



**RECOMMENDATIONS
ON SOCIAL INCLUSION OF
PERSONS WITH DISABILITIES AND
PERSONS WITH MENTAL DISORDERS
IN BOSNIA AND HERZEGOVINA**

**Recommendations on Social Inclusion
of Persons with Disabilities and
Persons with Mental Disorders
in Bosnia and Herzegovina**



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Introduction

Caritas Bosnia and Herzegovina, in cooperation with the Caritas Network in South East Europe, is implementing the project **SOCIETIES** (*Support Of CSOs In Empowering Technical skills, Inclusion of people with disabilities¹ and EU standards in Southeast Europe*).

The **SOCIETIES** project is being implemented by 16 partner organizations in 5 South East European countries: Albania, Bosnia and Herzegovina, Montenegro, Kosovo² and Serbia, with expert support from Italy and Bulgaria. In Bosnia and Herzegovina, the Project is being implemented in cooperation with the Association for Mutual Assistance in Mental Distress TK Fenix, with the support of the Federal Ministry of Health, the Ministry of Health and Social Welfare of Republic of Srpska, and the Mental Health Center Vitez.

The purpose of this Project is to enhance the civil society network and organizations in their participation in the public discourse and dialogue with the authorities by increasing their competence and knowledge in order to make an impact on the decision-making processes and to improve and promote social inclusion policies.

The Project commenced in 2016 and was anticipated to finish by the end of 2019. The Project was financed from EU funds, within the Civil Society Facility and the Media Action Programme for the period 2014 - 2015 - Support to the Regional Thematic Networks of Civil Society Organizations.

Within the **SOCIETIES** project, Caritas Bosnia and Herzegovina has initiated a process of forming working groups for social inclusion. The purpose of these working groups was to enhance the participation and the role of civil society organizations in the decision-making process and to exchange knowledge and experience of these associations and organizations with public institutions on the social inclusion of persons with disabilities processes and corresponding social policies.

In this respect, Caritas BiH organized working group meetings in Sarajevo, Tuzla and Mostar. Different working groups were formed with the aim to ensure equal representation of associations and organizations from different parts of BiH, for the purpose of collecting recommendations from different areas, such as mental health and general needs of persons with disabilities.

The Association Fenix, a project partner, took over the coordination of the working group in Tuzla that worked on the development of proposals and recommendations in the area of mental health. The working groups in Sarajevo and Mostar focused primarily on persons with disabilities in general, and they were organized under the leadership of Caritas BiH. Representatives of 40 civil society organizations active in the areas of disability and mental health and 19 representatives of public institutes and institutions participated in the work of these working groups.

1 In line with the UN Convention on the Rights of Persons with Disabilities: Persons with disabilities include persons with long-term physical, mental, intellectual, or sensory damages which, in correlation with different barriers may aggravate a full and effective equal participation of these persons in the society.

2 *In line with the UN SC Resolution 1244/99

The result of their work is a document **Recommendations on Social Inclusion of Persons with Disabilities and Mental Disorders in Bosnia and Herzegovina**, with over 50 recommendations for enhancing the social inclusion of persons with disabilities and persons with mental disorders process, regarding accessibility, suppression of discrimination and stigma, deinstitutionalization, social and health care services, employment and development of social businesses, the role of civil society organizations, relevant legislation, the role of family and community in empowering persons with disabilities and persons with Mental Disorders.

Caritas Bosnia and Herzegovina presented these conclusions and recommendations at the National Forum 'Social Inclusion of Persons with Disabilities and People with Mental Disorders', held in Sarajevo, November 2019, which gathered more than 100 participants - representatives of civil society organizations active in the areas of disability and mental health, as well as representatives of the institutions throughout Bosnia and Herzegovina. During the Forum, additional comments and recommendations were gathered and the final document will be submitted to the decision-makers as a contribution to creating policies and regulations, and improving practices in the area of social welfare of these vulnerable groups.

Sanja Horvat, Project Manager

Accessibility

Accessibility is one of the prerequisites for the equal inclusion of persons with disabilities in the community life, and it implies accessibility of physical environment, transportation, information and communication including information and communication technologies and systems, as well as other facilities and services open and intended for the public.

Statutory regulations in line with Article 9 of the UN Convention exist in Bosnia and Herzegovina. However, only few buildings, particularly those for public use, are fully or partially accessible to this group of people. Even the access to health institutions is often difficult for persons with disabilities. The inconsistent implementation of the laws and bylaws and the nonexistence of adequate sanctions for those who violate the mandatory standards is a particular problem in ensuring the architectural accessibility.

Recommendations

- Develop a comprehensive accessibility strategy with consistent implementations of the accessibility standards to buildings and services, with clearly defined obligations of all the participants in the process, including sanctions for violation of the mentioned standards (ensure funds for the implementation of accessibility measures and adaptation of public institution buildings, eliminate architectural barriers and ensure that public transport is accessible to persons with disabilities).
- Ensure equal participation of persons with disabilities in the electoral process (architectural barriers, electoral legislation, assistance in the voting process, adapted electoral materials).

Discrimination based on a disability

Persons with disabilities are one of the most vulnerable groups in Bosnia and Herzegovina. They face a number of difficulties related to exercising their rights. They are one of the most exposed groups to discrimination in many areas: employment, unequal access to different services (education, health care, social welfare), and general rights. The biggest issue persons with disabilities face, particularly in BiH, is discrimination on disability or its origin - disabled war veterans have priority over disabled civil victims of war and other persons with disabilities. This discrimination has also been determined after the normative analysis of legislative frameworks at all levels of government was conducted. There are significant differences in the manner of determining disability, determining the degree of disability as a basis for defining entitlements, and differences in the scope of rights. Discrimination is most evident in the financial incentives, through the social welfare system, and in exercising the right to health care services and medical and orthopedic appliances.

Recommendations

- Harmonize the laws and regulations at all levels of government in order to abolish discriminatory practice on the basis of the cause of a disability (particularly the difference between war and non-war disabled persons).
- Ensure institutional mechanism for determining the status of persons with disabilities and adopt uniform criteria for the assessment of persons with disabilities status, regardless of the cause of disability (medical model).
- All levels of government need to take measures and activities on raising the society's awareness of persons with disabilities' rights in order to fight against stereotypes, prejudice, discrimination, stigma, and self-stigma (including capacity building and raising awareness of individuals and organizations of persons with disabilities, of their rights and care mechanisms).

Deinstitutionalization

The deinstitutionalization process implies gradual closing of big care institutions and moving the beneficiaries into the community, with adequate support, social welfare and health services for the beneficiaries in the community instead in institutions.

To live in a community sometimes means to return to a primary family, but more often moving to specially organized residential communities with small number of residents. This complex process involves a number of stakeholders, starting from the stakeholders at state level all the way to the beneficiaries with their specific needs level.

The deinstitutionalization of persons with disabilities is not a new concept, neither for the civil society organizations, nor for the local institutions in BiH. It was officially initiated more than ten years ago, within different strategies of ministries and local authorities in health and social welfare sectors, and it implies gradual closing of big specialist residential institutions (psychiatric hospitals, social centers for persons with disabilities) and developing services within communities (daily care/home care services, protected housing units, social businesses for integration into work). However, the implementation level for these reforms is not the highest, and institutionalization is still a dominant care model for persons with disabilities. The progress has been made only in the health sector - persons with disabilities have access to services provided by mental health centers and centers for rehabilitation in the community.

On the other hand, many civil society organizations are active in the deinstitutionalization processes by providing their services in communities to a large number of beneficiaries, but with limited capacities and services over a lack of funding and system support (predominantly day care centers, workshops for work therapy, etc., whilst housing services and work inclusion are limited).

Recommendations

- Adopt a comprehensive deinstitutionalization strategy (FBiH, January 2019, and then RS) with clearly defined measures and sufficient funds.
- The strategy should define obligation of the local authorities to develop social housing and housing within the community programs that include support for persons with disabilities, and to ensure funds for their implementation.
- Focus on meeting the standards for the use of alternative methods instead of isolation and restraint as means for suppression of potential crises.

Access to health and social welfare services

The legislation regarding social policies in Bosnia and Herzegovina is regulated at entity level. Due to the Federation of Bosnia and Herzegovina (FBiH) specific system, this area is under joint competence of the FBiH and the cantons, meaning that the FBiH determines the principles, while the cantons adopt more detailed regulations regarding the specific rights and how they can be exercised. In addition to entity ministries, the social welfare sector is regulated through social welfare centers and municipal social welfare services.

The overall institutional framework for the implementation of the regulations on the rights, support and care for persons with disability is complex, since the rights of these persons are exercised under several laws and at different levels of government.

Laws regulating social policies in both entities prohibit discrimination on the basis of a disability in exercising the right on social welfare. However, in reality, persons with disabilities are exposed to different forms of discrimination on the basis of cause, origin of disability, and territorial principle (different rights, scope and ability to exercise rights depend on the place of residence) in exercising their right to social welfare services. The number of beneficiaries and the amount of money they are entitled to are also unbalanced, and discrimination is evident when we compare the status of persons with war and non-war disabilities - these two groups have different rights on financial compensation, depending on the assessed percentage of disability. There are issues related to the assessment of disability, since the medical model (not social) and old (discriminatory) rule-books for determining the degree of disability are still implemented in BiH. Consequently, the assessments, opinions and findings by medical commissions of the Institute for Medical Expertise of Health differ, particularly in exercising the right on care and assistance by another person. In addition to the regular financial support for persons with disabilities, not completely insufficient, the quality of life of persons with disabilities has not been improved significantly, and majority of them are socially excluded and under care of their families. The system of social welfare services for persons with disabilities does not exist. Also, there is a lack of systematic work on eliminating architectural and communication barriers as well as creating environment adapted to the needs of persons with disabilities. A social welfare system reform in Bosnia and Herzegovina is necessary and it should be comprehensive if a serious consideration is given to human rights as a priority and to the consistent implementation of all adopted international documents. The activities undertaken so far and the 'reforms' do not show any progress in regulating these areas.

All BiH citizens are guaranteed equal inalienable right to access health care, accessible health care services and standard quality of equal facilities, and this also includes persons with disabilities. The legislation regulating this area prohibits discrimination of different categories of people. In practice however, there are significant differences. Not all persons with disabilities have the same access to health services. Majority of primary health care institutions in urban and rural areas are physically inaccessible, which makes the access to these services much more difficult for persons with disabilities. The biggest problems occur when a person with disability needs to buy medicines or orthopedic appliances, because the right to use these is based on his/her medical indications and the place of residence. Moreover, due to the existence of different levels of government competent in this area, the access to these services is unequal. Dental care for children and adults with intellectual disability is still unavailable in all public dental clinics. Some progress has been made by establishing mental health centers and centers for physical rehabilitation as services in the community, and within the health centers. Given the success so far in the area of accreditation and monitoring of service quality in the mental health protection services, it is recommended to make additional efforts to determine and describe work models of individual stakeholders related to the mental health protection plan.

Recommendations

- Standardize the social welfare services within communities and initiate a number of different social welfare services for persons with disabilities, as well as allocate additional funds for their implementations.
- Ensure conditions for persons with disabilities' independent living by establishing/developing support system for them and by introducing personal assistance services and allocating adequate budget for financing these services in local communities.
- Additionally, specify the criteria for appliances and provide additional funds for their procurement and regular replacement.
- Introduce standardized licensing system for social welfare service providers - increase the role of civil society organizations, i.e. beneficiary associations active in this area.
- Engage available resources of all stakeholders involved in the mental health protection activities and active promotion of healthy lifestyles and functioning in different areas that, according to available knowledge, increase quality of life and increase the ability to prevent development of mental health disorders.
- Establish formal examples of good practice as centers of excellence and ensure professional support and supervision for mental health protection services.

Education

The equal right to education is guaranteed to all the citizens of Bosnia and Herzegovina. Laws regulating this area are laws on preschool education, laws on elementary and secondary education and laws on higher education. Statutory obligations stipulate inclusive education by developing individualized educational programs adapted to the psychological and physical abilities of children and young people with disabilities. However, these laws provide for education in special schools for children with disabilities if education in mainstream

educational institutions is not possible. The competent authorities, due to a lack of resources for the support to inclusive education and a lack of awareness of the need to include persons with disabilities in the mainstream education, usually decide to ensure education for this group in special schools. Extreme examples of discrimination and exclusion from the education process can be seen in cases of children and persons with severe disabilities, children and persons with mental disorders and persons on the autism spectrum, whilst architectural barriers in majority of mainstream schools have not been eliminated. Due to a lack of sign language interpreters and other assistants in the learning process as well as lack of books in Braille or in other techniques available for blind and partially sighted persons, the spectrum of occupations for persons with sensory impairments at a secondary or higher education level is narrow. In addition to the legal standardization of equal right to education and inclusive education for children/persons with disabilities, Bosnia and Herzegovina still has a system of special schools for children with disabilities in place. In practice, the implementation of inclusive education is still not possible, due to lack of bylaws. In practice, the conditions necessary to implement legislative solutions have not been fulfilled because bylaws do not stipulate accessible environment, adequate orthopedic and technical appliances, teaching aids and textbooks, teaching assistants, and special budgetary funds for these purposes are not planned.

Recommendations

- Adopt a strategy and budgets for inclusive education in mainstream education system at all levels of educational authorities and plan necessary budget for quality implementation of inclusive education.
- Laws and bylaws at all levels of government to regulate the establishment of a system of teaching assistant services to support the process of inclusion of children and persons with disabilities in the general education system and develop a training program for personal assistants and teaching assistants for their role (ensure budget for this purpose).
 - Provide additional funding for the support to inclusive education (architectural accessibility, necessary orthopedic appliances and teaching aids, adapted materials and inclusive curricula).
 - Ensure quality system of contextual pedagogic observation of children and the development of adapted programs in line with a specific child's needs.
 - Adapt the higher education curricula (e.g. inclusive education for future teachers, and training programs for current teachers with adequate budgets) and develop a professional development program for teachers and teaching assistants to ensure continuous professional development and capacity building for educational work in an inclusive environment.
 - Develop and implement professional educational programs, which are still non-existent in the educational offer, to respond to the market needs.
 - Develop persons with disabilities' competencies necessary for the labor market, job seeking, as well as soft skills through informal trainings.

Employment

The employment of persons with disabilities in Bosnia and Herzegovina is characterized by insufficient quality in implementation of the legislation, discrimination, stereotypes and prejudice, and education that is not adapted to the labor market needs.

There are special laws on labor and employment regulating professional rehabilitation, training and employment of persons with disabilities, and incentives for the employers who employ persons with disabilities, which includes provision of funds for their implementation. In accordance with the said laws, people with disabilities can find employment in an open labor market, under general and special conditions, in companies founded for that purpose.

Legislative solutions stipulate a quota system for employment of persons with disabilities on the open market, and if employers fail to fulfill their obligation they need to pay a portion of funds to professional rehabilitation and employment of persons with disabilities funds. The funds raised are used by the funds to implement employment programs and incentive measures for the employment of persons with disabilities. There are certain problems regarding the implementation of the said measures; there is no clear definition of persons with disabilities, no accurate records on employed and unemployed persons with disabilities, and fulfillment of mandatory quotas or payment of liabilities by employers are not adequately supervised. In addition to this, there are also insufficient education, training and professional qualifications of persons with disabilities, stigma and prejudice by employers, self-stigma by persons with disabilities and lack of information on employment opportunities, high general unemployment rate, low economic productivity, unstable and unattractive business environment, etc. Special aspect is absence of laws on social entrepreneurship, although social entrepreneurship is recognized as the potential for increasing the employment rate of persons with disabilities. Legislation may represent a framework within which it is possible to develop social entrepreneurship models and start business activities in favorable conditions, where persons with disabilities will have the opportunity to find employment and professional rehabilitation. The laws in Bosnia and Herzegovina recognize the so-called 'protective workshops' but these forms still have equal financial and tax obligations as companies. Currently, there is a number of civil society organizations conducting activities, which, based on their identity and mode of operation, can be categorized as social entrepreneurships. These businesses have been founded by organizations or associations of persons with disabilities, i.e. non-governmental organizations that work with persons with disabilities. These businesses employ predominantly, but not exclusively, persons with disabilities and the profit gained is used to develop business, open new jobs, or to finance social, educational and health services for persons with disabilities.

Recommendations

- Employment services should establish single database of persons with disabilities.
- It is necessary to enhance the existing and develop new and innovative measures for employment of persons with disabilities, with the support of civil society organizations.
 - Allocate additional funds for employment of persons with disabilities and for employment incentive schemes.
 - Develop internship and mentoring programs for persons with disabilities in order to ensure them gain work experience and develop competences for specific jobs.
 - All levels of government should encourage employment of persons with disabilities through special regulations and decisions, i.e. positive discrimination measures.

- Work in cooperation with organizations of persons with disabilities on motivating persons with disabilities to actively join the labor market, and on raising society awareness of the importance of employment of persons with disabilities as equal members of society, especially among the employers.
- Adopt a law on social entrepreneurship with statutory solutions adapted for persons with disabilities - measures to reduce unemployment among persons with disabilities and to ensure sustainability of organizations of persons with disabilities.

Cooperation with civil society

The problem of insufficient recognition of the civil society organizations importance, lack of their long-lasting involvement in the policy-creating processes and absence of financial support mechanisms for their activities is evident in Bosnia and Herzegovina. Although many civil society organizations in Bosnia and Herzegovina have proved their ability to fight against discrimination and promote sustainable policies and practices of persons with disabilities social inclusion, their inclusion in the decision-making processes is only occasional. Mechanisms for long-lasting social dialog between civil society organizations and public institutions are still inadequate. Although some legal frameworks provide for these structures, their actions are still insufficient. Social and work inclusion mechanisms for persons with disabilities promoted and implemented by civil society organizations, such as models of services within communities and social businesses, could facilitate the allocation of resources and favorable transformation of institutionalized social welfare services system. However, these initiatives are not sufficiently recognized, nor do they have financial support. Efficient and transparent financial support mechanisms to support civil society organizations that would ensure their sustainability are missing.

Recommendations:

- Adopt formal and transparent mechanisms for regular consultations with the organizations of persons with disabilities at all levels of government (facilitate inclusion of organizations of persons with disabilities in developing statutory solutions, strategies, policies, and plans).
- Conduct a comprehensive analysis of laws and bylaws, and define amendments in cooperation with the organizations of persons with disabilities.
- All levels of government, in cooperation with the organizations of persons with disabilities, need to take measures and activities to raise awareness of the society of the rights of people with disabilities with the aim to fight against stereotypes, prejudice, discrimination, stigma (particularly among the employers), and self-stigma.
- Continue providing support to capacity building of organizations that provide assistance to persons with disabilities.
- Promote examples of good practice, particularly of beneficiary organizations and their cooperation with individual institutions.
- Ensure sufficient budgetary funds, especially for the provision of services within communities (licensing services at a local level).
- Use civil society organizations capacities to jointly ensure that persons with disabilities are better informed, to reduce self-stigmatization and stigmatization within the community and to ensure their inclusion in the society.

Women with disabilities

Women with disabilities are particularly vulnerable group discriminated against in manifold ways, and they often have lower level of education. Finding employment and starting a family is often more difficult for them. All this causes their exclusion and isolation from the society. Lack of projects and activities of civil society organizations focused on providing support and better inclusion of women with disabilities into the society is evident. Policies and strategies related to disabilities recognize that women and girls with disabilities face discrimination in manifold ways and that they are excluded from the society, and prescribe measures with the aim to affirm their rights and freedoms. However, changes are still not evident neither in the formal nor practical attitude of communities towards women and girls with disabilities.

Recommendations:

- Develop and implement measures to achieve gender equality in all areas of human activity.
- Implement provisions of the Law on Prohibition of Discrimination BiH in all situations and throughout the territory of Bosnia and Herzegovina.
- Ensure support to education of women with disabilities by allocating financial and material resources.
- Ensure support system for mothers with disabilities by developing assistants network, daily care for children, assistance in their education, etc.
- Work on empowering women with disabilities in a way that they get educated, they volunteer, find employment, become mothers, etc.
- Conduct activities on raising awareness of the public of the position of women with disabilities with the focus on raising awareness of women with disabilities on their rights and opportunities.

Violence against persons with disabilities

Persons with disabilities are exposed to different forms of violence to a great extent, women more than men. Psychological violence (disrespect, underestimation, insulting, threatening, refusal to acknowledge the restraints caused by disability) is the most common form of violence towards persons with disabilities. Economic violence is very much present, but also neglect and limitation of movement. Poverty, social isolation, prejudice, and absence of services within communities contribute in manifold ways to the exposure of persons with disabilities to violence, and increase the risk of them becoming victims of violence.

The problem of violence towards persons with intellectual disabilities is particularly complex having in mind that these persons often cannot recognize violence, or they cannot verbally articulate what happened to them. Environment with the highest potential for violence against persons with intellectual disabilities depends on the degree of their intellectual impairment. For persons with mild intellectual impairment the highest risk lies in a wider community, and persons with severe intellectual impairment are particularly exposed to violence in care institutions and in their families.

Recommendations:

- Determine the level of violence towards/abuse of persons with disabilities in different contexts, and develop measures to prevent such situations.
- Ensure continuous training and provision of information to persons with disabilities on characteristics of violence/abuse so that they are able to recognize it.
- Develop a variety of accessible mechanisms for reporting violence and continuous provision of information on these mechanisms to the public.
- Empower persons with disabilities to self-represent and to report violence.
- Ensure continuous training on violence/abuse for educators/teachers and people employed in care and educational institutions, social welfare centers and health institutions.
- Empower civil society organizations that represent the rights of persons with disabilities to recognize and intervene in situations of violence.

Legal framework

- Convention on the Rights of Persons with Disabilities (Official Gazette of BiH - International agreements, No. 11/09);
- Law on Amendments to Law on Prohibition of Discrimination (Official Gazette of BiH, No. 66/16);
- Law on the Protection of Persons with Mental Disorders (Official Gazette of the FBiH, Nos. 37/01, 40/02, 52/11, and 14/13);
- Law on Professional Rehabilitation, Training and Employment of Persons with Disabilities (Official Gazette of the FBiH, No. 9/10);
- Law on Basics of Social Protection, Protection of Civilian Victims of War and Families with Children in the FBiH (Official Gazette of the FBiH, Nos. 36/99, 54/04, 39/06, and 14/09);
- Law on Social Protection of the Republika Srpska (Official Gazette of the RS, Nos. 37/12, 90/16, and 94/19);
- Law on the Protection of Persons with Mental Disorders (Official Gazette of the RS, No. 46/04);
- Law on the Professional Rehabilitation, Training and Employment of Persons with Disabilities (Official Gazette of the RS, Nos. 98/04, 91/06, 12/09, and 39/09);

Policies and strategies

- Disability Policy in BiH, Council of Ministers of BiH (Official Gazette of BiH, No. 76/08);
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