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Институција омбудсмена/омбудсмана
за људска права Босне и Херцеговине

SPECIAL REPORT

ON THE RIGHTS OF THE CHILDREN WITH DISABILITIES IN THE PSYCHO-PHYSICAL DEVELOPMENT

supported by

NORWEGIAN EMBASSY

Contents

PREFACE

Starting from the basic principles of the human rights that all human beings are free and equal in dignity and human rights with total appreciation of all principles of the UN Convention on the rights of the child, Ombudsmen institutions for Human rights of Bosnia and Hercegovina have decided that the evaluation of the rights of the children with disabilities in the psycho- physical development has to be performed. Related to that the Ombudsmen have concluded that there is the need to make the special report to point to the difficulties that children with disabilities and their families have to face and to point to the inconsistency when it comes to enforcement of the international and local legal regulations and violation of basic children rights.

Ombudsmen of the B&H are especialy dedicated so that our country can enforce the unique decrees and required paragraphs of the UN Convention on the rights of the child in more greater and qualitative extent and that gives us all a huge hope for the future and puts children rights on the very edge of the global fight for the human rights. Growing up in this environment where the children rights are fulfilled, where the voice of the children is heard and appreciated , where the best interests of the child are respected is a good base for the development of the children and for happy and responsible citisents that will demand fulfillment of their rights but at the same time they will also fulfill their own obligations towards society and state but also respect and appreciate the rights of others and differrent.

If you, by reading this special report, decide to join in to the great number of the individuals and organisations that are determined to create the conditions so that all children can become the bearers of their rights, real subjects of the society in which they live and by that to contribute, themselves, to the building of the better and happier social environment Ombudsmen have, in one part, succeded in their eforts.

Human Rights Ombudspersons of BiH

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I INTRODUCTION

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Analysis of the conditions of the children with disabilities is the activity that was conducted by the Ombudsmen institution for human rights of B&H (in further text Ombudsmen institution) with the goal to identify the problems of the children with disabilities to which the Ombudsmen will point to in their recommendations to the authorities initiating their urgent and necessary reaction.

This activity is the continuation of the activities from the 2009 and is concerned with the Special report on the conditions in institutions for persons with mental disabilities in B&H[1] and Analysis of the coordination of the B &H legislature with the Convention on the rights of the child. Also in the month November of this year, Ombudsmen institution in the cooperation with the NGO „Save the Children Norway" has presented „ Special report on rights of the children placed in the institutions with special review of the normatives and standards" and „Special report on the participation of the children and adults in the interests of the children in schools ".

Analysis includes two parts. First one is directed to marking of the regulations in the area of protection of the children with disabilities, their education, social and health protection and as the sources of rights, basic laws on the level of state, entities and district of Brčko, have been analysed. Second in which the concrete, actual problems known in the praxis, that were seen by going on a tour of the institutions where children with disabilities are being educated, treated or where they just stay in, by talking to the professionals and representatives of the relevant ministries as well as by visiting and talking to the associations of the parent of children with disabilities, have been presented. Problem of the children with disabilities, because of its complexity, can only be dealt with joined in actions from experts in the area of health, social care and education.

We especially point out that Bosnia and Herzegovina is also facing the serious task of the social reform that has not started jet and whose postponement only complicates already difficult social situation in the country. If we also consider the fact that ratifying of the revised Social document in 2008 has obliged B&H to create the conditions in its social politics, which is by its character national as well as international, where the rights and principles (one of which is ''that the children and youth have the right on special protection from physical and moral differences that are they exposed to'') will be respected it is obvious that there are tasks that stand in front of the government that need to be dealt with fast and whose postponement only multiplies the problems.

Special review we did on the problems of autism and autistic children, because of its specifics, but we were still led by the fact that its is more useful and complete to dedicate our attention to larger number of the children with disabilities so that the authorities would be acquainted with the problems and "reminded" that it is our obligation to conduct the full and qualitative implementation of the Convention on the rights of the child ,but at the same time to point out to the broader public that those are our children and that they should not "close their eyes" and ignore the problems of these children and their families and that we all, individuals and authorities, have the obligation to work in the best interests of the children. On the other hand, we were surprised and moved by

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[1] See more on www.ombudsman.gov.ba

the fact with how much love, enthusiasm, courage, wiliness and strength parents of the children and experts rehabilitate, bring up, educate and socialise these children.

We decided to take this step knowing that the difficult task is ahead of us, having in minded the problems and flaws of the system when it comes to fulfilling of the children rights. We point out that this report is only the start of the long-term activity that in future will be conducted by the Ombudsmen institution.

II LEGAL FRAME

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2.1. INTERNATIONAL INSTRUMENTS

2.1.1. UN Universal declaration on human rights

Article 1: „ All human beings are born free and equal in dignity and rights.“

2.1.2. UN convention on rights of the child

Relevant articles of the UN convention on rights of the child which regulate the rights of the child with disabilities on health and health protection:

- Article 6: right to life ,
- Article 23: right of the mentally and physically disabled child on a full and decent life with dignity,
- Article 24: right on health and treatment,
- Article 25: right on protection, care or treatment of mental or physical health of the child,
- Article 26: right on social safety,
- Article 27: right to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development, and
- Article 28: right to education based on equal possibilities.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the child’s active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child’s condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child’s achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled

children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

2.1.3. Convention on the rights of the disabled persons[2]

Basic goal of the Convention is promotion, protection and insurance of the full and equal enjoyment of all human rights ands basic freedoms for all persons with disability including children.[3]

Article 3: General principles:

a. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

b. Non-discrimination;

c. Full and effective participation and inclusion in society;

d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

e. Equality of opportunity;

f. Accessibility;

g. Equality between men and women;

h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 4 - General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

a) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;

Article 5 - Equality and non-discrimination

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

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[2] Convention on rights of the persons with disabilities with protocols on 7th December 2009 was ratified by the House of Representatives of B&H and on 15th December by the people's house of B&H.

[3] Article 1 of the Convention of rights of the persons with disabilities

4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Article 7 - Children with disabilities

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

Article 8 - Awareness-raising

1. States Parties undertake to adopt immediate, effective and appropriate measures:

To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;

To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;

To promote awareness of the capabilities and contributions of persons with disabilities.

2. Measures to this end include:

(I) Initiating and maintaining effective public awareness campaigns designed:

(II) To nurture receptiveness to the rights of persons with disabilities;

(III) To promote positive perceptions and greater social awareness towards persons with disabilities;

(IV) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;

Article 24 - Education

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:

   a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;

   b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;

   c. Enabling persons with disabilities to participate effectively in a free society

2. In realizing this right, States Parties shall ensure that:
   a. Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
   b. Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
   c. Reasonable accommodation of the individual's requirements is provided;
   d. Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
   e. Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

Article 25 - Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation.

Article 26 - Habilitation and rehabilitation

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services.

2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

2.1.4. UN Standard rules on the equalization of opportunities for persons with disabilities[4]

Under the term *„Equalization of the opportunities"*these rules imply the process in the society that enables the support to the persons with disabilities in the frame of structures in regular schools, health, employment and social services.

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[4] Council of ministers of Bosnia and Herzegovina on the session held on 30th September 2003 has passed the Decision on acceptance of the Standard rules for equalization of the opportunities for persons with disabilities

2.1.5. UNESCO – Convention against discrimination in upbringing and education[5]

This Convention also binds the state that, in accordance with its possibilities and needs, determines, elaborates and enforces the politics that supports the promotion of the equal opportunities in the upbringing and education. [6]

2.1.6. First protocol of European Convention for protection of human rights and basic freedoms

Article 2 (Right on education)

No one can be deprived of the right on education. In promotion of all its functions in the area of education the state has to respect the rights of the parents to ensure the education which is in accordance to their own religious and philosophical beliefs

2.1.7. Revised European social charter[7]

B&H has ratified the revised European social charter in 2008, accepting that some of its articles are directly connected to the children, right of the family on social, legal and economical protection, right on social security, on social and medical aid, right on using the institutions of social care and right of the children and youth on social, legal and economical protection. These decrees are administered to ensure the upbringing of the children in a secure and healthy environment, for the full blossom of its persona and development of its mental and personal capabilities.

2.2. DOMESTIC LEGISLATION

2.2.1. Constitutions

2.2.1.1. Constitution of Bosnia and Herzegovina: Article 2 (''Human rights and basic freedoms'')

1. Human rights

Bosnia and Herzegovina and its both entities will ensure the highest level of the international acknowledged human rights and basic freedoms.

2. International standards

Rights and freedoms envisaged in the European convention for protection of human rights and basic freedoms and in its protocols are directly applied in Bosnia and Herzegovina. These acts have priority above all other laws.

3. Catalogue of rights

All persons on the territory of Bosnia and Herzegovina have the basic human rights and freedoms from the article 2 which includes:

l) Right on education

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[5] Convention was adopted on the 11th session of the General Conferation of UNESCO on 14th december 1960 and was became valid on may 22nd 1962

[6] Conventions against discrimination in upbringing and education, article 4

[7] Opened for signing on 18th October 1961 and it became valid in 1965, revised in October 2008.

4. Non- discrimination

Enjoyment of the basic rights and freedoms envisaged in this article or in the international agreements stated in the Annex I of this Constitution is ensured for all persons in Bosnia and Herzegovina without discrimination on any grounds like sex, race, colour, language, religion, political or any other opinion, national or social background, connected to the religious minorities, assets, birth or any other statuses.[8]

2.2.1.2. Constitution of Federation of Bosnia and Herzegovina: Part II

„Federation will ensure that the highest levels of the international acknowledged rights and freedoms determined in the acts from the Annex are applied “.

All the persons on the territory of Federation enjoy the rights on: m) education, n) social care, o) health care.

2.2.1.3. Constitution of Republic of Srpska

Article 10: citizens of the Republic are equal in their freedoms, rights and duties, equal in front of the law and enjoy the same legal protection regardless of race, sex, language, nationality, religion, social background, birth, education, assets, political and other believes, social position or any other statuses.

Article 13: human dignity, bodily and spiritual integrity, men’s privacy, personal and family life are incomparable.

2.2.1.4. Status of Brčko District of B&H

Article 13 basic rights and freedoms

(4) All persons on the territory of District enjoy the right of basic rights and freedoms that were given to them by the European convention on human rights and basic freedoms. Those rights and freedoms will have the greater legal strength over any law which is in contradiction to the Convention. All institutions of the District will respect those rights and freedoms. Courts of the District will enforce those rights and freedoms according to the procedures envisaged by the laws of the District. When it is dealt with the subjects that regard the accusations on violation of human rights and basic freedoms, the courts of the District take into consideration that the laws of the European court for human rights, have advantage.

Article 15: Education

(1) Every person in the District has the equal right on education without discrimination. Elementary education is obligatory and free. High school education is free and can be obligatory if it is said so in the laws of District.

(2) Private schools and academic institutions can be founded according to the law.

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[8] Article 4 of the Constitution of Bosnia and Herzegovina

2.2.2. Strategies

Politics in the area of disability in Bosnia and Herzegovina[9] grades the existing situation in the legislature concerning the persons with disabilities discriminating because it does not include, in the grate extent, regulation of the rights of the persons with disability that in its self causes the basis for the unequal status.

Strategic directions for the development of the education in B&H with the plan of the implementation 2008-2015[10] as one of the main directions of the development of the educational sector sees: *improvement of the process of inclusion in the education of the children with special needs*, through assurance of the right infrastructures for schools, programs and trainings of the teachers and through establishing the special institutions like, for example, centres of resources and expertises for children and youth with difficulties in the development and inclusions.[11]

Also in the frame of the equal approach and the righteousness in education is pointed on the necessity of directing of special attention to the identification of the early intervention with the persons with the learning disabilities.

Further more, when it comes to the development of the pre-school upbringing and education it points out to the necessity of directing the attention to grater inclusion of the children with special needs.

With regard to education of children and youth with special needs it is stated that, depending on the degree of mental functioning and the needs for special approach, they are educated in regular pre-school institutions and schools, in special institutions for upbringing and education and rehabilitations centres with the extent expertise treatment or adjusted forms that are available for the children in hospitals, house and etc. It is also concluded that the inclusion in the regular school can be full or partial.

Short - term (2008), middle-term (2009-2010) and long-term goals (2011-2015) are set that *inter alia* predict:

- Restored the right system of identification of the children with special needs to ensure the consistent applicability of the modern principles of the education of these children (inclusion, exclusion, combined approach);
- Passed extra legal, pedagogical and other acts necessary for implementation of the rights on education of the children and youth with special needs;
- Insured necessary conditions for clear approach and movement in the institutions for upbringing and education to the children with physical disabilities,
- Developed programs of engagement of the parents and volunteers in the work with children with special needs;
- Enabled permanent education of the children and youth with development disabilities;

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[9] "Official gazette B&H", number 76/08

[10] Council of Ministers of B&H has adopted it on its 51st session on June the 6th 2008 and it was published in official gazette of B&H number: 63/08

[11] Chapter IV „main direction of the development of the education "

In the report they were guided by other strategies that are necessary to ensure and protect the human rights of the children with special needs[12].

2.2.3. General laws related to the education and institutions

2.2.3.1. General laws on pre-school upbringing and education in B&H[13]

Lay down the prohibition of discrimination which implies the right of every child on the equal approach and possibilities of inclusion in the pre-school upbringing and education.[14]

The law predicts the right of the children with special needs to inclusion in the pre-school institutions that are adapted to their individual needs according to possibilities and abilities of the child.[15]

2.2.3.2. General law on primary and secondary education in B&H[16]

Lays down that children and youth with hindrances and disabilities in the development get the education in regular schools according to their individual programs. When there is the case of the children and youth with severe disabilities in the development they can be partially or fully educated in the special institutions for upbringing and education only when it is impossible to provide them with regular education in regular schools.[17]

2.2.3.3. General law on vocational high schools and training in Bosnia and Herzegovina[18]

Lay down the education of the children with disabilities according to the adjusted programs of the vocational high schools that are brought by the official authorities for education.[19]

With the law in the Council of ministers it is established that the Ministry of civil affairs of Bosnia and Herzegovina, where there is also the Sector for education with the mandate to prepare and administer regulations and assignments that are in the

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[12] Resolution on health politics for all citizens of B&H (Official gazette of Bosnia and Herzegovina, number: 12/02); Strategy of expert training and education for B&H 2007-2013 (Official gazette of Bosnia and Herzegovina, number 65/07); Strategy of the development of the pre- school upbringing and education in B &H; Strategy and plan of reforms of the health system in FB&H 2001-2012- draw up; Strategy for development of the primary heath protection – federal ministry of health – 2006,; Strategic plan of the development of the health in FB&H in 2008 – 2018; Program of health politics and strategies for health in RS until 2010 (Official gazette of Bosnia and Herzegovina, number 56/02); Politics of advancing of quality and security of health protection of RS until 2010 (Official gazette of Bosnia and Herzegovina, number 22/07); politics of health and young people in Federation of B&H

[13] „Official gazette of Bosnia and Herzegovina, number 88/07

[14] General Law on pre-school, primary and secondary school education, Article 6

[15] Ibid, Article 12

[16] "Official gazette of Bosnia and Herzegovina, number: 18/03.

[17] General Law on elementary education in B&H, III, Article 19.

[18] Official gazette of Bosnia and Herzegovina, number: 63/08.

[19] General law on high Scholl education and training in Bosnia and Herzegovina, article 8 point 7

jurisdiction of Bosnia and Herzegovina and that are related to the establishment of the basic principles of coordinating the activities and plans of the entity legislature bodies and defining of the strategies on the international level in the area of education, participates in the work of the international organisations for the area of education and ensure the administration of the international obligations of Bosnia and Herzegovina in this area, has to participate in the procedure of preparation of the international agreements in the area of education.

2.2.4. Legislature of the Bosnia and Herzegovina, entities and of Brčko District

2.2.4.1. Law on prohibition of discrimination in Bosnia and Herzegovina

Bosnia and Herzegovina has passed the Law on prohibition of discrimination[20] that, as protected rights, states social protection, health protection, right on education and its availability, right on equal participation in public life, etc. [21]

2.2.4.2. Laws in Federation of B&H

Law on federal ministries and other bodies of federal administration[22] establishes Federal ministry of social policy, displaced persons and refugees that deals with the affairs of social politics, displaced persons, refugees, work, pension and disability payment and where there is also a Sector for social protection and the protection of families and children. In Federation of B&H social and health politics is regulated in the jurisdiction of both levels of the authorities, federal and cantonal,[23] and they can act together or separately or from the cantonal side with the coordination of the federal authorities which would mean that on the permanent base cantonal and federal authorities are settling in their limitations. Educational politics is on the level of entities.

Law on the basis of social protection, protection of the civil victims of war and protection of the families with children in Federation of B&H defines the persons with special needs and persons disabled in their psycho- physical development according to the following categories: blind and sighted children, deaf and hard of hearing children, children with disabilities in speech and voice, children with bodily impairment and permanent disabilities in the physical development, with the disabilities in psychological development and with the combined disabilities.

Children with these disabilities, according to the article 18a, have the *right on a personal invalid payment, payment for the care and help of another person, payment for orthopaedic devices, help with the expenses of the treatments and supply of the helping device, rehabilitation for work and help with the search for employment with the possibility that canton extends the rights that are determined by the Law and first*

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[20] Official gazette of Bosnia and Herzegovina, number: 59/09

[21] Law on band of discrimination of B&H, „ Official gazette of Bosnia and Herzegovina, number: 59/09, article 6.

[22] 22 Official gazette of Federation of Bosnia and Herzegovina, number 19/03, 38/05, 2/06, 8/06, 61/06

[23] Constitution of Federation of Federation of Bosnia and Herzegovina, III Division of Jurisdiction between federal and cantonal authorities article 2.

employment.[24] By changes and additions of the Law from the year 2009 it has been established that the disabled persons should be categorized according to the established degree of impairment into two groups: people with 100% of impairment and 90% of impairment. Here it is important to point out that legislator did not make any exception when it comes to these children.

In Federation of B&H it is in the jurisdiction of cantons to define the regulations of impairment evaluation, grouping and handling with records of the children disabled in psycho-physical development and payments are done from the cantonal budgets.

Other relevant legislations of Federation of Bosnia and Herzegovina

- Law on federal ministries and other bodies of federal administration
- Law on professional rehabilitation and employment of the persons with disabilities[25]
- Law on taking over the rights and obligations of the founders over the institutions of the social protection in Federation of Bosnia and Herzegovina [26]
- Law on health protection[27]
- Law on health insurance[28]
- Law on protection of the persons with mental disabilities[29]
- Law on professional rehabilitation and employment of the persons with disabilities [30] and Decision on finding of the funds for professional rehabilitation and employment of the persons with disabilities[31]

2.2.4.3. Laws of Republic of Srpska

According to the **Law on Ministries of Republic of Srpska Ministry of health and social protection of Republic of Srpska** has been formed that deals with the administration and other work related to the area of social protection. Organs that conduct the social protection in Republic of Srpska and in the first degree deal with the rights are: centres for social work as well as institutions of social protection with public authority whose founders are municipalities (total number of those is 45), as well as institutions that deal with the work on social protection that are in the scope of the administrations of the cities/municipalities or on the level of the reference (total number 17). System of social protection in the Republic of Srpska is in the jurisdiction of the following institutions : Ministry of health and social protection of the Republic of Srpska, centres for social work/ institutions for social protection, institutions for placement of children disabled

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[24] Rights from first three points of this article are being realised under the condition, in the way and by the procedure established by the Law. Procedure for realisation of these rights is implemented in the centres for social work or in the municipality who deal with the issues of social protection, as first degree organs.

[25] „Official gazette of the Federation of B&H number :9/10

[26] „Official gazette of the Federation of B&H number: 31/08

[27] „Official gazette of the Federation of B&H number: 46/10.

[28] „Official gazette of the Federation of B&H number: 30/97, 7/02 i 70/08.

[29] „Official gazette of the Federation of B&H number 37/01 i 40/02

[30] „Official gazette of the Federation of B&H number: 9/10.

[31] „Official gazette of the Federation of B&H number: 48/10.

in the psycho-psychical development, social and pedagogical life communities, if the children with disabilities are involved, public fond for child protection, NGOs that work with the children with special needs placed in some form of the institutions.

Law on social protection of Republic of Srpska[32] lays down the right on the payment for help and care needed by another person that does not depend on the material insurance of the persons with sever bodily and hearing impairment that without someone's help can not fulfil the basic life needs, to the persons that are severely mentally disabled, to the persons with multiple disabilities in the development with the mild or sever mentally disability, to the autistic persons and chronically mentally disabled persons. Right on the rehabilitation for work have children and youth in the physical and psychological development that by their age and the abilities can be rehabilitated for work. Law gives right for placement in the institutions for the social protection to the child with the medium or sever multiple mental disabilities, autistic child and child with bodily disabilities that has not got good conditions in the family as long as there is a need for that type of protection.

Law on the protection of the child of the Republic of Srpska[33] lays down the right of the child with disabilities in the development and of the child that has stayed in the hospital for a long time on the organised program of upbringing and education. The right is attained according to the Book of regulations on child protection of Republic of Srpska.[34]

Other relevant legislations of Republic of Srpska

- Law on professional rehabilitation and employment of the persons with disabilities, cleared text[35]
- Law on health protection [36]
- Law on protection of the persons with mental disabilities [37]
- Law on ministries of Republic of Srpska [38]
- Law on elementary education and upbringing of Republic of Srpska [39]
- Law on pre-school education and upbringing of Republic of Srpska RS[40]

2.2.4.4. Laws of the Brčko District of the B&H

Laws on the institutions of the Brčko District of B&H lay down the obligation of establishment of the Department for health and other services which are organised to provide the services of the public health and social protection on the level of Brčko District and centres for social work or in other words on the institutions of social protection.

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[32] Official gazette of the RS number : 5/93, 15/96 i 10/03

[33] Official gazette of the RS number : 04/02, 18/07, 1/09

[34] Official gazette of the RS number :80/05

[35] Official gazette of the RS number :54/09

[36] Official gazette of the RS number :18/99, 58/01, 62/02.

[37] Official gazette of the RS number: 46/04

[38] Official gazette of the RS number: 70/02, 33/04, 118/05, 33/06

[39] Official gazette of the RS number 74/08

[40] Official gazette of the RS number 119/08

Law on children protection of the District of B&H[41] regulates the right on the payment for children disabled in the psychical or psychological development regardless of incomes of the parents increased by 50%.

2.2.4.5. Responses of the ministries regarding the question on the conditions of the education of the children with special needs

Ombudsmen institution has asked for the records that are related to the conditions on the rights of the children with disabilities, and regarding the education, that are so far sent to the ministries of all cantons in the Federation of B&H, Republic of Srpska, and the responses that were delivered are summed as follows:

Canton of Sarajevo

Ministry of labour, social policy, displaced persons and refugees of the Canton of Sarajevo in its correspondence, act number: 13-03-35-34173/10 from 18th October 2010 states that it is in the jurisdiction of this Ministry ,special education of the children with disabilities regulated with the Law on social protection, protection of the civil victims of the war and protection of the families with children[42] and with the Book of regulations on establishing the abilities and categorisation of the children and youth disabled in the psycho-physical development[43]. Children with the disabilities in the psycho-physical development attain the rights from the social protection and have the right on social payment regulated by the stated Cantonal law.

Herzegovina-Neretva Canton

Ministry of education, science, culture and sport of the Herzegovina –Neretva Canton in its correspondence number: 05-02-12-2394/10 from 18th October 2010 has reported to the Ombudsmen institution on legislative frame based on the right for education of the children with disabilities: Law on pre-school education and upbringing[44], Law on elementary education and upbringing [45] and Law on high school education and upbringing[46].

Ministry of health, labour and social protection / care in its correspondence number 06-04-37-1982/10 from 25th October 2010 states that the categorisation of the children with disabilities is conducted based on the legal regulations of social protection and according to the Book of regulations on categorisation of the children and youth disabled in the psychical and psychological development.[47] On the territory of this canton there are three institutions that provide the services to the children disabled in the psychical and psychological development in the form of the boarding school and that are financed partially from the budget. In these institutions 39 children are placed and they are provided with the educational and rehabilitation services. Beside that, there are two

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[41] Official gazette of the Brčko District number: 1/03, 4/04, 21/05, 19/07, 2/08.

[42] Official gazette of the Sarajevo Canton, number : 16/02, 8/03, 2/06, 21/06 and 17/10)

[43] Official gazette of the Sarajevo Canton, number“, broj: 26/08)

[44] Official gazette of the Hercegovina –Neretva Canton, number: 5/00

[45] Official gazette of the Hercegovina –Neretva Canton, number: 5/00, 4/04 and 5/04

[46] Official gazette of the Hercegovina –Neretva Canton, number: 8/00, 4/04, 5/04 and 8/06

[47] Official gazette of the Hercegovina –Neretva Canton, number“, broj 6/05.

special elementary schools where children recommended by the experts that conducted the categorisation, attend. They also add that there is no centre for observation and diagnostic on the territory of this canton but that there are preparations for the establishment of the centre like that in „Los Rosales"public institution for the children with special needs.

Bosnian - Podrinje Canton

The Ministry for social policy, health, displaced persons and refugees of Bosnian-Podrinje Canton has delivered an act number: 08-35-1597-1/10 from 15th October 2021 stating that the education of the children with disabilities in Bosnian –Podrinje Canton is regulated by the Law on the elementary education and upbringing. Categorisation of the children disabled in the physical and psychological development is done by the Law for social protection, protection of the civil victims of the war and protection of the families with children. Children with disabilities, as well as their parents, attain their rights from the social protection in the form of permanent payment, payment for the care and help from another person, rehabilitation for life and work according to the stated cantonal Law[48]

According to the response of the Ministry of education, science, culture and sport of the Bosnian – Podrinje Canton, act number: 10-49-2618-1/10 from 12th October 2010 on the territory of this Canton there are no institutions that are financed from the budget nor that are financed in any other way. There are two pre-school institutions and that they also provide the services for the children with special needs. In the territory of this Canton there is no centre for observation and diagnostic. Special schools, as separate institutions, do not exist but there is in one of the regular schools so cold special class. Also, there are no syllabuses that are adapted to the disabled children, but according to the child needs, the teacher, itself, create their own syllabus for each child individually.

Una – Sana Canton

Ministry of health and social policy of the Una – Sana Canton has sent its response to the Ombudsmen institution questionnaire, act number: 09-10-9695-2/10 from 13th October 2010 where it is stated that the Law for social protection, protection of the civil victims of the war and protection of the families with children[49] regulates the formation of the commission that gives its opinion on the abilities and categorisation of the children disabled in the psychological and physical development and that is, in the first degree, the minister and in the second the government of the Una –Sana Canton. Department of the ministry has came up with Book of regulations on the revelation, evaluation of abilities, categorisation and record of the children with special needs.[50]

Further more, in this document is stated that the Ministry of education has come up with the Book of regulations on education and upbringing, on monitoring the children with disabilities[51]. They also state that on the territory of Una-Sana Canton there are no institutions for observation or schooling of the children with sever disabilities and that they can not be included in the regular system of education. Centres for daily stay

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[48] Official gazette of the Bosnia -Podrinje Canton, number :10/00, 5/03, 5/05 and 3/08).

[49] „Official gazette of the Una-Sana canton", number: 5/2000 i 7/2001

[50] „Official gazette of the Una-Sana canton", number: 05/2005

[51] „Official gazette of the Una-Sana canton", number: 8/2010

are just beginning to show up in the organisation by some associations, but those do not have experts and safe source of incomes. Cantonal regulations do not regulate any payments and conditions for children money supplements have never been fulfilled in the years after the war on the territory of Una-Sana Canton, so there are no money supplements for the children with disabilities, as well.

Canton Livno

Ministry of education, science, culture and sport of the Livno, in its response, act number: 06-01-38-2349/10 from 28th October 2010 has given the information that the laws that regulate these problems are, as follows: *Law on pre-school education and Law on elementary education* and there is also and act *Book of regulations on elementary education and upbringing of the children with disabilities*. In the territory of this canton there are no institutions that are financed from the budget and that provide services to the children from these categories. Further more, it is stated that there are no adjusted syllabuses in elementary school, but that there are for the high schools especially for vocational schools where children can be thought of some kind of handicraft. At the same time, it is stated that there are no extent stays in the form of the extra classes. On the territory of this canton there is the Centre for education and upbringing of the children and youth with disabilities “New hope” in Tomislavgrad which begins with its work on 3rd November 2010 and that will be able to perform categorisation of the children with disabilities in cooperation with the Municipality team for categorisation of Livno municipality.

Zenica – Doboj Canton

Ministry of labour, social policy and refugees of Zenica –Doboj Canton has sent an act number: 09-35-27071/10 from 22nd October 2010 where they state that the education of these categories of children is regulated through the Law for social protection, protection of the civil victims of the war and protection of the families with children[52], while criteria are regulated by the regulations of the article 23. On the territory of the Zenica – Doboj Canton there are centres for daily stay of the persons with special needs, like daily centre for person with special needs in Maglaj intended for children of school age, daily centres for adults with special needs and the centre for early stimulation of the development and for the early intervention for the children with disabilities in Zenica for the pre- school children. These centres are still not defined as institutions and are still in the pilot phase. They are financed from the budgets of municipalities and cantons, as well as by donations. Besides, it is stated that the children with special needs and their parents that fulfil the conditions regulated by the law have the right on payment and other forms of help, increased children money supplement and other rights from the area of social protection. In the territory of Zenica- Doboj Canton there are no centres for observation and diagnostic and the individual abilities of the children with special needs are determined by the commission for evaluation of abilities and categorisation of the children. These commissions are formed in the following municipalities: Kakanj, Maglaj, Tešanj, Zavidovići i Zenica, while other municipalities use the services of the mentioned municipalities based on agreement.

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[52] “ Official gazette Zenica-Doboj canton”, number: 13/07

Tuzla Canton

Ministry of labour and social policy has given its response to the Ombudsmen institution, act number: 09/1-35-20562/10 from 19th October 2010 where it is stated, as first, that this problematic is regulated by the Law on basic principles of social protection, protection of the civil victims of the war and protection of the families with children[53] . Based on this law the minister for labour and social policy has passed the Book of regulations on the evaluation of the abilities and determination of the support for the children and youth with disabilities[54] that regulates the education, composition and work of the Commission for evaluation of the abilities and determination of the support for the children and youth with disabilities, content of the finding and opinion documents, etc. From the Ministry, they further state the inequalities when it comes to conducting of evaluation of abilities only based on medical findings and with no appliance of the International classification by the World Health Organisation. One of the defects of the system is that the records and data about the persons with disabilities are not lead by the unique standards and that they are incomplete that enables their efficient use and analysis. *Commission for evaluation of the abilities and determination of the support for the children and youth with special needs for Tuzla Canton* is situated in Lukavac, while the final decision on the abilities is brought by Centre for social work. Families that have the child with physical and psychological development disabilities have the right on the increased child money supplement regardless of their incomes according to the *Law on social protection, protection of the civil victims of war and protection of the families with children of Tuzla Canton* ("Official gazette Tuzla canton", number: 12/00, 5/02, 13/03, 8/06, 11/09), and the monthly amount of the increased child money supplement 50 KM. The government of Tuzla Canton has passed the decision on subsidy of the costs of transport in the amount of 100% for the costs of transport of the children in schools and students with disabilities that are determined by the Centre for social care.

Ministry of education, science, culture and sport in the report number 10/1-38-20322-1/10 from 12th November 2010 states that the education of the children with special needs in education and upbringing is from the public interest and is the part of the educational system that is defined in the Law on pre-school education and upbringing („Official gazette Tuzla canton", number 12/09), Law on the elementary education and upbringing („Official gazette Tuzla canton", number : 6/04, 7/05) and Law on the high school education („Official gazette Tuzla canton", number ", : 6/04 and 7/05). Further more, the enrolment of the children with disabilities is done based on the findings and opinions of the Commission for evaluation of the children. The decision on categorisation is done by the Institution of social work and based on the Book of regulations on the evaluation of the abilities and determination of the support for the children and youth with disabilities („Official gazette Tuzla canton", number: 7/04), and book of regulations was determined by the Ministry of labour and social policy of Tuzla Canton. On the territory of Tuzla Canton there are two institutions financed from the budget that provide the support to these categories of children: *Centre for education and upbringing and rehabilitation of speech and hearing and institution for education and upbringing of the persons disabled in the physical and psychological development Tuzla*. So the Centre and the Institution

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[53] " Official gazette Tuzla canton", number: 12/00, 5/02, 13/03, 8/06, 11/09

[54] " Official gazette Tuzla canton", number: 7/2004

are both specialised institutions for education and upbringing of the children disabled in the physical and psychological development and in coordination with the Commission for evaluation of the abilities and determination of the support for the children and youth with special needs they conduct the observation and diagnostics based on which the most adequate educational rehabilitation and upbringing treatments are proposed. As they explained in this report, educational, rehabilitation and the upbringing processes are realised based on the special syllabuses.

West Herzegovina Canton

Ministry of health, labour and social care has on 12th November 2010 delivered and act number 08-2-425-1/10, to the Ombudsmen institution, where they state that children with special needs are categorised according to the Book of regulations on recognising, evaluation of abilities, categorisation and records of the children and youth disabled in the physical and psychological development and based on the commission of experts that consists of specialists in the certain areas, Centre for social care gives the decision. The decision of the Centre helps children and their parents to obtain the social rights. Before they are accepted into school, commission determines if the child is physical and psychological ready for regular school. When it comes to the composition of the commission and to the regulations according to which they make their decisions, the decision on that is on the ministry of education, science, culture and sport. On the territory of this Canton there is only one Dorm for the children disabled in the physical and psychological development“ Mari our hope“, situated in the municipality Široki Brijeg. Research team of the Ombudsmen institution has visited this Dorm and the second part of the texts is referred to this. Rights from the area of social protection are very complex issue because they include multiple levels of authority. Federal and cantonal laws on social protection, protection of civil victims of the wars and protection of families with children ensure the conditions that are needed to achieve the rights for the children with disability, especially when it comes to the right on the children money supplement. However, the problem is that Federation of B&H for the financing of this rights has no funds, nor for the right on payment after the childbirth and for the support for the infants etc. The canton itself has no possibility to finance all these categories, so all children with special needs in the territory of this canton do not receive the payment although they have the right on it. Labour law of Federation of B&H[55] lays down the right of the one parent, that after the child reaches one year of life, to work part-time until the child is three years old and the parent has to receive the full salary but the problem is that there are no regulations for who will give that extra money to the employee, so this can not be done in the praxis. According to the opinion of the minister, that issue should be regulated by changes and extras of the Law on health insurance or the Law on social care. Rights that are attained by the children with disabilities and their parents are: subsidy for the kindergarten (by the municipality), right on the rehabilitation for independent life and labour as well as the payment during the time they wait for work (financed by canton) right on one-off and permanent financial aid under the legal conditions (financed by the municipality). As in other parts of Federation of B&H, by implementation of this law on the federal level, most of the children with disabilities have lost the payments based on the disability.

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[55] “ Official gazette FBIH“, number 43/99

Posavina Canton

In the report from the 15th November 2010 Ministry of health, labour and social policy, the data required by the Ombudsmen institution have been delivered from which it has been concluded that on the territory of this canton there is no Institution that provides the services for these categories of children but that there are associations of citizens registered as NGO that provide the care for the children with disabilities and in the budget of canton there are funds for the mentioned associations. With the Law on social care, the rights of the children with special needs are regulated on the level of canton, as well as with the Law on basis of social protection, protection of civil victims of war and protection of the families with children on the level of federation.

Central Bosnia Canton

From the report of the Ministry of health and social policy Travnik, act number 04-35-479/10 from 13th October 2010 we can see that the right of the children with special needs in the area of social care, right on the boarding in the social institutions for rehabilitation, education, upbringing and rehabilitation for work and life is regulated by the Law on social protection, protection of civil victims of war and protection of the families with children (Official gazette of Central Bosnia Canton number 10/05 and 2/06). Categorisation is based on the Book of regulations on the evaluation of the abilities and determination of the support for the children and youth with disabilities in physical and psychological development (Official gazette of Central Bosnia Canton number 13/02). Cantonal ministry of health and social policy, from their budget, finances the expenses of boarding in social institutions, of the special education, rehabilitation and upbringing of the children with special needs. According to the cantonal Law on social care from the budget funds of the Central Bosnia Canton certain payment for social and health endangered families and their children are also financed, like permanent or one-.off payment, children money supplement, etc. Issue of education of the children in regular schools and the issue of pre-school education is in the jurisdiction of Ministry of education, on the territory of this Canton there are no specialised schools for children with disabilities, but there are only classes in regular schools. Categorisation is done by the experts in the Centre for social work. On the territory of this Canton there is the Centre for children and youth called Rainbow Novi Travnik that provides the services of boarding, education and rehabilitation as well as observation and diagnostics.

Brčko District of BiH

For the needs of preparation of this special report, the Ombudsman Institution addressed the Government of the Brčko District and the relevant sectors and departments with questions related to the rights of the children with special needs in the area of Brčko District of BIH.

In its letter No. 0226MD-001/10 dated 25.11.2010 the Department for Education of the Government of the Brčko District informed the Ombudsman Institution that the education of children with special needs on the territory of the Brčko District is governed by the Law on Primary and Secondary Education of BD BIH. Categorization of children with special needs is also governed by this Law. Pre-school education and upbringing of children with special needs is governed by the Law on Amendments to the Law on Pre-School Education and Upbringing. In addition to that, the Department for Education also includes a pedagogic institution employing the expert professional for social and mental care who co-ordinates and follows-up the work of expert teams in schools (pedagogist, psychologist, defectologist, logopedist, tiflo-pedagogue, socialni pedagogist, surdiologist, oligophrenologist and others) and in the pre-school institution. There is no any special school on the territory of the BD, but in sense of Article 50 item 3 of the Law on Primary and Secondary Education of the BD BIH, children with difficulties in their psycho-physical development attend classes in special grades in schools according to the adjusted syllabus and lessons plan where they receive rehabilitation and re-socialization programs in addition to the education (PI III Primary School, PI VII Primary School, PI X Primary School). For the realization of the activities in this area significant role played experts and their opinion. As they said, for every child with special needs and with disability they apply the adjusted syllabus and lessons plan. In primary schools of the BD BIH, extended stay of children has not been organized, while all the children can benefit from the free transportation from home to the school and vice versa, regardless to the distance.

III ACTUAL SITUATION ON THE FIELD

III ACTUAL SITUATION ON THE FIELD

After the analysis and presentation of the legislative and legal authorities in B&H the question came up, how much the mentioned regulations and standards are used in the praxis. The answer to this question Ombudsmen institution has looked for in the meetings with the representatives of the different associations of the children and parents, as well as in the visit of certain institutions (centres, institutions, etc) that provide different types of services in which the couple of consultative meeting with the authorities have been held.

Faced with the fact that we could not go in all the institutions and talk to the all of the association representatives, we want to point out that this report is only the beginning of our activities and in the future we will certainly continue what we started.

All the conversations and visits that were done, according to the opinion of the Ombudsmen, show how much the country and the society are taking care of what are they doing for the rights of the children with special needs.

3.1. INSTITUTIONS FOR THE CHILDREN WITH SPECIAL NEEDS

3.1.1. Institution for special education and upbringing of the children „Mjedenica“

Visit to the institution was done on 15th September 2010 and then on 30th September 2010, in the Sarajevo office of the Ombudsmen institution was held the meeting between the Ombudsman B&H and project staff and members of the institution Mjedenica, with the presence of the Miss. Nirvana Pištoljević, professor on the Columbia University in the USA.

Institution for special education and upbringing of children «Mjedenica» is the institution for upbringing and education. Its purpose is work with children and adults with special needs (mental disabilities and combined disabilities). It exists from 1947 and has not stopped working during the war (1992 – 1995). Institution, observed from the point of experience, tradition, prosperity, space, experts, contents of programs and other significant factors , represents the core of expertise competence, that in the spirit of the educational reform, significantly contributes in the direction of the development and promotion of the inclusion of the children with special needs in regular kindergartens and schools.

Although this institution is legal as any other school, we can not neglect its social segment in the sense that for the purpose of schooling, the children are placed in the board and the bills for this are paid by the centres for social work and parents.

At the moment, in „Mjedenica“ there are 88-90 children, out of which 49 of them is in the elementary school, 68 is in the boarding school (10 are high school children), 11 in the kindergarten and 7 children with autism disabilities that makes the special unit. Besides this, there is also a work shop for children over 16, which deals with the occupational therapy. Out of this total number 20 children are from Canton Sarajevo and the rest from them are from other parts of Federation of B&H.

Spotted problems:

- Problem of categorisation: Categorisation is performed based on the Law on social care, by naming the ad hoc expertise commission. Because of faults in the system, for protection of the children in „Mjedenica“observations are being performed when there is a need to do that. They also make calls to regular schools and centres. To the children and parents they provide free boarding during 5 days with cooperation of the employees of the institution and external experts and in the and they give their opinion that can serve to the parents as the instrument for protection of the children rights.
- Beside the expert staff for work with the children, the expert staffs are also needed to work with the parents. All thought it is visible that the concerns of the public have risen up and that the smaller number of children with disabilities is hidden from the public, we still can see that the parents, from one side, have subjective attitude towards their children's condition and they need psychological help and support. It is also evident that the greater problem is in the communication and cooperation with the educated parents that come from more urban communities.
- There is also the problem with syllabuses of the special schools, because, in the theory, there is the classifications on mild and moderate disabilities but in praxis there are also cases of sever disabilities as well as different cases of combined disabilities.[56] They also state that this classification is just copied from the legislature of Yugoslavia without fitting it to the present situation. For example, the autistic children in the institution are dealt with based on the individual approach 1:1 thanks to the project in cooperation with the association of the parents with autistic children „URDAS“from Sarajevo.
- Another deficit in the work is observed when it comes to employing the assistants for certain categories of children. The same is envisaged by law but there are no financial resources for that in the institution. Because there is also a boarding school in this institution, there is the need for expertise staff that would work in shifts based on 24 hours, physiotherapist and speech therapist.
- Institution „Mjedenica“ yearly, gives out the amount of over 6.000 KM for medications for the children of the institution, without the help of the authorities.
- Problem is also financing of the children that are staying in the boarding school, because the parents have to pay the subsidy, children are often excluded from the categories that receive the disability payments, according to the latest changes in the Laws. This refers on the unemployed parents, as well. Some of the children that are staying in the boarding school do not have the possibility to go home because the costs of transports are large. In those cases the employees collect the money for travelling expenses because they are not in the budget.
- The greatest problem lays in the fact that the basic principle of the institution „Mjedenica“ is regulated by the Law of elementary education and that in the Ministry of economy they are mentioned as regular school. .

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[56] Number of children suffering from autistic spectrum disorder, Down syndrome, and combined symptoms is increasing.

In the school, the influence of the donor-countries is noticeable, thanks to them they can organise different trips, goings to the pool, walks around the town.

3.1.2. Public institution Centre for upbringing, education, rehabilitation for work and employment of the mentally disabled children, autistic children and children with cerebral paralysis „Vladimir Nazor“

Public Institution „Vladimir Nazor“is constituted as cantonal public institution with multiple divisions based on different programmes. Centre„Vladimir Nazor“is the opened type institution, like all other regular schools, where children go to classes (in 2 or 3 cases they come through centres for social work). There is also an elementary school and 5 workshops for children age from 17 until 21: woodcraft, florist, weaving, ceramics and workshop for occupational therapy that has the purpose of rehabilitation for work. There is also a high school that consists of the children that go to Mjedenica and elementary school „Vladimir Nazor“.

In this centre there is the initiative for early detection, through the project with NGO „Peace Flame“from Holland, as centres for early intervention. Model is based on the observation and diagnostic of the children with disabilities that have stayed in daily centres – with option to stay in the Centre for couple of days during the week and the rest of the time they would go to regular schools. However, this school is legally equal to all other regular schools so there was no legal base for this and especially after the ministries have decided to withdraw from this project : ministry for labour and social policy, ministry of education and ministry of health.

There is a successful cooperation of the Centre with city administration and Municipality Novi Grad, NGOs and with the organisation The bread of St. Anthony.

Observations:

- According to the law on elementary education the possibility is given to the parent to choose the closest regular school based on its place of residence and that through inclusion their children can go to regular classes. Director of the centre thinks that the inclusion is extremely positive step in the reform of the educational system to the best interests of the children. One of the disadvantages is that is not clearly defined nor there is expert staff for this.
- Physiotherapist, music therapist and four speech therapists are employed here although 90% of the users have problems with speech. Because there is deficiency of the expert staff in last two years Centre has employed 20 volunteers, mostly through Employment Institution: defectologist, speech therapist, music therapist, pedagogue and social workers. At the moment there are six volunteers in the centre. Centre also cooperates with the high school for medical nurses, schools for teachers and couple of faculties.
- Pedagogical standards of the Canton Sarajevo for group work that is lead by the expert is, in the case of autistic children 3 to 6 children and in the case of moderate disabilities 4 to 6 children. So the group work is mostly based on 4 children with the leader and in some segments the individual approach 1:1 is used. There are a large

number of children with combined disabilities. Also it is noticeable that the users of the Centre are becoming more demanding from year to year.

- They also state special demanding work with parents because most parents find the placement in this centre as degradation. Employees of the Centre, however, conclude that there is increase in the awareness of the parents and that the number of users is increased with the goal to provide as much as possible for the child. Rising of the parents' awareness is noticeable despite the subjectivity of the parents (more noticeable with the educated parents from more urban communities) as well as the obstacles in minor and rural communities and that are based on religion. One of the problems is that 7or 8 parents that are users of the Centre services has PTSP syndrome. Large number of the parents is from the category of socially endangered.
- Centre has mobile teams that provide services for 26 children (in the beginning there were 18 and the funds were the same as now) with sever disabilities in mobility.
- Very difficult financial conditions are noticeable, and through 4 or 5 projects that are being implemented simultaneously, children have free snacks and lunch for those that stay there the whole day. With the help of donations they buy repro-materials for the workshops and they also organise the exhibitions where they sell for money and the money is given to children twice a year in the form of the reward for the effort and for the displayed results. Municipality and city authorities of Sarajevo cover the transport expenses for the children and parents by providing them with free coupons for Public Transportation institution Gras. In September an excursion for children has been organised and the director states that this was the first time, for some of them, to see the sea. So we can conclude that the large number of these children is socially endangered and that the Centre does not allow to the parents to pay for anything related to the children.

3.1.3. Dorm for children with bodily or physical disabilities „Mari-our hope" Široki Brijeg

Dorm for the children with bodily or physical disabilities „Mari-our hope" is the institution for rehabilitation of the children with disabilities in cognitive and development range. It is opened on September the 5th 2004 thanks to the following associations: „Peace and Welfare "from Italy „International godfathers of the children from Herceg Bosnia"from Široki Brijeg, Association of the parents of the children with disabilities „Hope"from Široki Brijeg and Municipality Široki Brijeg. It is the only specialised institution for rehabilitation of this type on the territory of West Herzegovina Canton. Foundation Don Carlo Gnochi from Italy has financed the establishment of the institution and it is still financing this institution as well as other foreign donors (mostly from Italy), local donors and partly the Ministry of education of West Herzegovina Canton.

In the Dorm are placed children that are, with the help of the specific methods and treatments, included into three groups: group of the children with cognitive and rehabilitation functioning on the level of moderate mental disability, group of the children with cognitive and rehabilitation functioning on the level of sever mental disability, children with the combined disabilities and user of the clinic services. In order to adjust the rehabilitation treatment to the needs of the every child, special programs of upbringing, education and rehabilitation are being created. That is why it is necessary to evaluate the development potential of the child (level of the emotional, social and intellectual development, functional sight, speech development, as well as educational and health status of the child). It is important to get the insight into family interactions (acceptance of the child and its disabilities, suitability of the upbringing demands and methods of the work with the child) as well as socio-economic status of the family.

It is assignment of the team for experts to monitor and track the development of the child and to suggest the needs necessary in the program of upbringing, education and rehabilitation. In the work of the team of experts following persons participate: expert physiotherapist, psychologist, speech therapist, higher work therapist, higher physiotherapist, person working with children with disabilities and teacher for upbringing.

Centre is not educational but only rehabilitation institution, so there are no classes for these children. Children go to school and there they stay during the day, at the moment there are 21 children with moderate disabilities, out of which 5 goes to school, while other children are not capable for schooling. However, there are also user above the age of 18, there are 8 of them, so the question arises what to do with them? The problem is that if they go back to their parents there is the possibilities that they will stop their development- stagnate, so they are trying to find the possibility of opening the workshops, or occupational therapies. That would mean work for them and at the same time their stay would have some purpose. Children from the territory of West Herzegovina Canton (Grude, Široki Brijeg and Posušje), and the children from Ljubuški are mostly not coming or are coming rarely to the centre because of the great distance. Most of these municipalities in their budgets plan the means for them but they are not being realised. It is important to say that in the budget system of canton or municipality there are no funds for this centre but the centre is being financed mostly by donations. One part of the children is using the services based on the decision of the ministry of education, concretely 35 of children and they receive the payment in the amount of 150 KM that are being paid on the account of the centre. Other users do not pay. Like any other child on the territory of Federation disabilities payments are received only were is the 100% and 90% of disability.

3.1.4. Institution for blind and sighted „Future“, Derventa

Institution represents the institution of social work of Republic of Srpska. 30 children go to this school, out of which 21 of them is placed in the boarding school. Classes in the institution are lead according to the syllabuses for children who are blind and when there are children that besides vision disabilities have also some other disabilities, there syllabuses are being adjusted to their psycho-physical abilities. When they finish elementary school, children can continue their education in high school in the institution, trade tailor – dressmaker for ready-made. Practical parts for the class are partly done in the tailor shop, placed inside of the institution. Upbringing part is also important in this institution. Certain capabilities are being developed here and daily habits are being formed, that are necessary and important for every day life and work and special attention is put on the individual needs and abilities of every child .Besides this, school encourages children to greater creativity through work in the workshops (poetry, drama, choir) and through that way they encourage them to show their interests and they stimulate the qualitative use of their time. Volunteers, who come from the high school in Derventa, work with the children three times a week and they work with them on the field of dancing and acting. On the weekends, volunteers realise creative workshops with the students or they go for a walk with them. Institution cooperates with the regular schools and they organise their visits to the institution. According to the Director of the Institution, children are glad that they can participate in different events that are being organised by elementary schools (masquerade, musical events, etc) and three children from the institution go to musical school and have great results. 8 teachers and 2 teachers for upbringing work with the children in the part of educational processes and they systematically work on the development of the abilities and they help blind and sighted, as well as children with combined disabilities, to gain the knowledge. For educational processes, two employees from elementary school Derventa, are also included into work in institution, as well as one from the high school and they have contracts for additional work. Besides these workers in the education and secretary-social worker, there is also technical staff that is employed in the institution (cleaning ladies, cooks, medical workers, genitor, etc) and in the phone central one invalid of the war, which became blind during the war, has been employed. There are two manufacturing work shops in the institution – carpenter and tailor. 10 workers work here, 4 of them work in the carpenter and 6 in the tailor work shop (6 of them are persons with disability).

Director of the institution has also pointed out that the facilities of the institution have been refurbished and modernised thanks to the ministry of health and social work of Republic of Srpska and that there is a good cooperation with the Ministry of education and culture of Republic Of Srpska. As problem Mr. Popović states that there are more and more children with combined disabilities and children with autism and that it would be useful to introduce the early treatments for the blind and sighted children with the age of 3. The society is not concerned with the problems of sighted children and as he thinks there are more sighted than blind children because he spends lot of time on the field, as he is the member of the mobile team, he thinks that persons who work with the sighted children are very necessary. As the expert, he also supports inclusion but there are so many problems in the praxis and every disability has its characteristics. Blind children in regular class need special instruments, adapted syllabuses and capable experts for education. Regular syllabuses for blind and sighted children exist from the year 2004 and they are being adapted for blind and sighted children, while in the procedure are additions and changes of the same. One of the Mr, Popović's suggestions is to use the capacities of the institution to the fullest for the commissions for categorisation, because in the centres for social work they do not have enough recourses for vision impairment, which is not a disease but the condition.

3.1.5. Centre „Holy Family “, Mostar

Centre „Holy Family “is the rehabilitation centre which began working in the year 2001 and it has two divisions: clinic and stationary. Clinic division is the division where children in the day stay-in are placed, ages from 2 or 3 until they are full aged. At the moment there are 25 of them, but that number tends to very. Children mostly come from Herzegovina but they do accept the children from the entire territory of Bosnia and Herzegovina and they expect arrival of one boy from Zenica. One number of these children goes to special school, so their stay is complemented with the stay in the centre (half day they are in school and half with their parents). Parents bring them in the morning, with the transport from the „Holy Family "teachers for upbringing take them to school and from school they bring them to the centre. Centre organises the transport for those children that live in the distance 2 or 3 km from the centre and transports from other municipalities are organized by the municipalities like for example Čapljina or Čitluk municipalities who pay the transport. Clinic division is financed by Caritas and they never received any funds from the state, although they asked for them multiple times. Parents pay for the services 150KM and if they do not have the money they have to find some other solution. At the moment there is no speech therapist and they have asked Ministry of health to help them to ensure them his services and the Centre will pay him his work. The Center has a plan and program of work for children suffering from major impairments in their development who are not included in any form of education although they are entitled to it according to the law. Neither federal nor cantonal minister of education have not replied to the letters of the centers with regard to this program, as they did not visit it.

In the stationary division there are 3 children placed based on the contract that Centre has with the centres for social work that issue the decisions for placement of these children. Categorisation is done before they are being placed, also through the centres for social work that forms the Commission for categorisation. Services in the whole-day-stay are financed by the Centre. All users of this centre have health insurances according to the place of residence, that presents the difficulty, especially when it comes to medical services and they do not have the place of residence on the territory of Herzegovina – Neretva Canton.

In the same organisational unit of Caritas there is also centre named „Nazaret"for rehabilitation of the adults with disabilities. There are three workshops, (netting, woodcraft and creative workshop) there different objects are being made and they are being sold on the exhibitions. As extra positive segment they point out the dentist services that are provided by the Italian dentists, volunteers of Caritas from Trst. Thanks to these free services, probably the only for these children that come from the entire territory of Bosnia and Herzegovina, in last 4 years, that's how long these services are being given, the dentist services were given for over 100 of children.

3.1.6. Centre for blind and sighted children, Sarajevo

Centar for blind and sighted children and youth is the public institution for education of the blind and sighted children from all over Bosnia and Herzegovina. Complex work of the Center in all its segments is poited towards one goal: to rehabilitate the blind or sighted child for independent work and life. Centre organises and executes preschool upbringing and education, upbringing and education in elementary scholl and education of the blind and sighted children and youth,as well as learning of trade, change of qualification, rehabilitation and re-socialisation of the children who lost their sight during the schooling.

Institution for blind children started working in the year 1947 and it was placed in Sarajevo and high school began working in the year 1969/70. This school, with its students, teachers and inventari goes into composition of Public Institution for blind and sighted children and youth Sarajevo at the begining of the school year 1995/96. First students were received in the Centre in daily-stay-in and schooling during March of 1997. Total number of 80 children is placed here, although there are capacities for 50 more children. Most of them come from the territory of Bosnia and Herzegovina and occasionally there are children from Republic of Srpska, which are mostly placed in the form of boarding school because their place of residence is far away from the Institution.

Centre is complex institution that besides regular class has boarding school, medical services, printing office, and cabinet for physical therapy, kitchen, laundry room, and garden. Students have medical care with around the clock medical nurses as well as regular check-ups and examinations. Centre has living rooms and TV rooms, quick internet with 20 computers, computers in every classroom, fitness room, outside playground, trails for walking. Besides regular jobs in elementary and high school (35 teachers), educational and other activities, the school provides other necessary exercises to their children, like exercises and trainings. Medical service takes care of all health problems (3 nurses). Social worker takes care of enrolment of the children, making contacts with the centres for social work and other similar jobs. School educationalist, besides regular jobs, also helps children in pre-school, children in other schools or their parents. Orientation and mobility are regular and obligatory activity for all children who need them. It is done individually in and outside of school. Physical therapy is organised as the form of the practical class of our physiotherapists in high school. Children come to exercises, massages, trainings to get into better shape, etc.

Adjusted syllabus is in the elementary school and in the high school there are special programs for the following trades: secretary, physiotherapist, phone operator, and trade for packing (lasts two years). There are also plans to include children into education-rehabilitation process for children that have no possibilities to finish high school. Class consist from 2 and at most 8 children. Besides regular classes children have a full day support in learning and other skills, from self phones, taking care of itself, practising of vision for sighted, using the instruments, games, going outs into town and visit of the cultural, sport and other events till working with the special software that starts from the second elementary class. There are also divisions (drama- poetry, choir, orchestra, ecological, geographical, historical, sport, journalist, informatics, life school, puppeteer, debate club, English, German and mathematical) individual work when it comes to learning of the Brail, physical therapy, riding, swimming and other activities. According to the Director of the Centre, early intervention is necessary and support to the children with the vision impairment that go into regular schools.

3.1.7. Centre for hearing and speech rehabilitation, Sarajevo

Centre is complex institution that has 6 divisions: *Department for observation and diagnostic of hearing and speech disabilities*, where there is objective and subjective examination of the hearing; *Department for rehabilitation of hearing and speech,* which implies treatment by the defectologist (audio and speech therapy), psychological and social and health care; *Levels of education- Department for scientific and research in the* *area of pathology of hearing and speech; Laboratory for manufacturing and repairment of the hearing devices* ; *Department for new technologies.* Centre is financed by funds from the centres for social work, or municipalities where children come from (boarding and services of the Centre), while other material costs and payrolls of the employees are paid by canton and two expert teams from doctors are paid by cantonal ministry of education.

Rehabilitation of hearing and speech of the pre-school children is realised in two preschool groups (younger and older). Younger group is formed from the children up till ages of 5 and older from the children age from 5 until 8. Expert team that works with children consist from: teacher-audio rehabilitator, surdo- audio rehabilitator, psychologist, social worker, medical nurse.

Elementary school of the Centre for hearing and speech rehabilitation is verified with the decision of the Cantonal Ministry of education, science and informing and it works according to the syllabus that was verified by the same ministry. Pupils of the Centre's elementary school are divided into 10 classes that have the latest electro acoustical equipment. During the classes, besides educational and upbringing goals and assignments, the special accent is put on the development of hearing and speech. There is also individual rehabilitation of hearing and speech in modern cabinets.

Children of Bosnia and Herzegovina with the hearing impairment are enabled to go to high school that lasts for 4 years that is placed in the Centre. Classes are realised according to the syllabuses for regular high schools. Students are educated for the trades on the IV level: textile technician, constructor, mechanical technician and technical editor for graphics.

Centre's high school is verified with the decision of the Cantonal Ministry of education, science and informing. In high schools classes are led according to the syllabuses for vocational high schools for education of the students with hearing impairment. Students are thought the following trades: mechanical, textile, wood, leather as well as hairdressers, bookbinder, offset mechanical technician, photographer and cook.

In order to achieve the goal of the development of the entire personality and to have the purpose from the educational process, pupils in the pre-school classes, elementary, high school and vocational high school also have the programs of free activities made based on their affections and abilities that make 35/70 hours a year; poetry, folklore, rhythmic and dance, modelling, art, journalist, sport and informatics.

Centre for hearing and speech rehabilitation cooperates with all elementary and pre- school on the territory of Canton Sarajevo the main goal of this cooperation is prevention, diagnostics and treatment of school children with disabilities in the verbal communication.

According to the unofficial data 36 of the children on the territory of Canton Sarajevo are integrated into regular schooling and they need help; Zenica – Doboj Canton has large number of the children with the hearing disabilities included into regular classes; in Sanski Most there are around 20 children with hearing impairment in regular schools. With the goal of getting the real data, when it comes to speech pathology in Canton Sarajevo, team of the Centre for hearing and speech rehabilitation has done the screening of the

38 elementary schools on the territory of Canton Sarajevo, from April until December of the year 2005. Out of total number of the tested children (10.434 pupils) around 16, 9% have some kind of hearing disability or speech disability. So it means that every fifth child has some kind of speech disability.

3.1.8. Centre for children with special needs, Trebinje

On the November the 8th 2010, delegation of the Ombudsmen institution for human rights of Bosnia and Herzegovina has visited the Association of the parents and children with special needs Trebinje and had a consultative meeting with the director Mr. Mijat Šarović, as well as, with the centre for social work of the municipality Trebinje.

This association was founded in 1998 on the initiative of the parents of these categories of children, because their status after the war was not defined and in after war circumstances they were not considered a priority. Today there are 102 registered children, in this association, and the day before we came (November 8th 2010) two of them died. One of them is the child with autism and couple of them have the Down syndrome.

All children in this association are from the territory of municipality Trebinje. As the result of this association's good practise, other associations on the territory of municipalities Bileća, Gacko, Ljubinje and Nevesinje have been founded and are now acting as separate legal association and they are all very active meaning that they all have their own day centres.

Director states the great cooperation with local community and with municipality Trebinje that is considered to be the most developed when it comes to social care for the children with special needs.

In Trebinje there are no so called hidden children, or if there are those percentages are very small, mainly parents and the children with special needs that have just arrived to the town. On this level of parent's consciences, different campaigns for braking of the stereotypes had their influence, which was directly or indirectly led by this association. Because the members of the Association are parents themselves, they were already aware that the greatest problem that they can face is non-acceptance and unreal expectations and that there are two modules for parents to learn, all at once or step by step , what comes with the child with special needs. It is noticeable that parents do not have enough of empathy, or real acceptance of the situation and the greatest problems are educated parents. In the main organisation of Republic of Srpska there are 27 registered associations and in Federation of Bosnia and Herzegovina in the Sumer 20.

Categorisation of the children and evaluation of the abilities is, by this association, abusive. With this, nothing new is being defined that is not already in the medical findings but by that parents and their children obtain their rights. Categorisation in this municipality last for 2 hours, for one child, and is being performed in the association. If there is a case of children that have the difficulties with mobility or if parents are not able to bring their children, groups from the centre for social work came to do the categorisation on the spot. They state good example from the praxis from Croatia where observation lasts for 4 or 5 years and they say that list for tracking has to be done, so that the children with special needs can be monitored for a long time. When we talk about education, children with special needs in this municipality go to regular kindergartens. Most of the children who are users of the association services have sever disabilities and can not go to school or they come into association for occupational therapy. They come from 8 a.m. until 3 p.m. and from 17 p.m. until 20 p.m. every day.

Example of the Trebinje municipality is the example of the best developed program of social care and cooperation of the association with the centres for social work is one of the best in Europe.

Children with special needs on the territory of Trebinje municipality receive monthly amounts of 41 KM, that is guaranteed by the law and that is paid by the local community. This is done regularly while, for example, in municipality Višegrad children with special needs in May 2010 still have not received their payments from December 2009. Besides these payments, by the Decision on expanded rules, 175 KM are ensured to the individuals. Besides this, all categorised children on the territory of Republic of Srpska until the age of 19 receive the payments from 100 KM. They also state that fro the Foundation for children protection they receive, monthly, 60 diapers for every child and monthly around 150 or 180 diapers are used.

On the other side they pointed outs the problem when it comes to obtaining of right on health care because it is being realised on the territory of municipality Banja Luka that is far away from Trebinje. That is why parents tend to go to Podgorica although they have to pay for it themselves.

Director Šarović also states the need to establish the institution of the opened type for children with sever disabilities, or so called „stay in with support“ so that the child can stay there for couple of days in order to save the psychical health of the parents.

In the conversation with the director of the Centre for social work Mira Ćuk it is stressed that the work of this Centre is based on the reputation of association, good cooperation between the centre and anybody that can give its contribution, and anyone that has its interest and those are parents, centres, health and education institutions and individuals.

Commission that deals with early detection and engagement is formed, besides the doctors, from defectologist, social workers and psychologist. Besides the speech therapist that deals with the early prevention, there are no institutions for development that can give help to the children.

It is also mentioned that diagnostics and categorisation are in the domain of health but at the same time health institutions for pre-school children do not deal with these problems because they do not have the necessary education or motivation for that. Statistically, according to the doctor, in year 1996/97 there were 60% of the children with combined and sever disabilities and every disability ends up with some form of the impairment.

3.1.9. Centres for children with special needs

In the current year Ombudsmen institution in cooperation with NGO Save the Children Norway, has conducted wide research of the condition in the institutions for placement of the children without parents, of the institutions for children with socio unacceptable behaviour and of one part of the institutions for children with the development disabilities[57]. In the same report are following centres whose users are the children with special need:

- Centre for children and youth with development disabilities „Rainbow”, Novi Travnik
- Centre for children and youth with special needs „Los Rosales“ Mostar
- Centre for children with combined disabilities „Steps of hope”, Tuzla
- Centre „Protect me“ Banja Luka
- Association „Humanost-societas humanitatis“, Zenica

That is why this institution was not in these centres again. Records about these centres are presented in the special report on the rights of the children placed in the institutions, with special overview of normatives and standards, which is available on our web page and that was officially presented on 17th November 2010 in premises of the Ombudsmen institution in Banja Luka.

3.1.10. Special schools

Elementary school for children with special needs Mostar

Elementary school for children with special needs has 67 pupils and tendency that this number will grow. Classes are organised in 14 separate divisions. Every day activities of the school are adapted to the individual needs of every pupil and are applied according to the syllabuses for pupils with mild mental disabilities and combined disabilities, as well as for students with moderate and sever mental disability and children with autism.

The entire school team is responsible for education and upbringing and at the moment, there are 24 employees.

Schools take care of the education and upbringing of the children with:

- Reduced cognitive abilities ,
- Disability of mobility,
- Disabilities caused by organic factors,
- Behavioural disorders,
- Communicational disorders,
- Children with pervasive development disorder,
- Combined disabilities.

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[57] Special report on rights of the children placed in the institutions with special review of the normatives and standards

Work in the school is adjusted to the individual needs of every pupil and their momentary abilities. Main accent is on the literacy, which means reading, writing, calculation and socialisation of the children into wider social community. The goal of the Elementary school is to rehabilitate the child with special needs to independent life until the end of the nine-year schooling taking into consideration their real needs and abilities. School is cooperating with the local community in the matters of upbringing and education of the pupils, competitions of the pupils, free activities, transport and nutrition of the pupils, while cooperation of the parents and school is done through individual and group parents meetings, education of the parents for work at houses and through recommendations. Parent is an active participant in creation of the school activities for its child. School has good cooperation with all elementary schools on the territory of Herzegovina – Neretva Canton and with the associations like Los Rosales, Nazaret, Holy family, etc. Education is done according to the Law on elementary upbringing and education and the Book of rules on upbringing and education of the children with special educational needs in elementary and high schools and this act was wrought according to the article 19.of the General law on the elementary and high school education in Bosnia and Herzegovina and relevant laws that are applied, at the moment, in the Herzegovina – Neretva Canton. School has no gym and it was also brought to our attention that, at the moment, the ministries are working so to ensure this location.

Elementary special school, Zenica

Yearly program of Elementary special school is based on the Law on elementary school syllabuses for children with mild mental disabilities, moderate and sever mental disabilities and Pedagogical standards from 1995/96.

School is financed by the Ministry of education of Zenica-Doboj Canton and daily centres Ministry for work and social policy (it finances assistants, food and transport of the children). School is established by the Decision of the Municipality Zenica and is a public institution.

Total number of pupils at the beginning of the school year 2010/2011 is 61 but during the year that number can vary, because children attend this school according to the decisions of the Commission for categorisation that works in the Centre for social work, and can be enrolled during the whole year. Youngest child is only 5 years old and the oldest is 23 and pre-school does not exist in Zenica. Children are from the territory of Zenica –Doboj Canton and for the children whose place of residence is far away from school and who are included in Daily centre have the secure transport that was enabled for them by the donations from Norway people’s help. Accommodation for pupils in the dorm or foster families is not regulated because there are no funds for this.

School employees the director, secretary, 18 teachers – defectologist in the educational and upbringing part, pedagogue, social worker, speech therapist, speech therapist – surd-audiologist, bookkeeper, librarian, two cleaning ladies, genitor and driver.

Classes in the Special school are organised into two shifts. In the first are departments of the Daily centre – 6 groups (4 according to the age of the children, group of the autistic children and group for the occupational therapy) and classes from I until IV grade. In other shift are classes according to the subject (V-VIII grade).

Education of the children with mild mental disabilities is done according to the Law on elementary school and syllabuses approved by the Decision of the Ministry for education, science, culture and sport, number: UP-I-03-610-3466/95, and education is of the children with moderate and sever mental disabilities is done according to the syllabuses approved by the Decision of the Ministry of education, science, culture and sport of the Zenica-Doboj canton number: 12/02-38-1301/01. It is very important to point out that there is the tendency that the number of children with autism will increase, so the division for autisms has been trained, as well as division for occupational therapy, but during the conversations that were led with the investigating team of the Institution, following problems have came up:

- Different pedagogical standards, so for example special school Zenica works according to the syllabuses from 1995/96, Republic of B&H – institution for education
- The name „*speci*al school" needs to be changed into „centre" or „institution"
- Need for early diagnostics to be in the centre/school
- Non of the schools has defectologist – speech therapist, nor there are mobile teams for those needs
- Problem with categorisation (no criteria for the same and because of the number children are being put into regular schools)
- Ministry of health should participate in costs for medications, systematically and dental examinations
- Municipality should finance the meals for children in the school

3.2. ASSOCIATIONS/ ALLIANCES

3.2.1. Association of defectologist of Bosnia and Herzegovina

Investigating team of the Ombudsmen institution has carried out the conversation with the representative of the Defectologist association of Bosnia and Herzegovina, Tanja Čolić. Summary of the problem that is concerned with the children with special needs is, as follows:

- Counselling needs to be put into system and made available to the children that have the need for rehabilitation treatment, because at the moment, rehabilitation is an exclusive right for the small number of children that live in Banja Luka and whose parents know that something like that exists. As she pointed out, there were cases that the treatment was started on time and children were rehabilitated for school, but the people in elementary school would not accept them with the explanation that they do not have experts that would work with them and she also fears that the fact is that they do not want to work with them;
- It is necessary to strengthen the trust into local experts and institutions and the representative of the Association has pointed out, for example, the centre „Protect me "*in* Banja Luka, that lately, invests a lot of effort into education of young experts and it has been shown that parents tend to go somewhere else into region and to foreign countries thinking that in the B&H they can not get the qualitative services.

- Early counselling for the parents is necessary and early strengthening of the family with the child who has developmental disabilities.
- Many „new“ diagnosis like dyslexia, discussion, hyperkinetic syndrome etc. go by unnoticed, because children with these disabilities can go through schools without to be diagnosed.
- Experts that work in the commissions for categorisation are dealing with too much administration; there is new ICF qualification of the persons with the development disabilities, that has no objections by the experts, but which is full of administrative steps that are not helping to establish the diagnose.
- Development counselling does not have defectologist and they are necessary for early detection of the problem.
- It would be useful to organise programs for children with and without development impairment (neutralisation of exclusion) to diminish the prejudices.
- In Republic of Srpska there is no sensor person that in the world is used in work for children with special needs.
- Centre „Protect me “ is not registered to work with autistic children and children with Down syndrome but in the praxis they have children with these disabilities and little effort that is needed to register again would help the staff, children and parents.
- It would be desirable to have in Republic of Srpska specialised dental office for the children with special needs.

3.2.2. Associations of Republic of Srpska

In conversation with the representatives of the **Association of deaf and hard of hearing of Republic of Srpska** to the investigating team of Institution all problems, that persons with these disabilities face, have been presented and there are so many of them but they were summarised as follows:

- Law on use of the sign language, which is in use in Bosnia and Herzegovina ,is passed in the House of parliament of B&H in September 2009 but entities and Brčko District still have not passed this law, so in the praxis this law is not used and is of great significance for deaf people. As the president from the association has pointed out, deaf people can not realise their rights without the signed language which is not thought in schools, regular or special. It was also stated to the investigating team that they have, as Association, presented to the Ministry of education and culture of Republic of Srpska, the way to realise the project of training of the teachers on how to use the sign language, but they did not receive the appreciation, although they had all technical and personal recourses.
- Children with hearing disabilities, according to the records of the Association of deaf and hard of hearing of Republic of Srpska, finish special schools in Banja Luka, Tuzla and Sarajevo or in the cities in Serbia (Zemun, Novi Sad, Kragujevac) and Croatia (Zagreb). For example, parents of the children with hearing impairment from Bijeljina prefer the special school in Zemun because it is near for them or in

Kragujevac because everything there is free. In Banja Luka there is school for the children who are hard of hearing but there is no boarding type so the children are placed into families that take care of them while they go to school. In other words parents have to, either move or give the child to someone else, while it goes to school, and that experience is traumatic for child as well for the parent.

- Rehabilitation of hearing and speech has to, according to the words of the president of Association, start at the age of 2 and that can only be done in the large cities of Bosnia and Herzegovina. Lack of expert teams and the equipped cabinets for this type of health treatment represents the great problem for the population of hard of hearing children. Having this in mind the Association of deaf and hard of hearing of Republic of Srpska has formed the cabinet for rehabilitation of hearing and speech for which the international community provided the great help. Cabinet is situated in the facilities of the Association and services are provided by surdo-pedagogue that comes from Novi Sad (Serbia).in this way, as they pointed out, they have helped to provide the services of hearing and speech rehabilitation for one part of the children but they think that this should be the priority for other parts of the B&H, as well.
- Hearing devices are given for free for the children until the age of 15 but they are bad quality. Reparations they pay themselves. Children older than 15 pay their own hearing devices and the Health insurance fund participates with 400 KM and the price for one decent hearing devices is 2000KM.
- Teachers in the regular schools are not trained to work with the deaf and hard of hearing children nor are they interested to educate themselves. Association of the deaf people has offered educations and different programs for teaching of the sign languages to the courts, registration offices, schools but no one accepted them. They are aware that little effort is needed to have an adequate approach in the interest of the children and adults who are hard of hearing and so they want to invest their means and people.
- Employment, after finished education, is problem because they are being schooled, according to the president of the Association, for trades that are not interesting or actual on the job market. Children need to get literate but also they need to be thought to use computers.

President of the **Association of blind and sighted of Republic of Srpska,** Mr. Branko Suzić, during the conversation with the investigation team of the Ombudsmen Institution, had identified the following problems that sighted children are faced with:

- Early tiflological treatment of the children is not enough legally nor practically arranged. Children and parents do not have adequate support and it is necessary to start at the age of 3 to have continuant support until the age of 6. Other problem is that there is not enough of educated defectologist tiflologists.
- Health protection, in the very beginning, is not adequate because paediatricians are not educated for interventions with blind children.
- Legal regulations are good when it is dealt with inclusion for blind children but, unfortunately, they are not applied in the praxis. Blind and sighted children, for now, are mostly schooled in special schools in B&H and region and they are later included

into regular schools, because they do not have teachers or material to work with blind and sighted children. Besides, approach to the schools is difficult, entrances are not adjusted, classrooms, toilets, etc. there are no cabinets that have the equipment for blind children or didactical instruments.

- There are educational programs for teachers to train them to work for blind children. Association of blind and sighted „Future "in Derventa should, according to the opinion of Mr. Suzić, be some kind of specialised centre for this type of training because they have the necessary equipment and experts that could use their knowledge.
- Not enough is done for school of the children for different trades that are actual and that can enable them to get a job. For example, children go to school to work as a phone operator that are no longer in use so they stay unemployed in the institutions and they can not go to the university because they finish only III degree high school.
- It is necessary 10-12% of the budget to go for social payment to compensate the bodily impairments. 70% of the average net salary for last year would be the minimum for compensation, which is around 550 KM. Now they receive 41KM for help and care from some other person (and it should be 30% of the average net salary). Not even those 41 KM are paid regularly because they are connected do the municipality budget and some municipalities do not have the money for social categories.

On the meeting with the representatives of the **Association of paraplegic,** Secretary Mrs. Milena Obradović and the president of the Association Slavko Delić, have identified the following problems:

- Although the Book of regulation on removing the architectural barriers is passed, school (and other public institutions) still have not adjusted their offices for these categories of children.
- They have the problem with transportation of the children to the centres where they go to school, for example they could get the funds to go the centre „Protect me "in Banja so they have to find some other solution.
- Problem of personal assistance is great; either the centre for social work has no money for these services or sometimes these situations can be avoided when there is better organisation in schools (for example some workers in school could help the child when it goes into classroom, toilet, etc). Further more medical students, defectologist students or students of similar faculties or high school children in medical schools could do regular praxis by providing the services of personal assistance in schools, kindergartens and community in general.
- Health insurance fund of Republic of Srpska limits the rights of the persons with bodily impairment on orthopaedic aids. They do not respect prescribed procedures but they have their own internal rules. Procedure for getting the orthopaedic aids in complicated and cooperation with the commission, responsible for giving, is bad. Commission shows no understanding for the situation that persons with bodily impairment are in: they give them pillows for bed sore that are bad quality and that can not be replaced until obligatory 3 years pass. And if they are actively involved, what is recommended for them, and then these pillows brake down.

- Children until the age of 15 get their wheelchair for free but they are bad quality. Repairs are paid by them. Children until the age of 15 have the right on free diapers and after that on urinary catheterization. However children from the age of 10 should also have the right on a urinary catheterization for free because those are the age of puberty and they can be trained to put them themselves and by that their self-esteem would increase.
- Institution for physical medical therapy and rehabilitation „Doctor Miroslav Zotović“ is, besides primary medical and rehabilitation character, organised as educational and socialisation institution for children with bodily impairment that live outside Banja Luka. It provides medical as well as rehabilitation services but it has extruded other facilities, like for examples spas, which are also useful. For example, qualitative spas like Kulaši near Laktaši, Mlječanica, Dvarovi, Teslić and similar have been neglected. Health insurance fund only gives recommendation for Institution „Doctor Miroslav Zotović“, but why could not these spas also be included in their recommendations?
- When we talk about medical treatment of the child, that lasts for a long time, the program of training for the missed classes in schools is not organised; children have to go to extra classes or they will lose the year because of the treatments.
- Paraplegic children mostly come from families which are in bad social and economical conditions, so they do not have enough money for school accessories and books. According to the opinion of the representatives of the Association of paraplegic of Republic of Srpska, it would be really useful to organise the action of giving the free books and school accessories that do not have to be new, but can also be used.
- Ministry, as well as local community, do not give enough for animation, of this population, into sport.

3.2.3. Associations of the parents of the children with Down syndrome

The contact has been made with the association „Down syndrome“from Banja Luka and with the Association „Living with Down Syndrome“from Sarajevo.

Representative of the **Association „Down syndrome**“ Banja Luka has pointed out that there is a need to establish the day centre for children with Down syndrome and similar intellectual disabilities, where persons would be rehabilitated for independent life, pavilions with apartments for children and adults with Down syndrome that are rehabilitated to live on their own, if they want. Association has been established in order to work on the protection of rights and interests of the children that have this disability and their parents, because they use to come up with no understanding of the authorities when they would ask help. They pointed out that education of the parents is a big problem. Parents are difficult for cooperation because they do not want to ‘’ show’’ their children. In Association, they are not satisfied with the procedures of categorisation, because, as they point out, evaluation and categorisation, mostly, lasts for a short periods of time and after only 15 minutes decision is passed. Besides, child waits for its examination for a very long time in inadequate facilities, so they get nervous, scared and tired. They think that, most of the time, these procedures come down to cooping of the results from the previous decisions. In smaller municipalities parents are not even aware that these procedures exist. Representative of the Association has pointed out that there is also a problem with dental services, because dentists refuse to do the procedures without anaesthetics and that can cause other impairments for the children with Down syndrome. Also if the impairment is sever intellectual, it is necessary to work in the well equipped offices. Amniocentesis is expensive but it is also very relevant for detection of the gene deformations, which is in the base of the Down syndrome, so they think it is necessary that the Health insurance fund pays the costs of amniocentesis and if a woman, on her own, decides to do that, expenses should be paid by her.

Association "Living with Down syndrome" from Sarajevo points out the following:

- Early support for the children and their parents is impossible without connection the health, educational and social sectors. There is no first support; there is no team in the medical sector that will give the necessary psychological support in the most difficult moment for the parent. If we do not have the money to build the teams from the beginning, we have teams in the family medicine that can get trained and educated for this kind of the support.
- Health problems are very often with the children with Down syndrome (congenital heart problem, problem with digestive tract, metabolically problems...). In dealing with these problems, parent comes up to barriers because we do not have medical experts that want to deals with the real issues.
- Because the health care of the person is concerted to its status „persons with disability of 90% and 100%", the question arises what to do with the people that, according to the Book on categorisation, are not in these groups. None of the Cantons has come up with the measures that will deal with this problem on their level. Disproportions of the legal decisions in Federation of Bosnia and Herzegovina have, as a direct consequence, territorial discrimination of the persons with disabilities, as well as discrimination on the cause of disability.
- Legal frame in Federation of B&H enables the inclusion of the children with Down syndrome in regular schools. But it does not put the inclusion as primary but as the possible solution. That has the consequence that the ministry of education are frivolous when it comes to equipping of schools (technical, material and educational) for coming of the children with special needs. All necessary solutions like, short – term help, education of the teachers, peers or their parents, is done by the NGO sector.
- Parents do not have the possibility to get the team of experts, in the system, that will follow him in pre-school and school period. There are still only some schools that are opened for the children with special needs.
- Parents are not enough prepared and strengthened.
- Teachers are not educated to work with the children and there are not enough of the defectologists, speech therapists and psychologists.
- Prejudices have deep roots and they are connected to the attitude that the children with disabilities represent the danger for their peers.
- Program of the professional orientation, which would enable their employment on

the open job market, is not done properly and has the consequence that transfer from elementary to high school present the real trauma.

- Independent involvement of the children with Down syndrome in sport and cultural clubs still comes across great barriers. They give up and do not want to work with these children. Public institutions and cultural centres are also resisting this idea.

3.2.4. Association of the parents of children with disabilities

Research team has lead the conversations with the representatives of then Association „Contact“ from Čitluk, Association of the parents, youth and children with special needs from Trebinje. They pointed out the following:

- Not enough education for the parents and necessity to raise the awareness of the society, so that the children can be involved into the society. It has been noticed that the parents are not real enough when it comes to acceptance of the situation and the greatest difficulties are with the educated parents.
- Work of the commissions for categorisation and commissions for evaluation of impairment, who often consists of people who are not experts and that does not define nothing that is not visible from the medical findings. Process of categorisation does not last for long periods of time and the list for observation, that would monitor these children for a long period of time, needs to be established. However, in this way, parents and children achieve their rights. Degree of impairment is evaluated on the same level as for the persons who became disabled on their jobs, so conditions of these children also have to be reviewed.
- Payment of the monthly benefits, that are prescribed by the law and that are paid by the local community, is not regular for all municipalities
- The problem of achieving the rights on the medical care was also pointed out, because there is a great distance in the way to achieve the same. Also, one part for the medications, that children are using, is not on the list of essential medicines, so the parents have to pay for them themselves.
- Diagnostics and categorisation should be the responsibility of the health care, but at the same time the health centres, their pre-school division to be exact, are not motivated or educated enough.
- It is necessary to include the children in the society and to make the ‘’ visible’’ .As example is given the family that has two children with mental disabilities and that have no rehabilitation or medical treatment.
- There is the need to establish the institutions of the opened type that would take care of the children with sever disabilities, so called ‘’stay in with support“ so that the child can stay there for couple of days in order to save the psychical health of the parents.

3.2.5. Alliance of the organisations for support to the persons with intelectual disabilities in B&H „Sumero“

In the conversation between the investigation team of the Ombudsmen institution and representatives of the alliance, we have found out that the alliance was established in 2000, that is has 30 member associations all over the Federation and the large number works with children and youth with special needs. The function through constant lobbying, giving of knowledge, skills, organising of trainings with their member associations and through pilot projects, after they are accepted in the local communities, they stay to work with the associations from those communities. Sumero has started the project „Standard*s for evaluation of disability in Bosnia and Herzegovina “*, that was developed by World Health Organisation and has the goal to base the evaluation of disability on social involvement. At the moment, standards are being defined and they will be based on the positive experiences from the European countries (so far they had workshops on Austrian and Italian models) adjusted to B&H. Number of persons that would have direct gain from this project is 30.000 in Federation of B&H and 15.000 in Republic of Srpska. Their opinion is that the categorisation in B&H (in the form of the ad hoc commissions and short overviews of medical documentation) can do more damage to the children with intellectual disabilities than to the children with psychical disabilities. Categorisation should enclose early detection and constant monitoring of the children to understand its needs and it should be more based on social than on medical aspect. Problems that they are faced wit are *un acceptance of the reality from the parent's side* and parents *prejudices* meaning that their children can not do anything. Besides, there are prejudices from local community that, although they support the affirmation of these categories of children, still do not want to disturb their reputation, finding excuses in aggression and some other characteristics. There are different support systems in Bosnia and Herzegovina, first because of the decentralised constitution of B&H, so although we have different examples of the praxis and legal solutions. From the other side, there are educational politics that, as many other politics on the level of Bosnia and Herzegovina, represent all-around document and in the praxis are not enforced because there are no adequate action planes that would be useful.

3.3. SITUATION IN THE INSTITUTIONS FOR PERSONS WITH MENTAL DISABILITIES[58]

Ombudsmen institution has, during the year 2009, gone into the institutions for persons with mental disability in B&H that, as the result, had drafting of The Special report on the conditions in institutions for persons with mental disabilities in B&H[59]. The conditions that were found then and that had the influence on the quality of care of the users of the institutions were the reason for issuing of recommendations of the Ombudsmen's B&H that had the goal to improve the conditions and to ensure the respect of the basic human rights of the persons with mental disabilities. In this report 4 institutions[60] were mentioned whose users are children. For the needs of this report three of them delivered the reports on current conditions. Namely, to everyone satisfaction, positive shifts occurred in institutions.

In the *Dorm for children and youth Prijedor*, two divisions have been refurbished

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[58] Comparation with the present state during thwe investigation of the Onbudsemn institution in September of 2009

[59] See www.ombudsmen.gov.ba

[60] *Institution for care of the mentally disabled children and youth, Pazarić ,Dorm for children and youth Prijedor*; *Institution for protection of female children and youth, Višegrad*

and new furniture is secured for the users. They point out the cooperation with NGO „Pure heart “Prijedor that organised the workshop with the goal of socialisation and communication of the users and local community.

Institution for protection of female children and youth, Višegrad has established the playground where the program of upbringing and education of persons with moderate and sever mental disabilities is performed, based on their abilities. Multidisciplinary team is involved in the work with children and the playground is equipped with necessary didactical instruments. Special attention is paid on adjusting of the interior of the Institution where children spend their time and when there is sun they go out. During the year 2010 they intensified the work with families who are using the centre’s services and with centres for social work, which resulted in continuous contacts with all parents and relatives of the children, and in June 2010, first Parental meeting was held. Also a large number of persons, of different occupations, were employed and there is also a web site of the Institution as well as Codex of behaviour that was given to all employees. From the budget of the Government of Republic of Srpska the funds were authorised for subsidy of upbringing and education, for fuel that is used for heating, for adaptation of the facilities and for bus for transportation.

From the day of the visit to *Institution for care of the mentally disabled children and youth, Pazarić* until today, number of positive steps occurred. By naming the new director of the Institution, conditions for work have been improved and special intention is directed towards development of relations between people, improvement of the conditions in the institution and expert treatment of the users. One more residential unit has been built for persons with special needs; interior as well as exterior in the entire Institution is improved. In the yard there is the mini ZOO and users with the support of the employees take acre of the animals. Internal systematization was also done and the large number of expert assistants of different occupations has been employed. However, large numbers of them are employed on limited period because the ministry did not legalize the new standards and normatives in the area of social care. Adequate working equipment has been ensured, protective clothes and shoes for employees and then number of children in the group is reduced. Socialisation of the users is advanced and they have one day trips in local communities as well as seven day trip to the sea.

IV CONSULTATIVE MEETINGS WITH THE REPRESENTATIVES OF THE AUTHORITIES

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4.1. MINISTRY OF HEALTH AND SOCIAL CARE OF REPUBLIC OF SRPSKA

Conversation with Mr. Ljubo Lepir, assistant of the minister of health and social care was mostly based on talk about new Law on social care of Republic of Srpska. Namely, in Republic of Srpska for long period of time, experts as well as public are concerned with the question of this new law on social care. Ombudsmen B&H support and encourage the authorities and NGOs in republic of Srpska in their efforts to pass the new Law on social care in Republic of Srpska and that will, in great deal, contribute to improvement of the conditions of the children in general, but especially of the children with special needs. In the conversation we found out that for almost a year they are finding the adequate way of financing, which means that the law has passed the form of the proposition but has not been passed because the funds for financing need to be found. Ministries intention was to take the burden from the local communities- municipalities and cities in the form that the certain rights from the social care are financed from the budget of Republic of Srpska and to equalize the financing for all persons with disability on the entity level and that is directly connected with the child protection and rights of the disabled children. According to the current regulations, persons who have the right from the range of social care, right on payment and right on help and care by someone else, right of the children with special needs receive the payment in the amount of 41 KM. It is obvious that this is not enough for the needs and costs of one child with special needs or for the child in conditions of social need. In addition it is said that it is stated by law the placement in the institutions for social care to the child with moderate or sever mental disability to the children with combined disabilities, children with autism and bodily impairment that do not have the adequate conditions in families, for as long as there is the need for same. Mr. Lepir also said that law gives the possibility to the municipalities and cities to have so called extended rules, meaning that depending on their financial possibilities they can enable to the users greater and better rights. Beside the law, as Mr. Lepir states, there are some other important issues for persons with disabilities, like ratification and passing of the convention on the rights for persons with disabilities. Republic of Srpska has draw up and passed the Strategy of improvement of social position of persons with disabilities in Republic of Srpska 2010-2015.Law on social care is very restrictive towards the persons with disabilities but their plans are to take the necessary steps towards systems of support and service.

4.2. MINISTRY OF EDUCATION AND CULTURE OF REPUBLIC OF SRPSKA

Mr. Miroslav Bobrek, assistant to the minister of education, Slavica Kuprešanin chief of the Division for high schooling and Duška Radmanović chief for pre-school upbringing and elementary education, were present in the meeting.

Assistant to the minister Mr. Bobrek has approved the approach of the Ombudsmen institution, offering his full support to the draw up of the Special report because that is the way to see the whole situation, to see where there is the room for synergy approach and to improve the condition and status of the children with special needs.

Chief of the Division for high schooling has pointed out that this year there is the visible increase in percentage of the children with disabilities in physical and psychological development and those data were given to them by schools. Upbringing and education with the children and pupils with special needs is organised in regular and special kindergartens, special institutions, special and inclusive divisions of regular schools. Mrs. Kuprešanin has stated one example from municipality Bijeljina, where from one school came the preposition to from the special division in the school but the municipality did not approve the same. This is very significant for the inclusion.

According to the research of the Republican Pedagogical institution, during the last school year in 174 regular schools in the territory of Republic of Srpska total number of 108.026 of pupils was enrolled. Out of this number 945 of them are categorised as pupils with different disabilities. Besides great advantages, when we talk about the inclusion into regular schools we also have to stay that there are problems that are related to inadequate early identification and treatment, undeveloped team approach in the treatment of the development disabilities, existence of prejudices and stereotypes, inadequate education of the teachers, lack of material and technical instruments in the schools, barriers (technical and social), no mechanism for monitoring and evaluation.

Beside the problem of material and technical equipment in schools, teachers are also not trained to work with these children; there are no syllabuses for the children with disabilities. Representatives of the ministry have pointed out to the Republican Pedagogical institution of Republic of Srpska that it is necessary to work on the syllabuses for all types of disabilities, so that the children could be educated according to their abilities. They also have the approval to pay the mobile teams. Assistant in the class for high schools is very necessary. In January 2010 the Act on pedagogical standards was passed, with clear points that by January 2012 all schools should have the necessary staff, all schools with 16 divisions have to have psychologist and social worker, as well as, speech therapist for children with speech disabilities.

According to the chief of the Division for pre-school and elementary education, Mrs. Duška Radmanović, in Republic of Srpska there are 166 special divisions in schools and they are considered to be important. Besides the great number of advantages, in this case children are closer to their families and are included into school activities together with other children. Law on elementary education has recognised this category of children and the need for expert associates. In rural parts, unfortunately, schools do not have specialised assistants, when we talk about elementary education and adjusted syllabuses. So far, in this transition period, they think that the best solution is existence of mobile teams. They are very pleased to say that pre-school education and upbringing is the part of the unified system of education and upbringing in republic of Srpska that represents the base of the whole life learning and development of the child since 2008. when the Law on per-school upbringing and education was passed. Ministry approves the payment for the assistants for the children with autism and expert's opinion was that only those children have that right. Very small number of children is enrolled into regular classes. Vision of this Division for elementary schooling is for schools to have full capacities, according to the regulations optimum number of pupils in the classes for high school is 24 and for elementary 30 and if they have one child with special needs in the class optimal number is decreased by 2 and if there are 2 with special needs the number is down by 4.Besides that, individual syllabuses are being made and intention of the authorities is to strengthen the school officials and not to use the mobile teams. They are only transitional solution that lasts now for a very long period of time and it looks like it is going to stay like that for some time in the future.

Expenses of the boarding in institutions for children with special needs are taken by the local authorities while transport costs, if it is not organised, are refunded to the parents by ministry for pupils in elementary schools and for pupils in high school by municipalities. Example is municipality Laktaši that has organised transport.

Extended stay of the children in elementary schools represents the future. It is not obligation and the fact needs to be pointed out that not all parents or schools have the possibilities to organise the extended stay. Around 20 schools in Republic of Srpska have this and material costs are paid by municipalities, parents pay for food and ministry pays the salary to the employees. This, according to the opinion of the authorities, did not proved to be good when it comes to the children with special needs because it lasts long and it is hard for them.

Programs of education of the teachers is in the jurisdiction of Republican pedagogical institution, as the expert institution, and they think that there is the need for education of teachers and other experts and it has to be done in two ways: pedagogical and rehabilitation, and it requires extra funds.

4.3 REPUBLICAN PEDAGOGICAL INSTITUTION OF REPUBLIC OF SRPSKA

Investigating team of the Ombudsmen institution has talked to the representative of the Republican pedagogical institution of Republic of Srpska Mrs. Jelena Šipka, inspector-education advisor for special institutions and children with special needs in regular schools. During the conversation the following problems have been identified:

- Commissions for categorisations / evaluation, according to Mrs. Šipka, are working shallowly. Experts in these commissions are not familiar with the novelties that were done in the educational system, they dot follow the changes in the legal system, that were adopted and refer to the inclusion. There are programs that can also be found on the web site of the Institution but unfortunately they do not read them, so they tend to pass the decisions that are inadequate and unclear and they make the teachers work harder. Recommendations in the decisions of commissions are not very clear but they are important for the Republican pedagogical Institution and schools. It is necessary for the members of the commission to get informed and to educate them on what is actual in the sphere of education. Schools should be involved in the work of the commissions for evaluation, for example, pedagogue or school psychologist or some other experts from school and they should be as addition that would help them to understand the development capacity of the child. That would make the categorisation for the child less foreign and frightening. The problem is that the experts commissions do not apply universal, in some way, standardised, packet of measuring instruments for evaluation of psycho-physical status of the child. In some decisions from the categorisations there are findings that are the product of the instruments that are no longer in use and that is not in the best interest of the child. Besides, in the praxis other problems also occur, they do not register the epilepsy, diabetes etc, as categories with special need, because by that they would be put into categories that receive the right on the payment of 41 KM for social care. And that is not right, because the child comes to school with the note that it does not require special treatment and that is not true. These children are also children with special needs because they use medications and have different abilities because of that.

- Defectologist staff is not being used adequately, for example, they should, together with speech therapists, have to have the advantage when there are children with special needs and that is not the case. As Mrs. Šipka pointed out, so far 12 schools in Republic of Srpska have employed defectologists and the inclusion is visible. The best example is elementary school „Vuk Karadžić“in Doboj, but also the school „Sveti Sava“in the same city.
- Book of regulations on children with special needs has not clearly defined the position of the assistant in the class because there is the question whether that then becomes the personal assistant and is he in the domain of social care or education. Mrs. Šipka’s opinion is that that is personal assistant because for him to work in the class it would mean to work more on the intellectual abilities of the child and not to be in charge of care as the case is. The best solution is employment of defectologist in schools but also of the personal assistant. As she pointed out in B&H there is the lack of culture, politics and praxis when it comes to inclusion.

The meeting with the representatives of the Ministry of education and science and Ministry of labour and social policy in the Government of Federation of B&H were not held, because the Ombudsmen Institution, until the day of publication of the report, has not received the letter of conformation or the proposition of dates for the meetings.

V ROLE AND THE NEEDS OF THE PARENTS OF THE CHILDREN WITH SPECIAL NEEDS

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Participation of the parents in the process of identification or categorisation, as well as in the upbringing and education, of its child is very important. Parents are first inspirational teacher for the child; they support child's social and speech development but are also, most frequently, the basic and only institution for upbringing and education for children. Parent of the child with special needs goes through process of adjustment on the life circumstances and the fact that he is going to raise the child with special needs. Inner strength then comes to expression, which parents find and that makes the adjustment for them possible but there is also the need for parents not to be left alone but to get different types of support.

In most cases, the bad treatment starts from the birth of the child with disabilities. Persons who offer medical help and social care do not offer adequate information's on rights and services those children with intellectual and physical abilities and their parents have. Pre-school upbringing and education is not developed enough so the fact that there are not these types of services in every local community also contributes to the fact that children are not getting the help they need from the very start.

According to the parents, the hardest thing is to get the information on services for children. The most acute problem is that parents are, after the diagnosis, left alone. So they have to face the fact of the hard diagnosis and at the same time the fact that they have no one to turn to. Internet, if they are using it at all, is often the only source of information (and disinformation) about what is going on with their child and how can they help themselves. After the search for the right treatment for their child they, mostly privately, engage therapist, that has not got the right qualification for specific type of work with the child. They often reach for expensive '' alternative treatments'' that only have the ''placebo'' and some times even negative effect. While they are trying these different things or some times they are passive, the age of the child, where there is the possibility to rise the level of functionality, by early intervention, and to improve the perspective for improvement and inclusion into society, is passing by. Although the inclusion is very often recommended, to great satisfaction of the parents, in praxis, for great number of these children, is not possible. Besides the good will of the parents and some teachers there is nothing else in the educational system that would support the inclusion.[61].

Parents are first teachers of children and role of the community, government organisations and legislature should be pointed towards making their important role as easy as possible, by creating the environment where every child can reach its maximum. Parents of children with disabilities have to have the main role in their education, if they get the approval and necessary help. Parents are those who enable the child its first experiences and possibilities for the development and all types of learning and that is how they influence the child's improvement in education. Parents want to participate with the teachers and other experts on the development of the optimal potentials of

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[61] According to dr. Nirvana Pištoljević, scientist from the area of education of the children with and without the developmental disabilities

their child with special needs. Partner type of the relationship between the parents of the children with special needs and expert associates needs to be developed, taking into consideration all the rights and duties of the parents and experts. Parents have the greater will to participate with the experts if they can participate in the communication with them and experts have to make efforts to plan the treatment for the child, together with parents, and to talk in the language that is understandable to the parents. Not all parents have the same needs and they are all different depending on their social-cultural environment, level of education, interests, communicational abilities, but all parents, during the entire treatment process of their child , need emotional and moral support.

So it is necessary:

- To encourage the parents by giving them information on available programs an institutions
- To enable individual and group work with parents that would result in raising of the self-esteem and competence of the parents when it comes to dealing with the difficulties that are out in front of their child.
- To establish the good cooperation between parents and schools or expert associates, because parent can not do much without the support and understanding of the expert staff and more will be accomplished if it is ensured that the parent continues the work with the child at home
- To work on the strengthening of the community that needs to participate when it comes to offering the solutions for many problems from the area of health, social care and rehabilitation.

VI CHILDREN WITH DISABILITIES IN AUTISTIC SPECTRUM

VI CHILDREN WITH DISABILITIES IN AUTISTIC SPECTRUM

According to the official data of the World Health Organisation and EU the frequency of disorders in autistic spectrum[62] (Autistic Spectrum Disorders-ASD), in B&H there could be around 3500-22000 children and adults with ASD. Newest reports from the world[63] point to the fact that this number could be even bigger and could be almost 1% of the population. Percentage is additional increased if we take into consideration other development disorders (ADHD, Down syndrome, etc.), as well as the members of their family members, whose life is also influenced by the disorder.

Autism in one out of five pervasive developmental disorders[64] and it appears in the early childhood and lasts till the end of the life. Some of the signs of autism are difficulties in socialisation with other children, inadequate laughing or grin, oblivious to pain, robot like speech[65], acts of rage, no response to the verbal orders an the need for everything to stay the same, problem with learning, starting from early adopting of basic habits until obtaining of abstract knowledge and social skills, communication, understanding and acceptance of the rules and demands of everyday life. Alarming sign that all parents first notice is lack of speech. Experts say that autism can not be treated but that problems from autistic spectrum can be dealt with and influenced by giving of the diagnosis in right time, by treatments and methods that can help the child to gradually adjust to the world around him. An entire team of people should be involved in early detection and diagnosis of those disorders: psychiatrist, psychologist, clinical psychologist, defectologist, speech therapist, doctor for genetics and other specialists as well when there is the need for that.

6.1 ANALYSYS OF THE PROBLEM

While working on the draw up, of the report we made contacts with the Association URDOSA from Tuzla, URDAS from Sarajevo, as well as with the Association of the parents of the children with autism „Children of light"from Banja Luka. Led by the statements that were given to us by the representatives of the mentioned Associations we tried to make the thorough analysis of the problem. Reason why autism became the special place in our report is the fact that there is little or no knowledge about this disorder and the Institution is, more an more often, faced with the cases of violation of rights of those children. That is why we remind on the obligations of the state that were determined by the UN Convention on rights of the child (1989), UN Declaration on rights of the person with mental disabilities (1971) and on the rights of the persons with impairment (1975) as well as, with the Declaration of European Parlimennt 3/96 on the rights of the persons with autism (1996.). Proclaimed norms of rights and protection against violence of the person with autism are brought outside our country in International Association for Autism Europe (IAAE). Declaration on the rights of the persons with autism was

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[62] UNWHO 2003, EU 2005: 10-63 on 10000 new born

[63] Report of the ministry of health SAD, 2009: 1 out of 110 children has ASD, (male 1out of 70, female 1 out of 315)

[64] Disorders in the early ages and imply greater area of psycho-movement development. They are marked with qualitative in- normalities in social interactions, ways of communication and limited repeated repertoire of interests and activities that may vary

[65] Repetition of the word and phrases instead of speech

brought by the Council of Europe (Strasbourg, 1996.)[66] and it, formally and legally, binds our state, as well as, as the future the member off that council. As it is stated in the Declaration, article 18- the victim is the person to whom, individually or in the group, was done harm including physical and psychical injures, spiritual suffering, economical lost or constant deprivation of the functional rights by actions or negligence that does not represent the breach of national criminal laws but International norms for protection of human rights. Almost every other person in B&H is the victim of social exclusion[67], and in extra hard position are total addictions to other people, of the children and adults with developmental disorders. As the response to daily breach or their rights on health, development, play time, education and work the Association of the parents and adults with autistic spectrum (URDAS) in the year 2009 has promoted the '' Initiative for protection of basic human rights of the children and adults in the autistic spectrum".

Because the medical-pedagogical-social system of services does not exist for the person with disabilities in autistic spectrum, their basic human rights, like the right in health, education and work are being breached, daily. In that way they and their families are completely left to themselves and the community often stays passive and indifferent.

In Bosnia and Herzegovina there is not even just one specialised team for diagnostic of autism, not one clinical department for treatment of the behavioural disabilities, there is not one facility for autistic persons. It is necessary to activate developmental counselling for prevention and early detection of developmental disabilities. When parents get the call that they have to regularly, every six months, to bring their child to detail check-ups then there are chances to detect the problem in its early stage. This idea was considered for some time, according to the representative of the Association '' Children of the Light'' from Banja Luka in the Ministry of health and social care of Republic of Srpska, but was not passed because there was no money for the same. On the other side, clinical-medical-centre Banja Luka has started the establishment of the Protocol of diagnostic but the process ends when the diagnosis is defined. What should a parent do that has the autistic child, whom to see, where to go?

It is unacceptable that there are no empirical data to support the problem in B&H. Every centre for social care should have the actual statistics of the children with special needs. Banja Luka has that but not other centres and they have the legal obligation to do the same. For example, in Banja Luka there are 33 children with autism who are registered, and the assumption is that the real number is around 500 (rural and far away places). Problem is even greater when we know that families are not even aware that there is the problem and only small number of them has the right diagnostic. Number of autistic children is rising and the evaluation is that on 100 children that have no developmental disabilities comes 1 child with autism.

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[66] Declaration of the European Parliament 3/96 on the rights of the person with autism / Strasbourg, 1996/

[67] Human Development Report on Social Exclusion in B&H, UNDP 2007

The most important problems, for the parents with autistic children, are getting the diagnosis before the child matures:

- Only two institutions perform the diagnostics (psychiatrist in Clinics in Sarajevo and Banja Luka)[68]
- Process of appointing of the diagnosis is stressfully for the child, as well as for the parents and the diagnosis is , often, unexplained
- Nonexistence of the experts staff to make the all around assessment of the conditions and needs of the person in autistic spectrum, making of the plan of treatment and its putting into practise
- Personal assistant or assistant in the class – at the beginning the parents, themselves, were finding the persons to assist in kindergarten or schools and paid them. Additional problem is that the Ministry of Education and culture of Republic of Srpska appoints the assistant only for autistic children and refuses other categories for example children with Down syndrome or combined disabilities
- To enable free transport for the children with physical disabilities, because most of them live in rural communities.
- Nonexistence of the system of support for the parents, educational programs and counselling
- Non existence of the system of identification and monitoring of the person with autism presents the danger for children to get lost and hurt
- Wider community is uninformed on autism that makes everyday contacts difficult
- It happens that the parents hide their child with autism and it does not go to school and those parents are not held legally responsible.
- It is necessary to rehabilitate the children with special needs for work and to employ them and in that way they and the state will have some use of them. Example is the cooperation of the centre ‘’ Protect me’’ and self-employed persons on the territory of Banja Luka, which employ the children after schooling, like in bakeries. They work, tax goes to the state and there are no social payments, it is important to find something that is interesting for them.

6.2. POSSIBLE SOLUTIONS

The only rights system of care for the children is the one which is flexible and is shaped according to the needs of every child, including the children with developmental disabilities. The most important thing is inclusion of the children into the events in his environment and every day life and that can be achieved only through the successful development of the child’s potentials with the help of the unique but fluid system that is adapted to each child, individually. For beginning it is necessary to connection of the

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[68] There is a great difference in the number of cases with diagnose and the number of expected cases because the parents are not informed enough, the pediatricians do not a lot about the disorder and also a pedagogic that can not recognize the disorder , small number of the institutions for diagnostic, etc. however there is the increase of the number of diagnosis when it is compared too the period before the war that could be explained with the raise of the awareness of the parent and their readiness to ask for help and less fear of stigma.

health-educational-social system and its functionality when it comes to the children with disabilities.

1. It is necessary to create the core of the expert's team and first expert interdisciplinary team that would train new teams of experts on how to work with the persons in autistic spectrum all over Bosnia and Herzegovina.
2. Creation of the system for early detection, diagnostics and intervention. In the centres for early intervention the level of functionality of the children with the diagnosis of development disorder would be planed and elevated but also for the children where there is the doubt that they could have some kind of disorder, children would, eventually, be prepared for inclusion and for the parents education and help would be provided.
3. Establishment of the Centre for autism is necessary; it would bridge the area between the diagnosis and full inclusion. Main program of the centre would be connected with early detection and intervention in which the child and its parents would be included. Centre would also organise different activities for the adults with autism, it would conduct the data base of population in autistic spectrum, monitor and assist the experts in the process of inclusion and raise of the awareness on autism in the society.
4. Training of the educational system for successful inclusion of the children in autistic spectrum in regular kindergartens and schools

Professor, doctor Nirvana Pištoljević , expert on autism, points out that she wants to establish the first classroom for children with autism and other developmental disorders in the Institution for special education of children and youth Mjedenica in Sarajevo, so that in the Bosnia and Herzegovina, as well, the modern ways, when it comes to education of the children with developmental disorder, would be applied. But the authorities of B&H have to show the interest for financing of this problem. In that way the Institution would get the licence and it would became the second CABAS School in Europe. What's special about this model is that is based on school ad great pyramid in which centre is the child or pupil with developmental disorders.

VII CASES OF BREACHEMENT OF CHILDREN’S RIGHTS

VII CASES OF BREACHEMENT OF CHILDREN’S RIGHTS

Number of individual complaints to the Ombudsmen institution for human right in B&H , does not represent the real situation of the children with special needs, but we bring them in order to be transparent in our work. These cases are specific and they get our full attention and if ,while working on them, we put the smile on the faces of children and parents that will be the greatest satisfaction for us, as well as, the reward for our efforts that we make in everyday work on the practical appliance of the Convention on rights of the children.

7.1 CASE OF DISCRIMANTION OF THE BOY

Parents of the underage thirteen-year- old boy have done and are still doing everything so that their son could get adequate and qualitative education. In the process of investigation for the Institution it has been established that the observations were done in the Centre“ Vladimir Nazor” in Sarajevo, where, without the doubt, was said that he is the child with special needs that needs to continue its education in the regular school with supervision of the assistant pedagogue and because of that from the Ministry of education, science and sport of the Herzegovina –Neretva Canton followed the disputes on that way of education saying, as an excuse, that there is not enough money to do that. With that action the authorities made it impossible to realise the recommendation of the ‘’ Vladimir Nazor’’ Centre and it came to the breach of the local positive regulations and the Convention on the rights of the children, because it was impossible for the child to get the help and assistance by experts that would provide the help for him. Because of these circumstances boy was not enrolled in regular school in school year 2009/2010 and the Ministry, temporarily, solved this problem by paying the salary to the assistant volunteer (student on the last year of pedagogical faculty). Parents did not allow their child to go into school without an assistant that would provide permanent help to their child although they pointed out, many times, that the boy shows the exceptional improvement. As the parents point out their requests were not enough to please their demands but an additional categorisation was demanded, stating that there is no possibility to employ the assistant to work with the boy because there are no funds. In accordance to the Law against discrimination[69], parents, as legal representatives of the boy- plaintiff, fail the lawsuit against the defendant Herzegovina –Neretva Canton-Ministry of education, science , culture and sport of Herzegovina – Neretva Canton to determine the discrimination and the breach of right on education and Municipality court in Mostar on July 6th 2010 reaches the verdict that the defendant has discriminated he plaintiff in the way that it has violated its right of equal education, not allowing the inclusion for the plaintiff and he had the right on it as the person with special needs. In the explanation of the verdict it is clearly stated that the defendant has, all the time, indirectly, pointed the plaintiff to schooling in the specialised institutions without taking into consideration that during the regular schooling the observations and diagnostics were provided and all the conclusion pointed out that the boy should continue schooling in regular schools and that any kind of suggestions for categorisation would be inhumane because that would only complicate the already complicated currant position. So, the court has established that the defendant did no act according to the Article 1 of the

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[69] „Official gazette BiH“, number 59/09

Protocol 12 of the European convention on human rights and freedom, according to the acts of the General law on elementary and high school education of B&H and Book of rules on upbringing and education of the children with special needs in elementary and high schools of Herzegovina –Neretva Canton and it is the courts opinion that by doing that it discriminated the boy according to the article 3 point 2 of the Law against the discrimination of B&H because inclusion should be the rule for the children with special needs and not exception in the educational system. Ombudsmen institution, according to the Law against discrimination of B&H, was involved from the very beginning in the court procedure and at the moment there is the appeal in front of the second degree court because the defendant pleaded on time and the Institution will further monitor this case.

7.2 CASE OF THE BOY WITH THE VERY REAR DISEASE

Difficult material situation, parent unemployed, degree of disability 80% in order to have stabile and bearable heath condition continuous special food, medication and goings to doctor to Zagreb need to be provided, and that means need for large amount of money. During the year 2009 parents were receiving the financial help from the Institution of health insurance of West Herzegovina Canton in the amount of 800 KM monthly, and they were satisfied with this. However, in the year 2010 those were reduced on the amount of 200KM but with the intervention of the Ombudsmen institution that was increased on the 500KM. Ministry, in its written correspondence, has called upon the articles of the Law on changes and additions of the Law on basics of social care, protection of the civil victims of war and protection of the families with children of Federation of BIH[70], because that law cancelled the right on the payment to the persons whose disability is lower than 90% and in that category is this boy (80%). Having in mind that in the jurisdiction of the Ombudsmen Institution is the Specialised Department for monitoring of the rights of the disabled person, the Ombudsmen institution has taken the necessary steps and measures that were described in detail in the Yearly report from the2009 and at the same they pointed out the problems of the persons with disabilities to the parliamentary bodies of B&H and according to the data from the media the number of persons that were affected by this law is 60.000.

7.3. CASE OF THE GIRL WITH VISION IMPAIRMENT AND MODERATE MENTAL DISABILITY

It is obvious that the families with their disabled children are left on their own, they often do not have enough of social and governmental support and often the systematic and multi disciplinarian approach to any problem that they come in contact with is left out. In this case the girls father is invalid of the war and according to the recommendations of the doctors from Zagreb, adequate and qualitative care is possible in Zagreb and to realise that the parents were forced to sell their house and from the Ombudsmen institution they requested to help them to record the buy-sell contract in land-register office of the Municipality in order to realise the same and to get the right price for it. Having in mind that this case is about the child and that it done in her best interest, and invoking on the Convention on the rights of the child, it was recommended to the court

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[70] „Official gazette of Federation of BIH“, number 14/09

and to the land-register office to take all the necessary measures at once to end the necessary recording. To the parents satisfaction, that was realised in the short period of time and parents enabled to their little girl adequate and qualitative health acre.

7.4. CASE OF THE AUTISTIC BOY

Parents as plaintiffs request the help from the Ombudsmen institution at local community, to enable the child, who does not live on the territory of Banja Luka, to use the daily services of the Association in Banja Luka , because when working with the defectologist- speech therapist in the Association the boy achieves good results and parents are very satisfied. But the problems are financial funds, because the boy needs to travel two or three times during the week to Banja Luka. Municipality is ready to help but he needs to use the services of the organised transport of the Centre '' Protect me'' together with other children, from 8a.m. until 1 p.m. that is not working for the boy because the already mentioned defectologist-speech therapist works from 10 a.m. until 5 p.m. but not every day. Investigation by the Ombudsmen institution is in the procedure.

7.5. ASSOCIATION OF THE PARENTS AND PERSONS WITH AUTISM URDOSA FROM TUZLA

Association URDOSA, for over a long period of time, request the establishment of the Centre for autism in Tuzla and Ombudsmen have pointed out the problems that the children with autism and their parents and the Institution are faced with. Association, as special problem, points out the nonexistence of the cantonal institution that would be of educational and rehabilitation character, like Centre for autism that would have the offices for early identification and diagnostic, for education (pre-school and school with adequate syllabuses), for daily stay and professional rehabilitation of the adults with autism with different workshops, for stay during the couple of days in the case the parents are ill, medical clinic with specialised means of transport or the division for permanent placement of the children –persons with autism in case both parents die.

Association, for couple of years, requests the opening of the Centre for autism in Tuzla but, according to them, it all comes down to promises or '' turning of the head''. In the April of this year the meetings were held with the representatives of the ministry (education and social policy) of Tuzla Canton. Representatives of the cantonal ministry of health did not come to this meeting, although this is the heath problem, because there is no early diagnostics, medical staff is not educated enough when it comes to work with the autistic children, they often refuse to cooperate, psychically and verbally, parents are forced to go and ask the help in the private medical institutions. In the praxis, there are also cases, when the management of the clinics and hospitals do not have the will to change the position of these people. Specialist medical treatment almost does not exist and it all comes down to the prescription of the medications. The people with autism need special educational treatment and it is impossible to find the case that person like that is employed. Association URDOSA has made an elaboration and project for Centre for autism and the people who would subsidy the project were found but still there is not enough money. This institution was asked to help in lobbing for establishing of this centre.

VIII OBSERVATIONS AND CONCERNES OF THE OMBUDSMEN

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8.1 POSITIVE OBSERVATIONS

Cases of the breach and endangering of the rights of the children that are registered in the Department for monitoring of the rights of the disabled person, of the Ombudsmen institution of B&H, clearly show that the realisation of the rights of the child is influenced by following factors: general poverty, unemployment, political situation, illiteracy, lack of statistic data, adequate developmental strategies, etc. The conclusion, that obtrudes itself, is that the problems of the children with special needs are complex question of social and health care as well as educational. All relevant institution should follow and solve these problems together, which is often not the case. Not enough of education of the parents and the society make the children ''invisible'' because many of them are in their homes with their families. It is necessary to take the steps to raise the awareness of the society, so that these children, like any other children, can be included into society. Unfortunately, the prejudices from the community have the consequence of isolation of the children without the opportunity for socialisation. However, what can not be disputed by anyone and what can not be diminished is the way on which the parents of the children with special needs and other persons, first of all the professionals, ''befall'' meaning the formation of the associations with the ultimate goal to help, first of all their children, and then to themselves. It is incredible how much of will, energy, hope and enthusiasm is in every contact an work with children and how much effort they put in to try to change the conditions and awareness in the society, by individual actions, activities, campaigns, etc. Despite the big desires and hard work, they can not systematically deal with the problems and they are aware that they need the help of the authorities and they are ,lobbing'' for any kind of help , support and cooperation. Ombudsmen have accepted their part of the responsibilities and by draw up of the special report they want to point out to the authorities, but to the public as well, the problems of the children with special needs. By recommendations, we will point out to the representatives of the authorities what it needs to be done so that the children can obtain their rights according to the local and international regulations. Namely, Ombudsmen only insist and demand consistent implementation of the laws, because the representatives of the authorities have, themselves, presented the members of the working groups that have, as the expert bodies, presented the laws to the legislature. When some law sees the light or it is ratified, there are no more questions whether the implementation of those is possible, because on the day when it became valid it is obligation of the state and the individual to act in accordance with them, to respect them. For example, there is no excuses that some of the representatives of the pre-school and school institution are often stating their disapproval with inclusion but the opinion of the Ombudsmen is that even that is someone attitude and personal opinion, inclusion of the children with special needs, can not be endangered. It is against the all legal, moral and ethical principles that individuals on their own will and in any possible way ''refuse'' to accept the child with disabilities in regular classes because they do not want to deal with them so that other children's needs and knowledge would not suffer and by making excuses like, they are not educated enough to deal with these children, they do not have the material or human recourses, etc. There are cases that some parents do not want their children to share the desks in schools with the children that have some kind of disabilities or developmental, psycho-physical disabilities and that is inadmissible and not according to the law. Certainly there are children that can not go into regular classes with their peers but the decision whether the child should go to regular schools should be made by doctors and other specialists and not teachers or some other staff from the school. One of our recommendations is to the authorities is to cooperate with the NGO as much as possible, because there are numerous positive examples in praxis that should be promoted and put under the supervision of the authorities (local community, canton or entity), when there is the opportunity for that, because in that way the services are being available continually to the larger number of users.

8.2. GENERAL CONSERNES OF THE OMBUDSMEN

8.2.1 Problems of the disabled persons with reflection on the rights of the children with special needs

By passing of the Law on changes and additions of the Law on basics of the social care, protection of civil victims of war and protection of the families with children[71] in Federation B&H, all persons with disability lower than 90%, have lost their right. According to the unofficial data that number is around 60.000 and problems that caused these changes and additions, have been pointed out by the Ombudsmen institution's yearly report from 2009 to the parliament bodies. We take this opportunity to point out that the changes and additions have, in great extent, aggravated the position of the children with the special needs and the problem of all categories of the persons with disabilities of B&H will also be the subject of other specialised report of the Ombudsmen institution, or more exactly of the Department for monitoring of the rights of the disabled person.

8.2.2 Process of the categorisation

Categorisation is performed by the commission for categorisation which represents the part of the centres for social work and municipality, and in many cases in consists of the psychologist, defectologist, social worker and medical doctor. Before the child is enrolled into school, child has to bring the medical opinion from the health centre. Before the school year starts, when the child is enrolled, during the first 6 months there is the process of identification, that sometimes implies the formation of the commission for identification (that can include other experts as well) only for evaluation of the children. Usually this commission consists of medical doctor, school pedagogue, psychologist, defectologist, social worker and speech therapist. But rarely this process of identification is done by the school pedagogies using only number of out-of-aged test and that are different from school to school. Relevant parties should work on the make of the new tests or they should revise the old ones and they should be used by school psychologists that are the only experts that know how to use these test. If, in the process of identification, we notice the deviation of parameters that are being monitored, parents are being called and the recommendation for further process of categorisation

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[71] "Official gazette FBIH", number 14/09

from the commission that works in the centre for social work. Attitudes towards the categorisation are not unique, some praise it and some diminish its existence. One of the advantages is that with it people became more rights. Problems are certainly more numbered. Crucial factor on whether the child will go to the process of categorisation is the will and psychological readiness, and competence of the parents and they have the responsibility and the decision in their hands to get into contact with the centre for social work, on recommendation of school pedagogue, teacher or mobile team. Stigma and financial expense are the main obstacle, as well as, discrimination in the community and resistance of the parents to admit that their child is the child with disability. Nonexistence of the commission for categorisation near the schools is the reason why are children waiting for a long period of time to be categorised and there is so little time for categorisation, not enough to truly evaluate child's abilities and disabilities. Observation of the attitude of the child is not done in kindergarten, school, family and etc. when the child is being put into certain category. In Federation there has been the change of law in the part that deals with the payment for disability and the children are no exception. Also in the law there is the mentioning of the Centre for observation and diagnostics and the Centre like that is still not established. Problem is also the placement of the children in small number of categories, so the category of children with '' combined disabilities'' is the category where children with different disabilities are being placed. In the end it is necessary to point out that the process of the categorisation that is lead by the team of the centre for social work should not be the last step in the evaluation of the children and the child should be re-categorised. Unfortunately, the centre is not doing that, so the re-evaluation of the child's abilities and needs is not often enough.

8.2.3 Problems of the inclusion in the praxis

Most school do not have the conditions for interrupted approach and work of the children with psycho-physical development disabilities. The facilities are still too small and not adapted for the children that have the problem with mobility, toilets are not adjusted for the children in wheelchair and children with other types of disabilities, there are no lifts because they are too expensive for schools, so the ramps are only possible solution of adjustment of the school facilities to the developmental disabilities. Reason for this situation is that there are no funds for them so they are often inhibited. There are no acts in the law that describe, in detail, the conditions of facilities, equipment, books and other instruments used in classes that are necessary according to the syllabuses , in regular schools for pupils with different type and degree of disability. Regular schools often do not take into consideration special needs of these pupils when it comes to the equipment and instrument necessary for classes (machines for Brail, vibrations tables for deaf and hard of hearing, rooms for sensor stimulation for pupils with combined disabilities, etc). Children with special educational needs in elementary and high schools are being educated according to the individual syllabuses that are adjusted to the degree of the disability of the students, to its intellectual, physical and social capacities. Ministry of education and culture of Republic of Srpska has made the syllabuses for children with special needs that have the goal of adjusting of the classes to the children with learning disability. The syllabus has to have the flexibility that makes it applicable for regular and for special schools, equally. At the same time it has to serve as the base for making of the individual program of educational and rehabilitation work that is adjusted to the individual characteristics and upbringing and educational needs of every student. Beside the reduced number and scope of each unit and lesson from certain school subjects, thy do not have the obligation to learn foreign languages. According to that, it is envisaged that these children should have more classes of the practical part, meaning the classes to gain some kind of manual skills. Adjusted syllabuses are important because it anticipates that the classes for children with developmental disabilities will not last more than 4 periods, while in the classes of second and third triad of nine year schooling not longer that 6 hours. However in the praxis these adjusted syllabuses are applied only partially and by some. Adjusted syllabuses are created by the Republic pedagogy institution and in the praxis they are developed by the teachers in cooperation with the defectologists who are employed in the schools full time, which is rear or in the mobile team, which is more often the case. Teachers, as it is already mentioned before in the text, are not educated enough for this process, nor they have any motivation because they do not have any perks that would stimulate them to work with the children with developmental disorders. In regular schools there are a large number of pupils with learning disabilities like for examples: pupils with limited intellectual abilities, with disabilities in receptive and expressive speech, with mild bodily impairment, with chronically diseases, hyperactive, hypoactive, children with emotional impairments, with behavioural problems and children from social endangered communities. There are no special syllabuses for these children.

In the preparation for this special report, besides the information gained from the experts in the ministries of education, educational-pedagogical institutions, centres for children with special needs and special and regular schools, we also used the findings from the NGO sector, especially from the associations of citizens registered to work and protect the persons with special needs. One of the key problems of the inclusion, according to the opinion of the representatives of the Institutions of citizens that deal with the protection of persons (children) with psycho-physical disabilities, is not enough of the assistance of experts to the teachers in schools. Large number of elementary and high schools does not have defetologists and speech therapists, although the law says they have to employ them in the expert teams in schools. Ministry of education and culture of Republic of Srpska is responsible for creation of conditions for appliying of the Book of regulations on upbrining and education of the children with special educational needs in elementary and high schools in Republic of Srpska and they have naimed the certain number of mobile teams of experts because there are not enogh of experts in schools.

According to the data from Republic pedagogical institution of Republic of Srpska for school year 2008/2009[72] out of 174 elementary schools only 8 of them have employed the defectologist that, besides the pedagogue, is responsible to work with the children with special needs. A teacher, in most cases, does not feel competent enough when they have to deal with the needs of the child with psycho-physical developmental disability. It is justified that it is hard for them to, on their own without prior education, organise the educational processes in the class with the child of this category. They often fight back when the inclusion is in question because they feel that the hardest burden is on them and they feel that they miss the necessary professional support. Mobile teams of experts,

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[72] Šipka J. Contribution to the inclusion – monitoring of the inclusion in elementary schools in Republic of Srpska from I until IX grade, republic pedagogical institution

that are transitional solution and that we have to use, are present for a very long time and they have little influence on improvement of the execution of the inclusion process. Their contribution, to the teachers, should be a lot bigger than it is now. Reason for this inadequate response of the mobile teams is not the product of their irresponsibility but of their organisation and that can not lead to a desirable effect. Beside, there is almost no individual work of the adequate expert with the child, there is no monitoring of the child's progress, there is no assessment of the further educational abilities in regular classes, so the schools are often faced with obvious regression of the child because the syllabuses go beyond its individual abilities. So we think that the responsibility for the greater and more continuant presence of the expert staff in schools, in order to get more adequate educational and upbringing treatment of the child with psycho-physical disabilities, is on the local ministries of education. In the January of 2010 legal conditions for improvement of the situation on this fields, were created, because the Pedagogical standards that imply the employment of the psychologist, defectologist, social workers in schools were passed and they should be implemented in the praxis, as well. Because the teachers are not educated enough, there is the need for their education that requires additional financing to raise the level of professionalization. In this way the necessary conditions for appliance of the modern principles of education of the children with special needs on the all levels, that implies the appliance of the individually adjusted syllabuses, programs of the extended professional treatment , occupational therapy workshops, are not ensured .

Presence of the intellectual difficulties in not an excuse for any form of discrimination. Children with special needs have and should enjoy every right that is ensured by the international standards and laws of Bosnia and Herzegovina, going from the basic principles that every person has equal rights given by birth. Inclusion for the children with special needs in B&H is very complex and complicated issue that demands additional investigation and observation, than it is done for the needs of this special report but it is inevitable that, when we talk about the rights of the children with special needs, to look upon the problems what has been done. Besides the education of the children with special needs and gaining of the knowledge it would be important to create the conditions and possibilities for children to get the job after schooling and that the children are learning trade that are more desirable on the job market and to get a job, that is not the case now. Representatives of the associations and institutions point out that the children with special needs, if they finish high school, can not get the job because they have learned the trades that are not present in the job market today (for example a blind person is educated to work as a phone operator, etc).It would be important to change the conditions in this area, because the entities in B&H have the law of professional rehabilitation and employment of the persons with disabilities,[73] that is laws on professional rehabilitation and employment of the persons with disabilities[74] , which provide the good base for employment of these categories.

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[73] Consolidated version of this Law is published in Official gazette RS number 54/09

[74] Official gazette FB&H number 9/10

IX RECOMMENDATIONS

IX RECOMMENDATIONS

Pursuant to their mandate under Article 32 of Law on Human Rights Ombudsman of Bosnia and Herzegovina Ombudspersons are issuing the following:

Recomendation

To the official authorities as follows:
Ministry of the civil affairs BIH,
Ministry for human rights and refuges of BIH,
Federal ministry of education and science
Federal ministry of health
Federal ministry of labour and social policy
Ministry of health and social protection of RS,
Ministry of education and science of RS, and
To the government of Brčko District
Cantonal ministries of education, social protection and health

- To take the measures necessary for realisation of the short- tern and long-term goals of the Strategic ways of development of education of B&H with the plan of implementation in 2008-2015
- To take the activities necessary to raise the awareness of the experts as well as of the broader public on the rights and needs of the children with special needs in order to diminish the prejudices.
- To enable the education and psycho-social help to the parents by establishing the counselling for the parents, so that they can get the help in the early phase, as well as directions and guidelines for care and socialisation of their children
- To establish and implement the programs of sensibility of the children, teachers and parents on the needs and abilities of the persons with special needs in order to diminish the number of prejudices on these people.
- To enable the early tiflological treatment of the children in early stage
- That the process of categorisation is arranged in the way to be unique on the territory of entire B&H, meaning to standardise the instruments of the observation and assessment of the child's abilities
- To strengthen the capacities of the experts in the commissions for categorisation and by thus enabling the process of categorisation to get multidisciplinary in every way
- To form the cabinets for rehabilitation of hearing and speech in many cities as possible and to make them available for the children in all of B&H

- To take the necessary steps of implementation of the Law on usage of sign language in B&H, as fast as possible
- That elementary and high schools are made more available for the children with psycho-physical disabilities, to adapt the entrances into schools(to put the ramp for the wheelchair according to the regulations and defined standards), toilets , halls, facilities for classes, to try to get lifts for the persons with disabilities in movement;
- To increase the number of mobile expert teams or to fully employ the experts that will provide the necessary support in the process of inclusion and that will work on giving the continues assistance to the teachers in making of individual programmes for work with children;
- To establish the cooperation with NGO organisations and associations of the parents and persons with special needs that have developed the model of education of the teachers in schools and in that way to use the expert resources for conjoined educational and humanitarian actions and projects
- To make modern syllabuses for certain trades for children with special needs in high schools and to increase the spectrum of trades
- To ensure the necessary didactical instruments and other devices for schools that they will use for groups where there is the child with special educational need;
- To enable for the children with educational disabilities to get free books and school accessories by finding the financial means for new or they will organise the humanitarian actions for collection of used ones ;
- To take the necessary measures to enable for necessary medications to be on the essential list
- That the executives of the authorities in Republic of Srpska insist and demand from the legislative authorities to pass the new laws on social protection, as fast as possible
- To take the necessary measures so that in Federation of B&H, cantons, the payments are equal with real needs and in that way to equalise the rights and the positions of all people in the status of social aid, disregarding the fact in which canton they live
- To enable the full implementation of the Law on professional rehabilitation and employment of the persons with disability of RS and the Law on professional rehabilitation and employment of the persons with disability of FBIH
- To ensure the money payments for the parents whose children are placed in the institutions , when ever that is possible, to ensure the more qualitative communication with their children
- To create the conditions for establishment of the dental offices that are specialised to work with the children with special needs
- To ensure more effective and quicker ways to get the orthopaedic aids and to simplify the procedures with the authorities
- To establish the mechanism for early detection and diagnostic of the children in autistic spectrum,

- To take the adequate measures to establish and build the system of identification and monitoring of the children with autism
- To accomplish the cooperation with NGO in greatest extent as possible

All ministries, covered in this report, have the obligation to deliver the reports on their actions to the Ombudsmen in 60 days from the time they receive the special report.

ANNEX

ANNEX

List of the carried out conversation[75]

Name of the institution/ association/organ	Date of the meeting	Delegation in the name of the ombudsman institution	Delegation in the name of the institution/ association/organ
1.URDOSA[1] Tuzla	August 2010.	Written correspondence	Representatives
2.Association of the parents of children with autism „ Children of the light “ Banja Luka	August 24th 2010.	Aleksandra Marin-Diklić, Head of the department for monitoring of the rights of the children Aleksandra Arsenijević-Puhalo, psychologist Verica Matošević, technical assistant	Goran Drakulić, president of the board Parent of the child with autism Defectologist- speech therapist
3.Association „Down syndrome“ Banja Luka	August 25th 2010.	Aleksandra Marin-Diklić, Head of the department for monitoring of the rights of the children Aleksandra Arsenijević-Puhalo, psychologist Verica Matošević, technical assistant	Zdravka Jelić, representative of the institution
4.Association of defectologist of Bosnia and Herzegovina	August 30th 2010.	Aleksandra Marin-Diklić, Head of the department for monitoring of the rights of the children Aleksandra Arsenijević-Puhalo, psychologist Verica Matošević, technical assistant	Tanja Čolić, representative of the association
5.Association of blind and sighted of Republic of Srpska	September 2nd 2010.	Aleksandra Marin-Diklić, Head of the department for monitoring of the rights of the children Aleksandra Arsenijević-Puhalo, psychologist Verica Matošević, technical assistant	Branko Suzić, president

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[75] Visits are listed according to the date of the conversation

6.Republican pedagogical institution of Republic of Srpska	September 6th 2010.	Aleksandra Marin-Diklić, Head of the department for monitoring of the rights of the children Aleksandra Arsenijević-Puhalo, psychologist Verica Matošević, technical assistant	Jelena Šipka, inspector-education advisor for special institutions and children with special needs in regular schools
7.Association of deaf and hard of hearing of Republic of Srpska	September 8th 2010.	Aleksandra Marin-Diklić, Head of the department for monitoring of the rights of the children Aleksandra Arsenijević-Puhalo, psychologist Verica Matošević, technical assistant	Dubravka Ostojić, president
8.NGO „Rainbow“	September 14th 2010.	Ines Štimjanin, psychologist, consultant	Vasilija Veljković, defectologist
9.Institution for special education and upbringing of the children „Mjedenica	September 15th 2010.	Nives Jukić, ombudsman Ines Štimjanin, psychologist, consultant Nina Šeremet, lawyer – trainee	Mirsad Asimović, director Grozda Milutinović, defectologist Jeina Sanela, psychologist
10.Vojka Komljenović, Kiseljak	September 16th 2010.	Ines Štimjanin, psychologist, consultant	Vojka Komljenović[2], pedagogue-psychologist
11.Association of paraplegic of Republic of Srpska	September 16th 2010.	Aleksandra Marin-Diklić, Head of the department for monitoring of the rights of the children Aleksandra Arsenijević-Puhalo, psychologist Verica Matošević, technical assistant	Slavko Delić, president Milena Obradović, secretary
12.Public institution Centre for upbringing, education, rehabilitation for work and employment of the mentally disabled children, autistic children and children with cerebral paralysis „Vladimir Nazor’’	September 17th 2010.	Nives Jukić, ombudsman Ljilja Krunić-Zita, lawyer, consultant Ines Štimjanin, psychologist, consultant Nina Šeremet, lawyer – trainee	Zulfo Ahmetović, director

13.Ministry of health and social care of RS	September 20th 2010.	Aleksandra Marin-Diklić, Head of the department for monitoring of the rights of the children Verica Matošević, technical assistant	Ljubo Lepir, assistant of the minister of health and social care RS
14.Centre for blind and sighted children and youth, Sarajevo	September 21st 2010.	Ljilja Krunić-Zita, lawyer, consultant Ines Štimjanin, psychologist, consultant	Damir Ovčina, director
15.Centre for hearing and speech rehabilitation, Sarajevo	September 22nd 2010.	Ljilja Krunić-Zita, lawyer, consultant Ines Štimjanin, psychologist, consultant	Naim Salkić, director, social worker lawyer
16.Elementary special school, Zenica	September 27th 2010.	Ines Štimjanin, psychologist, consultant	Hadžira Dračo, director
17. Centre „Holy Family “, Mostar	September 27th 2010.	Nives Jukić, ombudsman	Don Ante Komadina, Phd., head of Caritas Mirjana Vlaho
18.Associations „Contact“ Čitluk	September 28th 2010.	Nives Jukić, ombudsman	Jasna Vasilj, president
19.Dorm for children with bodily or physical disabilities „Mari-our hope” Široki Brijeg	September 28th 2010.	Nives Jukić, ombudsman	Slobodan Karačić, director
20.Ministry of education and culture of RS	September 28th 2010.	Nives Jukić, ombudsman Aleksandra Arsenijević-Puhalo, psychologist Ines Štimjanin, psychologist, consultant Nina Šeremet, lawyer – trainee Verica Matošević, technical assistant	Miroslav Bobrek, assistant to the minister of education Slavica Kuprešanin, chief of the Division for high schooling Duška Radmanović, načelnica za chief for pre-school upbringing and elementary education

21.URDAS[3] Sarajevo	September 30th 2010.	Nives Jukić, ombudsman Aleksandra Arsenijević-Puhalo, psychologist Ines Štimjanin, psychologist, consultant Nina Šeremet, lawyer – trainee Verica Matošević, technical assistant	Nirvana Pištoljević, expert on za autism
22.Federalni bureau of employment	October 25th 2010.	Nives Jukić, ombudsman Ines Štimjanin, psychologist, consultant Nina Šeremet, lawyer – trainee	Omer Korjenić, head of the sector for employment
23.Association of parents, youth and children with special needs, Konjic	October 31st 2010.	Written correspondence	Muamer Lavić, representative
24. Association “Living with Down syndrome’’ from Sarajevo	November 2nd 2010.	Written correspondence	Representatives of association
25. Institution for blind and sighted „Future“, Derventa	November 4th 2010.	Nives Jukić, ombudsman Aleksandra Marin-Diklić, Head of the department for monitoring of the rights of the children	Vladan Popović, director
26.Centar for social work, Trebinje	November 8th 2010.	Nives Jukić, ombudsman Nina Šeremet, lawyer – trainee	Mira Ćuk, director
27. Association of the parents and children with special needs, Trebinje	November 8th 2010.	Nives Jukić, ombudsman Nina Šeremet, lawyer – trainee	Mijat Šarović, president
28.elementary school for children with special needs, Mostar	November 9th 2010.	Nives Jukić, ombudsman	Tonkica Blagojević, director
29. Alliance of the organisations for support to the persons with intelectual disabilities in B&H „Sumero“	November 12th 2010.	Nina Šeremet, lawyer – trainee	Haris Haverić, president

[1] Association of the parents of the children and persons with autism from Tuzla

[2] Expert in the area of children with special needs, retired

[3] Association of the parents of the children with autism from Sarajevo