

November 2014

This brief focuses on disability rights in selected countries in the Western Balkan region. It first provides a brief background on common challenges faced by the wider Eastern Europe and Western Balkan region, followed by a specific Western Balkan section, covering Albania, Bosnia-Herzegovina, Kosovo, Serbia and Turkey.

Common challenges

People with disabilities in the Western Balkans and Eastern Europe experience many common challenges. With the exception of Turkey, the countries share a legacy of Soviet-influenced social policies, including deeply entrenched medical and rehabilitative approaches to disability, with an emphasis on segregated, state-run institutionalised care. In order to access state services, persons with disabilities typically had to be assessed by commissions of medical and pedagogical “experts” and given a disability status, which generally specified a type and “degree” of disability. Many persons with disabilities lost their legal autonomy and became dependent on family members, who could make decisions and draw benefits on their behalf. Parents of children with disabilities were encouraged to give them up as orphans of the state. Extensive bureaucratic systems were established over decades to administer disability assessments and placements in orphanages, residential homes and other institutions. These systems were vulnerable to corruption and reinforced the exclusion and exploitation of persons with disabilities.

Since the dissolution of the Eastern bloc, many persons with disabilities, including children, remain in institutions throughout the region. Rehabilitative and educational services in these institutions are reported to be poor or non-existent. According to the Mental Disability Advocacy Centre in Budapest, around 1 million adults with disabilities in the region continue to face significant and systematic violations of their

human rights in residential facilities. There is considerable political pressure and legal obligations on country governments in the region to move away from institutionalising persons with disabilities towards more inclusive, rights-based approaches to disability. However, most countries in the region have struggled to establish alternative systems of care, especially in the light of economic and political instability, exacerbated in many cases by declining public health systems, conflict and civil unrest, as well as environmental hazards. Across the region, persons with disabilities continue to be isolated, marginalised, discriminated against and in many cases, exploited and abused. Discrimination has been embedded in many countries’ legislative frameworks, health care and pension systems, education systems and employment sectors. People with disabilities face restriction of movement, have fewer opportunities to participate in social events or lead full, productive, independent lives (USAID Report 2009).

According to the Center for Social Orientation in Belgrade (Butigan et al 2012), the main trends characterising disability-related reform in the region include:

- Emerging partnerships between state governments and civil society organisations, with service provision shifting increasingly to the latter;
- De-institutionalisation and the establishment of community-based and home-based services;
- International assistance, ranging from support on policy reform and capacity-building of organisations working in the disability terrain to direct financing of service delivery to persons with disabilities.

The situation of persons with disabilities in the Western Balkan countries

There are no reliable, up-to-date statistics on disability across the Western Balkan region. Existing data are based on projections, for example using the WHO/World Bank average prevalence rates, or drawn from sample surveys, country census information or government social security records. According to the *World Report on Disability*, the regional prevalence rate for disabilities in the low- and middle-income countries of Europe is estimated at 16.4% (WHO/World Bank 2011). All five of the Western Balkan countries reviewed in this brief fall into this regional grouping. The variance in prevalence rates in various studies depends on the different definitions of disability used. The Convention of the Rights of Persons with Disabilities (CRPD)

uses a broad definition of disability: “Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”. Many countries still have narrower, medical definitions in their laws as these have not yet been adapted to the CRPD. These narrow definitions often refer to specific bodily limitations (such as “loss of function in more than two limbs” or “less than 10% of normal vision despite wearing glasses”).

The following table presents the most recent disability statistics for the Western Balkan countries. It shows that this region could be home to as many as 15 million persons with disabilities, the majority living in Turkey.

Country	Most recent estimate of disability prevalence	Most recent total population estimate (in millions)	Estimated number of persons with disabilities (if WHO regional average of 16.4 % is applied)
Albania	3.4%	2.78 (2011)	455,920
Bosnia-Herzegovina	14.6%	3.84 (2011)	629,760
Kosovo	7%	1.82 (2012)	298,480
Serbia	7.4%	7.20 (2012)	1,180,800
Turkey	12.3%	76.67 (2013)	12,573,880
Total			15,138,840

Source: USAID 2009; WHO/World Bank 2011; Republic of Kosovo (2009); and own calculations.

Some key features of the disability situation in the region are as follows:

- **Albania** has a relatively low institutionalisation rate for persons with disabilities, compared to the rest of the region. A strong family tradition may account for the existence of more community-based day centres than in other countries (National Albanian Center for Social Studies, 2005).
- In **Bosnia-Herzegovina**, landmines constitute a major contributor to the number of persons with disabilities. One out of every 173 people is estimated to be disabled due to injuries sustained during the civil war and 15% of the population are seen to suffer from psychological trauma, specifically post-traumatic stress disorder (USAID 2009).

According to UNICEF, 67% of children placed in residential care in Bosnia-Herzegovina are children with disabilities.

- Data from **Kosovo** are extremely limited. Government records reflect that 17,476 people received disability pensions and an additional 1,936 families (2,080 persons with disabilities) received support through the social assistance system in 2008. Education data show that the majority of children with disabilities who attend school in Kosovo fail to advance to high school.
- While **Serbia** has made considerable progress in improving its legislative framework pertaining to disability (see next section), persons with disabilities still face social

exclusion and their living conditions have not yet improved significantly (Butigan et al 2012). According to the UNDP, for example, 70% of persons with disabilities in Serbia live in poverty and only 13% have the opportunity to work.

- In **Turkey**, disability statistics are severely out dated. A 2005 study by Mental Disability Rights International exposed extensive human rights abuses against children and adults with disabilities in Turkish residential institutions. It found that inhuman and degrading conditions of confinement were widespread throughout the Turkish mental health system.

Legal and policy frameworks

The country governments of the Western Balkans have taken a number of legislative and policy steps that indicate commitment to advancing the rights of persons with disabilities. At the same time, significant legal and policy gaps remain. In terms of **international instruments**, the situation can be summarised as follows:

- As Kosovo is a partially recognised state and is not a member of the United Nations, it cannot become a state party to UN conventions. The other four countries have all signed and ratified the *United Nations Convention on the Rights of Persons with Disabilities* (CRPD). CRPD is the first international, legally binding treaty aimed at protecting the human rights of persons with disabilities. The full text of the convention is available at www.un.org/disabilities/convention/conventionfull.shtml.

- Bosnia-Herzegovina, Serbia and Turkey have signed the Optional Protocol to the CRPD, and Bosnia-Herzegovina and Serbia have also ratified it. The Optional Protocol allows persons with disabilities whose rights have been violated to bring complaints to the Committee on the Rights of People with Disabilities.
- Two of the Western Balkan countries have signed the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* (also known as the Ottawa Mine Ban Treaty) – and all four (excluding Kosovo) have either ratified or acceded to this convention. It is an important instrument for reducing the incidence of disabilities, and places an obligation on governments to clear all known areas contaminated by anti-personnel mines within 10 years.
- Two countries, namely Albania and Bosnia-Herzegovina, have signed and ratified the *Convention on Cluster Munitions*, thereby agreeing to destroy all stockpiles of cluster munitions within eight years, clear all areas contaminated with cluster munitions remnants within 10 years, and provide assistance to and fulfil the rights of victims of cluster munitions.
- The four Western Balkan countries that are UN members are also state parties to the *UN Convention on the Rights of the Child* (CRC) and to the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW). Both of these conventions make reference to protecting the rights of persons with disabilities to fair treatment, appropriate care and full participation in society.

Country	CRPD		CRPD Optional Protocol		CRPD initial country report submitted	Ottawa Mine Ban Treaty	
	Signed	Ratified*	Signed	Ratified*		Signed	Ratified*
Albania	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>
Bosnia-Herzegovina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kosovo	As non UN member, cannot sign or ratify UN conventions						
Serbia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Turkey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>

* Ratified or acceded.

Sources: United Nations Treaty Collection; UN Office of the High Commissioner on Human Rights.

At the **regional level**, the following points are important to note with reference to disability rights:

- None of the Western Balkan countries covered by this brief are members of the European Union. Serbia, Turkey and Albania are candidates for membership. As such, these countries are not currently bound by regional instruments such as the *Charter of Fundamental Rights of the European Union*, or the *European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe*. However, as candidate countries, the Western Balkan states are likely to be willing to show that their own policy efforts are in line with these EU instruments. The European Disability Strategy sets targets, for example, for member states to develop inclusive education policies, and to prioritise persons with disabilities in anti-poverty strategies.
- Albania, Turkey, Bosnia-Herzegovina and Serbia are members of the Council of Europe, which promotes cooperation amongst European countries in the areas of legal standards, human rights, democratic development and the rule of law. Unlike the EU, the Council cannot enact legislation. However, it does oversee compliance with the *European Convention on Human Rights* and the *European Social Charter*, the latter of which specifically recognises the right of persons with disabilities to social integration and participation in community life. The Social Charter has been signed and ratified by all four countries.
- The Council of Europe has an *Action Plan to promote the rights and full participation of people with disabilities in Europe, 2006-2015*. The primary goal of the plan is to help member states reinforce anti-discriminatory and human rights measures. It provides a framework for state governments to develop rights-based disability legislation, policy and practices, while allowing for country-specific conditions. According to the Council, the plan should be seen as a regional political instrument and operational implementation tool to help states implement the CRPD.

In terms of **national laws and policies** that impact most directly on the rights of persons with

disabilities, the Western Balkan countries have the following overall commitments in place:

- In **Albania**, Article 59 of the Constitution stipulates that the state must act in favour of persons with disabilities in the fields of rehabilitation, special education, social integration and improving living conditions. In 2006, after considerable dialogue between government and civil society actors, a *National Strategy on People with Disabilities* was adopted. Since then, a new *Law on the Inclusion and Accessibility of Persons with Disabilities* has been enacted, which aims to enable full and effective participation of all persons with disabilities in all social spheres on an equal basis with others (UNDP).
- In **Bosnia-Herzegovina**, a *Policy in the Area of Disability* was adopted in 2008 by the Ministry of Human Rights and Refugees. A *Strategy and Action Plan for the Equalisation of Opportunities for People with Disabilities 2010-2014* was approved in the Federation of Bosnia-Herzegovina (one of the two entities in Bosnia-Herzegovina), as was a *Strategy for Promoting the Social Status of Persons with Disabilities 2010-2015* in the other entity, Republika Srpska. However, little progress has been made in implementing these policies (DAT-SEE). A *Law on Vocational Rehabilitation, Training and Employment of Persons with Disabilities* was adopted in 2009. Yet the country still lacks a coherent legal framework to advance disability rights more broadly and protect against discrimination.
- In **Kosovo**, the *Anti-Discrimination Law* of 2004 specifically protects the rights of persons with disabilities. A *National Action Plan for Persons with Disabilities* was approved in 2009, representing a first attempt to bring disability policy in Kosovo in line with the principles of the CRPD. A commission, including representation from civil society, was established to monitor the implementation of the plan; however, it does not appear to be particularly active (DAT-SEE). A *Law for Blind Persons* was adopted by the Kosovo Assembly, as well as a *Law on Vocational Ability, Rehabilitation and Employment of People with Disabilities*. Like other countries in the region, Kosovo has

instituted a quota system to promote the employment of persons with disabilities. However, a coherent over-arching rights-based disability law is not yet in place.

- In **Serbia**, the *Law for Prevention of Discrimination against Persons with Disabilities*, adopted in 2006, was the first legal document in the country dealing directly with discrimination against a vulnerable group (ANED 2102a). The *Serbian National Strategy for Improving the Position of Persons with Disabilities*, also adopted in 2006, set out to establish a single institutional framework for planning and monitoring of policies relating to disability issues. Since then, three important laws have been adopted, namely the *Law on Professional Rehabilitation and Employment of Persons with Disabilities* of 2009, the *Law on Fundamentals of Educational System* of 2009, which established inclusive education within the legal framework, and the *Law on Social Protection* of 2011, which brought changes regarding services and benefits for persons with disabilities.
- In **Turkey**, a *Law on Persons with Disabilities* was adopted in 2005, dealing with the rights of persons with disabilities as regards education, vocational training, employment, protection against discrimination, reasonable accommodation and so forth (ANED 2012b). The law placed an obligation on municipalities to comply with certain accessibility provisions for persons with disabilities within 7 years, when the law would come into effect. This deadline has since had to be postponed for an additional 3 years. The *Decree on Special Education* of 1997 provides for the inclusion of children with disabilities in mainstream educational facilities in Turkey.

Implementing agencies

The disability policies and actions plans of the Western Balkan countries are implemented by means of different institutional arrangements. There is a need across the region to de-institutionalise the provision of services to persons with disabilities and to replace the commissions who were responsible for assessing disability status and severity with more inclusive, cross-sectorial structures.

- In **Albania**, primary responsibility for the implementation of disability laws and policies rests with the Ministry of Labour, Social Affairs and Equal Opportunities. The Social Insurance Institute and the Ministry of Education and Science also play important roles. Recent reform efforts have focused on building the capacity of state institutions, DPOs and service delivery organisations to implement disability policies, raising awareness about the CRPD amongst government employees and the broader public, as well as establishing best practice in accessible refurbishment of public buildings (UNDP). However, concern has been expressed that the implementation of the *National Strategy on People with Disabilities* is hamstrung by insufficient budget allocations at the national and local levels. As a result, rehabilitation and other services to persons with disabilities remain lacking (DAT-SEE).
- In **Bosnia-Herzegovina**, the Ministry of Health & Social Welfare and the Federal Ministry of Social Affairs are responsible for the implementation of disability policies and programs. The complexity of governance in Bosnia-Herzegovina and the separate jurisdictions bring additional challenges to improving the situation for persons with disabilities. The division of responsibilities between state, entity, canton and municipality makes it difficult to ensure a coherent approach. Persons with disabilities often receive very different benefits, and have different rights, depending on where they are living. According to a 2012 report of the state-level Ombudsman, regulations relating to disability are inconsistently applied and the criteria for granting work or living allowances and payments to persons with disabilities have not been harmonised, coordination and cooperation between levels and areas of government is poor and there is a lack of systematic record-keeping as regards disability beneficiaries and services (DAT-SEE).
- In **Kosovo**, overall responsibility to steer the implementation of the *National Disability Plan* is vested in the Office of the Prime Minister / Office for Good Governance, Human Rights and Equal Opportunities (OGG). The plan

also identifies objectives and activities for several governmental and non-governmental actors, including (amongst others) the Ministry of Health, Ministry of Education, Science and Technology, the Municipal Education Department, the Ministry of Environment and Spatial Planning, the Ministry of Labour and Social Welfare, Regional and Municipal Employment offices, the Ministry of Culture, Youth and Sport, the Statistical Office of Kosovo, the University of Prishtina, DPOs and NGOs. The OGG serves as the focal point and is expected to report back to the government of Kosovo every six months on implementation progress (Republic of Kosovo 2009).

- In **Serbia**, the Council for Persons with Disabilities is an expert body which advises the government on the social and economic status of persons with disabilities and coordinates the contributions of the various ministries and other actors in decision-making on policy and legislation. It also works on the implementation of laws and other regulations to advance the rights of persons with disabilities (ANED 2012a). The main government ministries with disability-related responsibilities include the Ministry of Labour, Employment and Social Policy (it has a department for Persons with Disability Support), the Ministry of Health and the Ministry of Education (USAID 2009). The Centre for Vocational Rehabilitation and Employment of Persons with Disabilities (under the National Employment Service) is responsible for affirmative measures related to employment of persons with disabilities (ANED 2012a).
- In **Turkey**, the main responsibility for disability policy implementation rests with the Directorate General for Disabled and Elderly Affairs, under the Ministry of Family and Social Policies, which was established in 2011. The Turkish Employment Organisation, under the Ministry of Labour and Social Security, has the duty to implement the quota regime with regard to employment of persons with disabilities in public and private organisations. The Social Security Institute, under the Ministry of Labour and Social

Security, has two important functions with regard to persons with disabilities. The institute covers the costs of health services, as well as mobility devices, prostheses and some other disability-related devices. Secondly, the institute is responsible for the administration of state pensions. The Ministry of Health co-ordinates the health boards which have the power to designate someone as “a disabled person”; these health board reports are provided mainly by public hospitals (ANED 2012b).

Accountability measures

The attainment of the rights of persons with disabilities remains a concern in the Western Balkan region. At international level, country governments are required to submit an initial report to the Committee on the CRPD two years after ratifying the convention, and every four years subsequently. Thus far, only Bosnia-Herzegovina and Serbia have submitted their initial reports to the Committee on the CRPD and the committee has no enforcement powers in relation to countries that fail to submit their reports. Although the government of Kosovo has stated its commitment to the principles of the CRPD, as a non-member it has no formal accountability to the Committee's monitoring mechanism. To track the continued work of the Committee and access its observations on the implementation of the CRPD in the other Western Balkan countries, visit http://www.ohchr.org/en/hrbodies/crpd/pages/crpd_index.aspx.

At the regional level, monitoring and oversight of the Council of Europe's *Disability Action Plan* falls under the mandate of the European Coordination Forum (CAHPAH), assisted by a Bureau. The Forum is a multidisciplinary committee of disability experts from all 47 member states, the observer states, various Council of Europe bodies and committees, and several international organisations, both governmental and non-governmental. While the plan encourages member states to develop disability frameworks in line with the CRPD, it leaves a great deal of scope for countries to customise their approaches and to progressively realise the rights contained in the convention. The plan is also closely linked to the European Convention on Human Rights, which

has a robust monitoring mechanism through the powers of the European Court of Human Rights (Flynn 2011).

At the national level, four of the Western Balkan countries – namely Albania, Bosnia-Herzegovina, Serbia and Kosovo - have national human rights institutions, which should be expected to advance and promote the rights of persons with disabilities in their respective countries. In Serbia, the Deputy Ombudsman oversees the Council for Persons with Disabilities and the Elderly (ANED 2012a). What about Human Rights Action Plans in the WB countries?

Main civil society actors

The main DPOs that can be identified in the Western Balkan countries include:

- The **European Disability Forum** is an independent regional organisation representing the interests of 80 million Europeans with disabilities. The EDF is the only cross-European platform run by persons with disabilities and their families. Only EU countries have full membership on the EDF; however, DPOs from Albania, Serbia and Turkey have observer status.
- The **National Organisation of Persons with Disabilities of Serbia** (NOOIS-NOPDS) is an umbrella organisation of 11 national organisations of persons with different types of disabilities.
- The **Confederation of Persons with Disabilities** is an umbrella organisation in Turkey composed of the Federation of Visually-impaired, the Turkish National Federation of the Deaf, the Federation of Persons with Orthopaedic Disabilities, the Federation of Children and Adults with Cerebral Palsy and the Federation of Persons with Intellectual Disabilities.
- **RUSHIAK** is Turkey's first grassroots organisation by people with mental disabilities and their relatives. It challenges inhumane treatment by defining people with mental disabilities as full human beings and equal citizens in every way. RUSHIAK runs advocacy campaigns, organises free vocational and empowerment training for its stakeholders, and creates monitoring groups

to inspect institutions to ensure they are compliant with legal and health regulations.

Several international organisations make important contributions to the disability movement in the Western Balkan region, including MyRight, Save the Children, Handicap International, Disability Rights International, Inclusion International, World Vision, USAID, UNICEF and WHO. Other organisations playing a key role in awareness-raising, advocacy and service provision include (but are not limited to):

- The **Albanian Disability Rights Foundation** is a human rights organisation with a special focus on disability issues. It provides free legal aid and promotes awareness of human rights of persons with disabilities, their family members and relevant stakeholders. It also monitors and brings to public attention human rights violations against people with disabilities, while also lobbying decision-makers at all political levels to advance disability rights.
- The **SUMERO Alliance** is the largest organisation in Bosnia-Herzegovina working to advance the rights of persons with intellectual disabilities. It lobbies for the full recognition of their rights and the establishment of appropriate care facilities and independent living opportunities, and also provides training and support to persons with intellectual disabilities and their families.
- The **Disability Monitor Initiative** (DMI) for South East Europe is an advocacy initiative that gathers and disseminates information on disability to support the move towards full participation and equal opportunities for persons with disabilities. The DMI is primarily based on field research consultations with people with disabilities, service providers, members of civil society, government officials and local authorities. The objectives are to build up knowledge on the situation of people with disabilities, examine best practices and inform policy reforms at national and international levels.
- **Civil Rights Defenders** is an independent organisation founded in Sweden in 1982 which defends human rights and supports and empowers human rights defenders at risk in

different countries around the world. Civil Rights Defenders supports disability rights advocates in Bosnia-Herzegovina, Serbia, Albania and Kosovo.

What Sweden can do: 9 questions to discuss

- Could Sweden do more to include disability rights as an explicit part of its support to regional accountability mechanisms, efforts to establish independent human rights institutions and watchdog organisations? In support to human rights reporting processes? Monitoring tools can be downloaded [here](#).
 - Could Sweden do more to ensure that support for reform efforts in Western Balkan countries (needed to achieve candidate status and eventual EU membership) include reforms in the area of disability legislation and policy development in line with the CRPD and the European Social Charter, as well as the deinstitutionalisation of persons (and especially children) with disabilities?
 - Could Sweden do more to include DPOs in programmes that seek to strengthen civil society organisations and networks to influence policies and monitor the implementation of legal and policy commitments?
 - Could Sweden do more to support efforts to strengthen the capacity of government authorities in the Western Balkan region to translate their commitments towards the rights of persons with disabilities into effective programmes? Inclusion Made Easy - a quick programme guide to disability in development [here](#).
 - Could Sweden do more to ensure that women with disabilities are included in programmes aiming to advance women's rights and gender equality? In programmes aiming to combat gender based violence?
 - Could Sweden do more to promote inclusion of persons with disabilities in programmes that seek to strengthen freedom of expression, access to information, human rights monitoring and elections monitoring?
 - Could Sweden do more to bring a disability perspective into joint donor planning meetings with bilateral and multilateral agencies, taking into consideration that article 32 of the CRPD requires donors to do so and that other Nordic donors also have an interest in this? What support and additional information would the embassy need to take such initiative?
 - Could Sweden do more to include and enable persons with disabilities and their organisations to participate in human rights networks and social and cultural events?
 - Could Sweden do more to keep updated on the situation and rights of persons with disabilities in the Western Balkan region and of the Swedish position on these rights? E.g. [European disability Forum](#), International [Disability in Development Consortium](#) (IDDC).
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The human rights of persons with disabilities are a Swedish government priority. As a service to staff, briefs have been prepared to provide basic information about the situation of this (often forgotten) group and inspire discussions on what Sweden could do to better include disability rights in diplomacy and programming.