
The Permanent Mission of Bosnia and Herzegovina to the United Nations in Geneva avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, March 26th, 2013

OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS

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Broj: 07/4-2-05-4-1168-1/13
Sarajevo, 19.03.2013. god.

VRLO HITNO!

Stalna misija BiH pri UN
Ženeva

Predmet: OHCHR – Rezolucija Vijeće za ljudska prava 21/23 „Ljudska prava starijih osoba“, odgovor, dostavlja se
Veza: Vaš akt broj 202-05-36/13 od 10.01.2013. godine

U prilogu dostavljamo relevantne informacije Ministarstva za ljudska prava i izbjeglice BiH koje se odnose na rezoluciju Vijeća za ljudska prava 21/23 pod nazivom „Ljudska prava starijih osoba“, a koje ste tražili vašim aktom iz veze.

Informacije dostavljamo na bosanskom i engleskom jeziku.

Prilog: kao u tekstu (23 strane)
Number: 07-2-37-144-3/13
Sarajevo, 13 February 2013

BOSNIA AND HERZEGOVINA
MINISTRY OF FOREIGN AFFAIRS
Attn. Mr. Mitar Kujundžić, Assistant Minister
Fax: 033/227-156

SUBJECT: OHCHR – Resolution of the Human Rights Council 21/23, "Human rights of older people", a reply to questions / information is being submitted

Ref: Your letter 07/4-2-05-4-1168/13 dated 14 January 2013

Dear,

With your letter under the number and date above, a note of the OHCHR referring to Resolution of the Human Rights Council 21/23, "Human rights of older people", was transmitted to the Ministry of Human Rights and Refugees.

Paragraph 9 of the Resolution requires the Office of the United Nations High Commissioner for Human Rights to organize, in Geneva, an intersessional public consultation on the promotion and protection of the human rights of older persons, with the participation of States Members of the United Nations, relevant international organizations, United Nations agencies and stakeholders, in order to receive information and share good practices on the matter.

In this connection it is necessary that Member States provide all relevant information on the promotion and protection of the human rights of older persons.

Accordingly, we are providing the following answers.

1. Please provide information on the main challenges related to promotion and protection of the human rights of older persons that your country is facing.
   The protection of human rights in Bosnia and Herzegovina is one of the biggest challenges Bosnia and Herzegovina (BiH) is facing. Human rights in urban communities, particularly economic and social rights, are enjoyed to a higher degree than in rural communities. The poverty rate in rural areas is much higher than in urban communities due to the poor availability of high-quality pre-conditions for the exercise of human rights. Some forms of discrimination against marginalized groups, including the elderly, especially women, can be seen in rural communities.

2. Please indicate whether your country’s constitution or legislation explicitly forbids discrimination on the basis of old age. Please include information on the existence of specific bodies which protect against age discrimination or are mandated to protect and promote the rights of older persons.
   Older people are an integral part of the population of Bosnia and Herzegovina and all provisions of the Constitution and the laws that deal with human rights of citizens of BiH apply to the elderly as well. BiH has committed to ensure the highest level of protection of internationally recognized human rights and fundamental freedoms. Article II of the Constitution of Bosnia and Herzegovina establishes that the rights and freedoms provided by the European Convention on Human Rights and Fundamental Freedoms and its Protocols are...
directly applied in the legal system of Bosnia and Herzegovina and gives them priority over other valid legislation. Starting from the Constitution of BiH, supremacy of human rights is also provided for in the constitutions of the Entities and the Breko District of Bosnia and Herzegovina and the constitutions of 10 cantons in the Federation of Bosnia and Herzegovina (hereinafter: FBiH).

Improvement of the legislative framework in the field of protection of individual rights and freedoms in Bosnia and Herzegovina has been particularly evident in recent years in terms of improving the human rights of vulnerable groups of the population, including the elderly, which have seen, in the most recent past, adopted and updated legal and regulatory provisions in many sectors, regardless of difficulties in the process of harmonization of BiH legislation with international legal standards. It should be emphasized that BiH adopted a uniform methodology of enactment of laws which implies that in the preparation of new laws of BiH, the level of their compliance with international legal sources of which BiH is a member is obligatory ascertained. Compared to earlier laws of BiH, the human rights legal framework for certain vulnerable groups, including the elderly in BiH, has been significantly enhanced, especially in some segments of protection, which ensures that the legal mechanism of the protection of human rights and freedoms is improved on an ongoing basis.

For the protection of rights of national minorities, BiH adopted the **Law on the Protection of Rights of National Minorities of BiH** and the **Laws on the Protection of Rights of Minorities of Entities** that are aligned with the Framework Convention for the Protection of National Minorities, which is directly applicable and an integral part of the legal system of Bosnia and Herzegovina and Entities, and with the International Convention on the Elimination of all Forms of Racial Discrimination. A large number of older people still have the status of displaced persons and refugees. In order to ensure their sustainable return, in addition to the **Law on Refugees from BiH and Displaced Persons in BiH**, Entity laws have been enacted and fully harmonized with relevant international documents.

Freedom of religion is very important for the elderly. In order to exercise the right to freedom of thought, conscience and religion, Bosnia and Herzegovina passed the **Law on Freedom of Religion and Legal Position of Churches and Religious Communities** in Bosnia and Herzegovina which guarantees every person the right to freedom of conscience and religion in conformity to the Constitution, guarantees an equal status of churches and religious communities and prohibits any discrimination that is based on religion or belief, including the prohibition of discrimination of older persons in BiH.

**The Laws Against Domestic Violence** of Entities contribute to the comprehensive protection of vulnerable groups in BiH. This Law regulates *inter alia* the protection from domestic violence, the concept of domestic violence, including violence against elderly family members.

The right to freedom of opinion and expression is guaranteed to all persons in Bosnia and Herzegovina, in addition to the Constitution, by the **Law on Free Access to Information in Bosnia and Herzegovina** and the **Law on Protection Against Defamation**.

**The Law on Gender Equality of BiH** provides equal access to rights by women and men in accordance with international standards, while the laws against domestic violence of Entities contribute to the comprehensive protection of vulnerable groups - women, children and old people from domestic violence.

All the laws above prohibits discrimination on any grounds, including on the grounds of age. **The Law on Prohibition of Discrimination in BiH**, which entered into force in mid-2009, set up a single legal mechanism for the prevention of discrimination which includes comprehensive anti-discrimination standards and makes a general framework for the achievement of equal rights and opportunities for all persons in BiH regarding the protection of human rights. This law places the Ombudsman for Human Rights in the centre of the protection from discrimination, while the Ministry for Human Rights and Refugees is responsible for keeping records of all reported cases of discrimination, for the establishment of a database and for reporting on discrimination and accordingly for proposing specific legislative or other measures, as well as monitoring the implementation of this law.

**The Convention on Human Rights, Biomedicine and Dignity of Human Being** was ratified in 2007, opening the process of harmonization of the laws respecting health care.

BiH is committed to fulfill its international obligations in the field of human rights through ongoing efforts to improve the BiH legislation and to implement treaties in Bosnia and Herzegovina. Standards of UN conventions
ratified by BiH, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms, which guarantees the protection and enjoyment of human rights and fundamental freedoms are incorporated in the Constitution of Bosnia and Herzegovina and have priority over all other laws. In some areas these initiatives have been implemented in the legislative or executive branch, such as by designing concrete action plans and strategic documents. BiH has also made the Study on the Compatibility of Bosnia and Herzegovina’s Law and Practice with the requirements of the European Convention on Human Rights. The process of harmonization of BH legislation with acquis communautaire progresses along with the process of BiH accession to EU.

In the most recent past, the reports, both initial and periodic ones, submitted to UN human rights committees that assess the human rights situation show that the improvement is related to better protection of rights of marginalized groups of the population of Bosnia and Herzegovina: refugees and displaced persons, persons with disabilities, children, the elderly, women, victims of violence and trafficking, aliens under subsidiary protection, asylum seekers, members of ethnic minorities, especially the Roma, the right to information, freedom of religion. The fact is that there are some challenges the competent authorities of Bosnia and Herzegovina facing, which are primarily related to: the provision of financial resources for reforms in certain areas of human rights, improving of public administration capacities, more efficient administration of justice and better coordination of law enforcement agencies, quicker implementation of activities related to the reform of the social welfare sector (poverty reduction), the establishment of a sustainable system to help the unemployed and accelerated employment, educational reforms, better protection of the environment and natural resources.

It should be emphasized that, despite the obvious positive changes that are happening slowly, respect for human rights of the elderly has not received the kind of treatment it deserves either in legislation or in the process of monitoring and reporting on the situation relating to respect for these rights in practice.

3. Please provide information on specific legislation, national policies, strategies and plans of action adopted by your country to ensure the equal enjoyment of rights by older persons, particularly in the areas of prevention and protection against violence and abuse, social protection, food and housing, employment, legal capacity, access to justice, health support, long-term and palliative care.

BiH is a party to many international instruments that guarantee protection of human rights and fundamental freedoms and among them the key instruments are: the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the European Convention on Human Rights and Fundamental Freedoms, the European Social Charter, the UN Convention on the Rights of Persons with Disabilities, the Framework Convention for the Protection of National Minorities, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women.

All these areas require further harmonization of the legal framework, in particular in accordance with the revised European Social Charter (hereinafter: the Charter), which was ratified on 7 October 2008 and came into force on 1 December 2008.

The Charter obliges BiH authorities to harmonize the national legislation and practices with the standards set forth in this instrument. With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake to adopt or encourage, either directly or in cooperation with public and private organizations, appropriate measures designed in particular with a view to:

- enabling elderly persons to remain full members of society for as long as possible, through:
  a) adequate resources enabling them to have a decent life and play an active part in public, social and cultural life;
  b) the provision of information about services and facilities available to older people and possibilities to use them;
- enabling elderly people to freely choose their lifestyle and to have independent lives in their familiar surroundings for as long as they wish and are able to, through:
  a) the provision of housing suited to their needs and their state of health or of adequate support by adapting their housing;
  b) health care services and other services they need given their state;

Guaranteeing elderly persons living in institutions appropriate support, while respecting their privacy and participation in decision-making on matters concerning living conditions in the institutions.

BiH, as a UN member state, is obliged to adopt a Strategy and Action Plan for the elderly to be prepared in accordance with the 2002 Mediterranean International Plan of Action on Aging.
At the state level, BiH adopted the **Gender Action Plan (GAP)**, which contains Chapter XI on domestic violence, sexual violence, harassment, sexual harassment and trafficking and also includes eradication of violence against women and men in the public and private spheres. **The 2009-2011 National Strategy for Prevention and Fight Against Domestic Violence of BiH** was adopted.

The Federation Government adopted the **2009-2010 Strategic Plan for the Prevention of Domestic Violence of FBiH. The Strategy to Combat Domestic Violence by 2013 of the Republika Srpska**. The Agency, together with Entity gender centres is implementing the joint UNDP- and UNFPA-funded "**Preventing and Combating Gender-Based Violence**". The aim of the project is to improve the institutional capacities and capacities of non-governmental organizations to combat gender-based violence through the provision of technical support and an advocacy campaign among decision-makers, politicians, judiciary and NGOs.

The right to social protection and social security benefits in BiH is governed by Entity laws. In FBiH it is the Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children ("Official Gazette of FBiH" 36/99, 54/04, 39/06, 14/09) and in the Republika Srpska (hereinafter: RS) it is the Law on Social Protection ("Official Gazette of RS" 37/12). There are no laws governing solely the rights of the elderly in BiH at any level of governance.

Coordination between levels of government, either horizontally or vertically, is not efficient and financial capabilities of Entities and Cantons are not uniform. In the absence of a comprehensive legal framework, as stated in the report of non-governmental organizations, the laws on social protection, health and education have been inconsistent, which makes problems insolvable and the exercise of rights by beneficiaries difficult. This situation results in inequality while exercising the right to social security, so citizens across the country have different treatment, depending on whether they reside in the RS, FBiH/particular canton. The municipal level entails further aggravation of the issue depending on whether the elderly persons live in rural or urban areas/ economically strong or weak communities. This problem is particularly serious when it comes to social security benefits. The RS Law determines that the amount of allowances are uniform across the RS. The base for determining the amount of allowances in the current year is the average net wage in the RS in the previous year; for one member - 15% of the base, for two members - 20%, for three members - 24%, for four members - 27% and for five or more members -30% (Art. 23 and 24). After the passage of the new Law, the allowances are paid regularly and 50% of funds are paid from the municipal budget and 50% of the funds are provided from the budget of the RS, where the matter of amount / percentage of allowances is defined in Article 22 of the RS Law on Social Protection, while in FBiH the matter of amount of allowances is left to be defined in decisions of the cantons (Article 27 of the Law on Social Protection, Protection of Civilian Victims of War and Protection of Families with Children), which clearly leaves room for making a difference in the amount of allowance to be provided to persons living in different cantons.

Development process defining in Bosnia and Herzegovina, which was to include the above-mentioned rights of and obligations towards the elderly, began in February 2004 when the Council of Ministers together with the Entity governments adopted the **2004-2007 Medium-Term Development Strategy** that was approved by the BiH Parliamentary Assembly in March 2004.

The BiH Council of Ministers and Entity governments also adopted the **Public Investment Programme (PIP)**, which, in line with the Med-Term Development Strategy, identifies specific projects crucial for its implementation. In order to implement the Mid-Term Development Strategy and Public Investment Programme, it was necessary to determine realistic sources of financing, which was done through the preparation and adoption of the so-called Medium-Term Expenditure Frameworks. This completed the process of formulating development documents and their implementation at the state level through constant updating of the three important documents: the Medium-Term Development Strategy, the Public Investment Program (PIP) and the Medium-Term Budget Framework (MTEF).

Along with strengthening these processes, activities to build institutional capacities through the establishment and capacity building of new institutions that will support the process of updating and implementation of these documents were carried out.

The **2004-2007 Medium-Term Development Strategy** had a sectoral action plan (for 24 sectors) with over 800 defined measures and activities. Although the Action Plan was more a wish list in some parts than a feasible plan of action within the given timeframes, it added special value to the Strategy, because, for the first time, members of 24 sectoral working groups agreed on a common framework for the development of Bosnia and Herzegovina. The
members of the working groups were representatives (usually deputy ministers) of all ministries at the state and entity levels as well as representatives of state agencies (usually directors or their deputies) who, coming from different entities, often had a different attitude or approach to problems at the beginning.

Measures envisaged for the social, health and pension systems were related to the elderly, but they were not specifically stated.

Scientific findings now confirm that we cannot determine the actual boundaries between biological aging and calendar aging. The United Nations classification takes the age of 65 years and more as the age when people are considered old people and according to the World Health Organization, the age categories are “young old” (65-74 years), “middle-old” (75-84 years) and “old old” (85 and more).

Pursuant to the Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children, an old person without family to take care of him/her, is a man aged 65 years and older or a woman aged 60 years and older,

The effects of aging are significant and reach deep within all areas of community. Questions related to aging of the population must be introduced in all areas of politics so that the society and the economy can be brought in line with demographic changes. Laws, policies and programmes are important tools to develop a holistic approach to introducing aging issues, including the need to create a non-discrimination general framework, which means that needs of the elderly should not be viewed in isolation from other social groups. New laws, policies and programmes to achieve this should be consistent with international standards.

The Constitution of BiH vests social welfare and child protection with the Entities and the Brčko District (hereinafter: BD), while the Constitution of FBiH vests social policy with the Federation Government and cantonal authorities. In this sense, the Federation Government sets policy and enacts laws, while cantonal authorities are specifically responsible for enforcing the policy, the establishment and funding of social welfare services, which means that the Federation and cantonal authorities have a common interest in the protection of the elderly.

Social protection in BiH is governed by 20 laws at the Entity and cantonal levels, the laws at the entity level governing this matter in different ways. The system in the Federation is particularly complicated and dysfunctional with a lot of overlaps and frequent avoidance of responsibilities between the 10 cantons and FBiH.

The FBiH social security system includes over 30 ministries and institutions. The activity of social protection, protection of civilian victims of war and protection of families with children is carried out by 40 institutions for social care of beneficiaries (governmental sector, NGO and privately-owned institutions), 10 cantonal ministries responsible for social welfare and protection of children and families operating through 79 local services (57 social welfare centres and 22 services in charge of social welfare and protection of families and children) and two cantonal centres for social work.

The laws governing the protection of older persons in FBiH are: the Law on Health Care, the Law on Health Insurance, the Law on Pension and Disability Insurance, the Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children, while the cantonal legislation governs in details social welfare entitlements, procedure, scope, amount and method of the exercise of these entitlements, supervision, funding of social welfare scheme and other matters of importance for the exercise of these entitlements in the Cantons.

Each Canton has its own ministry, which is responsible for social welfare, health care, protection of people disabled in wartime and their families, displaced persons, refugees, labour and employment. The Cantons draft and pass their own laws in the area of social welfare, which are not always in line with the Federation Law on Social Protection. At the same time, law enforcement is postponed without explanation beyond the time limits set forth in the law and without any sanctioning.

By-laws required for law enforcement are not enacted, laws remain a dead letter and a large number of beneficiaries are deprived of their rights.

The world population has increased to seven billion, while the birth rate in BiH and thereby in FBiH is lower and lower. Recent demographic developments in the world and in our country show a gradual increase in the population and a rapid growth in the number of elderly in the total population.
A census has not taken place in BiH for two decades and there are estimates that in BiH every year about 32.5 thousand people die, of which almost 20 thousand in the Federation. As of 30 June 2012, the total population in the Federation was estimated at 2,338,277, of which the elderly aged 65 and over are estimated at 331,505 (consisting of 141,752 men and 189,753 women). Therefore, FBiH can be perceived as a country with a large population of older people.

Source: Federation Statistics Institute (31 August 2012 Press release)

BiH population is rapidly aging, due to falling birth rate, longer life expectancy and the emigration of young people. More than 80% of the elderly are pensioners, some 10% of them receiving benefits as disabled veterans and about 5% being on social security.

The Federation has about 376,180 pensioners whose pensions are mostly below or at the poverty threshold. Of this number, 175,104 pensioners receive old age pensions, 82,367 pensioners receive disability pensions and 118,709 pensioners receive survivor’s pensions.

The average old-age pension is BAM 397.92, the average disability pension is BAM 313.32 and the average survivor’s pension is BAM 313.06, so the average pension is BAM 351.69. The minimum pension received from contributions is BAM 310.73 and almost half of pensioners receive it.

Source: Federation Pension and Disability Fund of Mostar

### BENEFICIARIES AGED 65 YEARS AND MORE WITHOUT SUFFICIENT MEANS IN 2010 IN FBiH BY SEX AND GROUPS

<table>
<thead>
<tr>
<th>BENEFICIARIES WITHOUT SUFFICIENT MEANS IN THE TOTAL OF PERSONS AGED 65 YEARS AND MORE IN 2010 IN FBiH</th>
<th>SEX</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
</tr>
<tr>
<td>Elderly persons without means and unable to work</td>
<td>1,425</td>
<td>1,581</td>
</tr>
<tr>
<td>Elderly persons without family to take care of them</td>
<td>2,706</td>
<td>3,856</td>
</tr>
<tr>
<td>Elderly persons in need due to the special circumstances</td>
<td>2,716</td>
<td>2,664</td>
</tr>
<tr>
<td>Other elderly persons in need</td>
<td>3,025</td>
<td>2,042</td>
</tr>
<tr>
<td>Beneficiaries of humanitarian aid</td>
<td>360</td>
<td>903</td>
</tr>
<tr>
<td>TOTAL</td>
<td>10,213</td>
<td>11,446</td>
</tr>
</tbody>
</table>

In 2010, the Federation recorded a total of 94,576 beneficiaries without sufficient means, out of which 21,679 or 19% people were aged 65 years and more.


The Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children ("Official Gazette of FBiH" 36/99, 54/04, 39/06, 14/09) provides that establishment and activities of social care are governed by the cantonal legislation, while the establishment and activities of institutions that are of significance for the Federation are governed by the Federation legislation. The establishment of nursing homes, their operation, funding, monitoring and other issues are governed by the valid legislation on social security and fall under jurisdiction of the cantonal ministries of social welfare.

Pursuant to the Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children, activities of social protection can be carried out by, apart from social care institutions, humanitarian organizations, citizens’ associations, religious communities and associations founded by them, individual citizens and alien natural or legal persons.

Among many charitable organizations that provide assistance and protection to all vulnerable people, particularly the elderly, without any discrimination, there are: the Red Cross of the Federation, Caritas, Merhamet etc. (providing home care and home help, soup kitchen, relief packages, drugs etc.).

In the territory of the Federation of BiH, care for the elderly is provided by 22 social care institutions in governmental, non-governmental and private sector and institutions for elderly persons with disabilities.
Care for elderly patients with the severest, severe, moderate, mild and the mildest mental retardation who need assistance in social care institutions is provided by “Drin” Institute for Care of Mentally Disabled Persons and “Baković” Institute for Care of Mentally Disabled Persons.

There is a great need for care of the elderly and infirm people who are living alone and the elderly whose problems cannot be resolved within the family. So, demand exceeds the existing social welfare institutions capacities in the Federation, causing long wait times for placement in the institutions.

Given a large number of elderly and disabled people who are waiting to be placed in existing institutions, it is necessary to provide accommodation for this vulnerable population group by refurbishing of existing facilities and construction of new facilities.

The existing institutions for the elderly, sick and disabled people are mainly located in urban areas, while rural and underdeveloped areas in this regard are marginalized. To overcome the problem of an unequal distribution of these institutions throughout the Federation, more liberal conditions for the opening of smaller homes for care of older people in as many municipalities as possible should be set, so that the beneficiaries can keep in touch with their relatives, if any, more frequently.

The cantonal legislation should ensure better services to protect the elderly in programmes for the protection of the elderly, improve coordination among the institutions in charge of the care of the elderly, create better conditions for the care of older people in the community through day care centres and other alternative forms of care. Taking care of old population must be addressed through programs of home care, assistance in the house, purchase of medicines, paying bills, maintaining hygiene and the like, as many elderly people cannot afford accommodation in nursing homes.

According to the World Health Organization, the world's 2% to 10% of elderly people are exposed to abuse within the family, and the situation in Bosnia and Herzegovina is considered to be similar and the threat of violence or abuse increases when a person is sick, bedridden or without means, which makes her/him dependent on other family members.

According to researches, the most common forms of violence against the elderly are psychological or verbal abuse, which is manifested in a threat to beat them, a threat to abandon them and leave behind, deliberate intimidation, lying, mockery and name calling. They are followed by financial abuse involving theft of older person's property or pension, selling their house or property without their consent, abuse of powers of attorney and changing of their will under pressure.

Abusers often turn to physical abuse. The Federation assumes that the number is much higher, because the elderly often keep silent about the abuse because the perpetrators of violence are close family members, such as children, grandchildren and sons-in-law.

The issue of destitute citizens in the Federation using a soup kitchen is under jurisdiction of the cantons. The cantonal legislation governs in details social welfare entitlements, the procedure, the scope, the amount and the method for the exercise of these entitlements, supervision, funding of social welfare scheme and other matters of importance for the exercise of these entitlements in the Cantons. According to the latest information available to the Ministry that have been obtained from the competent cantonal ministries in the Federation, in 2010 there were 24 soup kitchens that had over 13,432 beneficiaries. The operation of soup kitchens is usually funded from the budget of the cantons, municipalities where they work, religious communities' funds, citizens' donations and charities.

The Law on Social Welfare of RS, defines social welfare in RS as an activity of general interest to RS, which provides assistance to people when they are in need and takes necessary measures to prevent and eliminate effects of such a situation. The numbers of beneficiaries under this law are as follows: people older than 65 years - 53 876 (25 859-M, F-27 724); people who do not have sufficient income to support themselves - 20 579 (10 294 – M and F-10 287), people without family care 3581 (M-1557 and F -2024); beneficiaries of humanitarian aid -o 797 (M-324 and F-473);

According to the Red Cross of RS, in the RS there are 4 soup kitchens in local communities with about 700 beneficiaries. The Family Law of RS governs family legal relations, relations between spouses, parents and
children, adoptive parents and adopted children, guardians and wards. This Law only partially positions a family as a cell of society. **The Law on Protection of Domestic Violence Victims particularly** governs treatment of victims of domestic violence, procedures of shelter provision to victims of violence, treatment of abuser, psychosocial treatment of victims of violence etc. **The Law on Administration and Local Self-Government** determines that a municipality, through its agencies, takes care of citizens’ meeting their needs of life under social security. The role of municipalities in the management of social policy is limited and primarily implemented by the Centres for Social Work or relevant departments of the municipal government. (The Centres for Social Work are established by the municipal administration).

The matter of **pension policy** is governed in RS by: the Law on Pension and Disability Insurance of RS, the RS Law on Contributions, the Law on the Central Records of Insurees and Beneficiaries of Pension and Disability Insurance Benefits. As of January 2013, the total number of pensioners in RS is 237,482, out of which
- 120,335 pensioners receiving old-age pension of BAM 323.89
- 41,279 pensioners receiving disability pension of BAM 270.05
- 75,875 pensioners receiving survivor’s pension of BAM 246.47

At the RS level, the social protection system is managed by the RS Government through **the Ministry of Health and Social Welfare**, which performs administrative and professional work in this field. Apart from this Ministry in charge of direct actions to be provided to beneficiary groups, other institutional resources that have a responsibility for the elderly in the implementation of social protection policies can be identified and they are: the Ministry of Family, Youth and Sports, the Ministry of Education and Culture, municipal centres for social work/social welfare centres, the Pension Insurance Fund, centres for social work, educational institutions, family medicine teams and municipal departments of social activities.

The RS has 45 centres for social work. In addition, 16 municipalities have formal offices within the Municipal Administration, usually with one or two employees who perform only basic social protection activities such as deciding on administrative cases as a body of first instance in pursuance of the Law on Social Protection, the Family Law and the Law on Child Protection. Their main responsibilities include the following: a) identification of beneficiaries of social care, b) the payment of allowances granted, c) social assistance services (counseling etc.) in institutions. In addition, the RS have special social welfare institutions established by the RS, local communities, non-governmental organizations and individuals. Relevant social care institutions for disabled adults and social care institutions for adults are in this group of institutions for the elderly.

According to the Law on Health Care of RS, health care is organized and performed at the primary, secondary and tertiary levels.

Poverty and unemployment are the two main problems, which clearly indicate that the real economy has not recovered. Given a census has not taken place in Bosnia and Herzegovina after the war and the underdeveloped statistical capacity makes production of accurate data difficult. Nevertheless, we can argue with certainty that the poverty rate is very high in BiH and varies depending on the age of the head of household. Unfortunately, a high poverty rate of the elderly is recorded in all administrative units in BiH and the RS.

According to the Household Budget Survey in BH (2007), the poverty rate varies depending on the head of household. Looking at all age groups, the rate of poverty is concentrated in the following age groups: 35-49 (29.6%), 50-64 (32%) and 65+ (30.4%). The highest poverty rate (21.28%) is among the group of young adults 25-34 (particularly in the Federation, with a rate of 23.8%) and the oldest people (especially in the RS, with a rate of 24.01%). In terms of the data by sex, the highest rate of poverty is among young people aged 15-24 where the head of household is a male, while the poverty rate is the highest for women above 65 (17.04%).

Pursuant to the Law on Social Security, elderly persons can exercise rights under the social welfare system such as allowance, attendance allowance, home care and assistance at home, placement in social care institutions or in foster family/household, one-time assistance, health insurance and social work services.
Placement in a social care institution is still "the most popular measure" that provides care of older people in the social welfare system. Eligibility for this service is afforded, in addition to other beneficiaries, to "pensioners and other elderly persons because of adverse health, social, housing and family circumstances are unable to live in their family/household \(\text{(Law on Social Protection,}\ \text{Official Gazette of RS}^\text{"S"} 5/93, 15/96, 110/03)\). According to these criteria, an elderly person is referred for placement in an appropriate social care institution, which provides care (housing, food, clothes, care, assistance and attention) and health care in accordance with specific pieces of legislation, occupational, cultural, entertaining, recreational and rehabilitation activities and services of social work.

Social care institutions that provide services and ensure the exercise of entitlements afforded to the elderly are centres for social work/social welfare centres, nursing homes, gerontology centres, centres for services and day care and nursing homes for disabled persons.

Centres for Social Work are the main institutions in the social welfare system in the RS and they anchor the organization and functioning of the system as a whole. In RS, there are 45 centres for social work, while 16 municipalities have formal offices within the Municipal Administration, usually with one or two employees who perform only basic social protection activities such as deciding on administrative cases as a body of first instance in pursuance of the Law on Social Protection, the Family Law and the Law on Child Protection. In 2011 the centres for social work/social welfare centres employed a total of 540 members of staff, out of which 318 ones or 59% were employees with four-year and two-year university education and 222 ones or 41% with other qualifications who perform administrative and support jobs.

A nursing home provides housing, food, clothes, care, health care, cultural, recreational, occupational and other activities to its beneficiaries. In RS, there are three homes of this types founded by the RS Government (Banja Luka, Prijedor, Ilustro Sarajevo and Gerontology Centre). The Pensioners' Home of Trebinje does not formally belong to the social welfare system, but to the system of pension and disability insurance instead, while the beneficiaries, the way of accommodation and professional work are the same as in the three nursing homes that are in the system of social welfare. These homes house the most serious cases of dementia of old people, where social welfare provision is the most demanding. Such persons make almost half of the total number of beneficiaries in these homes, which calls for the necessity of defining new services tailored for them. The total number of beneficiaries in these facilities is around 1103. Lately, there has been an increase in the establishment of privately-owned nursing homes that are registered in accordance with the laws that do not deal with social welfare. The new Law on Social Protection provides for an obligation of seeking approval from this Ministry when they have met requirements prescribed in the Rulebook on the Establishment of Social Care Institutions.

A centre rendering home care and assistance in the house provides services of essential household chores and care in the house to elderly and feeble persons, persons with disabilities and other adult persons.

A gerontology centre is a developing institution that provides interdisciplinary services to the elderly. Apart from the type of services provided by nursing homes, the gerontology centre is also engaged in monitoring, studying, evaluating and reporting on the social and health needs and, accordingly, in development and provision of services that are directly aimed at improving the quality of institutional and non-institutional care of the elderly. The RS has established one institution of this type: the "Slateks" Gerontology Centre of Slatina.

The elderly are placed also in homes for disabled adults, but their treatment is tailored in accordance with their social needs caused by the state of health impairments and the disability status, not the needs caused by aging. In RS, there are two homes of this type primarily intended for the care of people with mental retardation. The two homes (Visegrad, Prijedor) house more than one hundred elderly people aged over 65 years.

The Human Development Report on Bosnia and Herzegovina (2007, UNDP) states that the elderly are at the highest risk of falling below the poverty line, especially when it comes to poverty measured by income. In order to improve the position of pensioners, the RS Government adopted the Strategy for the Pension System Reform in 2010, while the Federation Government has prepared a draft.
The laws of BD which govern rights and position of the elderly are the Law on Health Care of BD and the Law on Health Insurance of BD.

Health care in BD is organized by the Department of Health and Other Services of BD and it has responsibilities in the provision and management of primary health care, hospital care, public health activities and health insurance. The Health Insurance Fund operates under this Department. Health care services are provided by four health care facilities and they are: one hospital and three health care centres.

BD has the Subdepartment for Social Welfare that is in charge of implementing activities in the field of social welfare.

For a better position and improving of living conditions of the elderly it is very important to mobilize all forces in society, i.e. the efficient and coordinated use of all available resources of the government and NGOs, families and individuals. The mobilization of all segments of society necessitates a multidisciplinary approach in the design of social strategies, measures and actions that will be directed towards supporting, caring, understanding and providing needed services to vulnerable elderly.

BD has 3 nursing homes for the elderly and feeble persons as well as privately-owned social care institutions. These homes for the elderly house 28 elderly people whose costs are paid for by the Subdepartment for Social Welfare.

The new BiH Medium Term Development Strategy (MTDS) has defined six developmental goals, one of them being social inclusion. Given the importance of social inclusion and harmonization of BiH practices and policies with EU standards and extremely great importance of this area at the next stages of European integration, it was decided that this objective under MTDS should be developed as a separate document, as the BiH Social Inclusion Strategy.

A situation analysis, which described the situation and identified weaknesses in social inclusion, was made. Based on the situational analysis and priorities arising from the integration in the EU, the following objectives were defined for the BiH Social Inclusion Strategy: social policy for employment, improvement of protection of families with children, improvement of education, improvement of health care, improvement of pension policies, improvement of protection persons with disabilities.

The strategies are expected to be adopted by the Entities of Republika Srpska and BiH level.

The Annual Report of the Ombudsman for Human Rights highlighted the ombudsman’s observations that the institutions which housed and cared for the elderly persons and the competent authorities responsible for this population group’s exercising the rights possess knowledge of and were concerned about the great number of elderly people in Bosnia and Herzegovina, that the population group included a great number of poor people, that they were largely neglected due to poor economic conditions, the consequences of war, displacement and a number of unresolved social issues. It pointed out that the very existence of such knowledge and concerns was important, because it brought about awareness of the need to help the elderly and to faster and more efficiently improve their human rights situation in general.

Further, there were positive observations highlighting the attitude of employees in the institutions for accommodation and care of the elderly: their full dedication to older people as beneficiaries of the services in their best interests; humane relations: and respect for their dignity, as emphasized in statements made by beneficiaries of the institutional services.

In accordance with accepted legal obligations at the state level and levels of the Entities and Brcko District and with the UN and CoE instruments enshrining human rights of the elderly, preparations for common Framework Policy for Older Persons of BiH have started. At the 127th meeting held on 6 July 2010, the Council of Ministers adopted the 2010-2014 Action Plan for the Development of BiH (UNFPA CPAP) within a special section devoted
to the elderly. The Ministry of Human Rights and Refugees is responsible for coordinating activities on the development of the policy framework for senior citizens and creating a legal framework at the state level, while the social policy would be responsibility of the Entity Ministries of Social Policy. With a view to implementing these activities a team of experts was established at the state level to, in coordination with all levels of government, draft a document titled "Policy Framework for Older People of BiH".

The document will provide a framework for strategic action in the field of older people’s rights at the state level. In accordance with their level of development, possibilities and interactions of relevant sectors, the Entities and Brcko District will adjust the strategic framework to their needs, opportunities and recommendations for strategic action.

A situation analysis for policy development for older people of BiH was made for this document when it was to be drafted.

The improvement of the legislative framework for the protection of some individual rights and freedoms in BiH, which include the elderly people’s rights, was noted on the basis of data collected so far the above-mentioned situation analysis.

Many sectors have adopted and innovated legal and legislative solutions despite the difficulties in the process of harmonization of BiH legislation with international legal standards and also adopted a unified methodology of enacting laws, which implies that in the preparation of new laws of BiH, the level of their compliance with international legal sources of which BiH is a member is obligatory ascertained.

Taking into account the current large percentage of elderly people in BiH and projections of the general situation of the elderly population in BiH in the future, the focus of action for future activities to improve the social status of the elderly is expected to be placed on ensuring intervention and support of the following systems: pension insurance (defining threshold of social security), health care (disease prevention and health promotion), social protection (social support through the development of concept of social welfare services) and family solidarity (improving the network of family relationships).

Improving the social status of the elderly will ultimately enable elderly persons to remain full members of society, i.e. to diminish the causes that lead to social rejection and social alienation due to age.

BiH signed the Declaration on Palliative Care and addressed the topic under “Dying with dignity” strategy - European policies and objectives “Health for All in the 21st Ages”. Nevertheless, the palliative care in BiH is developing slowly.

BiH citizens can use health care in a single system of health care through primary health care, specialized counselling services and hospital care. Palliative care services can be used in the primary health care system and in special wards of hospitals. A palliative care facility is a social welfare institution that has: an interdisciplinary palliative care team, a pain clinic and palliative care.

The goal of palliative care is to free a patient as far as possible of pain and other distressing symptoms, to unite medical aspects of help with mental and spiritual aspects and to support the family during the illness and after the death of the patient.

In 1998 the General Hospital of Sarajevo opened the Pain Management Ward. The Oncology Ward of the Clinical Center of the University of Sarajevo in exceptional cases admits patients in need of palliative care in exceptional cases. The University Clinical Centre of Tuzla formed the Palliative Care Centre and it is the first and the only ward in the Balkans as such. In 2003 an inpatient hospice with 13 beds was opened.

Palliative care in the Republika Srpska is within the health care (in hospitals) where wards for palliative care are established. An example of the best practice is Gradiška General Hospital. Other towns in BiH, such as Ljubuski, Zenica, Capijina, open centres for palliative care. We highlight day care centres for the elderly as an example of good practice in BiH.

BiH organizes training for staff that comes across patients needing palliative care (working in hospitals, nursing homes, home care programmes).

Generally, due to the high rate of youth unemployment, senior citizens are not employed except for as university professors who can work after retirement. Involvement of older people, especially retirees is evident in activities and work in the NGO sector, organizations and associations in the local community and other forms of work.
In accordance with constitutional provisions and regulations applicable to all citizens of Bosnia and Herzegovina, equal access to justice is guaranteed to all, which includes the elderly, too.

Sincerely yours,

MINISTER

M. sc. Damir Ljubić