

Funded
by the European Union
and the Council of Europe



EUROPEAN UNION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Implemented
by the Council of Europe

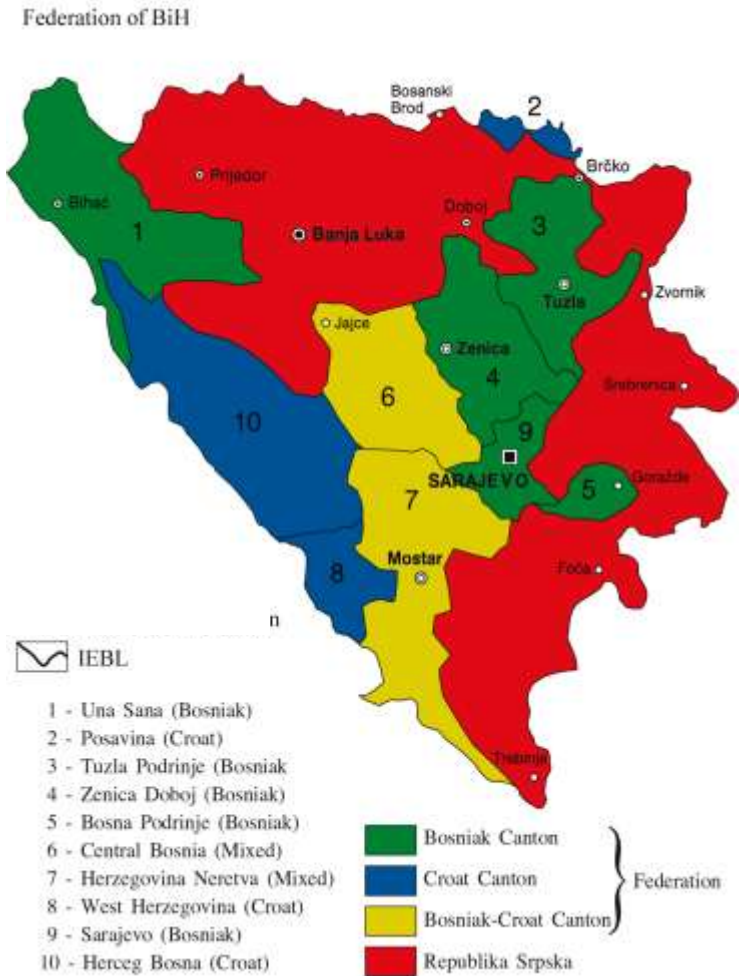
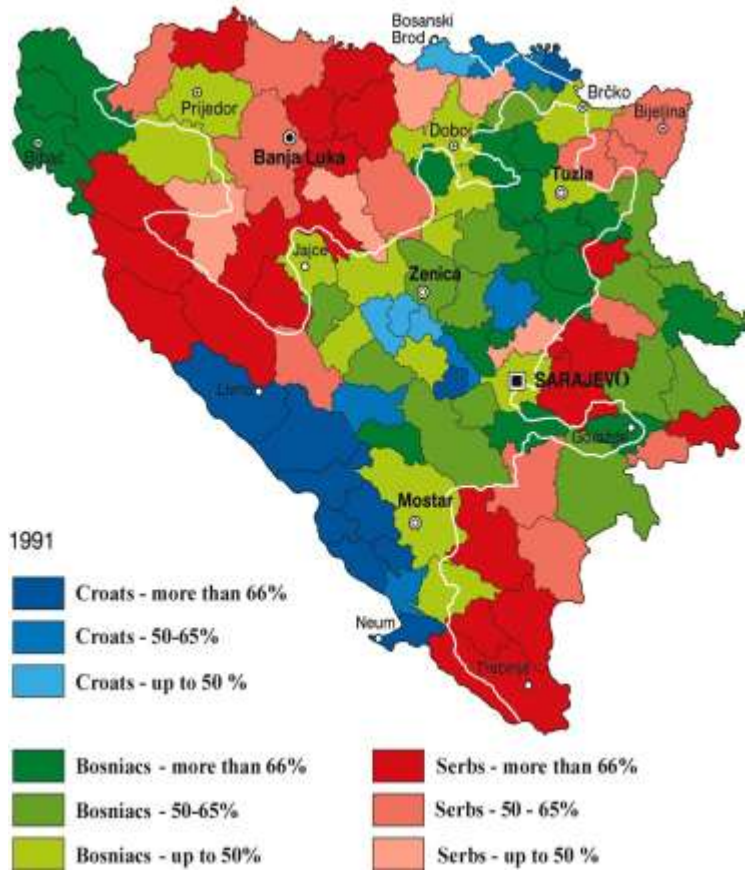


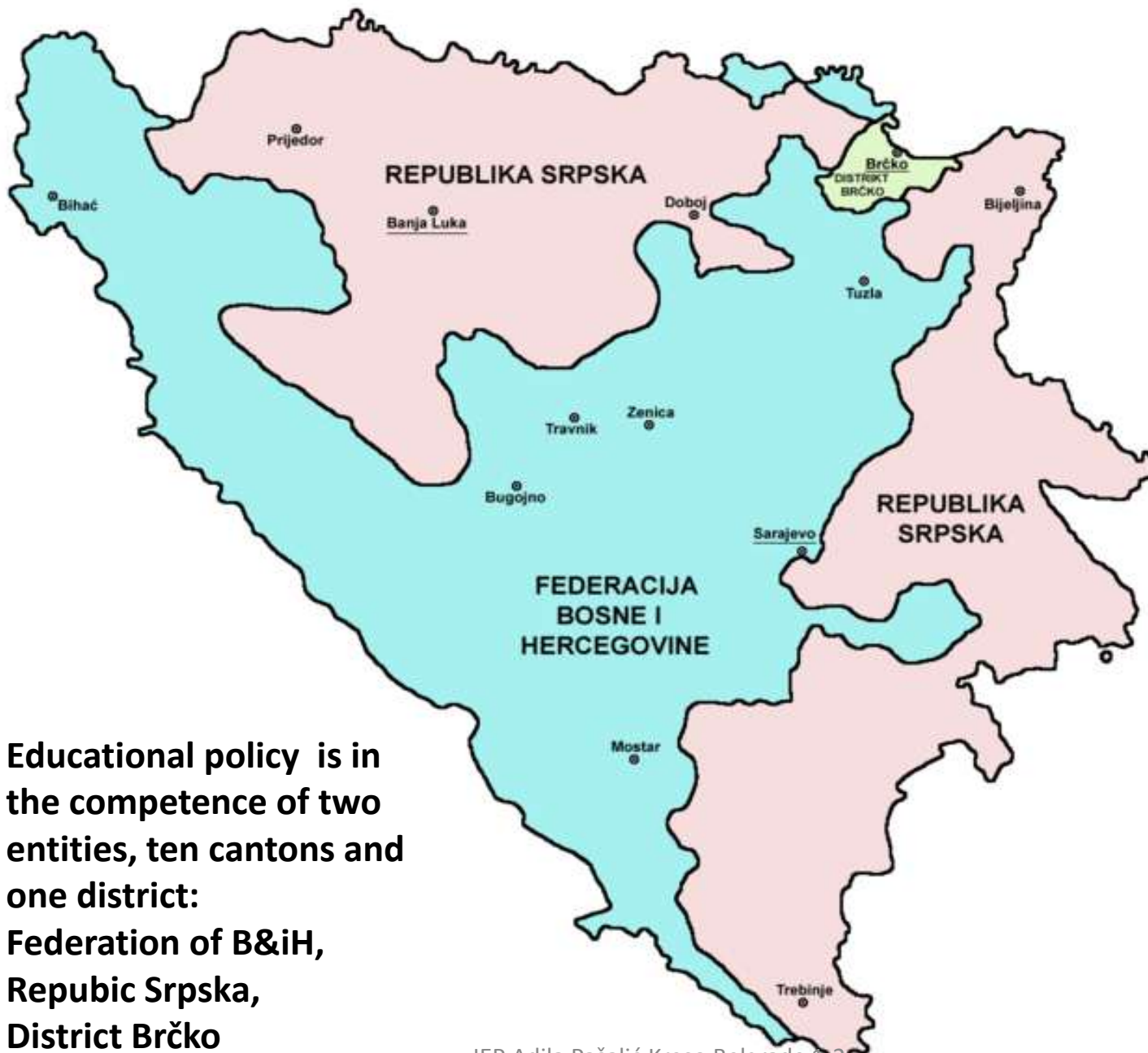
Inclusive Education Policy in Bosnia and Herzegovina

Belgrade, 1-2 October 2013

Adila Pašalić Kreso

Impact of the war and Dayton Peace Agreement on education system in B&H





**Educational policy is in the competence of two entities, ten cantons and one district:
Federation of B&iH,
Repubic Srpska,
District Brčko**

Several factors influence education in B&H:

- **The Dayton Peace Accord and its Annex 4**, which is actually the Constitution of B&H captivated the results of the war and divided the country into two entities: **Federation of B&H, Republic Srpska, and Brčko District**.
- **Constitution has created an asymmetric education management system from the very beginning**, thus disabling unity in creation of educational policy, accomplishment of common educational goals.
- **No Ministry of education at the state level** of BiH. Since 2002. **Ministry of Civil affairs** is responsible for education but with very restrictive responsibility.
- Direct consequences of such an organisation are the existence of **13 constitutions and 13 ministries of education** (two entity-level ministries, 10 cantonal ministries and the ministry of the Brcko District). **With Ministry of Civil Affairs even 14 ministries**.

Federation of BiH



8 Number of the Canton
 IEBL

- 1 - Una Sana (Bosniak)
- 2 - Posavina (Croat)
- 3 - Tuzla Podrinje (Bosniak)
- 4 - Zenica Doboј (Bosniak)
- 5 - Bosna Podrinje (Bosniak)
- 6 - Central Bosnia (Mixed)
- 7 - Herzegovina Neretva (Mixed)
- 8 - West Herzegovina (Croat)
- 9 - Sarajevo (Bosniak)
- 10 - Herceg Bosna (Croat)

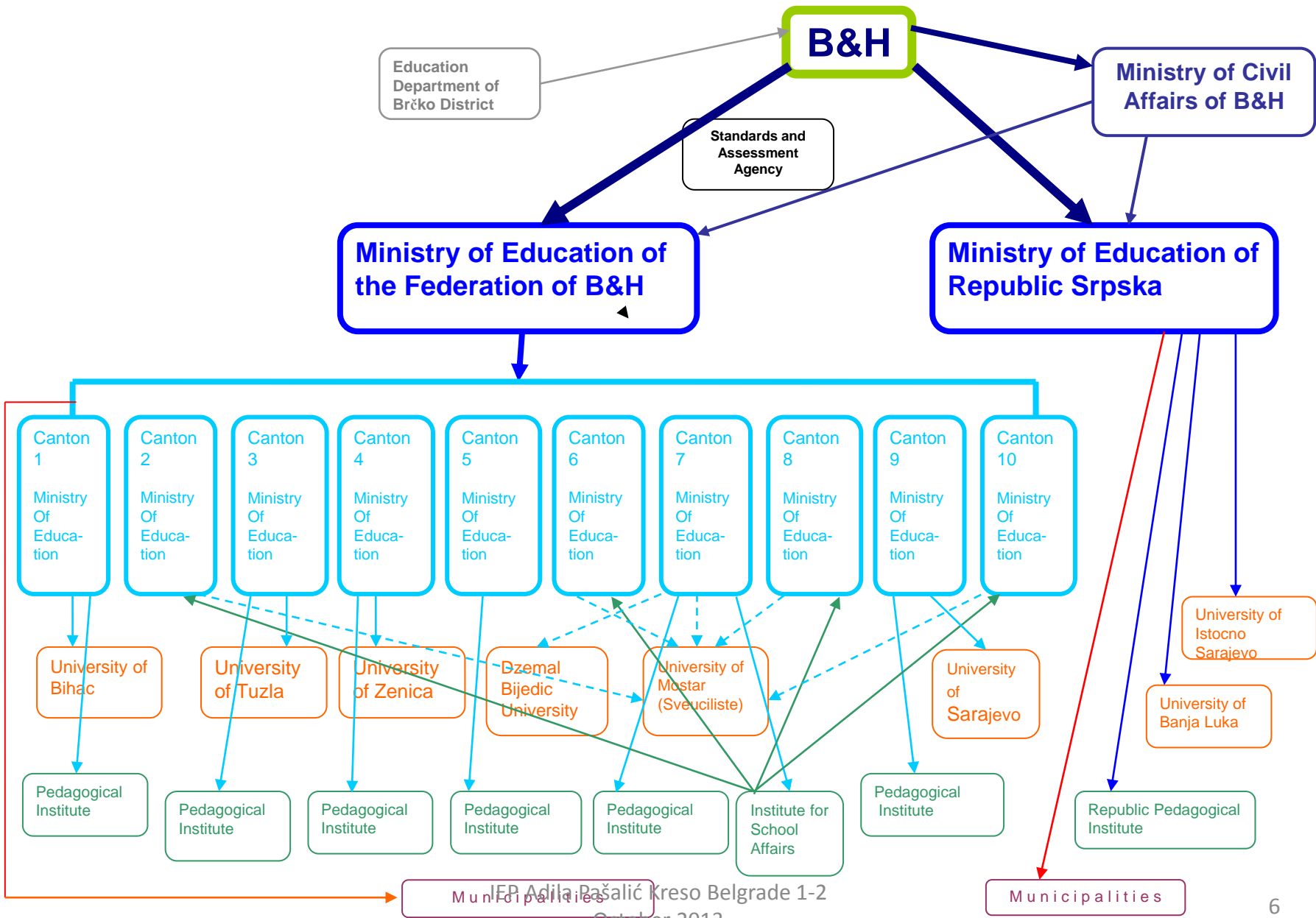
| | | | |
|--|----------------------|---|------------|
| | Bosniak Canton | } | Federation |
| | Croat Canton | | |
| | Bosniak-Croat Canton | | |
| | Republika Srpska | | |

IEP Adila Pašalić Kreso Belgrade 1-2

October 2013

STRUCTURE OF THE EDUCATION SYSTEM IN BOSNIA AND HERZEGOVINA

INTERNATIONAL COORDINATION BOARD



Municipality of Agila, Pašalić Kreso Belgrade 1-2

Municipalities

Inclusion of children with special needs in regular elementary schools as a part of a global movement

- Documents from **Lisbon 2000** (III Western Balkan) are in fact based on the conclusions and recommendations of earlier documents adopted at the international level, such as:
- **The Convention on the Rights of the Child** (UN 1989), especially article 2, 9, 23.
- The **Dakar Framework** for Action (2000)
- **World Declaration on Education for All, Jomtien, Thailand, 1990**. Children with special needs are educated under equal conditions and without any discrimination.
- **UN Standard Rules on the Equalization and Opportunities** for Persons with Disabilities (UN General Assembly, 1993): - States should set the goal of gradual integration of special schools activities to mainstream schools (Rule 6, paragraph 8).
- **World Conference on Special Needs Education, Salamanca, Spain, 1994**). Ensuring the right to education for children, youth and adults with special needs is presented as a priority need.
- **The UNESCO Convention on the Protection and Promotion of Diversity** of Cultural Expressions (2005)
- **The UNESCO Universal Declaration on Cultural Diversity (2001)**
- **The UNESCO Convention against Discrimination in Education (1960)**

The reform of education in BiH

- International standards in the field of education established in a number of international conventions and declarations are ratified by B&H. **In the Constitution of B&H it is stipulated that the international legal instruments are above/older than the Constitution.**
- **By signing numerous documents B&H has become committed** to education without segregation and discrimination. In harmony with these international documents were made all new national/state documents in B&H announcing the **elimination of discrimination against children with special needs.**
- **Educational reform in B&H officially started on 27th June 2001**, with an agreement on the modalities and timeframe for the development and implementation of common strategies for modernization of primary and general secondary education in B&H, signed between the Federal Minister for Education, Science, Culture and Sport and Minister of Education of the Republic Srpska, in the presence of representatives of the international community.
- **The aim of the agreed strategy is to bring general education in B&H to the level of general education standards developed already in Europe.**

Education Policy and Law Regulations

- According to the basic guidelines of the agreement (2001), education in B&H must respect the specific cultural and social circumstances of B&H, and support the development of a peaceful society based on fundamental principles of mutual respect, individual rights and civil society. School as a public institution must be depoliticized and without any ideological influences, which means respect the right to be different (individual differences, group, national, cultural, and religious differences). It will strive to build the education system in accordance with a resolution of the European dimension of education, which is based on human rights, pluralist democracy, tolerance, solidarity and the rule of law.
- OSCE document under title Education Reform Strategy with five pledges (Nov. 2002.)
- The adoption of the Framework Law on Primary and Secondary Education 2003 created the preconditions that the education system throughout the country introduced the principle of inclusive education which enables children with special needs attending regular primary schools.
- In the absence of the State Ministry of Education in B&H, Framework Law provides a basis as the starting point for making laws at lower levels.
- Thus the majority of cantons in 2004 adopted new legislation on education, or amendments to existing laws. One of the important features of the new entity and cantonal laws on education is advocacy for compulsory integration and inclusion of children with special needs in regular schools.

Law regulations in B&H

- As a result of education reform at the level of B&H five framework laws were adopted:
 - Framework Law on Primary and Secondary Education (2003),
 - Framework law on pre-school education in Bosnia and Herzegovina (2007),
 - Framework Law on Higher Education in Bosnia and Herzegovina (2007),
 - Framework Law on Vocational Education and Training in B&H-VET (2008)
 - Law on the Agency for Preschool, Primary and Secondary Education (2007).
- All laws in the Republic Srpska entity, cantons and Brčko District, as well as other regulations in the field of education should be harmonized with the provisions of the laws of Bosnia and Herzegovina.
- Educational reform at the level of B&H has required the adoption of five strategies:
 - Strategic Directions for the development of preschool upbringing and education in B&H (2004);
 - Development Strategy for vocational education and training in Bosnia and Herzegovina (2007-2013);
 - The strategic directions for the development of education in B&H, with Implementation Plan 2008 – 2015;
 - The Road Map and action plan for inclusion into the EU Lifelong Learning Programme (2007-2013);
 - Youth in Action (2007-2013).

In the context of Bologna process number of Laws had been defined

Practical implementation of the agreement and the law

- Example: Framework Law on Preschool Upbringing and Education in Bosnia and Herzegovina (29 October 2007)

Article 12.

(Integration programs for children with special needs)

(1) Children with special needs are included in the preschool programs adapted to their individual needs.

For each child to be developed an individual program tailored to his abilities and skills.

(2) For children with special needs prepare and implement programs for integration.

Dynamics of adoption of the law on pre-school education in Bosnia and Herzegovina

| R. br. | Entitet/Kanton/Regija | Datum donošenja Zakona | Novine i datum objavljivanja Zakona | Datum stupanja na snagu |
|--------|------------------------------------|--|---|-------------------------|
| 1. | Unsko-sanski kanton | 12.05. i 14.05. 2010. godine | Službeni glasnik Unsko-sanskog kantona“ broj: 8/2010 od 10.06.2010. | Nije stupio na snagu |
| 2. | Županija Posavska | 04.12.2008. godine | Narodne novine Županije Posavske broj 8/08 od 04.12.2008. godine | 12.12.2008. godine |
| 3. | Tuzlanski kanton | 13.10.2009. godine | Službene novine Tuzlanskog kantona broj 12/09 od 10.11.2009. godine | 18.11.2009. godine |
| 4. | Zeničko-dobojski kanton | 23.06.2010. godine | Službene novine Zeničko-dobojskog kantona broj 7/10 od 15.07.2010. godine | 23.07.2010. godine |
| 5. | Bosansko-podrinjski kanton | 29.12.2009. godine | Službene novine Bosansko-podrinjskog kantona broj 15/09 od 29.12.2009. godine | 30.12.2009. godine |
| 6. | Srednjobosanski kanton | Zakon je usvojen u formi Nacrta 19.08.2010. godine | | |
| 7. | Hercegovačko-neretvanska županija | Zakon je u proceduri donošenja | | |
| 8. | Županija Zapadnohercegovačka | Zakon nije donesen | | |
| 9. | Kanton Sarajevo | 24.07.2008. godine | Službene novine Kantona Sarajevo, broj 26/08 od 24.07.2010. godine, Izmjena:Službene novine broj 21 od 08.07.2009. godine | 16.07.2009. godine |
| 10. | Kanton 10 | 13.10.2009. godine | Narodne novine Hercegbosanske županije broj 09/09 | 28.11.2009. godine |
| 11. | Republika Srpska | 26.11.2008. godine | Službeni glasnik Republike Srpske broj 119 od 18.12.2008. godine | 26.12.2008. godine |
| 12. | Brčko Distrikt Bosne i Hercegovine | 28.02.2007. godine | Službeni glasnik Brčko Distrikta BiH broj 13/07 od 27.04.2007. godine I izmjena: Službeni glasnik broj 19/07, II izmjena: Službeni glasnik broj 39/08, III izmjena: Službeni glasnik broj 21/10 | 05.05.2007. godine |

Statistics on inclusive education policy

At the beginning of school year 2011/2012:

- In the Federation of Bosnia and Herzegovina in 31 primary schools for children with special needs there were 630 pupils, and in regular classes 1,284 pupils with special needs were included.
- In the Republika Srpska, in 24 primary schools for children with special needs there were 403 pupils, and in regular classes 1,198 pupils with special needs were included.
- In District Brčko, in two primary schools for children with special needs there were 26 pupils.
- In the same period, in Bosnia and Herzegovina in 1.849 primary schools there were 335.665 pupils, which was, compared to the previous school year, less for 14.541 pupil, or 4,15%. At the beginning of 2010/2011 school year in Bosnia and Herzegovina there were 24.593 teachers, out of this number were 17.120 of women ili 69,6%.
- Statistics on education, statement 1/11 – Agency of statistics of Bosnia and Herzegovina

Policy framework in inclusive education

- In BiH there is no **specific law** which regulates education of children and youth with special needs.
- Together with coordinating role that has MoCA there are 14 ministries of education in Bosnia and Herzegovina. Through such an entity-cantonal divisions in the structural way (13 Acts on Education) as well as in terms of content (3 national curricula) the segregation continues, but in a sophisticated refined way. Two diametrically confronted entity management models of educational system: a) centralized in RS and b) decentralized (per canton) in FB&H makes complicated principles and consistency in the full implementation of education for all. This current scattered, fragmented education system in B&H is still based on segregation, and is far from complete inclusion.
- The true level of will to implement inclusion and other achievements and principles of modern education in the education system is illustrated by the fact that in the three cantons this had to be done through laws imposed by OHR.
- In the rainforest of administrative obstacles and unsanctioned obstructions of competent ministries, High Representative for B&H, on 7 July 2004 issued a decision which has harmonized Law on Primary and Secondary Education of Central, West and Livno Canton (10) with the Framework Law. Decisions taken by the High Representative corrected the failure of Cantons 6, 8, and 10, since their governments that were obliged to harmonize their legislation with the state legislation, did not do it in due time which was December 2003 year.
- Legal provisions are **defined by the entity and cantonal laws** on education as well as a by a number of rulebooks in some cantons. This is how it looks like:

| Provision of the Law/ Canton | Children with special needs as a general objective of education | Necessity to adopt the special Rules for children with special needs | Necessity of creating individually adapted programs for children with special needs | Necessity of employing experts and assistants for children with special needs | Method of assessing children with special needs | The absence of discrimination in enrollment s.n.c. and sanctions for discrimination |
|--|---|--|---|---|---|---|
| 1. Unskosanski kanton | Article 2 and Article 5 | Article 23 (paragraph 4) | - | Article 23 (paragraph 2) and Article 138 | Article 113 | Article 52 and Article 163 (item 10) |
| 2. Posavski kanton | | Article 5 | | | | |
| 3. Tuzlanski kanton | Article 3 and Article 50 (paragrph 2) | | Article 50 (paragraph 5) | Article 50 (paragraph 4) | Article 68 (paragraph 3) | Article 27 and Article 110 (item 13) |
| 4. Zeničkodobojski kanton | | | Article 24 (paragraph 4) | | | Article 98 (paragraph 8) |
| 5. Bosanskopodrinjski kanton - Goražde | | Article 28 (paragraph 5) | | Article 28 | | Article 49 andi Article 104 (item 8) |
| 6. Srednjobosanski kanton | | Article 10 (paragraph 4) | | | | |
| 7. Hercegovačkoneretvanski kanton* | | | | | | |
| 8. Zapadnohercegovački kanton | | Article 6 (paragraph 4) | | | | |
| 9. Kanton Sarajevo | Article 2 (paragraphs 2 and 3) | | Article 26 i 27 (paragraph 2) | | Article 54 (paragraph 8 and 9) | |
| 10. Kanton 10 | | Article 55 (paragraph 1) | 55P Adila Pašalić Kreso Belgrade 1-2 October 2013 | | | 15 |

LAW

ON PRIMARY AND SECONDARY EDUCATION IN PRIMARY AND SECONDARY SCHOOLS IN BRČKO DISTRICT IN BOSNIA AND HERZEGOVINA (2004)

- Brčko District has given good example of Law on primary and secondary schools that uses adequate terminology and has unsegregational attitude. Throughout the text of the Law the issue of upbringing and education of children with special needs is present, not only in an article or two as is it often the case. Emphasising education of children with special needs in separate articles, not being mentioned anymore further on shows also segregational attitude. But, this Law is skillfully balanced.

For example, Article 2, paragraph 2 of this Law says:

General organization and implementation of high standards of education provide the best conditions necessary for development of child's individuality, adapted to his/her age, capabilities, intellectual and physical abilities.

- Similar formulations are used in Article 7 (paragraph 1), Article 9, and Articles 48 to 55.

Bad example of segregational legal formulations

For ex.

- The Law on Primary and Secondary Education Un-Sana Canton (2004) in Article 2 states:
"The elementary school is an institution for basic education of students of **normal mental and physical development**, and **students with special needs** ..."
- In Ze-Do Canton Law on Primary School in Article 2 (§ 5) is written:
"Attending a regular school is mandatory for a period of nine years for **children of normal mental and physical development** and **special schools for children with special needs** from seven to fifteen years ..."

Terminology

- The terminology is **not standardized** and sometimes **insulting**:
- Instead of old common term **invalid(s)** uses the term **disabled person(s)**,
- Instead the term **handicapped person(s)**, in use is **person/child with special needs**.
- Children with **developmental disabilities vs. normal children**.
- Does **special needs children** include (or not) **talented children**

The implementation gaps 1

- Inclusion in the educational system in Bosnia and Herzegovina has entered a wide-opened door and **for many years has been present** more verbally than really.
- So far there is nobody who made a **serious analysis** of feasibility, readiness and performance of the previous results of inclusions.
- In fact, quite opposite, this very complex task was started without serious preparation, **no plan, no teachers training, no education, no involvement of experts** and finally not asking for help from professionals.
- The legislation is **inconsistent, unclear, discriminating, often insulting** with the use of different meanings of the terms.
- Legislation is not respected especially where the law requires the **deployment of experts to work with children** with special needs.
- There is **no elementary school even in Canton Sarajevo** where is employed **speech pathologist or therapist**, not to mentioning volunteers or any person engaged in various projects for a few hours a week.

The implementation gaps 2

- In some schools where there was a little more sensitivity with school management, teaching staff is trained independently with the support of NGOs. At the same time, B&H has outstanding individuals who are not waiting someone else to solve their problems, but they have well managed training and assistance in various ways. With the help of **perseverance heart and great love that have for pupils** they have managed to cope with major problems.
- A child with special needs is still in our schools a "problem child."
- Slow and almost nothing is done to prove that the "school is a problem" and that it does not know how to adjust its work to every child.
- It is known that if we miss early age to correct certain problems, it is increasingly difficult or impossible to achieve later .

Recommendations and Challenges

- Decentralized and fragmented system, if there is no change, will continue to impoverish education in B&H
- The Ministry of Education at the state level is to be imposed as priority
- Establishment of the Institute for Research in Education in B&H which would deal with the issues of inclusion
- Strengthen teams of experts for the developmental problems of children who will assist each school and teachers
- Permanent education of teachers.
- The first precondition for the realization of inclusion is high quality and comprehensive legislation. In addition, the following should be defined:
 - Regulations on the education of children with special needs
 - Regulations on the enrollment of children with special needs in the first grade,
 - Regulation on the evaluation of students with special needs
 - Regulation on the content and management of student files in inclusive classes!
- Without fulfillment of these prerequisites, segregation and discrimination will continue to last in Bosnia and Herzegovina!