REPORT OF BOSNIA AND HERZEGOVINA ON THE IMPLEMENTATION OF THE CONVENTION AGAINST THE DISCRIMINATION IN EDUCATION, 1960

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Ministry of Civil Affairs

REPORT

ON THE IMPLEMENTATION OF THE CONVENTION AGAINST THE DISCRIMINATION IN EDUCATION, 1960

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I INFORMATION ON LEGISLATIVE, JUDICIAL, ADMINISTRATIVE AND OTHER MEASURES TAKEN BY BIH AT THE STATE LEVEL

The Convention against Discrimination in Education was adopted on 14 November 1960 in Paris. It was ratified by the competent authorities of the Socialist Federal Republic of Yugoslavia on 9 October 1963 and came into force for each state which subsequently joined it three months after the deposit of its instrument of ratification, acceptance or accession. Bosnia and Herzegovina took over the Convention against Discrimination in Education in a succession on 12 July 1993.

The BiH Constitution is the highest legal and political document of the State[1] which defines Bosnia and Herzegovina as a state consisting of two entities: the Federation of Bosnia and Herzegovina, and the Republika Srpska, and of the Brcko District as a separate administrative unit under the State sovereignty. The entity of the Federation of Bosnia and Herzegovina constitutes of ten cantons.

The Preamble to the Constitution states that its creation was inspired by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well and other human rights instruments. Basic principles of respect for human dignity, tolerance, freedom and equality are incorporated into the Constitution of BiH, which is particularly reflected in Article 2 – *Human Rights and Fundamental Freedoms* (paragraphs 1, 2, 4):

1. Human Rights

„Bosnia and Herzegovina and both entities shall secure the highest level of internationally recognized human rights and fundamental freedoms. For this purpose there shall be a Commission for Human Rights for Bosnia and Herzegovina as provided in Annex 6 of the General Framework Agreement".

2. International standards

„The rights and freedoms provided in the European Convention on Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other laws."

[1] The Constitution of Bosnia and Herzegovina is an integral part of the General Framework Agreement for Peace in Bosnia and Herzegovina, known as the Dayton Peace Agreement, which was initialed on 21st November in 1995 in the American city of Dayton, and signed on 14 December 1995 in Paris.

4. Nondiscrimination

„The enjoyment of the rights and freedoms set forth in this Article, or in the international agreements listed in the Annex to this Constitution, is ensured for all in BiH without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, affiliation with a national minority, property, birth or other status.“

The Federation of BiH Constitution guarantees the application of the highest level of internationally recognized rights and freedoms provided in Annex I of the Constitution, and Article 2, paragraph 1, item 1, especially lists the catalog of human rights all persons enjoy within the territory of the Federation of BiH[2]. In Chapter III of the FBiH Constitution – *The division of responsibilities between federal and cantonal authorities* – it is indicated that "the establishment of educational policy, including the adoption of regulations and provision of education," is within the competence of the cantons[3].

The Preamble to the **Constitution of the Republic of Srpska** emphasizes that the constitutional order is based on "respect for human dignity, freedom and equality, national equality, democratic institutions, rule of law, social justice, pluralistic society, the guarantee and protection of human rights and freedoms, as well as the rights of minority groups in accordance with the international standards and the prohibition of discrimination.“ The citizens of the Republic of Srpska are equal in their freedoms, rights and duties, equal before the law, and enjoy equal legal protection regardless of race, sex, language, ethnicity, religion, social origin, birth, education, property status, political or other opinion, social position or other personal attribute[4]. "Everyone has the right to education under equal conditions under the Constitution of the Republic of Srpska. Primary education is compulsory and free. Everyone has access to secondary and higher education under the same conditions"[5].

The Statute of the Brcko District of Bosnia and Herzegovina, Article 9, determines the functions and powers of the District within which the education is specified under item 7. Article 16 of the same document emphasizes that "each individual in the District has an equal right to education without discrimination. Primary education is compulsory and free. Secondary education is free. Private schools and academic institutions may be established in accordance with the law.“

Taking into account the constitutional framework of Bosnia and Herzegovina, it can be concluded that the field of education is under full and undivided responsibility of the Republic of Srpska, ten cantons in the Federation of BiH and Brcko District of BiH. Considering this system organization,

[2] The right to education is listed under item m).
[3] Chapter III, Article 4, item b) of the FBiH Constitution.
[4] Chapter II, Article 10 of the Constitution of the Republic of Srpska.
[5] Chapter II, Article 38 of the Constitution of the Republic of Srpska.

a high degree of coordination at the state level is required. In order to ensure the necessary coordination, the **Law on Ministries and Other Bodies of Administration of Bosnia and Herzegovina** (Official Gazette of BiH, No. 5/03) established the **Ministry of Civil Affairs** in 2003, which is responsible for coordinating activities, harmonizing plans of entity authorities and defining a strategy at the international level in the field of education.

Each of these twelve administrative units has its own ministry of education, legislation concerning education, budgets for education, determines education policy and has all other rights and obligations arising from the mandate of the competent education authority, responsible for the organization and functioning of education within its field of competence. There is the Federal Ministry of Education and Science at the level of the Federation of BiH, which has a coordinating role over the cantonal ministries of education. This ministry has the budget for education and uses it mainly for securing the right to education.

In line with its coordinating role, the Ministry of Civil Affairs has not established a system of financing educational activities.

Since its establishment, the Ministry of Civil Affairs has initiated the adoption of five framework laws in the field of education as follows:

- Framework Law on Preschool Care and Education in Bosnia and Herzegovina (Official Gazette of BiH, No. 88/7);
- Framework Law on Primary and Secondary Education in Bosnia and Herzegovina (Official Gazette of BiH, No. 18/3);
- Framework Law on Secondary Vocational Education and Training in Bosnia and Herzegovina (Official Gazette of BiH, No. 63/08);
- Law on Agency for Preschool, Primary and Secondary Education in Bosnia and Herzegovina (Official Gazette of BiH, No. 88/07) and
- Framework Law on Higher Education in Bosnia and Herzegovina (Official Gazette of BiH, No. 59/07);

The legislation at the state level in the field of education is based on the most important international declarations and conventions regulating the issues of human rights and freedoms.

All laws at lover level (cantonal ant entity) must be harmonized with state level lawes.

The Framework Law on Preschool Care and Education in Bosnia and Herzegovina, Article 6 (Prohibition of Discrimination), paragraph (1), provides that “every child has equal access and equal opportunity to participate in appropriate care and education without discrimination on any ground. (2) Equal access and equal opportunities include ensuring equal conditions and opportunities for all, to begin and continue further education.“

Also, Article 10 (Right to Language) stresses that "The language and culture of all constituent peoples and every national minority living in Bosnia and Herzegovina shall be respected and integrated into the preschool institution in accordance with the Constitution of Bosnia and

Herzegovina, the European Convention on Human Rights and Fundamental Freedoms, the Framework Convention for the Protection of National Minorities and the Convention on the Rights of the Child."

The issue of respect for religious freedom is regulated by Article 11 which states that "Preschool institutions shall develop, promote and respect ethnic and religious freedoms, customs, tolerance and culture of dialogue in accordance with Article 10 of this Law."

Article 3 of the **Framework Law on Primary and Secondary Education in Bosnia and Herzegovina** defines the general goals of education, which include "promotion of respect for human rights and fundamental freedoms, and preparation of each person for life in a society that respects the principles of democracy and the rule of law" (item c) and "ensuring equal opportunities for education and choice at all levels of education, regardless of sex, race, ethnic affiliation, social and cultural background and status, family status, religion, psycho-physical and other personal characteristics" (item e).

The issue of *Children's rights to education* is regulated by Article 4, paragraph 1 of the Framework Law according to which "Every child shall have equal access and equal opportunities to participate in appropriate education, without discrimination on any ground."

Article 5 (Importance of children's rights) states that "The Rights of the Child pertaining to education, proper care for the benefit of his physical and mental health and safety at schools and in all places where they are educated shall have precedence over all other rights. In case of a conflict of rights, precedence shall be given to such right, interpretation or action that is of the most benefit to the child."

Advancing human rights issue is regulated by Article 6 "The school shall be responsible, both in their own environment and in such environment it affects, to contribute to the creation of a culture that respects human rights and fundamental freedoms of all citizens, as enshrined in the Constitution and other international documents on human rights signed by Bosnia and Herzegovina"; Article 8 provides that "Language and culture of any significant minority in Bosnia and Herzegovina shall be respected and studied at the school to the fullest extent practicable, in accordance with the Framework Convention for the Protection of National Minorities"; Article 9, paragraph 1, states that "The school shall promote and protect religious freedom, tolerance and dialogue", and Article 10, paragraph 1, states that "During teaching and other activities at schools, no didactic or other materials may be used or presented, nor may statements be given by teachers or other school staff, that could be, on a justified basis, considered insulting for the language, culture or religion of pupils belonging to any national, ethnic group or religion."

Three Articles of the Framework Law on Primary and Secondary Education in BiH regulate *the Role and Obligations of Schools* as follows*:*

"Schools shall exercise their role and obligations in an environment which develops incentive for acquisition of knowledge, which respects and supports the individual qualities of each pupil, as

well as their cultural and ethnic identity, language and faith, which shall be safe and which shall not include any form of intimidation, abuse, physical penalization, insult, humiliation or degradation or harm to health, including the harm caused by smoking or use of other narcotic and outlawed substances." (Article 34, paragraph 2)

„Schools shall not exert discrimination in the children's access to education or their participation in the education process, based on race, color, sex, language, religion, political or other opinion, ethnic or social origin, based on the children being those with special needs, or on any other basis." (Article 35, paragraph 1)

"Schools shall promote equal opportunities for all of their pupils, teachers and other employees, while recognizing and promoting the right to diversity among them." „To this end, the competent education authorities and schools shall identify and implement their own programs that support and foster diverse cultures, languages and religions of their pupils and employees." (Article 36)

The Framework Law on Secondary Vocational Education and Training in Bosnia and Herzegovina, Article 8 (Development and contents of the curriculum), paragraph 6, emphasizes that "Education of the child belonging to a national minority shall be exercised under the provisions of the Law on the Protection of Rights of National Minorities in Bosnia and Herzegovina (Official Gazette of BiH, No. 12/03 and 76/05) in the language and alphabet of national minorities, in accordance with the provisions of this Law and other legislation governing the education system in Bosnia and Herzegovina."

The Framework Law on Higher Education in BiH, Article 4, paragraph 2, item 5, provides that higher education is based on "respect for human rights and civic freedoms, including ban of all forms of discrimination." Access to higher education is defined in Article 7, paragraph 2, "Higher education within the scope of which the licensed higher education institutions operate in Bosnia and Herzegovina shall not be restricted, either directly or indirectly, based on any realistic or assumed basis such as: sex, race, sexual orientation, physical or other disability, marital status, colour of skin, language, religion, political or other opinion, national, ethnic or social origin, affiliation with an ethnic community, property, birth, age or any other status." Article 38, subparagraph 3 defines the Rights and Obligations of Students "The statute or another equivalent core document of any higher education institution shall contain the provisions that protect students against discrimination on any basis, such as: sex, race, sexual orientation, physical or other disability, marital status, colour of skin, language, religion, political or other opinion, national, ethnic or social origin, affiliation with an ethnic community, property, birth, age or any other status."

It should be emphasized that the ministries of education in the Republic of Srpska, ten cantons in the Federation of BiH and the Education Department in the Government of the Brcko District of BiH have their own laws at all levels of education, which should be consistent with the framework law at the state level.

Apart from the legislation at the state level, the following strategies which incorporate the basic principles of nondiscrimination and education on human rights have been adopted:

- *Strategic Directions for the Development of Preschool Care and Education in Bosnia and Herzegovina*, *2005*;
- *Strategy for Vocational Education and Training in BiH 2007 – 2013* (Official Gazette of BiH, No. 65/07);
- *Strategic Directions for the Development of Education in Bosnia and Herzegovina 2008 - 2015* (Official Gazette of BiH, No. 63/08)

The Strategic Directions for the Development of Preschool Care and Education provides that, in terms of legal basis, the starting point were major international declarations and conventions governing human rights and freedoms, especially children's rights, which are incorporated in the state, entity, cantonal and local legislation. The Universal Declaration of Human Rights (1948.), the Convention on the Rights of the Child (1989.), the Convention against Discrimination in Education (1960) and the World Declaration on Education for All are the basic documents of the United Nations and UNESCO which define education as the overall life process beginning in childhood. "Learning begins at birth. This means providing protection from early childhood and primary education, if necessary, using different approaches that include family, community or institutional programs."[6]

Strategic Directions for the Development of Education in Bosnia and Herzegovina 2008 – 2015, Section 4.3 (Equality of access and equity in education), emphasizes that the Constitution of Bosnia and Herzegovina, entity and cantonal constitutions, and the Statute of the Brcko District of Bosnia and Herzegovina guarantee the right to education. Primary education is compulsory and free in accordance with the applicable law. Everyone should have equal right to education, training and development in accordance with his/her own abilities. The right to basic education, which consists of at least nine-year compulsory education and training for inclusion in the work, will be provided in all parts of the country. Education authorities and local communities will cooperate to ensure equal access to compulsory education for all throughout the country, with special emphasis on improving conditions in areas with minorities, student returnees, demographically vulnerable and war-affected areas, rural and mountainous areas, etc. The education that meets the needs of minorities will be provided. Education of children of ethnic minorities will be conducted in accordance with the National Action Plan for the educational needs of Roma and other national minorities in BiH.[7]

[6] The Strategic Directions for the Development of Preschool Care and Education, 2005, page 7.
[7] Strategic Directions for the Development of Education in Bosnia and Herzegovina 2008 – 2015, Official Gazette of BiH, No. 63/08, page 82.

One of the general objectives of the same document, in section related to the Education Development Plan in BiH 2015, is "ensuring equality of access and participation in the educational process by 2010 at the latest (in accordance with action plans of the relevant education authorities)", which specifies "ensuring conditions for the inclusion of all children in Bosnia and Herzegovina in the education system" and "implementation of the adopted documents on the educational needs of children-returnees, Roma and other national minorities."[8]

[8] Strategic Directions for the Development of Education in Bosnia and Herzegovina 2008 – 2015, Official Gazette of BiH, No. 63/08, page 87.

II INFORMATION ON THE IMPLEMENTATION OF THE CONVENTION

1. Nondiscrimination in education

Education in Bosnia and Herzegovina is based on the primary and secondary legislation that regulates the measures and conditions relating to the quality of education and incorporate the basic principles of the Universal Declaration of Human Rights and the Convention against Discrimination in Education.

The entity, cantonal and Brcko District of BiH legislation in the field of education was adopted on the basis of framework legislation in this filed, with wide consultation and public debate (the organization of round tables, seminars, etc) which involved all interested stakeholders affecting the final result, from the determination of the plans and visions of all levels of education through the expression of needs in relation to the objective situation and the issues known in practice to real opportunities in the economic sense.
Before final adoption, laws are submitted to authorities responsible for determining their nondiscrimination with regard to human rights and fundamental freedoms.
The same approach applies when defining **policies and strategies** in education.

The legislation at all levels of government and all levels of education guarantees every child the right to equal access, equal opportunities to participate in appropriate education and enjoyment of equivalent treatment without discrimination on any ground and no **law contains discriminatory provisions**.

The education can not be discriminatory in access to education of children, as well as teachers and other school staff on the basis of race, sex, language, religion, marital status, political or other opinion, ethnic or social origin, affiliation with an ethnic community, property, birth, or any other status, sexual orientation, physical or other disability or any other ground." Religious freedom, tolerance and cultural of dialogue will be promoted in education according to the legal provisions.

The legislation in the field of education allows that **foreign nationals and stateless persons** have the right to acquire education under the provisions of laws of the relevant education authorities in BiH, in accordance with the conventions and agreements that Bosnia and Herzegovina concluded with other countries and international organizations. The foreign nationals and stateless persons are educated under the same conditions as the BiH citizens. If such persons have completed a part of their education beyond the borders of Bosnia, the procedure of equivalence of certificates acquired abroad are carried out by the competent education authorities in BiH.

2. Equal opportunities in education in order to achieve education for all

The competent education authorities are taking a range of **activitie**s in accordance with the financial capabilities of their budgets to support equal opportunities in education for all, and the guarantee of the same access to all levels of education is achieved by respecting all legislation regulating nondiscrimination. The activities on the introduction of compulsory and free preschool education in the year before starting school, funding free transport for pupils of primary schools (2-5 km depending on the provisions of the relevant education authorities), procurement of textbooks and school supplies for children in economically and socially marginalized groups are undertaken in this regard. In addition, based on criteria defined in the rulebooks, most successful students are given scholarships (through public competition), accommodation in student centers is co-funded for full-time students, and other incentives of a financial nature are also provided in order to facilitate the general living conditions of families, students (one-time assistance), and co-financing of MA theses and PhD dissertations.

The issue of **inclusive education** in primary and secondary schools is stipulated as a legal obligation, which includes the possibility of access to all categories of children with special needs, with respect for objective abilities of the participants in education and, in particular, with the identification and achievement of the best interest of each individual child. Also, pedagogical standards and norms provide for the conditions of work at the schools where the number of classes in some grades increases compared to previous solutions, while the number of students in the classes reduces which allows for better quality of work and involvement of all in the educational process.

School development teams, composed of representatives of parents, students, local community, teachers and other school staff, which will work on drafting the school development plan that contributes to the progress in the area of inclusive culture, policies and practices, are trained in order to encourage the changes at schools that contribute to quality and inclusive education for all children. These activities are conducted in cooperation with the financial assistance of local and international nongovernmental organizations (e.g. Duga, Save the Children, etc).

For children with special needs, the legislation regulates a wide range of rights in terms of discrimination in relation to other students, so that such children are provided with the education according to their individual needs which adapt to their abilities and skills. Professional mobile teams are established, and the public call for the enrollment in the first grade of secondary school provides for the right of direct enrollment of students with special needs in secondary schools. A number of additional activities are implemented to include children from economically and socially disadvantaged groups in the school system (especially children with disabilities, Roma children, children from remote and isolated areas, children from socially and economically disadvantaged families). In practice, schools include children with disabilities and Roma children

and children from socially disadvantaged families are provided with textbooks and school supplies in accordance with the budget available and in partnership with donors. School activities are also organized in relation to education of children to accept diversity, as well as for the prevention of all forms of violence involving children.

Considering that education in BiH is conducted in accordance with the ratified international conventions, it can be concluded that this has created a legal basis for access to education for all and on the same basis.

In accordance with the legislation adopted in BiH, the educational institutions at all levels of education, within the environment they affect, have a responsibility to contribute to creating a culture that respects human rights and fundamental freedoms of all citizens as enshrined in the Constitution and other documents on human rights signed by BiH.

In order to enable the same conditions related to quality education in all educational institutions of the same level, the relevant education authorities in BiH, in cooperation with educational institutes in BiH, have in recent years provided the same access to all children, the access directed towards compliance with human rights and fundamental freedoms, i.e. equal rights and equal opportunities in education without discrimination on any ground.

3. Progress made in terms of the enforcement of the right to education

Universal primary education

The Framework Law on Primary and Secondary Education in BiH, Article 16 (paragraph 1) clearly specifies that: "**Primary education is compulsory for all children**", and paragraph 5 states that "**Compulsory education is free**. **Free primary education is provided to all children."**

The access to basic education in BiH has traditionally been universal and maximally utilized. So, when it comes to children legally obliged to go to school, 100% of the children – legally obliged to go to school - are enrolled within the time limits set out in the Framework Law according to the data of the relevant education authorities[9] (nine-year compulsory education begins in the calendar year in which the child attains the age of six by 1 April), and also 100% of students successfully complete primary education.

The legislation at all levels of government provides many opportunities for most of the possible situations that can happen to children in primary education, from the change in psychophysical characteristics to the social factors that influence the realization of education of each individual

[9] The relevant education authorities in BiH, which have provided data on the percentage of enrollment and completion of primary education, are consulted for the purpose of preparing the report.

child. According to the *Strategic Directions for the Development of Education in Bosnia and Herzegovina 2008 - 2015*, one of the general objectives precisely determines "Ensuring the conditions that all children in Bosnia and Herzegovina are included in the education system, and the implementation of the documents approved for the educational needs of children - returnees, Roma and other ethnic minorities", while one of the long-term objectives determines "increased enrollment and completion of compulsory education up to 100%."

However, The enforcement of the statutory obligations and strategic decisions regarding the provision of basic rights to education results in a number of difficulties which are primarily manifested in the lack of financial resources for the implementation of all statutory provisions: difficult social and economic situation, unemployment and education structure of parents, irrational network of primary schools, the difficulties related to the registration of children (especially when it comes to Roma children and children from socially marginalized families), traffic-separated areas, poor infrastructure and lack of support for children with disabilities are some of the most important reasons why children leave education before finishing primary school or remain excluded from education.

Bearing in mind that all measures are taken to include all children of school age in primary education, the cooperation between schools and local communities is encouraged in this regard in order to discover any cases of non-inclusion of children in education and take timely action. It is worth emphasizing that the legal preconditions are created, which in extreme cases include criminal liability of parents who do not allow their children access to education.

Secondary education

The secondary education system in BiH includes programs of gymnasiums (type of schools providing advanced secondary education), art and religious schools, four-year vocational schools (technical, economic, health, etc.), three-year vocational schools and adult education and training programs.

The Framework Law on Primary and Secondary Education in BiH, Article 17 states that "Secondary education shall be accessible to all, depending on the achievement in the primary school, personal interest and abilities. Secondary education at public institutions shall be **free of charge** pursuant to the law."

Therefore, regular secondary education, including technical and vocational education, is completely free and funded from the budget of the relevant education authorities and is available to everyone under equal conditions. The legislative framework promotes and provides education for all high school students under the same conditions with the use of high standards of education and application of optimal conditions for the development of the personality of the

child, appropriate to his age, abilities, social and physical skills. Students do not pay high school enrollment and attendance fee, but there is no legal obligation to pay for textbooks and transportation, although some local communities and competent ministries of education in BiH co-finance transport of high school students.
According to the information of the relevant ministries of education, a high percentage of children enrolled in high school after completion of primary school is high, but during secondary education, especially when it comes to the first and second grade, there is **the abandonment** of secondary education before acquiring qualifications. Some ministries resolved this issue by the legal introduction of compulsory secondary education for a period of two years for all students up to the age of 18 (Sarajevo Canton), and some initiated it (Una-Sana Canton), because it was felt that the adoption of this law on secondary education will gradually eliminate the appearance of leaving high school and will provide every child with the first educational qualification.

The main difficulty in the field of secondary education is insufficient funds in the budgets of the relevant institutions. This deficiency is particularly manifested in situations where students have difficult access to education in the sense that there is no adequate secondary school in their place of residence, which further results in issues of financing accommodation and meals, and some students face the problem of transportation (payment of travel tickets, elimination of bus lines, etc.), because only certain categories of students are partially or fully exempt from paying the costs of transportation.

A long-term goal of the Strategic Directions of the Education Development in BiH provides for the enrollment increase in secondary education up to 90%. Based on the statements of the competent education authorities, the specified percentage is even higher in particular areas, e.g., coverage of children of secondary school age is 97% in the Republic of Srpska and 98% in the Sarajevo Canton, as it is required.

Higher education

The Framework Law on Higher Education in BiH, Article 7, specifies that **the access to higher education** is available to all those who have completed four-years high school in Bosnia and Herzegovina. The access to higher education, based on individual capacity, guarantees a legal framework which provides for equality in the sense that higher education is an activity directed toward the full development of human personality, respect for human rights, civil and other democratic, academic, legal and constitutional principles and freedoms. According to the Law, the access to higher education may not be restricted, directly or indirectly, on any ground actual or presumed contrary to the Constitution, legislation and international legislation, such as gender,

race, sexual orientation, physical or other disability, marital status, colour, language, religion, political or other opinion, national, ethnic or social origin, affiliation with a national community, property, birth or some other status.

The students who have completed secondary school abroad submit proof of completion of secondary school, certificate or diploma, for evaluation to the competent institution that takes into account the criteria and procedures for the recognition of foreign qualifications established in accordance with the principles of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, as defined in the Framework Law on Higher Education in BiH, Article 8.

A certificate or diploma of the students who have completed secondary school abroad, which shows the level of education that is not substantially different from education in BiH, is recognized and gives the holder the right to apply to a higher education institution or to take an entrance exam for university in a foreign country.

Ensuring **nondiscrimination** in terms of enrollment and completion of higher education is implemented by committing institutions to comply with legislation, controlling the enforcement of primary and secondary legislation and specific regulations, both in public and private institutions, and financing or co-financing higher education institutions in accordance with the applicable regulations.

Adult education and lifelong learning

“Education of adults shall be organized in specific subjects and for the purpose of their professional and personal advancement” according to the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina”. Education of adults shall include professional training, supplementary training, re-training and other activities ensuring lifelong learning. Education of adults shall be governed in more detail in the laws of the entities, cantons, and the Brcko District of Bosnia and Herzegovina, in line with the principles and standards defined in this Law” (Article 20).

The Framework Law on Secondary Vocational Education and Training in Bosnia and Herzegovina, Article 21, specifies the following:

(1) "Schools may organize adult training within their registered activities, with the consent of the competent education authorities. The competent minister shall make the curriculum for adult education and training.

(2) Participants of adult training shall be charged for the training. The amount of compensation shall be determined by the school board with the consent of the competent ministries of education.

(3) Schools may receive financial and other assistance for the improvement of labour conditions, education and other needs of the school. This assistance shall in no way be conditioned."

Considering that adult education in the existing legislation at the state level is not sufficiently regulated and that there is no separate legislation in this field, it is necessary to regulate the field of adult education at the state level. The fact is that there is a disconnection in the structure of adult education in BiH and only a few institutions engaged in professional training and lifelong learning. *The Capacity Building of Human Resources Development in BiH* project, financed from IPA 2009 funds, will further address the issue of defining the field of education at the state level.

The Republic of Srpska passed the Law on Adult Education (Official Gazette of the Republic of Srpska, No. 59/09) regulating the organization and structure of adult education as part of a unified educational system of the Republic of Srpska, which provides for adult education and training. The Institute of Adult Education of the Republic of Srpska began its work.

Primary and secondary adult education is continuously conducted in practice allowing people without completed primary and secondary education to be included in the educational process in a way that some schools are established for this purpose in BiH, which can be contacted by such persons and which implement all necessary procedures for the acquisition of primary and secondary education in the fastest and best way. Apart from certain schools in BiH that conduct adult education, the centers providing adult education services have been established in order to facilitate acquiring supplementary training, retraining, specific skills and knowledge (IT, foreign languages, etc.).

Education quality

The Law on Agency for Preschool, Primary and Secondary Education in BiH established the Agency for Preschool, Primary and Secondary Education, as an independent administrative organization, whose responsibility, among other things, is to establish the standards for evaluation of the results and develop common core curricula in preschool, primary and secondary education.

The Law on Agency for Preschool, Primary and Secondary Education, Article 5, paragraph(s) (a), (b), (e), (f), (j), provides that the Agency is responsible for establishing the standards of pupils' knowledge and evaluation of the results accomplished; carrying out research aimed at evaluation of development of pupils' knowledge standards, evaluation of the results accomplished and

publication of research results; collection, unification, processing and publishing of data on the quality and quantity of knowledge and implementation of external evaluation and other activities related to the establishment and application of knowledge standards and evaluation.

Article 6, paragraphs (a), (b), (g), of the Law provides that in the area of development of common core curricula[10] in preschool, primary and secondary education, the Agency is responsible for monitoring the implementation of the common core curricula, monitoring, evaluation, improvement and development of common core curricula, in line with the standards established in the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina, as well as the implementation of other activities pursuant to this law and other legislation pertaining to standards in preschool, primary and secondary education.

The Agency for Development of Higher Education and Quality Assurance[11], as an independent administrative organization, provides assistance to the competent education authorities in the process of implementation of accreditation and licensing of higher education institutions, and its responsibility also includes the establishment of criteria and standards for quality assurance, providing advice and recommendations to remedy defects of the quality of studies and higher education institutions, and more.

The Center for Information and Recognition of Qualifications in Higher Education (CIP)[12] is an independent administrative organization responsible for information and recognition tasks in the field of higher education within the framework of the Convention on the Recognition of Qualifications concerning Higher Education - Lisbon Convention.

In addition to established agencies and the Centre, it is necessary to mention the important institutions that make up the structure of the education sector in the cantons, the Republic of Srpska and Brcko District of BiH: nine Pedagogical Institutes (PI) are operational (one in the Republic of Srpska, two in the Herzegovina-Neretva Canton and one in Sarajevo, Tuzla, Zenica, Bihac, Gorazde and the Brcko District of BiH).
Their task is to develop curricula, affirm new approaches and methods in the educational process, organize teacher trainings, provide counseling and evaluation of teachers, principals and schools in general, etc. Among the total number of PIs, there are only three independent organizations (two institutes in Mostar and Bihac), and others are functioning within the ministries of education.

[10] The common core curriculum is a set of subjects, subject materials and topics that are essential and mandatory for all students in BiH.
[11] Decision on the Commencement of Work and Determining the Seat of the Agency for Development of Higher Education and Quality Assurance, Official Gazette of BiH, No. 10/08.
[12] Decision on the Commencement of Work and Determining the Seat of the Centre for Information and Recognition of Certificates in Higher Education, Official Gazette of BiH, No. 9/08.

Ensuring equal educational standards in all public and private institutions of the same level and equality of conditions affecting the quality of education is achieved by unifying the legislation in this area, i.e.: pedagogical standards and norms, establishing the surveillance and control of the implementation of the obligations of all participants in the educational process and prescribing and facilitating continuous professional training and supplementary training of teachers and other staff.

Teaching profession

Based on the applicable law, higher education institutions have organized study groups that educate teaching staff. These laws in themselves have no discriminatory provisions.
According to available data of the relevant education authorities in BiH, there are no recorded examples or information on possible discrimination regarding the education for the teaching profession, and the general commitment of the authorities is to primarily prevent discrimination, or, in case of establishing the existence of it, sanction it in an adequate and timely manner.

Working conditions of teachers in BiH are very different, ranging from the financial resources that educational institutions have to ensuring premises and equipment for work. Some education institutions have a fully adequate premises and modern equipment, while many are still working in harsh conditions, with particularly difficult situation in certain vocational schools and colleges, which lack adequate equipment for teaching vocational subjects.
The existing system of institutions of preschool education in BiH is not sufficient, therefore preschool education in some regions in BiH is organized in the premises of primary schools. The total number of preschool institutions in BiH is far below the objective needs, which is especially true in rural areas.
Classes in BiH are conducted in the central and regional primary schools. Regional schools (mostly lower grades of primary school) are located in rural areas and teaching in them, in a certain number, is conducted in mixed classes. Due to the lack of space in some primary and secondary schools, teaching is conducted in shifts. Also, teaching in a small number of secondary schools takes place at multiple locations. The main problem for most primary and secondary schools is a lack of gyms.
The biggest problem in higher education institutions is the lack of financial resources and technical equipment for classrooms, amphitheatres, laboratories, etc.
Therefore, the objective conditions of work are not the same for all teachers, but it depends on the resources of a specific education institution.

Based on the information of the relevant education institutions in BiH, there are no significant differences in average **teacher salaries** in relation to the salaries of civil servants with the same qualifications. Deviations are possible in terms of regulations governing the amount of salaries.

The living and professional conditions of teachers can be improved only in a way to provide more funding for education, in all budget items, while the task of the competent education authorities is the distribution of available resources in a manner that will ensure maximum impact of spending and give the best results in this regard.

Respect for human rights and fundamental freedoms

Directing education towards **the full development of human personality and strengthening the respect for human rights and fundamental freedoms** is primarily ensured by the legal framework, which is in Bosnia and Herzegovina provided in the framework legislation and other education regulations, by monitoring and control of compliance with the framework, and timely and adequate sanctioning, if necessary. The efforts to direct education towards the full development of human personality and strengthening of human rights and fundamental freedoms are invested by adopting framework legislation in the field of education.

The relevant ministries of education in BiH, according to the information provided to us in this regard, cooperates with students, their parents (individually, in groups or through their organizations) and schools on a daily basis in order to ensure respect for human rights and fundamental freedoms for all participants in education.

Schools have a responsibility, both in their own environment and in the environment they affect, to contribute to creating a culture that respects human rights and fundamental freedoms of all citizens as enshrined in the Constitution and other documents on human rights signed by BiH.
The education on human rights is present in the curricula and educational standards.
Textbooks, manuals and other teaching materials on human rights used in BiH schools are released by CIVITAS [13] in cooperation with education institutions, local and international organizations.
In parallel with the development of new curricula and training of teachers, CIVITAS has worked on the development of corresponding literature for all levels of education. In addition to the many manuals for different projects, CIVITAS has recently released:

- four picture books appropriate for children of preschool age (each of the picture books deals with one of the four basic concepts of democracy - justice, authority, responsibility and privacy);
- textbook "Basics of Democracy" for students of I-IV grade of primary school;

[13] CIVITAS in Bosnia and Herzegovina is a nongovernmental organization established in 1996 whose establishment is initiated by the Center for Civic Education, the Council of Europe and the United States Information Agency. CIVITAS education network in Bosnia and Herzegovina is established to promote democracy, human rights and effective citizenship.

- "Basics of Democracy" textbook contains materials of civic education which are included in the regular curriculum for students in their final grade of primary school;
- textbook "Democracy and Human Rights" for high school students through which students become familiar with the basic values of civil society;
- textbook "Citizen Project", compatible with practical activities of students in primary and secondary schools;
- university textbook for the Democracy and Human Rights subject. A part of the subjects taught in teacher training colleges across the country, but contents covered by this textbook is located in different literature used by students in exam preparation, especially in colleges of social sciences.

The "Democracy and Human Rights" subject is implemented in the sixth or eighth grade of primary school (depending on the curriculum), and in the third year of high school as a compulsory subject. One part of Bosnia and Herzegovina also introduced subjects “Life Skills and Attitudes” and “Humanitarian Law" that are thematically processed within hours of class meetings and extracurricular activities.

Given that the subjects "Fundamentals of Democracy" and "Democracy and Human Rights" are an integral part of the curriculum for primary and secondary schools, a program of civic education is carried out each year in 900 schools across the country, and the subject is attended by about 40 000 students annually.
It is significant to point out that 36 246 teachers were included in the CIVITAS professional development programs for teachers of elementary and secondary schools so far. Approximately 1,082,876 students participated in various education programs of CIVITAS.[14]

The OSCE Mission in Bosnia and Herzegovina, in cooperation with the OSCE High Commissioner on National Minorities, has issued a Handbook for National Minorities, which consists of two parts: a handbook for students entitled "Let’s Meet Ourselves, National Minorities in Bosnia and Herzegovina" and methodological manual for teachers. The manual can be used in teaching the following subjects: My Environment, Geography, History, Music, class meetings and the like, and is intended for fifth and sixth grade students of primary school and as such is distributed to primary schools throughout Bosnia and Herzegovina.

The importance of respecting human rights is presented to young people in BiH through regular lessons, class meetings, extracurricular activities, organized competitions among students on the topic of human rights, many activities of nongovernmental organizations from European countries, and nongovernmental organizations from Bosnia and Herzegovina, and thus they are encouraged to learn on human rights.

[14] Official data and statistics of CIVITAS submitted to the Ministry of Civil Affairs for the purpose of the report.

Private education

The Framework Law on Preschool Care and Education in BiH, Article 18, provides that preschool education is implemented in **public and private preschools institutions.** The same Article, paragraph 3, specifies that a private preschool institution may be established by domestic and foreign natural and legal persons in accordance with the principles established by this Law and other conditions and criteria established by other regulations in the field of education.

The Framework Law on Primary and Secondary Education in BiH states the following:

"Public and private schools shall perform activity involving regular education, in line with the prescribed curricula of the education authorities." (Article 29, paragraph 1)

"**Private schools** may be established by domestic and foreign natural and legal entities, in line with the principles and standards established in this Law, and other requirements and criteria determined in the regulations in the area of education." (Article 30)

"Public schools may begin operating upon receipt of approval from the competent education authorities for application of the appropriate curricula when, pursuant to the applicable legislation, ensure other standards and requirements guaranteeing that the pupils shall receive appropriate education, care and safety, in line with the specificities of the private schools concerned, including religious schools.

Only international private schools may have curricula that do not fully cover the common core curricula." (Article 31)

"Private schools may not be established for the purpose of promoting racial, ethnic, religious, sexual or other prejudices, nor may they perform their functions in a manner contrary to the law, or in a manner to promote the aforementioned prejudices." (Article 32)

The Framework Law on Higher Education in BiH does not explicitly regulate the conditions of the establishment and functioning of **private higher education institutions**, but the legislation of the competent education authorities regulate this field.

When enrolling in public or private educational institutions at all levels of education, parents and students have complete freedom of choice, respect the regulations in the field of education in BiH.

Religious and ethical education

The existing legislation in the field of education in BiH stipulates and promotes understanding and coexistence among peoples of different religious beliefs. Education institutions in BiH are obliged to promote and protect religious freedom, tolerance and culture of dialogue.
Students are able to attend religious classes according to their religious beliefs and religious beliefs of their parents or guardians.
Religious education is an optional-mandatory subject in the system of primary education. Religious education becomes mandatory for students who select it and thus enters the GPA.
According to the statements of the relevant education authorities in BiH, the provisions of the Law on Primary Education provide that schools make sure that students who do not attend religious classes are in no way put into an unfavorable position compared to other students, and ensure educational or extracurricular activity for these students in any other subject that is graded.
When it comes to the religious and ethical education in secondary schools in the country, it can be concluded that this issue is not resolved in a unique way. Religious education is not a compulsory subject in secondary schools in the Republic of Srpska and the Brcko District of BiH. Religious and ethical education in the Federation of BiH is implemented through religion and ethics courses which have the status of the optional-mandatory subjects.

Rights of national minorities

The framework legislation in the field of education in BiH and the Law on the Protection of National Minorities in BiH (Official Gazette of BiH, No. 12/03 and 76/05) established the rights and obligations of members of national minorities in BiH and obligations of the authorities in BiH to respect, protect, preserve and develop ethnic, cultural, linguistic and religious identity of each member of a national minority in BiH who is a citizen of BiH. The Law on the Protection of National Minorities, Article 2, specifies that the protection of the rights and freedoms of these minorities is an integral part of the international protection of human rights and freedoms. The Framework Convention for the Protection of National Minorities of the Council of Europe is directly applicable and is an integral part of the legal system of BiH and the BiH entities. According to Article 21 of the state Law on the Protection of National Minorities, the Parliamentary Assembly of BiH established the Council of National Minorities as a special advisory body composed of the members of national minorities.

17 national minorities are registered in Bosnia and Herzegovina, while the Roma population is the largest.

The Action Plan on the Educational Needs of Roma and Members of Other National Minorities in BiH was adopted in February 2004, and its revised version in 2010 defines the

overall goal with the purpose of improving the access of Roma to mainstream education system in BiH through addressing many obstacles they currently face, i.e. practical, systematic and wider issues, while enhancing the participation of the Roma communities and advocating for full inclusion of their children in regular education. Four main objectives of the revised Action Plan include the following:

- ensuring that children of the members of the Roma national minority are involved in the system of compulsory primary education;
- encouraging the Roma population to continue secondary and higher education, as well as the training for first occupation;
- preservation and promotion of the Romani language, culture and history;
- building system solutions that will lead to meeting the educational needs of Roma

The main difficulties in implementing the activities and measures set out in the Action Plan are: a large percentage of the absence of records in the registers of births and marriages, the Roma way of life (frequent migration, poverty, unemployment, housing problems, low educational level of parents, lack of health insurance, etc), lack of information about rights, the lack of official statistics on the exclusion percentage of Roma children from education system, the percentage of children subsequently enrolled in primary school, the percentage of high school students who enter the higher education system, etc.
Although the Roma are the largest minority in BiH, there is no qualified teachers for teaching in the Roma language, which proved to be a problem across the country.

When it comes to the Roma community in BiH, it should be noted that there is still a lot of work to be done and that it is about the problems encountered in all countries in Europe.

METHODS USED TO TURN THE ATTENTION OF THE VARIOUS STATE AUTHORITIES TO THE INSTRUMENTS AND REMOVAL OF BARRIERS

All non-discrimination principles are embedded in the framework legislation in the education sector with the aim of raising awareness about the need to facilitate and promote equal educational opportunities for all. Promoting the equality of educational opportunities would generally contribute to ensuring better results if the responsibilities and regulations were specified and the mechanisms for the control of their application improved in terms of faster response to any irregularities and appropriate sanctioning of violations of these regulations.

The main issue to be solved in order to promote equal educational opportunities is to provide the financial resources to exercise the rights guaranteed by law in practice, and ensure the social conditions for inclusion of children from marginalized social groups and positive action when it comes to these groups (children, members of national minorities – especially Roma, children with disabilities, children from socially and economically disadvantaged families, children from traffic-separated areas, etc). Educational inclusion cannot be successfully implemented if it is not part of the overall social inclusion.

Work on the improvement of education conditions, equal access and nondiscrimination is a constant, continued and unpredictable process that needs more investments through the education of parents, students and entire school staff, a change of consciousness in society about the others, various events, the organization of panel discussions, workshops, seminars and conferences at local and state levels, and promotion through the media.

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