

Bosnia and Herzegovina

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1. Overview

Bosnia and Herzegovina (BiH) is a country in southeastern Europe, situated in the western part of the Balkan Peninsula. BiH borders with Croatia from the north, west and south-west, Serbia from the east and Montenegro from the south-east. The capital of Bosnia and Herzegovina is Sarajevo.

The country name “Bosna” appears for the first time in a written document in 1189 (Charter of Kulin Ban in 1189). During its tumultuous, almost millennial cultural and political history, Bosnia and Herzegovina, besides its period of independence, had periods of belonging to the Ottoman and Austro-Hungarian Empires. Until World War II, the current territory of BiH was divided into provinces. During and after World War II, the Republics of Slovenia, Croatia, Serbia, Montenegro, Macedonia and Bosnia and Herzegovina together with two Autonomous Provinces Kosovo and Vojvodina, became one state, the Socialistic Federative Republic of Yugoslavia.

In October 1991, the Republic of Bosnia and Herzegovina (RBH) voted for its sovereignty, which was followed by the referendum for independence. Citizens of BiH as directed by the Badinter Commission - made up of legal experts empowered European Union – came out to vote on 29 February and 1 March, 1992. The referendum on independence, monitored by the court and recognized by the international community, resulted in 64% of voters opting for a sovereign, independent, unique Republic of BiH. Based on the conclusions of the Badinter Commission, the EU, the United Nations, the referendum and the Constitution, the state of Bosnia and Herzegovina was admitted as a full UN member state on 22 May, 1992.

Immediately following the referendum, aggression against BiH started, which resulted in over 100,000 citizens' deaths, hundreds of thousands of disabled people, about two million displaced from their homes (many outside the country), thousands of children without one or both parents, thousands of women raped, and enormous material damage. The overarching aim of the aggression, evident from ethnic cleansing and followed by continuous political attempts after the war, was to achieve higher territorial-ethnic concentration along the borders of neighboring countries and possibly secede. That could mean the complete destruction of BiH as an independent state within its internationally recognized borders.

The war was caused by a complex combination of the general political, social and security crisis in the country, which followed the end of the Cold War and the fall of the socialist system in Yugoslavia. The war ended, after more than three and a half years, with the Peace Agreement achieved in Dayton, Ohio, on 21 November 1995, and officially signed in Paris on 14 December 1995. The agreement is meant not only to end the conflict but also to adopt the new Constitution of Bosnia and Herzegovina (Annex IV of the Peace Agreement).

The Dayton Peace agreement confirmed Bosnia and Herzegovina as an independent and sovereign state within its republic borders, divided into two administrative units or Entities: one being the Federation of Bosnia and Herzegovina (FBiH) and the other the Republic of Srpska (Republika Srpska). Later, the

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administrative unit of Brčko District (BD), which has a special status and does not belong to either Entity, was established through arbitration.

The FBiH Constitution, adopted in June 1994, was a part of the Washington agreement reached between Bosniaks and Croats, with American mediation. The Constitution of the FBiH established this Entity as a decentralized federation of ten cantons, five cantons with the majority Bosniak population, three cantons with the majority Croatian population and the remaining two cantons of mixed Bosnian-Croatian population.

The Constitution of Bosnia and Herzegovina established the legal continuity of the Republic of Bosnia and Herzegovina, which became independent from the former Yugoslavia, now called Bosnia and Herzegovina and with a modified legal structure. The two existing units, the Republika Srpska and the Federation of Bosnia and Herzegovina, were confirmed as Entities of Bosnia and Herzegovina. Bosniaks, Serbs, Croats and other citizens, are described in the preamble to the Constitution, as constituent peoples. The Constitution provides the State with very limited authority, while most of the responsibilities are transferred onto the two Entities.

Finally, the establishment of the Brčko district as a further territorial unit was a consequence of arbitral achievements delivered pursuant to a provision of the peace agreement (the final establishment dates from 5 March 1999)¹. The present text will not focus on the features of this rather small district. Its existence should however be noted as a further complicating factor in the territorial and administrative set-up of the country.

Present day Bosnia and Herzegovina is an extremely decentralized federation, made up of two Entities, one of which is an extremely decentralized federation of 10 cantons. This structure seems neither rational nor efficient but there is no consensus on what should be changed and how. Within the FBiH it is generally accepted that the present arrangements are not sustainable and there is broad consensus on abolishing both Entities and replacing them by regions of economic-administrative character. Within the Republika Srpska based parties, there is however no support whatsoever for abolishing the RS.

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The next major step in the constitutional development was based on the decision of 1 July 2000, delivered by the Constitutional Court of BiH in the “constituent peoples” case, which annulled all of the earlier decisions on the Constitutions of RS (which proclaimed Serbs to be the only constituent peoples in RS) and the Constitutions of FBiH on Bosniaks and Croats as the only constitutive peoples within the territory of FBiH.

In accordance with this decision of the Constitutional Court, BiH is a state of three equal constituent peoples. Based on the fact that the ethno-nationalist parties gain the most support during elections, the country has a collective, 4 year term rotating Presidency of three members (a Serb from the RS and a Bosniak and a Croat from the Federation).

2. The structure of Schooling

The schooling system in BiH is made up of three levels which will be further discussed in the text below:

- Pre-school education
- Primary education and
- Secondary education

The Fundamental Principles of the school structure (8+4) were outlined back in 1958 (“The General Law on Education of SFRY”), and there was a change only in the duration of compulsory primary school, (eight years was extended to nine in 2004). It was a centralized system with a single curriculum (with the possible devotion of 20 percent to geographic-historical and cultural specificities of each of the individual republics and provinces), uniform textbooks, assessment system, etc.

During the war there was been a collapse of the system of education, splitting into three ethno-national systems according to which part of the territory was controlled by which army. Thus, separate school curricula were profiled: Serbian (with imported textbooks from Serbia), Croatian (with textbooks from Croatia) and Bosnian with the somewhat changed prewar textbooks printed in the besieged Sarajevo. This division of the education system continued its existence in peace (Pašalić-Kreso, 2005:172), and it still generates segregation and discrimination among pupils, although the actual laws formally do not allow it.

BiH has been an example of a multicultural state for centuries, characterized by high religious tolerance, but has now become an example of different types, forms and backgrounds of segregation. Today it is a country with a separated educational system, where each ethno-nationality develops its own ethnic curriculum, where the majority of schools are uni-ethnic, and with the most painful of all educational segregations, “two schools under one roof” which have resulted from returning populations into ethnically cleansed areas of the country with two different national school programs being taught in one building, ensuring that the students do not mix.

Preschool education encompasses children from the age of 6 months until their entry into primary school (between 5 and 6 years of age) in the institutions such as *nurseries, preschool institutions (kindergarten), playrooms, or 'kindergarten on wheels'* (IBE/2006/EFA/CMR/CP/10). As this level was not mandatory and the parents had to pay quite a high fee, when compared to the standard of living in the country, preschool enrolment (4.5 per cent) is one of the lowest in the region. A special problem is underdeveloped pre-school institutions in rural areas, as well as a lack of private initiative at this level of education (MCA, 2004).

In order to increase enrollment rates and help improve the existing situation in preschool education, the new Framework Law on Preschool Education in BiH (Article 16, paragraph 1) provides that the “In the year before primary school, preschool education is compulsory for all children of preschool age” Although the law was passed in 2007 its implementation has started only since the current school year (2010/2011) through establishing a mandatory minimum of 150 hours spent in a preschool institution per year. This education is conducted within the premises of primary schools and is free of charge.

The aim of preschool care and education is to ensure the optimal and equal conditions so that every child, from their birth to their start of schooling, develops and achieves all intellectual and physical capabilities, as well as competencies, through different forms of high-quality and professional autonomous, institutional, and extra-institutional preschool care and education (National Strategy for Preschool Education in Bosnia and Herzegovina, 2005).

Primary education is mandatory and therefore is an activity of special public interest. The pupils are enrolled in primary education when they are between the ages of 5 and 6 years old. Primary school can be: regular, including the education of pupils with special needs, additional (primary music school, primary ballet school), and primary school within special institutes (for pupils with heavy disabilities).

This mandatory level of schooling lasts nine years instead of the usual and formerly practiced eight, according to the Framework Law on Primary and Secondary Education, which came into force on 01.07.2003. This was followed by the Agreement on Common Core Curriculum for the Primary and General Secondary Education, signed on 8 August 2003 in Sarajevo by the Entity and cantonal ministries of education and the international community, according to which every child has an equal right to upbringing and education, empowerment and development in accordance with his/her own potential. The right to basic education is constituted by the compulsory nine-year education as a minimum, as well as empowerment for inclusion into the labor market.

Special attention is to be paid to early identification and timely interventions aimed at individuals with learning difficulties. Significant progress has been made through the primary educational reform process: curricula are being relieved of unnecessary content, child-centered teaching methodology is

implemented, cooperation between schools and local community is getting stronger, etc. The aim is to further modernize and improve quality in primary education, which will enable optimal development of any individual, completion of compulsory nine-year education and continuation of schooling (Institutional and Capacity Building of Bosnia and Herzegovina Education System, 2008:32).

School reform in Bosnia and Herzegovina aims to promote access to education, coherence of the system, and quality assurance, but, like all reforms, it does not go easily or smoothly.

Even though enrollment in compulsory schooling had been at 100 percent in 1991 just before the war, this number has presently decreased by 4-5% due to a number of reasons, including the distance to the nearest ethnically appropriate school, population shifts caused during the war that have formed minorities in certain areas that prefer not to attend majority schools, extreme levels of poverty, health, gender (especially for girls), etc.

Secondary education includes programs of secondary grammar schools (gymnasias), art and religious schools, four-year vocational schools (technical, medical, etc.), three-year vocational schools, special secondary schools (for student with disabilities), as well as adult education and training programs. Pupils graduating from general secondary schools, art schools and theology schools obtain the Diploma of secondary school and can enroll in any faculty or academy by passing the qualification examination prescribed by the individual institutions. Vocational secondary schools offer courses lasting for three years and including a period of practical instruction. Technical secondary schools offer courses lasting four years. Pupils graduating from technical secondary schools obtain the Diploma and can enroll in any Faculty or Academy by passing the qualification examination prescribed by the Institution. Changes in regional demographic developments and the economic and social requirements impose the need of establishing the most cost-effective school networks. (Institutional and Capacity Building of Bosnia and Herzegovina Education System, 2008:34). The enrollment rate in secondary schools is relatively low and is estimated at 70% (OECD, 2007:33)

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Management and control of schools in the FBiH is at a number of levels, including the Federation, Canton, Municipality, and on the level of individual schools themselves. It is generally considered that school administration and control present very complex and rather complicated issues. It is a fragmented, asymmetric and rather astigmatic education system, and it is difficult to say how many levels of education management are encompassed at the state level as whole. Under the Constitution, the highest authority over education cantons in the FBiH are cantons, but in the RS it is centralized. This means that BiH has no ministry of education at the state level, but 14 regional ministries of education which cost very much and are difficult to coordinate. Since 2004, a portion of authority (only basic guidelines) over education, was taken over by the State Ministry of Civil Affairs, through their education section.

Although administratively the RS has 7 regions, these have no impact on management of education. Education is managed at two levels – centrally and the school in the local community. Article 68 of the Constitution (replaced by Amendment XXXII) provides: “The Republic shall regulate and provide labor relations ... care for children and youth, education, culture and protection of cultural property, physical culture.” With fewer institutions participating in management of education, coordination and negotiations are going much faster and are conducted more efficiently in the RS.

The constitution of FBiH states that the “cantons are solely responsible for developing educational policies, including declarations for education, ensuring education, as well as developing and implementing cultural policies.” (Constitution, pp. 67). As a consequence, the system is extremely difficult to coordinate and characterized by inefficiencies, disproportionate cost per student, and strong regional disparities in the implementation of laws, curricula reforms, access to school and quality (OECD, 2007:14). For example, starting the system of nine years of elementary schooling, in accordance with the reform, was obstructed and delayed for two academic years in certain cantons. Since it is politics that still dominate the educational scene, the coherence, quality and standards of education have suffered: curricula and textbooks differ from region to region and are ethnically biased,

teachers have not been trained in up-to-date teaching methods and new graduates are not equipped with the necessary skills to tackle real-world challenges.

Education in BiH is financed from the public resources of the Entity, canton, BD and municipality budgets mainly. Practically, in terms of allocations, this means that there are thirteen separate education budgets in BiH: two Entity budgets, one in the Brčko district, and ten cantonal ones. The amount of resources allocated from the state level budget is almost nonexistent. Republika Srpska and the Federation of BiH spend approximately 4% and 6% of their respective GDPs on education, whereas the budget of the Department for Education of Brčko District (with the divisions for preschool, primary, secondary education and joint affairs) amounts to 11,2% of the District budget. In most of cantonal budgets, education expenditure is indeed the biggest budget line. However, in spite of the high percentages, the resources cannot be considered sufficient or significant as the overall respective budgets of the Entities, cantons and the Brčko district are low and limited (Institutional and Capacity Building of Bosnia and Herzegovina Education System, 2008:13).

3. The Legal Framework

The Preamble of the Constitution (Article II) protects human rights and fundamental freedoms by defining them through the “Enumeration of Rights” (Article II, 3.) and stating that the enjoyment of the rights and freedoms is secured for all persons in Bosnia and Herzegovina without discrimination on any grounds (Article II, 4.). In addition, *The Convention for the Protection of Human Rights and Fundamental Freedoms* is given priority over any other law in Bosnia and Herzegovina. The Constitution also states that Bosnia and Herzegovina “shall remain or become party to the international agreements listed in Annex I to this Constitution” (Article II, 7.), and in all there are fifteen of these international agreements. The Constitution also states that no amendment to the Constitution can eliminate or diminish any of the rights and freedoms referred to in Article II of the Constitution (Article X, 2.).

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A right to education is included in the Constitution of BiH which says that: “Rights and freedoms provided for in the European Convention for Protection of Human Rights and Fundamental Freedoms, and in its Protocols are directly implemented in Bosnia and Herzegovina. The enactment and enforcement of these have primacy over all other national laws. All persons within the territory of BiH exercise human rights and freedoms, including the right to education” (Constitution of BiH, Article 2; Constitution of FBiH, Chapter II, Article 2; Constitution of RS, Article 38).

BiH is a young country and had to pass many laws, rules and regulations in order to operate effectively. At the national level there are only the general, framework laws:

- The Framework Law on Preschool Upbringing and Education in Bosnia and Herzegovina, The Official Gazette of Bosnia and Herzegovina; No. 88, November 2007;
- The Framework Law on Primary and Secondary Education, Act which came into force on 01.07.2003.
- The Framework Law on Higher Education, Act which came into force on August 2007.

The framework laws were enacted in order to help create equal conditions for ensuring the right to education without discrimination of any form and in order to harmonize with the requirements of international conventions. All of the laws that, according to the Constitution, fall under various jurisdictions had to be harmonized with the Framework laws which were enacted at the national level, and as such supersede the lower laws.

It appears that legislation in BiH has developed much faster than it is being implemented. The problem of discrimination against people based on ethnic, religious, linguistic, racial and other affiliations still exists. As a result, the development of democratization of society lags and this certainly represents a major obstacle to further progress and progressive change. There is a need to continue to invest much effort in order to reduce discrimination in the future (Save the children, Norway, 2008., OECD, 2007).

Analysis of legislation and strategic documents of BiH shows the level of complexity of the legal framework and variety of legal definitions used, as well as the large number of changes and amendments to the laws, which alienates the citizens, confuses them, aggravates their access to justice, and ultimately leads to discrimination in practice. This fact was noted by the UN Committee for the Rights of the Children, which in its concluding observation noted:

this specific political and administrative structure, which grants a large autonomy to the Entities established under the Dayton Peace Agreement of 1995 – the Republica Srpska and Federation of Bosnia and Herzegovina, may create disparities in the enjoyment of rights and difficulties in planning, developing and implementing comprehensive and coordinated laws and policies for children at the State level (Save the Children, 2009:15).

The education system, reflecting these political and ethnic divisions, is a hotbed of ethno-nationalism. In the words of the Bosnian division of the Operation of Security and Cooperation in Europe (OSCE):

In many post-war societies, schools serve as an ideological battleground, providing an opportunity to spread the values of division, intolerance and fear of the other. In BiH in the years during and after the war, schools played such a role. Textbooks included both blatant and subtle hate speech. Schools' symbols were often religious or invoked individuals viewed as war criminals by others. In the past several years, through the work of the Mission, some dedicated citizens and a number of international and local partners, the situation has begun to improve (OSCE in BiH Education, 2008).

A specific issue arises from meeting the requirement of education, as varied data shows that the requirements are not equally met throughout the country, and that there are examples of discriminatory practices which go unsanctioned. Some 4-5 percent of children are prevented from attending school or having their basic elementary rights, due either to segregation, parental decisions, distance of the nearest school, or poverty.

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As the political and constitutional system is rather complex and there is an abundance of violations of the rights of children, many international organizations which value education of children as a vital interest for maintaining peace in the country are involved in helping improve the system itself. As such, OSCE has developed the document "A message to the people of Bosnia and Herzegovina, Education Reform. November 2002" (OSCE in BiH, Education, 2002, and MCA, 2004:17-35).

The Education Reform Agenda identifies as its overarching objective the need to "depoliticize education while creating the conditions that will ensure equal access to high quality, modern education throughout Bosnia and Herzegovina." In three of its five pledges, the Ministers of Education pledge to:

- Ensure that all children have access to [good] quality education, in integrated multicultural schools, that is free from political, religious, cultural and other bias and discrimination, and which respects the rights of all children;
- Provide basic education of good quality at the preschool, primary and general secondary levels, with a modern curriculum and a modern system of assessment and certification for students and teachers. Ensure that students are taught by well-trained teachers, in properly equipped and efficiently managed schools;
- Ensure the transparent, equitable, cost-effective and financially sustainable investment of public resources, and implement education legislation at all levels that is based on European standards and norms, and grounded in international human rights conventions.

This document had a very strong impact upon the legislation which was consequently enacted in BiH, but did not have a similar impact to the very practice and the everyday lives of children and youth that are encompassed by the educational system. All in all, Bosnia and Herzegovina is a country with a well established legislation which is harmonized with the international documents that define basic human

rights and freedom, but the practice itself is highly congested with the still burning war-time aims and the constant attempts for them to be met through separation and segregation in education (Pašalić-Kreso, 2005:186).

4. Freedom to establish non-state schools

Private schools in Bosnia and Herzegovina have started operation in the last ten years or so, and even though such schools can be established and operated according to the law, they are still not that numerous. The private schools in BiH are mostly those formed by the foreign community members (French, Turkish or International schools) or confessional (Catholic school, Persian college, Islamic Madrassa, etc) which work according to a specific program which has been approved by the relevant ministry of education in the Canton or the Entity. A very small proportion of the total number of pupils belongs to these private schools and most of them are in larger cities. These schools offer more freedom and diversity in their school work and meeting of school obligations. The main difference between private and public schools arises from the manner in which the curriculum is taught, interactive methods, sizes of classrooms, extra-curricular activities and cooperation with parents.

In RS three private schools exist and 91 public secondary schools, while in FBiH there are nine private schools and 212 public. The limited interest in private schooling comes from the inability of parents to afford high tuition fees, which often cost per month as much as an average monthly salary. An additional reason for limited interest comes from the fact that parents may not know the language in which the lessons are being taught and as such cannot provide support and actively participate with the teachers.

A certain number of private preschool institutions work according to the Montessori philosophy, and this approach is also being implemented in a number of private elementary schools within the lower grades. These are all starting steps in developing private education, and for now these schools are being attended by a relatively small number of students, mostly in larger cities.

According to the Framework Law on Primary and Secondary Education adopted in 2003, public schools are established by the responsible authorities in accordance with the principles and standards set forth in the laws and prescribed conditions and criteria that deal with education (Article 29), while private schools can be formed by local or foreign individuals or legal entities under the same conditions that are legally prescribed for public schools (Article 30).

Both public and private schools conduct their regular education activities in accordance with the law and according to the curricula prescribed by the educational authorities. A private school can start once it has received formal approval from the responsible authorities that mandates the appropriate curriculum, and when the school meets the prescribed conditions that ensure an appropriate education, care and safety of all students (Article 31). Solely international private schools can have curricula which do not entirely cover a common learning nucleus of the curricula prescribed.

A private school cannot be established in order to promote racial, ethno-national, religious, gender and other forms of prejudices, nor can it be conducted in a manner that is in conflict with the law or promoting prejudices (Article 32).

4.1 Home schooling

There are no special legislative acts that would allow home schooling in Bosnia and Herzegovina, but there are also no provisions that strictly prevent home schooling. This is a very rare practice in BiH, and occurs only as an exception. As elementary schooling is compulsory by the law, the parents, as well as schools are obliged to assist the child to pass the classes that he or she has not attended due to chronic illness, hospitalization, or for other reasons which prevented the child from attending school. A few

examples include a hospital within which education was organized for children treated for leukemia or other similar illnesses, but the grades cannot be formalized without passing an exam at the end of the semester or school year, administered by and within the school that the child belongs to geographically. Children being home schooled under such circumstances need to be registered with their local school.

Attending an assigned school is compulsory, unless the student is attending a private school or is excused from attending school as foreseen by the law. Upon a request made by the parents, a relevant ministry may, in extreme cases, excuse the child from attending the assigned school, if it is in the interest of protecting the rights of the child and if such a decision is in the best interest of the child. The relevant ministry may also issue guidance on decision making in the above defined process, keeping in mind that the guidance is in accordance with the policies and right established within this law (Article 12).

A long standing tradition of “home tutoring” exists in BiH for school pupils but this is not conducted by parents, but rather by a qualified teacher, or university students who are engaged to help pupil attain better school achievement, or to pass the entrance exam for secondary, or university level (OSF BH, 2007a).

5. School choice not limited by family income

Although primary education is compulsory and free of charge, parents still need to buy textbooks and school kits for the students. Only a few municipalities/cantons ensure, in accordance with their own plans, that textbooks for the disadvantaged and Roma children are provided free of charge. For all primary school children in Brcko District textbooks are free of charge, while the transportation is free for all primary and secondary school pupils who live more than 3 kilometers away from school.

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While parents have a right to choose between public and private schools, they do not have a right to choose among the available public schools; their children are assigned on the basis of residence. All public schools are assigned to a certain geographic area. All of the students of school-going age have to enroll into the school to which they belong to based on the location of residence. Reportedly, many parents lie to school authorities on where they live in order to enroll their children in preferred schools.

Unfortunately, when parents chose a preferred school over an assigned school, they do not do so for the quality of the school (except in larger towns) but do so mostly due to the ethnicity of the child and the dominant ethno-nationality in the given school. In certain cases parents, returnees to a given area have enrolled their children in schools that are as far away as 20 kilometers in order to ensure that their children attend a school that is preferable in terms of the ethnic curriculum and their own ethnicity. These parents would not allow for their children to attend a nearer school which followed a curriculum specific to a different ethno-nationality.

At the same time, the schools were not ready to adjust to the needs of returnee pupils that have come back to live in previously ethnically cleansed areas. Even though there are not language barriers among the citizens, the political, Entity and cantonal divisions easily lead to ethnic divisions. Hence, textbooks are often rich in ethnocentric content as well as material that may be insulting to other nationalities.

Besides poverty, as stated in a report by UNDP “Report on Human Development” (1998:63-68), ethno-national discrimination contributes as well to the declining rate of enrollment. In the years following the war, public was shocked to learn that children returnees to areas where they now constitute an ethnic minority were actually prevented from attending the nearest school. These cases have shown the absurdity of ethno-national discrimination in times when the process of including children with learning and physical disabilities, as well as including Roma children in regular schools, was ongoing. Even though a number of actions have been made to overcome discrimination of this kind, and apart from the achieved results, it is safe to conclude that the positive movements are rather slow and that the results are visible only on a case by case basis.

6. School distinctiveness protected by law and policy

6.1 Distinctive character

According to the Law (Articles 40 and 41) schools in BiH enjoy a certain level of autonomy, in accordance with the legislation in force, and mostly with regard to hiring teachers and the freedom of their teaching work, as well as implementation of their educational aims and tasks. Autonomy of schools arises from the fact that they are managed by a decentralized system and that the schools are guided by the ethno-national majority in their jurisdiction which allows the school to implement the “national group of subjects“ or the national curriculum.

Based on the decentralization within BiH, three educational subsystems exist:

- The Republika Srpska subsystem- decentralized with respect to the State, centralized within the RS and dominated by a unified Serb national curriculum;
- The Brčko District BD subsystem, decentralized with respect to the State with a flexible curriculum, adaptable to the nationalities of students;
- The Federation of BiH subsystem decentralized with respect to the State, with a strong further division into 10 Cantons, with strong centralization tendencies within individual cantons. Even though the Constitution and the laws foresee transfer of responsibilities to the local communities and municipalities, this does not readily occur as cantons tend to retain their ingerencies. In practice, there is decentralization or fragmentation of education.

According to the criteria for selecting curricula, schools may add onto the basic and core, unified curriculum the so-called “national group of subjects” which include language, literature, history, geography and religious studies for the students of Serb, Croat or Bosniak nationalities. This provision has been developed as a temporary solution, proposed by the OSCE office for education, in order to help accommodate children of returnees (OSCE in BiH, 2002 b:17). This temporary solution is still in force although research shows that the curriculum of an ethno-national group as well as “national” textbooks are a source of animosity towards the “others” which leads to youth being educated in ethnocentric segregation (OSF BH 2007b; Save the Children Norway 2008; Unicef 2008). Certain public schools do not want to deviate from their ethnic curriculum and in certain areas such as Stolac, Mostar, Jajce, Travnik, and Vares this gave rise to disputes and discrimination. Schools in BiH are predominantly mono-ethnic, closed off for children of other ethnicities and certain pupils have a very difficult time being educated in an area where their ethnic group is not in the majority. According to the research conducted by Save the Children (2008), more than 10 percent of children and youth reported first-hand experience on what it means to be discriminated against.

Even though BiH is a secular state, all of the schools have religious classes as one of the choice-mandatory subjects, which can also be used as an instrument of segregation. A pupil and the parents can choose whether the child will attend these classes, and if they chose to do so, then this subject becomes mandatory. Data shows that 96% of students attend religious classes in schools, and this may become a problem if schools cannot (or do not want to) organize religious classes for ethnic minority students, as this may lead to a forceful assimilation or an even stronger segregation.

6.2 Decisions about admitting pupils

Once the nine year elementary education system became mandatory, the teachers and schools exerted substantial efforts for each child to succeed. Pupils that repeat a class or fail a subject are very rare, unless they stop attending school altogether (frequent with Roma children or girls in areas where schools are distant, most frequently mountainous areas). However, secondary schools ranging from the gimnasia to vocational schools conduct a selection of students through forming a scale based on achievements in elementary schooling and requiring an entrance exam. Unfortunately, even with this very stringent selection process, the percentage of pupils that are unsatisfactory in secondary schools still remains high. This may indicate flaws in the selection system or the inability of schools and teachers, through

curricula and work, to create satisfactory output from a selected input. This may mostly have to do with outdated curricula, school equipment, and teaching methods.

However, within secondary schooling of BiH there are a few public elite schools (actually classes) that require a pupil to show a high level of academic achievement. The Second gimnasium in Sarajevo, Mostar gimnasium, and Banja Luka gimnasium have sections that work on the International Baccalaureate (IB) program that is taught in English, while the gimnasium of the Catholic Schooling Center, Bosniak gimnasium, and the United World College in Mostar attract children from all parts of the world. All of these schools or sections require no tuition payments and are partially financed by the relevant authorities in BiH and partially from international funds or from private donations. Pupils that graduate from these schools have a better chance at enrolling in prestigious foreign universities and are very successful, without adequate mechanisms that would prevent “brain drain” and have these students return to their homeland.

6.3 Decisions about staff

In schools of BiH most of the staff employed are adequately trained. The first few years immediately following the war the staff had not been adequately trained and the largest deficit was of classroom teachers and English language teachers.

In BiH the Law asks a teacher to undergo continuous education but does not mandate this requirement, and their career development and promotion does not depend on this. A minority of schools (mostly in larger towns) when selecting staff require, besides adequate professional development, that the staff know foreign languages, have specific pedagogical skills, have participated in international projects or in-service professional development, or have participated in writing appropriate textbooks. The most important and relevant criteria for staffing schools in BiH remains the ethnic nationality of the teacher, especially in smaller towns. In some cases, it was noted that a teacher of Bosniak nationality with high professional credentials had to leave a school that was operating under a Croatian curriculum due to the pressure of the parents and the community. On the other hand, there are also examples where returnee parents of Bosniak population have asked for the Serbian teacher to remain in the village and teach their children much as he had taught the generations before.

7. Accountability for school quality

Quality assurance of schools is a specific problem in BiH. The Agency for Standardization and Measurements was formed some 10 years ago, but after a while their work stopped due to the lack of capacity and funds. Some two years ago this Agency resumed its work, intensively concentrating on establishing standards of student knowledge and grading the achieved educational results. The purpose of this Agency is to recommend the outcomes of education for all levels of education and to propose the best measuring methods.

In the past fifteen years, since the end of the war until the present, no measurement or establishment of the quality of education at any level has been conducted with local or international methods (such as PISA). Quality is assessed through the average score (grade) achieved by students in one school, or being checked indirectly, during the entry of students into higher levels of education (secondary school, or at university) or directly through individuals that achieve superior results in international competitions. In recent times, there have been more frequent opinions that the quality of education is deteriorating.

The underlying reasons can be found not only in the high level of politization of education, and the subordination of education to ethno-national interests, but also in the fact that elementary and secondary schools are financed from the budget. The level of financing is established based on the number of pupils, and not by any other criteria. One of the reasons is the high cost of the administrative

apparatus that manages education, which drains the funds from the budgets and therefore does not leave additional funds in the budget for improving the quality of education.

For Bosnia and Herzegovina as a whole, assessing educational quality guided solely by academic achievement and ignoring the development of personality traits is not beneficial. Due to the rather delicate political situation, in which retaining the multicultural tradition is endangered by constant threats of secession, the key issue is for the young to be taught tolerance, respect of others and their rights, peaceful conflict resolution, learning of about others and their characteristics, and learning how to understand and accept differences. There are many projects that have this approach in Bosnia and Herzegovina, but the schools still do not systematically include these among the aims of education.

8. Teaching of values

All laws and regulations, as well as all school curricula in BiH, at all levels of education emphasize the basic aims of education as set below:

- enable students to promote respect for human rights and freedoms and to be prepared to live in a society that respects democratic principles and the rule of law;
- develop an awareness of belonging to the state of Bosnia and Herzegovina, its own national and cultural identity, language and tradition, while introducing the values of others, respecting diversity and fostering mutual understanding, tolerance and solidarity among all peoples, nations and communities in BiH.

These goals very often remain neglected and unfulfilled.

According to the results of a survey conducted by the Open Society Fund, almost half of respondents (46%) estimated that the educational system in BiH is mono-ethnic - focused exclusively on the study of cultural identity, language and traditions of one of the peoples who make up BiH, without taking into account the principles of the common good. A third of respondents considered that the amount of knowledge that the school teaches about others is not sufficient, and 22 percent of all students said that at school the other ethnic groups are generally presented in a negative context (OSF, 2007b).

Students (71 percent) and parents (75 percent) from all areas of BiH report that they believe that the diversity of peoples, cultures and religions in BiH should represent an advantage and a value, not a threat. However, analysis of textbooks from the different ethnic groups, backed by information from schools about the behavior of individual teachers, show that some schools implement a policy of ethnic homogenization and separation, and policy conflict. As a result, 63 percent of pupils consider that curricula and textbooks do not adequately prepare youth for lives in a society that is based on principles of participatory democracy and the rule of law. Such preparation would need to develop pupils' critical thinking and analytical approach and promote the importance of the civil rather than the collective or individual approach.

Children are more and more subject to discrimination which promotes intolerance and competition rather than cooperation, and are starting to believe that such a system is justified and cannot be changed. Unfortunately, a large number of children within BiH do not perceive this country as their homeland, and this is even more the case in the Republika Srpska.

9. References

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