



**LESSONS LEARNED
DISABILITY RIGHTS MONITORING IN
BOSNIA AND HERZEGOVINA**

Using International
Human Rights Processes
to Strengthen National
Disability Rights



#PonosniNaSebe

5 razloga zašto adekvatni uslovi za obrazovanje moraju biti omogućeni!



Campaign poster with the slogan: „5 reasons why adequate conditions for education must be provided“
.....

Disability Monitoring in Bosnia and Herzegovina

The Project

The UN Convention on the Rights of Persons with Disabilities (CRPD), adopted in 2006 and in force since 2008, is the most important human rights instrument on disability. States Parties (governments signing and ratifying the Treaty) commit 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” (CRPD, Art. 1). LIGHT FOR THE WORLD with and through its partners uses the CRPD and other human rights treaties as a tool to measure the status and advocate for the advancement of disability rights and inclusion in a given country/region. Lessons learned from a recent disability rights monitoring project in Bosnia and Herzegovina, financed with the support of the Austrian Development Agency, are presented in this Learning Guide.

Experience from Bosnia and Herzegovina:

Together with our partner MyRight and five coalitions of persons with disabilities, LIGHT FOR THE WORLD has contributed to the first successful monitoring cycle of the rights of persons with disabilities in Bosnia and Herzegovina.

Between 2012 and 2014 a comprehensive Alternative Report was put together, based on thorough data collection and research guided by the tools provided by Disability Rights Promotion International (DRPI). By analysing 160 laws and other rights based documents, 224 articles from 9 daily, 15 weekly and 17 monthly published newspapers, and with over 100 individual interviews, the situation of persons with disabilities was described and analysed. The resulting report serves as a solid basis for further advocacy work in the country.

In November 2014 a short version of the Alternative Report was also used as the basis for a civil society submission to the Universal

Periodic Review. Thanks to well-planned and focused advocacy around the UPR (to Bosnian and international officials) disability issues were well reflected in the UPR: of 166 recommendations fully and partially accepted, 14 were specifically on the rights of persons with disabilities.

The Constructive Dialogue on the CRPD of Bosnia and Herzegovina took place in March 2017. At national level it was preceded by a strong awareness raising campaign, featuring world-famous physicist Stephen Hawking.



**BEZ MANE,
NI TI
NI JA
NE BI POSTOJALI.**

Stephen Hawking

Osobama s invaliditetom trebaju adekvatna ortopedska i druga pomagala da bi ostvarili jednake mogućnosti i bili ravnopravni građani u Bosni i Hercegovini.

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Koalicija organizacija osoba s invaliditetom Grada Bijele "KOLOSI"
 Koalicija organizacija osoba s invaliditetom regije Doboj
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Campaign poster with Stephen Hawking and the Slogan:
 “Without imperfection, neither you nor I would exist.”

Using International Human Rights Processes to Strengthen National Disability Rights

Glossary

Human Rights Treaties

The United Nations human rights framework basically consists of nine core Human Rights Treaties and a number of other bodies, special procedures and mechanisms such as the Human Rights Council and the Universal Periodic Review.

The Human Rights Treaties provide valuable opportunities for the disability community to draw attention to the state of disability rights in a country. Countries which have ratified a Treaty are called States Parties and are legally bound to implement the Treaty's provisions in national legislation, policy and practice.

State Reports

States Parties have to regularly report their progress on implementation of the ratified Treaty to the "Treaty Bodies" – committees of independent experts responsible for monitoring implementation. The CRPD Monitoring Process will be used here as an example: the State Report has to be submitted to the responsible Committee on the Rights of Persons with Disabilities. The Committee will then set a date for the "Constructive Dialogue" (see below).

Alternative Reports

Civil society has an important role in the monitoring process. NGOs, including Organisations of Persons with Disabilities (called DPOs – short for Disabled People's Organisations), can submit "Alternative Reports" (or parallel or shadow reports) to the Committee, thereby providing their assessment of human rights in their country.

Pre-sessional Working Group and List of Issues

About six months prior to the Constructive Dialogue, the Committee organises a pre-session which also provides representatives of civil society the opportunity to present their reports and major concerns to the Committee. This opportunity can be used for bilateral meetings to address sensitive issues. Finally, on the basis of the information provided through the State Report, Alternative Reports,

the pre-session and bilateral meetings, the Committee publishes a List of Issues: a set of specific questions addressed to the State Party to get detailed information on issues of particular concern. Civil society can also respond to the List of Issues, thereby providing additional information for the Constructive Dialogue.

Constructive Dialogues and Concluding Observations

On the basis of the reports and the answers to the List of Issues the Committee holds a “Constructive Dialogue” with the States Parties. Civil society organisations can and should participate in this session which takes place at the UN in Geneva. Although they do not have a speaking role during the Dialogue itself, they can meet with the Committee before in a private session, an important opportunity to provide further insight on the rights situation. More informal bilateral meetings and briefings with individual Committee members can also take place in Geneva.

The outcome of the Dialogue is called “Concluding Observations”, a report by the Committee commenting on the status of implementation of the Treaty and making concrete recommendations to the State on how to improve its rights performance.

Human Rights Bodies which can be used to advance disability rights:

- UPR – Universal Periodic Review
A state-driven review of the human rights records of all UN Member States; contrary to the Treaties the UPR does not have a committee of experts but uses a peer-review: all UN Member States undergo this process.
- Treaty Bodies, such as:
 - CESCR – International Covenant on Economic, Social and Cultural Rights
 - CEDAW – Convention on the Elimination of all Forms of Discrimination Against Women
 - CRC – Convention on the Rights of the Child
 - CRPD – UN Convention on the Rights of Persons with Disabilities

Setting the Stage for Disability Rights Monitoring

Why: Rationale and Objectives

“Nothing about us without us” is the motto used by organisations of persons with disabilities to demand their rightful access, participation and full inclusion in all areas affecting the lives of persons with disabilities. Participating in rights monitoring and reporting is crucial for DPOs and their allies. Processes such as the CRPD reviews provide a highly useful framework to

- a) assess the status quo of disability rights in a country,
- b) raise awareness on these rights to government and the public, and
- c) strengthen and advance the rights of persons with disabilities in the country, by using the international reporting and the recommendations from the Constructive Dialogue for continued in-country advocacy.

At the same time, participation in monitoring is an empowering exercise which has positive side effects such as increased technical capacities, networking and collaboration of DPOs.

How: Methodology

Various guidelines and methodologies are available for the monitoring of the CRPD, other human rights treaties and assessing the scope of disability-related discrimination in general. The one which LIGHT FOR THE WORLD and its partners recommend is from DRPI.

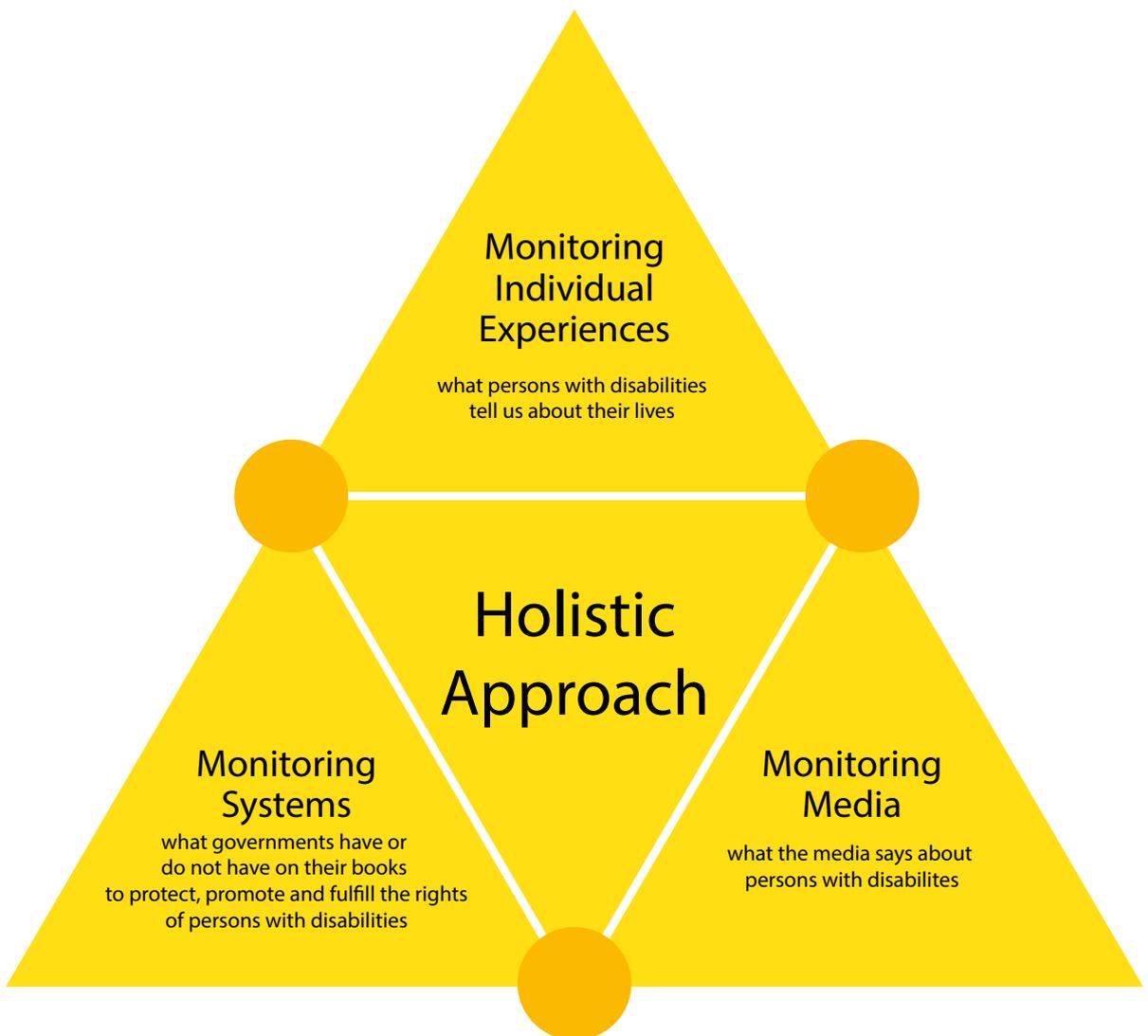
DRPI - Disability Rights Promotion International

DRPI is a project and approach established at York University, Canada, seeking to establish a comprehensive, sustainable international system to monitor the human rights situation of persons with disabilities. DRPI offers a range of monitoring instruments, tools and training resources for DPOs and also provides direct support through their web platform.

Following the DRPI approach, the disability rights situation in the country is analysed in three dimensions:

1. monitoring individual experiences – to identify individual violations of a person’s rights,
2. monitoring systems – to assess legislation, policy and practice in terms of their disability rights compliance,
3. monitoring media – to assess public views, awareness and stereotypes on disability.

Figure 1: The Holistic Approach



Using the UPR to advance disability rights:

It can be easier to first carry out a project based on the UPR of the respective country because civil society submissions to the UPR mean:

- clear time frame and deadlines
- clear instructions for civil society submissions on length, structure and contents
- periodic process every 4.5 years for every country – will show progress and deterioration of human rights
- less complex, meaning less intensive research required
- requires selection of and focus on most important disability rights issues
- lower costs
- reports can be either submitted by individual organisations (if no collaboration among the DPOs and federations is possible) or by coalitions, umbrella organisations or networks
- good trial-run before CRPD or other human rights monitoring reports
- important overview on DPOs/disability movement and disability rights situation in the country

At the same time, it is important to note that:

- the UPR is more a political than legal instrument
- while its recommendations do not entail legal obligations they can be used to hold governments accountable
- much less comprehensive than treaty body reviews
- disability is one among many rights issues addressed
- a project on the UPR should include advocacy components not only in the country but also towards the Permanent Missions of the UN Member States in Geneva – to increase the chance that disability rights are part of their questions and recommendations

Given that the UPR is a general human rights review mechanism, it is also an excellent opportunity to work with other civil society and rights groups, getting disability mainstreamed/included in other submissions, building alliances with other vulnerable groups, UN bodies, etc.

www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx



**NISU SVE IGRAČKE ISTE.
VAŽNE SU ONE SA
KOJIMA BRŽE UČIM.**

Dunja Radević
DJEVOJČICA KOJA ZNA ŠTA ŽELI

Osobama s invaliditetom trebaju adekvatna ortopedska i druga pomagala da bi ostvarili jednake mogućnosti i bili ravnopravni građani u Bosni i Hercegovini.

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Setting Up a Disability Rights Monitoring Project

Planning Stage

Persons with disabilities and their representatives – ideally the national umbrella organisation(s) – should lead the project.

Coordination and an overall supporting role can be taken on by **partner organisations and consultants**, in particular if the DPOs are still at a capacity development stage. In Bosnia, our partner MyRight, a human rights NGO, took on this role with the support of the former DRPI regional resource organisation Centre for Society Orientation (COD) in Serbia.

Getting support from experts and organisations from the region/ neighbouring countries as well as from the global disability community is also beneficial.

Essential components and steps:

- 1. Mapping:** Before beginning a disability rights monitoring project, a thorough situation and stakeholder analysis should be carried out. This should include checking with the International Disability Alliance (IDA), International Disability and Development Consortium (IDDC) and other relevant national and international actors to explore options for cooperation and to avoid parallel initiatives.
- 2. Needs assessment** of the involved partners/DPOs to be able to include adequate training in the project (on CRPD knowledge, data collection and processing, analysis, report writing etc.). This can be done during the mapping or the initial workshops with the DPOs.
- 3. Leave no one behind:** During the mapping and the invitation to DPOs and federations special attention should be given to the composition of the stakeholders. Are all kinds of disabilities represented and are people with multiple disabilities included? Is social diversity (age, gender, minority, religion, sexual orientation, culture, origin etc.) respected? If there is more than one DPO federation in the country, for example because of political

reasons, exploring options for cooperation is important: would they agree to work together in a coalition? Would they agree to each take on a specific focus/role in the monitoring and reporting?

4. **Space and resources:** Monitoring projects stand and fall with the contributions of, exchanges between and collaboration among the stakeholders; therefore adequate provision (regular meetings, time for dialogue, budget provision for participants and their assistance and accessibility requirements etc.) should be included in the project planning.



**HODAMO SA BIJELIM
ŠTAPOM, ALI VIDIMO SVAKI
POKRET SVOJE DJECE.**

Campaign poster with the slogan: “We walk with a white cane but we see every move of our children“

Time frame of projects and sequence of steps:

It is helpful to synchronise the monitoring project with the international monitoring cycle, i.e. planning it in a way to allow sufficient time to collect data and write the alternative report, aligning it to the expected due date for the State Report and the Constructive Dialogue.

Having a clear time frame – a deadline for the report and for the Constructive Dialogue – creates some helpful urgency for mobilisation and interest among the participating organisations.

Figure 2: Stages of a disability rights monitoring project



Implementation and Planning of Follow-Up

For the implementation phase, starting with awareness raising and basic capacity development has proven useful. This generates interest among the stakeholders, helps to define the basic structures for monitoring and to identify actors to be involved in the monitoring project and report writing.

Essential components and steps:

- 1. Data collection and research:** Take time for selection of persons with disabilities represented in the data collection: age, gender, type of disability, regions where they live etc. Another lesson learned is to consider prioritisation of topics (e.g. health, education, employment etc.) after data collection for the reporting. Still an overview on all articles is recommended.
- 2. Capacity Building:** Dedicate sufficient time to build the capacities of all actors involved, in order to fully understand roles, instruments and processes.
- 3. Support mechanisms:** Plan adequate support for analysis, prioritisation and report writing, not only for the data collection.
- 4. Awareness raising components:** the media can be an important ally for increasing awareness on disability rights. Involving the media can also be an added value for advocacy.
- 5. Building relationships:** Involving other human rights and civil society actors beyond the disability movement as well as allies from the public sector/government should be considered.

Follow-up

Submitting the alternative report to the UN Committee on the Rights of Persons with Disabilities is not the end point of the project. The resulting Concluding Observations and the time until the next CRPD review can be used for national and local advocacy by DPOs. All recommendations, from UPR and CRPD, can be used by civil society to advocate towards authorities: in consultations, in the development of action plans, lobbying for accessibility of infrastructure and services, for monitoring progress on the recommendations etc.

Conclusions:

- Disability rights monitoring, in particular the development of the Alternative Report on the CRPD, cannot be a “by-line” to a programme. Instead, a comprehensive project should be set up with adequate time frames, resources, clear responsibilities and with strong links to other advocacy efforts of the involved partner(s).
- The Alternative Report and involvement of civil society in the international monitoring is not an end in itself, but rather an instrument to advocate for inclusive and accessible systems, legislation and practices. In short: such a project is a concrete contribution for the aspired change towards inclusion and equal rights of persons with disabilities.
- It is important to link the report to (national, regional, local) advocacy initiatives of DPOs and partners so they are able to use the contents and messages for their work:
 - to maintain momentum, if the date for the Constructive Dialogue (analysis of state report) in Geneva is not near
 - to mobilise/ strengthen the disability movement instead of concentrating only on the production of a report.
- The links, networks and alliances which might be established among the different DPOs and coalitions through the collaboration on the Alternative Report can be used to work together on future campaigns, for example on access to health services or for the UPR reporting.

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