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Original version

**Mr Mirsad ZAIMOVIĆ**

Chairman of the House of Representatives of the  
Parliament of the Federation of Bosnia and Herzegovina

Strasbourg, 28 November 2019

Dear Chairman,

I have been informed that the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina will hold a thematic session on the situation in several public institutions for social care, including the “Institution for the Care of Children and Youth with Mental Disabilities Pazarić” on 4 December 2019. I believe that this session provides the opportunity for a much-needed reflection of a more general nature on the human rights of children with disabilities in the Federation of Bosnia and Herzegovina, with a focus on deinstitutionalisation. It is in this context that I would like to share with you my views on this issue.

Bosnia and Herzegovina is under the obligation to ensure the protection of and respect for the human rights of persons with disabilities, including children. In particular, as a party to the UN Convention on the Rights of Persons with Disabilities (CRPD), it must ensure that children with disabilities enjoy equal rights with respect to family life, and to this end, it must provide **services and support to children with disabilities and their families**. Where the immediate family is unable to care for a child with disabilities, all efforts must be undertaken to provide alternative care within the wider family, and failing that, within the community **in a family setting**.

Despite these legal obligations, institutionalisation of children in Bosnia and Herzegovina continues. No comprehensive strategy on deinstitutionalisation has been developed, despite the calls on the authorities in this regard by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the UN Committee on the Rights of Persons with Disabilities. Persons with disabilities in Bosnia and Herzegovina, including children, remain one of the most vulnerable groups of the society and are victims of discrimination in many aspects of everyday life.

I am concerned that children with disabilities continue to be placed in institutions for social care throughout Bosnia and Herzegovina due to the lack of adequate support to the families that would allow them to bring these children up at home, as well as of the necessary conditions to implement a better reconciliation of family and working life. Placement of children with disabilities in an institution is often the beginning of a lifetime in institutions, because it prevents children from acquiring the life skills needed to live in the community. It must therefore be an integral part of a general deinstitutionalisation strategy concerning people with disabilities. It is regrettable that resources continue to be invested in renovating or extending the existing institutions, instead of providing support to families, as noted in the 2017 report on Bosnia and Herzegovina by the UN Committee on the Rights of Persons with Disabilities. Institutionalised children with disabilities are isolated from society and are at risk of violence and abuse. These risks and the devastating impact that institutionalisation has on the lives and the well-being of children with disabilities are exemplified by the revelations of physical and psychological abuse of children in the “Pazarić” institution.

Against this background, I encourage the House of Representatives of the Federation of Bosnia and Herzegovina to use the thematic session on 4 December 2019 to address the issue of deinstitutionalisation of children with disabilities as a whole and come up with concrete proposals with a view to moving forward on this issue. The appended copies of the Commissioner's Issue Paper on the Right of People with Disabilities to Live Independently and be included in the Community and the Council of Europe Committee of Ministers' Recommendation CM/Rec(2010)2 to member states on deinstitutionalisation and community living of children with disabilities, may provide the House of Representatives with some useful guidance in this regard.

Last but not least, I have noted with concern hostility and public calls for criminal prosecution of the MP who published the information and video material about the treatment of children in "Pazarić" and of the whistleblower(s) who shared those materials with this MP, expressed by some politicians. In this context, I would like to draw your attention to the Council of Europe Committee of Ministers' Recommendation CM/Rec(2014)7 (appended to this letter) recognising that individuals who report or disclose information on threats or harm to the public interest ("whistleblowers") can contribute to strengthening transparency and democratic accountability. Whistleblowing is a fundamental aspect of freedom of expression and freedom of conscience and is important in the fight against corruption and tackling gross mismanagement in the public and private sectors. I encourage the House of Representatives to send a strong message that retaliation or victimisation of whistleblowers will not be tolerated.

I would be grateful if you could ensure that all members of the House of Representatives of the Parliament receive a copy of this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dunja Mijatović', with a large, stylized initial 'D'.

Dunja Mijatović