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**KLJUČENOST ROMSKE
DJECE U OSNOVNOM OBRAZOVANJU
NA TUZLANSKOM KANTONU**

**INCLUSION OF ROMA
CHILDREN IN PRIMARY EDUCATION
OF TUZLA CANTON**

Roma women association
"Bolja budućnost" Tuzla



2018



Udruženje žena Romkinja
"Bolja budućnost"



U KLJUČENOST ROMSKE DJECE U OSNOVNOM OBRAZOVANJU U TUZLANSKOM KANTONU

„Najveća nada svake zemlje leži u primjerenom školovanju mladih.“

Erazmo Rotterdamski

Uključenost romske djece u osnovnom obrazovanju u Tuzlanskom kantonu

Udruženje žena Romkinja „Bolja budućnost“ grada Tuzla

IMPRESSUM

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SAŽETAK

Svako dijete ima pravo na obrazovanje koje treba biti formulirano tako da kod svakog pojedinačnog djeteta razvije njegovu ili njenu ličnost, vještine, sposobnost za učenje i druge sposobnosti, ljudsko dostojanstvo, samopoštovanje i samopouzdanje. Zastupljenost romske djece u obrazovnom sistemu u Tuzlanskom kantonu (TK) još uvijek nije sveobuhvatno. I pored niza preuzetih međunarodnih i domaćih standarda kojima se garantuje raspoloživost, dostupnost, prihvatljivost i prilagodljivost obrazovnog sistema za svu djecu, većina romske djece susreće se sa ozbiljnim problemima u pristupu i održivosti u osnovnom odgoju i obrazovanju. Siromaštvo, diskriminacija, nedovoljna pripremljenost za polazak u školu, nepoznavanje jezika, nedovoljna motiviranost roditelja za obrazovanje djece, naročito djevojčica, nefleksibilnost obrazovnog sistema prema potrebama romske djece, nedovoljna educiranost nastavnog kadra za rad sa romskom djecom, samo su neki od razloga na koje u ovom dokumentu ukazujemo, a koji utiču da veliki broj Roma/kinja ne upiše ili napusti osnovno obrazovanje. Zaključak dokumenta ukazuje da su pomaci u boljem pristupu obrazovanju mogući jedino kroz širu društvenu i koordinisanu intervenciju koja je usmjerena na uklanjanje postojećih sistemskih nedostataka i primjeni afirmativnih mjera inkluzivnoga tipa.

UVOD

Dokument *Uključenost romske djece u osnovnom obrazovanju u TK* nastao je u okviru regionalnog projekta „*Za aktivnu inkluziju i prava Romkinja na Zapadnom Balkanu II*“, podržanog od strane Austrian Development Cooperation, a kojeg provodi CARE International Balkans u suradnji s lokalnim partnerskim organizacijama: Udruženje žena Romkinja „Bolja budućnost“ Grada Tuzla (BiH), Romski ženska centar „Bibija“ (Beograd-Republika Srbija) i Centar za romske inicijative iz Nikišića (Crna Gora). Projekat je usmjeren na unapređenje socio-ekonomske situacije Romkinja/domaćinstava u Republici Srbiji, Bosni i Hercegovini i Crnoj Gori te jačanje kapaciteta romskih ženskih organizacija da se uključuju u izrade strategija na nacionalnom i europskom nivou i poduzimaju intervencije vezane za prava Romkinja i socijalne inkluzije romskih zajednica.

Jedna od značajnih aktivnosti u ovom projektu je izrada Policy paper-a koji, kao zagovarački i istraživački dokument, prije svega treba da podstakne:

- Kreatore politike da unaprijede obrazovnu politiku u segmentu pristupa i održivosti romske djece u osnovnom obrazovnom procesu;
- Organizacije civilnog društva koje žele da poboljšaju efikasnost svojih progama fokusiranih na obrazovanje romske djece, tako što će ih učiniti relevantnijim za cjelokupnu reformu obrazovanja;
- Donatorske zajednice koje treba da bolje razumiju situaciju sa kojom su suočavaju romska djeca pri ostvarivanju prava na osnovno obrazovanje, tako da mogu identifikovati područja gdje bi njihova podrška i doprinos bili najpotrebniji i najučinkovitiji.

U ovom dokumentu ukratko su predstavljeni pokazatelji koji se odnose obuhvaćenost romske djece osnovnim obrazovanjem, redovnost pohađanja škole od strane romskih učenika/ca, razlozi njegovog prijevremenog napuštanja te preporuke za unapređenje politika i institucionalnih mjera u pogledu sistemskog pristupa i održivosti romske djece u osnovnim školama u Tuzlanskom kantonu. U pravcu definisanja preporuka, korišteni su primjeri dobre prakse koji se od strane vladinog i nevladinog sektora primjenjuju u drugim dijelovima BiH. Polazeći od specifičnog položaja romskih djevojčica unutar romskih porodica i zajednice, poseban značaj dat je rodnoj dimenziji ovoga problema.

Podaci koji su prezentovani u Policy dokumentu bit će predstavljeni predstavnicima/cama vladinog i nevladinog sektora, kroz različite bilateralne i višelateralne konsultativne sastanke, kako bi se osiguralo da nalazi iz dokumenta pokrenu oba sektora na akciju unapređenja obrazovnih politika i praksi u najboljem interesu romske djece.

Ovom prilikom želimo da se zahvalimo svima koji su dali doprinos u kreiranju ovog dokumenta, prije svega predstavnicima/cama obrazovnih ustanova u tuzlanskom kantonu (TK) : Javna ustanova (JU) osnovna škola „Kiseljak“, JU OŠ „Kreka“, JU OŠ „Druga osnovna škola“ Živinice, JU „Podrinje“ Mihatovići kao i partnerskim nevladinim organizacijama: Udruženju „Romka djevojka-Romani čej“ Prnjavor, Udruženju građana Omladinska romska inicijativa „Budi mi prijatelj“ Visoko, Udruženju građana za promociju obrazovanja Roma „Otaharin“ Bijeljina te Udruženju „Zemlja djece u BiH“ Tuzla.

SITUACIONA ANALIZA

1.1. Pravni okvir

1.1.1. Međunarodne obaveze BiH

Kao članica Ujedinjenih naroda i Vijeća Evrope, Bosna i Hercegovina je ratificirala brojne međunarodne dokumente čime se obavezala da preuzete međunarodne standarde integrira u svoje politike i praksu.

Među prvim dokumentima o ljudskim pravima i temeljnim slobodama kojima se između ostaloga, uspostavlja temelj prava na obrazovanje, izdvaja se *Univerzalna deklaracija o ljudskim pravima*¹ gdje se navodi da: „*svako*

¹ Usvojena i proglašena na Općoj skupštini Ujedinjenih naroda rezolucijom br. 217 /III 10. decembar 1948. Godine.

ima pravo na obrazovanje.....koje mora biti besplatno, barem na osnovnom nivou,obavezno.... ono mora promicati razumijevanje, toleranciju i prijateljstvo među svim narodima, rasnim ili vjerskim grupama“ (član 26.).

Evropska konvencija za zaštitu ljudskih prava i temeljnih sloboda (1950) direktno se primjenjuje i ima prioritet nad ostalim zakonima u BiH. Ratifikacijom ovog dokumenta BiH se obavezala da „svim osobama pod svojom jurisdikcijom osigura prava i slobode sadržane u Konvenciji i pripadajućim protokolima“ (član 1. EK),.... „bez diskriminacije po bilo kojem osnovu kao što je pol, rasa, boja kože, jezik, vjeroispovijest, političko ili drugo mišljenje, nacionalno ili socijalno porijeklo, veza sa nekom nacionalnom manjinom, imovinsko stanje, rođenje ili drugi status“ (član 1. Protokola 12 uz EK), te da „nijedna osoba ne može biti lišena prava na obrazovanje“ (član 2. Protokola 1 uz EK).

Pred *Evropskim sudom za ljudska prava* (ECHR), kao stalnoj sudskoj instituciji za zaštitu ljudskih prava u Evropi, razmatrano je nekoliko predstavi koji se odnose na kršenje prava manjina u odgojno-obrazovnom sistemu.² U predmetu *D. H. i drugi protiv Republike Češke* koji se odnosi na 18 romske djece smještene u specijalne škole za djecu s mentalnim teškoćama u gradu Ostravi,³ Veliko vijeće suda donijelo je odluku koja potvrđuje kršenje čl. 14. Evropske konvencije za zaštitu ljudskih prava i temeljnih sloboda, utvrđujući da postupci koji su korišteni za procjenjivanje smještanja romske djece u takve škole nisu dovoljno uzeli u obzir njihove specifične okolnosti, te da njihovi roditelji nisu dali svoj pristanak na takav smještaj.⁴ Veliko vijeće smatra da su „zbog njihove burne povijesti i stalnog preseljavanja Romi postali specifičan tip ranjive manjine u nepovoljnom položaju. Njima je zato potrebna posebna zaštita, uključujući područje odgoja i obrazovanja.“⁵ Drugu predmet, *Oršuš i dr. protiv Hrvatske*⁶, odnosio se na segregaciju 14 romskih učenika/ca iz dvije osnovne škole u Međumurju, koji su tokom osnovnoškolskog obrazovanja bili u određenom razdoblju ili cijelo vrijeme smješteni u tzv. „romske razrede“. Premda je Sud uvažio napore koje hrvatske vlasti ulažu da romskoj djeci obezbijede školovanje uz afirmativne mjere, sud je konstatovao da raspoređivanje romske djece u posebne „romske razrede“ nije bilo opravdano i da je u suprotnosti sa Evropskom konvencijom za zaštitu ljudskih prava i temeljnih sloboda.⁷

Međunarodni pakt o ekonomskim, kulturnim i socijalnim pravima⁸ priznaje svakoj osobi pravo na obrazovanje, naglašavajući da ono treba da *potpomaže razumijevanje, toleranciju i prijateljstvo između svih naroda i svih rasnih, etničkih ili vjerskih grupa* te propisuje da: *osnovno školovanje bude obavezno i svima dostupno; da srednje školovanje, u svojim raznim vidovima, treba da bude opće i dostupno svima kroz odgovarajuće mjere, a naročito kroz postupno uvođenje besplatnog školovanja... da osnovno obrazovanje bude podsticano ili pojačano što je moguće više za osobe koje nisu dobile osnovno obrazovanje ili koje ga nisu dobile u potpunosti* (član 13.).

Okvirna konvencija za zaštitu prava nacionalnih manjina⁹ zahtjeva „jednaku dostupnost obrazovanja osobama koje pripadaju nacionalnim manjinama na svim nivoima“ (član 12.3.) te promiče „pravo svakog pripadnika nacionalne manjine da uči na svom manjinskom jeziku“. (član 14.1.).

Konvencija UN o pravima djeteta se smatra najvažnijim i najsveobuhvatnijim pravno obavezujućim instrumentom o pravima djeteta, koja naglašava stavljajući na obavezu države potpisnice vezano za stvaranje obrazovnih sistema i obezbjeđivanje pristupa tim sistemima (član 28.), dok u članu 29(1) naglasak stavlja na individualno i subjektivno pravo djeteta na obrazovanje.¹⁰ Države moraju poštovati i garantirati svakom djetetu pod svojom

2 Presude i odluke Evropskog suda za ljudska prava imaju obavezujući učinak samo za onu državu koja je tužena u postupku pred Sudom (član 46. stav 1. Konvencije). Međutim, države članice su pozvane uzimati u obzir sudsku praksu Suda, između ostalog i razmatranjem zaključaka koji se mogu izvući iz presuda u kojima je utvrđena povreda Konvencije od strane neke druge države, ako isti načelan problem postoji i u njihovim pravnim sistemima.

3 D.H. i drugi protiv Češke, broj prijave. 57325/00, Presuda od 7. veljače 2006. Dostupno na: http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=792053&portal=hbkm&source=external_bydocnumber&table=F69A27FD8FB86142BF01C-1166DEA398649 (pregledano 23. rujna 2007.).

4 Vidi izjavu za javnost kojeg je objavio Registar Evropskog suda za ljudska prava, 13. studenoga 2007. Dostupno na: <http://cmiskp.echr.coe.int/tkp197/view.asp?item=2&portal=hbkm&action=html&highlight=57325/00&sessionId=3358724&skin=hudoc-pr-fr> (pregledano 16. studenoga 2007.).

5 To je presudna odluka za tužbe koje se odnose na desegregaciju i na ukupno prepoznavanje obima problema segregacije u Evropi.

6 Evropski sud za ljudska prava, Predstavka broj 15766/03, Strazburg 16.mart 2010. godine

7 Za utvrđene povrede Evropski sud je svakom od podnositelja dosudio 4.500 EUR, te svim podnositeljima zajedno troškove postupka u iznosu od 10.000 EUR-a

8 Usvojen i otvoren za potpis, ratifikaciju i pristupanje Rezolucijom Generalne skupštine 2200A (XXI) od 16. decembra 1966 godine. Stupio na snagu: 3. januar 1976. u skladu sa članom 27.

9 Konvencija je potpisana i ratificirana 24.02.2000.godine

10 Bosna i Hercegovina je Konvenciju o pravima djeteta preuzela notifikacijom o sukcesiji 23. novembra 1993. godine

jurisdikcijom ostvarivanje prava na obrazovanje *bez diskriminacije bilo po bilo kojem osnovu: rasi, boji, spolu, jeziku, religiji, političkom ili drugom mišljenju, nacionalnom, etničkom ili društvenom porijeklu, bez obzira na imovinsko stanje, onesposobljenosti, rođenje ili drugi status kome dijete, njegovi roditelji ili zakonski staratelji pripadaju*. Konvencija zahtjeva od države potpisnice da osnovno obrazovanje *proglase obaveznim i besplatnim, a da srednje obrazovanje učine pristupačnim i dostupnim svakom djetetu, poduzimajući odgovarajuće mjere da i ovaj stepen obrazovanja bude besplatan odnosno, da u slučaju potrebe djeteta država obezbijedi odgovarajuću finansijsku podršku (član 28.)*. Posebno je naglašena obaveza države da *preduzme mjere kojima će se podržati redovno pohađanje škola i smanjiti stopa prekida školovanja djece*. Sve mjere i aktivnosti država mora poduzimati prvenstveno u najboljem interesu djeteta. Program obrazovanja mora da bude usmjeren na razvoj dječije ličnosti, talenta, mentalnih i fizičkih sposobnosti do njihovih punih mogućnosti (član 29.). Metodi nastave treba da budu skrojeni prema različitim potrebama dece a *proces obrazovanja mora biti tako organizovan da poštuje urođeno dostojanstvo deteta, da mu omogućava da slobodno izrazi svoje mišljenje i da učestvuje u školskom životu*. Ograničenost kadrovskih i finansijskih sredstava za sprovođenje sveobuhvatnih planova koji trebaju da povećavaju poštovanje člana 29(1) ne može da bude opravdanje za to što neka država nije uopšte ili nije u dovoljnoj mjeri preduzela korake koji se od nje zahtjevaju.¹¹

Značajnu pažnju obrazovanju nacionalnih manjina pridaje *Evropska povelja o regionalnim ili manjinskim jezicima*¹² (1992) koja u članu 8.(b) navodi obavezu države potpisnice da „*osnovno obrazovanje učini dostupnim na regionalnom ili manjinskom jezikuomogućiti učenje regionalnih ili jezika manjina kao sastavnog dijela nastavnog programa*“.

Preporuke međunarodnih tijela upućenih BiH predstavljaju vrlo važan segment međunarodnog prava. Komitet UN-a za ljudska prava preporučio je BiH da „*nastavi ulagati napore na osiguravanju funkcionisanja obrazovnog sistema bez ikakve diskriminacije i segregacije u praksi po bilo kom osnovu, uključujući etničku ili vjersku pripadnost*“ ((3)ICCPR 2017). Komitet UN za prava djeteta zahtijeva od države poduzimanje mjera za implementaciju AP o obrazovnim potrebama Roma, jer su romska djeca diskriminirana u pristupima prava na obrazovanje, kao i „*usvojanje konkretnih mjera u borbi protiv diskriminacije romske djece u pristupu obrazovanju, pa i putem osiguravanja dodatnih časova jezika i podrške, programa pripreme za školu i programa podrške za rješavanje obrazovnih potreba romske djece.... a da se pri tome osigura da se takve dodatne mjere ne daju na način da se pogoršava njihova stigmatizacija ili segregacija*“ (CRC/C/OPAC/BIH/CO2-41).¹³

Od preporuka upućenih od strane Vijeća Evrope izdvaja se **Preporuka br. 1557 (2002): „Pravni položaj Roma u Evropi“**, koja preporučuje državama članicama da :.... „*omogućiti romskim učenicima/cama da učestvuju na svim nivoima obrazovanja, od vrtića do fakulteta*“, te da „*podstiče romske roditelje da svoju djecu šalju u osnovnu školu, srednju školu i na visoko obrazovanje, uključujući fakultete, kao i pružanju odgovarajućih informacija o nužnosti obrazovanja*“.

1.1.2. Nacionalni pravni i strateški okvir za inkluziju romske djece u obrazovni sistem

Pravo na obrazovanje je ustavna kategorija.¹⁴ Bosna i Hercegovina je obavezna osigurati primjenu najvišeg nivoa međunarodno priznatih prava i sloboda. U slučaju nesaglasnosti međunarodnog ugovora i domaćeg zakonodavstva, preovladava međunarodni ugovor.¹⁵

Obrazovanje je u isključivoj nadležnosti kantona. U vršenju svoje ustavne nadležnosti, kantoni utvrđuju obrazovnu politiku, što uključuje i donošenje propisa o obrazovanju, te osiguravaju obrazovanje. U TK oblast osnovnog obrazovanja regulisana je Zakonom o osnovnom odgoju i obrazovanju TK¹⁶ kojim se omogućava osiguranje najvećeg stepena poštivanja ljudskih prava i sloboda svih učenika/ca u osnovnom odgoju i obrazovanju,

11 S ciljem da državama ugovornicama i svima koji rade sa djecom približi značaj, ciljeve i funkciju obrazovanja za svako dijete, te da obezbjedi da države primenjuju i poštuju ovo pravo, Komitet za prava djeteta je 2001. godine usvojio **Opšti komentar br.1: Ciljevi obrazovanja** koji se odnosi na član 29(1). Komitet naglašava da je ključni cilj obrazovanja da razvije ličnost, talente i sposobnosti svakog pojedinačnog deteta, uz uzimanje u obzir činjenice da svako dete ima jedinstvene osobine, interese, sposobnosti i potrebe za učenjem. U tom kontekstu, obrazovanje mora da „*bude usredsređeno na dijete, prijateljski naklonjeno prema djetetu, da omogućava njegovo osnaživanje, te da ga osposobi tako što će razviti njegove ili njene veštine, sposobnost za učenje i druge sposobnosti, ljudsko dostojanstvo, samopoštovanje i samopouzdanje*“.

12 Konvencija je potpisana i ratificirana 24.02.2000.godine

13 Komitet je razmatrao objedinjeni drugi, treći i četvrti periodični izvještaj Bosne i Hercegovine (CRC/C/BIH/2-4) na 1730. sjednici (pogledati CRC/C/SR.1730 i CRC/C/SR. 1731), održanoj 19. septembra 2012. godine a na 1754. sjednici održanoj 5. oktobra 2012. godine usvojio zaključna zapažanja.

14 Ustav Federacije BiH, član II. A. 1: “Sve osobe na teritoriji Federacije uživaju pravo na: ...(m) obrazovanje,...”

15 Ustav FBiH, član VII član 3., dostupno na: http://www.fbihvlada.gov.ba/hrvatski/federacija/ustav_hr_stari.htm

16 „Službene novine TK“ broj 9/15

uključujući i učenike/ce romske nacionalnosti. U skladu sa Zakonom, svako dijete, bez diskriminacije po bilo kojem osnovu, ima jednako pravo pristupa i jednake mogućnosti učešća u odgovarajućem obrazovanju a što podrazumijeva obezbjeđenje jednakih uslova i prilika za sve, za početak i nastavak obrazovanja.

Osnovno obrazovanje je obavezno i besplatno i obezbjeđuje se svoj djeci¹⁷ (član 6.). Upis učenika/ca u redovnu osnovnu školu obavlja se na osnovu spiska školskih obveznika koji po službenoj dužnosti dostavlja nadležni organ opštine (matični ured), dokaza o mjestu prebivališta/boravišta i izvoda iz matične knjige rođenih (član 47.). Dijete se upisuje u najbližu školu koja gravitira mjestu njegovog prebivališta/boravišta. Procjenu sposobnosti djece pri upisu u redovnu školu, uz prethodno pribavljeno ljekarsko uvjerenje izdato od nadležne zdravstvene ustanove, obavlja komisija koju čine pedagog ili pedagog-psiholog i nastavnik/ca razredne nastave. Škola je obavezna resornom ministarstvu i Pedagoškom zavodu, do 30. juna tekuće godine, dostaviti izvještaj o upisu djece (član 47.)

Nastava u školi se izvodi na službenim jezicima u Bosni i Hercegovini. Za učenika/cu koji se izjašnjava pripadnikom/com nacionalne manjine i koji želi pohađati nastavu iz maternjeg jezika, nastava mora biti obezbijedena u školi u kojoj je upisana ili za više škola za to podesnom mjestu, u odjeljenju, grupi ili pojedinačno. U školi u kojoj se obrazuju samo učenici/e jedne nacionalne manjine, cjelokupna nastava se realizuje na jeziku te manjine, uz obavezno izučavanje jezika konstitutivnih naroda. Ukoliko učenici/e pripadnici/e jedne nacionalne manjine čine najmanje jednu trećinu ukupnog broja učenika/ca, resorno ministarstvo obrazovanja je obavezno da za pripadnike/ce te nacionalne manjine obezbijedi obrazovanje na jeziku te manjine, a ukoliko čine jednu petinu, osigurati dodatnu nastavu o jeziku, književnosti, istoriji, geografiji i kulturi manjine kojoj pripadaju, ako to zahtjeva većina roditelja te djece, (član 9.).¹⁸

Prema učeniku/ci koji neredovno pohađa nastavu i nemarno se odnosi prema radu i učenju izriče se odgojno-disciplinska mjera, koja može biti lakša ili teža (ukor, smanjenje vladanja, premještanje u drugo odjeljenje odnosno u drugu najbližu školu), ovisno o broju načinjenih neopravdanih sati u toku školske godine.¹⁹

Za učenika/cu koji u savladavanju školskog gradiva ne uspijeva zadovoljiti minimalne standarde, škola je prema ovom zakonu dužna sačiniti individualni program rada nadoknađivanja zaostataka u učenju te pružiti dodatnu podršku (dopunsku nastavu) učeniku kako bi ostvario definisani minimum znanja (član 60.(1)). Nadalje, zakon daje mogućnost da dijete starije od 15 godina života koje ne pohađa redovan obrazovni sistem, može osnovno obrazovanje sticati po nastavnom planu i programu za odrasle (vanredno polaganje razreda). Finansijska sredstva za potrebna za održavanje nastave i polaganje ispita za kandidate mlađe od 18 godina obezbjeđuju se iz kantonalnog budžeta.

Zakon obavezuje Vladu TK da iz svog budžeta finansira nabavku školskih udžbenika i priručnika te sufinansira prevoz učenika/ca koji imaju prebivalište/boravište na udaljenosti većoj od četiri kilometra od najbliže škole.

Zakon eksplicitno utvrđuje obavezu roditelja da se staraju o obrazovanju svoje djece. U ostvarivanju svojih prava, roditelji ne mogu ograničavati pravo djeteta na pristup i održivost u obrazovnom sistemu primjerenog njihovom uzrastu i sposobnostima (član 25.). U tom kontekstu, roditelji su obavezni upisati dijete u školu zatim, obezbijediti da dijete redovno pohađa školu tokom perioda trajanja obaveznog obrazovanja, da se redovno informišu, konsultuju i da prate obrazovni napredak svoje djece. Roditelj koji zanemaruje ili se neodgovorno odnosi prema ovoj obavezi čine prekršaj za koji je ovim zakonom propisana novčana kazna u iznosu od 200 do 1.000 KM (član 132.). Ukoliko ni poslije izvršene kazne roditelj ne upiše dijete u osnovnu školu, odnosno ako dijete ne pohađa nastavu, kazna se ponavlja.

Dužnost roditelja da se stara o redovnom osnovnom i srednjem obrazovanju svog djeteta propisao je i **Porodični zakon FBiH**²⁰. Pravne i fizičke osobe su dužne da bez odlaganja dostave organu starateljstva (CSR) obavještenje o povredi određenog prava djeteta. Organ starateljstva je dužan da upozori roditelje na propuste o staranju o djetetu i da im pruži pomoć u njihovom otklanjanju. Ukoliko su roditelji zanemarili staranje o odgoju djeteta, organ starateljstva odredit će *nadzor nad ostvarivanjem roditeljskog staranja* koji može trajati dok to bude u interesu djeteta, a najkraće tri mjeseca (član 152.). Ukoliko roditelji odnosno roditelj sa kojim dijete živi u većoj mjeri zanemaruje podizanje, odgoj i obrazovanje djeteta ili ne sprečava drugog roditelja ili člana porodične zajednice da se na ovaj način ponaša prema djetetu, sud može u vanparničnom postupku roditelju *oduzeti pravo*

17 Dijete, u smislu ovog Zakona, je svaka osoba do navršene 18 godine života.

18 Ovo pravo utvrđeno je i u članu 8. Zakona o zaštiti pripadnika nacionalnih manjina u TK („Službene novine TK“ broj 14/09). Radi ostvarivanja prava iz stava 2. ovog člana resorno ministarstvo je obavezno osigurati finansijska sredstva za osposobljavanje nastavnika koji će izvoditi nastavu na jeziku nacionalne manjine, osigurati prostor i druge uvjete za izvođenje dopunske nastave, kao i štampanje udžbenika na jezicima nacionalnih manjina

19 Pravilnik o povredama discipline, postupku za utvrđivanje disciplinske odgovornosti učenika, naknadi pričinjene materijalne štete, trajanju izrečene odgojno-disciplinske mjere, ublažavanju i ukidanju, te posljedičnom odnosu na ocjene iz vladanja učenika u osnovnoj školi („Službene novine TK“ broj 2/17)

20 «Službene novine Federacije BiH» broj 35/05, 31/14

da živi sa djetetom a čuvanje odgoj djeteta povjeriti drugoj osobi ili ustanovi.²¹

Svako *grubo zanemarivanje* dužnosti roditelja u pogledu zbrinjavanja ili odgoja djeteta prema **Krivičnom zakonu Federacije BiH** predstavlja krivično djelo “*zapuštanja ili zlostavljanja djeteta ili maloljetnika*“ za koje je zapriječena kazna zatvora od tri mjeseca do tri godine.²²

Jedan od vrlo značajnih strateških dokumenata koji tretira temu obrazovanja Roma/kinja je svakako **Revidirani akcioni plan Bosne i Hercegovine o obrazovnim potrebama Roma/kinja** (2010). Pitanje osnovnog odgoja i obrazovanja tretira se u Cilju 1. koji glasi: „*Osiguranje da se djeca pripadnici romske nacionalne manjine uključe u sistem obaveznog osnovnog obrazovanja*“. U okviru ovog cilja definisano je 10 mjera²³ čija implementacija bi trebala doprinjeti smanjenju broja djece romske nacionalnosti izvan sistema osnovnog odgoja i obrazovanja. Usljed ograničenog napretka realizacije ovog strateškog dokumenta, u završnoj fazi usvajanja je novi **Okvirni akcioni plan Bosne i Hercegovine o obrazovnim potrebama Roma/kinja**²⁴, koji između ostaloga preporučuje nadležnim entitetskim, odnosno kantonalnim ministarstvima obrazovanja i Odjelu za obrazovanje Distrikta Brčko da u saradnji sa lokalnim zajednicama i romskim udruženjima koja egzistiraju na njihovom području, *pripreme i usvoje vlastite akcione planove o obrazovnim potrebama Roma/kinja*.

U cilju daljeg unaprjeđenja položaja Roma/kinja i osiguranja uživanja prava garantiranih međunarodnim standardima, Institucija ombudsmena za ljudska prava BiH preporučila je nadležnim ministarstvima obrazovanja osiguranje konzistentnosti u implementaciji Akcionog plana za Roma/kinje što uključuje osiguranje besplatnih udžbenika, prijevoza u školu, podizanja svijesti kod Roma/kinja o značaju obrazovanja ali i podizanja svijesti kod nastavnika/ca o potrebi njihovog snažnijeg djelovanja na integraciji romske djece u obrazovanju, kako bi se eliminirale predrasude koje postoje o Romima /kinjama i spriječio svaki oblik njihove diskriminacije. U ovom smislu značajno je hitno u školama koje pohađa veliki broj romske djece uspostaviti medijatore/ice koji bi trebali doprinjeti povećanju broja romske djece u školama.²⁵

Vodeći se preporukama Komiteta UN za prava djeteta, u Akcionom planu za djecu BiH (2015–2018) jedan od potciljeva u oblasti osnovnog školovanja predstavlja stopostotni obuhvat djece, bez obzira na spolne, socijalne, etničke, konfesionalne i druge razlike, a naročito djece pripadnika/ca romske manjine.

Sa aspekta prevencije prijevremenog napuštanja obaveznog obrazovanja značajan je i multisektoralan **Protokol za postupanje u slučajevima prosjačenja, skitnje, radne eksploatacije i drugih vidova zloupotrebe djece u TK (2014)**²⁶ koji nalaže kantonalnom ministarstvu obrazovanja da uspostavi jasan mehanizam prijavljivanja neopravdanih izostanaka djeteta sa nastave od strane škole, a radi prevenisanja prijevremenog napuštanja obrazovnog procesa djece. Od škola se zahtjeva da o neopravdanom izostanku djeteta sa nastave, od najmanje tri uzastopna dana, odmah obavijesti organ starateljstva, koji dužan poduzeti zakonom propisane mjere.

U Federaciji BiH ustavnu odgovornost za uspostavljanje sistemskih rješenja za uključivanje sve djece u obrazovanje u BiH izravno imaju kantonalna ministarstva. Određene nadležnosti i obaveza podrške su takođe prisutne na nivou lokalne zajednice.

21 Porodični zakon FBiH, član 153.

22 Za ovo krivično djelo propisana je kazna zatvora od tri mjeseca do tri godine. Ista kazna zapriječena je ukoliko je roditelj, usvojitelj, staratelj ili druga osoba zlostavi dijete, prisili ga na rad koji ne odgovara njegovoj životnoj dobi, ili na pretjerani rad, ili na prosjačenje, ili ga iz koristoljublja navodi na ponašanje koje je štetno za njegov razvoj može mu se izreći kazna zatvora. Ako je izvršenjem ovog krivičnim djela, dijete ili maloljetnik teško tjelesno ozlijeđen, ili mu je teško narušeno zdravlje, ili se maloljetnik odao prosjačenju, prostituciji, ili drugim oblicima asocijalnog ponašanja ili delikvenciji, učinitelj će se kazniti kaznom zatvora od tri mjeseca do pet godina.

23 Mjera 1.: „*Promovirati važnost obaveznog osnovnog obrazovanja u romskim zajednicama*“; Mjera 4.: „*Kontinuirano povećavati broj djece romske nacionalnosti uključene u obavezno osnovno obrazovanje*“; Mjera 5.: „*Osigurati redovno i sistematsko prikupljanje podataka o stopi upisa i završavanju škole djece Roma*“; Mjera 6.: „*Izraditi prilagođen nastavni plan i program koji bi se koristio kao pomoć djeci koja nikada nisu pohađala školu, ili imala duži vremenski prekid*“; Mjera 7.: „*Osigurati besplatne udžbenike, prijevoz i topli obrok (školsku užinu) za svu djecu romske nacionalnosti uključenu u osnovno obrazovanje*“; Mjera 8.: „*Omogućiti uključivanje Roma u sistem vanrednog obrazovanja, tj. omogućiti besplatno vanredno polaganje*“; Mjera 9.: „*Promovirati veće učešće roditelja djece romske nacionalnosti u radu organa škola*“; Mjera 10.: „*Provoditi i organizirati kontinuiranu edukaciju nastavnog osoblja, roditelja i sve djece u osnovnim školama, u cilju eliminiranja stereotipa i diskriminacije u obrazovanju*“.

24 Razmatrajući Izvještaj o provođenju Revidiranog akcionog plana Bosne i Hercegovine o obrazovnim potrebama Roma za školsku 2015-2016. godinu, Vijeće ministara BiH je 2017. godine je u 2017. godini usvojilo preporuku Ministarstva za ljudska prava i izbjeglice za izradu drugačijeg pristupa u provođenju obrazovnih politika prema Romima. Okvirni akcioni plan o obrazovnim potrebama Roma predstavlja sublimaciju preporuka Stručnog tima Bosne i Hercegovine, Zaključaka Seminara o inkluziji Roma (2018.) i Kompilacije preporuka datih u dokumentu Reforma obrazovanja u BiH kroz prizmu inkluzije romske manjine Kali Sara (RIC 2017.) i Preporuke UG Otaharin.

25 Institucija ombudsmena za ljudska prava: Specijalni izvještaj o položaju Roma u Bosni i Hercegovini, dostupno na: <https://www.osce.org/bs/bih/110497?download=true>

26 Dostupno na: www.zemljadjece.org

2. ANALIZA STANJA – Šta doprinosi a šta ometa inkluziju romske djece u osnovnom obrazovanju?

Obrazovanje je za Rome/kinje, na svim nivoima, jako bitna odrednica njihovog života. Bez adekvatnog obrazovanja Romi/kinje ostaju uskraćeni po pitanju razvoja svojih punih potencijala, u skladu sa vlastitim sposobnostima, potrebama, interesovanjima, ali i u samom zapošljavanju odnosno prevazilaženju socijalne isključenosti.

Ključni indikatori za praćenje i ocjenu ostvarivanja prava romske djece na obrazovanje su prije svega: *obuhvaćenost, pol, djelotvornost, te napredak i promjene u procesu obrazovanja.*

2.1. Obuhvaćenost obrazovnim procesom (dostupnost)

Osnovno obrazovanje je *de iure* obavezno i besplatno za svu djecu dok se *de facto* ne obrazuju sva romska djeca. Prema zvaničnim podacima, u školskoj 2017/2018. godini, **osnovno obrazovanje u školama na području Tuzlanskog kantona pohađalo je 506 romskih učenika/ca, 299 dječaka i 207 djevojčica.** Romske NVO smatraju da je stvarni broj sigurno veći jer se značajan broj djece, zbog stida ili straha od zlostavljanja od strane druge djece, odbija izjasniti kao član/ica romske populacije. Oslanjajući se na podatke nadležnih institucija iz posljednjih pet školskih godina, analiza pokazuje značajan pad broja romske djece koja su uključena u osnovno obrazovanje u Tuzlanskom kantonu.²⁷ NVO posebno zabrinjava to što nadležno kantonalno ministarstvo obrazovanja ignoriše ove pokazatelje i ne poduzima značajnije aktivnosti da se istraže uzroci ovakvoga negativnog trenda.

Stopa upisa romske djece u osnovnu školu u TK je još uvijek znatno niža nego u opštoj populaciji djece koja iznosi gotovo **98%**. Dvoje od petero djece nikada nije išlo u školu (UNICEF, 2013). Neka romska djeca nikada ne dobiju poziv za upis u školu jer nisu upisana u matične knjige rođenih. Obrazovne institucije u TK ne raspolažu sa podacima o broju romske djece koja su van školskog sistema. Još uvijek nije razvijen funkcionalni institucionalni mehanizam za prepoznavanje djece školskog uzrasta koja nisu uključena u osnovno obrazovanje. NVO koje rade sa romskom djecom su za sada jedini izvor ovih podataka, što nije sistemski odgovorno rješenje. Iako podaci NVO nisu sveobuhvatni (samo za pojedine romske zajednice) jasno ukazuju da je stanje u pogledu obrazovne isključenosti romske djece zabrinjavajuće. **Socijalno mapiranje u romskoj zajednici Kiseljak (Tuzla) pokazalo je da od ukupnog broja „školskih obveznika“²⁸ (86), njih 31% nije obuhvaćeno sistemom obaveznog obrazovanja, dok je 3,4% djece isključeno iz osnovne škole zbog napunjenih petnaest godina života.**²⁹

Reakcija obrazovnih, socijalnih i zdravstvenih ustanova nerijetko izostaje i u situacijama kada neposredno dođu do saznanja da romsko dijete školskog uzrasta nije obuhvaćeno osnovnim obrazovanjem. Razlozi za to su višestruki: nedovoljno precizirane norme kojima se definiše nadležnost, način postupanja institucija te njihovo intersektoralno djelovanje u slučajevima kada identifikuju dijete/školskog obveznika koji ne pohađa školu zatim, nedovoljna informisanosti i educiranost profesionalaca u ovim ustanovama o pravilima postupanja te postojanje predrasuda i stereotipa kod profesionalaca po pitanju obrazovanja romske djece. Ono što posebno brine NVO je da profesionalci u ovim ustanovama često svoje pasivno držanje prema djeci romske nacionalnosti pravdaju stavom da Romi/kinje nisu zainteresirani za obrazovanje čime se, neopravdano, potpuna odgovornost prebacuje na romsku zajednicu. Ilustracija i argumentacija ovakvog stanovišta može se referirati na slučaj 46 djece u TK, uzrasta od 6-15 godina, koja su putem mjesno nadležnih centara za socijalni rad godinama ostvarivali pravo na obavezno zdravstveno osiguranje po osnovu činjenice da ne pohađaju školu, a da pri tome taj isti organ starateljstva ni u jednom konkretnom slučaju nije poduzeo određene mjere i aktivnosti u pravcu sagledavanja i otklanjanja uzroka zbog kojih su djeca izvan obrazovnog sistema, niti je o tome upoznata nadležna obrazovna institucija. Obrazovne ustanove i Centar za socijalni rad (CSR) nemaju formalnu odgovornost za nepreuzimanje blagovremenih i adekvatnih mjera zaštite prava djeteta u slučajevima kada dođu do saznanja

27 Podaci prikupljeni od Ministarstva za ljudska prava i izbeglice BiH, za potrebe izrade Analize provođenja revidiranog akcionog plana o obrazovnim potrebama Roma u BiH za školsku 2012-2016 godine, pokazuju da je u školskoj 2014/2015 godini osnovno obrazovanje u TK pohađalo 780 romskih učenika (442M; 348Ž).

28 Školskim obveznikom se smatra dijete od 6 do navršениh 15 godina starosti

29 Socijalna karta romskog naselja Kiseljak (2018.) urađena je od strane Centra za socijalni rad Tuzla, Udruženja „Zemlja djece u BiH“ i Fondacije Tuzlanske zajednice uz direktno asistenciju romskih medijatora iz Uruženja žena Romkinja „Bolja budućnost“ i Evandeoske crkve Tuzla.

da dijete ne ostvaruje pravo na obrazovanje. Obrazovne ustanove bi trebale biti sankcionisane za neupisivanje romskih učenika/ca u škole, a neupisivanje škole ne može predstavljati nikakvu “slobodu izbora” već naprotiv, kršenje dugoročne individualne slobode.³⁰

Pitanje obrazovanja romske djece i njihovog slabijeg uključivanja u obavezni obrazovni proces neposredno je vezan za socijalno-ekonomski položaj romskih porodica kao i sam stav romskih roditelja prema obrazovanju. Stopa siromaštva za romsku djecu u BiH je iznimno visoka: 80 posto romske djece živi u siromaštvu, 42 posto romskih porodica živi ispod linije siromaštva u odnosu na samo 14 posto ne-Roma (UNICEF, 2013.). Analize pokazuju da u TK 69 posto romskih porodica ima mjesečna primanja manja od 200 KM,³¹ te da većina romskih porodica nema stalnih izvora prihoda, niti pristup stalnim odnosno povremenim socijalnim davanjima. U romskoj zajednici Kiseljak, koja broji 373 stanovnika, od 209 radno sposobnih samo je 4,4 posto formalno zaposleno. U ostalim romskim zajednicama u TK stepen nezaposlenost doseže i do 99 posto.³² Potreba za zadovoljenjem fizioloških potreba (hrane, vode) za većinu romskih porodica je prioritetna, dok je potreba za samoaktelizacijom, koja se jednim dijelom zadovoljava obrazovanjem, nalazi na dnu ljestvice njihovih prioriternih potreba. Činjenica je da među djecom romske nacionalnosti osnovnoškolskog uzrasta, najmanji procenat pohađanja osnovne škole je upravo kod djece uzrasta od šest godina (46,9%), što ukazuje na problem odgođenog upisa djece u prvi razred osnovne škole. Neke glavne prepreke su svakako to što “besplatan” upis djece u osnovnu školu u TK sadrži skrivene troškove npr. upisnine (u iznosu od 10 KM) ili tkz. naknade za štetu koje samovoljno određuju same škole odnosno obezbjeđivanje ljekarskog uvjerenja o zdravstvenoj sposobnosti djeteta, za koje je potrebno izdvojiti određena finansijska sredstva³³. Upravo je taj finansijski faktor za mnoge romske roditelje razlog što mnogi prijevremeno odustaju od samog upisa djeteta i uopšte njegovog dolaska do škole, jer su ovi troškovi, uvećani za dodatne troškove (npr. prevoza do nadležne zdravstvene ustanove da bi se izvadilo ljekarsko uvjerenje) za većinu njih nedostižni i nisu prioritetni.³⁴

Ponekad se zbog siromaštva u romskim porodicama pravi izbor djece koja će da se obrazuju, pa se među njima u školu šalju dječaci, prije nego djevojčice. To se može objasniti još uvijek prisutnom tradicionalnom patrijahalnom svijesti, predrasudama i kulturološkoj percepciji uloge žene u porodici koja podrazumijeva da je muškarac odgovoran za egzistenciju porodice i zbog toga treba da ima i određeno obrazovanje, dok je žena zadužena da se brine o djeci i kući i njena uloga se isključivo svodi na reproduktivnu funkciju. Upravo zbog toga stopa pismenosti među pripadnicama romske populacije bez izuzetka je niža nego kod muškaraca, 68,9 posto za mlade Romkinje u dobi od 15-24 godine u poređenju sa 90,4-postotnom pismenošću kod muškaraca.³⁵

Još jedan faktor koji značajno utiče na isključenost romske djece u obrazovnom procesu je polaganje testova za procjenu spemnosti djece za polazak u školu koji su standardizovani na djeci neromske populacije. Na slabe rezultate na ovim testovima direktno utiče niz faktora, a oni najvažniji tiču se nedostatka adekvatne rane stimulacije, nepripremljenost djeteta za početak školovanja, neuključenost romske djece u predškolski odgoj i obrazovanje³⁶, te malo ili nimalo socijalnih kontakata s djecom iz većinske i drugih zajednica.³⁷ Tokom testiranja, mnoga romska djeca, pošto ne poznaju ili loše znaju većinski jezik, ne razumiju postavljena pitanja. Mnogi psiholozi i pedagozi pogrešno kategoriziraju romsku djecu pa mnogi romski roditelji u ovoj fazi odustaju od obrazovanja svoje djece. Programi romskih i proromskih organizacija koji su bazirani na višemjesečnoj pripremi predškolske romske djece na uključivanje u obrazovni sistem daju ohrabrujuće rezultate ali su kapaciteti NVO ograničeni i uslovljeni „vremenskim i programskim zahtjevima donatora, te ograničenim sredstvima“. Romska djeca koja su prošla kroz ove programe u 90% slučajeva upišu i redovno pohađaju osnovnu školu.³⁸ Zbog toga je potrebno što

30 C. Bruggemann, „Roma Education in Comparative Perspective...“, 2012

31 Anketom koju je provela organizacija CARE u Tuzlanskom kantonu 2010. godine utvrđeno je da 69 posto romskih porodica ima mjesečna primanja u iznosu nižem od 200 KM, dok ih 24,6 posto prima između 200 KM i 500 KM (u poređenju sa prosječnom platom u BiH koja je u to vrijeme iznosila 700 KM).

32 Publikacija: „Mapiranje Romskih zajednica na području Grada Tuzle“, UG „Art Sintez“, 2016

33 JZNU Dom zdravlja Tuzla, Odluka broj 04-1583-1/15 od 30.04.2015. kojom je za uslugu izdavanja ljekarskog uvjerenja za potrebe upisa u vrtić odnosno osnovnu školu utvrđena cijena od 8-10,00 KM

34 Pojedini roditelji odnosno pojedine obrazovne ustanove sve češće se obraćaju NVO kako bi pokrili troškove ljekarskog uvjerenja za romsko dijete, što ne predstavlja sistemsko rješenje. Uruženje „Zemlja djece u BiH“ je u junu mjesecu 2018. godine, prema Gradskom vijeću Grada Tuzla uputilo Inicijativu za ukidanje obaveze plaćanja troškova za ljekarsko uvjerenje za upis djeteta u vrtić i školu.

35 Ministarstvo za ljudska prava i izbjeglice Bosne i Hercegovine i drugi, Istraživanje višestrukih pokazatelja (MICS) 2011–2012, Bosna i Hercegovina: romska populacija, Završni izvještaj, op. cit., str. 76–77.

36 U školskoj 2014/2015. godini 12 romske djece uzrasta do 5 godina uključeno je u vrtiće u TK, ali niti jednom djetetu nije omogućen besplatan boravak- Izvještaj o provođenju Revidiranog akcionog plana Bosne i Hercegovine o obrazovnim potrebama Roma za školsku 2015/2016. godinu

37 Romska naselja u TK većinom su izolovana, udaljena od drugih zajednica većinskog stanovništva kao i centralnih djelova općina u kojima su koncentrisani različiti sadržaji za djecu.

38 Udruženje „Zemlja djece u BiH“: Izvještaj o radu Dnevnog centra za djecu u riziku za 2017. godinu, Priprema

više uključivati romsku djecu u formalne i neformalne predškolske programe, kako bi se povećala njihova obuhvaćenost osnovnim obrazovanjem, kao i mogućnost održivosti i postizanja napretka u istom.

Nesumljivo je da je potrebno još puno raditi na podizanju svijesti romskih roditelja o potrebi i značaju obrazovanja djece, naročito kod roditelja koji se nisu obrazovali jer ne mogu da shvate značaj obrazovanja za njihovu djecu, pa tako ni da potiču djecu da pohađaju školu. Njihova djeca, opet, učeći po modelu, nemaju potrebu da pohađaju školu, niti shvataju njen značaj.

Kada su u pitanju afirmativne mjere usmjerene ka prevazilaženju određenih socijalnih teškoća koja su vezana za pravovremeno uključivanje romske djece u obrazovni proces, uočljivo je da vlasti u TK izdvajaju određena sredstva za nabavku udžbenika za socijalno ugrožene učenike/ce, što uključuje i Rome/kinje, te sufinansiranje troškova za prevoz do škole za romske učenike/ce koji putuju duže od 2 km.³⁹ Međutim, siromašne romske porodice ne mogu sebi priuštiti troškove školskog pribora, užine u školi, odjeće i obuće za dijete, što ilustruje izjava jedne romske majke: *“Kako da pošaljem dijete u školu kad nema ni cipela, ni odjeće ... nije dovoljno samo da mu daš jednu knjigu... ne može u školi satima sjediti praznog stomaka i gledati kako druga djeca jedu. Ne mogu zaraditi, nemam od čega da platim ni struju. Svi bi mi voljeli da nam djeca idu u školu, ali ne možemo sami sebi da pomognemo, takva je sudbina nas Roma”* (korisnica programa Udruženja “Zemlja djece u BiH”). Čak i kada NVO preduzmu neke akcije da se ovaj problem riješi, državne strukture i škole ne preuzmu dovoljno odgovornosti, jer prevladaju predrasude koju se baziraju na stavu: *“Romi su sami krivi za to”*.

Romska djeca, mladi i njihove obitelji ne osjećaju se prihvaćenima u obrazovnim institucijama, što utiče na slabljenje motivacije za školovanjem, a roditelji često ne šalju djecu u škola jer ih žele zaštititi, što se pogrešno tumači kao nezainteresiranost za djecu i obrazovanje. Obrazovne institucije još uvijek nisu dovoljno otvorene za Rome/kinje. U programima, udžbenicima i u samoj nastavi, rijetki su elementi sadržaja romske kultura. U fizičkom okruženju obrazovnih institucija koje pohađaju Romi/kinje nema natpisa na romskom jeziku i drugih elemenata koji bi ukazivali da su i oni njihovi korisnici/e.

Imajući u vidu navedeno, kaznena politika, propisana u vidu visokih novčanih kazni za roditelja koji ne upiše dijete u školu ili ne obezbijedi djetetu redovno pohađanje škole, nije primjenjiva na romske roditelje i ne daje očekivane efekte u pogledu promjene njihove svijesti prema obrazovanju svoje djece. Činjenica je da zbog nedostatka formalnih izvora prihoda i imovine, u pravilu, nije moguće ni prinudno, izvršiti naplatu novčane kazne od većine romskih roditelja, što demotiviše nadležne institucije da uopšte i posežu za ovim mehanizmom prinude. U prilog tome govori i podataka da u posljednje tri godine u ovom kantonu nije izrečena ni jedna novčana kazna roditeljima koji nisu upisali svoje dijete u školu. Sa druge strane, pojedini romski roditelji svjesno zloupotrebljavaju ovako postavljen neefikasan mehanizam kažnjavanja, te i dalje djecu ne upisuju u školu, a kada budu prisiljeni, posežu za drastičnijim postupcima, tako što izlažu dijete prosjačenju kako bi, između ostaloga, obezbijedili novac za plaćanje novčane kazne. Zato je neophodno da nadležne institucije, prije svega centri za socijalni rad, u neposrednoj saradnji sa školama, u svakom konkretnom slučaju cijene djelotvornost mjera koje su im na raspolaganju te pribjegavaju efikasnijim metodama pritiska na roditelje da izvršavaju svoju obavezu upisa odnosno školovanja djece, a koje prije svega proističu iz porodičnog zakona: savjetodavni rad sa porodicom, mjera pojačanog nadzora i sl. Pri tome, značajnu podršku mogu imati od NVO koji imaju stručne kapacitete i uživaju povjerenje kod Roma/kinja.

2.2. Djelotvornost obrazovnog sistema (pohađanje nastave, ponavljanje razreda, napuštanje obrazovanja)

Najveći problem u inkluziji romske djece u obrazovni sistem je neredovnost pohađanja nastave koji podriva napredovanje učenika/ca i njegovu/njenu održivost u školi. Statistike pokazuju da su romski učenici/e skloniji/e izostancima iz škole, opravdanim ili ne, nego učenici/e iz većinske populaciji. Zabrinjavajući je podatak da u pojedinim osnovnim školama u TK romski učenik/ca u toku jedne školske godine izostane sa nastave u prosjeku 54 dana odnosno, šest dana u mjesecu,⁴⁰ što je pet puta manje nego što je prosjek kod neromske djece. Dublje sagledavanje ovog fenomena od strane NVO u pojedinim osnovnim školama u TK ukazuju na činjenicu da se uzroci neredovnosti pohađanja nastave romskih učenika/ca nalaze prije svega, u sociopedagoškim procesima unutar škole (neuspjeh u školi, nekompatibilnost školskih i porodičnih normi, slabe socioafektivne veze i kulturne djece za polazak u školu

39 Iz Budžeta TK za 2017. godinu, Vlada TK je izdvojila 90.000 KM za sufinansiranje nabavke udžbenika za učenike prvih razreda devetogodišnjeg obrazovanja koji su u stanju socijalne potrebe, što je uz namjensku donaciju Federalnog ministarstva obrazovanja i nauke, u ukupnom iznosu od 106.250,00 KM, bilo dovoljno da se za sve učenike prvog razred osnovne škole, koja su u stanju socijalne potrebe, obezbijede kompletni besplatni udžbenici te za učenike petog razreda po dva udžbenika.

40 Podaci o redovnosti pohađanja nastave romskih učenika dostavljeni od OŠ „Druga osnovna škola“ Živinice, OŠ „Kiseljak“ Tuzla, OŠ „Kreka“ Tuzla i OŠ „Podrinje“ Mihatovići

interakcije između romske dece, neromske dece i učitelja, diskriminatorno ponašanje prema Romima/kinjama) a zatim i razlozima koji dolaze izvan škole: migracije unutar i izvan zemlje, siromaštvo, prosjačenje, specifično kod romskih djevojčica i rad u kući odnosno rano stupanje u brak (dječiji brak).

Tabela 1. Pregled izostanaka romske djece sa nastave

Školska 2017/18. Godina															
Osnovna škola															
JU „Druga osnovna škola“ Živinice						„Kiseljak“ Tuzla					„Podrinje“ Mihatovići				
Razred	Broj romskih učenika			Broj izostanaka		Broj romskih učenika			Broj izostanaka		Broj romskih učenika			Broj izostanaka	
	Σ	M	Ž	O*	N**	Σ	M	Ž	O*	N**	Σ	M	Ž	O*	N**
I	9	8	1	2561		8	4	4	171	/	6	4	2	N/D	N/D
II	9	3	6	1517		13	5	8	372	478	9	4	5	N/D	N/D
III	15	9	6	1516	2	8	2	6	160	44	4	3	1	N/D	N/D
IV	12	5	7	2099	5	9	3	6	242	75	8	4	4	N/D	N/D
V	9	5	4	2971	19	10	5	5	412	107	3	1	2	N/D	N/D
VI	6	4	2	2862	261	2	1	1	148	12	6	3	3	N/D	N/D
VII	9	7	2	3024	629	4	2	2	228	112	7	3	4	N/D	N/D
VIII	5	2	3	2378	102	4	1	3	317	12	4	3	1	N/D	N/D
IX	10	5	5	2833	144	2	2	/	39	43	2	/	2	N/D	N/D
Ukupno	84	48	36	21.761	1162	60	25	35	2089	883	49	25	24		

Izvor: OŠ “Druga osnovna škola” Živinice, OŠ “Kiseljak”, OŠ “Podrinje” Mihatovići

Legenda: * - opravdani izostanci; ** - neopravdani izostanci N/P –nisu dostavljeni izdvojeno za Rome

Kantonalni zakon o osnovnom odgoju i obrazovanju nije decidno definisao šta se, izuzev bolesti, smatra “opravdanim” razlogom za izostanak sa nastave, već je ostavio nastavniku odnosno nastavničkom vijeću da u svakom konkretnom slučaju cijeni opravdanost razloga.⁴¹ Nastavnici imaju značajno niže kriterije za razumijevanje razloga odsustva romskih učenika/ca sa nastave nego kod neromske djece. To pravdaju načinom zadržavanja romskih učenika/ca u obrazovnom procesu, što dugoročno gledano negativno utiče na njihov napredak i dalju održivost u obrazovnom procesu ali i na odnos romskih roditelja prema obavezi djeteta da redovno pohađa školu.⁴²

Ne postoji djelotvorni institucionalni mehanizam koji bi osigurao redovnost pohađanja nastave, pratio opravdanost izostajanja romskih učenika/ca sa nastave te blagovremeno ukazao na opasnost od napuštanja obrazovanja. To pokazuju i podaci o velikom broju opravdanih i neopravdanih izostanaka romskih učenika/ca u osnovnim školama u kantonu. Unatoč zakonskoj obavezi, škole ne saraduju sa centrom za socijalni rad po pitanju izostanaka odnosno prekida školovanja romskih učenika.⁴³ Jedan od razloga je što sam način postupanja i saradnje između obrazovnih i socijalnih ustanova po ovom pitanju nije dovoljno precizirano u pravnim propisima. Od pet anketiranih osnovnih škola koje obuhvataju najveći broj romskih učenika/ca u TK, ni jedna nije podnijela organu starateljstva prijavu u vezi postojanja većeg broja neopravdanih izostanaka romskog učenika/ce, koji su u pojedinim slučajevima dostizali i do 365 nastavnih sati. Normativno, intervencija škole prema roditeljima se zasniva na upućivanju poziva na informativni razgovor, koji se u mnogim slučajevima, zbog neodziva roditelja, i ne obavi. Sa druge strane, odgojno-disciplinske mjere (ukor - čija je posljedica smanjenje vladanja, premještanje u drugi razred odnosno u drugu školu), koje se mogu izreći učenik/ci za šest i više neopravdanih izostanaka, kod romske djece ne proizvode željenu odgojnu svrhu. Naprotiv, one samo pospješuju njihovu nezainteresovanost za obrazovanje i povećavaju rizik da romsko dijete, naročito ako se premješta u drugi razred ili drugu školu, prekine dalje školovanje.

41 Član 59.

42 Ovakav pristup se također smatra diskriminatornim u sklopu Antidiskriminacijskog programa koji je izrađen u Kantonu Sarajevu, odnosno “namjerno snižavanje zahtjeva ispod minimalnih standarda zahtjevanih od učenika tog uzrasta uz objašnjenje da su pripadnici te ranjive kategorije nesposobni da savladaju gradivo i da je samo važno da pohađaju školu”.

43 Zakon o osnovnom odgoju i obrazovanju TK, član 67.(1) propisuje obavezu škole da zajedno sa centrom za socijalni rad prati socijalne probleme među učenicima i preduzimaju mjere u cilju obezbjeđivanja da svaki učenik dobije savjet i pomoć potreban za prevazilaženje problema

Osnovno obrazovanje u osnovnim školama u TK, u prethodnoj školskoj godinini prijevremeno je napustio 61 romski učenik/ca.⁴⁴ Podaci pojedinih osnovnih škola (Druga osnovna škola Živinice) pokazuju da je u prošloj školskoj godini 10% romske djece napustilo dalje školovanje, što se poklapa sa opštim pokazateljima za cijeli kanton. Romi/kinje najčešće počinju napuštati obrazovanje od IV razreda osnovne škole. Djevojčice prednjače u napuštanju obrazovanja u starijim razredima. Razlozi za prekidanje obrazovanja su različiti i mnogobrojni, ali oni koji su zajednički za oba pola su: siromaštvo porodice (nemogućnost da se obezbijedi sve što je potrebno za školu), loši uspjeh djeteta u školi, prosjačenje, dječiji rad, nedovoljna podrška roditelja, migracije. Kod romskih djevojčica, dodatni razlog za osipanje iz školskog sistema je rano sklapanje braka, preuzimanje uloge vođenja domaćinstva, briga o mlađoj braći i sestrama i sl.

Reakcije škole i Centra za socijalni rad u određenoj mjeri po pitanju napuštanja obrazovanja romske djece nisu baš pravovremene. Prema istraživanju o rodnim dimenzijama uzroka odustajanja romske djece od obaveznog školovanja, na uzorku od 117 romskih roditelja, 44,7% ispitanika tvrdi da su u školu pozvani 2 mjeseca nakon napuštanja, a čak 14,5% tvrdi da je prošlo čak i godinu dana od djetetovog napuštanja škole, a da su u isti bili pozvani roditelji. Centar za socijalni rad uglavnom reaguje 2-3 mjeseca nakon što dijete napusti školu, pa 48,7% roditelja tvrdi da je nakon tog vremenskog perioda pozvano u isti. Osim informativnih razgovora sa roditeljima, koji se u mnogim slučajevima i ne obave, nikakve druge sankcije ne trpi bilo ko. Zakonska rješenja koja pruža porodični i krivični zakon u smislu zaštite prava djeteta na obrazovanje se od strane centara za socijalni rad gotovo i ne koriste.

Obrazovne institucije ne prepoznaju značaj romskih medijatora/ica, kao neposrednih saradnika/ca iz romske zajednice, kako bi povećali broj djece romske nacionalnosti koja upisuju, redovno pohađaju i uspješno završavaju osnovno obrazovanje.⁴⁵ Ni jedna osnovna škola u Tuzlanskom kantonu, koja u svom upisnom području ima djecu romske nacionalnosti, nije aplicirala na Program „Podrška projektima angažiranja romskih medijatora/ica radi povećanja obuhvata i redovnog pohađanja osnovnog obrazovanja djece romske nacionalnosti“ a koji se od 2016. godine realizira putem javnog poziva Federalnog ministarstva obrazovanja i nauke.⁴⁶ U OŠ „Kiseljak“ stalno je zaposlen stručni saradnik za romska pitanja, ali njegovo djelovanje ne daje željene efekte, što govore i podaci o padu stope obuhvaćenosti romske djece osnovnim obrazovanjem, redovnosti pohađanja te stopi napuštanja obrazovanja od strane romske djece. Stoga bi nadležno kantonalno ministarstvo trebalo, putem stručnog saradnika/ce, da prati i snažnije vrši pritisak na obrazovne ustanove da apliciraju na ove i slične javne pozive.

Na području Tuzlanskog kantona djeluje veliki broj romskih i proromskih organizacija koje mogu pružiti značajnu pomoć obrazovnim i socijalnim ustanovama u praćenju romske djece u pogledu redovnosti pohađanja škole ali njihov uloga u tom smislu nije dovoljno prepoznata od strane obrazovnih i socijalnih ustanova.

2.3. Napredak i promjene u obrazovanju

Postizanje općeg sudjelovanja u odgoju i obrazovanju u osnovi ovisi o kvaliteti dostupnog odgoja i obrazovanja.⁴⁷ Nedostatak adekvatne rane stimulacije, nepripremljenost za početak školovanja, nepoznavanje jezika sredine i nedostatak potrebnih znanja, utiču da romska djeca predškolskog uzrasta ulaze u razrednu nastavu nepripremljena i nisu u ravnopravnom položaju s ostalom djecom.

Prosjeck ocjena romskih učenika/ca u osnovnim školama u TK je u svim razredima dosta niži u poređenju sa prosjekom neromske djece. Tako je u razrednoj nastavi prosjeck ocjena romske djece vrlo nizak, 2,58, dok je kod većinske djece 4,67. Ova razlika se smanjuje u višim razredim, (3,43 : 4,68) što je posljedica stimulativnog bodovanja romskih učenika/ca. Zbog nedostatka drugih programa rada s romskom djecom, koji bi potpomogli proces učenja, neredovite ili nedovoljne dopunske nastave, nastavnici/e često s romskom djecom ne realiziraju nastavni program u cjelini. Svjesni da romska djeca u ovakvim uslovima ne mogu ostvariti jednak nivo znanja kao druga djeca, nastavnici/e pribjegavaju spuštanju kriterija vrednovanja kako bi djecu motivirali i zadržali u

⁴⁴ Ministarstvo za ljudska prava i izbjeglice BiH, Iz izvještaja o provođenju Revidiranog akcionog plana BiH o obrazovnim potrebama Roma

⁴⁵ Nadležnosti romskog medijatora su: uspostavljanje inicijalnih kontakata sa romskim porodicama čija djeca nisu upisana u osnovnu školu iako su školski obveznici; kontinuirana saradnja sa roditeljima i jačanje partnerstva sa porodicama učenika romske nacionalnosti; provođenje preventivnih i drugih aktivnosti s ciljem osiguranja redovnog pohađanja nastave učenika romske nacionalnosti; podrška nastavnicima u realizaciji nastave i učenicima romske nacionalnosti u savladavanju školskih obaveza; saradnja s općinskim službama, ostalim nadležnim organima i nevladinim sektorom i dr.

⁴⁶ Federalno ministarstvo obrazovanja i nauke: Informacija o uključenosti djece romske nacionalnosti u predškolsko i osnovno obrazovanje i odgoj u FBiH, Mostar, juni 2018.

⁴⁷ UNESCO, Education for All Global Monitoring Report [Globalni izvještaj praćenja obrazovanja za sve] 2005, Pariz: UNESCO, 2006, str. 28. Taj je argument također podupriet u tom izvještaju u kojem se navodi: „Broj godina školovanja je praktično korisno, ali konceptualno sumnjivo za procese koji se tamo odvijaju i ishodišta kojima rezultiraju. U tom smislu moglo bi se kazati kako je tužno da su kvantitativni aspekti obrazovanja postali glavni fokus pozornosti posljednjih godina od strane kreatora javnih politika (kao i mnogih znanstvenika u području društvenih znanosti usmjerenih na kvantitetu), str. 29

školi. Na taj način romska djeca dobivaju svjedodžbu da su završila osnovno obrazovanje ali njihova znanja su mala i nedovoljna za upis u četvorogodišnje srednje škole. Predstavnici/e romskih udruženja generalno kritikuju praksu stimulativnog bodovanja, budući da se djeca time dugoročno slabije snalaze u srednjoj školi te završavaju sa niskim kvalifikacijama na generalno nepovoljnom tržištu rada. Ovakav pristup se također smatra diskriminatornim i svakako nije u najboljem interesu djeteta. Svjesno postavljanje nižih zahtjeva ispod minimalnih standarda zahtjevanih od učenika/ca tog uzrasta nerjetko se od strane nastavnika/ca objašnjava time da su pripadnici te ranjive kategorije nesposobni da savladaju gradivo i da je samo važno da pohađaju školu.

Sa druge strane ponavljanje razreda i nedovoljan uspjeh potiču mnogu romsku djecu da napuste obrazovanje. Tokom osnovnog obrazovanja mnoga romska djeca imaju slab uspjeh, zbog čega gube motivaciju i samopoštovanje. Razlog lošeg uspjeha i nemotivacije za učenje treba tražiti u nepripremljenosti djece za školovanje te nedostatku dodatne potrebne podrške da bi savladali potrebna znanja i pratili nastavu. Djeca nemaju pomoć u učenju ni u porodici, koja nema dovoljno obrazovnih kapaciteta da im je pruži jer sui sami roditelji sami nedovoljno obrazovani ili su nepismeni, ni u školi. Održavanje dopunske nastave u školama nije ustaljena praksa, bez obzira na potrebe djece. Ona se povremeno realizuje, ali ne i dovoljno i nema karakter individualnog rada. Mnoge studije u svijetu dodatno pokazuju da ponavljanje razreda ima posebno negativan uticaj na učenike/ce koji potiču iz reda nacionalnih manjina, te povećava rizik za potpuno napuštanje školovanja; također se navodi da su „intenzivne instrukcije“ kao i instrukcije „jedan na jedan“, dugoročno jeftinije investicije za društvo od ponavljanja razreda. Programi pojedinih romskih i proromskih organizacija koji se provode na ovom kantonu (Bolja budućnost, Otaharin, Euro Rom, Zemlja djece u BiH i dr.) samo su neki od primjera dobre prakse koji mogu biti multipicirani u drugim sredinama gdje se kroz kontinuiranu individualnu podršku djeci u savladavanju školskog gradiva postiže apsolutno poboljšanje uspjeha kod djece.

Nedostatak konkretnog nivoa manifestovanja interkulturalnih normi kojima se garantuje uživanje prava romskih učenika/ca na maternji jezik, te nastavnih i vannastavnih sadržaja o tradiciji, običaju, kulturi Roma/kinja, negativno utiču na percepciju romske djece o prijateljskom okruženju unutar obrazovnog sistema i spremnosti obrazovnih radnika/ca da im pruže neophodnu pomoć i podršku. Prostor dominacije vrijednosti i normi samo većinskih učenika/ca, uz jezičke barijere, dovodi do demotivacije i gubitka interesa romske djece za proces svog obrazovanja, zbog čega ga prijevremeno napuštaju.

Vraćanje romske djece, koja su prijevremeno napustila školu, u obrazovni proces, redovan i vanredan, uslovljen je mnogim faktorima. Zbog kasnog upisa u osnovno obrazovanje ili dužeg vremenskog prekida obrazovanja, pojedini romski učenici/e prisiljeni su kod navršenih 15 godina života naglo prijevremeno napustiti svoje dalje redovno pohađanja obrazovanja čak i kada postižu zavide rezultate. Uspostava programa OPNO (Osnovno pravo na osnovno obrazovanje) u TK otvara mogućnost djeci da kroz sistem vanrednog polaganja, po skraćenom nastavnom programu, nadomjeste nedostajuće razrede osnovne škole. Ipak, mnoge ovakav pristup ne stimulira za dalji nastavak svog obrazovanje. Upravo se mnoga romska djeca oslanjaju se na mogućnost skraćene nastave i vanrednog polaganja, zbog čega se u školskoj 2016/17 godini prepolovio broj romske djece koja redovno pohađaju osnovnu školu.⁴⁸ Zato je neophodno što duže zadržavati romsku djecu u redovnom obrazovnom procesu.

3. PREPORUKE za sveobuhvatnu uključenost i održivost romske djece u obaveznom odgoju i obrazovanju u TK

I pored preuzetih međunarodnih obaveza koji garantuju svakom djetetu u BiH pravo na besplatno i obavezno osnovno obrazovanje, organizovano u poticajnom i nediskriminatornom okruženju, veliki broj romske djece se i dalje se ne obrazuje. U posljednjih par godina, do izvjesne mjere je na nivou BiH intezivirana priča o afirmativnim mjerama za pristup i održivost romske djece u sistemu obrazovanja, no još uvijek nema zadovoljavajućih pomaka na kantonalnom nivou. Za takve pomake potrebno je, prije svega, sistemsko i strateško djelovanje, kroz zakonodavnu i institucionalnu akciju u obrazovnom i socijalnom sektoru u Tuzlanskom kantonu.

Obrazovni sistem u ovom kantonu nije se prilagodio potrebama romske djece i nedovoljno motivira romske učenike/ce za opstanak u obrazovanju. Pristup osnovnom obrazovanju de facto nije bezuvjetan i besplatan. Zabrinjavajući je podatak da opada broj romske djece koja pohađaju osnovnu školu. Razlozi za to su mnogobrojni, od

48 Kali Sara Romski informativni centar, Reforma obrazovanja u Bosni i Hercegovini kroz prizmu inkluzije romske manjine, strana 39.

sistemskih nedostataka do nedovoljne brige roditelja za njihovo obrazovanje. Djeca koja ne pohađaju osnovnu školu su nevidljiva za obrazovni sistem, jedino NVO raspolažu sa sporadičnim podacima o broju te djece.

Romski učenici/e dobivaju manje kvalitete znanja u odnosu na drugu djecu, od njih nastavnici/e manje očekuju i nedovoljno ih motiviraju za učenje. Nastavni kadar nije dovoljno senzibilan na probleme romske djece, zato ga treba dodatno senzibilizirati i obučiti za rad s romskom djecom, uz obaveznu suradnju s romskim asistentima/cama/-medijatorima/cama koje treba angažovati. Loš položaj romske djece uvjetovan je i nedovoljnom brigom roditelja za njihovo obrazovanje, zbog čega treba povećati nivo svijesti roditelja, ali i cijele romske zajednice, o prednostima obrazovanja i pohađanja predškolske i školske nastave. U posebnom fokusu trebaju biti romske djevojčice koje su često žrtve ugovorenih brakova zbog čega napuštaju obrazovanje.

Pravo na obrazovanje romske djece nije samo pitanje njihove (ne)pismenosti i (ne)obrazovanosti, to je pitanje njihove društvene inkluzije. Sa jednakim šansama sa razvijanje vlastitih kapaciteta, romska djeca imaju perspektivu da budu jednako cijenjeni i ravnopravni članovi/ce društva. Dugoročno gledano, jedino na taj način može se izgraditi demokratsko i stabilno društvo. Stoga naše preporuke idu prema obrazovnim institucijama, jedinicama lokalne samouprave, školama, nevladinim organizacijama.

- **Preporuke za Ministarstvo obrazovanja, nauke, kulture i sporta TK**

- Pristupiti izmjenama zakona o osnovnom odgoju i obrazovanju kojim će se gornja starosna granica „školskog obveznika“ povećati sa 15 na 17 godina starosti.
- Razviti Akcioni plan o obrazovnim potrebama Roma/kinja u TK u koji će biti uključene romske i proromske organizacije uz obezbjeđenje budžetske pozicije za njegovu punu implementaciju.
- Razviti funkcionalni referalni mehanizam u kojem će učestvovati sve relevantne ustanove (škole, općine, centri za socijalni rad, NVO) za prevencije, praćenje i postupanja u slučaju učestalog izostajanja ili napuštanja obaveznog programa osnovnog obrazovanja od strane romske djece;
- Razviti sistem prikupljanja i vođenja podataka o romskoj djeci koja upisuju, pohađaju te prijevremeno prekidaju osnovnu školu, broju izostanaka sa nastave i praćenju napretka u učenju romske djece, kao i druge podatke koji se odnose na implementaciju strateških Mjera iz Okvirnog AP o obrazovnim potrebama Roma/kinja, vodeći računa o spolnoj strukturi podataka;
- Obavezati svaku osnovnu školu da organizuje vanredno polaganje razreda ukoliko postoji zahtjev djece sa njenog područja djelovanja. U okviru škole organizovati pripremnu/instruktivnu nastavu za ovu za djecu ali i kontinuiranu dodatnu nastavu za savladavanje školskog gradiva za djecu koja redovno pohađaju, po principu individualnog pristupa .
- U saradnji sa obrazovnim ustanovama i romskim NVO formirati mobilne timove čiji zadatak će biti identifikovanje djece u romskim naseljima u TK koja ne pohađaju osnovno obrazovanje.
- U opštim aktima Pedagoškog zavoda utvrditi obavezu nastavnika/ca za obimnom i redovnom, najmanje jednom godišnje, edukacijom o primjeni inkluzivnog pristupa u nastavi.
- U saradnji sa Zavodom za zapošljavanje TK, po uzoru na upošljavanja asistenata za osobe sa invaliditetom u osnovnim školama, a kroz program poticajnog zapošljavanja, angažovati romske medijatore/ice u školama koje imaju veliki broj romske djece. Budžetirati sredstva za ove namjene.
- Finansijski podržati programe NVO usmjerenih na rad sa predškolskom romskom djecom i pripremi za polazak u školu, pružanje dodatne podrške u savladavanju školskog gradiva, rad sa roditeljima na podizanju svijesti u vezi važnosti obrazovanja romske djece.
- U saradnji sa Pedagoškim zavodom prilagoditi prijemne testove za procjenu sposobnosti pri upisu romske djece u školu.
- Pristupiti izmjeni kaznene politike za roditelje čija djeca nisu upisana u obavezno obrazovanje ili koja neredovno pohađaju školu na način da bude primjenjiva i efektivna za njih. Propisati sankcije za nastavnike/ce koji blagovremeno, prema roditeljima i prema centru za socijalni rad, ne reaguju na izostanke romske djece odnosno prekid njihovog školovanja. S tim u vezi, u kantonalnom zakonu o osnovnom odgoju i obrazovanju precizirati odredbu koja se odnosi na obavezu saradanje škole sa centrom za socijalni rad, posebno u situacijama neredovnosti pohađanja nastave od strane učenika/ca, prekida školovanja, postizanja slabog uspjeha i slabog vladanja.
- Podržati sveobuhvatno istraživanje na nivou TK o razlozima napuštanja pohađanja osnovnog obrazovanja,

sa posebnim fokusom na romske djevojčice.

- Pripremiti sveobuhvatnu razradu razloge zbog kojih se postavljeni ciljevi promocije identiteta i kulture Roma/kinja u procesu obrazovanja nije realizovalo, uključujući preporuke za poboljšanje situacija.
- **Preporuke za jedinice lokalne samouprave**
- Izraditi funkcionalan referalni mehanizam za praćenje podataka o (ne)upisu djece predškolskog uzrasta u obavezan predškolski odgoj i osnovnu školu.
- Obezbijediti namjenska budžetska sredstva za ostvarivanje jednokratnih pomoći za romske porodice koje su u stanju socijalne potrebe, a koja obrazuju djecu, za nabavku odjeće i obuće, prehrambenih proizvoda, ogrjeva i sl.
- Obezbijediti dostatna budžetska sredstva za implementaciju obaveznog programa pred polazak u školu.
- Podržati rad i uključiti romska udruženja u postojeće grupe za sigurnost djece koja egzistiraju u pojedinim općinama uz podršku NVO.
- Sufinansirati boravak predškolske djece iz socijalno ugroženih romskih porodica u ustanovama predškolskog odgoja.
- **Preporuke za škole**
- Redovno sprovoditi dodatnu nastavu za učenike/ce kojima je to potrebno, kako bi stekli potrebna znanja i vještine čime bi se preveniralo ponavljanje razreda. Aplikirati na programe Federalnog ministarstva, i druge grantove, u vezi unapređenja uslova za nastave i angažovanja romskih medijatora/ica u školi.
- U partnerstvu sa centrom za socijalni rad i NVO redovno obilaziti romske zajednice i porodice u cilju promovisanja obrazovanja kod djece i pružanja podrške roditeljima i djeci u njegovoj održivosti. Razviti mehanizam prevencije i postupanja i zaštite od diskriminacije u osnovnim školama.
- Podsticati romske roditelje i romsku djecu da učestvuju u organima škole.
- **Preporuke za NVO**
- Zagovarati za dosljednu primjenu starteških mjera iz Okvirnog akcionog plana o obrazovnim potrebama Roma/kinja. Pomoći romskim porodicama sa djecom da kroz posredovanje ostvare pristup uslugama socijalne i zdravstvene zaštite. Razviti i unapređivati programske aktivnosti koje će biti usmjerene na pružanje direktne asistencije djeci u smislu stvaranja jednakih šansi za pristup i održivost u obrazovnom procesu (rad u zajednici, Dnevni centri i sl.) te raditi sa roditeljima u smislu razvijanja njihovih roditeljskih vještina i podizanja svijesti o obavezi i značaju osnovnog obrazovanja u romskoj zajednici

Literatura

- Zakon o osnovnom odgoju i obrazovanju („Službene novine TK“ broj 9/15)
- Vijeće ministara BiH, Akcioni plan za djecu BiH 2015-2018
- Revidirani akcioni plan Bosne i Hercegovine o obrazovnim potrebama Roma. Sarajevo: Ministarstvo za ljudska prava i izbjeglice BiH, 2010. Publikacija dostupna putem linka < http://www.mhrr.gov.ba/ljudska_prava/djeca_bih/Revidirani%20Akcioni%20plan%20Bosne%20i%20Hercegovine%20o%20obrazovnim%20potrebama%20Roma.pdf > (pristup 5.12.2017)
- Kali Sara Romski informativni centar, Reforma obrazovanja u Bosni i Hercegovini kroz prizmu inkluzije romske manjine, januar 2018, dostupno na: http://bhric.ba/wp-content/uploads/Analiza_javnih_politika_2018.pdf
- Izvještaj o provođenju Revidiranog akcionog plana Bosne i Hercegovine o obrazovnim potrebama roma za školsku 2015/2016. godinu, januar 2017. Dostupno na: http://www.mhrr.gov.ba/PDF/djeca/Narativni%20Izvjestaj_usvojen%20na%20Vijecu%20ministara.pdf
- Izvještaj o provođenju Revidiranog akcionog plana Bosne i Hercegovine o obrazovnim potrebama Roma za školsku 2014/2015. godinu. Izvještaj je usvojen na 41. sjednici Vijeća ministara BiH, održanoj 28. 1. 2016.
- Izvještaj/izvješće o primjeni/provođenju Revidiranog akcionog plana Bosne i Hercegovine o obrazovnim potrebama Roma za školsku 2013/14 godinu. Usvojen na 119. sjednici Vijeća ministara BiH, održanoj 21.1.2015. Izvještaj dostupan putem linka: http://www.mhrr.gov.ba/PDF/djeca/Izvjestaj%20o%20provodjenju%20RAP%20BiH%20o%20obrazovnim%20potrebama%20Roma%202013_2014%20.pdf
- Br ggemann, C. (2012). Roma Education in Comparative Perspective. Analysis of the UNDP/World Bank/EC Regional Roma Survey 2011. Roma Inclusion Working Papers. Bratislava: United Nations Development Programme. (Bibliografski prikaz prema zahtjevu autora publikacije)
- Federalno ministarstvo obrazovanja i nauke, Informacija o uključenosti djece romske nacionalnosti u predškolsko i osnovno obrazovanje i odgoj u Federaciji Bosne i Hercegovine, dostupno na: http://www.fmon.gov.ba/Upload/Ostalo/8e6f18a9-1315-4c9b-a914-aadd08c6825b_Informacija%20o%20ukljucenosti%20djece%20romske%20nacionalnosti%2016072018.pdf
- Unicef, Položaj romske djece i porodica u BiH, https://www.unicef.org/bih/ba/roma_families-bh-final.pdf
- Institucija ombudsmana za ljudska prava, Specijalni izvještaj o položaju Roma u BiH, <https://www.osce.org/bs/bih/110497?download=true>
- Unicef, Istraživanje višestrukih pokazatelja (MICS) BiH 2011-2012. dostupno na: https://www.unicef.org/bih/ba/media_21389.html
- UNESCO, Education for All Global Monitoring Report [Globalni izvještaj praćenja obrazovanja za sve] 2005



INCLUSION OF ROMA CHILDREN IN PRIMARY EDUCATION OF TUZLA CANTON

„The greatest hope of each country lies in appropriate education of youth.“

Erazmo Roterdamski

Inclusion of Roma children in primary education of Tuzla Canton

The Association of Roma Women „Better Future“ of Tuzla City

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Tuzla, September 2018.

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SUMMARY

Every child has the right to education that should be formulated to develop their unique personality, skills, abilities to learn and other abilities, dignity, self-respect and confidence. Presence of Roma children in the education system of the Tuzla Canton (TC) is not comprehensive yet. Besides of several the international and domestic standards taken that guarantee availability, accessibility, acceptability and adaptability of the education system for all children, majority of the Roma children encounter with serious problems in the approach and sustainability in the primary education. Poverty, discrimination, inadequate preparation for school, not knowing the language, insufficient motivation of parents for their children's education, especially girls, non-flexibility of the education system towards the needs of the Roma children, insufficient education of the teaching staff for work with the Roma children are only a few of the reasons to which we point in this document and which affect to a large number of the Roma population not to enrol or to leave primary education.

The conclusion of the document points out that shifts towards better approach in education are possible only through wider and coordinated social intervention that is directed to removal of the existing deficiencies and application of affirmative inclusive measures.

INTRODUCTION

The document **I**nclusion of Roma children in primary education of TC was developed within regional project „For active inclusion and rights of Roma women in the Western Balkan II“, funded by the Austrian Development Cooperation, which was implemented by the CARE International Balkans in cooperation with local partner's organizations: The Association of Roma Women “Better Future” of Tuzla City (BiH), Roma Women's Centre “Bibija” (Beograd- Republic of Srbija) and Centre for Roma initiatives from Niksic (Monte Negro). The project is focused on improvement of socio-economic situation of Roma women/households in Republic of Serbia, Bosnia and Herzegovina and Monte Negro and strengthening capacities of Roma women's organizations to participate in making strategies on national and European level and undertake interventions related to Roma women rights and social inclusion of Roma communities.

One of the important activities in this project is making Policy paper- which, as advocacy and research document, first should foster:

- Policy creators to improve educational policy in segment of accessibility and viability of Roma children in primary process of education;
- Civil society organizations which want to improve efficiency of their programs focusing on education of Roma children, so that they will make them more relevant for whole educational reform;
- Donor communities which should understand situation of Roma children in realization of right to primary education, how they could identify areas where their support and contribution would be especially necessary and effective.

Indicators which relate to coverage of Roma children of primary education, regularity of school attending of Roma students, reasons for earlier leaving and recommendations for improvement of policies and institutional measures with respect of system approach and viability of Roma children in primary schools of Tuzla canton are briefly presented in this document. Examples of good practice applied by governmental and nongovernmental sector in other parts of BiH were used for defining recommendations.

Having in mind a specific position of Roma girls within Roma families and community, attention is paid to natal dimension of this problem.

Information from Policy document will be presented to representatives of governmental and nongovernmental sector, throughout different bilateral and multilateral consultative meetings, in order to ensure that findings from the document initiate both sectors for action of improvement educational policies and practices in the best interest of Roma children.

We use this opportunity to thank organizations, institutions and individuals for contribution in creating of this document, first of all representatives of educational institutions in Tuzla Canton (TC) : Public institution Primary school „Kiseljak“, Primary school „Kreka“; Primary school “The second primary school” Zivinice, primary school “Podrinje” Mihatovici as well as partner nongovernmental organizations: Association of “Romska djevojka-Romani ćej” Prnjavor, the Association of citizens Youth Roma initiative “Budi mi prijatelj” Visoko, Association of citizens for promotion of education of Roma „Otaharin“ Bijeljina and Association of „Zemlja djece“ Tuzla.

1. ANALYSIS OF SITUATION

1.1 Legal framework

1.1.1. International commitments of B&H

As a member of the United Nations and the Council of Europe, Bosnia and Herzegovina ratified numerous international documents with commitment to integrate international standards in its policies and practice.

The Universal Declaration on Human Rights¹ is one of the first documents on human rights and fundamental freedoms by which the base for right to education is established says that: „Everybody has right to education.... Which must be free, at least on primary level, inevitable.... it has to promote understanding, tolerance and friendship between all nations, racial or religious groups “(Article 26.).

The European Convention on protection of human rights and fundamental freedoms (1950) is directly applied and has priority over other laws in BiH. By ratification of this document, BiH has committed to insure rights and freedoms included in the Convention and belonging protocols to „all persons under its jurisdiction “(Article 1. EC) ... „without discrimination on any ground such as sex, race, color of skin, language, religion, political or other opinion, national or social background, relation with some national minority, property, birth or other situation “(Article 1. of Protocol 12 EC), and that „ none can be deprived of right to education “(Article 2. of Protocol 1 EC).

A few applications regarding violation of rights of minorities in educational system were discussed² at the European court for human rights (ECHR), as ordinary judicial institution for human rights protection in Europe. In subject of *D. H. and others against Czech Republic* that encompasses 18 Roma children placed in special schools for children with mental problems in town of Ostrava³ the Great Council of the court made the decision which verifies violation of the Article 14 of the European Convention on protection of human rights and fundamental freedoms, determining that procedures used for assessment of placing Roma children in such schools did not consider their specific circumstances, and that their parents didn't approve such placement.⁴ The Great Council considered that Roma people became a specific type of vulnerable minority in unfavorable position “because of their turbulent history and constant removal. So, they need particular protection, including the area of education.”⁵ The second subject, *Oršuš and other against Croatia⁶*, related to segregation of 14 Roma students from two primary schools in Medimurje, who were placed in so called “Roma classes” during primary education for a certain period or the whole time. Although the Court accepted efforts which Croatian authorities make to insure education of Roma children with affirmative measures, the Court has concluded that spacing of Roma children in special „Roma classes“ was unjustifiable and contrary to the European Convention on protection of human rights and fundamental freedoms.⁷

International pact on economic, cultural and social rights⁸ recognize every person's right to education, emphasize that it should promote understanding, *tolerance and friendship between all nations and all racial, ethnic or religious groups* and prescribes that: *primary education should be mandatory for everybody; that secondary education, in its different aspects, should be general and accessible for everybody throughout*

1 Adopted and proclaimed at the General Assembly of the United Nations by the Resolution No. 217 /III 10 Dec 1948

2 Rulings and decisions of the European Court for Human Rights have binding effect only to the state against which legal charges were pressed in the Court (Article 46, Item 1 of the Convention). However, member states were called to take into consideration the practice of the Court, among other things considering conclusions that can be extracted from judicial decision in which infringement of the Convention by a state was established and if the same general problem exists in their judicial systems.

3 D.H. and others against Czech Republic, number of denunciation No. 57325/00, Judicial decision from 7 Feb 2006 available at: http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=792053&portal=hbkm&source=external_bydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649 (viewed 23 Sep 2007).

4 See the public statement published by the European Court for Human Rights from 13 Dec 2007. Available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?item=2&portal=hbkm&action=html&highlight=57325/00&sessionId=3358724&skin=hudoc-pr-fr> (Viewed on 16 Dec 2007).

5 It is a critical decision on charges that relate to desegregation and total recognition of the scope of the problem of segregation in Europe.

6 European court for human rights, Application No. 15766/03, Strazburg 16 Mar 2010.

7 For the established infringements the European Court adjudicated EUR 4,500.00 to each applicant as well as court proceedings costs in the amount of EUR 10,000.00.

8 Adopted and open for signing, ratification and accession by the Resolution of the General Assembly 2200A (XXI) from 16 Dec 1966. In force from 3 Jan 1976 in accordance with the Article 27.

appropriate measures, particularly through gradual introduction of free education.... that primary education is to be stimulated or enhanced as soon as possible for persons who did not get primary education or who did not get it completely (Article 13.).

General Convention on protection of national minorities rights⁹ call for „equal accessibility to education for persons who belong to national minorities at all levels“(Article 12.3.) and promote “right of each member of national minority to study on his/her minority language“. (Article 14.1.).

The UN Convention on the Rights of the Child is considered to be the most important and comprehensive legally binding instrument on the rights of the child, which emphasizes commitment of states signatories related to creation educational systems and providing access to these systems (Article 28.), while Article 29(1) emphasizes individual and subjective right of the child to education.¹⁰ States have to respect and guarantee the right to education without discrimination *on any ground* to every child under its jurisdiction: *race, color, sex, language, religion, political or other opinion, national, ethnic or social background, regardless of property, disability, birth or other status which the child, its parents or legal care givers belong to.* The Convention urges from the state signatories to proclaim primary education *mandatory and free and make secondary education accessible and available for every child, overtaking appropriate measures and that this level of education is to be free, and in case of child's needs the state will provide appropriate financial support (Article 28.).* Commitment of the state to undertake measures by which regular attending of school and decrease rate of children who leave school will be supported is particularly accentuated. The state must overtake all measures and activities in the best interest of the child. The program of education must be focused on the development of child's personality, talent, mental and physical abilities to their full abilities (Article 29.). Methods of classes should be tailored according to different needs of children and process of education organized to respect inborn dignity of the child, enable the child to express opinion and participate in school life. Limitation in personal and financial resources for implementation of comprehensive plans which should enhance respect article 29(1) couldn't be justification for states which did not manage to fulfil their obligations.¹¹

European Charter about regional or minority languages pay particular attention to education of national minorities¹² (1992) which in Article 8 (b) cites commitment of the state signatories to make primary education accessible on regional or minority language „Enable learning of regional or languages of minorities as integral part of school program “.

Recommendations of international bodies given to BiH constitute very important segment of international law. The UN Committee for Human Rights has recommended to BiH to „continue making efforts to insure functioning of educational system without any discrimination and segregation in practice on any ground, including ethnic or religious determination “((3) ICCPR 2017). The UN Committee for the Rights of the Child urges from the state to take over measures for implementation AP on educational needs of Roma people, because Roma children are discriminated in approaches to the right to education, as well as „adoption of specific measures in campaign against discrimination of Roma children in approach to education, by ensuring additional lessons of language and support, program of preparation for school and support program for meeting educational needs of Roma children.... considering that additional measures do not increase their stigmatization or segregation “(CRC CRC/C/OPAC/BIH/CO2-41).¹³

From recommendations given by the Council of Europe we dissociate **Recommendation num. 1557 (2002): „Legal position of Roma people in Europe“**, which recommends to members states: „enabling Roma students to participate at all levels of education, from kindergarten to university“, and „foster Roma parents to send their children in primary school, secondary school and higher education, including faculties, as well as giving relevant information about the need for education“.

9 The Convention is signed and ratified 24 Feb 2000.

10 Bosna and Herzegovina accepted the Convention on the Right of the Child by the Notification on Succession on 23 Nov 1993.

11 With the purpose of approaching of state signatories and all that work with children the significance, goals and function of education for each child and to provide the states with ability for application and respecting of this right the Committee for the right of the child adopted **The General Comment No.1: The Purpose of Education** that relates to the Article 29(1). The Committee accentuates that the key factor of education is developing personalities, talents and abilities of each child taking into consideration the facts that each child has unique characteristics, interests, abilities and needs for learning. In this context education has to be “focused to the child, friendly towards the child, to provide their strengthening and to qualify the child by developing their skills, ability to learn and other abilities, human dignity, self-respect and confidence”.

12 The Convention was signed and ratified 24 Feb 2000.

13 The Committee overviewed the unified second, third and fourth periodical reports from Bosnia and Herzegovina (CRC/C/BIH/2-4) at the 1730th Session (see CRC/C/SR.1730 and CRC/C/SR. 1731), held 19 Sep 2012 and at 1754th Session held on 5 Oct 2012 final conclusions were adopted.

1.1.2. National legal and strategic framework for inclusion of Roma children in educational system

Right to education is constitutional category.¹⁴ Bosnia and Herzegovina is obliged to ensure implementation of the highest level of internationally recognized rights and freedoms. In case of discrepancy of International agreement and domestic legislation, international agreement prevails.¹⁵

Education is exclusively in responsibility of cantons. In exertion of their constitutional responsibility, cantons determine educational policy, which include adoption of regulations on education, as well as insuring education. In Tuzla Canton, the area of primary education is regulated by the Law on primary upbringing and education of Tuzla Canton¹⁶ which enables ensuring of the greatest level of respecting of human rights and freedoms of all students in primary upbringing and education, including students of Roma nationality. According to the Law, each child, without discrimination on any ground, has equal right for access and equal opportunities for participation in appropriate education which imply ensuring of equal conditions and opportunities for all, for beginning and continuation of education.

Primary education is mandatory and free and as such ensured for all children.¹⁷ (Article 6.). Enrolment of students in regular primary school conducted on the bases of register of children reached for school which by official duty is provided by the authorized organ of municipality (registry), evidence about the place of residence and birth certificate (Article 47.). The child enrolls to the nearest school which gravitates to his place of residence. Assessment of children's abilities upon enrolment in regular school, with health certificate issued by health institution in charge, makes commission constituted from pedagogue or pedagogue-psychologist and teacher. The school is obliged to submit report about enrolment of the children to the ministry in charge and Pedagogic institution till 30 June of ongoing year. (Article 47.)

Classes in school are performed on official languages in Bosnia and Herzegovina. For student, member of national minority who want to attend classes from mother tongue, classes have to be provided in the school of enrollment or for more schools in appropriate place, in classroom, group or individually. In school where members of one national minority are educated, all classes are realized on language of this minority, with mandatory learning language of constitutive people. If students' members of one national minority make at least one third of total number of students, the ministry for education is obliged to provide education in language of that minority, if they make one fifth, insure additional classes about language, literature, history, geography and culture of minority which they belong to, on request of majority of children's parents, (Article 9.).¹⁸

For a student who does not attend classes regularly and is irresponsible to his school obligation, a suitable punishment is pronounced (reprimand, less behavior grade, transfer to another class or to another nearest school), depending on number of unexcused absences during a school year.¹⁹

For a student who does not meet minimal standards in learning school matter, according to this law, school is obliged to make individual program for adoption of missing matter and give additional support (additional classes) in order for a student to achieve a defined minimum of knowledge (Article 60.(1)). Besides this, the law gives the possibility that a child over 15 who does not attend a regular educational system, could acquire primary education by curriculum for adults (external education). Financial resources needed for classes and attending exams for candidates under 18 year are provided from the budget of the Canton.

The Law binds the government of the Tuzla Canton to finance providing of school textbooks and reference books and to participate in transportation costs for students who live further than 4 kilometers away from the nearest school.

The law explicitly defines commitment of parents to take care of their children's education. In realization of their rights, parents cannot limit the right of the child to approach and sustainability in educational system

14 The Constitution of the Federation of BiH, Article II.A.1: "All persons at the territory of the Federation are entitled to the right to :...(m) education,..."

15 The Constitution of the FB&H, Article VII Article 3, available at: http://www.fbihvlada.gov.ba/hrvatski/federacija/ustav_hr_stari.htm

16 „The Official Gazette of the TC“ Number 9/15

17 A child in the sense of this Law is any person until they reach the age 18.

18 This right was established in the Article 8 of the Law on protection of the Members of National Minorities in the TC (The Official Gazette No. 14/09). For the purpose of realizing the right from the Item 2 of this Article the regional Ministry is obliged to ensure the financial assets for qualifying of teachers that would perform classes in the language of national minority, ensure the space and other conditions for performing of additional classes as well as printing of school books at the languages of the national minorities.

19 The Manual on Disciplinary Measures, Procedures on establishing of disciplinary responsibility of students, reimbursement of material damage, duration of the disciplinary measures taken, mitigation and removal as well as consequential relation to evaluation on students' behavior in primary schools (The Official Gazette of the TC No. 2/17)

suitable for their age and abilities (Article 25.). In that context, parents are obliged to enroll the child to the primary school, to make sure that child attend school regularly during the period of mandatory education, to gather information, to consult and follow educational advancement of their children. Parents who neglect this obligation and are irresponsible make an offense for which the fine in the amount from BAM 200 to 1,000 is prescribed (Article 132.). If a parent does not enroll their child to primary school even after the fine i.e., if the child does not attend classes, the fine will be repeated.

Duty of parents to make sure that their child attends regular primary and secondary education is regulated by the Family law of the **FBiH**²⁰. Legal and physical persons are obliged to give information about violation of a certain right of the social care authority as soon as possible (Centre for social care). The social care authority is obliged to admonish parents on mistakes in taking care of the child and offer them help in elimination of mistakes. If parents neglected their obligation to take care of their child, the social security authority will determine *supervision over parental care that can last as long as it is in the interest of the child and not less than the period of three months* (Article 152.). If parents or apparent with whom the child lives neglect upbringing and education of the child or does not prevent other parent or family community member to behave with child this way, the court can take away right of parent *to live with a child* and care and upbringing of a child entrust to other person or institution in extrajudicial proceedings.²¹

Any *harsh neglect of duty of a parent* regarding care or upbringing of a child according to the **Criminal law of the Federation of BiH** is a criminal act “*neglecting or abusing of a child or juvenile*” for which *impend punishment is from three months to three years of jail*.²²

One of important strategic documents which treat the topic of education of Roma is the **Revised plan of action for Bosnia and Herzegovina on educational needs of Roma people** (2010). Issue of primary upbringing and education is treated in Aim 1 which reads: „*Assurance that children, members of Roma national minority are to be included in the system of mandatory primary education* “. *Within this aim 10 measures are defined*²³ whose implementation should contribute to decreasing number of children of Roma nationality out of the system of primary upbringing and education. Midst of the limited advancement of realization of this strategic document, the new **Framework action plan of Bosnia and Herzegovina on educational needs of the Roma people**²⁴ is in the final phase of adoption, which amongst other things recommends to the authorized entities and cantonal ministries of education and to the Department for Education of Brcko District, to prepare and adopt their own action plans on educational needs of Roma people in cooperation with their local communities and Roma associations that exist in their areas.

With the aim of further improvement of Roma people position and insure enjoyment of rights guaranteed by standards, the Institution of ombudsman for human rights of BiH has recommended to ministries of education in charge assurance of consistency in implementation Plan of action for Roma people which includes providing free textbooks, transportation to school, raising awareness of Roma people about the importance of education and raising awareness of teachers of the need their better work on integration of Roma children in education, in order to eliminate prejudices against Roma people and prevent any form of their discrimination. With this respect, it is important to establish mediation in schools attended by high number of Roma children for increasing number of

20 “The Official Gazette of Federation of BiH” Number 35/05, 31/14

21 The Family law of F BiH, Article 153.

22 For this criminal act fine of jail from three month to three years is assigned. The same fine impend if parent, adopter, trustee or other person abuse child, compel him to work which is not suitable for his age, or on excessive work, or beg, or exhort him to behavior detrimental for his development. If by committing of these criminal acts a child or a minor is seriously hurt physically, or their health is endangered or a minor divulged to beggary, prostitution or other forms of asocial behavior or delinquency the perpetrator shall be punished by three months to five years of prison.

23 Measure 1.: „*To promote importance of mandatory primary education in Roma communities*“; Measure 4.: „*Continually increase a number of children of Roma nationality included in mandatory primary education*“; Measure 5.: „*To insure regular and systematic data collection about the rate of enrolment and finishing school of Roma children*“; Measure 6.: „*to make adapted plan and program which would be used as a help to children who never attended school, or had longer pause*“; Measure 7.: „*To insure free textbooks, transportation and sandwiches) for all the children of Roma nationality included in primary education*“; Measure 8.: „*OTo enable inclusion of Roma students in the system of external education, to enable free external go for an examination*“; Measure 9.: „*Promote more active participation of parents of children of Roma nationality in work of school's organs*“; Measure 10.: „*Implement and organize continual education for educational staff, parents and all children in primary schools, with the aim of elimination stereotype and discrimination in education*“.

24 Considering report on implementation of Revised plan of action for Bosnia and Herzegovina on educational needs of Roma for 2015-2016 school year, Council of ministers of BiH in 2017 adopted recommendation of Ministry for human rights and refugee for different approach in implementation educational policies for Roma people. General plan of action on educational needs of Roma people represent sublimation of recommendations from team of professionals from Bosnia and Herzegovina, Conclusions of Seminar on inclusion of Roma people (2018.) and compilation of recommendations given in document Reform of education in BiH through out prism of inclusion of Roma minority Kali Sara (RIC 2017.) Recommendations of UG Otaharin.

Roma in schools.²⁵

Guided by the recommendations of the UN Committee for the right of the child the Action Plan for the Children of BiH has one of the sub goals in the area of primary education which is at one-hundred percent encompassing of children regardless to gender, social, ethnic, confessional and other differences, especially Roma minority population.

From the aspect of early drop-off of the mandatory education the important and multisectoral *Protocol for procedure in cases of beggary, stroll, work exploitation and other aspects of mistreatment of children in TC (2014²⁶)* which orders the Cantonal Ministry of Education to establish clear mechanism of reporting of unexcused absences of children from classes by the school in order to prevent early drop-off of the education process of children. Schools are obliged to inform the social care authorities immediately in case of absence from classes three days in a roll and they are obliged to take legally prescribed measures.

The constitutional responsibility in the Federation of BiH in establishing of systematic solution for inclusion of all children in education in BiH is directed to ministries of cantons. Specific authorities and obligation to support are also present at the level of the local community.

2. ANALYSES OF SITUATION – What contribute and what hinder inclusion of Roma Children in primary education?

Education for Roma people, on all levels, is important determinant of their life. Without adequate education, Roma people are denied with respect of development of their full potentials, according to their own abilities, needs, interests, as well as in employment and overcoming of social exclusion

Key indicators for monitoring and evaluation realization of Roma children’s rights to education are first of all: *inclusion, gender, efficiency, and advancement and changes in the process of education.*

2.1 (Availability)

Primary education is *de jure* mandatory and free for all children while *de facto* all Roma children are not included in the process of education. According to the official data, in school year 2017/2018, 506 of Roma students, 299 boys and 207 girls attended primary education at schools of Tuzla Canton. Roma NGO consider that real number is higher because many children refuse to declare as a member of Roma population. They are afraid of abuse from other children. Taking into account the data of authorized institutions in the last five school years, analysis shows important drop of Roma children number who are included in education in Tuzla canton.²⁷ The NGO is especially concerned with the fact that the authorized ministry of education on the canton level ignores all these indicators and does not take any significant activities to research the causes of this negative trend.

Rate of enrolment of Roma children in primary school in Tuzla canton is lower by comparison with general population of children 98%. Two out of five children never attended school (UNICEF, 2013). Some of Roma children never get invitation for enrolment in school because they are not registered in registry of born population. Educational institutions in Tuzla canton do not have data about number of Roma children who are out of school system. Functional institutional mechanism for recognition the children of school age who are excluded from primary education is not developed. NGO which works with Roma children are the only source of data, which is not a good solution. Although data from NGO are incomplete (only for a certain Roma communities) they point out that situation with respect of educational exclusion of Roma children is troublesome. *The social mapping at the Roma community Kiseljak (Tuzla) has shown that out of the total number of “mandatory school attendees”²⁸ (86), 31% of them was not encompassed by the system of mandatory education, while 3.4% of children are*

25 Institution of ombudsman for human rights: Special report about the position of Roma people in Bosnia and Herzegovina, available on: <https://www.osce.org/bs/bih/110497?download=true>

26 Available on: www.zemljadjece.org

27 Data collected from the Ministry for Human Rights and Refugees of BiH, for the needs of creation of Analysis of Implementation of the Revised Action Plan on Educational Needs of Roma People in BiH in school years from 2012 to 2016 show that in 2014/15 primary education was attended by 780 Roma students. (442M; 348F).

28 Mandatory school attendee is a child from 6 years of age up to 15 years of age.

*excluded from primary school since they reached the age limitation of 15 years of age.*²⁹

Reaction of educational, social and health institutions often fails in situations when they get information that Roma child of school age is not included in primary education. Reasons are multiple: insufficiently precise norms which define competence, the way of proceeding of institutions and their intersectoral work in cases when they identify child/obliged person who doesn't attend school, insufficient information and training of professionals in these institutions on regulations of proceeding and prejudices and stereotype of professionals related to education of Roma children. NGO are very concerned that professionals in these institutions often justify their passive attitude that Roma are not interested in education whereby responsibility is transferred to Roma community. Illustrative argumentation of this point of view can be referred to the case of 46 children from TC in the age of 6-15 that realized their right to health insurance through authorized social care services for years based on the fact that they do not attend school and that this social care authority never took any specific measures or activities towards overviewing and removal of causes due to which children were out of educational system, nor they informed authorized educational institution. Educational institutions and the Social Care Service (SCS) do not have formal responsibility in not taking timely and adequate measures in protection of the rights of the child in cases when they find out that the child does not realize the right to education. Educational institutions should be sanctioned for omission to enroll Roma children to schools and non-enrollment cannot represent any "freedom of choice" but on the contrary it should be considered as long-term individual freedom violation.³⁰

Issue of education of Roma children and their weaker inclusion in mandatory educational process is directly related to social-economic situation of Roma families as well as attitude of Roma parents to education. Rate of poverty for Roma children in BiH is rather high: 80 percent of Roma children live in poverty, 42 percent of Roma families live under the poverty line comparing only 14 percent of non-Roma people (UNICEF, 2013.). Analyses show that in TC 69% of Roma families have monthly income less than BAM 200³¹, and that majority of Roma families have no constant sources of income nor access to constant, i.e. occasional social finances. The Roma community Kiseljak which consists of 373 inhabitants and out of 209 persons able to work only 4.4% are formally employed. In other Roma communities of the TC the rate of unemployment reaches up to 99%.³² The need for satisfying physiological needs (food, water) for majority of Roma families is a priority, while the need for self-actualization that is partly satisfied by education is at the bottom of the scale of their priority requirements. It is the fact that among children of Roma nationality that are in the age of primary school the smallest percent of attendance of primary school is at children at the age of six (46.9%) which indicates the problem of the postponed enrollment of children to the first grade. The main obstacles are surely "free of charge" enrollment of children to primary school in TC that consists of hidden costs such as enrollment fee (in the amount of BAM 10) or, so called, damage fee that are defined by schools, or providing of medical certificate on a health ability of the child for which it is necessary to give a certain amount of financial assets.³³ It is exactly the financial factor that pushes many Roma parents to give up early from enrollment and generally, their coming to school since those expenses are enlarged by additional expenses (transportation to the health care institution in order to get medical certificate) for majority of them it is inaccessible and not the priority.³⁴

Sometimes, due to poverty Roma families make a choice between children that would be educated or not and boys are often chosen over girls. It could be explained with presence of patriarchal conscious, prejudices and cultural perception of the role of women in the family that considers men responsible for providing for the family existence and therefore, they are supposed to have a certain level of education while women's responsibilities are children and household and their role is exclusively reproductive function. Therefore, the literacy rate amongst Roma women population is, without any exceptions, lower than with men, 68.9% of young Roma women in the age of 15-24 compared to 90.4% of literacy of men.³⁵

29 The social map of Roma settlement Kiseljak (2018) was made by the Social Care Service Tuzla, Association "The Land of Children in BiH" and the Foundation of Tuzla Community with the direct assistance of Roma mediators from the Association of Roma Women "Better Future" and Evangelistic Church of Tuzla.

30 C. Bruggemann, „Roma Education in Comparative Perspective...“, 2012

31 By the poll that was conducted by the CARE organization in Tuzla Canton in 2010 it was established that 69% of Roma families have monthly incomes in the amount less than BAM 200, while 24.6% receives between BAM 200 and 500 (comparing with the average salary in BiH that amounted to BAM 700).

32 Publication: "Mapping of Roma Communities at the Area of Tuzla City" AC "Art Sinteza", 2016

33 Public Health Institution Dom zdravlja, Tuzla, Decision No. 04-1583-1/15 from 30 Apr 2015 by which the service of issuing of medical certificate for the purpose of enrolling the kindergarten or primary school amounts from BAM 8.00 to 10.00.

34 Some parents, i.e. educational institutions address NGOs to cover medical exams for Roma children which is not a systematical solution. Association "The Land of children in BiH" sent the Initiative for Removal of the Obligation for Paying Expenses for Medical Certificate for Enrollment of the Child to Kindergarten and School in Jun 2018 to City Council of Tuzla.

35 The Ministry for Human Rights and Refugees of Bosnia and Herzegovina and others, Research of multiple indicators (MICS)

Another factor that significantly affects to exclusion of Roma children from the education process is taking tests for evaluation of readiness of children to enroll school that are standardized on children of non-Roma population. The weak results are directly affected by a number of factors and the most important ones are in lack of the adequate early stimulation, unpreparedness of children for the beginning of schooling, non-inclusion of Roma children to the pre-school education³⁶ and a little or no social contacts with children of majority population and other communities.³⁷ Since they do not know or have poor knowledge of the languages of the majority of the population during testing many Roma children do not understand questions asked. Several psychologists and pedagogues wrongly categorize Roma children and therefore many Roma parents quit attempts on education of their children in this phase. The programs of Roma and pro-Roma organizations that are based on multi month preparation of pre-schools Roma children to inclusion into the education system give encouraging results, but capacities of NGO are limited and conditioned by “temporal and program requests of the donors, as well as limited assets”. Roma children that were included into those programs enroll and regularly attend primary school in 90% of the cases³⁸. Thus, it is necessary to include Roma children as much as possible to formal and informal pre-school programs to increase their inclusion by the primary education as well as a possibility of sustainability and achieving of its progress.

Undoubtedly, it is necessary to work a lot on raising awareness of Roma parents on the need and significance of education of children, especially with parents that were not educated since they cannot comprehend the significance of education for their children, so they do not encourage children to attend school. Their children, on the other hand, learn according to the model behavior and they do not have the need to attend school and they do not understand its significance.

When it comes to affirmative measures directed towards overcoming of certain social difficulties that are related to timely inclusion of Roma children into the education process it is visible that authorities in the TC dedicate a certain amount of financial assets for provision of school books for the socially handicapped students to include Roma people and co-financing of travel expenses to and from school for Roma students who travel more than 2 kilometers.³⁹ However, poor Roma families cannot afford expenses on stationery, lunch money, clothes and footwear for their children which can be illustrated with the statement of one of the Roma women: *„How could I send my child to school when he does not have footwear or clothes... it is not enough to just give them a book... one cannot sit for hours in school with an empty stomach and watch other children eating. I cannot make any money, I cannot even afford to pay for the electricity bill. All of us would like to send our children to school but we cannot help ourselves, that is the destiny of Roma people”* (the user of the program of the Association “The Land of Children in BiH”). Even when NGOs take some type of actions to solve this problem the state structures and schools do not take enough responsibility due to prejudice prevail that are based on the attitude: *“Roma people are to be blamed for that”*.

Roma children, youth and their families do not feel accepted in educational institutions, which influence weakening of motivation for education, parents often do not send children to school because they want to protect them, which is interpreted as indifference for children and education. Educational institutions are not open enough for Roma people. Elements of Roma culture in programs, textbooks and classes are rare. There is no sign of Roma language and other elements which in physical environment of educational institutions attended by Roma people and other elements that they are their users.

Having in mind all that was stated above punishment policy that was prescribed as high financial fees for parents who do not enroll their children to school or do not provide regular attendance is not applicable to Roma people and does not give the expected effects concerning change of their consciousness toward education of their children. The fact that due to lack of formal income sources it is basically impossible to force payment of fees from most Roma parents which demotivates authorities to even enforce this mechanism. Consequently, the data that show that in last three years no penalty for parents who did not enroll their children to school in this Canton

2011–2012, Bosnia and Herzegovina: Roma population, Final Report, op. cit., pg. 76-77

36 In school year 2014/2015 12 Roma children in the age of 5 years was included in kindergartens in the TC but none of the children were provided with free stay – The Report on Implementation of the Revised Action Plan of Bosnia and Herzegovina on Educational Needs of Roma Population for the school year 2015/2016.

37 Roma settlements in the TC are mainly isolated, distant from other communities of most of the population as well as the central parts of municipalities in which different contents for children are concentrated.

38 The Association “The Land of Children in BiH”: The Report on the Work of the Daily Center for the Children under Risk for 2017, Preparation of Children for Attending School.

39 The government of the TC approved BAM 90,000.00 from the Budget of TC for co-financing of procurement of school books for students of first grade of the nine years education and that are in social need which amounts to BAM 106,250.00 with earmarked donation of the Federal Ministry of Education and Science was sufficient to provide a complete set of school books for the students of the first year of school that are in social need as well as two books for students of the fifth grade.

was brought. On the other hand, some Roma parents consciously abuse this inefficient punishment mechanism and do not enroll their children to school and when they are forced to do so they reach for drastic measures and expose their children to beggary to pay for the punishment.

Therefore, it is necessary that authorized institutions, primarily social care institutions, in cooperation with schools in every specific case evaluate efficiency of measures at their disposal and tend to use more efficient methods of pressure on parents to perform their obligation of enrolling of children to school, i.e. education which is primarily based on the Family Law: counseling with family, measures of intense supervision, and similar. Adding to this, the significant support can be given by NGO that has competent capacities and enjoy trust from Roma people.

2.2. Efficiency of Education System (attending school, grade retention, education drop-off)

The biggest problem in inclusion of Roma children into the education system is irregularity in attending of classes that undermines students' progress and their sustainability at school. The statistics show that Roma students tend to be more absent from school, whether those are justified or not, than students of majority of the population. A concerning data is that some primary schools in the TC Roma students are absent in average 54 days from classes, i.e. six days a month,⁴⁰ which is five times less than the average of non-Roma children. A deeper overview of this phenomena by the NGO in some of the primary schools in the TC point out the fact that causes of irregularity in attendance of Roma students are primarily in socio-pedagogical processes within school (failure at school, incompatibility of school and family norms, weak socio-affective relations and cultural interaction between Roma children, non-Roma children and teachers, discriminatory behavior towards Roma population) and then, also, reasons that come out of school: migrations within and out of the country, poverty, beggary, and it is specific at Roma girls that they work around the house, i.e. early marriage (underage marriage).

Table 1 Overview of absences of Roma children from classes

School year 2017-18															
Primary school															
Class	„Second primary school“ Zivinice					„Kiseljak“ Tuzla					„Podrinje“ Mihatovici				
	Number of Roma children			Number of absences		Number of Roma children			Number of absences		Number of Roma children			Number of absences	
	Σ	M	F	J*	N**	Σ	M	F	J*	N**	Σ	M	F	J*	N**
I	9	8	1	2561		8	4	4	171	/	6	4	2	N/A	N/A
II	9	3	6	1517		13	5	8	372	478	9	4	5	N/A	N/A
III	15	9	6	1516	2	8	2	6	160	44	4	3	1	N/A	N/A
IV	12	5	7	2099	5	9	3	6	242	75	8	4	4	N/A	N/A
V	9	5	4	2971	19	10	5	5	412	107	3	1	2	N/A	N/A
VI	6	4	2	2862	261	2	1	1	148	12	6	3	3	N/A	N/A
VII	9	7	2	3024	629	4	2	2	228	112	7	3	4	N/A	N/A
VIII	5	2	3	2378	102	4	1	3	317	12	4	3	1	N/A	N/D
IX	10	5	5	2833	144	2	2	/	39	43	2	/	2	N/A	N/D
Total	84	48	36	21.761	1162	60	25	35	2089	883	49	25	24		

Source: “Second Primary School” Zivinice, Primary School “Kiseljak” Tuzla, Primary School “Podrinje” Mihatovici

Legend: * - justified absences;

** - non-justified absences N/A – not delivered separately for Roma students

The Cantonal Law on Primary Education does not define what else, except illness, can be considered as a “justified” reason for absence from classes and this was left to a homeroom teacher, i.e. teaching council to evaluate justification of reasons for each case.⁴¹ Teachers have significantly lower criteria for understanding of reasons of absence of Roma students than of non-Roma students. They justify it as a method to keep Roma children in the educational process which in the long-term aspect affects negatively to their progress and further sustainability in the educational process and to relation of Roma parents towards obligations to their children to attend school regularly.⁴²

40 Data on regularity of attendance of Roma students delivered by the “Second Primary School” Zivinice, Primary School “Kiseljak” Tuzla, Primary School “Kreka” Tuzla and Primary School “Podrinje” Mihatovici

41 Article 59.

42 This approach is considered as discriminatory within Antidiscrimination Program that was created at the Canton Sarajevo, i.e.

There is no efficient institutional mechanism that could ensure regularity in attendance, monitoring of justification of absence of Roma students from classes and point out in timely manner to danger from leaving education. The indicators are data on the large number of justified and unjustified absences of Roma students in primary schools at the TC. Besides legal obligation schools do not cooperate with the Social Care Service on the matter of absences, i.e. leaving of school by the Roma children.⁴³ One of the reasons is that the way of treatment and cooperation between educational and social institutions regarding this is not clarified by the regulations. Out of 5 schools from the poll that encompass the largest number of Roma students in the TC none submitted report to the social care authorities on existence of a larger number of unjustified absences of the Roma students that reached up to 365 teaching hours in some cases. Normatively, the intervention of school towards parents is based on sending an invitation for information exchange meeting which in many cases is not performed since the parents ignore the invitation. On the other hand, educational-disciplinary measures (reprimand – with the affect of behavior grade to decrease, transferring to the other class or school) that can be pronounced for six and more unjustified absences do not reach the desired educational purpose with Roma children. On the contrary, they only feed their disinterest for education and increase the risk that Roma child ceases further education, especially if the child is transferred from class to class or other school.

Primary education in schools of the TC was left by 61 Roma students.⁴⁴ The data from some schools (Second Primary School Zivinice) show that in the previous school year 10% of Roma children left further education which overlaps the general indicator for the entire Canton. Roma population start leaving education most commonly from the fourth grad of primary school. Girls lead in leaving education in senior classes. The reasons for leaving education are various and numerous but the mutual ones for both sexes are: poverty of the family (inability to provide everything that is necessary for school), poor grades of the child, beggary, child work, insufficient support from parents and migrations. When it comes to Roma girls the additional reason for decreasing numbers from the school system is early marriages, taking over the roles of house hold keeping, care of younger siblings, and so on.

Leaving of education of Roma children are not timely according to reactions of school and the Social Care Service. According to the research conducted on gender dimension of Roma children abandoning mandatory education on the sample of 117 Roma parents 44.7% of the interviewees claims that they were called to school 2 months after abandoning and even 13.5% claims that a year passed after the child left the school when the parents were called and informed. The Social Care Service reacts 2-3 months upon the child left the school and 48.7% of parents claim that it is approximately the time when they were called to the SCS. Besides formal conversation with parents, which in many cases does not happen at all, no other sanctions are pressed. Legal solutions that are provided through family and criminal law in the sense of protection of the child's right to education are not even used by the SCS.

Educational institutions do not recognize the significance of mediators as immediate cooperatives from the Roma community in order to increase the number of children of Roma nationality that enroll, attend on regular basis and successfully finish primary education.⁴⁵ None of the schools in the TC that has Roma nationality children in their enrollment area did not apply to the program “Support to Project of Engaging Roma Mediators for increase of encompassing and regular attending of primary education of Roma nationality” which is realized from 2016 by the public invitation of the Federal Ministry for Education and Science.⁴⁶ The Expert Associate for Roma Matters is employed for an unlimited time in the Primary School Kiseljak but his actions do not give the desired effects which can be seen in the data on the decrease of encompassing of Roma children by primary education, regularity in attendance and the rate of drop-off of education by the Roma children. Therefore, the authorized Cantonal Ministry should carefully monitor and pressure the educational institutions to apply to these and similar calls all through the Expert Associate.

At the area of the Tuzla Canton there is many Roma and pro-Roma organizations that can offer significant “intentional decrease of requests under the minimal standards required from the students of the same age with the explanation that members of the vulnerable category are not able to master the matter and that it is only important for them to attend school”.

43 The Law on Primary Education of the TC, Article 67 (1) prescribes the obligation of schools to monitor social issues among students and take measures to provide for every student to get council and help needed in overcoming the problem together with the Social Care Service.

44 The Ministry for Human Rights and Refugees of BiH, from the Report on Implementation of the Revised Action Plan on BiH on the Educational Needs of Roma People.

45 Authorizations of the Roma mediator are: establishing initial contacts with Roma families whose children were not enrolled to primary school despite the obligation; continual cooperation with parents and strengthening of partnership with families of the student of the Roma nationality; implementation of preventing and other activities with the purpose of ensuring of regular attending of classes of the Roma students; support to teachers in the realization of classes and to Roma students in overcoming of school obligations; cooperation with municipality services and other authorized organs and NGO and others.

46 The Federal Ministry of Education and Science: Information on inclusion of Roma nationality children to pre-school and primary education in the F BiH, Mostar, Jun 2018.

assistance to educational and social care institutions in monitoring Roma children regarding the regularity of attendance but their role in this sense is not recognized enough by the educational and social care services.

2.3. Progress and changes in education

Achieving of general participation in upbringing and education generally depends on the quality of available upbringing and education.⁴⁷ Shortage of an adequate early stimulation, unpreparedness for the beginning of school, not knowing the language of the environment and shortage of necessary knowledge affect the Roma children of the pre-school age to enroll the lower elementary school unprepared and they are not equal with other children.

Grades of Roma students in primary schools in the TC is in all classes a lot lower in comparison to non-Roma children. Therefore, the average grades of Roma children are very low in lower elementary classes, 2.58, while children of the majorities it is 4.67. This difference is decreasing in higher classes (3.43:4.68) and it is a consequence of simulative scoring of Roma students. Due to the lack of other programs of work with Roma children that could help in the learning process and irregular or insufficient additional classes, teachers often do not realize teaching program with Roma children. Being aware that Roma children in these conditions cannot achieve even level of knowledge as other children teachers tend to lower their criteria of evaluation to motivate and keep the children in school. In that way Roma children get certificates on finalizing primary education, but their knowledge is low and insufficient to enroll four year high school education. Representatives of Roma associations generally criticize the practice of simulative scoring since children in long-term period cannot gain from it and manage in high school and they finish lower qualification in generally unfavorable work market. This approach is also considered as discrimination and surely is not in the best interest of the child. Conscious setting of lower requirements under minimal standards required from students of that age is very frequently explained by teachers that they are a vulnerable category and are not able to master the matter and that it is only important that they attend school.

On the other hand, retaking a year and insufficient success encourage many Roma children to leave education. During primary education many Roma children have lower success and therefore they lose motivation and self-respect. The reason of poor success and demotivation for learning should be sought in unpreparedness of children for school and lack of additional necessary support to master necessary knowledge and to follow classes. Children do not have help during studying not even in their family since they do not have enough educational capacities to offer since the parents themselves are not educated enough or they are illiterate, nor in school. Additional lessons in schools are not the general practice regardless on requirements children may have. It is realized occasionally but it is not enough, and it does not have the character of individual work. Many studies in the world show that retaking a year has especially negative influence on students that come from minorities and the risk of leaving school is increased; it is also stated that “intensive instructions” as well as instructions “one-on-one” in long-term period they are a lot cheaper investment for the society than retaking a year. Programs of some Roma and pro-Roma organizations that are implemented in this Canton (Bolja buducnost, Otaharin, Euro Rom, Zemlja djece BiH, and others) are only a few of examples of good practice that can be multiplied in other environments in which through continual individual support to children in overcoming of school matters almost absolute improvement can be achieved with children.

Lack in concrete level of manifestation of intercultural norms that guarantee practicing the rights of Roma students to their mother tongue as well as teaching and extracurricular contents on tradition, customs, culture of Roma people affect negatively to perception of Roma children on friendly environment within educational system and readiness of teachers to offer necessary help and support. The environment of domination of values and norms of students belonging to majorities together with language barriers brings to demotivation and loss of interest of Roma children in the process of their education and therefore, they leave education early.

Returning of Roma children who left school early into the educational process, regular or extraordinary, is conditioned by many factors. Due to late enrollment into the primary education or longer time period taken for education, some Roma students are forced to abruptly leave regular attending of school due to reaching the age limit of 15 years even if they had good results. Establishing of the BRPE (Basic Right to Primary Education) program in the TC opens possibilities to children to finish missing years of primary school through the system of extracurricular examination with shortened teaching program. Still, many are not stimulated by this approach for further continuation of their education. Many roma children lean on this possibility of shortened classes and

⁴⁷ UNESCO, Education for All Global Monitoring Report [Report on Monitoring of Education for All] 2005, Paris: UNESCO, 2006, pg. 28. That argument was also supported in that report in which it is stated: „The number of years of school is practically useful, but conceptually suspicious for the processes that last and their results. In that sense it could be said that it is said that quantitative aspects of education became the main focus of attention in the last few years by the creators of public politics (as well as many scientists in the area of social sciences directed towards quantity), pg. 29

extracurricular examination due to which the number of Roma children attending regular primary school was cut in half in school year of 2016/17.⁴⁸ Therefore, it is necessary to keep Roma children in the regular educational process as longer as possible.

3. RECOMMENDATIONS for comprehensive inclusion and sustainability of Roma children in mandatory upbringing and education in Tuzla canton

Besides taken international obligations that guarantee every child in BiH the right to free and mandatory primary education organized in supportive and non-discriminatory environment a huge number of Roma children is still not educating themselves. In the last couple of years to some extent at the level of BiH the story on affirmative measures in approach and sustainability of Roma children in the educational system was intensified, but still there are no satisfying motions at the level of the Canton. For these types of motions, it is necessary, before everything else, systematical and strategic actions through legal and institutional action in the educational and social sector in the Tuzla Canton.

The educational system of this Canton has not adapted to the needs of Roma children and it insufficiently motivates Roma students to stay in education. The approach to primary education de facto is not free. It is concerning data that the number of Roma children attending school is dropping. Reasons are multiple: system failures to insufficient parental care for their education. NGOs are the only ones that have sporadic data at their disposal on the number of these children.

Roma children get less quality in knowledge comparing other children, their teachers expect less, and they do not motivate to study. Teaching staff is not sensible enough to Roma children problems and therefore it must get additional emotional awareness and training in work with Roma children with mandatory cooperation with Roma assistants, mediators that should be hired. Poor status of Roma children is conditioned with insufficient care of their parents for their education and therefore the level of their awareness must be raised as well as the entire Roma community on advantages of education and attending pre-school and school classes. A special focus must be on Roma girls that are often victims of arranged marriages due to which the leave education.

The right to education of Roma children is not only the matter of their (il)literacy and (un)education, it is the matter of their social inclusion. By equal chances to develop their own capacities Roma children have a perspective to be equally appreciated and equal members of the society. From the long-term point it is the only way to develop democratic and stable society. Therefore, our recommendations stream towards educational institutions, local communities, schools and non-governmental organizations.

- **Recommendations for the Ministry of education, science, culture and sport of Tuzla Canton**
- Approach to changes of the Law on primary upbringing and education by which upper limit of “school obliged person” will be increased from 15 to 17 years.
- To develop the Plan of action about educational needs of Roma students in Tuzla Canton with active participation of Roma and for Roma organizations and providing the position in the budget for its full implementation.
- To develop a functional referral mechanism with participation of all relevant institutions (schools, municipalities, centers for social care NGO) for prevention, monitoring and treatment in case of often missing or leaving mandatory program of primary education from the Roma children;
- To develop a system of collection and control of data about Roma children who enroll, attend and earlier leave a primary school, number of unexcused absences from classes and tracking progress of Roma children with studying, as well as other data which concern to implementation of a strategic measures from General AP about educational needs of Roma children, taking care about gender structure of the data;
- Commit every primary school to organize external education on request of the children from its area of work. Within the school, organize preparatory/instructive classes for these children and continual additional classes to master by school matter for children who attend school regularly on principal of individual approach.
- In cooperation with educational institutions and Roma NGO, form mobile teams with task of identification

⁴⁸ Kali Sara Romski, Informative Center, the Education Reform of Bosnia and Herzegovina through the prism of Inclusion of Roma Minority, pg 39.

of the children in Roma communities in Tuzla canton who don't attend primary education.

- In general acts of Pedagogical institution, define commitment of teachers for implementation of inclusive approach in classes.
- In cooperation with Institution for employment of Tuzla canton, by the model of employment of assistants for persons with disability in primary schools, a within the program of simulative employment, engage Roma mediators in schools which attend many Roma children. To provide funds in budget for this intention.
- To provide financial support for programs of NGO that work with preschool Roma children and preparation for school, master of schools, work with parents on raising awareness about the importance of education of Roma children.
- In cooperation with Pedagogical institution adopt qualification tests for assessment of abilities during enrolment school of Roma children.
- To initiate change of criminal policy for parents whose children are out of mandatory primary education or who don't attend school regularly in a way to be applicable and effective for them. To enact sanctions for teachers who don't react toward parents and centers for social care on time, to unexcused absences of Roma children or leaving school. With regards to this, in the Law on primary upbringing and education of Tuzla canton, precise rule which concern obligation of school to cooperate with center for social care, particularly irregular attending of classes, leaving school, achieving of a poor grades and poor behavior.
- To support a comprehensive research at the level of Tuzla canton about the reason of leaving a primary education, focusing on Roma girls.
- To prepare a comprehensive work out reasons why set goals of culture and identity of Roma people promotion in the process of education are not realized, including recommendation for improvement of situation.
- **Recommendations for local self-management units**
- To create a functional Referral mechanism for data control (not attending mandatory preschool upbringing and primary school.
- To provide application budget funds for one time-base said for Roma families who are in situation of a social need, whose children attend education, for clothes and footwear, food, fuel, etc.
- To provide enough budget funds for implementation of mandatory program before starting school.
- Sustain work and include of Roma associations in existing groups for security of the children which exist in a certain municipality with support of NGO.
- Co- finance stay preschool children from Roma families in a social need in institution of preschool upbringing.
- **Recommendations for schools**
- Regularly conduct additional classes for students according to their needs, to acquire necessary knowledge and skills and that way prevent grade retention.
- To apply on programs of Federal ministry, and other grants, for improvement conditions for classis conducting and engagement of Roma mediators in the school.
- In partnership with the Centre for social care and NGO regularly visit Roma communities and families with the aim of education promotion for children and offering help to parents and children in its sustainability.
- To develop mechanism of prevention, proceedings and protection from discrimination in primary schools.
- To encourage Roma parents and Roma children to participate in school's organs.
- **Recommendations for NGO**
- To advocate for consistent implementation of strategic measures from General plan of action on educational needs of Roma people.
- To help Roma families with the children to approach services social and health care.
- To develop and advance of program activities concentrated to direct assistance of the children with respect of making equal chances for availability and sustainability in the process of education (work in community, centers for care during the day, etc.) and work with parents on development of their parental skills and raising awareness about obligation and importance of primary education in Roma community.

Literature

- The Law on primary upbringing and education („Official gazette of Tuzla Canton“Number 9/15)
- The Council of ministers of BiH, The Plan of action for the children of BiH 2015-2018
- Revised Plan of action of Bosnia and Herzegovina on educational needs of Roma children. Sarajevo: the Department for human rights and refugees of BiH, 2010. Publication available on the following link < [http://www.mhrr.gov.ba/ljudska_prava/djeca_bih/Revised Plan of action%20Akcioni%20plan_20Bosne%20i%20Hercegovine%20o%20obrazovnim%20potrebama%20Roma.pdf](http://www.mhrr.gov.ba/ljudska_prava/djeca_bih/Revised_Plan_of_action%20Akcioni%20plan_20Bosne%20i%20Hercegovine%20o%20obrazovnim%20potrebama%20Roma.pdf) > (accessibility 5.12.2017)
- Kali Sara Roma information Centre, Reform of education in Bosnia and Herzegovina throughout prism of inclusion of Roma minority, January 2018, available on: http://bhric.ba/wp-content/uploads/Analiza_javnih_politika_2018.pdf
- The Report about implementation of revised Plan of action of Bosnia and Herzegovina on educational needs of Roma children for 2015/2016 school year, January 2017 Available on: http://www.mhrr.gov.ba/PDF/djeca/Narativni%20Izvjestaj_usvojen%20na%20Vijecu%20ministara.pdf
- The Report about implementation of Revised plan of action of Bosnia and Herzegovina on educational needs of Roma children, for 2014/2015 school year. The report is adopted on 41 session of the Council of ministers of BiH, from 28 1 2016.
- The report about implementation of Revised action plan of Bosnia and Herzegovina on educational needs of Roma children for 2013/14 school year. Adopted non 119 session of the Council of ministers of BiH, from 21 1 2015. The report is available on the following link: http://www.mhrr.gov.ba/PDF/djeca/Izvjestaj%20o%20provodjenju%20RAP%20BiH%20o%20obrazovnim%20potrebama%20Roma%202013_2014%20.pdf
- Num ggemann, C. (2012). Roma Education in Comparative Perspective. Analysis of the UNDP/World Bank/EC Regional Roma Survey 2011. Roma Inclusion Working Papers. Bratislava: United Nations Development Programme. (Bibliographic overview according to request of the author of publication)
- The federal department of education science, Information about inclusion of the children of Roma nationality in the Federation in preschool and primary education and upbringing in the Federation of Bosnia and Herzegovina, available on: http://www.fmon.gov.ba/Upload/Ostalo/8e6f18a9-1315-4c9b-a914-aadd08c6825b_Informacija%20o%20ukljucenosti%20djece%20romske%20nacionalnosti%2016072018.pdf
- Unicef, The Position of Roma children and families of BiH, https://www.unicef.org/bih/ba/roma_families-bh-final.pdf
- Institution of ombudsman for human rights, The Special report about the position of Roma people in BiH, <https://www.osce.org/bs/bih/110497?download=true>
- Unicef, the Research of multiple indicators (MICS) BiH 2011-2012. Available on: https://www.unicef.org/bih/ba/media_21389.html
- UNESCO, Education for All Global Monitoring Report [Globalni izvještaj praćenja obrazovanja za sve] 2005