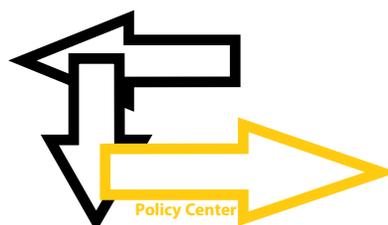




# EDUCATION IN THE BOSNIAN LANGUAGE IN PRIMARY AND SECONDARY SCHOOLS IN SANJAK

analysis and policy proposal

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Belgrade  
february 2015.

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# INTRODUCTION

## Legal, historical and social context

The position of national minorities in Serbia is regulated by the Constitution of the Republic of Serbia<sup>1</sup>, the Law on Protection of Rights and Freedoms of National Minorities<sup>2</sup>, and other laws and regulations. The provisions of the international conventions governing this area, which Serbia has ratified, have been implemented through the legal regulations. The most important are two conventions of the Council of Europe: the Framework Convention for the Protection of National Minorities<sup>3</sup> and the European Charter for Regional or Minority Languages<sup>4</sup>. Respecting the basic principle of equality of all citizens, the members of national minorities are, in addition to the rights guaranteed by the Constitution to all citizens, guaranteed also the individual and collective rights. Through the collective rights, “the members of national minorities, directly or through their representatives, participate in decision-making process or they decide independently on some issues related to their culture, education, information and official use of language and script, in accordance with the law”<sup>5</sup>.

The Bosniaks are the third largest national minority in Serbia. According to 2011 census, a total of 145,278 people declared as the Bosniaks and 22,301 as the Muslims.<sup>6</sup> The largest part is concentrated in the territory of Sanjak, which geographically covers the parts of the Republic of Serbia and Republic of Macedonia. In Serbia, Sanjak area includes the Municipalities of Novi Pazar, Tutin, Sjenica, Prijepolje, Nova Varos and Priboj.<sup>7</sup> This six municipalities are

1 The Constitution of the Republic of Serbia, Articles 75-81, available at <http://www.ustavni.sud.rs/page/view/139-100028/ustav-republike-srbije#d2>, last visited on 17.08.2014.

2 Law on Protection of Rights and Freedoms of National Minorities, available at [http://www.paragraf.rs/propisi/zakon\\_o\\_zastiti\\_prava\\_i\\_sloboda\\_nacionalnih\\_manjina.html](http://www.paragraf.rs/propisi/zakon_o_zastiti_prava_i_sloboda_nacionalnih_manjina.html), last visited on 18.08.2014.

3 Law on Ratification of the Framework Convention for the Protection of National Minorities available at <http://www.pravamanjina.rs/attachments/ZAKON%20o%20potvrdjivanju%20okvirne%20konvencije.pdf>, last visited on 18.08.2014.

4 Law on ratification of the European Charter for Regional or Minority Languages available at <http://www.pravamanjina.rs/attachments/Zakon%20o%20ratifikaciji%20evropske%20povelje.pdf>, last visited on 18.08.2014

5 The Constitution of the Republic of Serbia, Article 75, available at: <http://www.ustavni.sud.rs/page/view/139-100028/ustav-republike-srbije>, last visited on 18.08.2014

6 See 2011 Census of Population, Households and Dwellings, results available at: <http://popis2011.stat.rs/>, last visited on 18.08.2014

7 Available at <http://sandzak.wordpress.com/istorija-sandzaka/>, last visited on 18.08.2014

populated by a total of 238,878 people, out of which 142,373 are the Bosniaks and 12,441 Muslims, which make 98% of the total number of the Bosniaks and 55.8% of the total number of Muslims in Serbia.<sup>8</sup>

Sanjak is a historically volatile area. This was particularly evident during the nineties of the last century when human rights of the Bosniaks were systematically violated. For Sanjak-based Bosniaks, the nineties were the period of the state terror marked by ethnic cleansing and discrimination. This included ethnic cleansing of the entire villages, killings, kidnappings, attacks at non-Orthodox religious sites and cemeteries, beatings, arson and show trials based on planted and fake evidence.<sup>9</sup> Several thousands of the Bosniaks survived different forms of discrimination, beating and torturing. Poor economic situation, dismissals and inability of the Bosniaks to get an employment, discriminatory attitude and institutional discrimination led to large migrations of the population.<sup>10</sup> Violation of the Bosniaks' human rights by the Milosevic's regime was most practiced in the period from 1991 to 1995, during the wars in Croatia and Bosnia and Herzegovina.<sup>11</sup> In addition to repressive policy conducted in relation to the Bosniaks, synchronized media demonization of this region, aimed at presenting the Bosniaks in Sanjak as "fundamentalists", "Islamic extremists" and similar, was conducted simultaneously.<sup>12</sup> Two war crimes in the part of Sanjak located in Serbia, better known as Sjeverin and Strpci, additionally instilled fear in the local population, but also increased distrust of the state. The first case occurred on 22 October 1992, when the army of the Republic of Srpska in the Mioca part stopped the bus travelling from Priboj to Sjeverin, and kidnapped 16 men and one woman, all being the Bosniaks and the citizens of then Yugoslavia, and took them to Bosnia and Herzegovina where they were later killed in Visegrad.<sup>13</sup> Another case took place on 27 February 1993, when the same forces, led by Milan Lukic and Nebojsa Ranisavljevic, kidnapped 18 Bosniaks and one Croat, all being the citizens of the Federal Republic Yugoslavia, from the train on the Belgrade-Bar railway in Strpci and then killed them nearby Visegradska Spa.<sup>14</sup>

Alongside the violation of the fundamental human rights, the minority rights were also disrespected and violated. During the nineties, the Bosniaks in all six Sanjak municipalities had no right to education in their mother tongue, or the right to affirmation of their culture and tradition, nor the right to be informed in their mother tongue.<sup>15</sup> With democratic changes as of 2000, the attitude of the country and legal framework in relation to all national minorities started changing, including that to Bosniaks, when the way for exercise of their rights appeared.

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8 See 2011 Census of Population, Households and Dwellings, results available at: <http://popis2011.stat.rs/>, last visited on 18.08.2014

9 Serbia's Sanjak: Still Forgotten, Europe Report N°162, 8. April 2005.

10 Lessons Learned in Past, available at <http://pecanik.net/2011/06/lekcije-iz-proslosti---sandzak/>, last visited on 17.09.2014

11 Sanjak Committee for Protection of Human Rights and Freedoms has published a multi-volume "Blue Library" detailing many human rights violations and crimes committed against Bosniaks during the 1990s.

12 Testimonies from Sanjak, Sanjak Committee for Protection of Human Rights and Freedoms, 2002

13 Serbia's Sanjak: Still Forgotten, Europe Report N°162, 8. April 2005.

14 <http://www.slobodnaevropa.org/content/secanje-na-zrtve-u-prijepolju-zlocin-u-strpcima-se-ne-sme-zaboraviti/25279344.html>

15 <http://pecanik.net/2011/06/lekcije-iz-proslosti---sandzak/>

National Councils of National Minorities were established as institutions which need to “represent a national minority in the field of education, culture, information in the language of a national minority and official use of language and script, and shall participate in the decision-making process in these fields”.<sup>16</sup> They need to be a link between the citizens and the state, to affect the decisions related to national minorities and implementation of those decisions.

National Councils of national minorities are elected in the elections. The mandate of a national council starts with the constitution and lasts four years. The mandate of a national council may cease before the expiry with dissolution, and the mandate of the National Council constituted after the dissolved national council lasts until the expiry of the mandate of the dissolved national council. The national council whose mandate has expired performs the current and urgent tasks from the jurisdiction of the national council until the constitution of a new national council.<sup>17</sup>

Although legally regulated, there are some problems related to Bosniak national minority which impede the implementation of these laws. Following the elections for the National Councils of National Minorities in 2010, on the day of the constitution of the National Council of Bosniak National Minority new Rules were adopted, which stipulate that in order to constitute the national council it is necessary to provide the verification of at least two thirds of the mandate<sup>18</sup>. This rule is not included in the rules based on which the national councils of all other national minorities were constituted and “there has been an unjustified differentiation in the procedure for the election of national councils of national minorities in relation to conditions for the constitution of the National Council of Bosniak National Minority, which violated the principle of the equality of citizens in exercising the electoral rights, and the Bosniaks were discriminated against in relation to other national minorities.”<sup>19</sup> It is assumed that the rules were changed so as to make it impossible for the national council to be constituted by the list led by Mufti Muamer Zukorlic.<sup>20</sup>

Then two basic National Councils of Bosniaks (Bosniak National Councils) were constituted: one constituted based on the initial rules, which the state did not recognize<sup>21</sup>, and another organized by the Ministry for Human and Minority Rights, as an interim governing body which would perform all current activities and competencies of the National Council, established by the law – Bosniak

16 Law on National Councils of National Minorities, Article 2, available at [http://www.paragraf.rs/propisi/zakon\\_o\\_nacionalnim\\_savetima\\_nacionalnih\\_manjina.html](http://www.paragraf.rs/propisi/zakon_o_nacionalnim_savetima_nacionalnih_manjina.html), last visited on 20.09.2014

17 Law on National Councils of National Minorities, Article 9a, available at [http://www.paragraf.rs/propisi/zakon\\_o\\_nacionalnim\\_savetima\\_nacionalnih\\_manjina.html](http://www.paragraf.rs/propisi/zakon_o_nacionalnim_savetima_nacionalnih_manjina.html), last visited on 20.09.2014

18 Stop Discrimination against Bosniaks, B92, 16.08.2010, available at [http://www.b92.net/info/vesti/index.php?yyyy=2010&mm=08&dd=16&nav\\_category=11&nav\\_id=452235](http://www.b92.net/info/vesti/index.php?yyyy=2010&mm=08&dd=16&nav_category=11&nav_id=452235), last visited on 27.08.2014

19 Statement on the occasion of national councils: The Commissioner for Protection of Equality Sent Recommendation to the Ministry for Human and Minority Rights, available at <http://www.ravnopravnost.gov.rs/sr/saop%C5%A1tenja/saop%C5%A1tenje-povodom-nacionalnih-saveta>, last visited on 20.09.2014

20 New elections for the National Council of Bosniaks in Sanjak, Slobodna Evropa, 21.01.2011, available at [http://www.slobodnaevropa.org/content/srbija\\_bosnjaci\\_nacionalni\\_savet/2282920.html](http://www.slobodnaevropa.org/content/srbija_bosnjaci_nacionalni_savet/2282920.html), last visited on 21.08.2014

21 National Council of Bosniaks Established, Blic Daily, 07.07.2010 <http://www.blic.rs/Vesti/Drustvo/197340/Ofornljen-Nacionalni-savet-Bosnjaka>, last visited on 21.08.2014.

National Council (BNC) led by Esad Dzudza and close to Ugljanin.<sup>22</sup>

Both national councils continued to operate. The basic mistake of the Government of the Republic of Serbia and the competent ministry was exactly tolerating the presence of two national councils and enabling BNC to operate in technical mandate the following four years as if it had been in the full mandate. The existence of two BNCs led to deeper division among the Bosniak population in Sanjak, and particularly the connection of those BNCs with political parties at the local level. In the technical mandate, BNC enjoyed the support of Social Democratic Party of Serbia (SDPS) and the Party of Democratic Action of Sanjak (SDA), while the unrecognized BNC enjoyed the support of Bosniak Democratic Community (BDC) and Mufti Muamer Zukorlic.

This duality of governance was finally abolished in 2014 after the new elections for the National Councils. Out of about 100,000 registered voters, a total of 35,000 voted for the National Councils of Bosniaks. Two lists took part in the elections: "For Bosniak unity - Sulejman Ugljanin" and "For Bosniaks, Sanjak and Mufti". The former won 19 out of 35 places and formed the National Council<sup>23</sup>. Sulejman Ugljanin was elected the president of the Bosniak National Council<sup>24</sup>.

Currently, three Bosniak parties are dominating in Sanjak: The Party of Democratic Action (SDA) led by Sulejman Ugljanin, Social Democratic Party of Serbia (SDPS) led by Rasim Ljajic and Bosniak Democratic Community (BDC) which enjoys the support of Mufti Muarem Zukorlic. SDPS and SDA have been continuously participating in coalition governments since 2000, while BDC appeared in public scene in 2010 and has been mainly acting at the local level. This contributes to tensions, given the increasing criticism of citizens that SDP and SDA find Belgrade more important than Novi Pazar. On the other hand, the presence of these parties in the government and state institutions, even at ministerial positions, is the important argument of those who claim that Bosniak minority is adequately more present and protected within the system.

22 New elections for the National Council of Bosniaks in Sanjak, Politika Daily, 10.07.2010, available at <http://www.politika.rs/rubrike/Politika/Novi-izbori-za-Nacionalni-savet-Bosnjaka.lt.html>, last visited on 22.09.2014.

23 Report on elections for National Councils: [http://rik.parlament.gov.rs/cirilica/propisi\\_frames.htm](http://rik.parlament.gov.rs/cirilica/propisi_frames.htm), last visited on 21.01.2015.

24 Sulejman Ugljanin Elected President, Danas, 21.11.2014, [http://www.danas.rs/dodaci/sandzak/sulejman\\_ugljanin\\_izabran\\_za\\_predsednika.42.html?news\\_id=292902](http://www.danas.rs/dodaci/sandzak/sulejman_ugljanin_izabran_za_predsednika.42.html?news_id=292902), last visited on 21.01.2015.

# PROBLEM: Separation of children in primary and secondary schools in Sanjak on the national basis

## Context of problem

BNC, within the technical mandate, adopted in 2009 the Model of Education for Sanjak Bosniaks in the Republic of Serbia, with an aim to implement and exercise the right to education in the mother tongue for the members of the Bosniak national minority in the territory of the Republic of Serbia and preservation of the national identity of the members of Bosniak national minority in the Republic of Serbia.<sup>25</sup>

Since one of the basic rights to preservation of identity is the right of national minorities to education in their mother tongue in the institutions of preschool, primary and secondary education.<sup>26</sup>

Although the European Union itself has no specific expectations which Serbia needs to fulfil in regard to the implementation of the minority rights, the state has the responsibility in creating the unique educational sector complied with the European educational framework, which needs to ensure four main dimensions of human law in education defined in 1999 by UN Committee for Economic, Social and Cultural Rights<sup>27</sup>:

1. availability – education should be provided; it needs to be comprehensive and in a suitable form;

<sup>25</sup> Model of education for the Sanjak-based Bosniaks in the Republic of Serbia, Bosniak National Council, 2009, available at <http://www.bnv.org.rs/wp-content/uploads/2013/01/Model-obrazovanja.pdf>, last visited on 22.09.2014

<sup>26</sup> See the Law on Protection of Human Rights and Freedoms of National Minorities, Article 13, available at [http://www.paragraf.rs/propisi/zakon\\_o\\_zastiti\\_prava\\_i\\_sloboda\\_nacionalnih\\_manjina.html](http://www.paragraf.rs/propisi/zakon_o_zastiti_prava_i_sloboda_nacionalnih_manjina.html), last visited on 22.09.2014

<sup>27</sup> Human Right to Higher Education in Croatia, available at <http://www.iro.hr/hr/javne-politike-visokog-obrazovanja/kolumna/ljudsko-pravo-na-visoko-obrazovanje-u-hrvatskoj/> last visited on 23.09.2014

2. accessibility – education needs to be anti-discriminatory and physically accessible to everyone;
3. acceptability – form and content of education, including curriculums and teaching methods, need to be relevant and must be suitable for everyone in regard to cultural environment;
4. adaptability – it must be possible to adapt the system of education so that it meets the needs of children and youth in their different social and cultural environments.

The state is obliged to create the conditions for organising the education in the language of a national minority, and in the meantime it shall provide bilingual classes or studying of the national minority language with elements of national history and culture for the members of the national minority. For the members of the national minority, education is organized in the language and script of the national minority, i.e. bilingually, if at least 15 pupils opt for that while enrolling in the first grade, but also for fewer than 15 pupils with the consent of the competent ministry.<sup>28</sup> The National Councils of National Minorities take part in the development of curriculums for the needs of the subjects expressing the specificity of national minorities in the language of national minorities and bilingual classes and studying of languages of national minorities with elements of the national culture,<sup>29</sup> and are prepared by the Centre for Development of Programme and Textbooks of the Institute for Improvement of Education and Upbringing.<sup>30</sup> National Council of National Minority, in terms of education, has authority, among others, to propose to the National Education Council the curriculums and textbooks for primary and secondary education for contents expressing the specificity of the national minority (particularly in the field of history, music and art), proposing curriculums for primary and secondary education for the language of a national minority, and language or speech, of the national minority with elements of national culture, and giving opinion about the curriculums for the Serbian language as non-mother tongue.<sup>31</sup>

Also, if education is organized in the language of the national minority, the National Education Council proposes to the competent minister to approve of the use of textbooks and teaching material whose contents express the specificity of the national minority, with the previous approval of the national council. The competent minister approves the national or imported textbooks in the language of the national minority in educational work, upon the proposal of the national council.<sup>32</sup>

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28 See the Law on the Fundamentals of the Education System, Article 5, available at [http://www.paragraf.rs/propisi/zakon\\_o\\_srednjem\\_obrazovanju\\_i\\_vaspitanju.html](http://www.paragraf.rs/propisi/zakon_o_srednjem_obrazovanju_i_vaspitanju.html), last visited on 23.09.2014

29 See the Law on Protection of Rights and Freedoms of National Minorities, Article 13, available at [http://www.paragraf.rs/propisi/zakon\\_o\\_zastiti\\_prava\\_i\\_sloboda\\_nacionalnih\\_manjina.html](http://www.paragraf.rs/propisi/zakon_o_zastiti_prava_i_sloboda_nacionalnih_manjina.html), last visited on 23.09.2014

30 See the Law on the Fundamentals of the Education System, Article 19, available at [http://www.paragraf.rs/propisi/zakon\\_o\\_osnovama\\_sistema\\_obrazovanja\\_i\\_vaspitanja.html](http://www.paragraf.rs/propisi/zakon_o_osnovama_sistema_obrazovanja_i_vaspitanja.html), last visited on 23.09.2014

31 See the Law on National Councils of National Minorities, Article 13, available at [http://www.paragraf.rs/propisi/zakon\\_o\\_nacionalnim\\_savetima\\_nacionalnih\\_manjina.html](http://www.paragraf.rs/propisi/zakon_o_nacionalnim_savetima_nacionalnih_manjina.html), last visited on 25.09.2014

32 See the Law on National Councils of National Minorities, Article 14, available at [http://www.paragraf.rs/propisi/zakon\\_o\\_nacionalnim\\_savetima\\_nacionalnih\\_manjina.html](http://www.paragraf.rs/propisi/zakon_o_nacionalnim_savetima_nacionalnih_manjina.html), last visited on 25.09.2014

## Process of introduction of classes in the Bosnian language in primary and secondary schools in Sanjak

The model created in 2009 by BNC specifies three different versions of classes for the members of national minorities, depending on the national structure of pupils, special capacities of school, organization of classes, staff potentials, and other factors affecting the organization of classes:

Version A: complete education in the Bosnian language;

Version B: bilingual education;

Version C: classes in the Serbian language with the subject Bosnian language with elements of national culture, or optional studying of the Bosnian language and literature.

The Bosniak National Council (BNC) with a technical mandate, presided by Esad Dzudzevic, was the main protagonist of the implementation of the right to education in the mother tongue in Sanjak. The introduction of education in the Bosnian language in September 2013 was preceded by the introduction of the experimental classes in four preschools, 4 primary schools and 4 grammar schools in the municipalities of Novi Pazar, Sjenica, Tutin and Prijepolje.<sup>33</sup> The experimental classes were held in one experimental educational group, in one class in the first and the fifth grade of primary schools each and in one experimental class in Sanjak grammar school each.<sup>34</sup> Then BNC formed the Commission for professional pedagogical supervision and monitoring of the quality of conducting of preparatory classes in the Bosnian language in educational institutions in Sanjak, which was supposed to consider the positive and negative dimensions of introduction of classes in the Bosnian language.<sup>35</sup> The Commission held internal meetings where they discussed about the course of the implementation of preparatory classes. The members of the competent ministry, civil sector or professional public were not invited to attend the meetings.<sup>36</sup> Also, apart from the conclusion that everything was going on in accordance with the approved curriculum, and the prepared report for Ministry of Education<sup>37</sup>, no detailed and professional analysis of the situation was conducted at the internal meetings.

In September 2013, the implementation of the right to the education in the mother tongue in a form of education in the Bosnian language in the first and the fifth grade in the primary school and in the first grade of the secondary school started in the territory of the municipalities Novi Pazar, Sjenica, Tutin.

Based on the Action plan for the implementation of the model of education

33 Version A was introduced A: complete education in the Bosnian language

34 Educational institutions with experimental classes in Bosnian, BNV, 27.12.2012, available at <http://www.bnv.org.rs/vijesti/vaspitanje-obrazovanje-ustanove-u-kojima-se-izvodi-ogledna-nastava-na-bosanskom/>, last visited on 25.09.2014

35 Commission for professional pedagogical supervision and monitoring of the quality of conducting preparatory classes formed, BNV, 26.02.2013, available at <http://www.bnv.org.rs/vijesti/formirana-komisija-za-strucno-pedagoski-nadzor-i-pracenje-kvaliteta-pripreme-nastave/>, last visited on 30.09.2014

36 Meeting of the Commission for professional pedagogical supervision and monitoring of the quality of conducting of preparatory classes in the Bosnian language, BNV, 13.04.2013, available at <http://www.bnv.org.rs/vijesti/sastanak-komisije-za-pracenje-kvaliteta-izvodenja-programa-pripreme-nastave-na-bosanskom-jeziku/>, last visited on 30.09.2014

37 Ibid

in the Bosnian language, until 1 September 2013<sup>38</sup>, the survey was conducted including the parents and pupils of the first and the fifth grade of primary schools and the first grade of secondary school, as they would state whether they would attend the classes in the Bosnian or the Serbian language. The survey was conducted in two rounds in Novi Pazar, Tutin, Sjenica and Prijepolje. Other municipalities, such as Nova Varos or Priboj, where the members of Bosniak national minorities live, were left out in the very first round.<sup>39</sup> In Tutin, Sjenica and Novi Pazar, 68.11% of parents and pupils out of the total number of respondents opted for instruction in the Bosnian language, and 31.89% for instruction in the Serbian language.<sup>40</sup> In primary schools, a higher percentage of parents opted for instruction in the Bosnian language (about 80% for Bosnian and 20% for Serbian), while the ratio in secondary schools is more proportional.<sup>41</sup>

The second round of the survey was conducted in the period from 20 August to 1 September 2013, and the survey of parents whose children were attending the preparatory classes lasted from 15 August to 1 September 2013. The second round of survey did not bring any significant changes. The very process showed some problems. While the turnout in Sjenica, Tutin and Novi Pazar was great, a small number of parents and pupils responded in Prijepolje. Only 12 pupils out of 244 attending secondary school opted for the classes in Bosnian, and 100 out of 221 pupils in primary school.<sup>42</sup> According to statements of many in Prijepolje, the interviewing process was followed by speculations and alleged pressures by the competent, both by the representatives of BNC and members of school administration.<sup>43</sup> What further complicated the situation was the lack of communication with the Ministry of Education and the competent school administration, which is not only the case in this but also in other municipalities.<sup>44</sup>

The interviewing process in other three municipalities was also problematic. Parents and pupils were exposed to pressures and rumours that pupils who would not attend classes in Bosnian could not be able to enroll in studies in Serbian.<sup>45</sup> BNC was accusing the headmasters and teachers in some schools

38 The joint meeting of the Executive Board and Education Committee, BNV, 08.04.2013, available at <http://www.bnv.org.rs/vijesti/zajednicka-sjednica-izvrsnog-odbora-i-odbora-za-obrazovanje-vijeca/>, last visited on 30.09.2014

39 The explanation can be found in the fact that in the municipalities in which the survey was conducted the Bosniaks are the majority (Novi Pazar, Sjenica, Tutin) or a significant part of the population (Prijepolje), while in Nova Varos and Priboj it is not the case, and therefore the process would be implemented with more difficulties. Also, the Bosnian language has not yet been introduced as official in these municipalities; Notes from the meeting with Semiha Kacar from Sanjak Committee for Protection of Human Rights and Freedoms, held on 3 September 2013, available in PC archives

40 In Sjenica, Tutin and Novi Pazar, the members of Bosniak national minority make 85.1 % of total number of citizens. Detailed results of the first round of survey are available at: <http://www.bnv.org.rs/vijesti/rezultati-prvog-kruga-anketiranja-roditelja-o-modelu-nastave-u-obrazovno-vaspitnim-ustanovama-u-Sanjaku/>

41 Results of the first round of survey in schools are available at: <http://www.bnv.org.rs/wp-content/uploads/2013/07/Detaljni-podaci-za-skole-Anketa.pdf>

42 Detailed results of the first round of survey, op.cit.

43 Bosnian Language Divided People in Prijepolje, Vecernje novosti Daily, 17 June 2013. <http://novosti.rs/vesti/srbija.73.html:439540-Bosanski-podelio-Prijepoljce>, last visited on 02.10.2014

44 Bosnian National Council filed criminal charges against Blazo Cubrilo, the head of School Department for Zlatiborski District, Deficiencies in introduction of Bosnian in schools, Radio Slobodna Evropa, 25 September 2013, <http://www.slobodnaevropa.org/content/manjkavosti-u-uvodjenju-bosanskog-u-skole/25094572.html>, last visited on 02.10.2014

45 Notes from the meeting with Semiha Kacar, op.cit.

of obstruction, and criminal charges were filed against some of them.<sup>46</sup> Also, there were difficulties with textbooks and curriculums. The team of 25 authors formed by BNC, was working on the development of textbooks for the first and fifth grade of primary school and the first grade of secondary school. BNC delivered to the Ministry of Education the drafts for 33 textbooks in Bosnian, which would be included in the classes in the first year, out of which only 13 were approved until the beginning of the school year. However, until the beginning of the classes in Bosnian, until 2 September 2013, only three textbooks for the first grade arrived through the program of free textbooks.<sup>47</sup> The school year started without textbooks, with relying on the competence of teachers to conduct classes without necessary teaching aids.<sup>48</sup> The representatives of BNC claim that it is possible to organize classes without textbooks and that they count of “teachers’ flexibility”<sup>49</sup>.

According to the Law on Textbooks and other Teaching Material, the Minister shall approve a textbook for national minority languages and for individual subjects of interest to the national minorities, at a proposal of the National Education Council and based on a positive opinion of the National Council for National Minorities. Also, the Minister, at a well-reasoned request of an appropriate expert body of a school, may approve a textbook for the corresponding subject and grade, which is in use in the mother country and which is published in the language and alphabet of national minority members, with provided positive opinion of the National Council for National Minorities and the Institute for Improvement of Education.<sup>50</sup>

For school year 2013/2014, a total of 30 textbooks for classes in the Bosnian language was approved: preschool (5 textbooks), the first grade of primary school (7 textbooks for 5 subjects), the fifth grade of primary school (11 textbooks for 6 subjects), and for the first grade of grammar school and high vocational schools (7 textbooks for 6 subjects).<sup>51</sup> For school year 2014/2015, so far 3 additional textbooks have been approved (two for preschool and one for the first grade of primary school). However, no textbook for the generation which started attending the classes in Bosnian last year has been approved so far, and which enrolls in the second grade of primary school, sixth grade of the primary school and second grade of grammar school/high vocational school in school year 2014/2015.<sup>52</sup>

46 Bosnian National Council filed criminal charges against the headmaster of the Primary School “Bratstvo” from Novi Pazar as it allegedly was talking the parents and pupils back from declaring for classes in Bosnian, *Bosnian in schools not before next year*, Vecernje novosti Daily, 31 July 2013, <http://novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:446838-Bosanski-tek-dogodine-u-skolama>, last visited on 02.10.2014

47 Notes from the meetings with headmasters of primary and secondary schools published in Sjenica and Novi Pazar held from 3 to 5 September 2013, available in the archives of Policy Centre

48 Ibid

49 School Can Start without All Textbooks, *Danas Daily*, 22 August 2013, [http://www.danas.rs/dodaci/sandzak/nastava\\_moze\\_da\\_pocne\\_i\\_bez\\_svih\\_udzbenika.42.html?news\\_id=266441](http://www.danas.rs/dodaci/sandzak/nastava_moze_da_pocne_i_bez_svih_udzbenika.42.html?news_id=266441), last visited on 02.10.2014

50 Law on Textbooks and other Teaching Material, Article 20 and Article 28, available at <http://www.mpn.gov.rs/dokumenta-i-propisi/zakoni/obrazovanje-i-vaspitanje/510-zakon-o-udzbenicima-i-drugim-nastavnim-sredstvima>, last visited on 02.10.2014

51 Excerpt from the Registry of Approved Textbooks: school 2013/2014, available at <http://www.mpn.gov.rs/prosveta/udzbenici/skolska-2013-2014-god/679-izvod-iz-registra-odobrenih-udzbenika-skolska-2013-2014-godina>, last visited on 02.10.2014

52 Excerpt from the Registry of Approved Textbooks: school 2013/2014, available at <http://www.mpn.gov.rs/prosveta/udzbenici/skolska-2014-2015-god/1220-izvod-iz-registra-odobrenih->

As for the teaching staff, BNC' Committee for Education in the Bosnian Language carried out the testing of professors, teachers and professional associates on knowledge of the Bosnian language for providing lecturing. All professors had the right to take the test of 12 questions, which the professors mainly took in schools in which they were teaching, and then those successful ones were granted certificates issued by BNC. The BNC legitimacy<sup>53</sup> to implement the accreditation was disputed by the Ministry of Education because the procedure for certification of professors was not adopted appropriately.<sup>54</sup> Even though the test was prepared by the commission comprised of the university professors, there are doubts whether a test of 12 questions is enough to qualify a professor,<sup>55</sup> and it is also stated that the testing process was disgraced because the professors in some schools were given the test answers in advance.<sup>56</sup>

The problem of implementation of education in Bosnian in Sanjak is evident at two levels:

1. In the selected model that is implemented;
2. In the process of implementation of the guaranteed right.

### Model that is implemented

The current model involves attending all classes in Bosnian, with necessary curriculums for the subjects of national importance (history, music, art). As already stated, this model leads to further deepening of social distance as it separates children on the national basis and religion from the preschool age, which leads to the lack of knowledge about culture, tradition and history of the others, and it is the base for the development of nationalism and spreading of national intolerance. Also, the development of the model did not sufficiently involve the professional public, representatives of civil society organization in Sanjak, representatives of ministries, local institutions, or other relevant actors, and thus the content of classes and quality of curriculums are questioned.

The selected model of education, which involves all classes in Bosnian from the preschool age, is not adequate for Sanjak context. BNC states that introduction of classes in Bosnian will lead to better and more comprehensive acquaintance of majority population and other national communities with traditional values and achievements of the members of Bosniak national minority, and to the improvement and further development of multicultural and multiethnic life in the Republic of Serbia.<sup>57</sup> However, the basic deficiency of this model is that it

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[udzbenika-skolska-2014-2015-godina](#), last visited on 02.10.2014

53 BNC representatives refer to the fact that the very accreditation of professors is not precisely regulated by the law, and that the Ministry of Education did not offer an adequate solution; Notes from the meeting with Esad Dzudzevic, the president of BNC, held on 3 September 2013, available in the archives of Policy Centre

54 Plan should have been sent to the Ministry of Education and then to other bodies for the analysis, License for Bosnian in 10 Minutes, Vecernje novosti Daily, 9 August 2013, <http://novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:448094-Do-licence-za-bosanski-jezik-za-10-minuta>, last visited on 02.10.2014

55 PC researchers had an insight into the test and some of 12 questions are as follows: Do say correctly orjent or orijent, dijalektika or dialektika, Skoplje or Skopje, etc. See also: Licence for Bosnian in 10 Minutes, op.cit.

56 Notes from the meeting with Zibija Sarenkapic from Damad Cultural Centre, held on 3 September 2013, available in PC archives

57 Model of education for the Sanjak-based Bosniaks in the Republic of Serbia, Bosniak National Council, Novi Pazar, 2009,

leads to physical separation of pupils by ethnicity from the very beginning of school, by limiting their meetings, and therefore to reduction of communication and exchange of experience among students of different nationality. The policy of separation of children by their ethnicity may just lead to strengthening of prejudice and intolerance towards others, and to further ethnical isolation.<sup>58</sup>

So, the further implementation of this model leads to deepening of ethnic distance between the Bosniak and Serbian national community, both in the territory of Sanjak and throughout Serbia.

In regard to consequences which this model may have, it is necessary to consider the specificity of Sanjak region, having in mind the difficult legacy of human rights violations dating from the nineties<sup>59</sup>, but also the current social and political situations and ingrained prejudices existing among two ethnic communities. The specificity of Sanjak are permanent tensions among ethnic groups, and therefore there must be a model which would not deepen but overcome the tension, and the offered model leads to further segregation of children based on their ethnicity. The problems that arise from the application of the inappropriate model and separation of children in schools are visible also in Bosnia and Herzegovina and Croatia where similar models have been applied. The principle “two schools under one roof” in which pupils of different ethnicity in Bosnia and Herzegovina are educated in the same building but attend classes separately proved to be unsuccessful, and what is more, it led to greater segregation since meetings of pupils were restricted only to extracurricular activities.<sup>60</sup>

Even though this manner of school functioning was initially supposed to incite the return and sense of security after the war, it was concluded that schools separated based on ethnicity lead to segregation in the education in a way that children are excluded, restricted and disabled in recognizing and exercising, on an equal basis, the rights and freedoms in education, just because they belong to other ethnical group, which is discrimination and segregation. This type of segregation has long-term consequences for children in Bosnia and Herzegovina: every eight pupil often avoids activities which involve pupils of the nationalities, every seventh pupil often shows aggressive behavior towards pupils of other nationalities, and every sixth pupil does not want to sit in the same classroom with pupils of other nationalities.<sup>61</sup> Also, research conducted in schools in Vojvodina where classes are held in Hungarian and Serbian shows that discrimination on ethnic and national basis is predominant (based on the accent and language), and also about 30% of the interviewees do not interfere with members of other nationalities in out of extracurricular activities, while 40% conclude that children in school are grouped based on nationality.<sup>62</sup>

58 Recommendations for the Elimination of Segregating and Parallel Structures in Educational Institutions in the FBiH, Coordination Body of Ministers of Education and Science of the Federation BiH, Mostar 2012

59 Sanjak's testimonies, <http://san-odbor.org/publikacije/>, last visited on 02.10.2014

60 Segregated schools deepen ethnic divisions in BiH, available at <http://iwpr.net/sr/report-news/odvojene-%C5%A1kole-produbljuju-etni%C4%8Dke-podjele-u-bih>, last visited on 20.08.2014.

61 Recommendations for the Elimination of Segregating and Parallel Structures in Educational Institutions in the FBiH, Coordination Body of Ministers of Education and Science of the Federation BiH, Mostar 2012

62 Research available at <http://www.ombudsmanapv.org/riv/index.php/istrazivanja?start=5>, last visited on 20.08.2014.

## 2. Process of implementation of the guaranteed right

Process of implementation of the guaranteed right of the Bosniak national minority was conducted out of the mandate which BNC has in technical mandate. The laws and jurisdictions of the existing institutions were not respected. Inobservance of the procedure and insufficient communication and cooperation among BNC, competent ministry and relevant institutions, led to the problems and blockades at all levels of implementation of this process, which includes the accreditation of teachers, students' and parents' declaring, the lack of adequate textbooks and other teaching material, as well as providing contrary and unclear instructions to headmasters about the beginning and further course of the realization of classes in the Bosnian language.

The implementation of education in the language of minorities is a delicate process in all multiethnic communities, and it becomes additionally more complex when it is conducted fully in compliance with laws and mandate which some institutions have. The process of implementation of education in Bosnian in Sanjak was conducted by the Bosniak National Council in technical mandate. The introduction of classes in the language of a national minority is a long-lasting and complex process. The fact that the implementation was taken by BNC in technical mandate, which has the mandate to conduct only the current and urgent tasks,<sup>63</sup> significantly impeded the process of implementation of applicable laws. As already said, though in a technical mandate, BNC tackled not only proposing the policies and monitoring of the implementation of policies, but also the complete development and full implementation of the whole process and introduction of appropriate criteria. The implementation was carried out in haste, without enough preparation, and without any public discussion about the model of organization of classes or methodology and technical issues. The process did not involve the representatives of professional public, civil sector, political parties at the local level, local self-government, or the authorities at all levels. Also, insufficient communication and cooperation with competent ministries and relevant institutions questioned even that what could have been considered a positive development in solving the problem. Thus the process of interviewing of pupils and parents was followed by various problems, marked by speculations and alleged pressures by the competent, both by the representatives of BNC and by school administration.<sup>64</sup> The headmaster received information from two mutually conflicting parties – BNC and the ministry, which led to confusion related to the beginning of classes, accepted curriculums and textbooks, as the instructions were most often contradictory. The final outcome of dual rule and taking of powers that are not within the legally defined mandate is the inadequate classes in the language of minority, both in regard to the quality of implementation and the content, but at the higher level to the complete politicization of the problem, where the whole process loses its educational characteristic.

In Serbia, there are adequate legal framework and solutions for respect of the right of national minorities to education, which guarantee the preservation of cultural sensitivity and respect for diversity. However, the practice shows

63 See the Law on National Councils of National Minorities, Article 9a, available at: [http://www.paragraf.rs/propisi/zakon\\_o\\_nacionalnim\\_savetima\\_nacionalnih\\_manjina.html](http://www.paragraf.rs/propisi/zakon_o_nacionalnim_savetima_nacionalnih_manjina.html), last visited on 9.10.2014

64 Bosnian Language Divided People in Prijepolje, Vecernje novosti Daily, 17 June 2013. <http://novosti.rs/vesti/srbija.73.html:439540-Bosanski-podelio-Prijepoljce>, last visited on 9.10.2014

that assimilation model (disappearance of minority, ethnic particularities by dwindling into the stronger) and separate model (exaggeration of the importance of own ethnicity) are still dominant.<sup>65</sup> Both of these policies are based on the intrinsic rejection to accept difference and on building new walls among ethnic groups. They insist on protection of their own ethnicity against “violence” of the other, and in the long run they just increase tensions and lead to ghettoization and possible tragic consequences.

Although, in words, apparently there is the consensus that it is necessary to implement the right that belongs to this minority community based on national legislation and international conventions, the existing social distance will be deepen if separation of children who attend classes in Serbian or Bosnian continues. Parallel learning by different curriculum, without mutual exchange of information and knowledge, leads to lack of knowledge of culture, tradition and history of other nations (both the Serbs and the Bosniaks), which may be the base for the development of nationalism and spreading of national intolerance. Also, the implementation must be carried out in a way to ensure satisfactory quality of classes, which means quality of textbooks, adequate training of teachers, compliance and precise establishment of curriculums.

## Available options

### Evaluation of alternative ways

There is not a large number of alternative ways of the implementation of the right of national minorities to education in the mother tongue, and their success depends both on the willingness of the state to support the implementation of the rights and the willingness of the mother state to participate in that process. The lack of alternatives is the consequence of uniform policy towards all minorities, which does not consider their characteristics and specificity, but the number and concentration of the members of national minority in one territory are the basic criteria of whether all classes are organized in the language of the national minority, bilingual classes, or studying the language of the national minority with elements of history, culture and tradition.<sup>66</sup> Based on these criteria, BNC presented three versions of the Model of Education for the Sanjak-based Bosniaks in the Republic of Serbia:<sup>67</sup>

1. Version A: curriculum with classes in the Bosnian language means conducting all educational activities and classes in Bosnian, and curriculums include national subjects with special textbooks, curriculums with respective contents, while classes for other subjects are in Bosnian, according to curriculums, and in Serbian.
2. Version B: bilingual education means organizing classes in primary or

<sup>65</sup> Recommendations for the Elimination of Segregating and Parallel Structures in Educational Institutions in the FBiH, Coordination Body of Ministers of Education and Science of the Federation BiH, Mostar 2012

<sup>66</sup> See the Law on Protection of Rights and Freedoms of National Minorities, Articles 13-15, available at [http://www.paragraf.rs/propisi/zakon\\_o\\_zastiti\\_prava\\_i\\_sloboda\\_nacionalnih\\_manjina.html](http://www.paragraf.rs/propisi/zakon_o_zastiti_prava_i_sloboda_nacionalnih_manjina.html), last visited on 7.10.2014

<sup>67</sup> Model of Education for the Sanjak-based Bosniaks in the Republic of Serbia, Bosniak National Council, 2009, available at <http://www.bnv.org.rs/wp-content/uploads/2013/01/Model-obrazovanja.pdf> last visited on 7.10.2014

secondary schools in classes in which it is conducted in Bosnian only for national subjects, with the use of special textbooks with those contents in Bosnian, and subjects in the field of nature and society and geography, also in Bosnian, while other subjects are taught in Serbian, according to curriculums in Serbia.

3. Version C: classes in Serbian with the subject Bosnian language with elements of national culture as an optional subject means introduction of classes in Serbian and study of Bosnian for the members of the Bosniak national community through the form of “Bosnian language with elements of national culture” as an optional subject.

Unlike Serbia, where education system is under the jurisdiction of one ministry, in Bosnia and Herzegovina 14 ministries deal with education: two of the entities, 10 cantonal, special administration for education in Brcko District, and on the state level the Ministry of Civil Affairs, which has a vaguely defined role of coordination. After the Dayton Peace Agreement, three educational programs were created in BiH: two taken from Serbian and Croatian, and Bosnian program, which are conducted in three languages, with different curriculums.<sup>68</sup> The Constitution of Bosnia and Herzegovina gives all educational powers to the entities<sup>69</sup> and the Constitution of the Federation gives to cantons “the responsibility to develop education policy, including decisions concerning the normative regulation in education”<sup>70</sup>, which leads to a fully decentralized education in the Federation, and the centralized in RS, which further complicates and impedes every form of change and reform of the education system.

The example of good practice is the reform of education system, which was conducted in Brcko District where the integrated school system was introduced. According to this system, schools and classes are ethnically mixed, and the joint cores of curriculums developed by working groups made of teachers, headmasters and other experts in schools, are wider than in the rest of the country. The pupils spend the significant part of their time (at least two thirds) at joint classes, and some schools in Brcko even have the limit of ten percent of time for classes of so-called “national subjects”, when pupils are separated by ethnicity.<sup>71</sup> The fact that Brcko is the district, in which the number of multi-ethnic incidents and distance among the youth has been reduced, shows that this system gives good results.

In the Republic of Croatia, the right to education in mother tongue and script of the members of the national minorities has been regulated by the Constitutional Law on the Rights of National Minorities<sup>72</sup> and the Law on Upbringing and Education in the Language and Script of Ethnic Minorities<sup>73</sup>,

68 <http://www.spiritofbosnia.org/bs/volume-8-no-3-2013july/segregated-education-in-bosnia-and-herzegovina/>

69 Article III of the Constitution of Bosnia and Herzegovina (Annex 4 to Dayton Agreement), available at <http://www1.umn.edu/humanrts/icty/dayton/daytonannex4.html> , last visited on 17.11.2014

70 Section III, Article 4(b) of the Constitution of Federation, available at [http://drzavni-ispit.foto55.com/dokumenti/ustav\\_fbih.html](http://drzavni-ispit.foto55.com/dokumenti/ustav_fbih.html), last visited on 17.11.2014

71 Recommendations for the Elimination of Segregating and Parallel Structures in Educational Institutions in the FBiH, Coordination Body of Ministers of Education and Science of the Federation BiH, Mostar 2012

72 Constitutional Act on the Rights of National Minorities Articles 7 and 11, available at <http://www.zakon.hr/z/295/Ustavni-zakon-o-pravima-nacionalnih-manjina>, last visited on 17.11.2014

73 The Law on Upbringing and Education in the Language and Script of Ethnic Minorities,

and is implemented through three models of organization of classes which are the same as models applied in Serbia: classes in the language of minority, bilingual classes and studying of the mother tongue with national elements.<sup>74</sup> However, there are initiatives in Croatia advocating for inclusive education which would not separate children by ethnicity. One of the initiatives is the project New School, which started in 2003 with an aim to establish the first integrated and intercultural school in Vukovar.<sup>75</sup> The curriculum of New School is adjusted to educational needs of multi-ethnic, multicultural community, and has been created by teachers, parents, pedagogics, psychologists and other experts. The realisation of the project involves all important actors: teachers working in Vukovar, parents, representatives of the City of Vukovar, Vukovar-Srem County, experts from the Agency for Upbringing and Education of the Republic of Croatia, representatives of the coordination of the Council of National Minorities, professional associates, non-governmental organizations, and religious leaders.<sup>76</sup> Also, the project has been supported by the President of Croatia, Ministry and local authorities, and it is expected that school will be established until the beginning of school 2015/2016.<sup>77</sup>

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available at <http://www.zakon.hr/z/318/Zakon-o-odgoju-i-obrazovanju-na-jeziku-i-pismu-nacionalnih-manjina>, last visited on 17.11.2014

74 Exercise of the Rights to Education of Persons belonging to National Minorities in Mother Tongue and Script in Eastern Croatia, Coalition for Protection and Promotion of Human Rights 2006, Osijek, available at: <http://www.center4peace.org/Variouse%20document%20for%20web/Web%20materijali%20septembar%202006/MRP%20Paper%20/Doc%20hrvatski%20pdf.pdf>, last visited on 17.11.2014

75 More about the project New School available at <http://www.ndcosijek.hr/projekti/nova-skola/>, last visited on 17.11.2014

76 Ibid

77 President Josipovic held a meeting on establishment of new school Vukovar, available at <http://www.ndcosijek.hr/predsjednik-josipovic-odrzo-sastanak-na-temu-osnivanja-nove-skole-vukovar/>, last visited on 17.11.2014

# SOLUTION

## **Model of education that is implemented**

The implementation of the guaranteed right without reference to the characteristics and specificity of each minority may have numerous consequences: in case of Bosniak national minority, not considering the history of the relationship of the Bosniaks and Serbs, Sanjak context, current political, economic and social situation in Sanjak, and also in regard to the relationship of the state towards Sanjak and Bosniak national minority. The current model leads to mutual separation of children, the lack of knowledge about mutual culture and history, ignorance and non-acceptance of similarities and differences, and consequently to strengthening of national intolerance.

It is necessary to develop a model which will be the result of broad public discussion that would involve all political parties in Sanjak, representatives of civil sector, professional and cultural public, media, Bosniak National Council which was elected at elections, and has full mandate, and authorities at all levels. Only such a widely organized public debate may lead to creation of the model tailored to specifics of Sanjak and people who live there. The model needs to involve the creation of multi-ethnic classes, which requires the establishment of uniform framework of curriculums, which will respect the equality of languages and scripts of the members of both ethnic groups.

One of the most significant characteristics, which need to be considered during the development of the model of education, is exactly the similarity of Bosnian and Serbian. Though called differently, the scientific fact is that Bosnian and Serbian are the variants of one polycentric language.<sup>78</sup> Moreover, the citizens of Sanjak, regardless of what nation or religion they belong to, speak exactly the same language, i.e. the same variant of the common language. This, in no case, means the negation of Bosnian or any other language, nor should the use of such argumentation be allowed to challenge the vested rights of national minorities. On the contrary, this should serve as the junction point of the children, and as the source of finding the solution that would meet the needs of the children and implementation of the right to education in the mother tongue. The mutual communication and acquainting with similarities and differences is the basis for the establishment of good relationships among people of all nationalities who live in Sanjak. Therefore, it is necessary to raise in the public discussion the issue of learning the Bosnian language (in the part it differs from Serbian) and

<sup>78</sup> Snjezana Kordic, Language and Nationalism, Durieux 2010, available at [http://bib.irb.hr/datoteka/475567.Jezik\\_i\\_nacionalizam.pdf](http://bib.irb.hr/datoteka/475567.Jezik_i_nacionalizam.pdf), last visited on 17.11.2014

national literature, art and history of the Bosniaks and for the children of other nationalities who live in Sanjak. The lack of knowledge about culture, tradition and history of other nations is one of the powerful drives for the development of nationalism and spreading of national hatred and intolerance.

Due to the specificity of Sanjak, history burdened with conflicts, but also with cooperation, and due to specific relationships among languages that are spoken here, the representatives of civil sector, state, cultural and professional public should try to create the specific curriculum. Following the example of Brcko District, it is necessary to develop the curriculum which implies that children of different nationality attend classes (mixed classes) together, based on the unique, extended curriculum with slight deviations, and not separating them on a national basis, which strengthens the existing prejudices, intolerance and social divisions.<sup>79</sup>

Such a curriculum would give pupils who equally master the Serbian and Bosnian languages and elements of national culture and history of Serbs and Bosnians. The development of the contents of classes, curriculums, textbooks, and accreditation of teaching staff must be carried out by competent institutions with the cooperation with national council of national minority, approved by the minister. The development of curriculums must involve experts both from Sanjak and the rest of Serbia, and the content needs to be the result of the consensus achieved through wide public discussions that involve all relevant actors.

This model may face disagreements in regard to the contents of history classes since there is a difference in the interpretation of events from the past, and therefore, at least in the interim period unless these disagreements are overcome, it would be useful if children know all both views of events from the past, i.e. that they are aware of differences in the interpretation of historical events and that it is not an obstacle to their joint life. This would largely contribute to facilitating the process of overcoming the warring past and would develop the children's ability of critical observation of facts and their interpretation.

The implementation of this model will enable the children to develop knowledge, skills and attitudes which include respect for diversity and other cultures, encourage sensitivity for discriminatory behavior, and will contribute to development of more stable and developed society.

### **Process of implementation of selected model of education**

In order to be successful, the process of implementation of the right to education needs to be in accordance with laws and procedures that define it. At the same time, those that implement the laws must approach them with enough flexibility, understanding of historical context, tradition and current relationship in society, especially having in mind the long-term consequences of the chosen methods. In case of the Bosnian language, the work is facilitated by constituting the legal and legitimate National Council of the Bosniak National Minority in November 2014.

<sup>79</sup> Recommendations for the Elimination of Segregating and Parallel Structures in Educational Institutions in the FBiH, Coordination Body of Ministers of Education and Science of the Federation BiH, Mostar 2012

However, the implementation of the selected model should be left to the local community and schools, with involvement of parents and relevant local actors. In the paper, our educational system is relatively decentralized, but in practice, schools and headmasters do not use their rights to the full extent. The use of rights they have would enable the adjustment of the model to environment, but also to the conditions in which schools work. Surely, the whole process needs to be monitored and supported by the competent ministry, and BNCs, local CSOs and Education Inspection.

Process of implementation must include regular control of the manner of implementation, but also the regular testing of parents on whether the manner of implementation meets their expectations. If the result is not positive, a new consultation must be conducted and a new model proposed for that local community. Due to the sensitivity of the whole topic and importance of the interests that may come into conflict in this case (the right to education in the mother tongue and principle of interculturality and integration), the process should start with the introduction of pilot classes or pilot grades and then gradually develop the model with unavoidable correction in the course of the process.

Such a model is the most similar to the legal model of bilingual education. However, it is necessary to additionally specify what bilingual education means, and the responsible actors in each implementation phase and available legal remedies in case of violation of the right of either the children or the members of the national minority. The Ministry of Education has partially recognized this fact, and thus by the decision from August 2014 the minister prescribed that classes in primary and secondary schools in the City of Novi Pazar and municipalities of Tutin, Sjenica and Prijepolje must be bilingual where possible. The decision was reached without any consultations with the Bosniak National Council and prescribed one model as compulsory, which may cause additional problems instead of solving them. BNC requested protection from the Ombudsperson by filing a complaint on 1 September 2014.<sup>80</sup>

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80 <http://www.bnv.org.rs/wp-content/uploads/2014/10/Prituzba-zastitniku-gradjana-sa-prilozima.pdf>, last time visited on 21.01.2015.

# CONCLUSIONS

- The right to receive education in the mother tongue is guaranteed by the international conventions ratified by Serbia, the Constitution and national laws. This right cannot be disputed for the members of the Bosniak national community nor can they be deprived of what other national and linguistic minorities in Serbia have.
- The right to receive education in the mother tongue can be exercised through different models of organizing of classes. There is no model which is mandatory and which is not subject to public discussion.
- In case of the Bosniak national community, the creation of the model and complete process of the implementation was carried out by the Bosniak National Council in the technical mandate, which, according to the law, has the mandate only to perform current and urgent tasks that are the responsibility of the national council.
- The model was developed by the BNC in technical mandate, without the previous consultations and wide public discussion that would involve the representatives of ministries, schools in Sanjak and relevant institutions, professional public, representatives of local political parties, civil society organizations, and other interested actors.
- The model selected for the implementation means that pupils of the Bosniak national minority attend all classes in the Bosnian language from the preschool age, with special curriculums for the subject of national importance (Bosnian language, history, art and music).
- This model leads to separation of pupils on the basis of nationality from preschool age, which is the base for further segregation of youth, and spreading of nationalism and intolerance. In developing this model, the specificities of Sanjak as a region, historical context, current social situation were not taken into consideration, nor was the fact that Bosnian and Serbian languages belong to the same group of languages and that they are similar to each other.
- In September 2013, BNC began implementing this model in the first and the fifth grades of primary school and in the first grade of secondary school in Novi Pazar, Tutin, Sjenica and Prijepolje.
- Process of implementation caused numerous problems in the local community and schools.
  - Testing and accreditation of professors, teachers and professional associates were disputed by the Ministry of Education, because the certification procedure was not adopted in an appropriate way. Besides questioning the quality of test, there are allegations that the testing process was discredited as some teachers had

- the results of the test in advance.
- The survey process conducted among pupils was marked by speculations and alleged pressures by the competent, both by the representatives of BNC and members of school administration. Also, the parents and pupils were exposed to pressures, and there were rumours that pupils who would attend classes in Bosnian would not be able to enroll in studies in Serbian.
- Classes started without adequate textbooks and teaching material and the quality of the textbooks is questionable given the short period in which they were written. This did not only impede the beginning of the classes, but it also questioned the quality of classes and knowledge which pupils receive.
- Also, some headmasters and teachers were not fully familiar with curriculums they implement or with the course of the implementation, because they received contradictory information from the Ministry of Education and BNC. This led to confusion and chaotic situation in schools in Sanjak.
- There is a consensus that it is necessary to implement the right which belongs to this minority community based on national legislation and international conventions. However, it is necessary to make an agreement about the way of the implementation and content of the model, which will respect all specificities of Sanjak as a region, the right to education in the mother tongue and the principle of interculturality and integration of all parts of society.

# RECOMMENDATIONS

- The right to receive education in the Bosnian language must be implemented as one of the basic minority rights, guaranteed by relevant national and international laws.
- The model to be implemented needs to be the result of wide public discussion which should embrace the representatives of the National Council of Bosniak National Minority, the competent ministry, local schools and relevant institutions, all political parties in Sanjak, representatives of the civil sector, professional public and local self-government.
- The selected model needs to be in accordance with the specificities of Sanjak, but also the Bosnian language itself. It is necessary to consider the historical context of Sanjak, but also the current relations in society, and create, based on that, the model which will build better mutual understanding, culture of cooperation and respect for diversity.
- The model needs to be comprehensive and integrative, i.e. to include the elements of Serbian and Bosnian history, culture, tradition and language, and that pupils of all nationalities in Sanjak learn based on this model. This is relatively easy to implement, given the common root of both language, and the fact that today two ethnic communities successfully communicate each using its own language. That prevents the separation of children on the national basis and creation of basis for spreading of nationalism and intolerance, and develops multiculturalism, solidarity, mutual cooperation, and recognition and respect for each other's similarities and differences.
- Special attention shall be paid to the contents of history classes as there are differences in the interpretation of events from the past. Studying both versions of history would be useful as children would become aware of not only the existence of different interpretation of the past, but that it is not the obstacle to the mutual life.
- The process of development of the model and implementation of the selected model needs to be conducted in accordance with the laws and regulations and by competent institutions. It is necessary to ensure an active cooperation of the representatives of ministries, relevant institutions, National Council of Bosniak National Minority and schools in Sanjak.
- Ministry of Education and other competent institutions need to prepare all bylaws which would develop the model of bilingual education in the existing law, and if the need arises – to prepare the amendments of legal regulations in order to enable the achievement of the objectives of integration and protection of the rights of national minorities.

- The implementation needs to be carried out by each school, in accordance with the environment and working conditions, with the support of the competent ministry and National Council of Bosniak National Minority.
- The whole implementation process needs to be supported and also monitored by the competent ministry, National Council of Bosniak National Minority and Education Inspection. Also, there must be the regular control of the manner of implementation, which, among others, would examine satisfaction of parents and pupils with classes.
- The implementation needs to be carried out gradually and carefully, through the pilot class or pilot grade in the beginning, so as to see in practice whether there are additional challenges which should be addressed.
- Results of monitoring must be regularly and carefully analyzed, and in case of identified deficiencies the model needs to be immediately adjusted to expectations and needs of pupils, parents and the widest community in Sanjak.

# NOTES

