and regional organizations and NGOs. In this process the expertise, and identification of priority areas for funding, as well as key areas for capacity building and research should be taken into account.

Availability of aid received from international cooperation to persons with disabilities is made possible through the public calls and projects for all persons without discrimination, while persons with disabilities are involved in the implementation of national development programs, most often through their associations and NGOs. International aid certainly contributes to the inclusion of persons with disabilities, because the rights of persons with disabilities cannot be regarded separately from the rights of others. International aid is mostly specific and mainly focused to the implementation of policies adopted by competent authorities with a view to establishing the highest level of human rights.

Respectfully Yours,

Human Rights Ombudsmen of

Bosnia and Herzegovina:

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PhD Ljubinko Mitrović



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PhD Jasminka Džumhur



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Nives Jukić

Human Rights Ombudsmen of

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Nives Jukić

1. Convention on the Rights of Persons with Disabilities and its Facultative Protocol, "Official Gazette of BiH" No 11/09 [↑](#footnote-ref-1)
2. "Official Gazette of BiH" No 76/08 [↑](#footnote-ref-2)
3. Available at: [http://www.fbihvlada.gov.ba/file/Strategija%20za%20unapre%C4%91enje%20prava%20i%20polo%C5%BEaja%20osoba%20s%20invaliditetom%20u%20Federaciji%20Bosne%20i%20Hercegovine%20(2016.-2021.)%20.pdf](http://www.fbihvlada.gov.ba/file/Strategija%20za%20unapre%C4%91enje%20prava%20i%20polo%C5%BEaja%20osoba%20s%20invaliditetom%20u%20Federaciji%20Bosne%20i%20Hercegovine%20%282016.-2021.%29%20.pdf) [↑](#footnote-ref-3)
4. 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](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) [↑](#footnote-ref-4)
5. Article 35 paragraph 4 of the Convention on the Rights of Persons with Disabilities [↑](#footnote-ref-5)
6. Article 34 paragraph 3 of the Convention [↑](#footnote-ref-6)