

Universal Periodic Review (34th session, October-November 2019)
Contribution of UNESCO

Bosnia and Herzegovina
(Right to Education)

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	State Party (12/07/1993)	Reservation to this Convention shall not be permitted		Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage (1972)</i>	12/07/1993 Notification of succession			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage (2003)</i>	23/02/2009 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)</i>	27/01/2009 Ratification			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The **Bosnia and Herzegovina (“BiH”) Constitution** is the highest legal and political document of the State which defines BiH 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.¹

2. The **Constitution of BiH of 1995**² enshrines the right to education in Article II (3)(1) which states: “All persons within the territory of Bosnia and Herzegovina shall enjoy the human rights and fundamental freedoms referred to in paragraph 2 above; these include: 1) The right to education.” Article II (4) which provides: “The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in Annex I to this Constitution shall be secured to all persons in Bosnia and Herzegovina without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” **Article II (1)** enshrines the recognition of human rights and general freedoms in general and creates a Human Rights Commission.

3. The **Framework Law on Primary and Secondary Education (2003)**³ makes mandatory nine-year attendance of primary education, free of charge (Article 16) and makes secondary education free (Article 17) and protects equal right of access without discrimination (Article 4). The **Framework Law on Preschool Care and Education in BiH (2007)**⁴ envisages mandatory attendance of preschool institutions for all preschool aged children for one year before enrollment into primary schools (**Article 16**). **Article 6** provides for equal right to access without discrimination to preschool.

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

4. Freedom of expression is guaranteed under Article 3 of the Constitution of Bosnia and Herzegovina.⁵

5. Bosnia and Herzegovina has decriminalized defamation since 2001 in Republika Srpska and since 2003 in Federation of Bosnia and Herzegovina and Brcko District. A new law, the Law

¹ Bosnia and Herzegovina Report submitted for the eighth consultation on the implementation of the Convention and Recommendation against Discrimination in Education, 2013, p. 3.

² http://www.unesco.org/education/edurights/media/resources/file/Bosnia_and_Herzegovina_Report_on_the_Implementation_of_the_Convention_Against_the_Discrimination_in_Education.pdf

³ http://www.ccbh.ba/public/download/USTAV_BOSNE_I_HERCEGOVINE_engl.pdf

⁴ <http://www.unesco.org/education/edurights/media/docs/308622a80f5d8c05cf0bd480621a9ebbbcbd9b15.pdf>

⁵ http://www.ccbh.ba/public/download/USTAV_BOSNE_I_HERCEGOVINE_engl.pdf

on Protection against Defamation, was enacted in the same month, placing defamation within the civil jurisdiction.^{6 7 8}

6. The Freedom of Access to Information Act was enacted in Bosnia and Herzegovina in 2001.⁹

Implementation of legislation:

7. The Law on Communications in 2001 established the Communications Regulatory Agency. The Agency issues licenses and combines other competences of the Independent Media Commission and the Telecommunications Regulatory Agency.¹⁰

8. The Parliamentary Assembly of Bosnia and Herzegovina appoints the seven member Council of the Agency, which in turn nominates the Director-General, who is approved by the Council of Ministers of Bosnia and Herzegovina.¹¹

Safety of Journalists:

9. UNESCO has recorded no killings of journalists and media workers in Bosnia and Herzegovina since 2008.

III. Review and specific recommendations

A. Education

10. During the last UPR cycle, BiH was recommended to ensure the provision of inclusive quality education, with particular attention paid to the needs of the Roma population, persons with disabilities, returnees, and the LGBT community.

Policy framework

- **Priorities for 2016-2026 Higher Education Development in BiH** is the most recent EU / Council of Europe Project that aims for the strategic development of Higher Education and Qualification Standards, harmonized with the European Framework.¹²

⁶ <http://unpan1.un.org/intradoc/groups/public/documents/unpan017549.pdf>

⁷ http://english.vzs.ba/index.php?option=com_content&view=article&id=210%3Azakon-o-zatiti-od-klevete-rs&catid=9%3Ajournalists-laws&Itemid=12&lang=en

⁸ <https://skupstinabd.ba/3-zakon/ba/Zakon%20o%20zas--titi%20od%20klevete/000%2014-03%20Zakon%20o%20zas--titi%20od%20klevete.pdf>

⁹ http://www.mpr.gov.ba/web_dokumenti/izmjena%20zospi-English.pdf

¹⁰ <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/New2015/Law%20Amending%20the%20Law%20on%20Communications%20BiH%20OG%2098-12.pdf>

¹¹ <https://www.rak.ba/organisational-structure>

¹² Priorities for 2016-2026 Higher Education Development in BiH.

http://www.mcp.gov.ba/org_jedinice/sektor_obrazovanje/dokumenti/strateski_doc/default.aspx?id=7565&langTag=bs-BA

- In December 2017, BiH adopted the **Platform for the Development of Preschool Education for 2017-2022**, paving the way for the harmonization of education policies with international standards.¹³
- **Strategic platform of development of adult education in the context of lifelong learning in BiH for the period 2014-2020** was developed to complement the EU project on lifelong learning and adult education.¹⁴
- The **Education for All 2015 National Review**¹⁵ aims for the full implementation of nine-year compulsory education, development of curricula, adoption of educational standards and norms and reduction in premature school dropout.

Pre-primary education

- The national pre-school enrolment rate for children aged 3-6 is 14% and far from the EU target of 95% by 2020, despite Framework Law providing for free and compulsory preschool education in the year before starting school.¹⁶

Equal access and non-discrimination

- Education authorities support equal opportunities through a variety of measures, including: the introduction of compulsory and free pre-primary education, funding free transport for students of primary school, procurement of textbooks and school supplies for children in economically and socially marginalized groups, scholarships and other financial assistance measures for higher education.¹⁷
- Regardless, the enforcement of legal obligations relating to the provision of basic rights to education are often hindered due to a lack of financial resources for the implementation of legal provisions. Difficulties include: difficult social and economic situations; unemployment and education structure of parents; irrational network of primary schools; 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.¹⁸

Roma children

- Concerns are raised over the persistent discrimination and marginalization of Roma children in education. Only 69.3% of the Roma population enroll in primary education (compared to 97.6% of the general population).¹⁹
- The **Action Plan of Bosnia and Herzegovina on the Educational Needs of Roma** (2010) has four main objectives: a) ensuring Roma children are involved in compulsory primary education; b) encouragement of Roma population into secondary and higher education and

¹³ Annex to the Commission Implementing Decision of European Commission. <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180817-revised-indicative-strategy-paper-2014-2020-for-bosnia-and-herzegovina.pdf>

¹⁴ EURYDICE. https://eacea.ec.europa.eu/national-policies/eurydice/content/lifelong-learning-strategy-11_de

¹⁵ Education for All 2015 National Review. <https://unesdoc.unesco.org/ark:/48223/pf0000229929>

¹⁶ Ibid, p. 8.

¹⁷ Ibid, p. 7.

¹⁸ Ibid, p. 11.

¹⁹ Ibid.

employment training, c) preservation and promotion of Romani language, culture and history and d) building system solutions to meet the education needs of Roma.²⁰

- Various incentives encourage attendance for Roma children in the Republika Srpska: offering guidance to parents on education, providing material support to children, training for teachers to work with children from disadvantaged communities, and scholarships, free textbooks, fares, snacks and school supplies for children.²¹
- Of the total number of Roma girls enrolled, 80 per cent do not complete elementary school, and only 4.5 per cent complete secondary school (compared to 9.2 per cent of Roma boys).²²
- The literacy of Roma women aged 15-24 is only 68.9%.²³

Multi-ethnic and multi-religious integration

- Ethnic segregation at schools persists with the “two schools under one roof” practice and continued existence of mono-ethnic schools. Around 30 schools remain divided in two by entrance, classroom, teacher and curricula, although the concept is being phased out using the 2012 Recommendations for the elimination of segregated and divided structure of educational institutions in the Federation.²⁴

Disabilities

- Some efforts have been made to improve the quality of education for children with disabilities, for example through teacher training that focuses on child-centred inclusive education teaching and learning approaches for all children, including children with disabilities.²⁵
- There remains a lack of effective comprehensive strategy for the inclusion of students with disabilities in education, and a lack of data on measures adopted to ascertain their success.²⁶ The Human Rights Committee is concerned at reports suggesting that some children with disabilities remain outside the education system altogether.²⁷

IDPs and returnees

- Returnees and internally displaced persons continue to face discrimination, including in employment and education, which hampers reintegration into society.²⁸

²⁰ Bosnia and Herzegovina Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education, 2013, pp. 22-23.

²¹ Bosnia and Herzegovina State Report for the Committee on the Elimination of Racial Discrimination, 2017, p. 9.
https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBIH%2f12-13&Lang=en

²² Bosnia State Report for the Committee on the Elimination of Discrimination against Women, 2018, p. 28.
https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fBIH%2f6&Lang=en

²³ Education for All 2015 National Review, p. 13.

²⁴ State Report for the Committee on the Elimination of Racial Discrimination, 2017, p. 14.
https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBIH%2f12-13&Lang=en

²⁵ UNICEF Annual Report 2017, p. 3.
https://www.unicef.org/about/annualreport/files/Bosnia_and_Herzegovina_2017_COAR.pdf

²⁶ Concluding Observations of the Committee on the Rights of Persons with Disabilities, 2017, para 42.
https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fBIH%2fCO%2f1&Lang=en

²⁷ Concluding Observations of the Committee on Civil and Political Rights, 2017, para 31.
https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBIH%2fCO%2f3&Lang=en

²⁸ Ibid, para 35.

Specific recommendations:

11. BiH should be encouraged to:
 1. Increase its efforts to foster access and enrolment to at least one year of free pre-primary education.
 2. End all forms of segregation in the education system, to accelerate the termination of the “two schools under one roof” system, to develop a common basic curriculum and to ensure an inclusive and non-discriminatory education system for all children.
 3. Take measures to improve access to educational opportunities for Roma children. The Revised Action Plan on Roma Educational Needs should be effectively funded and implemented to reach this goal.
 4. Expand and develop comprehensive policies and the creation of a monitoring system to ensure for the inclusion of children with disabilities within the education system.
 5. Submit regularly comprehensive national reports for the periodic consultations on UNESCO’s education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
 6. Share with UNESCO any relevant information to update its country profile on UNESCO’s Observatory on the Right to Education.²⁹

B. Freedom of opinion and expression

12. The Government is recommended to continue with its current dispensation on freedom of expression and opinion.

C. Cultural rights

13. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)³⁰, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)³¹ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)³², Bosnia and Herzegovina is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Bosnia and Herzegovina is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups

²⁹ <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

³⁰ Periodic Report available at: <http://whc.unesco.org/archive/2015/whc15-39COM-10A-en.pdf>

³¹ Periodic Report available at: <https://ich.unesco.org/en/state/bosnia-and-herzegovina-BA?info=periodic-reporting>

³² Periodic Report available at: <https://en.unesco.org/creativity/monitoring-reporting/periodic-reports/available-reports-76>

(minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

**D. Freedom of scientific research and
the right to benefit from scientific progress and its applications**

14. **Bosnia and Herzegovina** did not submit its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore **Bosnia and Herzegovina** is encouraged to report to UNESCO in future on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.