



**SUBMISSION TO UN COMMITTEE ON THE RIGHTS OF PERSONS WITH
DISABILITIES**

**Report of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina on the
implementation of the UN Convention on the Rights of Persons with Disabilities**

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina was established in 1996 under Annexes IV and VI of the General Framework Agreement on Peace for Bosnia and Herzegovina as an independent institution to protect human rights and promote good governance and the rule of law. Pursuant to Article 1 of the Law on Human Rights Ombudsman of Bosnia and Herzegovina¹ the Ombudsman is an independent institution set up in order to promote good governance and the rule of law and to protect the rights and liberties of natural and legal persons, as enshrined in particular in the Constitution of Bosnia and Herzegovina and the international treaties appended thereto, monitoring to this end the activity of the institutions of Bosnia and Herzegovina, its entities, and the District of Brčko. The Ombudsman acts in accordance with the Constitution, legislation, other regulations and general acts, as well as in accordance with ratified international treaties and generally accepted rules and standards of international law. The Institution considers cases involving the poor functioning of, or violations of human rights and liberties committed by, any government body. The Institution shall act either on receipt of a complaint or ex officio. The Institution may undertake general investigations. The Institution may recommend appropriate individual and/or general measures. Any natural or legal person claiming a legitimate interest may complain to the Institution irrespective of their nationality, race, gender, ethnicity or religion.

Department for the Protection of Rights of Persons with Disabilities within the Ombudsman monitors harmonization of laws and other regulations applicable in Bosnia and Herzegovina relating to the protection of the rights and interests of persons with disabilities with provisions of the the Constitution of Bosnia and Herzegovina and international standards in this area and informs the public of violation of the rights of persons with disabilities. The Department also processes

¹ The Law on Human Rights Ombudsman of BiH (Official Gazette of BiH no.: 32/00,19/02,35/04,32/06,38/06o ombudsmanu za ljudska prava Bosne i Hercegovine, Službeni glasnik BiH, br. 19/02, 35/04 i 32/06

individual complaints about alleged violations of rights and freedoms of persons with disabilities and acts ex officio in all cases involving infringement of the rights in order to provide respect for their human dignity, and personal autonomy, including the right to free choice and independence, equal opportunities and protection from discrimination aiming at the full integration of persons with disabilities into community.

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina is a National Human Rights Mechanism which enjoys “A” status accredited by the GANHRI’s SCA (Sub-Committee on Accreditation), in accordance to its mandate and obligations, reports and exchanges information with the international monitoring mechanisms following the implementation of the rights of persons with disabilities. It also takes an active part in the activities in the framework of different regional mechanisms, networks and working groups dealing with the issues involving persons with disabilities.

Findings of Ombudspersons of Bosnia and Herzegovina presented in this submission to the UN Committee are based on consultations with NGOs done in the course of processing the individual complaints, direct insight in the situation of persons with disabilities gained from the process of investigation of the cases handled and continuous co-operation with CSOs representing and advocating for the rights and interests of persons with disabilities.

A. GENERAL COMMENTS: Introduction, constitutional framework and data collection

On 12 March 2010² Bosnia and Herzegovina ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol which lays down the obligation on State to adopt standards and rules enabling the accessibility of public institutions and private buildings used for public purposes to persons with disabilities including setting the deadlines and stages in this process, as well as methods used for monitoring the progress of implementation along with sanctions to be taken in case of non-compliance.

The Convention on the Rights of Persons with Disabilities is supposed to be directly applicable in the country, but this is not the case in practice. Instead, when adopting new legislative acts and internal policies/by-laws, different administrative parts of the country govern relevant issues in different ways, since jurisdiction in matters relating persons with disabilities mostly lays with the entities and cantons, which creates grounds for discrimination.

² "Official Gazette of Bosnia and Herzegovina – International Treaties“, no. 11/09

There have still been challenges related to data collection on persons with disabilities. Statistical data and separate registers/databases of persons with disabilities were supposed to be established during the census, but results published in July 2016 (an additional problem is that one entity, namely the Republika Srpska, refuses to accept the census results and it adopted its own law on census on its territory), failed to provide these data, so there is no possibility to disaggregate data according to gender or age (children, women and elderly persons with disabilities), which could be used as indicators for the authorities in planning and formulating different actions including determination of budgets for basic and specific needs of these persons and monitoring of their human rights implementation.

B. GENERAL CONCERNS

· Article 1 Purpose

Although the purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity, problems of this category of citizens are multiplying. For instance, accessibility problem reflects to and has impact on the enjoyment of other rights including education, health care and social protection, private and family life, social inclusion, access to elections etc.

A universal definition of persons with disabilities in Bosnia and Herzegovina which could be considered from aspect of its conformity with the definition set out in the Convention on the Rights of Persons with Disabilities does not exist. In practice, different notions are used in different areas such as social protection, health care, pension insurance and employment. Such practice does not ensure equality of persons with disabilities and puts them in discriminatory position, which makes their enjoyment of rights and community support of community more difficult to achieve.

Article 5 Equality and non-discrimination

The Constitution of Bosnia and Herzegovina and constitutions of the entities and cantons along with other international documents unambiguously specify equality of all persons before the law, but prohibition of discrimination on grounds of disability is not explicitly stated, but is derived from some other social and personal characteristics.

Discrimination on grounds of place of residence, or place of abode is present in situations when persons with disabilities established in one entity wish to change their place of residence, then they have to start disability assessment process from the beginning since disability officially established

in one entity is not applicable on the territory of the other entity.³ For instance, the Law on Protection of Civilian Victims of War adopted in 1993 in the Republika Srpska provides that status of civilian victim of war can only be granted to a person applied for this status within five years from the beginning of implementation of the mentioned Law. Since this deadline had expired, following the recommendations of the UN Committee the Law on Amendments of the Law on Protection of Civilian Victims of War was adopted in 2007. This Law provided for a six months period in which citizens can apply for the civilian victim of war status. However, even this additional deadline was not sufficient to enable all the persons interested to apply for this status, since many of them are displaced persons and information on adoption of the amendments to the Law were not presented and made available to the public in an adequate way. Disproportion in disability benefits between the different cantons, since implementation of these rights takes place at cantonal level, is noticeable in the Federation of BH. Discrimination in the Federation of BH is evident as only the persons with 100% and 90% disability degree can enjoy the rights guaranteed by the BH Law on the Foundations of Social Protection and the Law on Protection of Families with Children. Since the adoption of the mentioned Law all persons with disability degree below 90% seized to be entitled to the benefits granted under this Law. Recommendations of the UN committees, in particular the Committee Against Torture calling on Bosnia and Herzegovina in the establishment of the rights of persons with disabilities to be guided with their real needs, instead of their association with certain groups and categories, are still neglected.

The applicable legislation governs the rights of persons with disabilities originating from war activities, civilian victims of war and persons with disabilities originating from peace times in different ways, as well as procedures and conditions for obtaining this status. The same goes to budgets available for implementation of rights arising from disability status where the amounts for war veterans with disabilities are considerably higher than amounts for persons with disabilities unrelated to war.

A case of discrimination⁴ on grounds of gender and unequal treatment of women and men in enjoyment of rights arising from social insurance in health care institutions was also registered where female patients referred to oncologic physical rehabilitation had to share room with male patients.

³ Special report on the rights of persons with disabilities, 2010

⁴ Ž-SA-06-717/11

- **Article 6 Women with disabilities**

Relevant legislation does not provide for specific health care for women with disabilities. Namely, health care institutions in Bosnia and Herzegovina are not sufficiently equipped so that paraplegic women cannot undergo gynecologic exams, which is a discriminatory practice.

Although the Parliament of the Federation of BH have adopted a document called a “Disability List”, an unauthorized official of the Medical Forensic Institute, who carries out the health condition evaluation, drafted an internal policy document with different content than the mentioned Disability List by virtue of which the disability degree is reduced for women affected by breast cancer previously considered to be the persons with 100 % disability degree, thus denying them enjoyment of their rights in the area of health care and social protection.⁵

- **Article 7 Children with disabilities**⁶

In 2010 Ombudspersons of Bosnia and Herzegovina prepared a Special report on the rights of children in institutional care⁷ with particular attention to normative and standards. Despite the lapse of time, complaints of citizens filed to the Ombudsman indicate that there were no significant changes since that time. In their report Ombudspersons state that children with special needs, who are beneficiaries of day-care centers have problem with transportation since these institutions do not have funds for that purpose if the parents are unable to pay or organize transportation on their own. Alternative solution would be the field outreach, but this is also missing. Another issue is the age of children entitled to use services of these day care centers or occupational workshops as this age limit is often determined without taking care of the best interest of the child in respect of their socialization needs. In their special reports Ombudspersons invite the authorities to address problems of children with special needs in Bosnia and Herzegovina⁸ and take measures in order to establish standardized instruments and procedures of observation and assessment of the child’s abilities in process of categorization – using a multi-disciplinary approach to achieve full implementation of health care and other rights enshrined by the UN Convention on the Rights of the Child.

⁵ Ž-SA-02-851/14 (P-154/14)

⁶ See observations related to articles 24 and 25 of the Convention

⁷ Institutions accommodating children without parental care, institutions for children with socially unacceptable behavior and part of institutions for children with development difficulties

⁸ Special report on situation of the rights of children with special needs/difficulties in their psycho-social development, December 2010

- **Article 8 Awareness-raising**

Complaints received by the Ombudsman and telephone conversations with citizens indicate to the low awareness level on the rights and needs of persons with disabilities. Depending on the nature of their disability these persons are often isolated and not aware of their rights, and consequently they do not seek the protection of these rights.⁹

Frequency of visits of persons with disabilities to the Ombudsman indicates that the authorities do not take this fact in consideration in decision-making on the rights of persons with disabilities.¹⁰

Media contents do not accommodate the needs of persons with disabilities (hearing impairment, full and partial)¹¹.

- **Article 9 Accessibility**

Inconsistency in implementation of laws and internal policy documents/by-laws, in addition to the absence of adequate sanctions for violators of adopted norms hinder the full accessibility of public and other buildings¹² (for instance the dwelling buildings constructed especially to accommodate families of the fallen soldiers and war veterans with disabilities in Zvornik do not have access for wheelchairs).

Awareness-raising on importance of accessibility standards in the process of designing, construction and supervision in civil engineering area is necessary to prevent partial implementation or non implementation of these standards.¹³

Families of children with disabilities are brought into unfavorable position due to the regulations governing the obtaining of accessibility labels by the minors compared to the adult persons with disabilities. Namely, provisions of the applicable regulations foresee that a pre-condition for an adult person to be granted an accessibility label is to have the disability degree established officially, which fully serves the purpose intended by accessibility label. However, minor persons with disabilities, in addition to the above pre-condition, have to prove that their parents or legal

⁹ Ž-BL-02-202/16, Ž-BL-02-766/15

¹⁰ Ž-BL-02-688/15

¹¹ Ž-BL-02-732/15

¹² Ž-BL-02-733/15, Ž-BL-02-152/14

¹³ Special report on accessibility of premises of legislative bodies in Bosnia and Herzegovina indicates to the fact that many buildings are only accessible from the outside, while the internal part of the building is not adjusted for persons with disabilities.

guardians are the owners of the vehicle. Such a legal solution is unjustified because it creates inequality between the minors and the adults persons with disabilities.¹⁴

Non-adjustment of public electronic media prevents participation of persons with disabilities in debates concerning their life. Public debates are not implementable because the working materials are not adjusted to all citizens of Bosnia and Herzegovina¹⁵ since documents published on web portals of public bodies are not adjusted to persons with disabilities¹⁶.

There are no systemic solutions to ensure training and development of skills necessary for the adoption of modern assistive technologies by persons with visual impairment since Braille embossers are rather expensive.

Medical aids for visually impaired persons do not exist in health care institutions in the Federation of BH, which leads to a worsening of the already bad social status of this population.

- **Article 12 Equality before the law**

In violation of the provisions of the Convention, the institute of legal capacity denial and imposition of legal guardian is implemented often, that is, the substituted decision-making regimes are applied rather than supported decision-making.

Complaints of the citizens to the Ombudsman¹⁷ demonstrate that it happens that persons with disabilities are not even informed that their legal capacity is taken away from them and that they will no longer be able to independently make decisions, or use their own money, chose with whom to live, socialize etc., following the proceedings conducted to this end.

Proceedings for stripping away the legal capacity do not involve the establishment of 100% disability which would at least make these persons entitled to some disability benefits or other rights in cases when they stay within their family environment¹⁸. When it comes to visually impaired persons during the issuance of personal documents they are required to have a legal representative¹⁹.

Positive developments in BH in de-institutionalization process are minimal.

¹⁴ P-117/16 dated 16 June 2016

¹⁵ Ž-BL-02-289/16

¹⁶ Ombudspersons were not informed on public debate on the Report on Implementation of the Convention on the Rights of Persons with Disabilities prepared by the State under Article 35 paragraph 1 of the Convention on the Rights of Persons with Disabilities, October 2012

¹⁷ Ž-Sa-02-702/16

¹⁸ Ž-BL-02-392/16

¹⁹ Ž-SA-02-818/15

Namely, majority of persons whose legal capacity is denied are accommodated in the closed-type institutions²⁰. Reason for that is absence of any kind of support that would assist their families in assuming the role of their guardian. Also, no model exists to be used for legal regulation of supported living options within the local community²¹.

Currently applicable legislation does not provide for the possibility for persons with disabilities to be included in proceedings for legal capacity denial. Also, in some cases when conditions are created for legal capacity restoration, it does not happen for lack of funds²². Namely, relevant legislation in the Republika Srpska does not provide for exoneration of persons with disabilities from the obligation to pay court fees and forensic costs in proceedings initiated *ex officio*.

Bosnia and Herzegovina did not take measures to ensure implementation of the judgment of the European Court of Human Rights²³ in terms of taking measures necessary for review of decisions involving denial of legal capacity.

In case related to the founding of the Social and Health Care Center for Persons with Disabilities and Others in Stolac, when the Government of Herzegovina-Neretva Canton relocated all the beneficiaries from the existing institutions on the territory of the Federation of BH (which was the founder of these institutions) following its unilateral termination of the relevant agreement Ombudspersons stated that the best interest of the beneficiaries is neglected, that care is not taken of quality of their life, proximity of their families, networking with other beneficiaries and their needs and wishes in general.²⁴

· **Article13 Access to justice**

Cases handled by the Ombudsman involving persons with disabilities indicate that they have limited and discriminatory access to justice (e.g. a visually impaired party to court proceedings does not have the possibility to get the relevant documentation written in Braille script or to use modern assistive technologies).²⁵ In this way their right to access to justice is violated.

²⁰ Special report of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina on situation in institutions for accommodation of persons with mental disabilities, September 2009

²¹ P-3/14

²² Ž-BL-04-429/15

²³ Case of Hadzimejlic And Others v Bosnia and Herzegovina judgment of 3 November 2015

²⁴ Ž-SA 02-697/13

²⁵ Ž-SA-02-636/16

The Medical Forensic Institute is causing a great deal of dissatisfaction²⁶ for lack of transparency in its work, multiple returning of medical assessment procedures to the initial stage, length of the proceedings, far from timely or even reasonable, payment of forensic services and implementation of procedures which prevent persons with disabilities to use regular legal remedies or initiate court proceedings.

· **Article 19 Independent living and involvement into community**

All BH citizens have the right to independent living, exercising their legal capacity and involvement into community as equal members of the society. However, inclusion into the community cannot be realized if State fails to provide adequate pre-conditions.

In the Federation of BH visually impaired persons do not enjoy the rights to free aids within the health insurance system. Such a legal solution means that social inclusion depends on social status of citizens.

Legislation governing guide dogs in Bosnia and Herzegovina is missing.²⁷ Procurement and training of these dogs to guide completely or partially visually impaired persons costs 12,000.00 EUR. Above that, there are no funds for food of guide dogs.

Another situation that causes dissatisfaction of citizens is the fact that the rights to orthopedic aids are regulated differently in different cantons and the citizens enjoy their rights according to the rules applicable to their place of residence²⁸.

· **Article 24 Education**

Following the adoption of the Framework Law on Primary and Secondary Education (2003) Bosnia and Herzegovina failed to ensure efficient implementation of the Law because the entity and cantonal level authorities did not adopt necessary laws and by-laws/internal policy documents²⁹ with concrete guidelines as how to implement legal provisions. This is the reason that families of children with special needs are not given necessary support to enable socialization of their children and adequate inclusive education process.³⁰

²⁶ 2012 and 2013 Annual report on results of work of the Human Rights Ombudsman of Bosnia and Herzegovina

²⁷ Ž-SA-04-1059/13

²⁸ Ž-BL-02-744/13

²⁹ Ž-BL-01-360/14 and Ž-BL-01-341/16

³⁰ Ž-BL-02-662/15

Children from rural areas are in evermore difficult situation when it comes to socialization which is often justified by lack of funds to cover costs of their transportation³¹ to schools, kindergartens, day-care centers, health centers etc.

- **Article25 Health care**

In children rights sphere, inequality in enjoyment of the right to health care in Bosnia and Herzegovina on ground of the place of residence is evident. This leads to discrimination of children with disabilities depending on their place of residence due to the fact that the cantons in the Federation of BH have jurisdiction in many issues including health care. For instance, children with diabetes in some cantons do not have the right to free insulin pumps³² within the social insurance system in exercising their right to health care³³. Also, children with intellectual impairment do not enjoy the right to free dental care.

Ombudspersons also indicate to the absence of institutions, institutes or commissions competent for medical forensic assessment of disability degree for persons with disabilities unrelated to war, children with development difficulties, women with breast cancer, or children and elderly persons with congenital disabilities in the Republika Srpska.

These persons are discriminated against compared to the civilian victims of war and war veterans with disabilities for whom the assessment is done by a military medical commission. There is a commission within the Pension and Disability Insurance Fund of the Republika Srpska, which is competent for residual functional capacity assessment, but is not competent to issue an official document on disability degree. As a consequence, these persons are not entitled to health care benefits or other similar rights since they cannot prove their disability degree. In this way their families have to find the way to take care of them and State does nothing to ensure mechanisms for their protection.

- **Article27 Work and employment**

The applicable legislative acts on professional rehabilitation³⁴ set up a quota system as a measure of boosting the employment of persons with disabilities at the open labor market. However, necessary by-laws which should envisage the most adequate implementation mechanisms are missing, which

³¹ Ž-BL-01-348/16

³² Herzegovina-Neretva Canton, Central Bosnia Canton, Herzeg-Bosnia Canton, Zenica-Doboj Canton, Bosnia-Drina Canton, Una-Sana Canton, West Herzegovina Canton, and Brčko District of Bosnia and Herzegovina

³³ P-109/16

³⁴ Official Gazette of the Republika Srpska, no. 37/12 and 82/15 and Official Gazette of the Federation of Bosnia and Herzegovina”, no. 09/10

makes these legislative acts non-enforceable. In addition to that, neither entity has established vocational job training centers for persons with disabilities.

Although the incentives for employers who hire persons with disabilities are envisaged, the possibility of using these incentives was not promoted sufficiently so that the interest of employers in hiring of persons with disabilities for their businesses was low.

There were only few programs earmarked to employment of persons with disabilities although these programs involved stimulations for employers who hire them. There were reports of cases that employers even received funds as stimulation for employment of persons with disabilities and then hired somebody else, without disability³⁵. Although such incidents were registered, adequate reactions of the institutions which allocated funds for the mentioned purposes did not take place and no sanctions were applied for such fraud and use of funds for unintended purposes. This results in unemployment of persons with disabilities.

- **Article 28 Adequate standard of living and social protection**

As already pointed out, the lack of unified records of persons with disabilities leads to inadequate allocation and relocation of budget funds, which does not alleviate inadequate standard of living for people with disabilities.

A lot of complaints received by the Ombudsman relate to non-payment of amounts due on ground of disability benefits and other rights of persons with disabilities over a longer time periods (1 to 6 years), for lack of funds in public budgets.

Current situation reflects the non-existence of an efficient mechanism to ensure payment of due amounts to the beneficiaries of disability living allowance, attendance allowance or carer's allowance.

- **Article 29 Participation in political and public life**

Positive regulations in BH provide for accessibility of polling stations to persons with disabilities. However, persons with disabilities emphasize that many polling stations are not adjusted for them, which means are inaccessible, or that ballots are not adjusted to blind persons (no ballots written in Braille script or sound instructions on how to vote and no possibility of telephone voting). This challenges the active and passive voting rights of persons with disabilities and prevents them from active participation in political and public life.

³⁵ Ž-BL-02-713/14

C. RECOMMENDATIONS

- BH should ensure implementation of all recommendations of the UN Committee after its consideration of the Report on Implementation of the Convention on the Rights of Persons with Disabilities in Bosnia and Herzegovina. It is necessary to put in place an efficient mechanism for permanent monitoring and reporting to the public on implementation of these recommendations with active inclusion of organizations of persons with disabilities and other citizens of Bosnia and Herzegovina;
- In legislation of Bosnia and Herzegovina adjust the definition of persons with disabilities with that from *UN Convention on the Rights of Persons with Disabilities*;
- Ensure measures and funds as necessary to put in place a unified register/database of persons with disabilities in Bosnia and Herzegovina, with possibility of disaggregation by gender, age, number of children, women and elderly persons with disabilities;
- Ensure mechanisms and adopt unique disability assessment criteria regardless to disability causes and circumstances in order to establish disability status of persons with disabilities;
- Take measures to harmonize legislation in health care area in order to ensure equal treatment of all children on the whole territory of BH;
- Adopt legislation as necessary to ensure implementation of inclusive education and measures of support to the families of children with special needs;
- To ensure implementation of the unique Disability List harmonized with international standards;
- Ensure measures and funds necessary to procure adequate equipment for health care institutions to enable women with disabilities to enjoy efficient health care without discrimination;
- Implement measures and carry out campaigns to make persons with disabilities familiar with their rights and mechanisms of its implementation;
- Organize training on human rights for the authorities, teachers, social workers, prison officers, lawyers, judges, prosecutors etc.;
- Ensure implementation of accessibility principles in the area of services, information and communications and define sanctions in case of non-implementation;
- Harmonize legislation at all authority levels in Bosnia and Herzegovina in order to ensure full enjoyment of the rights to persons with disabilities on equal grounds without discrimination;
- Ensure consistent and unified approach to addressing the existential issues of persons with disabilities;
- Adoption of necessary legislative amendments in order to eliminate discrimination of women, girls and children with disabilities;

- Amend relevant legislation in order to put in place and strengthen mechanisms of supported decision-making for persons with disabilities within the de-institutionalization process;
- Adopt legislation on mandatory review of decisions on legal capacity deprivation;
- Take measures to amend legislation in order to govern models of independent supported accommodation within the community and social services ;
- Adopt necessary legislative amendments to ensure that placement into institutions for accommodation of persons with mental disabilities is done only in specific cases and only for persons deprived of legal capacity;
- Oblige public bodies to adjust their web portals and access to Internet to persons with disabilities;
- Oblige public bodies to conduct public debates on issues concerning persons with disabilities with their mandatory participation and in ways accessible to them;
- Ensure and organize training for persons with disabilities on how to use assistive information technologies;
- Adopt legal amendments and ensure mandatory procurement of aids for persons with disabilities within the health care system to be covered by health insurance;
- Ensure unimpeded access to justice to all citizens of BH without discrimination by enabling access pathways and necessary aids facilitating communication as well as provision of services such as the sign translation, drafting the documents in Braille alphabet and other accessible formats in all the courts and other judiciary bodies authorized to make decisions on the rights of citizens;
- Provide access without architectural barriers to courts, administrative bodies, hospitals, health centers, libraries, schools and all public institutions;
- Ensure taking measures for unimpeded participation of persons with disabilities in political and public life;
- Ensure free aids necessary for independent life of persons with disabilities free of charge and maintain regular monitoring and quality control of these aids;
- Harmonize legislation at all authority levels, in particular in cantons of the Federation of BH in order to equalize the rights to orthopedic devices;
- Make necessary budgetary relocations at all authority levels in order to implement the rights to financial assistance to enable and facilitate daily life of persons with disabilities and define sanctions to be taken in case of irregularity of payment;
- Ensure additional funds as necessary to enable persons with disabilities to have equal opportunities;

- Take measures to establish labor centers as a form of occupational therapy of persons with the gravest forms of disabilities in accordance with the Law on Professional Rehabilitation;
- labor laws in the entities and Brčko District should clearly define that health status is not considered as a pre-condition for employment of persons with disabilities if they properly trained for a particular position;
- *legislation on professional rehabilitation, training and employment* should clearly define criteria and mechanisms including the additional stimulations for the employment of persons with the gravest forms of disabilities.

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