

Decision Enacting the Law on Amendments to the Law on Secondary Education

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1. (d) of the last said Agreement, according to the terms of which the High Representative shall “[f]acilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including (under sub-paragraph (c) thereof) measures to ensure the Peace Agreement throughout Bosnia and Herzegovina and its Entities”;

Noting that the Peace Implementation Council, at its meeting held in Madrid on 16 December 1998, underlined the tasks of High Representative include the co-ordination of international efforts in regard to education”;

Further noting that the Steering Board of the Peace Implementation Council, at its meeting held in Brussels on 21st November 2002, concluded that Bosnia and Herzegovina needs to: “develop a common core curriculum that is consistent with European standards and to rationalise existing structures in order to make financing and management (of education) more efficient” and “fully supported the five pledges” which included a commitment to “develop, adopt and implement laws in the Entities and Cantons that are consistent with the human rights and education principles and standards embedded in the state – level law (at the least two months before the beginning of the school year 2004 –2005)”;

Recalling that the Council of Europe’s post-accession commitments obligated Bosnia and Herzegovina to eliminate by 24 April 2004 all aspects of ethnically based segregation and discrimination;

Applauding the overriding objective of the Education Reform Strategy to depoliticize education, while creating conditions that will ensure equal access to a high-quality, modern education throughout the country;

Fully Cognizant of the fact that in order to achieve this objective, all children must have access to quality education in integrated, multi-cultural schools free of political, religious, cultural and other bias and discrimination which respect the rights of all children;

Noting that the Steering Board of the Peace Implementation Council, in its Communiqué adopted at its meeting held in Sarajevo on June 12, 2003, “urged the BiH authorities to implement these reforms [by passing the draft State-level Framework Law on Primary and Secondary Education in Bosnia and Herzegovina]” and to take “steps toward harmonizing the three ‘ethnic’ curricula into one BiH-wide common core curriculum, for all subjects taught in primary and general secondary schools”;

Further Noting that the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina (Official gazette of BiH no: 18/2003, 1st July 2003, hereinafter referred to as “the Framework Law”) provides: “[W]ith the aim of achieving adequate quality of education and standards of knowledge, as well as their comparability at domestic and international levels, the competent educational authorities are obliged to ensure that, by the beginning of school year 2003/2004 at the latest, teaching in all schools in the territory of Bosnia and Herzegovina shall be realized on the basis of the common core curriculum, as defined by this law”;

Deploring that Canton West-Herzegovina has thus far failed to bring its legislation on Primary and Secondary education into line with the Framework Law;

Having considered, borne in mind and noted all the matters aforesaid, the High Representative hereby issues the following:

DECISION

Enacting the Law on Amendments to the Law on Secondary Education (“Official Gazette of the West-Herzegovina Canton, No: 6/04”)

The said Law, which is hereunder attached as an integral part of this Decision, shall enter into force as a law of the Western-Herzegovina Canton as provided for in Article 7 thereof, on an interim basis, until such time as the Cantonal Assembly of the West-Herzegovina Canton adopts this Law in due form, without amendment and with no conditions attached.

Amendment to Article 4 of the Law on Secondary Education of the Western-Herzegovina Canton, adopted by the Cantonal

Assembly of the West-Herzegovina Canton on 30 June 2004 shall be changed and published as set forth in the Law enacted by this Decision.

This Decision shall come into force forthwith and shall be published without delay in the "Official Gazette of the Western-Herzegovina Canton".

Sarajevo, 7 July 2004
Paddy Ashdown
High Representative

Law on Amendments to the Law on Secondary Education

Article 1

In the Law on Secondary Education ("Official Gazette of the Western-Herzegovina Canton", No: 6/04), Article 4 shall be amended and shall read as follows:

"The languages of the constituent peoples of Bosnia and Herzegovina shall be used in secondary schools in accordance with Article 7 of the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina ("Official Gazette of BiH", No 18/03, hereinafter: the Framework Law).

Teachers shall respect and explain the differences among the three official languages of Bosnia and Herzegovina whenever relevant to the subject they teach.

There may be no discrimination against students on the basis of their religious, racial, ethnic, gender, cultural and other specificities, nor arising from their use of any of the languages or scripts of the constituent peoples of Bosnia and Herzegovina.

There shall be no discrimination against any teacher or other employee in relation to appointment, the terms and conditions of employment, promotion or in taking any other decision relating to that person by reason of the use by him/her in the school of any of the languages of the constituent peoples in oral or written expression".

Article 2

In Article 9, paragraph 3, the words "Common cores" shall be replaced by words "Common Core".

Article 3

In Article 10, paragraph 5 shall be amended and shall read as follows:

"Curricula and Syllabi for all types of schools, including the common core curriculum as established by the Curriculum Agency, shall be passed and implemented by the Ministry in Accordance with Articles 42, 43, and 48 of the Framework Law".

After paragraph 6, a new paragraph 7 shall be added and shall read as follows:

"Standards of students achievement and assessments of their performance established by the Standards and Assessment Agency shall be passed and implemented by the Ministry in accordance with Articles 46 and 47 of the Framework Law".

Article 4

Article 25 shall be amended and shall read as follows:

"Children and young people with special needs shall be educated in regular schools and through programmes adapted to their individual needs. An individual programme, adapted to their potential and abilities, shall be developed for each student and shall determine the status of each student in relation to special education and speech pathology.

Children and young people with serious disorders and difficulties in their development may be educated in part or wholly at special educational facilities, where it is impossible to provide appropriate education in regular schools.

Children who are unable to attend a regular school may attend special classes which can be incorporated into a regular school.

Categories, identification procedures, planning and working methods, profile, training, professional development of personnel working with children and youth with special needs, as well as other issues, shall be regulated in more detail through by-laws".

Article 5

Article 55, shall be amended and shall read as follows:

"Certificates and diplomas, acquired according to valid curriculum, issued by verified educational facilities in Bosnia and Herzegovina, shall have the same status as certificates and diplomas issued in the Canton.

The period of education undertaken in a respective educational program in Bosnia and Herzegovina, not concluded by the award of a certificate or diploma, shall be recognized without condition, for continuing or completing the education in the very program in the Canton.

A student who moves from one education program to another within the same category shall have recognised the period of education spent in the previous education program in the territory of Bosnia and Herzegovina when being considered for further education in the Canton , in accordance with the curriculum and other requirements set forth in valid regulations.

If under the terms of the previous paragraph, a student enrolls in the next grade (year), the school is obliged to enable him or her to sit any exams arising, that he or she is obliged to sit, at the latest by 15 April of the current school year“.

Article 6

In Article 72, paragraph 1 shall be amended and shall read as follows:

“Person convicted of crime against constitutional order, crime against life and limb, crime against sexual freedom and morality, crime against marriage, family and youth or any other criminal offence which makes them unworthy of the occupation of teaching shall thereafter be barred from performing any teaching duties either as a teacher or expert-associate”.

Article 7

This Law shall be published in the “Official Gazette of West-Herzegovina Canton” and shall enter into force on the day of its publication.