

Institucija ombudsmena/ombudsmana
za ljudska prava Bosne i Hercegovine



Институција омбудсмeна/омбудсмана
за људска права Босне и Херцеговине

***ANALYSIS OF THE CONDITIONS IN THE
AREA OF CHILD RIGHTS AND THEIR
IMPLEMENTATION IN PRESCHOOL
UPBRINGING AND EDUCATION***

uz podršku



Save the Children
Norway



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Contents

I Introduction	5
II Methodology	6
III Legal Frame	7
3.1. Preschool upbringing and education – approach based on human rights	7
3.2. Preschool upbringing and education in the light of international standards	8
3.2.1. Responsibility of applying of international standards	10
3.2.2. The point of view of UN Committee on child rights	13
3.3. Preschool upbringing and education in legislation of B&H	14
3.3.1 Constitution frame	14
3.3.2. Legislation frame	15
3.3.2.1. The Framework Law on preschool education	16
3.3.2.2. Legislation on preschool upbringing and education in Brčko District	24
3.3.2.3. Preschool upbringing and education in Republic of Srpska	28
3.3.2.4. Preschool upbringing and education in FB&H	35
3.3.2.4.1. Preschool upbringing and education in Canton Sarajevo	36
3.3.2.4.2. Other Cantons	40
3.3.3. Common core curricula of the comprehensive development programs for work in preschool institutions	41
3.3.4. Pedagogic standards for preschool upbringing and education and norms for the facilities, equipment and didactic material for preschool upbringing and education	41
3.3.5. Education in the legislation on equality of genders	42
3.3.6. Preschool education in other official documents	42
3.3.6.1. The agreement on establishing of the Council for universal education in Bosnia and Herzegovina	42
3.3.6.2. Action plan for the children	42
3.3.6.3. Strategy for reduction of poverty	43
3.3.6.4. Strategic directions of the development of pre-school upbringing and education in B&H	43
3.4. Institutional framework for pre-school education	45
3.4.1. Agency for preschool (pre-primary), elementary and secondary education	45
3.4.2. Conference of the ministers of education in B&H	47
IV Situation analysis	49
4.1. Preschool institutions in B&H	49
4.1.1. Preschool institutions in Republic of Srpska	50
4.1.1.1. Children with physical and developmental disabilities in RS	51
4.1.2. Federation of B&H	51
4.1.2.1. Children with disabilities in psycho-physical development in FB&H	54

4.1.3. Preschool institutions in Brčko District	54
4.2. Financing of the preschool institutions and the prices for services	55
4.2.1. Republic of Srpska	56
4.2.2. Federation of B&H	57
4.3. Programs for upbringing-education work	59
4.3.1. Types of programs	60
4.3.1.1. Common core of the comprehensive development programs	60
4.3.1.2. Comprehensive development program	60
4.3.1.3. Specialised programs	61
4.3.1.4. Intervention, compensation and rehabilitation programs	61
4.3.1.5. Programs aimed at strengthening of parental skills	61
4.3.1.6. Compulsory programs for the children prior to enrolment into primary school	61
4.3.2. Applicable programs of the upbringing-education work	62
4.3.2.1. Primary programs	62
4.3.2.2. Shorter and specialised programs	63
4.3.2.3. Program of prolonged stay	63
4.3.2.4. Programs for children prior to enrolment into primary school	64
4.4. Preschool upbringing and education of the children with special needs	70
4.5. Structure of the employees in the upbringing - education work	71
4.5.1. Employees in preschool institution in Republic of Srpska	71
4.5.2. Employees in preschool institutions in FB&H	72
4.5.3. Brčko District of B&H	73
4.6. Professional training and the role of the educator	74
4.7. Standards for the facilities, hygiene and equipment with didactic material	76
4.7.1. Physical space	76
4.7.2. Nutrition	78
VI Recommendations	84
ANNEX I – General structure of children in B&H	87
ANNEX II – Structure of children in the institutions visited	88
ANNEX III – General structure of employed personnel in B&H	92
ANNEX IV – Structure of the employed personnel in the institutions visited	93
ANNEX V – Financing	98
ANNEX VI – Institutions visited	103
ANNEX VII – Review of used international documents, laws of b&h and other documents	105
ANNEX VIII – LIST OF ACRONYMS	107

I Introduction

Preschool upbringing and education, as the part of the upbringing-educational system, is the first, special and specific degree of upbringing-educational system which includes: upbringing, education, nurture, health and social care of the children from the age of six months until they are ready to go to school. As such it represents the foundation for the life long learning directed towards the aspects of the intellectual, emotional and physical development and development of the creativity and creation. Children rights on upbringing and education and correct care for the welfare of their physical and mental health and safety has advantage over every other right. Preschool upbringing and education is the process of special social significance that, in a specific way, contributes to realization of the unique goal of upbringing and education, starting from the universal values of the democratic society and the own system of the preschool upbringing and education, appreciating the child needs, rights and his/hers individuality.

Period of the early childhood in the first three years of life takes special place in the development and life of every individual. First two years of child's life are mostly directed towards creation of the child's sense of it self or towards the creation of its first own identity. This is the crucial part of creation of the child- how they, firstly, see themselves, how do they think they should function and what do they expect from others in relation to them¹.

Ombudsman institution for Human rights of Bosnia and Herzegovina, Department for children rights (hereinafter referred to as: Ombudsman) has, with the support of the Save the Children Norway, Regional department in Sarajevo, in year 2011 conducted the research on the conditions in the area of preschool upbringing and education in Bosnia and Herzegovina (hereinafter referred to as B&H) with the special attention put on the equal approach and possibility for preschool education of every child. Research is based on direct, oral and written correspondence with the authorities for the mentioned area, with non-governmental organisations and with the inspection of the actual conditions of the public and private institutions in B&H.

Starting with the general designation in Bosnia and Herzegovina (B&H) the goal of the preschool upbringing and education is to ensure all the optimum conditions for physical, intellectual, emotional and social development of the youngest population and successful further education, in accordance with the latest scientific achievement. Framework Laws on preschool education in B&H which were passed in Parliament of B&H in November 2007 determine the function of the preschool upbringing and education- it is the part of the upbringing-educational system in B&H. Every child has the equal right of approach and equal possibilities of involvement in right upbringing and education without discrimination on any base. Equal approach and equal possibilities imply insurance of the equal conditions and opportunities for all, for beginning and continuing of further upbringing and education.²

1 I. Ivić, Upbringing of the children in early ages

2 General Law on preschool upbringing and education of Bosnia and Herzegovina

II Methodology

Analysis of the conditions in the area of preschool upbringing and education is a result of the direct communication and data that were delivered from the entity and cantonal ministries of education, science, culture and sport and the Department for education of Brčko District B&H. Analysis of the legal frame in the area in which the preschool institutions are functioning, visitation of the institutions and revision of the relevant documentation represent the framework of the analysis. In order to get the data, a questionnaire that was delivered to the relevant institutions was made. Modified questionnaire is used for the needs of structural interview of the supervisors and employees of the institutions that were visited.

Legal frame has comprised international standards, first of all Convention on rights of the child, Convention on rights of the persons with impairment, recommendations of the UN comity directed towards B&H after contemplation of the report on application of the Convention; Constitution of the B&H, Constitutions of the entities and Statute of BD B&H, Laws on social, health and legal area in B&H, entities and BD B&H.

During the visitations to the preschool institutions an interview was conducted with the management of the institutions, as well as, tour through the rooms where children were staying. During the preparations of visitations to the institutions, consultative meetings were held with the representatives of the department of the ministry, data of the number of public and private preschool institutions in entities, cantons and BD B&H, were also asked for. Department of the ministries, as well as the institutions, that were included in the research, were informed of the purpose and the goals of the research, as well as, of the dates of visits.

In all activities related to the making of this report research team was guided by the basic principles of Ethical code on research about children³, by the provisions of the Law on Ombudsman for human rights B&H⁴, and by the rules of functioning of the Ombudsman for human rights B&H⁵.

3 Official gazette of the B&H number 26/06

4 The Law on Ombudsmen for human rights B&H official gazette of the B&H number 19/02 and 32/06

5 Rules of functioning of the Ombudsmen for human rights B&H official gazette of the B&H number 45/04

III Legal Frame

In this part of the Special report on rights on the preschool upbringing and education the intention was to:

- To represent the preschool upbringing and education from human rights point of view;
- To present the international human rights standards by looking back on international standards related to preschool upbringing and education;
- To remind on responsibilities of the state and other subject when it comes to respecting of human rights connected to preschool upbringing and education;
- To present the constitutional and legal framework in Bosnia and Herzegovina related to the right on preschool upbringing and education, in the most efficient way.

3.1. Preschool upbringing and education – approach based on human rights

It is necessary to observe the issue of attaining of the right on preschool upbringing and education in the light of human rights for reasons that human rights belong to every individual as human being. Therefore, the theory that human rights differ depending on the culture of the country, religion is untenable because the minimum rights exist which prevail all cultures and geographical partitions. So, human rights represent the minimal of rights around which the global consensus was achieved and the consent to respect those rights by all exists, therefore it is necessary to observe the preschool upbringing and education as the human right.

One the probably closest and the best definitions of the term human rights were given by the professor Luis Henkin. He, for human rights, says that they are the group of minimal moral-political demands of natural-legal character that every individual possesses or should possess in relation to state authorities or society in which he lives. So, human rights do not depend on the state or objective right which she creates. The man enjoys those rights by birth. That means that in question are the values peculiar to human being which sustain and express its autonomy and dignity. This point of view was the base to establish the universal standards on human rights on the international level which enjoyment is guaranteed by the state's acceptance of those standards and ensuring and protecting of the same.⁶ The right on preschool upbringing and education is the part in the framework the right on education and is the integral part of one system.

What all human rights have in common is the principle that must be achieved and which represents the absolute right and that is the ***principle of non-discrimination***. So, with the international contracts the guaranteed rights must be ensured to all persons on the territory of state which is the member of the international contract, without discrimination based on race, colour, sex, language,

6 List of the protected human rights, among others, contains: right to life, liberty and security of person, freedom to peaceful association, freedom of expression, freedom of assembling and on movement, right to achieve the highest health standards, freedom of voluntary arrest or detention, right to fair trial, right to just and favourable working conditions, right to adequate food, housing and social care, right to education, right on equal protection in the law, liberty of voluntary interference into privacy, family, home or correspondence, liberty of torture and cruel and inhumane treatment and punishment, freedom of slavery, right on citizenship, freedom on thought, conscience and religion, right to speak and be included in government work, right to participate in cultural life, etc.

political or other opinion, national or social background, assets, birth or other statuses.⁷

There is no hierarchy among human rights. All human rights are equally important. The Universal declaration on human rights from the year 1948 makes it clear that all human rights: economical, political, civil, culture and social are equally important and valid. That fact is confirmed on more occasions by international community for example in the Declaration on the right to development (1986), in the Declaration and programme of action (1993) and in other international human rights standards including the UN conventions. So, ***the right on preschool upbringing and education can not be considered as less important right in relation to other rights*** ensured by the international standards.

Another important characteristic of human rights is that they are ***indivisible and they depend on interaction***. So, the right on education has to always, be observed through other rights like the right on work, development of personality, etc. because it is useful to discuss about the right on work with the certain minimal realisation of the right on education. Looking at it in conjunction, the principle of dependence and indivisibility of human rights should contribute to its realization, while priorities of human rights could be defined only in accordance with the principles of human rights.

International human rights standards are, strongly, based on the universality and with significant adjustments to different cultural contexts. So the article 1 of the Universal declaration on human rights states that: *"All humans are born free and equal in dignity and rights"*. The fact itself that all the counties have ratified at least one out of seven basic UN human rights contracts and 80% of countries have ratified four or more UN contracts is the expression of the degree of universality of human rights and general recognition of the same.

Recognition of human rights drags down the obligation of respecting the same.

Each violation and abuse of human rights has the consequence of:

- Endangering of dignity of those on which the rights are violated;
- Endangering of dignity of the person who violates the rights;
- Endangering of the nature of the society and slowing down of the democratic processes in that society including the process of establishing the rule of right.

It can be concluded, from the mentioned, that human rights are based on democracy and dignity. Because of the facts stated it is important to reconsider the right on preschool upbringing and education in the Bosnia and Herzegovina in the light of international human rights standards, keeping in mind that only children to whom the enjoyment of the rights and dignity of personality is ensured can build the society in future.

3.2. Preschool upbringing and education in the light of international standards

The international right is the group of regulations and regulative which govern the behaviour of the states in their interactive relationships. **Human rights** represent one extra dimension of the

7 Further reading:
OHCHR Agreement bodies data base <http://www.ohchr.org/bosnian/croatian/bodies/contracts/index.htm>, and fact list, <http://www.ohchr.org/english/about/Publications/sheets.htm>

international right **setting the request for regulation of the relationships between the countries and its citizens**. The process of acceptance of the fact that the violation of the human rights is the subject of the international regulation starts after the Second World War ended. From that period and creation of the United Nations (UN) in the year 1945, the large number of bodies of international right has developed and they give the legal framework of human rights. The universal declaration on human rights is passed in the year 1948 and it divides human rights in four categories: **a) personal-civil** (the right on life, freedom and personal safety), **b) political** (freedom of thought, consciousness, religion, assembly, electoral rights), **c) economical and social** (the right on social protection, right on work and freedom of choice of work, right on the right term for work and equal payment for equal work) and **d) cultural** (the right on education, inclusion in the scientific and art work). The European convention on basic human rights and freedoms from November 1950 also has the significant role in affirmation and regulation of the human rights, especially of civil and political rights.

The international human rights standards are established on two levels: international from the institutions of UN and regional, in this case the Europe, from the European Council. The force of the international and regional laws is directly manifested through the commitments established in the regulations themselves. So, the UN has, also, passed the two legally binding documents, besides the rights contained in the Universal declaration on human rights, and those are: the International Covenant on Civil and political rights and International Covenant on Economical, Social and Cultural rights. In these two Covenants the rights are defined and mechanisms which ensure their conduction have been established. Of course, besides the mentioned documents the UN has passed the series of contracts, conventions, resolutions and declarations in which some of the rights are defined more concretely, meaning that the range of the certain rights and protections has been expanded. It should be kept in mind that all these UN documents are legally binding, so it is necessary to make the distinction between the contracts, covenants and conventions as legally binding and declarations, resolutions, directions, rules and principles as not legally binding documents⁸.

The issue of attaining of the right on preschool upbringing and education is regulated by the series of international documents from which the most important is the Convention on child rights. However, prior to passing of this Convention that belongs to the second generation of international standards and whose goal of passing was ensuring of the protection of rights of certain groups which are especially endangered in the society like for example women, children, persons with disabilities, minorities and similar, the international framework was passed that ensures the minimum standards related to political and civil rights, as well as economical, social and cultural rights. In the frame of these rights the right on education was also established. Evolution of the international right, in this Study, has been used as the principle in presentation of the international standards that regulate the issue of right on preschool upbringing and education.

However, what is important to point out when we talk about international human rights standards is the fact that its implementation is a lot more difficult and slower then its defining was. That is the reason why many human rights are still seen as far and unreachable dream and not as the component of one society's values.

8 Convnetion, covenant or contract refers to established behaviour which is based on the agreement or compact that has the value of the contract and as such it obligates the signed parties (states) to act according to the provisions. Declaration is considered to be statement of numerous states on some international issue or relation and is not legally binding.

3.2.1. Responsibility of applying of international standards

Basically, there are three levels of responsibilities for ensuring of applicability of human rights which are the component of the rights themselves. Those levels are:

- The state level
- The international community level
- The level of the individuals and private society factors

According to the international standards, **the countries are those which have the primary responsibility to ensure the individual human rights** in the frame of its jurisdiction are the countries⁹ which sign the international agreements on human rights. When we talk about the responsibility of the state it is important to point out that that responsibility is referring to all the state bodies, as well as on to all the agencies which perform in the name of the state on all the levels of authority. In the contexts of B&H that is national, entity, cantonal and municipality level.

Generally, **there are three responsibilities of human rights**: respect, protection and enjoyment (attainment).

The respect of human rights means not to disturb in their enjoyment. The State should restrain itself from actions which disturb the enjoyment of the human rights.

Protection of human rights means taking the steps to ensure that the third parties are not disturbing the enjoyment of the human rights. For example, they should protect the access to education by ensuring that the parents are not preventing children to go to school or by protecting of access to health protection ensuring that the medical personnel is not denying the help to the sick person.

The attainment of the human rights means ensuring of the steps that will ensure the access to the concrete right.

The human rights standards recognise that the lack of funds can be the obstacle in attaining of the human rights. According to that, some responsibilities of the human rights are progressive and some are of the immediate kind. So, the countries have the obligation in the segment of economical, social and cultural rights which includes the right on all kinds of education **to satisfy the minimum essential level of each right**. This level can not be determined abstractly so the countries must do

9 The Subject or the sign (contract) party of any international right belongs to the state itself and not to the governments that have signed it because the governments have the obligation to represent the states during certain period. It means that, in case that the government changes, the new government still has the obligations, in line with the international legal actions. In the case when the system of one state changes the core of the state and the new states that emerged from that one have different obligations. This can be explained on the example of B&H and other states that emerged after the ex SFRY disintegrated. At the beginning of the year 1992 SFRY was the member of different international contracts of human right. When it disintegrated Slovenia, Croatia, Macedonia and B&H, as new states, and later Montenegro, had the obligation to ratify the contract in order to be obligated according to new provisions. However, SFRY as the core state, had the obligations according to original contracts and it had the right to revoke these contracts, according to their own desire. B&H, as the new state, has signed all international documents that were ratified by former SFRY, while she approached to certain number of international documents through the proces of ratification, directly. For example that was the case with the European social charter that was ratified in October 2008.

their homework in accordance with the human rights principles.

However, every situation in which there is a significant number of people who are deprived of their rights on health, property, food and education binds the state to include all the available means in fulfilling of this rights and if it is necessary to include resources of international aid through demands for international help which is recognised by the majority of international human rights standards.

It is very important to point out that the responsibilities of the state to ensure its citizens the enjoyment of the rights are not exclusively based on the responsibilities taken from the international standards. Those responsibilities are the result of the state concept itself where the state is considered to be the product in **which the citizens have passed the part of its autonomy in exchange to ensure the different functions**. It means that the citizens on the bases of "social contract" accept the fact that the state is governing the certain aspects of their being in exchange for safety and welfare that they need in their every day life. If we go deep into the essence of the meaning of the safety and welfare it can be concluded that they include human rights. So, the state through the "social contract" with the citizens accepts the obligation of ensuring the safety and welfare, meaning human rights. Therefore, in the goal of ensuring of human rights it is very important to be familiar with the nature of state's responsibilities. The responsibilities of the state in the domain of economical-social rights, in which the education is also included, are based on the principles:

- The individuals inside the different groups can not be discriminated in realization of the rights in question;
- It is necessary to take the target steps (including the development of the specific strategy and programs) directed towards full attaining of the rights in question;
- To ensure the supervision of the progress in realization of the human rights. The available mechanisms for protection should be available if there is the violation of the rights.

So, when we talk about the right on education with special review of preschool upbringing and education it is necessary to start from the basic principle which is common for all UN human rights standards and that is enjoyment of all rights in one state including the right on preschool upbringing and education that has to be **ensured with non-discrimination**.¹⁰

The right on education is established by the following UN documents:

1. Universal declaration
2. The international covenant on civil and political rights (1966) (ICCPR)
3. The international covenant on economical, social and cultural rights (1966) (ICESCR)
4. Convention on the child rights (1989) (CRC)
5. Convention for the elimination of all forms of discriminations against women (1979) (CEDAW)
6. Convention on the elimination of all forms of the racial discrimination (1966) (CERD)

¹⁰ Article 2 paragraph 1 ICCPR; article 2, point 2 ICESCR; article 1 and 2 CEDAW; article 2 CRC; article 1 and 2 CEDAW; article 2 CERD

7. Convention against torture and other cruel, inhumane and degrading treatments and punishments

Besides the principles of non-discrimination the listed international standards contain concrete provisions that refer to responsibilities of the state to ensure the right on education. So, **ICESCR** determines the responsibility of the “state parties to recognise the right of everyone to education, that education shall be directed to the full development of the human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms and that the education shall enable the person to participate effectively in free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic and religious groups and further the activities of the United Nations for the maintenance of peace”.¹¹

CEDAW convention states that all the state parties shall take all appropriate measures to eliminate the discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training; (b) Access to the same curricula, the same examinations, teaching personnel with qualifications of the same standard and school premises and equipment of the same quality; (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods; (d) The same opportunities to benefit from scholarships and other study grants; (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women; (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely¹².

CERD has established the responsibility of the states parties to ensure the right on education and professional training with non-discrimination¹³

CRC with the articles 28 and 29 has established the right on education. The article 28 right on education defines in the way that state parties of the Convention have to recognise the right of the child to education, to promote the international cooperation in matters relating to education in particular with a view to contributing to elimination of ignorance and illiteracy throughout the world and facilitating the access to scientific and technical knowledge and modern teaching methods.

The system of education will be developed in a way to ensure the development of the child’s personality, that should be pointed toward the development of the entire child’s personality, talents, mental and physical abilities to their fullest potential; the development of the respect for human rights and fundamental freedoms and for the principles enshrined in the character of the Declaration of the United Nations; to encourage the development of the respect for the child’s parents his or

11 Article 13. paragraph 1

12 Article 10 CEDAW

13 Article 5 paragraph 1 point e subpoint v

her own cultural identity language and values of the country in which the child is living, the country from which he or she may originate and for civilizations different from his or her own; the preparation of the child for responsible life in a free society in the spirit of understanding peace tolerance equality of sexes and friendship among peoples ethnic, national and religious groups and persons of indigenous origin and promotion of the development of their respect for natural environment¹⁴.

The decree of the Convention that guaranties the rights of the children who belong to the minorities is especially important in a way that in those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language¹⁵.

All the mentioned documents are ratified by the Bosnia and Herzegovina and have the constitutional strength because they are the components of the Constitution of the Bosnia and Herzegovina.¹⁶ Advocates of the right in the area of education can mention these documents because the fact is that these documents are: (1) **legally binding** and (2) **ask for court protection of these rights**.

In the case that there is more international documents that define or protect the same rights the individual has the right on protection according to: (1) all existing (passed) instruments and (2) the provisions of the agreement that protect it in the best way or according to that which ensures the highest degree of protection.

The world declaration on education for all points out the necessity of the methodical approach directed towards the child, to ensure to every child the development of his or hers full potentials. The adoption of the methodical approaches which are flexible and capable to take care of child's different needs will contribute to improvement of the quality of work and decrease of exclusion in the area of preschool upbringing and education.

3.2.2. The point of view of UN Committee on child rights

The committee on child rights in its Conclusive considerations has recognized the certain shifts in B&H in the area of education which, firstly, refer to passing of the legal and other measures. The committee has expressed its concern regarding the: (a) high number of children who are not enrolled in school or who have dropped out of school; (b) still insignificant number of professionally trained teaching personnel in the country; (c) lack of the appropriate space and facilities for recreational and cultural activities; (d) the fact that especially in rural areas children do not have the access to preschool education.

Furthermore, the Committee is concerned about extended discrimination of the ethnical and/or national minorities, especially the Roma, in the issue of access to education (only 33% of Gypsy children is enrolled in primary schools), as well as because of the difficult access to education to other marginalized groups of children such as refugees, returnees and children with disability.

14 Article 29 Convention on child rights

15 Ibid, article 30

16 Annex I of the Constitution of Bosnia and Herzegovina – additional agreements on human rights that will be applied in Bosnia and Herzegovina.

Because of this condition in the area of education the Committee has recommended to the state parties (member state), among others to:

- Strengthen the efforts in the process of accordance of the law on education and to ensure its effective and unique implementation throughout the state;
- To take all the necessary measures in the direction of full implementation of the articles 28 and 29 of the Convention, especially when we talk about the children who belong to the most endangered groups such as national minorities, children who live in poverty, children refugees and returnees, Roma children , children with disabilities, et.;
- To improve the efficiency of the educational system, especially pointing out the high degree of the children who drop out from school;
- To ensure the accessibility of the preschool education throughout the country, especially in rural areas;
- To increase the availability of the vocational high school program for young people in order to help them to access the labour market;
- To ask for technical support from the UNESCO and UNICEF

3.3. Preschool upbringing and education in legislation of B&H

3.3.1 Constitution frame

In Preamble of the constitution of B&H it is stated that its make was inspired by the Universal declaration on human rights, international Covenant on civil and political rights, as well as economical, social and cultural rights and by the Declaration on rights of the persons who belong to national, ethnical, religious and language minorities as well as other instruments of human rights.¹⁷

The Constitution of Bosnia and Herzegovina is bound by the “highest level of the internationally acknowledged human rights and basic freedoms”¹⁸. The Constitution lays down “the direct application” of the European conventions for protection of human rights and basic freedoms (ECHR) and its protocols in Bosnia and Herzegovina and they “have to have the priority over all of other laws”¹⁹ and basic human rights are stated in the separate article²⁰. Annex I lays down the additional agreements on human rights which are going to be applied in Bosnia and Herzegovina and among them are all UN documents.²¹. Besides that, the article II 4 of the Constitution regulates that the **state is obliged to ensure to all persons enjoyment of the rights and freedoms laid down by Constitution or international agreements** stated in the Annex I with the Constitution of B&H and with no discrimination on any grounds.

17 Institution of Ombudsmen for human rights of B&H in cooperation with the the Save the Children Norway, Analysis of the harmonization of the legislation of B&H with the Convention on child rights (2009), page.130

18 The Constitution of Bosnia and Herzegovina, article II: Human rights and basic freedoms (article 1)

19 Ibid, article II (2).

20 Ibid, article (3).

21 Universal declaration on basic human rights and freedoms (UDIHR); Cenevntion for the elimination off all forms of discrimination against women (CEDAW), Cenevntion on rights of the child (CRC); Cenevntion against torture (CAT); Cenevntion on economic, social and cultural rights (ICESCR) etc.

The Constitution of the Federation of B&H ensures the application of the highest level of internationally recognized rights and freedoms provided in the documents listed in the Annex to the Constitution and especially in the Article 2.1 point 1 where the catalogue of rights who are enjoyed by all the persons on the territory of FB&H.²² is listed. According to the Constitution the federal and cantonal authorities are competent to guarantee and conduct human rights,²³ while in fulfilling of its jurisdictions every municipality takes the measures necessary to ensure the protection of rights and freedoms established in the articles II.A. 1-7. human rights and basic freedoms in the instrument listed in the Annex. With the Constitution of B&H the priority is given to application of the international instruments of human rights in relation to the local legislation so in the case of "disagreement of the international contracts or agreements with the federal legislation the contract or agreement should be applied".²⁴ In the header III of the Constitution of FB&H the responsibilities of authorities is determined between the cantonal and federal authority so that "the establishment of the educational politics, including the bringing of regulations on education and ensuring of education is in the jurisdiction of cantons".²⁵

The Constitution of Republic of Srpska in article 5 lays down that the constitutional agreement of RS is based on the guarantee and protection of human freedoms and rights in accordance with the international standards. Citizens of RS are equal in its freedoms, rights and responsibilities, they are equal in front of the law and they enjoy same legal protection irrespective of their race, sex, language, national origin, religion, social origin, birth, education, property status, political and other beliefs, social status or any other personal attributes²⁶. According to the Constitution of RS every person has the right on education which is compulsory and free²⁷. Rights and freedoms guaranteed by the Constitution of the RS can not be denied or restricted²⁸.

3.3.2. Legislation frame

As it can be seen from the analysis of the constitutional frame in B&H the **issue of education is in jurisdiction of the entities or in Federation of B&H in jurisdiction of cantons**. Because of exactly of this educational system, and if we take into consideration of the specific status of Brčko District, demands the high degree of coordination on the state level especially having in mind the ensuring of conduction of responsibilities determined by international standards and which B&H authorities have took over by ratifying the Conventions. In the goal of ensuring the necessary coordination with the Law on ministries and other bodies of administration of B&H it has been determined that the Ministry of civil affairs is responsible for, among others "for conduction of the works and assignment which are in jurisdiction of Bosnia and Herzegovina and which are related to determination of the basic principles of coordination of the activities, accordance of the entity bodies plans and defining of the strategy on the international level in the areas of health, social protection, pensions, science and education, labour and employment, culture and sport, geological and meteorological".²⁹

22 Right on education is listed under a subpoint m

23 Article III 2 a) of the constitution of FB&H

24 Constitution of FB&H, Amandement XVIII

25 Article III 4 b) of the Constitution of FB&H

26 Article III 10 of thew constituion of RS (humna rights and freedoms)

27 Article 38 of the Constitution of RS

28 Ibid, article 48 paragraph 1

29 Article 15 paragraph 2 of the Law on ministres and other administrative bodies of B&H

3.3.2.1. The Framework Law on preschool education

With the Framework Law on preschool education³⁰ **the principles, goals, standards and norms** for preparation of the common cores of curricula for performance of the function of preschool upbringing and education, as well as administration, management, expert standards types of records, financing, supervision and other issues related to the organisation and foundation of preschool institutions, have been established. It is important to point out that the **principles, goals and standards established in the Framework Law can not be reduced**³¹.

The function of the preschool upbringing and education as an integral part of the upbringing and education in B&H has certain specifics contained in the fact that we deal with the **first degree of the educational-upbringing system involved in education of the preschool age children** and it should be understood as the broader notion determined by its terms: upbringing, education, care and protection.³²

Furthermore, with the Framework Law it has been determined that the administration organs competent for organisation of the educational system in Brčko District B&H, in Republic of Srpska, in cantons of Federation of B&H (hereinafter referred to as **the competent education authorities**) pursuant to the Constitution of B&H and the constitutions of the entities and cantons are obliged to apply the principles and norms established in this law and they should ensure the upbringing and education under the same conditions for all children.

The Cantonal assembly in Federation of B&H, the National assembly in Republic of Srpska(RS) and Municipality assembly of Brčko District have, according to the regulations of the Framework law, **are obliged to harmonize their laws on preschool education with the Framework law**. The deadline for accordance of the legislation regulations on the lower levels of authority was 6 months from the date of effectiveness of the Framework Law so that was in May 2008.

Principles and goals of the preschool education

The preschool upbringing and education in B&H should be organised in the way to completely ensure the application of the principles determined in the Framework law, which are divided into two groups: (a) **basic principles and goals** and (b) **principles and goals that ensure the basic rights of children**.

Basic principles and goals include:

- Development principles;
- Recognition of the degree of child's development;
- Ban on discrimination

Development principles are group of principles which includes: a) humanistic-development principle, b) principle of the professional autonomy and expert responsibility and c) principle of democracy. As the preschool upbringing and education is based on the humanistic approach of upbringing and education through modern scientific accomplishments and theories on child's de-

30 Parliamentary assembly of B&H has passed this law in October 2007

31 Article 1 of the Framework Law on preschool education in B&H

32 Ibid, article 2

velopment and rights of the child it is necessary to ensure **the recognition of the degree of child's development**, specifics of the development abilities and individual child needs.³³ The Framework law determines the **principle of ban of discrimination** according to which every child has an equal right to access and equal opportunities for participation in appropriate upbringing and education without discrimination on any basis. The equal access and equal opportunities understand ensuring of equal conditions and opportunities for all, for the beginning and continuation of the further upbringing and education.³⁴

Besides the basic principles and goals, the Framework Law determines the principles and the goals which ensure the basic rights of children which include: ensuring of the best interests of the child, ensuring of the proper values, ensuring of the optimum development of the child, the right to language and respect of the religious freedoms, **integration programs for children with special needs and the right of parents and children on selection of institution and decision making.**

The principle of ensuring of the best interest of the child is established with the goal that the right of the child on upbringing and education and proper care for the benefit of their physical, mental health and safety and they shall supersede all other rights and in the case of conflict of the rights the advantage is given to that right, interpretation or action which serves in the best interest for the child.³⁵

According to the provisions of the Framework Law the preschool education should be so organised to appreciate general education and upbringing goals which arise from the generally accepted universal values of the democratic society and for proper value system based on specifics of the ethnic, historical, cultural, and religious tradition of the peoples and ethnic minorities living in B&H. In this way the application of the **proper values principle is ensured.**

Preschool upbringing and education should be organised in a way to ensure the optimum and equal conditions for every child for birth to the school age to develop and accomplish their full potentials and skills through various forms of quality and professional autonomous institutional and non- institutional preschool upbringing and education.³⁶

Respecting the diversities in B&H and especially having in mind the need to ensure the respect to language and culture of all constituent peoples and ethnic minorities living in B&H the Framework Law as one of the principles has defined the **right to language** that needs to be included into preschool education and in accordance with the Constitution of B&H, the European convention on protection of human rights and fundamental freedoms, the Framework Convention on protection of ethnic minorities and the Convention on rights of the child. Besides the right to language, the Framework Law, in order to ensure the respect of diversities in B&H defines the obligation of **respect for religious freedoms** in the way that preschool institutions are obliged to develop, promote and respect ethnic and religious freedoms, customs, tolerance and culture of dialogue.³⁷

The Framework Law guarantees the **integration programs for children with special needs** in the way that children with special needs are integrated into preschool institutions according to the

33 Article 5 of the Framework law on preschool education

34 Ibid, article 6

35 Ibid, article 7

36 Ibid, article 9

37 Ibid, article 11

programs adapted to their individual needs. This means that the individual program will be developed for every child and it will be adapted to his or her abilities and skills, prepared and implemented for children with special needs and programs for integration are also being prepared.³⁸

As parents are legal guardians of children thus the Framework Law has established that parents have the right to select public or private preschool institution where their child shall be upbrought and educated. The parents shall have the right but also the commitment that through their representatives in preschool institutions and bodies and through their associations and in the interest of their children, at all levels, to take part in decision making on all issues relevant to the work of preschool institution and functioning of preschool upbringing and education.

a) **Function of the preschool education**

Function of the preschool education is multiple and pointed towards the direction of attaining of children needs, needs of their parents and the society as whole. The Framework, as the function of preschool education, has defined:

- To ensure the conditions for optimum development of every child;
- Assistance to parents in ensuring the care, protection, development and general welfare of the child;
- The supplement at the family upbringing and
- The investment of the society into the welfare and progress.

The realisation of the function of the preschool education is being conducted according to the determined **standards and norms** that bind the public and private preschool institution to perform the upbringing and education activities in line with the plans and programs-curricula whose basic principles-**common core is prescribed by the competent education authorities** in line with the pedagogical standards and norms for equipment, didactical, health -hygienic, esthetic and other resources (hereinafter referred to as standards and norms).

The Framework Law has determined that **in the year prior to enrolment into primary school the preschool upbringing and education is compulsory for all children in preschool age**, while terms and conditions for financing, programs and duration of the preschool upbringing and education is regulated with the laws of the competent education authorities³⁹. The admission of the children in pre-school institutions, according to the provisions of the Framework law, should be conducted throughout the year and public and private institutions should ensure the equal possibilities for admission of all children.

b) **Preschool institutions**

Preschool upbringing and education is implemented **in public and private preschool institutions**. The public preschool institutions are established by the competent education authorities and in line with the principles, standards and norms established in the Framework Law and other conditions and criteria established in the regulations in the area of upbringing and education, while the

³⁸ Ibid, article 12

³⁹ Ibid, article 16

private preschool institution can be established by domestic or foreign natural and legal entities and in line with the principles established in the Framework law and other conditions and criteria established in the regulations in the area of upbringing and education.⁴⁰

From the aspect of organisational forms the preschool upbringing and education is implemented in **children's nurseries** for children aged from 6 months to the completed third year and in the **kindergartens** from completed third year of life until enrolment into primary school. In the cases when for the children with special needs the preschool upbringing and education in preschool institution may not be organised, such work may partially or fully be performed in the special preschool upbringing and education institutions.

c) **Common core curricula**

According to the provisions of the Framework Law in all public and private preschool institutions in B&H the common core of comprehensive development curricula **should be established and implemented for work at preschool institutions**. Common core curricula should:

- Guarantee and ensure the quality upbringing and education for all children and accomplishment of satisfactory knowledge, skills and abilities standards;
- To ensure the consistency in quality standards for upbringing and education at all preschool institutions in B&H;
- To ensure application of programs corresponding to development needs of preschool aged children;
- To ensure that through the upbringing and education process a positive attitude and sense of belonging to the State of Bosnia and Herzegovina is developed;
- To ensure the satisfactory coordination of curricula, as well as their adjustability in line with the specific needs of preschool institution and local communities and
- To ensure freedom of movement and equal approach to preschool upbringing and education.

In the goal to restore common core curricula the Framework Law has laid down the obligation of **proposal of the interim body** whose members shall be appointed by the ministries of education of Republic of Srpska, cantons in the Federation of Bosnia and Herzegovina and representative of the Brčko District.

In preschool institutions in B&H according to the provisions of Framework Law the programs of the education-upbringing work intended for children from the age of birth until enrolment into primary school, as well as programs intended for other beneficiaries interested in development, upbringing, education and general welfare of children, are being realised. **These programs of education-upbringing work with children determine the goals and objectives, contents and types and profiles and profiles and education of the employees implementing these programmes** and based on the previously obtained approval form the competent educational authorities. Preschool institutions shall use the following programmes:

⁴⁰ Ibid, article18

- Comprehensive development programs,
- Specialised development programs,
- Intervention, compensation and rehabilitation programs,
- Programs aimed at strengthening of parental skills,
- Programs for children prior to enrolment to school and who are not covered by some form of preschool upbringing and education and
- Programs for children of the Bosnia and Herzegovina nationals abroad.

d) **Standards and norms**

The Framework Law has determined that preschool upbringing and education in public and private preschool institutions should be implemented based on the **pedagogic standards and norms** which are determined and **adopted by the competent education authorities**. With standards and norms in preschool upbringing and education the consistent and efficient application of the common core curricula at all preschool institutions in B&H is ensured. For implementation of standards and norms and common core curricula in the area of preschool upbringing and education is in the competency of the Agency for pre-school, primary and secondary education.

It is important to point out that in the scope of common core curricula public and private preschool institutions have the freedom to create and implement specific contents at their own opinion and in line with the provisions of this Law.

e) **Reporting and supervision**

Preschool institutions have the obligation to propose the annual work programs, upon the proposal of the expert council which are adopted by the administrative board of the preschool institution which submits the same by the end of September of the current year to competent education authorities and the founder. The work reports for the past year are being reviewed and adopted using the same procedure as with work programs and no later than by the end of September of the current year and they are being forwarded to the competent institutions for review and adoption.

The competent education authorities are obligated to ensure the control mechanisms for expert supervision over pedagogic monitoring and improvement of work in public and private preschool institutions in order to ensure the compliance on the part of all preschool institutions with standards and norms.

f) **Profiles for performing of the function of education**

The Framework has defined the **profile of exerts** that can work in preschool upbringing and education in the way that is establishes that **that issue shall be regulated by the common core curricula** for preschool upbringing and education while the degree of education and other requirements for performing of the educator duty are closely defined by standards and norms prescribes that programs of preschool upbringing and education in public and private sector are implemented by the **educators** and specialised expert of various profiles that includes: **pedagogues, specialised pedagogues, speech therapists, psychologists and social workers with university degree**, while the care , protection and advancement of health of the children aged from six months until

they enrol into school is implemented by **medical workers** with the university degrees, associates or secondary medical degree. The Framework Law envisages that the implementation of the upbringing and education programs may also involve the participation of persons with higher, associate and secondary degrees of the upbringing and education and medical profession, as assistants and volunteers. Educators, expert associates and associates who are first-time employed at the preschool institution are obliged to pass the expert examination after one year and before expiry of the second year of direct upbringing and education work.

g) **Expert authorities in preschool institutions**

The Framework law determines that the expert bodies that are performing the expert function in preschool institution are as follows: expert council and expert working groups. **The Expert council** is the expert body of the preschool institution that consist of all the expert employees at preschool institution. The responsibilities of the Expert council are to monitor and analyze organisation and implementation of the upbringing and education work programs, determine the programs for expert advancement of educators and to monitors its implementation, to review and determine the proposed annual program, to form, monitor and analyze the work of expert bodies, to review and provide observations to reports on the work of expert bodies, to nominate the representatives of the administrative board and propose and monitor the implementation of cooperation with parents and local communities. The expert council shall be managed by the director of the preschool institution.

Expert working groups are formed from among expert workers by age group in which the upbringing and education process is conducted. Expert council ensures the harmonized work among the same age groups, undertakes measures for successful, implementation of programs within their working groups and monitors the overall development and activity of children and proposes measures for their success. The expert working group shall be managed by the chairperson of such working group as elected by the members of the working group.

h) **Administration and management at preschool institutions**

The issues involving establishment, organisation, competences of bodies, procedures for administration of the preschool upbringing and education system as the part of the competent education system in Bosnia and Herzegovina are being governed through laws addressing the area of preschool upbringing and education and in other regulations and enactments passed by the competent education authorities and preschool institutions.⁴¹ These laws, regulations and enactments are governing the competences and responsibilities for administration, particularly in term of financing of preschool institutions, the relations between such institutions and founders and towards the public community.

The administration body at public preschool institution is the administrative board. The members of the administrative board are being selected based on the public competition **using the principle of parity representation of founders, parent council and expert personnel of preschool institution**, in line with the procedure determined in regulations and enactments passed by the competent education authorities and preschool institutions. The competition is issued and administered by the commission which includes one representative each of the founders, parent councils and preschool institutions, as appointed by the founder, while the members of the commission are

41 Article 35 of the Framework Law

proposed by the bodies of the entities comprising the commission. In order to ensure the principle of equal representation and non discrimination the Framework Law contains the protection decree which lays down that **the composition of the administrative board of the preschool institution must reflect the ethnic structure children and parents, personnel and founders**, as it looks at any given moment, and in principle it should be based on the Bosnia and Herzegovina 1991 census. Responsibilities of the administration board are: determination and implementation of the preschool institution's policy, general administration of the preschool institution and efficient utilization of the human resource and material potentials.

Director of the preschool institution is responsible for management of preschool institution and implementation of its programmatic activities and he is being appointed by the administrative board using the procedure determined in the laws and regulations of the Republic of Srpska, cantons in the Federation of Bosnia and Herzegovina and the Brčko District and general enactments of preschool institutions, while the director of the private institution is appointed by the founder.⁴² The Framework Law has prescribed *that the director of the preschool institution must have a university degree in the area of preschool upbringing and education, pedagogy, special pedagogy or psychology*. The law envisages the exception, as well, where it says that for the director of the preschool institution a prominent teacher in preschool upbringing and education, proven in practical work, can be appointed.

Parents council is the body that can be established by the parents and preschool institution has the obligation to assist them in this effort. The members of this council are being elected by the parents while the method and the procedure of the establishment are determined in the general enactment of the preschool institution. The parents council has the obligation to: (a) promotes the interest of the preschool institution within the local community; (b) presents the position of parents before the administrative board of the preschool institution presents; (c) encourages the involvement of the parents in the work of preschool institution; (d) informs the administrative board on its position when it deems necessary or upon the request of the administrative board, or any issue pertaining to the work of the preschool institution, and (e) nominates the parents representative for the administrative board.⁴³

i) **Records and documentation**

Preschool institution, according to the provisions of the Framework Law, is obligated to maintain all the necessary pedagogic documentation and records as envisaged in this law and any other law and bylaws. Compulsory records consist of records on: (a) children enrolled in preschool institution; (b) monitoring and progress of children; (c) gathering of funds from parents, founders or donors; (d) children with special needs and (e) children placed with other families.

j) **Financing**

The Framework Law lays down that the founder of the preschool institution has the obligation to secure the funds required for establishment, operation and implementation of the preschool upbringing and education programs, in line with pedagogic standards and norms for preschool upbringing and education. So the founder needs to secure the funds for: (1) wages for employees

42 Ibid, article 37

43 Ibid, article 38

(gross), hot meal and annual bonus allowances; (2) material costs; (3) procurement of basic equipment and teaching appliances; (4) expendable material for the upbringing and education work; (5) depreciation and current maintenance of facilities and (6) portion of work and play materials (toys, and other core didactic materials).

Beside the basic funds that must be ensured by the founder, the Framework Law lays down that preschool upbringing and education programs may be financially supported by parents of preschool aged children, depending on their social status and through grants, while the funds for implementation of the shorter and specialised work programs and costs of food for children shall be secured by the beneficiaries.

Competent education authorities according to the provisions of the Framework law are obligated to ensure: (a) the funds for procurement of portion of didactic material; (b) professional advancement of the personnel in upbringing and education; (c) development of preschool work programs; (e) portion of funds for implementation of specialized work programs; (f) publishing activity of the institution; (g) and to determine the requirements and pass the decision on beginning of work of preschool institutions.⁴⁴

Competent body in charge of social protection, in line with the appropriate laws of republic of Srpska, cantons in Federation of Bosnia and Herzegovina and Brčko District, co-finances a portion of costs for: (a) children without parental care ; (b) children with special needs; (c) children of the disabled parents; (d) children of the civil victims of war; (e) children of the unemployed parents; (f) children of the self-supporting parents; (g) children of beneficiaries of social benefits and (h) children of full-time students.

Concerning the issue of covering of health protection costs, the Framework Law has established that the competent ministries in charge for health and/or institutions, pursuant to the appropriate laws of the entities, cantons and the Brčko District shall ensure the financing of preventive programs and children's health protection and advancement programs.⁴⁵

From the founder's budget the funds shall be secured for development of preschool upbringing and education activities, financing of preschool institution departments at hospitals, departments for children with special needs at appropriate institutes, for children of ethnic minorities, particularly the Roma children, as well as subvention for the prices heating, utilities, water, electrical energy, PTT services and RTV fees placed under the category of household.

k) **Supervision and enforcement**

The supervision over the enforcement of the Framework Law is conducted by the Ministry of civil affairs in B&H, while the competent education authorities are responsible for enforcement and application of the Framework Law, application of standards and norms, as well as of work programs. The legality and work conditions in preschool institution are being controlled by the competent inspection authorities in charge of education area.

⁴⁴ Ibid, article 43

⁴⁵ This includes financing of the wages for doctors, special pedagogues, dentist, medical nurses, portion of the material for children's nursery; professional advancement of the medical workers and special pedagogues; sanitary inspections of all the employees and examinations of children prior to enrolment into preschool institution.

l) **Protection of the rights determined by the Framework Law**

In the case of violations of the principles defined in the Framework Law the report can be submitted to the competent education institution or to inspectorates in charge of the education area, which shall issue a decision to determine a justification of such violation and shall order its removal. In the case when the decision can not be passed within 30 from the date of filling of the report, or if the party is not satisfied with the decision it may file an appeal with the competent Ministry, which shall be obliged to resolve the appeal within 30 days. A dissatisfied party may institute a procedure before the competent court.⁴⁶

To the person who acts contrary to provisions of the Framework Law a disciplinary procedure may be instituted by the preschool institution, competent inspectorate in charge of education or the competent ministry of education. In the case of suspected crime, the preschool institution, competent inspectorate in charge of education, or the competent ministry of education shall so inform the criminal prosecution authorities.

m) **Ensuring the application of the Framework Law**

In the article 51 of the Framework Law it is laid down that the Republic of Srpska, cantons in Federation of Bosnia and Herzegovina and Brčko District **shall pass their respective laws and harmonize them with this law within six months** from date of effectiveness of this Law. At the same time it is prescribed that the competent education authorities, within 60 days from the date of effectiveness of this law, shall pass: (a) the standards and norms for the area of preschool upbringing and education; (b) criteria for financing of preschool institutions; (c) the regulation on the procedure for determination of requirements, the contents and method for maintenance of the Register; (d) the regulation on the method of maintaining of pedagogic and other records and documentation; (e) the regulation on evaluation and expert advancement of medical personnel, educators and other expert personnel working in the upbringing and education process, and (f) the regulation on expert supervision.⁴⁷

n) **Transition period for establishment of expert standards**

The Framework Law has, also, established the transition period for establishment of expert standards and that relate to the personnel working in the preschool institutions. So it has been established that upon effectiveness of the Framework Law, the educators who are working with the children in the upbringing and education process must have the university degree in the area of preschool education, while the educators with more than 20 years of working record with associate and high school degrees may remain in the upbringing and education process until retirement. The transition period for all employees with the inappropriate expert degree shall be governed by the law as determined by the competent education authorities.

3.3.2.2. **Legislation on preschool upbringing and education in Brčko District**

The assembly of Brčko District according to the provisions of the Framework law has passed the Law on preschool upbringing and education in Brčko District B&H (hereinafter referred to as: the

⁴⁶ Article, 49 of the Framework Law

⁴⁷ Ibid, article 52

Law BD B&H)⁴⁸, with which it had determined the goals and objectives of the preschool upbringing and education, organisation of work, financing, governance and supervision in preschool institutions of Brčko district B&H. Although the principles of preschool upbringing and education were not specified individually, the law through general specification, that the preschool upbringing and education shall be based on the universally accepted values of the democratic society and specific qualities of ethnic, historical, cultural and religious traditions of the peoples and ethnic minorities living in Brčko District, has fully accepted the goals and principles defined by the Framework law.⁴⁹

According to the Law the objective of the preschool upbringing and education is to encourage the psycho-physical development of the child, to have influence on the formation of the personality, to develop psycho-social, cognitive and other child's abilities, to enable the child to gain the elementary knowledge about nature and society, to cherish and enrich the child's creativity and ability to express his/herself by language, movement, art and musical expression, to satisfy the child's needs to play and live together and has the influence on positive emotional and social development of the child, formation of the moral qualities, work and cultural habits and it prepares the child for further upbringing and education.

a) **Preschool institutions**

The Law of BD B&H lays down that the preschool institution in Brčko District of B&H may be established by domestic and foreign legal and natural entities. Preschool institution which is established by the District has the status of the public institution and it is financed from the budget of the District. The Law has laid down the protective decree referring to keeping of pre-school institution in the way that it lays down the obligation that the Department of education has to make the elaborate on society-economical justification of founding of preschool institution and which is being ratified by the Government of Brčko District B&H.⁵⁰

The conditions for establishment of the preschool institution in Brčko District B&H are: that there are at least 5 upbringing groups in accordance with the pedagogical standards and norms, that there is satisfying number of personnel with the necessary degree of education defined by the pedagogic standards and curricula of preschool upbringing and education and that the facility is ensured, as well as equipment and didactic material, in line with the pedagogic standards and norms.

At the same time the Law of BD B&H lays down that the private preschool institution may be established regardless of number of children and number of upbringing groups if the founder has secured the necessary funds for work and has compliance the laid down conditions regarding the facility, equipment and personnel, as well as other conditions and criteria laid down by pedagogic standards and norms.

Pedagogic standards and norms, upon the proposal of the Department, are passed by the Government of Brčko District B&H. The Law determines that preschool institution, regardless of the fact that it is the private or public institution, may start with work after the approval has been issued by the Department on compliance of the conditions passed by the Law, after it has been signed into the court register and register of the preschool institution which are conducted by the Department. The

48 Official gazette of the Brčko District of B&H, numbers 13/07 and 19/07, 39/08 and 21/10)

49 Article 2 – 5 of the Law on preschool upbringing and education

50 Article 8 of the Law on preschool upbringing and education of BD B&H

mentioned provisions represent the guarantee that the institution has fulfilled the required, by law, conditions for its work.⁵¹

b) **Work of institutions**

Preschool institutions perform the work of preschool upbringing and education in line with programs that are passed by the Department upon the proposal of the Pedagogic bureau. The rules of work of preschool institution are passed by the administrative board in agreement with the Department, as basic general act of preschool institution.⁵² Rules of work of the preschool institution are passed by the founder but the role of the authorities of the Brčko District is not clearly defined when it comes to creating of rules for work of private institutions and that may be the ground for creation of different work in the institutions depending on the founder.

The work of the preschool institutions is determined by the annual work program which is adopted by the administrative board upon the proposal of the expert educator's council, while the annual work program of the private institution is adopted by the founder. Preschool institution is obligated to deliver on approval to the Department the annual work program and the report on work for the past year until the end of September of the current year. The Law of BD B&H determines the ways and grounds for closing of preschool institution.

c) **Admission and enrolment of children**

The Law of BD B&H lays down that in the preschool institution children with normal psycho-physical development may be enrolled, as well as children with special needs aged from six months until they enrol into primary school and the closer conditions of enrolment are determined by the rules of work of the preschool institution.

d) **Programs of upbringing and education work**

Programs of preschool education-upbringing work in BD B&H are determined by the principles of Declaration of Universal assembly of UN on child rights and Convention on child rights, especially in the area of protecting the children from negligence and cruelty and behaviour that can lead to religious, ethnical, racial or some other type of discrimination. With programs of preschool education-upbringing work the goals and objectives, contents and types, as well as scope and the period of lasting of upbringing and education, methodology and types of work, profiles and profiles and education of the employees, facility, equipment and didactic materials for realization of every program, are determined. In realization of the preschool education-upbringing programs, as well as other activities at preschool institution all three languages and both types of alphabet guaranteed by the Constitution of B&H, are being used.

In preschool institution in the scope of programs, the primary, specialised, adapted programs of upbringing-education work and programs for children prior to enrolling into school and who are

51 Ibid, article 11

52 Regulations of preschool institution, among others, regulate the issues as: a) the name and the place of preschool institution; b) obligations of institution towards the founder; c) establishing of the type, form and organisation of upbringing-education work of preschool institution; d) the way to achieve publicity of work especially about programs that are being realised in preschool; e) enrolment of children in preschool institution; f) cooperation with the parents of the children enroled into preschool institution; g) the way of passing of house order of preschool institution ; h) universal official documents that are passed in preschool institution, as well as the way of their passing

not included in some form of the preschool upbringing and education are being realized.⁵³ According to the provisions of the Law of BD B&H *in the year prior to enrolment into primary school, preschool upbringing and education is compulsory* for all children in preschool age. *Preschool upbringing and education is planned activity that lasts at least 150 hours* and it can be organized once or many times during the week and it can last up to three hours during the day and is in accordance with the needs and interests of the family and child and it can be realized in school or preschool institution. This form of preschool upbringing and education is financed by the Department. Preschool institution is obligated to issue the certificate to every child enrolled into preschool upbringing and education.⁵⁴

e) **Pedagogic documentation and records and expert personnel**

The preschool institution maintains pedagogic documentation and records as follows: work book, register of birth of children, the register with the data on child's development, chronicle of the institution, etc. The Law of BD the issue of employing the expert personnel and their professional advancement regulates in identical way as the Framework Law of B&H and it only determines the rights and obligations of the personnel referring to the working hours, vocation, etc., more precisely⁵⁵. The issue when, because of the lack of expert personnel, the realization of care and protection program can be performed by the educator with lower degree of education is regulated with changes and additions to the Law on preschool education in BD B&H and in the line with bylaw acts passed by the head of the Department upon the proposal of the institution.

f) **Administration and management of preschool institution**

The Law of BD B&H regulates the issue of administrative body, as well, according which the **administrative body** consists of five members who are being elected from the members of personnel in preschool institution, founders and parents on the four-year period and in the line with the laid down procedure and based on the principle of equal representation of the mentioned structures. The members of the administrative body of the institution established by the District are appointed by the mayor and of the private its founder. The administrative body makes all important decisions related to operations of institution, including the: making of plan of enrolment of children, regulations of work of institution and annual work program of preschool institution.

Preschool public institution is run by the **director** appointed by the mayor upon the proposal of Employment board in the education institutions. Director of preschool institution is managing the work of preschool institution, it represents preschool institution and ensures the legitimacy of work,

53 Primary programs of preschool upbringing and education determines the scope, form and methodology of upbringing and education work based on the modern approach of the traditional upbringing and culture. Specialised program of preschool upbringing and education contains upbringing-education work from music, art or drama, sport, foreign languages, recreation and similar areas that have the function of satisfying of special interest of the child. Adapted program of preschool upbringing and education determines the goals of the contents and forms of the education-upbringing work for children with minor disabilities in psycho-motoric development. . Program of preparing the children prior to enrolment into primary school has the goal, for all children who are not included in some form of the preschool upbringing and education, to adapt quicker and easier in school environment

54 Article 25 of the Law on preschool upbringing and education of BD B&H.

55 During the weekly work hours, the educator has 30 hours of immediate upbringing-education work with children and the rest work hours till 40 hours are filled with the activities laid down in the pedagogic standards and annual work plan. Pedagogic standards determine the type and description of work for expert associate in 40-hours week. The schedule of the work time of the employee in the preschool institution is determined by the director, with agreement from the Department.

submits the report of success and the results of the upbringing-education work to administrative board of preschool institution, to the founder, to the Department and to the Pedagogic bureau in charge of the expert supervision and runs the human resources.

Expert bodies in preschool institution are: Expert council and Expert working groups.⁵⁶ Parents have the possibility to be organized into the Parents Council which represents the communication channel between the parents and administrative board of the institution.

g) **Financing**

The way of financing of preschool institutions in BD B&H is regulated in the line with provisions of the Framework Law and is being realized from the funds of the founder according to the pedagogic standards and norms for preschool upbringing and education, while the portion of funds can be ensured from the beneficiaries and through donations.

h) **Supervision of preschool institution work**

The supervision over the legitimacy of work of preschool institutions is performed by the Department and teaching inspectorates in the way envisaged by the law, while the supervision over expert work of the preschool institution is performed by Pedagogic bureau.

i) **Transitional period**

The Law of BD B&H has regulated the status of the existing preschool institution, as well as the status of the existing personnel, especially with the regard to provisions of the Framework Law which lays down the required minimum degree of education for work in preschool institutions.

3.3.2.3. Preschool upbringing and education in Republic of Srpska

The Law on preschool upbringing and education of RS regulates the preschool upbringing and education as the part of the unique system of upbringing and education which represent the base of the whole-life learning and development of the child.⁵⁷ In scope of this upbringing and education the equal conditions and opportunities for enjoyment in child rights on upbringing and education for the welfare of their physical and mental health and safety regardless of sex, abilities, social or economical status or the living style of the family, cultural, ethnical, national or religious heritage, as well as achievement of other programs depending on the needs and interest of the children of that age.⁵⁸ **Preschool upbringing and education is the area which includes the upbringing and education, care and protection of the children in preschool age.** The goal of this level of education is enforcement of the physical, intellectual, social-economical development, communications, creativity and creation of children, gaining of new experiences and extending the knowledge of its self, others, the world, respecting the rights and abilities of children.⁵⁹ One of the objectives of the preschool upbringing and education is preparation of children for the next step in education.⁶⁰

56 Expert Council consist of: educators, expert associates and associates and the same is governed by the director. The Expert working group consists of educators according to upbringing groups in which the upbringing-education work is being implemented. It is governed by the president which is elected on the first session of the expert group for every school year.

57 Article 1 of the Law on preschool upbringing and education of RS, Official gazette RS, number: 119/08

58 Ibid, article 2

59 Ibid, article 6

60 Ibid, article 7, point e)

Preschool upbringing and education is implemented in preschool institutions, institutions of social protection where the children of preschool age are placed permanently and other institutions that implement the programs of preschool upbringing and education.

a) **Principles and goals of preschool education in RS**

Preschool upbringing and education in Republic of Srpska should ensure the equal accessibility and quality of upbringing and education to **every child in preschool age under equal terms** in suburb and rural or socially and culturally less stimulated environments and in line with achievements of the modern pedagogic science and active involvement into the life of the community and in accordance with the tradition and demands of the democratic society and nutrition, care, preventive health and social protection of the children in preschool age.⁶¹

Preschool upbringing and education ensures the achievement of the goals that include the enjoyment of rights of the children of preschool age on equal support in development and learning, support to the family in the role of protection, care, upbringing, education and stimulation of the universal psycho-physical development of children, as well as raising of the pedagogic culture of the parents in the direction of responsible parenting, ensuring of the child's best interests and investment of the society into early learning as the best investment for future, welfare and universally society progress.⁶²

b) **Preschool upbringing and education prior to enrolment into primary school**

Preschool upbringing and education **may be organized for every child** in the year prior to enrolment into primary school **that lasts at least three months** and it will be implemented in preschool institutions or institutions which implement the programs of the preschool upbringing and education where the establishment and functioning of preschool institutions is not possible. Program of the preschool upbringing and education in the year prior to enrolling into primary school is free of charge and it lasts for, at least, three hours a day and does not include the obligatory food, stay and taking care of the children while the parents are at work.

The founder has the obligation, during the month of March of the current year, through the public broadcasting networks, to notify the public on enrolment and the terms of enrolment of children in preschool institutions, while the minister of education and culture lays down the terms for enrolment of children, prior to enrolling into primary school, into preschool institutions.⁶³

c) **Preschool institutions**

Preschool institution can be established under equal terms as public or private institution.⁶⁴ The founder of preschool institution can not be the person against there is a criminal procedure going or a person who has been convicted of a crime as laid down in the Criminal Law of Republic of Srpska and that makes him/her unsuitable for work in preschool institutions. In exceptionally undeveloped municipalities, on the initiative of the unit of local self-government, preschool institution may be established by Republic of Srpska which may also establish special-specialized preschool institution

61 Ibid, article 3

62 Ibid, 4, which represents the partial operation of article 6 of the Framework Law

63 Ibid, article 5

64 Preschool institution can be established by : the Republic, unit of local self-government, religious community or other legal or natural domestic body, in line with the law

for children with development disabilities for which work in regular preschool institutions can not be organized all preschool institution create the network of preschool institutions which is determined with the decision of the Government of Republic of Srpska.⁶⁵

Conditions for establishing and beginning of work of preschool institution demand the compliance of the following conditions:

- Existing of need to establish preschool institution in order to achieve the upbringing and education of the children in preschool;
- Existing of suitable number of children who applied for preschool upbringing and education;
- Secured funds for establishment and beginning of work of preschool institution;
- Secured the necessary number of educators, expert associates and other employees;
- Secured implementation of preschool upbringing and education programs laid down by the Law;
- Secured suitable facilities with compliance of technical and hygienic conditions, secured furniture, equipment, didactic and other materials and toys adapted to various needs of children of preschool age and in line with the standards and norms.

The commission, which is appointed by the minister of education, determines if the conditions for establishing of preschool institution are fulfilled and the document on compliance of the conditions for beginning of work of preschool institution is issued by the minister based on the records of the commission. Minister, also, passes the Book of regulations on the conditions for beginning of work of preschool institution.⁶⁶ The compliance of the conditions for continuance of the work and operations of preschool institution is being determined when necessary and is obligatory every four years in cooperation with the competent bodies.⁶⁷ In the cases when preschool institution does not comply the condition necessary to continue the work and which are laid down by the Law the institution should remove the irregularities and defects in one-year period, that can not be longer than that, or the Ministry will make a suggestion to the founder to make a decision on closing down of the institution. If the founder does not make the decision on closing down of preschool institution 60 days after the proposition of the Ministry was received, the minister will issue the document on erasing of preschool institution from the Register of preschool institutions.⁶⁸

In the case when preschool institution closes down the founder has the obligation to enable the children, who had started the preschool upbringing and education, to continue the preschool upbringing and education in another preschool institution under the condition that there is the possibility to do that.⁶⁹

All preschool institutions and institutions which are implementing the programs of preschool upbringing and education have the obligation to apply Pedagogic standards and norms for the area of preschool upbringing and education and which are determined by the book of regulations passed by the minister of education.⁷⁰

65 Article 10 of the Law on preschool upbringing and education of RS

66 Ibid, article 11

67 The list of preschool institution that have received the document on approval for work of preschool institutions is being published in „Official gazette of Republic of Srpska“ and on the Ministry's internet page

68 Ibid, article 14

69 Ibid, article 15

70 Ibid, article 17

Preschool institution can have one or more organisational units – children’s kindergartens. **Children’s kindergartens** offer the services of whole-day, half-day or shorter and occasional stay for the children aged from six months old until prior to enrolment into primary school.⁷¹ To stimulate the interest and develop the child’s abilities and to fill the free time more qualitatively: clubs for children, game groups and kindergarten in the nature can be established⁷². The Law on upbringing and education of RS has laid down that the annual program of work is being realised in its full range from September 1st of the current year until June 30th of the following year after which from July 1st until August 31st they start to work according to the special summer program which is laid down by the administrative board of the preschool institution.⁷³

The operation of preschool institution for implementation of preschool upbringing and education program is being realised for different periods of time, depending on the children’s needs, needs of their parents and the local community and the founder, as well as depending on the concept of preschool institution programs and it can be realised as:

- Whole - day- 12 hours a day,
- Half – day – six hours a day and
- More days- lasting more than 24 hours.

Preschool institutions **may**, if they have the abilities to do that, to organise the prolonged stay for children enrolled into the first class of the primary school.⁷⁴ In preschool institutions the following programs are being implemented: a) comprehensive development programs, b) specialised development programs, c) intervention,⁷⁵ compensation and rehabilitation programs, d) programs aimed at strengthening of parental skills and knowledge on upbringing of children e) programs for children prior to enrolment into primary school, if not covered by some form of preschool upbringing and education. The comprehensive development program is an open program of preschool upbringing and education, adjustable to different conditions and periods of lasting in all preschool institutions in RS⁷⁶. Specialised development programs can be organised for gifted children according to their interests, needs and abilities, while the compensation programs can be implemented, exclusively, in less stimulated – not sufficiently developed areas. Activities and measures are being determined based on the real children’s needs and needs of their families in their natural surrounding and they cover different operations from prevention until repeal of the factors which lead to deprivation. Rehabilitation programs can be implemented in specialized institutions which implement the preschool upbringing and education programs for support of the optimal functioning of the children with development disabilities in every day activities.

Programs for children prior to enrolment into primary school who are not covered by some form of preschool upbringing and education are being organized in cooperation with the compe-

71 Ibid, article 18

72 Clubs for children “with different program contents: sport, music, art, drama, folklore, language and communication, informatics, recreation, and similar” groups for play– playrooms established in the city or rural areas for the needs of socialisation and playing in the children’s younger than five years free time and “kindergarten in the nature” for rest and recreation of preschool children

73 Article, 23 of the Law on preschool upbringing and education of RS

74 Ibid, article 24

75 Intervention preschool programs are being realised in the cases of natural disaster

76 Ibid, articles 25 and 26

tent ministry through bodies of social protection in the local community when there is a need for them and it the rule those are considered to be comprehensive development programs.⁷⁷

The Law lays down the obligation of institution to start the procedure of making the individualized preschool upbringing and education program for children with special needs in three months after their enrolment.⁷⁸ Furthermore, preschool institutions and institutions which are implementing the programs of preschool education and upbringing have the obligation to remove architectural barriers and communicational barriers to enable the equally possibilities of approach to preschool upbringing and education.⁷⁹

d) **Upbringing-educating personnel**

The operations of the preschool upbringing and education in the sense of education and upbringing work, care, social and preventive health protection is performed by upbringing – education personnel: **educators, expert associates and assistants for inclusion**. Other operations of preschool institutions are done by the **associates**. Number of required personnel in preschool institution is being determined depending on the number of upbringing groups, period of lasting and type of the program and actual conditions of work.

Upbringing-education work in children's nursery and kindergarten groups is being implemented by the **educators and defectologists** for children with developmental disabilities included into regular age groups and for children included into development groups. The work of the educator in children's nursery and kindergarten group can be performed by the person with required degree of education. Expert associates perform the work which promotes upbringing and education work and other pedagogic functions of preschool institution, social and preventive health protection, nutrition and care of the children prior to enrolment into primary school. Expert associates are: pedagogue, psychologist, defectologist, social worker, nutritionist and doctor specialised in paediatrics. The work of the expert associate can be performed by the person who possesses required degree of education according to the Book of rules on degree of education of the personnel in preschool institution which is passed by the minister.⁸⁰

The Law has paid the special attention to issue of ensuring the preschool upbringing and education for children with special needs in the way that it lays down the passion of the assistant for inclusion which should offer technical assistance to the child with development disabilities and on whose disabilities is informed by the parents or the guardian. From the assistants for inclusion, in charge of the child with development disabilities, is expected to: meet the child and lead him into preschool institution, helps with going to toilet, helps them during the stay in preschool institution and similar. The work of the assistant for inclusion can be performed by the person with at least high school degree of education which lasted for four years and who has the inclination for that type of work.⁸¹

77 Ibid, article 30

78 Children with special needs are: gifted children, children with disabilities in psychological development, with physical disabilities, blind and short-sighted, deaf or hard of hearing, children with disabilities in speech, chronically sick children, with learning difficulties, with social problems, with no parents, who do not know the language

79 Article 32 of the Law on preschool upbringing and education of RS

80 Ibid, article 33-39

81 Ibid, articles 40-42

Because of the expert advancement and professional advancement educators, expert associates and directors of preschool institution are included into compulsory programs of training, advancement and inspection⁸². The work of the educator and expert associates is being evaluated according to the Law. Educator and expert associate can gain the title of mentor, adviser or senior adviser.

The protection and care for protection and advancement of health of the children in preschool institutions is being realised by the medical workers with, at least, high school degree of education, while the jobs of providing the food, hygiene and physical protection of the children and personnel and technical operating of the facility and equipment in the kindergarten is performed by the associates.

Psychological, physical and health ability of the educators, expert associates and associated included into immediate work with children, as well as of the director is proved at the beginning of employment and is being controlled during the work, regularly at least once a year through systematic medical examinations.

The work of the educator and expert associate can be performed by the person who has the licence for work (hereinafter refer to as: the licence) and the Book of regulations on licensing of educators and expert associated is passed by the minister.⁸³

e) **Expert bodies**

In preschool institutions the expert bodies are: the Expert council and the Expert working groups.⁸⁴ **The Expert council** consists of all employed educators and expert associates in preschool institution. The Expert council is governed by the director of preschool institution. **The Expert working groups** consist of expert associates according to the age groups in which the upbringing and education process is being implemented and it is governed by the chairmen of the expert working group elected by the members of the expert working group.⁸⁵

f) **Administration and management**

Preschool institution is managed by the **administrative board** that is appointed and suspended by the founder.⁸⁶ The administrative board consist of, at least, three members and they are: representative of the founder, representative of the parents council and representative of the expert personnel of preschool institution.⁸⁷ The composition of the administrative board, according to the rule, reflects national structure of children in preschool institutions and equal representation of genders.

82 Ibid, article 44

83 Ibid, article 56

84 Ibid, articles 60-62

85 The obligations of the expert council are: a) to take care of harmonization of work of same age groups, b) to take the necessary measures for successful realization of the programs in its expert working groups and c) to follow the entire development and activities of the children and to propose the measures for it successfulness

86 The obligations of the administrative board are: a) to pass the Statute and other official documents of preschool institution, b) decide on work of preschool institution, c) considers and adopts the report on business and annual final account, d) to pass the work programs and financial plan of preschool institution, e) to decide on using of the funds and f) to do other work laid down in the official document on establishment and in Statute of the institution.

87 Number of members in the administrative board is determined by the official document on establishment of preschool institution

Director of preschool institution which is appointed by the founder, is responsible for the management of institution, represents the institution and is responsible for legality of its work.⁸⁸ The work of the director is being evaluated according to the Book of regulations on criteria for evaluation and advancement of educator, expert associates and directors.

Parents have the right to establish *the parents council*, and preschool institution has the obligation to assist them at that.⁸⁹ The parents council is established according to the procedure determined in the general enactment of the institution and according to the rule it reflect the national structure of the children in preschool institution and equal representation of genders.

Preschool institution has the Statute and other general enactments. The Statute is basic general enactment of the preschool institution which closely regulates the organisation, way of work, governance and managing of preschool institution and other issues according to the Law.⁹⁰

g) **Records and documentation**

The law on preschool upbringing and education of RS lays down that preschool institution maintains the records on its work, as well as records of children enrolled into preschool institution and raising of funds from parents, founders and donors. The Law lays down that the pedagogic documentation and records of children of preschool age contain of: a Register of birth of children, work book of preschool institution, chronicle of preschool institution and book for monitoring of the development and learning.⁹¹

h) **Financing of preschool institutions**

Funds required for operations of preschool institution are secured by the founder and preschool institutions may also attain the income based on donations, sponsorships, inclusion of parents and other jobs in line with the Law.⁹² The funds necessary for realisation of the shorter and specialised programs of work and for the food for children are secured from the beneficiaries.⁹³ The Ministry secures the funds for procurement of portion of didactic material and toys in public preschool institutions, professional training of personnel in upbringing and education work of public preschool institutions, development of preschool work programs, evaluation of preschool work programs and funds for programs of work for preschool upbringing and education of children in the age prior to

88 For the director of preschool institution a person can be appointed who, besides general conditions, has finished required degree of education in the area of education and at least five years of work experience in preschool upbringing and education or any other education segment. Exception, for the director of preschool institution a person can be appointed who has finished college of education-pedagogue type.

89 Parents council has following obligations: a) to advocate for child's rights and interests, b) to promote the interests of preschool institution in the local community, c) to present the position of the parents in the administrative board of preschool institution, d) encourage the involvement of the parents in the work of preschool institution e) inform the administrative board on its position when it deems necessary or upon the request of the administrative board on any issue that relates to work of preschool institution and f) nominate the representative of the parents in the administrative board.

90 Article 71 of the Law on preschool upbringing and education of RS

91 Ibid, article 72

92 The founder secures: a) wages for the employes, hot meal and annual bonus allowances and other determined fees by the law; b) material costs, c) procurement of basic equipment and teaching appliances, d) depreciation and current maintenance of facilities and didactic material and toys

93 Article 75 of the Law on preschool upbringing and education of RS

enrolment into primary school and in the line with the plan laid down by the Government⁹⁴.

The unit of local self-government shall secure the portion of funds for co-financing of the stay of the children with development disabilities, children without parental care, and children of beneficiaries of social benefits, children victims of domestic violence and children of civil victims of war.

The founder secures the funds for development of the preschool upbringing and education, for financing of preschool institution departments at hospitals, departments for children with special needs at appropriate institutes, for children of ethnic minorities, as well as subvention for the prices heating, utilities, water, electrical energy, PTT services and RTV fees placed under the category of household.

Preschool institutions propose the annual work programs adopted by the administrative board of preschool institution upon the proposal of the expert council and deliver the same, until September of the current year, to the Ministry and the founder and until that period the reports on work for the previous year are being delivered, as well.⁹⁵

i) **Supervision**

The Ministry is conducting the administrative supervision over the work of preschool institutions, while the expert-pedagogic supervision is conducted by Republic pedagogic bureau. Inspectorate supervision over the application of the Law and other provisions from the area of preschool upbringing and education is conducted by the Republic education inspectorate and health and sanitary supervision related to health protection and nutrition of children is conducted by the Republic health-sanitary inspectorate.⁹⁶

j) **Transitional period**

The transitional period is very significant from the aspect of regulating the issues which are disputable due to the fact that laid down standards can not be applied in the praxis, immediately, and that especially refers to the standard related to the degree of education of the personnel in preschool institutions. So the Law lays down the one year transitional period from the day of effectiveness of this Law during which, the preschool institutions have the obligation to accord the work, organisation and general enactments with the Law. The Law has determined the exception related to the degree of education of the personnel in that way that it has laid down that educators and expert associates, as well as secretaries and accountants with more than 20 years working record with associate and high school degree of education may remain in the upbringing and education process until retirement, while other employees with inappropriate expert degree have the obligation that in the period no longer than 6 years upon the effectiveness of this Law to acquire the degree of education in line with the provisions of this Law.⁹⁷

3.3.2.4. **Preschool upbringing and education in FB&H**

If you analyse the legislation in the area of education in FB&H you can notice that the cantons have all jurisdiction which are not explicitly assigned to federal authority⁹⁸ and education politics in-

94 Ibid, article 76

95 Ibid, article 80

96 Ibid, article 81

97 Ibid, articles 84 and 85

98 Consitution of FB&H, article III.4. paragraph 1. point b).

cluding passing of regulations on education and ensuring of the education are one of those areas.⁹⁹

3.3.2.4.1. Preschool upbringing and education in Canton Sarajevo

The right on preschool upbringing and education in Canton Sarajevo, principles, goals, standards and norms, types of programs, administration and management, functions and supervision, as well as other issues related to operation and establishment of preschool institutions are regulated with the Law on preschool upbringing and education in Canton Sarajevo (hereinafter referred to as : the Law of Canton Sarajevo).¹⁰⁰

a) **Principles, goals, tasks and functions of preschool education**

Principles, goals, tasks and functions of preschool upbringing and education are laid down in the Law of Canton Sarajevo and are completely pursuant with the principles and goals laid down in the Framework Law.¹⁰¹

b) **Standards and norms for implementation of education**

According to the Law of Canton Sarajevo preschool institution implement the function of upbringing and education in line with the curricula which are in line with the common core curricula from article 22 of the Framework Law on preschool upbringing and education and in line with the Pedagogic standards and norms for preschool upbringing and education which are laid down by the Government of Canton Sarajevo.¹⁰²

c) **Compulsory inclusion of children in preschool education**

The Law lays down that in the year prior to enrolment into primary school upbringing and education in preschool institutions is compulsory for all children of preschool age. Program of this type of compulsory preschool upbringing and education and the way of its implementation and realisation is proposed by the minister of education and science of Canton Sarajevo, while the conditions and the way of financing of compulsory preschool upbringing and education are determined by the criteria which are laid down by the Government. The Law lays down that in the compulsory stay of the child in preschool institution the child will be provided with one meal.¹⁰³

d) **Preschool institutions**

Preschool institution as institution may be established by domestic or foreign legal and natural entity with the consent by the minister and prior consent of the Government.¹⁰⁴ The founder of preschool institution has to secure the funds necessary for establishment with prior fulfilment of the conditions that, among others, include: existence of sufficient number of children to form, at least, two upbringing groups, ensuring of sufficient number of employees with adequate degree of educa-

99 Ibid., point b) article III 4.).

100 The Law on preschool upbringing and education in Canton Sarajevo is published in „Official gazette of Canton Sarajevo“ number; 26/08 from 24.07.2008.

101 Ibid, articles 4-15

102 Ibid, article 16

103 Ibid, article17

104 Preschool institution as public institution can be established in the line with the Law on institutions when the Municipality council of the municipalities from the territory of Canton Sarajevo, City council of the city Sarajevo and Assembly of the Canton determines that there is the public interest for establishment of the institution.

tion, ensuring of the facility, equipment and didactic material in line with the Standards and norms, existence of social justification to establish the institution in that area, having in mind the existing network of preschool institutions.

The Minister appoints the commission that establishes if the conditions for establishing of the institution are fulfilled and based on that opinion the Ministry of education and science of Canton Sarajevo issues a document so that the institution can start with work. Preschool institution is signed into the Register of preschool institutions which is governed by the Ministry and thereafter it is signed in court documents and after that day it is established as the legal entity.¹⁰⁵

In preschool institution, from the point of view of programs which are implemented in the same, preschool upbringing and education is realized as: programs of care and upbringing and education work for children from six months of age until completed third year of life, programs of upbringing and education work for children from completed three years of age until compulsory inclusion of children in preschool education, programs of compulsory inclusion of children in preschool education prior to enrolment into elementary school.

In the cases when for children with special needs in preschool age upbringing and education work can not be organized in preschool institution that work can, completely or partially, be implemented in the institutions that can satisfy upbringing, education and developmental needs of those children and that can enable the extended expert treatment in compensation and rehabilitation development programs. Children with no parental care are included into the institutions of boarding type which have the condition required for their care, protection, upbringing and education.¹⁰⁶

e) **Programs of preschool education**

The Law of Canton Sarajevo lays down that programs of preschool upbringing and education are based on the principles of the United Nations' General Assembly Declaration on child rights and on the Convention of child rights, specially in the part of protection of children from cruelty and negligence and actions that can lead to any type of discrimination in the terms of child rights and their best interest and that in all preschool institutions in Canton Sarajevo common core curricula of comprehensive development programs for work in preschool institutions will be established and implemented.

In preschool institutions in Canton Sarajevo besides compulsory program the comprehensive development programs are also being realized; specialized programs (all programs that satisfy the child's needs and needs of their parents); intervention, compensation and rehabilitation; programs aimed at strengthening of parental skills; compulsory programs for children in the age prior to enrolment into primary school; programs for the children of the Bosnia and Herzegovina nationals abroad.¹⁰⁷

f) **Educators and other personnel**

The Law of Canton Sarajevo lays down that the degree of education of the employees and other conditions for implementation of work of preschool institution are closely defined by the Standards and norms, common cores and programs for preschool upbringing and education. Preschool insti-

105 Article 19-22 of the Law on preschool upbringing and education of Canton

106 Ibid, article 23

107 Ibid, articles 25 i 26

tution must have pedagogue or pedagogue-psychologist and psychologist so he/she can perform pedagogic-psychological work and that depends on the size of preschool institution and number of children, in the line with the Standards and norms.¹⁰⁸

g) **Supervision and reporting**

Expert supervision and supervision over the legality of the work of preschool institution is conducted by the Ministry in the way that is laid down in the Law. This supervision implies supervision over the organization and implementation of upbringing-education work, work of the educator and expert associates in preschool institutions.¹⁰⁹

Expert supervision over the work of preschool institution is conducted by the expert advisers of Education-pedagogic Bureau and the report on their findings is being delivered to the minister, director of institution and to the director of Bureau in 15 days from the day when the expert supervision was conducted. The report, besides the basic data, contains the opinion and evaluation and the measures proposed for advancement of the upbringing-education work. The supervision over the legality of work of preschool institution is conducted by the Education inspectorate in the line with this Law and the Law on education inspection.

Preschool institution has the obligation to adopt annual programs of work which, on the proposal of the educators' council are adopted by the administrative board of preschool institution and are being delivered by the end of September of the current year to the Ministry, Bureau and competent body of the municipality. The report on the work for previous year is being considered and adopted in line with the procedure for adopting of work programs and no later than September 30th of the current year is delivered to the founder, Ministry, Bureau and the competent body of the municipality for consideration and adopting.¹¹⁰

h) **Expert bodies and bodies of management**

Expert working groups and experts' council are expert bodies in preschool institutions. Expert working group consist of all employees included in the immediate upbringing and education work in preschool institution, while the Expert council consists of all the employees involved in immediate upbringing and education work according to age groups in which the upbringing and education process is being implemented.¹¹¹

The body of management in preschool institution is the administrative board while the organ of managing is the director of preschool institution. The body of control of the work in preschool institution is the supervision board. Preschool institution also has the parents' council which is being elected for the current year and the way and the procedure for establishing of the parents council and its work is determined by the rules of preschool institution.¹¹²

108 Ibid, article 33 i 35

109 Expert supervision over the work of preschool institution(hereinafter referred to as: the expert supervision) includes: a) monitoring of implementation and realization of the preschool upbringing and education programs; b) achievement of the assignments, goals, content, frame and form and methods of the upbringing-education work ; c) monitoring and evaluation of the work of the educators and expert associates; d) giving expert help to educators and expert associates in planning, programming and organization of upbringing-education work in preschool institution

110 Article 41 of the Law on preschool upbringing and education in the Canton

111 Ibid, article 42-44

112 Ibid, articles 45-51

i) **Documents and records of preschool institution**

According to the Law of Canton Sarajevo, preschool institution has its rules which are passed by the administrative board with prior approval from the Ministry and they are considered to be basic official documents of preschool institution.¹¹³ Preschool institution has the obligation to maintain all the necessary pedagogic documentation and records in the line with the book of regulations passed by the minister.

j) **Financing**

The founder of preschool institution has to secure the funds necessary for establishment, work and implementation of preschool upbringing and education programs in line with the Standards and norms.¹¹⁴ Programs of preschool upbringing and education may be financially supported from the participations of parents, gifts, donations and grants and other sources, while the funds for implementation of shorter and specialized programs and for the costs of food for children are secured by the beneficiaries.

In the article 57 of the Law of Canton Sarajevo, the obligation to the Ministry, is laid down, to determine the conditions for issuing the document so that preschool institution can start with its work; to secure the network of preschool institutions for implementation of compulsory preschool upbringing and education programs; to finance the implementation of the compulsory preschool upbringing and education programs in public institutions; to conduct the evaluation of preschool work programs and to secure the expert advancement of the personnel in preschool upbringing and education in line with the abilities of the public preschool institutions; to secure the funds for procurement of portion of didactic materials, portion of funds for realisation of the specialised work programs, advancement of preschool work programs and publishing work of institution.

From the budget of the founder the funds for development of the preschool upbringing and educations activities are secured, for financing of preschool institution departments at hospitals, departments for children with special needs at appropriate institutes, for children of ethnic minorities, as well as subvention for the costs of heating, utilities, water, electrical energy, PTT services and RTV fees placed under the category of household. the Ministry of education and science, the Ministry for work, social politics, refugees and displaced persons and the Ministry of health of Canton Sarajevo have the obligation to determine, with special criteria, the way of securing of funds, as well as their amount which secures functional and efficient way of work of preschool institutions as public institutions in the line with this Law and realistic possibilities.

113 Regulations of preschool institution, among others, regulate the issues that refer to establishing of the type, form and organization of upbringing-education work of preschool institution; the way to achieve publicity of work especially about programs that are being realized in preschool; enrolment of children in preschool institution; cooperation with the parents of the children enrolled into preschool institution; conditions for selection of the expert workers and other employees of preschool institution; the way of passing of house order of preschool institution ;the content and the form of the social, cultural, religious and sport activities of preschool institution according to social environment; universal official documents that are passed in preschool institution, as well as the way of their passing.

114 The founder secures: the wages for the employes and fees for the employes,;material costs, procurement of basic equipment and teaching appliances,dispensable material for upbringing-education work; depreciation and current maintenance of facilities and portion of working-play material (didactic material and toys); the funds for expert advancement (professional training) and schooling of the employees.

k) **Transitional period**

The Law of Canton Sarajevo has laid down the obligation for the Government to pass, in six months from the day the Law has come in effect: the Standards and norms and criteria on financing of preschool institutions. The Law also lays down the start of the compulsory preschool education along with the planning of funds in the budget for realisation of this provision of the Law.¹¹⁵ The Law has also laid down the transitional period for establishment of expert/personnel standards according to which all the employees with associate or high schools degree of education who are on, the day of effectiveness of the Law, found on the position of the educator and have at least 20 years of working record can still perform the job of educator in the period no longer than four years from the day this Law has come in effectiveness. Period of four year is envisaged for achieving of the necessary university degree of education. The founder of the preschool institution has the obligation to secure the funds for co-financing of expenses of the schooling for educators.

3.3.2.4.2. Other Cantons

Zenica – Dobož Canton on the Assembly held on June 26th 2010. has passed the law on preschool upbringing and education (hereinafter referred to as: The Law of Ze-Do Canton) which in the same way regulates the issue of right on the preschool education as it is done in the Canton Sarajevo and it completely follows the principles laid down in the Framework Law¹¹⁶. However, it is necessary to point out that this Law has come in effectiveness with two years overdue. The Law of Ze-Do Canton regulates the issue of compulsory preschool education in a way that it lays down that preschool upbringing and education is compulsory for all children in the year prior to enrolment into primary school and the program of compulsory preschool upbringing and education is established and implemented by the preschool institution and it can not last less than 150 hours, on the request of preschool institution the competent municipality body has the obligation to deliver the list of children¹¹⁷.

The Assembly of the Bosnian-Podrinje Canton (hereinafter referred to as: BPC) on its session held on December 24th 2009. has passed the Law on preschool upbringing and education of Bosnian-Podrinje Canton. The Law completely reflects the principles laid down in the Framework Law and it follows the structure of the law on preschool education that was passed, earlier, by other competent education bodies. The exception refers to issue of regulation of compulsory preschool education in the year prior to enrolment into primary school. This issue the Law of BPK regulates in the way that education is compulsory for all children of preschool age and it is, exclusively, implemented in preschool institutions, while the programs of preparing the children for primary school are passed by the Ministry of education with expert opinion of the Pedagogic bureau. In this program all children in the year prior to enrolment into primary school have to spend at least 150 up to 170 hours in preschool institution. They have the obligation, then, to issue the certificate which confirms the inclusion of the child in this program. The conditions and the way of financing of this program, the program, as well as the period of its lasting and the dynamic of inclusion of children in preschool education is determined by the minister with special provision.¹¹⁸

115 Articles 67 and 68 of the Law on preschool upbringing and education in the Canton

116 Official gazette of the ZE-Do canton, number: 7/10

117 Article 13 of the Law on preschool upbringing and education of Ze-Do canton

118 Article 16 of the Law on preschool upbringing and education of BPK (Official gazette BPK, number: 15/09)

Issue of right on preschool upbringing and education in other cantons that have passed the law is regulated in the similar way as in the laws presented.¹¹⁹ The Law on preschool upbringing and education in Hercegovina-Bosnian Canton was passed on October 13th 2009, West-Herzegovina and Central-Bosnia Canton, as well as Hercegovina-Neretva Canton still have not passed their own laws on preschool upbringing and education that are pursuant with the Framework law.

3.3.3. Common core curricula of the comprehensive development programs for work in preschool institutions

Following the provision of the article 2 point 2 of the Framework Law on preschool upbringing and education in B&H, the minister of education of Republic of Srpska, the ministers of education of all cantons in Federation of B&H and the head of the Department for education of Government of Brčko District have signed the **Agreement on Common core curricula of comprehensive development programs for work in preschool institutions**. With this Agreement the signed parties have obligated to include the Common core curricula of the comprehensive development program for work in preschool institutions in programs that they pass and that are related to the area under their jurisdiction and that they will secure, until the beginning of the school year 2009/2010, that in all preschool institutions in B&H upbringing and education is implemented based on the Common core curricula of comprehensive development programs for work in preschool institutions¹²⁰.

3.3.4. Pedagogic standards for preschool upbringing and education and norms for the facilities, equipment and didactic material for preschool upbringing and education

As it is laid down in the Framework Law the competent education authorities have the obligation to pass the pedagogic standards for preschool upbringing and education including the norms for facilities, equipment and didactic material for preschool upbringing and education (hereinafter referred to as: the pedagogic standards).

When it comes to making of standards for the quality of work of educators, pedagogues and directors in preschool education a step out was made in the way that the Agency for preschool, elementary and secondary education in B&H, with the support from the UNICEF, Save the Children Norway and in cooperation with the representatives of entity and cantonal ministries of education in Bosnia and Herzegovina, as well as the Department of education of Brčko District has started the activity in the area of advancement of quality of work in preschool upbringing and education that will enable the conditions for highly qualitative and harmonized upbringing, education and care in the early childhood throughout the Bosnia and Herzegovina. These standards are based on the professional competences which include all dimensions of professionalism and are imagined as "alive", "development" document and as such should be subjective to updating, revision and advancement in specific time intervals specific for educational standards.¹²¹

119 The Law on preschool upbringing and education of Una-sana canton passed in May 2010; The Law on preschool upbringing and education of Posavina canton passed on December 4th 2008; The Law on preschool upbringing and education of Tuzla cantona passed on October 13th 2010., and the Law on preschool upbringing and education of Hercegovinabosnia canton passed on October 13th 2009

120 Articles II and III of the Common core curricula of comprehensive development programs for work in preschool institutions

121 Standards and quality of work of the educators, pedagogues and the directors in preschool education

3.3.5. Education in the legislation on equality of genders

The Law on gender equality in B&H guarantees the equality of genders in the area of education, as well,¹²² It bans the discrimination in education institutions based on sex when it comes to the terms of admission in education institution, ways of giving the services and benefices, exclusion from the process of education, evaluation of scores of education, etc.¹²³ The authorities of education institution and other legal parties have the obligation to ensure that the curricula and methodology education system guarantees the elimination of teaching curricula that contains socially stereotyped role of genders that would lead to discrimination.¹²⁴

3.3.6. Preschool education in other official documents

3.3.6.1. The agreement on establishing of the Council for universal education in Bosnia and Herzegovina

The agreement on establishing of the Council for universal education in B&H ¹²⁵ is concluded so that the expert and independent advisory body for those who pass the decisions related to the action politics in the area of preschool, elementary and secondary education can be established. The agreement was signed by the minister of civil affairs and the ministers of education of entities, cantons and the head of the Department for education of BDB&H.¹²⁶

3.3.6.2. Action plan for the children

Action plan for the children of B&H was passed for the period 2002-2010 in order to ensure the application of the Convention on child rights and UN Millennium development goals. On application of the Action plan for children, a report was made in the year 2010 in line with the information delivered from the members of the Working group that was established by the Ministry of human rights and refugees in B&H and that were appointed by the competent state and entity ministries. The working group mentioned here made the Proposition of the **Action plan for the children for the period 2011-2014** that was adopted by the Ministry council of B&H on its 155 session held on July 13th 2011.

The basic characteristic of the Action plan when we talk about preschool education is contained in the principles which include: to put children on the first place, not to neglect not one child, to ensure the care and education for every child and to include 20%of children in preschool education (to ensure other alternative forms for the rest 80%). In the Action plan it is **emphasised that this area is the most neglected level of upbringing and education** and that the authorities must be the most intense here with transparent measures. It is recommended that area should be regulated with the law as compulsory and the focus should be on forcing establishment of the prep departments and binding of the preschool education with regular primary education and on the obligation of the authority to build as many facilities as possible that are intended for implementation of preschool upbringing and education (children's nurseries, kindergartens and facilities next to primary schools).

122 Article 2 of the Law on gender equality of B&H.

123 Ibid, article 5.

124 Ombudsmen institution for human rights in cooperation with the Save the Children Norway, Analysis of the harmonization of the legislation of B&H with the Convention on child rights (2009), page.132

125 Article I Agreement on establishing of the Council for universal education in B&H, Official gazette B&H, number: 22/09

126 Ombudsmen institution for human rights in cooperation with the Save the Children Norway, Analysis of the harmonization of the legislation of B&H with the Convention on child rights (2009), page.129.

3.3.6.3. Strategy for reduction of poverty

During the process of making of the Strategy for reduction of poverty an analysis of the conditions in the educational sector was done which included the preschool education, as well. This analysis has showed that the problems in the education sector in B&H are: lack of certain education profiles that are capable to react quickly and efficiently on the needs of labour market; large number of laws which regulate this area; insufficient level of financial means; non-existence of education standards; curricula which are not adjusted to the demands of the developed society; outlet equipment; discord between the initial education of the teacher and the real needs of the teaching praxis, education programs for adults which are not innovated for over a decade, etc. In **the segment of preschool education the analysis states that the preschool education does not include sufficient number of children, there is insufficient budget support and that this level of education has become more social than educational** and the assumption are created for expansion of the private initiative in the preschool education.

Unfortunately, some of the listed weaknesses of the education system are present even today. Based on the analysis PRPS has established that one of the priorities which refer to the preschool education are **“to create the assumptions to start seeing the preschool education as part of the educational and not social sector** and to increase the number of children included in preschool education”.

3.3.6.4. Strategic directions of the development of pre-school upbringing and education in B&H

In the period from the year 2002 first significant systematic steps were taken in the reform of the upbringing and education. In the Strategic document of the reform on the upbringing and education, that was presented by the ministries of education of B&H in November 2002 to the Council for implementation of peace in B&H, it was promised to the citizens of B&H insurance of the qualitative base education on the level of pre-school institutions, elementary and general high schools based on the modern teaching plan and program-curriculum and the assurance also included making of the strategic document in the area of pre-school education and upbringing.¹²⁷

First practical activities on making of this document were taken by the OSCE Mission in B&H as the main coordinator of the educational reform in our country and UNICEF which took over the function of the coordinator of the work group for modernisation and quality of the upbringing and education. In cooperation with the educational authorities on all levels, they have established the working group that has made out the document titled Strategic directions for development of the pre-school upbringing and education in B&H”.

The document was presented and accepted on the Third educational forum that was organised by the OSCE on November 15th 2003 and the Council of ministries of Bosnia and Herzegovina passed it on February 14th 2005.¹²⁸ The document “Strategic directions for development of the pre-school upbringing and education in B&H” from the year 2004 was made based on the series of reform documents and it has significantly served as the base in the process of reformation of pre-school

127 Education authorities of Una-Sana canton in cooperation with Save the children Norway SEE, Regional office in Sarajevo, Analysis of the condition of preschool education in Una-sana canton, October 2008

128 Ibid

upbringing and education, including the passing of the Framework Law¹²⁹.

New document "Strategic directions for development of pre-school education in Bosnia and Herzegovina with the plan of implementation 2008–2015" (hereinafter referred to as: Strategic directions) has been passed by the Council of ministries on its session held on June 3rd 2008.. This document sets the main directions for the development of education in B&H in the period until the year 2015 and it relays on the accomplishment made so far in the educational reformation based in Mid term development strategy of Bosnia and Herzegovina and in recently passed documents of the strategic development of certain areas of education in data presented in the Functional overview of the public service in the sector of education and other relevant documents and materials on development of education on the level of entities, cantons and Brčko District of Bosnia and Herzegovina. In the line with the Strategic directions in the scope of the activity of modernization and the development of teaching and learning in all levels of the education system it has been planned to do the advancement of the learning quality and the quality of teaching on preschool upbringing and education, primary and secondary education as the foundation for the life-long learning.

Inside the main direction of actions which refers to ensuring of the equal approach and righteousness in education, the private and social initiative for establishment of upbringing and education institutions, will be supported, and especially of preschool institutions.¹³⁰ Strategic directions point out to the need to increase financial involvement for certain purposes in education and to improve the quality of education in line with the demands of the strategic development of education¹³¹

In the line with the Strategic directions of development of preschool upbringing and education in B&H it is necessary to: ensure the personnel, facility and material conditions for inclusion of the children in all preschool upbringing and education programs and compulsory into the program of preparation for school: modernize the programs and to conduct permanent professional training of the educators: to pay special attention to larger inclusion of the children from socially and economically endangered families, as well as of the children with special needs: to ensure the key role of the municipality in technical organization of preschool upbringing and education and to ensure the connection of preschool institution and primary school.

As preschool upbringing and education is compulsory for all children in the year prior to enrolment into primary school in the area where there are no public preschool institutions (or they do not have sufficient capacity), programs of preparation can be implemented in primary school, with man-

129 These documents include:

- Reformation of education – message to the citizens of Bosnia and Herzegovina, five promises, Sarajevo, 2002.
- Action plan for children of Bosnia and Herzegovina 2002 – 2010, Ministry for human rights and refugees, Sector for human rights, Sarajevo 2002.
- The framework law on primary and secondary education in Bosnia and Herzegovina, Parliament assembly of Bosnia and Herzegovina, Sarajevo 2003.
- Common strategy for modernization of primary and universal secondary education in Bosnia and Herzegovina (White paper), education authorities in B&H, Sarajevo 2003.
- Mid-term development strategy of B&H, 2003 – 2007., Council of ministers of B&H, Sarajevo 2003.

130 Part of this document is the plan of implementation of short-term (2008), middle-term (2009-2010) and long-term goals (2011-2015).

131 Page. 25 Strategic directions for development of education in Bosnia and Herzegovina with the plan of implementation 2008.–2015

datory involvement of the educators in work with those children.¹³²

In the goal to ensure the further development of the preschool program it is necessary to ensure the implementation of short-term (2008), mid-term (2009-2020) and long-term (2011-2015) goals.¹³³

3.4. Institutional framework for pre-school education

Pre-school upbringing and education as the part of the upbringing-educational system is the first, special and specific degree of upbringing-educational system which consists of: **upbringing, education, care, health and social protection of the children aged from 6 months old until they are ready to go to school**. As such it represents the foundation for the life long learning directed towards the aspects of the intellectual, emotional and physical development and development of the creativity and creation.

In Bosnia and Herzegovina a significant number of institutions on different levels of authorities are dealing with the question of pre-school upbringing and education and the jurisdictions are set by the numerous laws. In every case the competent ministries establish the politics on pre-school upbringing and education while the jurisdiction of the institutions is to direct the implementation of the same. Through presentation of the legal frame in this Study we also looked back on the issue of jurisdiction of the institutions from competent ministries to the institutions themselves including the segment of the inspections controls. Unlike the jurisdiction of the institutionalized mechanisms established in the Law on pre-school upbringing and education of RS and cantonal laws, Framework Law on pre-school upbringing and education has established the special jurisdiction of the Agency for preschool, elementary and secondary education and that was established in detail by passing of the special law on this Agency.¹³⁴

3.4.1. Agency for preschool (pre-primary), elementary and secondary education

Agency for preschool, elementary and secondary education (further in the text the Agency), is authorised for establishment of the **standards on learning achievements, evaluating the achieved results and developing the common core curricula in preschool, primary and secondary education** and for other expert jobs in the area of standardisation of the knowledge and evaluation of the qualities determined by the special laws and other regulations¹³⁵

In the area of **establishing of standards on learning achievements and evaluation of the**

132 Ibid, page 28

133 Short-term goals include: implementation of the Framework law on preschool upbringing and education in B&H, prepared plan of expansion of preschool upbringing and education. Short-term goals: developed common core curricula of the preschool upbringing and education programs and increased enrolment of the children in preschool institution on 20% of population, and the number of children enrolled into programs prior to enrolment into primary school on 40% of population. Long-term goals: increased enrolment of the children in preschool institution on 50% of population and increased enrolment of the children in preschool institution on 100%, and all director

134 Agency for preschool, primary and secondary education started working on January the 1st of 2009. The headquarters of the Agency is in Mostar and the fields are in Banja Luka and Sarajevo. In Mostar there is also a Department for common core curricula in preschool, primary and secondary education, in Banja Luka there is the Department for vocational the Department for vocational secondary education, training, education of the adults and whole-life education and in Srajevo is the Department for knowledge standards-students achievements and evaluation of the scores in preschool, primary and secondary education

135 Article 4 of the Law on Agency for preschool, primary and secondary education („Official gazette B&H“, number 88/07)

achieved results in the preschool, elementary and secondary education and for other expert jobs in the area of standards of learning achievements and evaluation of the education qualities the Agency is authorised for:

- establishing of standards on learning achievements and evaluation of the achieved results;
- conducting of research with the goal of evaluation of the development of standards on learning achievements and evaluation of the achieved results and publishing of the results of the research;
- advising of the official educational authorities on issues concerning the regulated standards on learning achievements and its applications;
- establishing and conducting of the reporting mechanisms on the condition of education in Bosnia and Herzegovina in cooperation with the competent education authorities;
- gathering, uniting, processing and publishing of the data on quality and quantity of learning accomplishments;
- conduction of the external assessment;
- giving guidelines on conducting of teacher and expert associates training programs in the area of learning standards and external assessment;
- establishing of contacts with the bodies which have the similar functions in other countries, as well as with the international organisations and institutions with the goal of achieving the accordance of the passed standards in education;
- assisting with procedures on certifying local certificates of secondary education and diplomas in other countries, as well as certifying of the foreign certificates of secondary education and diplomas in Bosnia and Herzegovina;
- conducting of other activities related to establishment and application of the standards on learning achievements and evaluation of the achieved¹³⁶

In the area **of developing the common core curricula** in preschool (pre-primary), primary and secondary education the Agency is authorised for: monitoring of the implementation of the common core curricula, monitoring, evaluation, improving and development of the common core curricula according to the standards passed by the Framework Law on elementary and secondary education in Bosnia and Herzegovina, achieving of the cooperation with pedagogical institutes and other institutions for support, modernisation and development of the preschool, elementary and secondary education, advising of the official educational authorities on making of and implementation of innovative curricula contents etc¹³⁷

The board of the Agency for preschool, elementary and secondary education (in further text: the Board) is the expert body which is established in the frame of the Agency and has seven

136 Ibid, article 5

137 Ibid, article 6

members, two from each of the constituent peoples' and one member comes from the others.¹³⁸ Members of the Board are appointed by the Council of ministries of B&H and after the Ministry of civil affairs of Bosnia and Herzegovina has announced the public open competition for election of the members of the Board and after it unites the list of the applied candidates which fulfil the conditions and it gives it on consideration to the Conference of education ministries in B&H. The representative of the Ministry of civil affairs is included in work of the Board with no right to vote. The way of work of the Board and its dissolve is regulated by the Law on Agency for preschool, elementary and secondary education.

Agency is guided by the director who is appointed by the Council of ministries of B&H on the four-year term. Director, among other jobs: a) handles and directs the doing of work that are in the jurisdiction of the Agency; b) is responsible for conduction of the decisions of the Board and other authorised organs; c) prepares the materials on which the Board is discussing and makes the decisions; d) prepares the plan of work of the Agency and submits the report on work ; e) prepares the financial plan of the Agency and submits the financial report; f) according to the law he is responsible for the issues of work relationships; g) realizes the necessary cooperation with the official educational authorities in entities, cantons and Brčko District of Bosnia and Herzegovina; h) it submits to the Council of ministries of Bosnia and Herzegovina the annual report on work; i) it conducts other jobs according to the law and sublegal acts and acts of the Agency¹³⁹.

The means necessary for work of the Agency are ensured in the Budget of the institutions of B&H. The Agency can have its own incomes and incomes from other sources.

The supervision over the application of the Law on preschool, elementary and secondary education is done by the Ministry of civil affairs of B&H.

3.4.2. Conference of the ministers of education in B&H

Representatives of the highest authorities in B&H have accepted the Memorandum on understanding for establishing of the Conference of the educational ministries in B&H and committed on its enforcement, as follows: the chairman of the Council of ministries, the prime minister of FB&H, the prime minister of RS, the mayor and the representative of the government of BD B&H. The reason for conclusion of this Memorandum is contained in the fact that "the key role of education in creating and development of the society based on the learning achievements is being recognised.¹⁴⁰ **The conference is the independent and the highest advisory body for coordination of the educational sector in B&H** that has been established, which in its frame of work and responsibilities does

138 The board has the authority to: (a) the establish the standards of knowledge of students and evaluation of the scores achieved, (b) to approve the common core curricula of primary and secondary education and to publish it in the " Official gazette of B&H", (c) to give advises, interpretation and recommendation to competent education authorities regarding the issues of its jurisdiction, (d) to establish and guide the mechanisms of informing and to report on the issues from its jurisdiction, (e) to consider the conducted researches from the area of Agency and to publish the results of the researches, (f) to establish and make contacts with the bodies that have similar functions in other countries, as well as with international organisations and institutions with the goal to compare the laid down education standards in B&H to standards of the european countries, (g) to bring the guidelines for conduction of programs for profesional training of the teachers and expert associates

139 Articles 11 and 12 of the Law on Agency for preschool, primary and secondary education

140 Preambul of the Memorandum on understanding for establishment of Conference of education ministres in B&H Official gazette of B&H, number: 19/08.

not go into constitutional and legal responsibilities of the competent authorities'.¹⁴¹

The main tasks of the Conference are: analysis, assessment of the condition, progress and the needs of the entire educational system in B&H; suggesting of strategic priorities of educational reformation to the competent authorities; assessment and recommendations to the competent authorities for accordance of the educational politics and strategic plans for development of the education; monitoring of the process of making of the framework laws in the area of education on the level of B&H; giving of remarks and recommendations in the process of their development, as well as of the opinion on the text of the law; giving of recommendations for harmonisation of the legislature on the lower levels with provisions of framework laws and analysis of its implementation; evaluation of implementation of the international conventions and declarations in the area of education that are accepted by B&H and instigation of bringing of the measures for improvement of the conditions and better cooperation with the international institutions; advising and giving of recommendations to the Ministry of civil affairs of B&H for coordination of the educational sector in B&H; defining of the strategy and basic principles of coordination of the activities on the international plan, for cooperation with the European Union, cooperation on the broader international plan, as well as cooperation in the region¹⁴².

141 Ibid, article I

142 Ibid, article III

IV Situation analysis

Relationship towards the child, investment in institutions which contribute to the development of the child and child's potentials, is the mirror of every society and its maturity. Social stimulus to the family, investment in educational and health institutions and media representation of the child as the creator of future development and humane, ethical components of social values is the destination of the 21st century science. Scientific accomplishments, empirical experiences gained so far, valorised experiences of the developed societies and total humanistic determinations should be used as the practical way of the preschool institutions for upbringing and education of the children. In this lays the challenge to do the evaluation of the situation in the area of preschool upbringing and education in B&H.

Analysis of the situation in the area of preschool upbringing and education in B&H was done in a way that, through the visitations to the certain number of preschool institutions and through the gathering of data from competent educational authorities, the picture was made that explains to which extent is the work of the preschool institutions based on international standards recognised by the authorities in B&H and passed in legal frame that governs the preschool upbringing and education. In order to achieve homogenises and to ensure the clarity, analysis in the structural part follows the structure of the Framework Law for the reasons that Laws that govern the issues of preschool upbringing and education on lower levels of authority should be pursuant to the Law mentioned.

4.1. Preschool institutions in B&H

Ombudsman institution has based the situational analysis exclusively on the analysis of the work of registered preschool institutions because, based on the provisions of legislation that govern this area, only the institutions that fulfil the legal conditions and that are registered can do the work related to preschool upbringing and education. In order to gather the initial information, Ombudsman institution has approached to Ministry of education and science of FB&H, Ministry of education and culture of RS, to the Department for education in the Government of Brčko District B&H and to the cantonal ministries of education. Based on the data obtained it can be concluded that, in B&H, there are 197 registered preschool institutions out of which 148 are public and 49 are private.¹⁴³ Comparing the data obtained by the Ministries of education and science of FB&H and cantonal ministries it can be concluded that there are certain inconsistencies related to the number of registered institutions, so in this Analysis the data were presented based on the information obtained by the entity ministries of education and by the Department for education in the Government of Brčko District B&H and those preschool institutions that were visited by the representatives of the Ombudsman institution.

Besides the registered preschool institutions there are also a number of institutions registered as the "playrooms" which are being treated as the private institutions for the preschool upbringing and education. So, for example, in Zenica-Doboj Canton there 8 institutions registered as such¹⁴⁴. Ombudsman institution has come to know that there are number of not registered institutions that, by doing that, question the work and competence of other preschool institutions and credit of the

143 Data were delivered all competent entity and cantonal ministries of education

144 According to the data delivered from zhe Ministry of education, science, culture and sport of ZDC

upbringing and education to which children are entitled to.

Beneficiaries of the preschool upbringing and educational programs are children comprehended by the institutional care through children's nursery and kindergarten, mobile kindergartens, playrooms and workshops; children who are not comprehended by the institutional preschool upbringing and education; children with developmental, educational and upbringing disabilities and who are gifted and talented (children with special needs); children of different ethnic minorities in local community.

The indicators related to the statistics of education in B&H of the Agency for statistics of B&H are represented in the announcement in June 22nd 2010 and they point out that in the school year 2009/2010 there were totally 209 of preschool institutions, 13 more than in the same period last year. In the year 2009/2010 in preschool institutions there were 16.784 out of which 8.082 are girls and institutions had 2.424 employees out of which 2.240 were women. Out of the total number of employees 1.196 are educators so one educator is taking care of 14 children while that average in the year 2008/2009 was 15 children.

In Anex 1 the overview of the capacities of the institutions was given, as well as the lack of the capacities (because they are full) in the sense of the general structure of children beginners of different programs in preschool upbringing and educational system in B&H, and in follow-up there is the overview according to entities and cantons that was made according to the data received from institutions of education.

4.1.1. Preschool institutions in Republic of Srpska

On the territory of Republic of Srpska there are 40¹⁴⁵ registered preschool institutions in the public sector and in the scope of the Centre for preschool upbringing and education Banja Luka there are 17 separate units.¹⁴⁶ In Republic of Srpska there are 8 private preschool institutions out of which 4 are kindergartens, 3 are playrooms and 1 is club for children.¹⁴⁷

Number of children that go to preschool institution of Republic of Srpska¹⁴⁸ in school year 2010/2011 is 6.241, based on the enrolment data taken at the beginning of the school year, 679 is enrolled in private institutions and 2.117 is in the preschool program that prepares children for school.

Children are organised into educational groups according to the age and there is children's nursery / younger age group (6 months until 3 years of age), mixed kindergarten group (from the age of 3 until 5), older kindergarten group (from the age of 5 until 6) and children of the preschool age (from the age of 6 until 7). In children's nursery there are 1191 children out of whom 650 are boys and in kindergarten there are 5692 children out of which 1426 are boys. The largest number of children included in the preschool upbringing and education is on the territory of the City Banja Luka, namely, 1.844 children organised into 78 groups which makes the total of 20% of the preschool

145 Banja Luka, Bijeljina, Berkovići, Bileća, Brod, Bratunac, Višegrad, Vlasenica, Gacko, Gradiška, Derventa, Doboj, Zvornik, Kneževo, Kozarska Dubica, Kotor Varoš, Laktaši, Lopare, Ljubinje, Milići, Modriča, Mrkonjić Grad, Nevesinje, Novi Grad, Pale, Prijedor, Prnjavor, Rogatica, Sokolac, Srbac, Srebrenica, Teslić, Trebinje, Ugljevik, Foča, Čajniče, Čelinac, Šamac, Šekovići, Šipovo

146 One of the listed units is specialised for the preschool education of the children with physical and psychosocial development

147 Out of the total number of registered private institutions 3 of them are in Banja Luka, 3 in Bijeljina and 2 in Prnjavor

148 Data delivered by the Ministry of education and culture of RS

aged children in the narrow area of the City. Network of the existing kindergartens mainly covers the narrow area of the City.¹⁴⁹

However, capacities of the institutions are mostly lot bigger than there is the actual need for the same. Decreased enrolment capacity may be related to the general decreased enrolment of the children into the first grade in schools¹⁵⁰ This situation in praxis creates the situation where institutions form the number of groups according to the demand or the number of the children enrolled and the facility that is not being used is being rented to the third parties or it is left unused. So in Vlasenica public institution for preschool upbringing and education "Prvi koraci - First steps" has the capacity of 150 or 180 children and at the moment of the visit by the representatives of the Ombudsman institution there were only 36. In the Children centre "Bubamara - Ladybird" Pale there is the capacity for 150 children and the actual number of children enrolled is 75. Significant number of children that contribute to fulfilment of the capacity is in the **Children Kindergarten "Majke - Mothers Jugović" Doboj**. At the moment of visit there were 200 children organised into 10 groups.

4.1.1.1. Children with physical and developmental disabilities in RS

In preschool upbringing and education 93 children with special needs are included, out of which 83 of them is on the territory of the City Banja Luka.

4.1.2. Federation of B&H

According to the delivered data from the Ministry of education and science of FB&H on the territory of FB&H there are 147 registered preschool institutions, out of which 107 are public and 40 are private institutions. According to the cantons layout of the preschool institutions is as follows:

– Una-Sana Canton	7 public and 4 private ¹⁵¹
– Central Bosnia Canton	7 public and 10 private ¹⁵²
– Zenica-Doboj Canton	18 public and 3 private ¹⁵³
– Tuzla Canton	20 public and 1 private ¹⁵⁴
– Posavina Canton	3 public ¹⁵⁵
– Bosnian-Podrinje Canton	2 public and 1 private ¹⁵⁶
– Hercegovina–Neretva Canton	10 public and 6 private ¹⁵⁷
– Canton of Sarajevo	31 public and 9 private ¹⁵⁸

149 Ibid

150 In Srebrenica only 17 children enrolled into central primary school in I grade and in the current year: in Bratunac number of the children enrolled decreased for 30% because of the migration of people in last couple of years

151 Bosanska Krupa, Bihać, Bosanski Petrovac, Sanski Most, Cazin, Ključ, Velika Kladuša

152 Bugojno, Donji Vakuf, Busovača, Gornji Vakuf, Gornji Vakuf-Uskoplje, Novi Travnik, Vitez, Fojnica, Kreševo, Travnik, Jajce, Kiseljak

153 Visoko, Vareš, Kakanj, Maglaj, Breza, Zavidovići, Žepče, Zenica, Tešanj

154 Živinice, Banovići, Doboj-Istok, Gračanica, Gradačac, Kladanj, Lukavac, Srebrenik, Tuzla

155 Orašje, Odžak, Domaljevac-Šamac

156 Goražde

157 Mostar, Čitluk, Čapljina, Neum, Stolac, Prozor-Rama, Jablanica, Konjic

158 Hadžići, Ilidža, Ilijaš, Sarajevo, Vogošća

- West Herzegovina Canton 5 public and 6 private¹⁵⁹
- Canton 10 6 public¹⁶⁰

Observing it structurally in some bigger cities of FB&H public institutions, just like the case is with the preschool institution in Banja Luka, there are more organisational units. So in public institution “Children of Sarajevo” in Sarajevo at the moment there are 28 functioning kindergartens organised into four organisational units: organisational unit “Old City”, organisational unit “Centre”, organisational unit “New Sarajevo” and organisational unit “New City”,¹⁶¹ and in public institution for preschool upbringing and education in Zenica there are 6 organisational units, in public institution “Our Children” in Tuzla 12 organisational units and in Mostar preschool upbringing and education is organised two public institutions: public institution „Ciciban” and public institution “Children’s kindergartens” Mostar.

Depending on the available capacities and on the number of the children enrolled, the children are mainly distributed into children’s nursery group I (6 months until 3 years of age) children’s nursery group II (from the age of 2 until 3 but in the praxis children stay in this group even to the age of 4 because of the lack of the capacity), younger kindergarten group (from the age of 3 until 4), middle kindergarten group (from the age of 4 until 5), older kindergarten group (from the age of 5 until 6) and school group or so called after school stay or prolonged stay.

In some cantons there is the developed program for the playrooms, while in some this does not exist because they are not according with the Law, although the necessary conditions for the same exist. Overall, in all the institutions that were visited by the representatives of the Ombudsman institution there is the **problem of exclusion of the certain categories of children, especially of the children from the rural areas and those that live far away from the centres of the cities and of the children with special needs** and at the same time the capacities of the institutions are not full and are, as that, left unused.

According to the data delivered by the **Ministry of education, science, culture and sport of the TC** total number of preschool children on the territory of Tuzla Canton is 4400. Number of children included into the general preschool program is 1765 out of which 906 are boys. Number of children included into the obligatory program of preschool upbringing and education is 345¹⁶², while 385 of the preschool aged children is included into these programs through whole day and half day stay programs that are part of the regular programs. There is also the cooperation with the Ministry for labour and social policy of TC present, through Project for integration of the children without parents. There are total of 8 children without parental care included in this program and they are placed in public institution “Naše dijete - Our Child” Tuzla, organisational unit “Kolibri - Hummingbird”. Good results are achieved on the plan of their socialisation and right upbringing. Due to the large number of children enrolled in the school year 2010/2011 (955), public institution “Our Child” Tuzla has formed 39 upbringing groups with average number of 25 children in each group.

According to the data delivered by the **Ministry of education, science, culture and sport of**

159 Široki Brijeg, Posušje, Grude, Ljubuški

160 Livno, Tomislavgrad, Glamoč, Kupres

161 <http://www.djecasarajeva.edu.ba>

162 According to the data from public preschool institution in Banovići only on the territory of Municipality Banovići there are 220 children of preschool age

the Central Bosnia Canton in public preschool institution 512 children are using the services of these institutions, aged from 1 until 6 years out of which 275 are boys. In private institutions for preschool upbringing and education of Central Bosnia Canton there are 350 children aged from 1 until 6, out of which 201 are boys. In some of the public institutions the capacities are bigger than they are needed, so for example in Children Kindergarten in Novi Travnik approximately 40-50 children are using the services and the capacity is 120 children.

On the territory of **Posavina Canton** and according to the data delivered by the Ministry of education and culture of Posavina Canton total number of children that are using the services of the preschool institutions is 135.

According to the data delivered by the **Ministry of education, science, culture and sport of the Bosnian-Podrinje Canton** in public institution of the Bosnian-Podrinje Canton, at the moment, there are 85 children out of which 36 are boys. In private institution there are, at the moment, 88 children, aged from 2 until 6, out of which 53 are boys.

In public institutions of the **West-Herzegovina Canton**, services of the preschool upbringing and education are given to the total number of 445 children, out of which 235 are boys. Children are organised into the groups according to age; 86 children aged from 6 months until the age of 3, 182 children aged from 3 until 5, and 177 children older than 5. In private institutions, services are being provided for the 172 children, out of which 87 are boys. Children are divided into groups according to the age, as follows: 42 children aged from 6 months until the age of 3, 91 children aged from 3 until 5 and 49 children older than 5 years of age.¹⁶³

Capacity of the institutions on **Una-Sana Canton** is 1510 children and the number of the enrolled children in the school year 2010/2011 is 1055, out of which there are 14 children's nursery groups. 2 children that are the members of the ethnic minorities are also included into preschool program.¹⁶⁴

Total number of the children in the public and private institutions of the **Herzegovina-Neretva Canton** is 1176. There is the problem present in the children's nursery groups so that, for example, last year public institution Children's kindergartens in Mostar has returned 100 children because of the lack of personnel, medical nurses to be precise.¹⁶⁵

In **Zenica-Doboj Canton** total number of children in private preschool institutions is 500, during the one school year and 900 in public preschool institutions. Number of boys is 50% out of the total number of children. Public institution for preschool upbringing and education "Mladost-Youth" in Kakanj has the capacity for 200 children in one organisational unit, although, at the moment, there are 130 children organised into seven upbringing groups; 3 children's nursery groups and 4 kindergarten groups.

Programs of the preschool upbringing and education in **Sarajevo Canton** include 6170 children and 59 children in institutions for special upbringing and education. In children's nursery program there are 350 children aged from 0 until the age of 3, 2130 children is included into the upbringing groups at the age of 4 and 5 and 1102 children in the preschool age is included into the whole day

163 Data were delivered by the Ministry of education, science, culture and sport of ZHK

164 According to the data delivered from the Ministry of education, science, culture and sport of USK

165 Information received orally from the director of the institution

and half day program, in compulsory program, prior to enrolment into primary school that includes 150 hours of work with the child, there are 2588 children included into one week program that lasts for 2 hours¹⁶⁶. In public institution "Children of Sarajevo" that has 28 organisation units, total number of children is 2431. In private institutions of Sarajevo Canton, that were visited by the representatives of the Ombudsman institution¹⁶⁷, serviced are used by the 776 children, youngest having only 7 months and the oldest is using the after school program.

4.1.2.1. Children with disabilities in psycho-physical development in FB&H

On the territory of **Tuzla Canton** total of 94 children with various disabilities is included in regular program.

On the territory of **Central Bosnia Canton** in public institutions, there are 4 children with special needs who are included in preschool upbringing and education, out of which, 3 of them go to public institution „ Centre for preschool upbringing and education“ Bugojno, while in the programs of the private institution there are 7 children with special needs out of which, 5 of them go to Children's kindergarten „ Saint Francis“ in Kiseljak.

There are no children with physical and mental disabilities who are included into programs of the preschool institutions in **Posavina Canton**, while there are 9 children with special needs included into programs of preschool upbringing and education on the territory of **Bosnian - Podrinje Canton**.

Number of children with special needs included into regular process of preschool upbringing and education on the territory of **West Herzegovina Canton** is 10 and on the territory of **Una-Sana Canton** there are 13 children with special needs and 7 children who are gifted.

Number of children with special needs is trifling on the territory of **Zenica-Doboj Canton**.

In organised preschool programs and necessary special treatments which are being conducted in the institutions for special upbringing and education of **Sarajevo Canton**¹⁶⁸ total of 59 children, in preschool age, are included and in the preschool institutions there are 180 children with different developmental and other disabilities.

4.1.3. Preschool institutions in Brčko District

There is one public preschool institution with four facilities and one private preschool instauration, which works as the part of the Division for education of the Government of Brčko District. Association AMICA organises, periodically, playrooms in rented facility in Suljagića Sokak, according to the data of the Division for education BD B&F, but they do not have detailed data.

According to the available data, delivered by the **Department for education of the Government of Brčko District** total number of children who are using the services in public institution is 39,

166 Data delivered by the Ministry of education and science of CS

167 Institution for preschool upbringing and education „Amel and nur“; Preschool education „Behar“; Preschool education „Palčić- Wren“; Preschool education in SOS Social centre „Herman Gmeiner“; Caritas Vrhbosnia archdiocese children's kindergarten „Sveta obitelj- Wholly family“; Bosnian institution „An-Nur“

168 PI Centre for upbringing, education, work enabelment and employment of the mentaly disabled children, autistic children and children with cerebral paralis „Vladimir Nazor“; PI Bureau for special education and upbringing of children „Mjednica“; PI Centre for hearing and speach rehabilitation of CS

out of which 13 of them are aged from 1 until 3 years of age, 22 are in the age from 3 until 5 and 4 of them are school children in the program of daily/prolonged stay. There are no data for the children with special needs

At the moment in which the data were delivered services of the private preschool institutions were used by 375 children, aged from the 1 year of age until they are ready for school, out of which 209 are boys. Out of the total number of children in private preschool institution, large number of them is 5 or 6 years old(129), and the rest of them are 1 or 2 years old (9), from 1 until 3 (31), from 3 until 4 (23), from 3 until 5(66), from 4 until 5 (72) and from 4 until 6 (45). In the institution, at the moment, there are 15 children with special needs.

Table1. Number of institutions for preschool upbringing and education in B&H

	Territorial units	Public institutions	Private institutions
1.	Republic of Srpska	40	8
2.	Federation of Bosnia and Herzegovina	107	40
2.1.	Canton of Sarajevo	31 ¹	9
2.2.	Herzegovina-Neretva Canton	10	6
2.3.	Zenica-Doboj Canton	18	3
2.4.	Tuzla Canton	20	1
2.5.	Central Bosnia Canton	7	10
2.6.	Una-Sana Canton	7	4
2.7.	West Herzegovina Canton	5	6
2.8.	Posavina Canton	3	0
2.9.	Bosnian-Podrinje Canton	2	1
2.10.	Canton 10	6	0
3.	Brčko District B&H	1	1
TOTAL		148	49

1 Out of the total number 3 institutions are specialised centres/bureaus for work children with physical and psychological disabilities

In the following chapters the analysis of the conditions in the area of preschool upbringing and education in B&H, is being presented. Special attention is put on the programs which are being applied, financing of the institution, prices for services, available capacity and capacity that is actually being used (how full are they) , on the structure of the employees in the upbringing and educational work with children and on the physical conditions of the institutions.

4.2. Financing of the preschool institutions and the prices for services

How it is already pointed out through the analysis of the legal frame that deals with the issues of preschool upbringing and education, the founder of the preschool institution has to ensure the funds necessary for establishment, work and enforcement of the programs of the preschool upbringing and education pursuant with the pedagogical standards and norms for preschool upbringing and education ¹⁶⁹, while programs of the preschool upbringing and education, except the compulsory preschool education, can also be financially supported by the parents of the children in preschool

169 Article 40, paragraph 1 and 2 of the Framework Law on preschool upbringing and education of B&H

age depending on their social status and through donations¹⁷⁰. Funds necessary for realisations of the short and specialised programs and the costs of the food for children are ensured by the beneficiaries¹⁷¹. Responsibilities of the competent educational authorities¹⁷² are mirrored in ensuring of the funds for supply of the part of the didactical material, professional training of the personnel in upbringing and education, development of the preschool programs, evaluation of the preschool programs and one part of those funds for realisation of the specialised programs.

The Law has clearly regulated the issue of the right on preschool upbringing and education for children without parental care, children with special needs, children of the disabled parents, children of the civil victims of war, children of the unemployed parents, children of the self-supporting parents, children of the children of beneficiaries of social benefits and children of full-time students,¹⁷³ and the right on health protection of all persons who have the right on preschool upbringing and education.

Situation on the field is significantly different from what the Framework Law has laid down as the obligatory and that rises the question whether the application of the Law is a choice or obligation and which are the main obstacles in consistent application of, not only the Framework Law but also of the Laws passed on preposition of the competent educational authorities on the level of entities and cantons in FB&H.

4.2.1. Republic of Srpska

Although preschool upbringing and education in Republic of Srpska is mostly centralised and regulated by only one Law, analysis of the conditions of the field points out that the financial and materialistic situation in the area of preschool upbringing and education significantly differs from municipality to municipality.

According to the Law on preschool upbringing and education of RS¹⁷⁴, the founder is obliged to ensure the funds for wages for employees, hot meal and annual bonus allowances, according to the Law, material costs of the institution, procurement of the basic equipment and furniture, depreciation and current maintenance of facilities and for the core didactical material and toys.

Preschool institutions can ensure the incomes, also, through donations, sponsorships and parents that also can provide the funds for realization of the short and specialized programs and expenses for the food for the children.

Looking at the actual conditions in the institutions visited, it was noticed that the **founder covers the expenses of the public institution in the range of 56% of the expenses in the public institution „Mothers Jugović“ in Doboј, 70% in the municipalities Vlasenica, Kotor Varoš, Čelinac, and up to 95% in municipality Srebrenica** out of the total expenses. The rest is from the payments made by the beneficiaries and from the donors means used for wages for the employees, as well as, the maintenance of the kindergarten and didactical material.

170 Ibid article 41

171 Ibid article 42

172 Ibid article 43

173 Ibid article 44

174 Article 74

Price for the services that is being paid by the beneficiaries ranges from the 50 BAM for the whole day stay of the child in the kindergarten, which includes 8 hours and 3 or 4 meals¹⁷⁵, to 165 BAM for the same service¹⁷⁶. For the service of the half day stay of the child in kindergarten, which includes 3 or 4 hours including 2 or 3 meals parents pay from 30 to 120 BAM.

Some public institutions have regular donor sources¹⁷⁷ and donations, mostly, of the didactical material and educational toys, which are, in some institutions, present only during the political campaign before the elections. There are also occasional donor funds for furnishing of the interiors, plumbing, toilets and washbasins or replacement of the equipment in the open area. Ratio between the donors' share and the price for services paid by the beneficiaries in visited public institutions of Republic of Srpska is showed in the Annex V.

4.2.2. Federation of B&H

Financing of the public institutions for preschool upbringing and education in FB&H is regulated by the Framework Law of B&H and cantonal Laws on preschool upbringing and education, where the obligation of founders are stated as well as, the responsibilities of the other levels of authorities.

On the territory of F&H diversity is present in the share of the founder, as well as, in the prices of services paid by the beneficiaries. Diversity not only exists between the cantons but it is evident between the municipalities, as well. The range of the founder's ratio in the total costs of the institutions in FB&H is between 20% in municipality Čapljina up to 85% in municipality Jablanica, while the rest is financed from the payments of the beneficiaries. The price for the same service and which is paid by the beneficiaries is different from municipality to municipality and for example we can take the municipalities Mostar and Kladanj. In Mostar people who use the services of the preschool upbringing and education pay 190 BAM for services of children nursery, 160 BAM for whole day stay and 120 BAM for half day stay. At the same time in Kladanj people pay 75 BAM for whole day and 45 BAM for half day stay in public preschool institution.

The main prerequisite for normal functioning of the institutions for the preschool upbringing and education are regular sources of financing that includes the funds that need to be ensured by the founder as well as the funds that come from the beneficiaries of services. Through direct inspection on the field, during the visitation of the certain number of institution, representatives of the Ombudsman institution have noticed that the funds paid by the founders are not sufficient, not even to cover the cost of wages and fees for the employees. From the payments made by the user didactical material, hot meal, professional training of the employee, literature and kindergarten utilities, are being paid.

Although the cooperation with the municipality and local community is good in the large number of institutions visited, the lack of adequate financial support to the institutions is also noticeable. Indication is, also, the information that financing of the kindergartens depends, greatly, on the structure of local authorities, as well as, on the conciseness of the actual structure about needs and importance of existence and work of the preschool institutions. So, in municipality Zenica the funds

175 Public institution for preschool education in Srebrenica

176 Public institution for preschool education in Banja Luka

177 Japanese organisation JICE for many years is regularly financing 2 employees of the primary school Skelani in Srebrenica and 1 employee in division in Potočari that were employed to work with children of preschool age.

for preschool upbringing and education are cut down for 40.000 BAM when compared to the year 2009, and that made the impact on the work of the public institution for preschool upbringing and education, which was already difficult in Zenica¹⁷⁸.

In public institution „Children’s kindergarten“ in Novi Travnik regular sources of financing, for years, is income from services with one-off financial help from the founder that was not sufficient, even for the wages for employees. Although in the recent years the funds are being set aside for the preschool institution, that is still not enough to get the institution out of the financial troubles and the result is that the institutions is still in debt. Similar case is with the public institution in Zenica that has significant amount of court cases because of the wages and other fees were not paid to the employees.

Funds for financing, rights and commitments towards the employees are inseparable from the funds that should be used for the financing of the primary work of the institutions. So the consequences are that the verdicts of the courts, which are related to the rights of the employees, make the impact on the budget of the institution and by that they make the conditions for work difficult.

At the same time public institution „Children of Sarajevo“ is being financed from 4 sources: by the Ministry of education and science of SC with 34.5%, payments by parent and subventions by 49.77%, own incomes (renting, refunding, collecting) by 10.70% and grants and capital incomes by 5.02%¹⁷⁹.

Besides the regular sources of financing, certain number of institutions for preschool education, receives the incomes in the form of the co- financing, so, for example in Tuzla Canton there is a system of co- financing from the ministries, where the funds from the Ministry of labour and social policy of Tuzla Canton are being used for obligatory part of the preschool upbringing and education of the children before enrolment into primary school. Occasionally, sub financing is present, also, from the Ministry of education and science of FB&H used for furnishing of the interiors and repairmen of the plumbing.

Occasional donations are made, not rarely, by the beneficiaries themselves and are being used for the purchase of the necessary equipment (DVDs, TV, etc.) used in the work with children.¹⁸⁰ Very often the donations of the beneficiaries are also different sorts of materials, pencils, crayons, paper and similar.

Private preschool institutions are fully financed from the payments of the beneficiaries, that brings the functioning of this institution in direct dependent relationship to the number of children enrolled. Some of the founders think that the obligation of the state and municipality authorities is to finance the preschool institutions, whether they are private or public. So, some of the founders of the private institutions, this years, did not make the donations of the large funds, that brought the institutions in existential crisis. Large number of the private institutions is partly financed from the donations of the didactic material and renovation of the interior or exterior of the institution, covering of utility costs, transportation costs, etc. In some institutions support to the institutions is provided by the city, so for example, City Mostar has donated 5.000 BAM to the SOS Children village in Mostar. Private children kindergarten „Don Ivica Čondrić“ receives, from municipality Žepče, regular income which varies from 2.000 to 5.000 BAM.

178 Writen information delivered from the director of the PI for preschool upbringing and education Zenica

179 Writen information delivered from the PI „Djeca Sarajeva – Children of Sarajevo“

180 PI, „Naša djeca – Our children“ Tuzla

Prices for services in private institutions, also, significantly differ from municipality to municipality, interesting example are two children kindergartens whose founder is the same organisation from Kuwait. Private kindergarten „**Amel and Nur**“ in Sarajevo for services in the children’s nursery for the whole day stay charges the amount of 270 BAM and for the half day stay 210 BAM, or 250 BAM for the whole day stay and 190 BAM for the whole day stay of children of other age. Private kindergarten founded by the same „**Aladdin**“ in Tuzla, for same services charges 190 BAM for the whole day stay and 140 for the whole day stay of the children in children’s nursery, or, 180 BAM for the whole day stay and 130 BAM for the whole day stay of children of other age.

In SOS Children’s village in Sarajevo and Mostar special emphasis is put on subventions for the certain categories of children: children whose parents are in the program Strengthening of the family, which is being held in the SOS Family centre and children without parental care do not pay the services and children of the self-supporting parents, while the services of the children of the parents with disabilities are paid in the amount of 50% from the actual price and for the children that come from the socially endangered families, according to the Law on social protection and on suggestion of the centre for social work, pay 30% of the actual price.

Services of the preschool upbringing and education for children whose both parents are working are being paid in the amount of 100% of the actual price.

Ratio between the donors’ share and the price for services paid by the beneficiaries in visited public and private institutions in Federation of B&H is showed in the Anex 2.

4.3. Programs for upbringing-education work

Basic approach in working with the children is based on the respect of children’s personality that includes the commitment to give to the child the opportunity to become aware of its abilities and to be able to develop in its own pace. Upbringing-educational work is pointed towards the realization of the long-term goals which, first of all include: emotional stability, independence, curiosity, initiatives and creativity of the child. With the upbringing in the family, as the first social group in which a child is included, it is very important upbringing in the preschool institution, as well. That is the way the goals and the duties of the preschool upbringing should be realized in cooperation and active involvement of the parents and the social environment. This method of work contributes to the harmonization of the upbringing has the influence on the child and it has positive effects on to the development of the society as the whole. Programs of the preschool upbringing and education should ensure the fulfilment of the child’s primary needs and should have an influence on all the aspects of the child’s development.

According to the data delivered by the competent ministries and according to the interviews and documents, which were provided by the preschool institutions, it can be concluded that in the system of the preschool upbringing and education in B&H, there is a number of programs which are used and which are, firstly, related to the age of the child. So in the preschool institution, a program of the upbringing and education work intended for the children aged from 6 months until they enrol into school is being used, as well, as the programs intended to other beneficiaries interested in the development, upbringing, education and general welfare of the children. Contents of the upbringing-education work are being realized thorough guided, combined and independent activities for nurture and care for the child’s health.

Planning and programming of the contents is being conducted through thematic units, based on the established Basics of the program in the area of upbringing and education and Common core of curriculum in B&H. Program of the work, employees of the institutions, individualize based on the needs of the children and available capacities and they sent it to the administrative board in the form of the one-year plan and program for the current school year and the board decides whether they will pass it. Final approval of the plan is being done by the competent pedagogical bureau and after that the plan is being realized in the praxis.

Planning, preparation and organization of the entire upbringing-education work is based on the work of the complete expert team of the institution and it takes into consideration the domain of the children's reality, children's interests, needs, psycho-physical characteristics, age of the child as well as, the age group to which the child belong to.

4.3.1. Types of programs

4.3.1.1. Common core of the comprehensive development programs

Framework Law lays down the rule that all the preschool institution in B&H should work according to the programs for upbringing-education work which contain the common core of the comprehensive development programs for work in the preschool institutions and which is passed by signing of the Agreement on the common core of the comprehensive development programs for work in the preschool institutions¹⁸¹. With this Agreement all the parties that have signed it are committed to include the Common core of the comprehensive development programs for work in the preschool institutions into programs to which the core refers to and which are being researched in the area under their jurisdiction.

The most important thing of the intention to apply the programs and plans from the Common core is to ensure the qualitative upbringing and education for all children and to reach the satisfactory standards, skills, knowledge and abilities, as well as, to ensure the continuous quality of the standards for upbringing and education in all the preschool institutions in B&H. Through the upbringing-education process it is necessary to ensure the development of the positive relationship and feelings of belonging to the country Bosnia and Herzegovina and to ensure the satisfactory harmonisation of the programs, as well as, their ability to adapt depending on the specific needs of the preschool institution and local community¹⁸².

4.3.1.2. Comprehensive development program

With the comprehensive development program of the preschool upbringing and education, the scope, the form and methodology of the upbringing-educational work with the children aged from the 6 months until they go to school, are being determined. Structure of the comprehensive development program consist of: program of the care and upbringing work with children aged from 6 months until 3 years old, program of the upbringing and educational work for children in the fourth year of life, program of the upbringing and educational work for children in the fifth year of life and compulsory upbringing -educational program for children in the ages prior to enrolment into pri-

181 Agreement was signed by the minister of education of the entity of Republic of Srpska, ministers of education of all cantons from the Federation of B&H and the head of the Department for education of the Government of Brčko District of B&H

182 Article 21. of the Framework Law

mary school. Comprehensive development program is being realised in the institution for preschool upbringing and education; in the institution for social protection for the children with no parental care or in any other institution for upbringing and education which deals with the children of the preschool age.

4.3.1.3. Specialised programs

Specialised program of the preschool upbringing and education contains the **continuous or occasional activities** that can be organised once or many time during the week and that last one, two or more hours according to the needs and interest of the family and child. Program contains upbringing and education work from the field of music, art, or physical education, puppetry, foreign languages, recreational, ecological or other areas and has the function of satisfying the special interests and abilities of the child.

4.3.1.4. Intervention, compensation and rehabilitation programs

With intervention, compensation and rehabilitation programs of the preschool upbringing and education, goals and tasks, content, expert personnel, scope, form and methodology of the work with **children aged from 6 months until they are included in compulsory preschool education and who, in their family, have no conditions for normal development**, with children from the families who are in the state of social need, children of the incomplete families, children whose parents are refugees and children who have psychological and physical disabilities, are being determined. Intervention, compensation and rehabilitation programs with comprehensive development program can be performed in all preschool institutions depending on the children's needs, especially in kindergarten with integrated groups, in special institutions, primary schools and institutions for social protection.

4.3.1.5. Programs aimed at strengthening of parental skills

Strengthening of the parental skills in the area of care and stimulus of the early development of the child demands continuous and intensive affirmation of the parental role, programmed education of the parents and usage of all the available potentials of the parents in the preschool upbringing and education, in the frame of the program. Exactly with this program of strengthening of the parental skills, which refer to the protection and improvement of the child's health – care, nurture and nutrition, protection of the child's rights, upbringing in and out of the family, resourcefulness and functioning in, for a child, special life circumstances, upbringing and stimulation of the development of the children born with risk factors, rehabilitation and integration of the children with developmental difficulties and similar, different educational, informative and promotional contents are being developed.

4.3.1.6. Compulsory programs for the children prior to enrolment into primary school

As the Framework Law lays down, **program for the children prior to enrolment into primary school is compulsory program for all children**. The program is brought by the minister and the same should be pursuant with the common core curricula.

4.3.2. Applicable programs of the upbringing-education work

4.3.2.1. Primary programs

During the research, a dilemma appeared about all programs that are being conducted, because in the correspondence, representatives of the institutions, mostly, used the term primary program, which, taking in consideration its target group, content and method, actually represents comprehensive development program. So, primary, basic preschool program, according to the information received from the representatives of the institutions, should be intended for all children from the day they are born until they start to go to primary school, harmonized with their individual abilities and opportunities.

The fact that the area of preschool upbringing and education is not standardized on the territory of Bosnia and Herzegovina, although the Framework Law that regulates this issue exists and although the program is, mostly, conducted according to the entity and cantonal Laws that regulated the mentioned area, reflects itself on the programs, themselves, and creates the possibility for different testing of the children involved in the preschool upbringing and education.

Generally, the **comprehensive development program** is being realized, in the frame of the upbringing and education work, which determines the scope and contents of the work, methodology, didactic and methodological instructions for the educator. This program involves the program of care, upbringing and education, health protection, nutrition and social protection of the children in the preschool age and its being realized according to the Curriculum laid down by the competent ministry. The whole day stay of the children in the preschool institution can last for 10 hours maximum. During the realization of the actual topics, combined methods of work, are being used, with total regard of child's personality and his/hers individual abilities and specialities.

Although the legal frame which regulates the issue of programs of the preschool upbringing and education in clear and precise way has dealt with this issue, in the praxis, in some parts of the B&H, situation is significantly incompatible to the legal frame. So on the territory of **Herzegovina - Neretva Canton** there is no unique program nor there is an adviser for preschool upbringing and education. Educators make upbringing-educational program, every pedagogical year, that is based on the Program of the upbringing and educational work with children in the preschool age and that was laid down by the Ministry of education, science, culture and sport of Republic of B&H for the school year 1994/1995. Program is being passed on the educators' council, it is being inserted into the years' plan and program of the work of the institution and it is being delivered to the Pedagogical bureau in Mostar, to cantonal Ministry of education and to the founder. They are being led by the Step by step methodology¹⁸³.

Central Bosnia Canton still has not passed the Law on preschool education and on the territory of Central Bosnia Canton there is no unique program and no Pedagogical bureau. They occasionally work according to the project activities and exclusively according to the needs of the children.

By passing of the Law on preschool in **Zenica - Dobož Canton** the programs of work became defined. The comprehensive development program and programs for children prior to enrolment into primary school¹⁸⁴ that are made by the preschool institutions, private and public are being con-

183 Oral information received from the director of PI Children's kindergarten Mostar

184 That passes the Ministry of education, science, culture and sport

ducted. Planning, preparing and organisation of the entire upbringing-education work lays down on the work of the entire expert team in the kindergarten, which includes the domain of the children's reality, children's interests, needs, psychological and physical characteristics, age of the children and age group to which a child belongs to. Step by step methodology is being conducted in forming of the interest centres for the areas envisaged to be realized during the year, enabling the children to choose their area of studying, according to their affinities and interests.

In **Canton Sarajevo** programs and programs' contents were laid down and approved by the Ministry of education and science of SC. Comprehensive development program ensures good conditions for the development of the child from 6 months of the year until they enrol into primary school. Specialised programs for the preschool upbringing and education contain continuous or occasional activities that can be organised once or many time during the week and that last one, two or more hours according to the needs and interest of the family and child and mostly those are English language and religious studies. In certain private institutions there is, also, religious studies content that takes 20% out of the total program during one day¹⁸⁵.

4.3.2.2. Shorter and specialised programs

Besides primary programs, in preschool institutions can be realized the specialized programs, as well. These programs are mostly being realized in the form of: sport schools, English and German language classes, music classes, little school of computers, dance school, folklore, swimming school, puppeteer – drama school, informatics and religious studies. In most institutions these specialized programs have to be paid for extra. As one of the ,models of obligatory involvement of the children in preschool institutions, short programs for children of the preschool age who are not included in primary programs of the children's kindergarten, are being organised¹⁸⁶. In praxis there is also one special program present, for the children that come from socially endangered families and for the children's whose parents do not work. This program is present for example in the Herzegovina – Neretva Canton, it lasts for three hours during the day and in which the children are intensively included into work. Program of any kind of shorted form of the activity must be approved by the entity and cantonal ministry of education and science.

Playrooms are special form of the shortened developmentally oriented program, where there are integrated shortened programs or specialised shortened programs.

4.3.2.3. Program of prolonged stay

Program of the prolonged stay in intended for the children enrolled in lower grades in school. Parents of those children bring them to kindergarten before they go to work and the kindergarten organises their going to school, getting back to kindergarten afterwards, doing homework, rest, playtime and food until their parents come back from work, when they take the children from the kindergarten. Stay and work according to this program is, mostly, organised from 7 a.m. until 4 p.m. Prolonged stay is the strongest type of help to the employed parents who faced this problem of care for the children after they finish the classes in school, when the age for starting school was lowered.

185 Private preschool institution „ Amel and Nur“

186 This program is , firstly, intended for children on the village, in the remote suburbs and for the children of less developed environments and children in the cities who are not in the kindergartensor who do not need the whole-day stay in the kindergarten

This program enables children to stay in the preschool institution before and after they finish with classes. Although this program is very useful for some parents, in some cantons, like for example in Zenica – Dobož Canton, prolonged stay, as program, is not defined by the Law, so the program, as such, in praxis, is not being conducted.

4.3.2.4. Programs for children prior to enrolment into primary school

Programs for children prior to enrolment into primary school is globally given a lot of attention for reason that preschool education is considered to be the foundation in the social forming of the children as persons. All countries in Europe offer some form of the early programs for children before enrolment into compulsory schooling. However, there are differences in those programs, between countries or even between religions related to age in which they start to the degree of the involvement and the type of the education and care that are available.

Some of the programs for preschool education in Europe, who are mostly, used are, Comenius programs and education according to the Montessori Method. **Comenius program belongs to the program of the European Union** whose goal is to ensure the cooperation of all the stages in educational system available in the European Union and it aspires to improvement of the professional skills and knowledge's about cultures and languages of European people and it exhorts the use of the new informational and communicational technologies in education.

Program Comenius also points out the significance of some of important topics like learning in multicultural environment, support to the persons with special needs, integration of the children with difficulties in learning into the regular classes. It is pointed on to the first phase of the education from preschool upbringing until primary and high school, it is intended to all subject of the educational community- pupils, teachers, other personnel in the education, but also local officials and parental associations.

Some preschool institutions in the world have adopted the other methods of teaching like **Montessori** which implies specific method of learning as the reflection of child's own inner instinct and need for expressing him/herself with outer behaviour depending on the child's different needs. Application of this method includes teacher during observation of the child and her/his inner guider for her/his personal perfect self directed development. The role of the teacher includes experimental interaction with the children, often to resolve bad behaviours or with the goal to show how to use different materials that need to be used. Method is primary used on the children aged from 2 and half years until 6 years of age. However, the majority of preschool children do not attend these forms of the education and development whether because of the traditional believe or inability of parents to accord to children that necessary type of education or because personnel is not enough developed or educated to work with those children.

Because of that, early care has to ensure upbringing and education in the institutions of preschool upbringing, with hiring of the specially specialised and carefully elected personnel, qualitatively created programs of work, ensuring the strengthening of the bond with parents/fosters and full respect of the home upbringing and culture of every family individually. If the child does not receive the necessary care and stimulus from the parents and educators during this crucial period child has predisposition to develop certain deficit which will later influence of his/hers success in the preschool education and school. Children have to get help to be cognitively, morally, socially, emo-

tionally, motivationally and in any other sense, formed for the cruel life in the developed world. In this specific world' and European' trends compulsory type of preschool upbringing and education for the children prior to enrolment into primary school was tried to be defined by Framework Law. The Framework Law has clearly defined the obligation that all the children in the year prior to enrolment into primary school are included into compulsory preschool upbringing and education but there are two groups of children in this category; one group with children who are already in some type of preschool upbringing and education and other group of children who are not included in any form of the preschool upbringing and education.

Basic goal of the **program for children prior to enrolment into primary school** is to ensure to every child, under the equal conditions, access and inclusion in corresponding preschool upbringing and education. In that short period the socialisation and more successful inclusion in school should be provided for a child. The compulsory program for the children in the year prior to enrolment into primary school contains the areas of the upbringing – education work, defined assignments and contents. Starting from the spontaneous children's game, as the basic activity of the child, contents justify their presence in the program only if they are in the function of the development.

Program should be understood as orientate, which implies the selection of the contents that correspond to the level of psycho-physical development of the group, as well as, of every child individually. Educator is obliged to ensure, with his/hers actions, individual approach to every child individually, according to his/hers abilities.¹⁸⁷ Next mentioned principle related to organising of the program for children prior to enrolment into primary school is, in the majority of institutions for preschool upbringing and education today, the approach pointed on to the child and its tendency is towards increased cooperation with parents/fosters and creating of equal responsibility for the child's upbringing and education.

When we talk about compulsory program of the preschool education for children prior to enrolment into primary school it is necessary to point out that there are different forms, depending on institution to institution. So in some of them, children who are not included into regular program of the preschool upbringing and educational work have the possibility to be included into the program of "mini school" that is being organized through several months during the school year in the year before the child enrolls into primary school.

Based on the answers received from the institutions, but also through direct consultative meetings which were lead during the making of this report, it can be concluded that, although the Framework Law of B&H lays down the compulsory preschool upbringing and education in B&H for all children in the year prior to enrolment into primary school, in the praxis the conduction of this Law is unequal. So when we talk about the compulsory program for the children prior to enrolment into primary school Framework Law of B&H clearly lays down **that this program is compulsory and free of charge for all children** and that the founder of the preschool institution has to ensure the funds for its problem arose in the process of passing of the entity and cantonal Laws on preschool upbringing and education, because with those it is not ensured the agreement on the resolution of compulsory preschool upbringing and education prior to enrolment into primary school with resolution stated in the Framework Law. So in the Law on preschool upbringing and education in Republic of

187 Compulsory program for the children prior to enrolment into primary school, Ministry of education and science of Canton Sarajevo, FB&H

Srpska, preschool upbringing and education prior to enrolment into primary school is not stated as compulsory program but it was left as possibility or choice.

Also in FB&H, some cantons, like for example Central Bosnia Canton, Herzegovina – Neretva Canton, West – Herzegovina Canton due to the fact that they still did not pass the cantonal Laws on preschool upbringing and education and that they were committed to do during the period of 6 months from the date of effectiveness of the Framework Law, have no compulsory type of preschool upbringing and education for children prior to enrolment into primary school.

So, Save the Children Norway, Regional office for the southern-eastern Europe from the year 2007. (hereinafter referred to as: Save the Children), inside one of the strategic thematic areas for education, works on advancement of increased approach to preschool programs for all children in the year prior to enrolment into primary school and that is in the line with the Framework law on preschool upbringing and education on FB&H.

Implementation of the project activities that are pointed in the direction of support to qualitative preschool upbringing and education enable the preparation of the children in preschool age to go to school (5-6 years old) with focus on the children of vulnerable groups. Special attention is paid to enabling the approach to preschool upbringing and education to children from the families who are not able to ensure the preparation for school for their children.

In the period from the year 2007 until the year 2011 Save the Children has established long-lasting cooperation and partnership with 3 cantonal Ministries of education, science, culture and sport on the level of Federation of B&H¹⁸⁸ as well as with the ministry of education and culture of RS. This cooperation has the result in increased approach to preschool education in the year prior to enrolment into primary school for over 2000 children with focus on the children from vulnerable groups. Cooperation, among other, involved advancement of the quality of conditions for implementation of the programs that included establishing and equipping of the classrooms where preschool programs did not exist, support in equipping and advancement in the quality of work of the existing institutions for preschool upbringing and education, professional training of the educators, and giving of support to advocating in the passing and harmonization of the laws on the canton level with the Framework law on preschool upbringing and education.¹⁸⁹

A) Compulsory preschool education prior to enrolment into primary school in Republic of Srpska

The Law on preschool education and upbringing of RS lays down the possible, not compulsory, preschool upbringing and education that lasts for three months in the year prior to enrolment into school. With the Law it is laid down that, in the year prior to enrolment into primary school, preschool education is organised as the part of prep activities and in some schools, they last at least three months, especial in the places where the founding and functioning of the preschool institution is not possible. Gathered information point out that the inclusion of children into organised preschool upbringing and education in RS is not on satisfactory level, considering that only 9000 children go to classes, this is only 12% of the total population of the children in this age.

For children who regularly go to preschool programs, prep classes are organised in the scope of

188 Una-Sana, Central Bosnia and Zenica-Doboj canton

189 Una-Sana canton, passed in May 2010 and Zenica-Doboj canton in June 2010.

the comprehensive development programs, and for those who do not go to kindergarten it is being organised for 3 hours daily in the scope of the half-day preparation preschool groups continuously in the period of March, April and May. The Government of Republic of Srpska has secured the funds for implementation of the preschool programs (that last for 3 months) for the children in the year prior to enrolment into primary school for 1/5 of the total population of children that will in the year 2011/2012 be enrolled into the first grade. Programs started with implementation on March 1st and have lasted until May 30th 2011 and were for the children who are not included into the comprehensive development program. Based on the list delivered on the number of children from all preschool institutions in Republic of Srpska the funds were distributed in such way that for realisation of this program all preschool institutions received monthly amount of 52,35 KM pro child. Based on the number of applied children 112 upbringing groups were formed in that way including 1895 children. Program was implemented in 15 primary schools in the areas where there are no preschool institutions in the first grade classrooms, out of which in eight of them¹⁹⁰ the program was financed by the non-government organisation Save the Children for total 222 children. This organisation in the past period has secured the funds for equipping of classrooms with furniture and didactic material in these areas so the conditions would be secured for the implementation of preschool programs in those communities¹⁹¹. Also, in Bijeljina in 3 private kindergartens 165 children were included. In some places there was no interest to include the children in this program¹⁹², while in some municipalities there was the pressure to include the children¹⁹³ so there were 583 children more included after the participation of the parents.

In the follow-up the overview of the number of children included in this program in preschool institutions in Republic of Srpska that were visited by the representation of the Ombudsmen institution is given.

Ministry of education of RS has financed the compulsory type of preschool education for 220 children, or 10 groups from the territory of the city of **Banja Luka**¹⁹⁴, while for 110 children their parents paid 17 BAM, so total number included is 330, while 1300 children is on hold.

Prep classes that last for three months are organised for 47 children in **public institution for preschool upbringing and education "First steps"** Vlasenica out of which for 22 costs are paid by the Ministry of education of RS while the rest were financed by the funds from the institutions, so on the expense of other programs that are being realised by this institution. This decision was made in the circumstance when there were no criteria on which children of preschool age prior to enrolment into primary school should be included in compulsory type of education, which is financed by the ministry. It was not possible to make a decision which children are going to be included into prep classes and which not, so the institution made the decision to include them all.

In **public institution Children's kindergarten „Poletarac“, Srebrenica**, 37 children from three municipalities (Skelani, Potočari and city area of Srebrenica) applied for the program of preparing the

190 PS Petar Mećava, Kostajnica; PS Nikola Mačkić, Donja Prevljaja, Ribnik; PS Vuk Karadžić, Petrovo; PS Aleksa Šantić, Vukosavlje; PS Aleksa Šantić, Osmaci; PS Rudo, Rudo; PS Milan Ilić Čiča Šumadijski, Han Pijesak; PS Jovan Dučić, Kasindo, Istočno Sarajevo

191 Information taken from the official page of the Government of Republic of Srpska

192 Kozarska Dubica, Modriča, Srbac, Teslić, Trnovo, Šipovo

193 Banja Luka, Bijeljina, Bratunac, Sokolac, Foča, Pale

194 In PI Center for preschool upbringing and education Banja Luka

children in the year prior to enrolment into primary school. Program is realized during the period of three months, for three hours daily. According to the statistical data on the territory of municipality Srebrenica there are 50 children who are going to go into the first class next school year and that, points out, that not all children are included into program of preparation for school. Ministry of education of RS has financed the program for approximately 20 children.

In **public institution Children's kindergarten „Radost - Cheerfulness“, Bratunac** 63 children were included in program from October until December and 102 from March until June. Out of those 102 for 31 of them the costs were paid by the Ministry of education of RS, while parents of all children paid 10 BAM to ensure the funds for all children who showed their interest to go to prep program for school.

Ministry of education of RS has financed 20% out of the total number of interested beneficiaries for the program in **Children's centre "Ladybird" Pale**, precisely 30 children. Parents paid 30 BAM for organisation of this type of prep classes for 28 children in Mokri.

The government of RS has approved the financing of the compulsory preschool program for 37 children in **public institution Children's kindergarten „Larisa Šugić“, Kotor Varoš**, but until the moment of gathering of information the approved funds were not paid to the institution. Number of children who should be included into program of compulsory preschool education is 70.

In **public institution for preschool upbringing and education Sokolac**, three-month prep classes are ensured for 22 children financed by the Ministry of education and culture of RS, while other children, who are interested, will get free educational part but no food.

B) Compulsory preschool education prior to enrolment into primary school in Federation of B&H

According to **the Law on preschool upbringing and education of Tuzla Canton (TC)**¹⁹⁵ compulsory preschool upbringing and education prior to enrolment into primary school is intended for children of the preschool age who are not included in some other form of the preschool upbringing and education and it can be organised once or more times during the week, maximally daily for three hours, totally minimally for 150 hours.¹⁹⁶ In school year 2010/2011 the compulsory type of the preschool education was for the first time implemented, it lasted three hours from 9 a.m. until 12 a.m. This program included all children who were not included in any other form of preschool upbringing and education, so far, and that are ready to enrol into primary school. The work was done in two cycles from November 1st 2010 until March 1st 2011 and from March 21st 2011 until May 30th 2011, due to a large interest for this program and the number of children enrolled was bigger then expected. The work was done in preschool-school groups of the kindergartens. Implementation of the program pointed out on the significance of the continuity of the program in the process of education, especially in the moment from going from the preschool to school type of education. Compulsory preschool program of education is significant so that a child can acquire the certain habits of organised work prior to enrolment into primary school. By gradually acquiring of the correct rhythm of work and by optimum level of integrated learning and development, the child becomes prepared for the responsibilities that primary school program imposes on to him/her and which can hardly

¹⁹⁵ Official gazette of the Tuzla Canton, number . 12/10

¹⁹⁶ Article 43 of the Law on preschool upbringing and education of TC

be accomplished in the family environment. After finishing of the program, all children received the certificates issued according to the passed pattern for this. Number of children included in this compulsory program of preschool upbringing and education in TC is 345 while at the same time 385 of the children in preschool age was included into this program through program of whole day and half day stay in regular program.

Law on preschool upbringing and education of **Una – Sana Canton (USC)** lays down the compulsory preschool program for all children in the age prior to enrolment into primary school. Unfortunately, although the Law was passed by the Congress of Una – Sana Canton on its 46th session held in May 2010, this Law in praxis, still, is not used because its passing is conditioned by passing of other legal acts¹⁹⁷.

In **Bosnian – Podrinje Canton (BPC)**, minister for education, science, culture and sport has released a public invitation to parents of the children in preschool age in BPC to apply children into the preschool institutions, according to the Framework Law, articles 16 and 39 of the Law on preschool upbringing and education of BPC¹⁹⁸.

Compulsory preschool upbringing does not exist on the territory of **Herzegovina – Neretva Canton, West – Herzegovina Canton and Central Bosnia Canton** because the Law on preschool upbringing and education of the mentioned cantons is not passed, according to the regulations passed by the Framework Law. At the same time on the territory of the City of Mostar there is the field project existing in the form of mobile kindergartens/playrooms¹⁹⁹. Shortened type of preschool upbringing is performed here and during the period of enrolling the advantage is given to the children who are starting school and who come from the risk groups by the categories defined in the Family Law.

In **Zenica – Doboј Canton** the program of compulsory preschool upbringing and education is being realised through 150 obligatory hours and the realisation will start in the school year 2011/2012 for the children in the age before enrolment into primary school²⁰⁰. Through realisation of the long-lasting project "education for social cohesion and B&H on the way to EU" (2010.-2012.) that is being conducted by the Ministry of education, science, culture and sport of ZDC and the partnership and financial support of Save the children, in the first half of the year 2011, the implementation of the program with preparation classes was realised for 100 children on following locations: PI for preschool upbringing and education „Mladost – Youth " in Kakanj, PI for preschool upbringing and education „Visoko" Visoko, City children's kindergarten „Zavidovići" u Zavidovićima, Kindergarten „Vožuća" Zavidovići, PI for preschool upbringing and education Zenica. Active program of Save the Children plans to include at least 300 children in the 2011/2012 school year.

In **Canton Sarajevo** children in the upbringing groups in the year prior to enrolment into primary school and whose parents have the need for the whole day and half day stay in the institution, are included in the regular primary program. For the children who are not included into the mentioned program, compulsory program is being organised, which lasts, in total, for 150 hours. On the location on which there are no preschool facilities the realisation of the compulsory program is being done in

197 Written information by the Ministry of education, science, culture and sport of USK

198 Official gazette of BPK, number:01-02-1198/09

199 SOS Children's village Mostar

200 Data received by the Ministry of education, science, culture and sport of ZDC

the facilities of the nearest school object according to the competent Law on preschool education. Total number of children in preschool age for the current school year is around 3700²⁰¹.

C) Compulsory preschool education prior to enrolment into primary school in Brčko District in B&H

Law on preschool education and upbringing of Brčko District of B&H has established the compulsory program of preschool education for children who were not involved in preschool education in the year prior to enrolment into primary school, which lasts for 150 hours. Number of children who applied to go to prep classes, applied for enrolment into the first class of primary school in school year 2010/2011 is around 500 who are not included into preschool education and 130 who are included into preschool upbringing and education in institution²⁰².

Generally it can be concluded, and based on the data gathered and processed; that the situation in the area of compulsory preschool upbringing and education for the children prior to enrolment into primary school is very bad and that in this type of compulsory education not all children are included. Significant number of children is excluded from this right because the cantonal Laws are not passed or due to the fact that this type of education is not defined by the Law as compulsory. This condition, indirectly, leads to discrimination of one group of children because in same situation they are being treated differently by the authorities. Looking at it in long terms this will make the negative impact on the society as whole because it diminishes the possibility of equal participation of one significant population.

4.4 .Preschool upbringing and education of the children with special needs

First couple of years in the child's life are exceptionally important for all the growth and developmental stages that follow in every child's life and especially of that with special needs. As all other children these children, too, have the right on joyful and carefree childhood in the company of their peers and on the involvement into certain programs of upbringing and education. In the context of upbringing and education of the children with special needs, integration and inclusion is especially important. When children with special needs learn and are raised together with children who do not have those needs those children have equally possibilities to learn about basic values and to develop their consciousness, physical, social and emotional abilities. Preschool institution should encourage physical, intellectual, emotional and social development; the benefit of integration for the children with special needs is possibility of observing, mimicking and playing with normally developed children and successful integration in the kindergarten is the foundation of their integration through their entire life.

Integration of the children into regular work of kindergarten refers to lighter categories (short-sighted, hard of hearing, light psycho-motor disabilities, speech disabilities, etc) while hard cases require different organization of the upbringing-educational work. In order to have qualitative upbringing-educational work with this children it is necessary to reduce the number of children in the group, to enable the expert treatment by the adequate personnel, where, mostly, the problem appears, and as a result we have only a small number of children with special needs included into

201 Data received by the Ministry of education and science of CS

202 These data do not include the data for the area Prutače

regular groups.

In the institutions for preschool upbringing and education there is a certain number of children with special needs who are integrated into existing age groups and for their socialisation and adaptation educators and medical nurses and expert associates (coordinator of the upbringing-education work, defectologist and speech therapist) are in charge. Expert associates, together with educators, follow the dynamics of involvement of this children and work intensively with parents. According to the data delivered, on the territory of FB&H, there are only 53 children included into regular process of preschool upbringing and education²⁰³.

On the territory of Republic of Srpska, included into organisational structure of the Centre for preschool upbringing and education of Banja Luka, the preschool institution specialised in work with the children with developmental disabilities „Maria Mažar“ is functioning and there are 83 children there with different type of disabilities in psycho-physical development. When these children enrol into the institution that is not specialised, the individualized educational-upbringing program needs to be made and assistants should be hired for inclusion, as helpers to educators. When these assistants need to be hired in the praxis, certain problems of financing appear because in the Law there is no article that regulates the way of financing those assistants, so neither the municipalities nor the founders are willing to find the funds necessary for these children. This situation has lead to very small number of children with special needs included into regular preschool program. In children's nursery there is only 5, out of which there is one boy with Down syndrome, and in the kindergarten there are 90 children included with speech disabilities, hearing disabilities, Down syndrome, body impairments, with disabilities in mental development, out of which 36 are boys. Except on the territory of the City of Banja Luka, where specialise institution is situated ,on other territories of Republic of Srpska, in preschool upbringing and education there are 10 children with special needs included.

4.5. Structure of the employees in the upbringing - education work

Different programs of the preschool upbringing and education in public and private sector are being implemented by educators, specialised experts of various profiles (pedagogues, specialized pedagogues, speech therapists, psychologists, doctors and social workers) with university degree. Medical workers realise the job of care, protection and advancement of health of the children aged from six months old until they enrol into school. Those medical workers have finished faculties, colleges or high schools. Educators, expert associates and associates who are first-time employed at the preschool institution are obliged to pass the expert examination after one year and before expiry of the second year of direct upbringing and education work. The implementation of the upbringing and education programs may also involve the participation of persons with higher, associate and secondary degrees of the upbringing and education and medical profession, as assistants and volunteers.

4.5.1. Employees in preschool institution in Republic of Srpska

Education-upbringing work is conducted by educators, medical nurses, expert associates (pedagogue, psychologist, defectologist, social worker, nutritionist and doctor, specialised in pediatrics)

203 14 HNK, 13 USK, 10 ZHK, 9 BPK, 7 SBK, there are no data for other cantons

and assistants in the process of inclusion²⁰⁴. In children's nursery and kindergarten groups work educators and defectologists for children with developmental disabilities who are included into regular age groups and for the children placed in developmental groups. Jobs of the educator in children's nursery and kindergarten can be done by the person with right level of university degree of qualification.

Medical personnel in charge of work with children in children's nursery and kindergarten includes 122 employees on the territory of RS, while the jobs of educators are performed by 412 qualified persons with university and colleague degree of qualification. Expert associates psychologists, pedagogues, defectologists, social workers and pediatrics (total number of 22) are meritorious for improvement of the entire work of the preschool institution. Besides the employees who are in charge of the education-upbringing work, every institution has the persons employed in administration and persons hired as help-technical personnel. In some preschool institutions there is the overlap of jurisdictions so in some of them directors also work as educators.

It is important to point out that Framework Law and Law on preschool upbringing and education of RS, the obligation was passed that the educators must have the university degree of qualification and if they are found on the workplace of the educators without the right degree of qualification they have a deadline during which they have to make the degree. Because the organisational unit for preschool upbringing and education inside the high school system of Republic of Srpska does not exist, the educators were able to acquire the degree of qualification in the neighbouring country. There are, however, institutions like public institution "Children's centre" Pale where none of the employees have the degree of qualification required.

4.5.2. Employees in preschool institutions in FB&H

Framework Law of B&H lays down that in realisation of different programs of institutionalised and non-institutionalised preschool upbringing and education in public and private sector educators, specialised experts of various profiles (pedagogues, physiologists, doctors, specialised pedagogues, social workers, medical nurses, speech therapists and others) will be hired as well as, assistants and volunteers of different profiles, administrative personnel, help and technical staff.

Because the Law was not passed in all cantons, and it had to be done in the period of 6 months from the date of effectiveness of the Framework Law of B&H, inequality exist when it comes to the level of the degree of qualification that employees must have to be able to work with children in preschool institutions. It is specially important to say that in the cantons which have passed the Law on preschool education, according to the Framework Law, a problem of inability to acquire the necessary degree of qualification in the nearby area, that is necessary by the Law and set as the standard, appeared. This problem is mostly present in Tuzla Canton where there is the large number of preschool institutions, large number of children in preschool age and where there is no department for preschool education. So educators are forced to go thorough extra physical and financial efforts to receive the university degree of professor of preschool education and they have to go to Zenica, Mostar or Sarajevo where such departments for preschool upbringing and education exist.

In **Tuzla canton** education-upbringing work is done by 114 educators and expert associates.

204 Assistant gives technical aid, parents points out the disability and the expert team determines the level and quantity of assistance that the assistant gives to a child. The job of the assistant in the school is not to be the rehabilitator, work therapist or similar.

Ministry of education, science, culture and sport of TC has not delivered the precise data on qualification structure of the employees.

In public institutions of **Central Bosnia Canton** there are 32 employed educators and in private 24 and the competent organ has not delivered the precise data on qualification structure of the employees or the data on other employees in institutions. At the same time in the institutions there are expert associates employed because according to the standards from the year 2004, that are in effect because the cantonal Law is not passed, the institutions do not need to have the expert when the number of children is lower than 126.²⁰⁵ There is, also, the problem of acquiring the fees on the wages, so the persons employed in the public institution for preschool upbringing and education in Bugojno receive their wages without the fees for food, transport and bonus.

In **Posavina Canton** 8 educators are employed, there are no expert associates; while the total number of employees in **Bosnia – Podrinje Canton** is 16 and 2 of them are the expert associates.

On the territory of **West – Herzegovina Canton** there are 30 educators employed with associate degree of qualification, 24 with university degree of qualification, one medical nurse, 1 pedagogue and 1 defectologist and in preschool institutions of **Una – Sana Canton** total number of 167 persons are employed, out of which 69 are educators, 20 are medical nurses and 16 are outer professionals. The data were not delivered concerning the education and other characteristics of the employees.

In the institutions of **Herzegovina – Neretva Canton** there is the total number of 102 employed educators and expert associates while outer personnel includes speech therapist, professor of English language and professor of preschool education in the project playroom.

In **Zenica – Dobož Canton** the total number of educators and expert associates is 200 and the exact data on structure of the employees was not delivered. Law on preschool upbringing and education of ZDC is not pursuant to Framework Law of B&H in the area which is concerned with the degree of education of the employees. By looking at it individually in the visited institutions it was determined that the majority of educators do not have the degree of the professor of preschool education (university degree of qualification) nor are they in the process of acquiring the same and they, also, do not fulfil the demands required by the years of working in the area of expertise to hold on to the position without the degree of qualification.

In **Canton Sarajevo** the jobs of realisation of the upbringing and education work in preschool institutions and institutions for special upbringing and education is done by 492 expert and medical employees. 110 are professors of preschool education, 238 are teachers of preschool upbringing, 50 are medical nurses, 12 pedagogues, 10 psychologists, 12 social workers, 30 assistants and 36 are other expert workers, associates and rehabilitators.

The data on personnel structure, generally, on the territory of B&H, as well as in the visited institutions, are presented in the Anex 3 and 4.

4.5.3. Brčko District of B&H

In preschool institutions of BD of B&H 41 persons is employed, out of which 32 are educators (3 with high school degree of qualification, 3 with associate degree of qualification and 24 with uni-

²⁰⁵ On 10 upbringing groups there should be 0.5 pedagogues

versity degree of qualification), 6 medical nurses, 1 pedagogue, as an beginning employee and the director. It impression is that there is not sufficient number of personnel when compared to the number of children.

4.6. Professional training and the role of the educator

To be an educator is a professional role which is performed, entirely, through the relationship with the child and his/hers parents. Educator needs to, constantly, professionally train him/herself but also develop as a person through whole-life learning. He /she are not the persons who carry out the program, but he/she should critically and reflexively explore its profession and create the curriculum.²⁰⁶ To become like that, the ability of self-reflection of its work and the values represented in its work, needs to be developed. Capacities of the educator to accept the child's personality is also very important, as well as the educators' ability and its willingness to understand the child's needs and to satisfy them with kindness and goodwill and that reflex on the entire environment, too. Knowledge's and skills of the educator are even more important as the child is younger, meaning more dependant on the adults and they include the knowledge on qualitative nutrition, protection of child's health, recognising the symptoms of some of the diseases and how to behave when those occur, on optimum condition for sleep, walk and care about the child's emotional needs. Educator who understands what the child needs to feel satisfied secured and accepted and who has the skills with which he/she will ensure these conditions, as fast as possible, will clear the time for work on child's development and he/she will create the conditions for the child, in which, he/she will accept the outer stimulus.²⁰⁷

Responsibilities of the educators are, also, to respect the individual needs of the child, to respect their interests, to create the positive image about him/herself, to give the child the right model of behaviour, to ensure the stimulating environment for child's self growth through play, informing of the child of their rights, to acquaint the parents with their children rights, to respect the needs of the family, learning about children's rights, work on him/herself and instigation of the self-control of own needs. Educator should have the right to intervene in the case he/she notices that some of the child's needs are endangered, to receive the information from parents about the child, to establish one type of partner relationship with the child, to cooperate with the professionals in the defence of the child's rights, right on professional training in the area of human rights and professional rising. The stimulation of happy and joyful atmosphere is also important as well as aspiration to become "the perfect" educator.²⁰⁸

Permanent professional training of the educator is a condition for innovation in educational-upbringing work. This professional training should be done through formal education on faculties and should have the goal to acquire the professional degree required by the Law, but also through other educational forms like, for example, seminars, lectures, projects, etc. Improved cooperation with parents, local community and institutions is, also, one of the ways of innovation of education-upbringing work. Innovations, first of all, include introduction of the new methods and forms of work, organisation of the work in which the activities are in the centre of the attention and gathering

206 Miljak, Arjana (1996) Humanistic approach to theory and praxis of preschool education: model Source, page 58..

207 Mlinarević, 1999., page 148.

208 Handbook Upbringing for democracy in the early childhood, author prof.dr.sc. Dubravke Maleš and mr.sc. Ivanke Stričević.; handout for parents Parents and child rights, author prof.dr.sc. Dubravke Maleš and mr.sc. Ivanke Stričević

and elaboration of didactic material.

Investigation on the field shows that the education of the educators in RS is continuously conducted, once a year, on the territory of RS but also in other regions like for example in Serbia, if educators are able to participate. The personnel that works in the kindergartens, is being educated, according to the special program of the professional organ of the kindergarten and it is present on all seminars that are organised by the Ministry of education and culture and international organisations.

In order to improve the quality of the education-upbringing work, educators are involved into individual and collective forms of the professional training. Individual professional training includes continuous monitoring and processing of the new teaching documentation, through immediate education-upbringing work in the group with children, as well as, professional topics that are being represented in the form of presentation and workshops on expert councils and teacher councils based on the plan and program of the professional training and through participation in seminars, conferences, etc. Collective professional training mostly includes seminars organised by the competent pedagogical institute and seminars in FB&H organised by the association of the employees in preschool institutions.

Innovation of the work is achieved through projects, as well, which are being conducted in cooperation with different organisations,²⁰⁹ so, for example, Children's kindergarten „Don Ivica Čondrić“ Žepče is included into cooperation with CIVITAS and project of civil education of preschool children. In the process of implementation is, also, the kindergarten development program according to the methodology „Index of inclusion“ that was initiated by the Save the Children UK and OSCE mission for B&H.

Through project that last for several years²¹⁰ Save the children Norway SEE has secured and continuously is giving the support in professional training of the educators and other included in the education system²¹¹, and through common out-class activities to decrease the obstacles in approach and during the education to advance the quality of upbringing-education program pointed towards the child and to enable the stimulating environment for all children included into preschool and primary school education.

Educators and other professional associates in preschool upbringing and education have to go through programs of training period as the condition to gain the licence for independent work and to pass the professions exam according to the regulations of the competent ministry of education. There is the intention for continuous professional training and monitoring of new scientific accomplishments in the area of preschool education to be the condition for re-licensing of the personnel and for them to stay in the area of expertise. Professional training of the educators for realisation of the program has the purpose of monitoring of the accomplishments in the field of knowledge and science and training for introduction of qualitative changes into educational-upbringing praxis and educational-upbringing work.

209 Save the Children UK, Mission OSCE for B&H, CIVITAS B&H

210 „Universal right on education“ and „Education for Social cohesion and B&H on the way to EU“

211 Education for social justice

4.7. Standards for the facilities, hygiene and equipment with didactic material

With children in preschool age we can not only talk. Full child's activity and creativity can only be achieved with the help of selected equipment and requisites suitable for children of preschool age and adequate led activities. Manuals or literature for educators are also a type of didactic helping device. It is a necessary source of orientation for programming and immediate work of the educator.

4.7.1. Physical space

Space in which the child is staying has to be adapted in its size, organization and equipment, so that the child can safely move in it, play on his/her own or with other children. The furniture and the equipment have to be organised so that everything is on the reach and comfortable. Material that we offer to children has to be harmless, functional and suitable for handling.

Structuring of the space and the material, time organisation of the activity has to be stimulating to enable the interaction but also the individualized approach to every child. Educators are immediate creators and person who realize the program. Their first task is to help every child to adjust to his/hers new environment, to support and initiate child's initiative, creativity and creative phrasing. This includes physical adjustment as well, in a way that every institution has architectural adjusted driveway for children with special needs.

In Tuzla canton, special attention is given to maintenance of the facility in which children are staying so that some of the kindergartens are renovated or they have nice backyard²¹². The classroom used for work with children is equipped with adequate and obsolescent didactical material. At the same time in some parts of the FB&H some kindergartens are very rundown, not renovated with yards which are not arranged, obsolescent furniture and didactic material²¹³. Some kindergartens have a leaking roof because of which the last floor is not used, decrepit pipelines and installations which bring the safety of the children in question.²¹⁴ In Kindergarten in Novi Travnik equipment of the kitchen which supplies the food for the children in the kindergarten dates back from the year 1996 and till this day was not changed. Problems with reparation of certain brake downs in public institution Children kindergarten „Ciciban“ Mostar exist from last year and all the funds needed for the reparation were paid by the institution. One of the problems in this institution is the malfunction of the official vehicle which every day brings the food for children from the central kitchen for all organisational units. The institution did not receive the material support from the founder, although they asked for it many times. It is necessary to point out the selfless support from the parents whose children use the services of this kindergarten and whom, with their donations, have helped with maintenance of the outer facilities in the form of buying the flowers and material for the yard.

Special problem are yards which are the part of the preschool institutions that are intended for the children – service users-beneficiaries, but also for other children. However, mostly, the users of the requisites in the yards are destructive adolescents.

In the institutions it is necessary to pay the special attention to organisation of the space in

212 PI Children's kindergarten Živinice, PI Children's kindergarten Banovići

213 PI Children's kindergarten „Edina Čamdžić“, Kladanj; Children's kindergarten Novi Travnik, PI Children's kindergarten „Zulejha Begeta“, Konjic

214 Children's kindergarten Novi Travnik; PI Children's kindergarten „Zulejha Begeta“, Konjic; PI Children's kindergarten „Ciciban“ Mostar

which infants are staying. Children's nursery has to be totally isolated from the rest of the kindergartens' area. The room has to have enough light, sun and has to be airy. Temperature needs to be 20 degrees of Celsius while relative air humidity needs to be, at least, 60%. Nurseries must have the changing table as well as toilets and washbasins, and in the hall there needs to be the big table that can change into pleasant area for parents to change their children and to give them to the personnel. The area for children to eat in can be small but it must be separated from the living room area. Children's nursery must have singled out kitchens with the fridge.

To get the objective picture of the conditions on the field we will describe the situation in couple of visited institutions. **Public institution for preschool upbringing and education Sokolac** is situated in the facility with 6 rooms and necessary teaching and didactic material. About 52% from 1150m² of total surface of the kindergarten is used by the kindergarten and 48% are used by the 1st and 2nd grade of the primary school. Kindergarten has huge yard which is considerably unorganised and there were no children there at the moment of visit.

Good example of the kindergarten, when it comes to organisation of the inner and outer area, is **private kindergarten "Saint Francis", Kiseljak**. The surface of the kindergarten is 2000m² and there is 4000m² of the yard surface. Kindergarten has all necessary material and spatial conditions for preschool upbringing and educational work. Every upbringing group has the reception hall with dressing room, separate two toilets for children, a shower, two sinks, room which is functioning as living room and separate sleeping room. Kindergarten has a gym with sports equipment, big dining room and the area for performances and the area for parental meetings. As the part of the kindergarten there is also the large yard area with exceptional didactic equipment, houses, sandboxes that are there thanks to the creativity and goodwill and wish of the kindergartens' supervisor and its employees.

Institution "Children's kindergarten" Čapljina is situated in very spacious facility with 5 working rooms, for work with children, out of which 4 are constantly being used. However, the roof of the facility, in which institution is situated, is in very bad condition, sanitary knot needs to be changed, urgently. There is also the big yard and the equipment with the requisites needed for the child's right development is minimal. Equipment with the didactic material is bad so educators try to manage in any way possible, mostly by using their own resources, will, desire and creativity. Regional unit of the kindergarten „Višići“ is, also, in the very bad situation. As the part of the primary school Lipanjske zore there is the division for children of preschool age situated in two rooms which are not equipped with necessary didactic material.

Total surface of the facility used by the institution "**Children's kindergarten" Novi Travnik** is 1000 square meters in the downstairs and the first floor is used by the Musical school according to the decision made by the Municipality council. Kindergarten works from 6.30 a.m. until 4.30 p.m. 4 rooms are being used for work with children with total surface of 300 square metres, out of which 3 are working areas and one is used as the sleeping room for the group of younger children. Rooms are partially equipped with didactic material. Roof is leaking and humidity is obvious which brings the safety of the children and the employees into question and the kitchen is also old and in very bad condition.

Public institution "Children's kindergartens „Ciciban“, Mostar is situated in the facilities that were built and equipped according to the needs of the children of preschool age. Inner area is suit-

able for the needs of the children and the yard area is adjusted to the children's age. Total surface of all five of the organisational units is 1590 square metres of closed area and 3747 square metres of open area. The furniture in the kindergarten is considerably obsolescent and it needs to be replaced, as well as the existing requisites but the institution does not have the funds necessary for this. Priorities on improvement of the work conditions and of the stay of the children in the kindergartens would be the repair of the electrical installations and painting of the children's nursery in organisational unit „Bee“, reparation of the yard fence in organisational unit „Renzo Donazzon“, reparation of the balcony area in organisational unit „Bambi“, supply of the furniture for children's nursery in organisational unit „The Star“.

Institution for preschool upbringing and education „Amel and nur“, Unit „Amel“ does its work in the facilities of primary school „ElManar“, in the facilities which are renovated and prepared for the work of the kindergarten but the facility was not built for this. The space of the kindergarten is on the first floor and besides the area for work there are two children's toilets, reception area and room for educators. Kindergarten has the yard equipped with requisites, while the kitchen and the dining room are shared with the primary school, as well as the classroom for informatics, atrium and medical room. Because the kindergarten is the part of the primary school „El-Manar“ certain number of rooms are use together and in that way they are able to compensate the lack of space. The facility has, generally, small surface, children rooms are around 35 square metres so it is all very poky and it looks so unconditioned for the children of preschool age. Although it was mentioned that the equipment with the didactical material is satisfactory that could not be seen during the visit.

Unit „Nur“ is facility built for the purpose to be the kindergarten, it has seven rooms for education-upbringing work with children, area for computers, children toilets, area equipped as the inner playroom, room for the educators, medical room, dining room and outer yard. The area does not have enough of square metres for the large number of children and that is compensated with the playroom area in the kindergarten „Nur“ where the activities for children are being organised daily.

Unit „Vogošća“ was built last and opened in the year 2010 as modern facility intended for kindergarten. There are 6 rooms for staying of the children from 1 year of age until they start school, 2 toilets for children, reception area, dining room, room for educators, playroom for children and the yard which is the process of construction. Working time for all kindergartens is from 7 a.m. until 6 p.m. and the beneficiaries can use them also as half day stay in the period from 7 a.m. until half past one or from 12 a.m. until 6 p.m.

4.7.2. Nutrition

Nutrition of the child should be the right one from the first day of life because it represents the basic condition for her/his health and normal physical and psychological development. Number and the amount of the meals that the child needs to take depends on his/hers age, body weight and individual needs. In planning of the nutrition in children's nursery we need to take into consideration the possibility of not only taking the different food but also of possibility of digesting of the same. Monotonous nutrition with small children can cause in some situation the lost of appetite, as well as, repulsiveness towards the food. Intake and the needs of the children for food should be in accordance with their psycho-motor activity²¹⁵.

215 Principles of work in PI, „Naše dijete – Our child“ Tuzla, according to the report on work programs of the institution

Through visits in the institutions the inequalities in fulfilment of these standards, were noticed. In some of the institutions a lot of attention is paid to the variety of the food and all the necessary supplements for the child's development were also ensured. On the other side we have institutions which do not have enough funds to ensure the necessary variety and it is not rare that the parents of the children bring food for their and other children.

V Final contemplations by the Ombudsmen

Well organised preschool education and upbringing represents the base of the whole-life learning and it should ensure good conditions for the integrated development of the child, secure an happy childhood, it should reduce, deflect and exclude some of the negative socio-economical, cultural, health and other influences. Qualitative preschool upbringing helps to attain all intellectual and physical abilities of a person, its basic human rights, inclusion into the society and it also contributes to decrease of the poverty and misery. Conditions to achieve the qualitative preschool education are, among the others, qualitative programs, continuous and secure financial resources, positive ratio between the number of children and the adults, well trained educators, as well as, inclusion of the parents. These elements are used as indicators for research of the conditions in the area of preschool upbringing and education. So the research that was conducted by the network Eurydice in 30 countries in the EU, Norway, Iceland and Switzerland, has showed that 87% of children in the age of four years old is included in some form of the preschool education, with the tendency for that number to be 90% until the year 2020. European commission, using this data, has invited more children from the minority groups, from poor families and children of the self-supporting parents to be included, declaring that **“the poverty has the biggest influence on the risk of educational failure of children”**. Almost one out of six European households with the child under five year’s old lives in poverty. In most of the countries where the research was conducted, authorities should invest more money to guarantee that the preschool programs and their quality are available for all children. Preschool education and care are usually financed by the local authorities, as well as, through contributions made by parents. Generally in Europe, including the countries that have established the universal right on education and care in early ages like; Denmark, Finland, Norway, Spain and Slovenia, there is the significant lack of capacity for the children of preschool age.

Indications used for the research of the conditions in preschool upbringing and education in Europe were the base for doing the report on conditions in preschool upbringing and education in B&H with contemplation of the influences of the general conditions in the country on the development of this form of the education. Poverty is present in all modern societies and especially in those that were in the war or in the period of the transition which represents the break for the total development of the society. Bosnia and Herzegovina has gone through the war period and is going through the period of the transition, so the poverty is one of the factors of destabilization and it should be the central preoccupation not only on the level of entities but also on the level of the country of Bosnia and Herzegovina.

Country is still faced with slow economical recovery, with highly expressed social needs of large number of citizens, with population being more and more older, destroyed infrastructure and that has the direct impact on the quality of the system of social care about children in preschool age. Socio-economical indications show that 17.8 % of population lives beneath the level of poverty from 2.223,15 BAM yearly of GNI pro capita (equivalent of that is \$1,497.68 USD), while the rest on the third lives near that level, while from estimated 680,000 who lived in poverty almost half of them receive the money from social service. The population which is in the state of social need, beneficiaries of the social protection and families with children are being directly put into the category of the population that is most sensible when it comes to becoming poor. Families with three or more children are, frequently, being identified as the families that live beneath the level of poverty in country.

Indications of the condition in preschool upbringing and education point out that this area is mostly neglected level of education. Inclusion into preschool education is only 7% and it is the lowest in the Europe²¹⁶. This means that the efforts of the society and of the authorities, first of all, have to be more intense and with transparent measures.²¹⁷ Basic function of the preschool upbringing and education is neglected because of the societies' negative attitude, prejudice and traditional burdens when it comes to this segment of upbringing and education and this segment was also under the influence of the restrictive economical measures of saving and stabilization. The Ombudsmen want to especially point to the following weaknesses of the system for preschool upbringing and education:

1. Through the research on preschool education in B&H that was conducted by the Ombudsmen institution the assertion of the OSCE research from the year 2008 was confirmed, namely that **"B&H has, almost, the lowest coefficient of the inclusion in preschool upbringing and education** in Europe. Situational analysis has showed that the **servicers of preschool education are mostly available in urban areas**, whether they are private or public and are usually expensive so they can only be afforded by the parents with good incomes.²¹⁸ Children from poor, rural areas have lesser possibility to be included into preschool education. So in B&H in the area of preschool education **the unequal treatment of the children, concerning their origin**, is present;

2. Situational analysis has showed that in preschool upbringing and education the equal approach and equal possibilities ensuring the equal conditions and opportunities for all children are not present. So, **not all principles laid down by the Framework Law but also by international standards accepted by B&H** are being respected, entirely and that especially refers to application of the principle of non-discrimination. The measures which guarantee the application of the developmental principles and respect the degrees of development of the child determined by the Framework Law are not clearly defined. Ensuring of the principles of the child's best interest, ensuring of the own values, ensuring of the optimum development of the child, right on language and respect of the religious freedom, integration programs for children with special needs and the rights of the parents and children to choose the institution and make the decision, was totally left out;

3. Although according to the population and number of children in preschool education and upbringing age B&H is small country in praxis, **there are a big number of Laws which regulate this area**. The efforts to do the harmonisation in preschool upbringing and education through passing of the Framework Law that lays down the principles, goals, standards and common core for preschool education, unfortunately have not achieved their full implementation because the **lower levels of the authorities did not pass their Laws or they passed the Laws which are not pursuant to the Framework Law**;

4. Special report points out to high level of lack of responsibility of all relevant subjects for establishing and implementation of the passed laws, strategic documents and passed official documents, that slows down the development of the preschool education and its full function is not being achieved;

216 Strategic direction for development of education in Bosnia and Herzegovina with the plan for implementation 2008.–2015

217 Action plan for the children for the period 2011-2014

218 OSCE, Mission in B&H, Harmonization of the laws on preschool upbringing and education in Bosnia and Herzegovina: overview of the public debates held with the support of the Department for education of OSCE July 2008

5. Although numerous strategic documents that promote the value of preschool education as the part of the education system were passed, unfortunately in implementation the goals set were not achieved. This is especially characteristic for Strategic directions for development of education in B&H with the plan of implementation 2008-2015 and thus it can be concluded that short-term and mid-term goals are not realized because the deadline was in the year 2010. There are no significant activities on the realisation of long-term goals, as well;

6. **The established system of institutions for preschool education in B&H is not adequate nor is it rational**, especially if we take into the consideration the obligation of organising the compulsory preschool education for children prior to enrolment into primary school. Total number of the preschool institutions in B&H is less than 200 which are, when we take into consideration the number of children of that age, way under the objective needs. At the same time the capacities in the education institutions of other levels are not used sufficiently and there is no synchronisation for example, between the preschool and primary education. Education should be observed as a whole-unit with continuity of transferring from preschool into school education;

7. Although the Framework Law lays down that the preschool education for all children in the year prior to enrolment into primary school is compulsory, in the praxis the implementation of this act is not totally ensured. This questions the function of preschool education and that rises the question of ensuring the conditions for optimum development of every child, assistance to parents in ensuring the care, protection, upbringing and education of their child assuring the state of general welfare for the child especially in the conditions when the families are in the state of poverty and existential crisis, when there is a lack of family upbringing and they diminish the investment into society, into future welfare and progress. So **this questions the goals and principles of the entire system of preschool education determined by the Framework Law**. It is still unclear in which way this compulsory type of preschool education is being organised in the areas where there are no preschool institutions. In the praxis there is presence of **the disagreement of the article 5 of the Law on preschool upbringing and education of Republic of Srpska with the article 16 of the Framework Law** when it comes to the question of compulsory preschool upbringing and education prior to enrolment into primary school. Framework Law has laid down that this regulation is compulsory for all children while the Law on preschool education of RS in article 5 defines it as possibility and that creates the space for different approach to this right and different treatment of the children when they want to realize this right. At the same time, **certain number of cantons in FB&H still has not passed the Law** on preschool upbringing and education, so this area is not constituted. There where no conditions are because the Law was not passed and there is the lack of financial funds all the children are not included;

8. **Low percentage of enrolment in preschool institutions**, those public and private, **is conditioned by the hard economical and social situation, relatively high prices of the services, unemployment of the parents and decreased birth-rate**. Constant decreased number of children involved into preschool upbringing and education represents the problem that the authorities and all the other social factors that take care of children need to deal with more seriously because the preschool education can not be avoided and it is the important part of the entire upbringing-education system;

9. **Determined price for the services of the preschool education is also limiting factor** of ensuring the greater number of children involved into this type of education, because the economi-

cal power of the parents is limited. **The founders** of the preschool institutions, although the obligation is determined by the Law on preschool education, **do not provide the necessary funds** needed to conduct this type of education. Participation of the founders is different depending on the institution and same situation is with the part paid by the parents of the children involved in preschool education. This reflects on the quality of preschool upbringing and education and leads to the situation where not all children are enjoying this right under the equal terms;

10. Although all the Laws passed contain the provisions about **the right on preschool education of the children with special needs**, in the praxis the problems in applicability of this provisions exists and there are no extra measures that will ensure the involvement of the children from marginalized groups like the Roma and refugees etc., as well;

11. Preschool institutions are also faced with the problem of **deficiency of specific educational profiles for the reasons** that the system for high education did not follow the needs of the preschool education after the Framework Law was passed. This has for consequence that the determined standards related to the minimum degree of professionalism-education which educators must have is impossible to be fulfilled and the solution for this is education of the personnel from the institutions in neighbouring countries;

12. Efforts were invested on creation of the minimum standards related to the common cores of the teaching programs (curriculums) and they **did not achieve the results of adjusting the teaching curriculums to the needs of the developed society** and that can be put into relation with the obsolescent equipment in the institutions, insufficient professional training of the personnel and generally not finished reformation in the area of preschool education.

VI Recommendations

A. General recommendations

Ombudsmen of B&H composed the recommendations for improvement of the conditions in the area of preschool upbringing and education taking into consideration specifics of the institutional jurisdiction for this area, so the certain number of these recommendations refers to all the authorities organs whose jurisdiction is related to the area of preschool education, while the specific ones are only for the certain levels of authorities.

1. Priority of the competent educational authorities in B&H should be realisation of recommendations of the UN committee, especially of the Committee for children rights which lays down the harmonisation of the legislation in the area of education on all levels of the authority. This in praxis implies the harmonisation of the Law on preschool upbringing and education with the Framework Law and passing of the enforcement acts, so that the application of the basic principles and goals of the preschool education could be ensured;

2. To administer the obligations given, especially those that were laid down in the Framework Law, as well as in the Laws on preschool education and strategic and official documents, should be the priority;

3. Competent education authorities are obligated to take further measures on improvement of the conditions in the area of preschool education and to ensure the application of the standards laid down by the Framework Law, because the preschool upbringing and education can progress only as the integrated part of the unique educational-upbringing system and only with the assumption that, in the area of planning, programming, organizing, enforcement and evaluation of the educational-upbringing work, the right on autonomy will be ensured and at the same time the high degree of the institutionalized coordination will also be present including, the coordination with other forms of education;

4. Competent education authorities should secure the implementation of Standards for quality of work of educators, pedagogues and the directors in preschool education that will be published in December 2011;

5. It is necessary to create the assumptions that the preschool education is fully considered as the part of the educational and not social sector and to increase the level of involvement of the children in preschool education. This, first of all, implies the increase of involvement of the children in preschool education and to, especially, take measures that will have the goal to increase the involvement of the children from vulnerable groups in the preschool education;

6. As the right on preschool upbringing and education is a progressive right it means that it can not be determined abstractly but the competent authorities have to take measures to establish the minimum essential level of this right. Furthermore, the competent education authorities should pass the measures with which, by taking into consideration the fact that this right is progressive, they will ensure that in a certain period of time the compulsory preschool education for all children, no matter if they come from urban of rural areas, will be established and this will stop the discrimination of the children based on this right when it comes to preschool education. This, furthermore, means that

if the minimum number of hours that every child needs to attend prior to enrolment into primary school, as the part of the right on preschool education, is determined than that can not be abstract but really the right that children can enjoy. The research published s the part of the Study, unfortunately states that even four years after the Framework Law was passed this right is not ensured to all children nor the frame of measurements whose realization, in a reasonable amount of time and on the principles of progression, will lead to enjoying of these rights for all children, is made;

7. Competent education authorities should take the activities on ensuring the implementation of Strategic directions for development of education in B&H with the plan of implementation 2008-2015 and with additional effort try to realise all goals determined in the mentioned document and in the frame of the deadline ;

8. It is necessary that the authorities for education, with the goal to ensure the preschool education for all children in suburbia and rural area do the evaluation of the momentary system of preschool institution network in relation to the needs and that can be seen through statistical data on number of the born children. In the following period the designation needs to be to force the prep divisions and to connect the preschool education to regular primary education;

9. In the next period the actions should be pointed towards the forcing of the prep classes and on to universal binding of preschool education with regular primary education as one system where the child will be able to transfer without any complications from one level of education on to another;

10. Institutions authorized for education and units of the local self-government have the obligation to ensure the funds for reconstruction of the existing devastated facilities for preschool education and to build the necessary number of facilities/capacities intended for preschool upbringing and education: children's nurseries, kindergartens and facilities that are part of the primary schools for prep divisions;

11. Competent educational authorities need to take measures with a goal to pass the Criteria for determining of the conditions and ways of financing of preschool program and especially of program of the compulsory preschool upbringing and education for the children prior to enrolment into primary school as well as to the determine the way of its realization. It is necessary to end the process of passing of the pedagogical standards and norms, as well as, other legal acts that are envisaged by the Law on preschool upbringing and education;

12. The competent education authorities need to consider the possibility of ensuring the special needs used to conduct the inclusion in preschool institutions and that includes the means to remove the architectural barriers, hiring of the defectologists, speech therapists, psychologists, social workers;

13. It is necessary to determine the criteria for initiation of the alternative programs of preschool upbringing and education and to enable to interested non-governmental organisations or individuals the conditions for their realization;

14. When it comes to the status of the personnel in institutions, the competent education authorities should take measures with the goal of drawing of the rights of the employees in the institutions and should ensure the system of permanent education of the teaching and education of

personnel-professional training;

15. Mechanisms of monitoring and supervision of the work of the institutions have to be better developed and totally focused on monitoring of implementation of teaching programs and ensuring of the children's rights;

16. Competent organs for education should establish the central data base which refers to pre-school education and which would include, not only the information about the children, but also about programs, institutions, personnel, financing, etc;

17. The authorities authorised for preschool upbringing and education, taking into consideration difficult socio-economical situation in which the country is and the fact that the significant number of people has no right on health, property, food, education, should include all the available funds and if needed the resources of international aid through demands for international help, which is recognised by the majority of international standards of human rights. In further process of reformation of preschool education they should ask for technical help from the UNICEF, Save the Children and other international organisations that work on improvement of the children's rights.

B. Special recommendations

1. Ombudsmen recommend to the competent authorities in Central Bosnia, West – Herzegovina and Herzegovina – Neretva Canton to intensify the activities related to passing of the Law on preschool upbringing and education by organising of the public debate in which all the interested parties will be included, firstly education authorities, local community, preschool institutions, educational experts and parents;

2. The competent education authorities of RS should take the necessary activities to harmonize the Law on preschool upbringing and education with the Framework Law, especially in the part where the preschool education for the children in the year prior to enrolment into primary school should be laid down as compulsory.

ANNEX I – General structure of children in B&H

GENERAL STRUCTURE AND NUMBER OF CHILDREN INCLUDED IN PRESCHOOL UPBRINGING ON THE TERRITORY OF B&H					
TERITORIAL UNITS	Public and private preschool institutions				
FEDERATION OF B&H	Total	Age structure	Boys	Children with special needs	Number of children included in the program prior to enrolment in primary school
Una-Sana Canton	1055			13	
Posavina Canton	135				
Tuzla Canton	1765		906	94 ²¹⁹	345
Zenica-Doboj Canton	1400				
Bosnian-Podrinje Canton	173	/	89	9	179
Central Bosnia Canton	862	1-6 years	476	11	/
Hercegovina-Neretva Canton	1176				1176
West Herzegovina Canton	617	6 months until enrolment into school	321	10	/
Canton 10	No data delivered				
Canton Sarajevo	6229 ²²⁰	0-6	3128	180	2588
REPUBLIC OF SRPSKA	6893	6 months until enrolment into school	3636	95	2117
BRČKO DISTRICT	414	1 year until enrolment into school	209	15	/

219 Children with special education needs

220 59 children in institution for special upbringing and education

ANNEX II – Structure of children in the institutions visited

GENERAL STRUCTURE AND NUMBER OF CHILDREN IN INSTITUTIONS VISITED BY THE REPRESENTATIVES OF THE OMBUDSMEN INSTITUTION					
FEDERATION OF B&H					
Zenica-Doboj Canton					
INSTITUTION ²²¹	Capacity	Current number	Number of children with special needs	Upbringing groups	Number of children in the program prior to enrolment into primary school
Children's kindergarten "Don Ivica Čondric" Žepče	70	55	/	2	/
PI Preschool upbringing and education Zenica	²²²	364	/	/	/
PI for Preschool upbringing and education "Umi-hana Čuvidina", Breza	40	40	1	2	/
PI for Preschool upbringing and education "Mladost - Youth" Kakanj	200	130	/	7	/
Preschool institution "Sinbad" Zenica	/	44	/	3	/
Canton Sarajevo					
INSTITUTION	Capacity	Current number	Number of children with special needs	Upbringing groups	Number of children in the program prior to enrolment into primary school
Children's kindergarten "Sveta obitelj – Wholly family"	/	106	2	4	31
PI Children of Sarajevo		2431		/	2510
Preschool institution „An-nur“ Hadžići	40	27	2	2	/
Preschool institution "Behar"	70	60	1	2	/

221 Institutions are listed alphabetically

222 Data on exact number is missing

Preschool institution "Bi-lingual nursery school"	60	50	0	3	/
Preschool institution "Palčić - Wren"	100	153	1	3	24
SOS Social centre "Herman Gmeiner"	82	94		3	/
Institution for pre-school education "Amel and Nur"	/	352	2	14	/
Central Bosnia Canton					
INSTITUTION	Capacity	Current number	Number of children with special needs	Upbringing groups	Number of children in the program prior to enrolment into primary school
PI "Centre for Pre-school upbringing and education" Bugojno	/	47	3	2	/
PI "Children's kindergarten" Novi Travnik	120	50	/	3	/
PI Kindergarten "Travnik" Travnik	/	126	/	5	/
Kindergarten Busovača	60	40	/	2	/
Kindergarten "Saint Francis" Kiseljak	120	105	5	5	/
Tuzla Canton					
INSTITUTION	Capacity	Current number	Number of children with special needs	Upbringing groups	Number of children in the program prior to enrolment into primary school
Children's kindergarten "Aladdin"	/	171	/	7	171
PI Children's kindergarten Banovići	/	72	3	4	28(kindergarten pays the cost)
PI Children's kindergarten "Edina Čamdžić" Kladanj	71	36	/	3	15(regularly enrolled into kindergarten)

PI Children's kindergarten "Kolibri - Hummingbird" Gradačac	160	106	/	/	/
PI Children's kindergarten Gračanica	130			/	68 ²²³
PI Children's kindergarten "Our child" Tuzla	/	969	280 ²²⁴	39	75
PI for preschool upbringing and education Lukavac	120	104	/	4	/
PI "Children's kindergarten" Živinice	130	172	1	5	125
Hercegovina-Neretva Canton					
INSTITUTION	Capacity	Current number	Number of children with special needs	Upbringing groups	Number of children in the program prior to enrolment into primary school
PI "Children's kindergarten" Čapljina	150	100	1	/	/
PI Children's kindergarten "Ciciban" Mostar	206			4	/
Institution "Children's kindergarten" Mostar	399		12	/	/
PI Children's kindergarten "Pčelica - Bee" Jablanica	70	36	/	/	/
PI Children's kindergarten "Zulejha Begeta" Konjic	100	43	/	2	/
SOS Social centre "Herman Gmeiner" Mostar	86		/	4	/
Institution for preschool upbringing and social care "Majčino selo – Mother's village" Čitluk	/	150	5	6	/
West Herzegovina Canton					
INSTITUTION	Capacity	Current number	Number of children with special needs	Upbringing groups	Number of children in the program prior to enrolment into primary school
Children's kindergarten "Ljubuški"	/	85	0	4	/

223 25 children are financed by the Ministry of work and social politics of TC, and 43 Municipality Gračanica

224 188 with speech disabilities

REPUBLIC OF SRPSKA					
INSTITUTION	Capacity	Current number	Number of children with special needs	Upbringing groups	Number of children in the program prior to enrolment into primary school
Children's centre "Bubamara – Lady-bird" Pale	150	75	/	4	/
PI Children's kindergarten "Larisa Šugić" Kotor Varoš	120	70	2	4	/
PI Children's kindergarten "Majke – Mothers Jugović" Doboј	200		7	10	24
PI „Our children“, Banja Luka	1961		/	78	/
Children's kindergarten "Naša radost – Our joy", Prnjavor	92		/	3	75
PI Children's kindergarten "Neven-Marigold" Čelinac	130	100	/	4	49
PI Children's kindergarten "Poletarac" Srebrenica	60	52	/	2	/
PI Children's kindergarten "Radost – Cheerfulness" Bratunac	/	39	/	/	/
PI for preschool upbringing and education Children's kindergarten "Palčić - Wren" Teslić	150	84	/	4	25
PI for preschool upbringing and education "Lepa Radić" Gradiška	/	341	/	/	121
PI for preschool upbringing and education "Prvi koraci – First steps" Vlasenica	150	36	/	4	/
PI for preschool upbringing and education Sokolac	140	80	/	/	/

ANNEX III – General structure of employed personnel in B&H

NUMBER OF EDUCATORS AND EXPERT ASSOCIATES IN INSTITUTIOND FOR PRESCHOOL UPBRINGING ON THE TERRITORY OF B&H			
TERITORIAL UNITS	Educators UDE and ADE	Expert associates	Medical personnel
FEDERATION OF B&H			
Una-Sana Canton ²²⁵	69	16	20
Posavina Canton	Totally 8 educators		
Tuzla Canton	Totally 114 employees		
Zenica-Doboj Canton	Totally 200 employees		
Bosnian-Podrinje Canton	16	2	/
Central Bosnia Canton	Totally 56 educators		
Herzegovina-Neretva Canton	Totally 102 educators and expert associates		
West Herzegovina Canton	30 ADE, 24 HDE	2(pedagogue and defectologist)	1
Canton 10	No data delivered		
Canton Sarajevo	110 UDE, 238 ADE	12 pedagogue, 10 psychologists, 12 social workers, 30 other expert associates	50
REPUBLIC OF SRPSKA	412	22(psychologists, pedagogue, defectologist, social workers and paediatricians)	122
BRČKO DISTRICT	32	1	6

225 total 167 of employees

ANNEX IV – Structure of the employed personnel in the institutions visited

STRUCTURE OF THE EMPLOYED PERSONNEL IN THE INSTITUTIONS VISITED BY THE REPRESENTATIVES OF THE OMBUDSMEN INSTITUTION OF B&H					
FEDERATION OF BOSNIA AND HERZEGOVINA					
Zenica – Doboj Canton					
INSTITUTION	Management and administration service	Educators UDE and ADE	Expert associates	Medical personnel	Assistant personnel - help
Children's kindergarten "Don Ivica Čondric" Žepče	2 (principle and supervisor)	4 UDE	/	1	3 (cooks person in charge of hygiene, handyman)
PI Preschool upbringing and education Zenica	6 (director, secretary, coordinator, 2 administrative workers)	30	1 defectologist speech therapist	15	20(7 cooks, 13 technical personnel)
PI for Preschool upbringing and education "Mladost - Youth" Kakanj	1 (director)	3 UDE	2 speech therapist beginning employer	/	
PI for Preschool upbringing and education "Umihana Čuvidina", Breza	1 (director)	3 UDE	Psychologist and speech therapist once a week	/	3(cooks, cleaning lady and janitor)
Preschool institution "Sinbad" Zenica	1 (supervisor)	1 ADE	Psychologist and speech therapist when necessary	1	/
Canton Sarajevo					
INSTITUTION	Management and administration service	Educators UDE and ADE	Expert associates	Medical personnel	Assistant personnel - help
Children's kindergarten "Sveta obitelj – Wholly family"	1 director (UDE)	11 (5 ADE and 6 UDE)	1 pedagogue	2	2 (cook and cleaning lady)

PI Children of Sarajevo	14	171 ²²⁶ (39 UDE, 100 ADE, 6 HDE, 5 teachers of religious science)	7 (2 social workers, 3 pedagogues, 2 assistants)	10	86 (29 serving ladies, 38 cleaning ladies, 11 cooks, 3 drivers, 3 housekeeper, janitor and economist)
Preschool institution „An-nur“ Hadžići	director	3 (2 UDE and 1 ADE)	1 pedagogue	1	/
Preschool institution “Behar”	1 director	4 (2 UDE and 2 ADE)	2 assistants	1	/
Preschool institution “Bi-lingual nursery school”	1 directorial	2 UDE	2 (professor of English language and pedagogue)	1	3
Preschool institution “Palčić - Wren”			100		
Institution for preschool education “Amel and Nur”	2 (director, secretary)	24 (9 UDE, 13 ADE, 5 HDE)	3 pedagogue	3	10 (5 cooks, 3 person in charge of hygiene, driver and cleaning lady)
Central Bosnia Canton					
INSTITUTION	Management and administration service	Educators UDE and ADE	Expert associates	Medical personnel	Assistant personnel - help
PI “Centre for Preschool upbringing and education “ Bugojno	2 (director and administration worker)	3 ADE	/	1	2 (housemaster and stoke)
PI “Children’s kindergarten” Novi Travnik	1	4 (2 UDE, ADE and HDE)	/	/	2 (cook and cleaning lady)
PI Kindergarten “Travnik” Travnik	1	9 (1 UDE and 8 ADE)	/	2	4 (janitor and 3 cooks / cleaning ladies)
Kindergarten Busovača	1	2 UDE	/	2	1 cook
Kindergarten “Saint Francis” Kiseljak	1	4 (1 UDE and 3 ADE)	/	3	2 (cook and a cleaning lady)

226 21 educators in the compulsory program

Tuzla Canton					
INSTITUTION	Management and administration service	Educators UDE and ADE	Expert associates	Medical personnel	Assistant personnel - help e
Children's kindergarten "Aladdin"	2	11 (2 UDE, 6 ADE and 3 HDE)	5 (2 pedagogue-psychologist, 2 pediatrician, 1 IT)	1	7
PI Children's kindergarten Banovići	2 (director, economist)	4 ADE, 1 UDE	/	1	4 (2 cooks, a lock man, economist)
PI Children's kindergarten "Edina Čamdžić" Kladanj	1 director	2	/	/	1
PI Children's kindergarten "Kolibri - Hummingbird" Gradačac	3 (director, secretary, administrative worker)	4 ADE, 1 UDE	/	2	4 (2 cooks, a janitor and a cleaning lady)
PI Children's kindergarten "Our child" Tuzla	4 (director, financial service, supervisor of upbringing-education process, legal service)		83		39
PI Children's kindergarten Gračanica	2 (director, secretary)	7 VŠS i 1 VSS	/	2	6 (3 cleaning ladies, cook, a person in charge of washing the clothes and a driver)
PI Lukavac	2	18	/	/	6
PI "Children's kindergarten" Živinice			16		
Hercegovina – Neretva Canton					
INSTITUTION	Management and administration service	Educators UDE and ADE	Expert associates	Medical personnel	Assistant personnel - help
PI "Children's kindergarten" Čapljina	2 (director and accountant)	9 (3 UDE and 6 ADE)	/	/	4 (2 cooks, a cleaning lady and a janitor)

PI Children's kindergarten "Ciciban" Mostar	4 (director, 2 administration worker and economist)	19	1 pedagogue	2	11 (9 cleaning ladies and 2 cooks)
PI "Children's kindergarten" Mostar	3 (director, secretary and accountant)	32 (9 UDE and 23 ADE)	/	4	12(8 housekeepers, 3 cooks and a house janitor)
PI Children's kindergarten "Pčelica - Bee" Jablanica	1	2 ADE	1 pedagogue	/	2(cooks and a cleaning lady)
PI Children's kindergarten "Zulejha Begeta" Konjic	1	3	/	/	3(coo, cleaning lady and a janitor)
SOS Social centre "Herman Gmeiner" Mostar	2 (director and administration worker)	6 UDE	6(pedagogue, speech therapist, prof. Of English language, 2 social workers and a psychologist)	1	5(2 cooks, 2 cleaning ladies and a janitor)
Institution for preschool upbringing and social care "Majčino selo – Mother's village" Čitluk	1	12 UDE	/	/	6 (3 cleaning ladies, 2 cooks and a janitor)
West Herzegovina Canton					
INSTITUTION	Management and administration service	Educators UDE and ADE	Expert associates	Medical personnel	Assistant personnel - help
Children's kindergarten "Ljubuški"	2(director and administration worker)	7 ADE	/	/	3(2 cleaning ladies and a cook)
REPUBLIC OF SRPSKA					
INSTITUTION	Management and administration service	Educators UDE and ADE	Expert associates	Medical personnel	Assistant personnel - help
Children's centre "Bubamara – Ladybird" Pale	3 (director, accountant and economist beginning employee)	6 HDE(medical nurses)	2 pedagogue beginning employee 1 psychologist beginning employee	/	3(a cook, a janitor and a cleaning lady)

PI Children's kindergarten "Larisa Šugjić" Kotor Varoš	2 director and an accountant	3 ADE	2 social worker beginning employees	/	4(cooks and cleaning ladies)
PI Children's kindergarten "Majke – Mothers Jugović" Dboj	3 director, assistant director and an accountant	23(13 UDE, 8 ADE, 2HDE)	/	2	9(4cooks, 4 cleaning ladies and a person responsible for serving of food)
PI „Our children“, Banja Luka		172			102
Children's kindergarten "Naša radost – Our joy", Prnjavor	Director and an accountant	6(3 UDE,2 ADE, 1HDE)	/	/	4(2cooks, a help worker and handymen)
PI Children's kindergarten "Neven- Mari-gold" Čelinac	Director and an accountant	11(6 with UDE, 3ADE, 1HDE)	/	/	2 cooks and 2cleaning ladies
PI Children's kindergarten "Pole-tarac" Srebrenica	1	2	/	1	2(cook and a janitor)
PI Children's kindergarten "Radost – Cheer-fulness" Bratunac	1	4	/	/	4(2cleaning ladies , a janitor and a cleaning lady)
PI for preschool upbringing and education Children's kindergarten "Palčić - Wren" Teslić	1	7	/	/	7
PI for preschool upbringing and education "Lepa Radić" Gradiška	1	24	2	/	18 technical and office personnel
PI for preschool upbringing and education "Prvi koraci – First steps" Vlasenica	1	3	1 pedagogue beginning employee	/	3(cook, a janitor and a cleaning lady)
PI for preschool upbringing and education So-kolac	3(director and an accountant and economist beginning employee)	6 HDE, 1 ADE	2pedagogue beginning employee 1 psychologist beginning employee	/	3(cook, a janitor and a cleaning lady)

ANNEX V – Financing

ZENICA – DOBOJ CANTON			
INSTITUTION	TYPE OF THE INSTITUTION	FOUNDERS' SHARE IN FINANCING	PRICE OF THE SERVICE FOR BENEFICIARIES
PI for Preschool upbringing and education "Umihana Čavidina", Breza	Public institution, founder Municipality Breza	Grant from the part of the founder in the year 2011 is in the amount of 4.000 BAM with occasional no and late payments	Whole day stay : 130 BAM Half day and prolonged stay: 90BAM ²²⁷
PI for Preschool upbringing and education "Mladost - Youth" Kakanj	Public institution, founder Municipality Kakanj	The founder secures sufficient funds for employees' wages	Whole day stay : 120-150 BAM
PI Preschool upbringing and education Zenica	Public institution, founder Municipality Zenica	53% incomes from the budget of Municipality Zenica,	43% incomes from the payments made by the beneficiaries
Preschool institution "Sinbad" Zenica	Private institution	/	Whole day stay : 140BAM Half day stay: 90 - 120BAM Program „Little school“: 50 BAM
CANTON SARAJEVO			
INSTITUTION	TYPE OF THE INSTITUTION	FOUNDERS' SHARE IN FINANCING	PRICE OF THE SERVICE FOR BENEFICIARIES
PI Children of Sarajevo	Public institution, founder Municipality Sarajevo	Ministry of education and science of CS 34.5%, own incomes (renting, refunding, collecting) 10.70%, received grants and capital incomes 5.02%.	Whole day stay : 140BAM Half day stay : 100BAM ²²⁸
Bi-Lingual nursery school Sarajevo	Founder of the institution is Humanitarian organization „Convoy of mercy“ from London	/	Whole day stay : 180BAM Half day stay : 150 BAM
Bosnians institution "An-Nur", Hadžići	Private institution	/	Whole day stay : 190BAM Half day and prolonged stay : 155 BAM
Caritas Vrhbosnia archdiocese children's kindergarten "Sveta obitelj – Wholly family", Sarajevo	Private institution	/	Whole day stay : 250 BAM ²²⁹

227 Regular sources from the payments by parents are from 3.500 to 4.000 BAM

228 Payments by the parents and subventions 49.77%

229 300 BAM for two children in whole-day stay

Preschool institution "Behar"	The founder of the institution is natural body from Iran who is also the founder of the primary school „Đulistan“ where is the kindergarten placed	/	Whole day stay (from 6 months of age until completed 3 year): 160BAM Whole day stay (from completed 3 year until prior to enrolment into primary school): 145 BAM Half day stay (from 6 months of age until completed 3 year): 110 BAM Half day stay (from completed 3 year until prior to enrolment into primary school): 95BAM Program of prep for school :30BAM
Preschool institution "Palčić - Wren" Sarajevo	Private institution	/	Whole day stay is 220 BAM Half day stay : 140 BAM
Preschool institution in SOS Social centre "Herman Gmeiner" Sarajevo	Private institution	Over 30% is self-financing.	Whole day stay : 180 BAM ²³⁰
Institution for preschool education "Amel and Nur" Sarajevo	Private institution existing from the year 1998.	All investment in the institution are made by the donor and partially by the institution	Whole day stay (children's nursery): 270 BAM Whole day stay (from completed 3 year until prior to enrolment into primary school): 250 BAM Half day stay (children's nursery): 210 BAM Half day stay (from completed 3 year until prior to enrolment into primary school): 190 BAM
CENTRAL BOSNIA CANTON			
INSTITUTION	TYPE OF THE INSTITUTION	FOUNDERS' SHARE IN FINANCING	PRICE OF THE SERVICE FOR BENEFICIARIES
PI "Centre for Preschool upbringing and education " Bugojno	Public institution, founder Municipality Bugojno	60%	Whole day stay : 140 BAM Half day stay : 120 BAM
Kindergarten "Saint Francis " Kiseljak	Private institution, founder "Školske sestre Franjevke- School sisters Franciscan"	NGO from Ireland makes regular payments for heating, electricity and water.	Whole day stay : 180 - 200BAM Half day stay : 80 BAM
"Children's kindergarten" Novi Travnik	Public institution, founder Municipality Novi Travnik	/	Whole day stay : 140 BAM Half day stay : 70-90 BAM
PI Kindergarten "Travnik" Travnik	Public institution, founder Municipality Travnik	Municipality share is je 60 %	Whole day stay of the child: 120 BAM Playroom: 40 BAM Prep classes: 30BAM

230 Short programs-english, art or music shop included

Children's kindergarten "Don Ivica Čondrić" Žepče	Private institution	They receive incomes from the municipality from 2.000 until 5.000 BAM	Whole day stay : 150 BAM Half day stay : 125 Playroom: 100 BAM
TUZLA CANTON			
INSTITUTION	FOUNDER	FOUNDERS' SHARE IN FINANCING	PRICE OF THE SERVICE FOR BENEFICIARIES
Children's kindergarten "Aladdin", Tuzla	Private kindergarten, founder foreign organisation from Kuwait	For last 3 years they do not receive the funds from the founder	Whole day stay : 180 - 190 BAM Half day stay : 130 - 140 BAM Playroom program: 2-3 BAM/ pro hour or, children's nursery 3BAM/2 hours. Program of prolonged stay: 190 BAM ²³¹
PI Children's kindergarten "Our child" Tuzla	Public institution, founder Municipality Tuzla	52 % of payments are from the Municipality	Whole day stay : 120BAM Half day stay : 80 BAM
PI Lukavac	Public institution, founder Municipality Lukavac	The Municipality pays the cost in the amount of 60 %	Whole day stay : 130 BAM Half day stay : 115 BAM
PI Children's kindergarten "Kolibri - Hummingbird" Gradačac	Public institution, founder Municipality Gradačac	The Municipality pays the cost in the amount of 50 %	Whole day stay : 140-150 BAM Half day stay : 120 ²³²
PI Children's kindergarten "Edina Čamdžić" Kladanj	Public institution, founder Municipality Kladanj	Around 40% from Municipality Kladanj	Whole day stay : 75 BAM Half day stay : 45 BAM
PI "Children's kindergarten" Živinice	Public institution, founder Municipality Živinice	Budget of the Municipality Živinice	Whole day stay : 100 - 120 BAM
PI "Children's kindergarten" Banovići	Public institution, founder Municipality Banovići	Municipality 67 %	Whole day stay : 100 BAM Half day stay : 50 - 70 BAM
HERCEGOVINA – NERETVA CANTON			
INSTITUTION	TYPE OF THE INSTITUTION	FOUNDERS' SHARE IN FINANCING	PRICE OF THE SERVICE FOR BENEFICIARIES
PI Children's kindergarten "Ciciban" Mostar	Public institution, founder Municipality Mostar	60 % Municipality	Whole day stay : 160-190 BAM Half day stay : 120 BAM Social program ²³³ : 60 BAM

231 Secured mean of transport for the children living further away 40 BAM

232 20% less from the price for every second or third child enrolled

233 Intended for the children of socially endangered families

Institution “Children’s kindergarten” Mostar	Public institution, founder Municipality Mostar	50% out of total costs	Whole day stay : 160-190 BAM Half day stay : 120 BAM Playroom: 90 BAM
Children’s kindergarten „Sveta Mala Terezija – Wholly little Teresina“ Biljakovići Međugorje	Founder of the kindergarten Majčino selo – Mother’s village	Pilgrims donate didactic and other teaching material and toys.	/
Institution “Children’s kindergarten” Čapljina	Public institution, founder Municipality Čapljina	20% (6000 BAM a month)	Whole day stay : 150BAM Half day stay : 100 BAM
Institution for preschool upbringing and social care “Majčino selo – Mother’s village” Čitluk	/	/	/
PI Children’s kindergarten “Pčelica - Bee” Jablanica	Public institution, founder Municipality Jablanica	82-85 % in last three years	Whole day stay : 120 BAM Half day stay : 100 BAM Shorter stay: 70 BAM
PI Children’s kindergarten “Zulejha Begeta” Konjic	Public institution, founder Municipality Konjic	70 % founder	Whole day stay is 120BAM, and half day stay 100 BAM. Program „Little school“ costs 45 BAM
SOS Children’s villages Mostar		Kindergarten is partially financed by the payments from the parents. In the year 2011. there is the support from the City of Mostar in the amount of 5.000 BAM.	Whole day stay :160 BAM ²³⁴
WEST – HERCEGOVINA CANTON			
INSTITUTION	TYPE OF THE INSTITUTION	FOUNDERS’ SHARE IN FINANCING	PRICE OF THE SERVICE FOR BENEFICIARIES
Children’s kindergarten “Ljubuški”	Public institution, founder Municipality Ljubuški	50 % founder and the rest from the payments made by parents.	Whole day stay : 140 BAM Half day stay : 120BAM
REPUBLIC OF SRPSKA			
INSTITUTION	TYPE OF THE INSTITUTION	FOUNDERS’ SHARE IN FINANCING	PRICE OF THE SERVICE FOR BENEFICIARIES
PI Children’s kindergarten “Majke – Mothers Jugović” Dobož	Public institution, founder Municipality Dobož	56%	Whole day stay : 130 BAM
PI Children’s kindergarten “Radost – Cheerfulness” Bratunac	Public institution, founder Municipality Bratunac	80%	Whole day stay : 110 BAM Half day stay : 90 BAM

234 Categories that will receive the subvention are : children from the parents who are in the program of Strengthening of family in SOS Family center and children with no parental care go to the kindergarten free of charge; children of the self-supporting parents and disabled parents pay 50% out of total cost, children of the socially endangered families according to the Law on social protection and upon proposal of CFSW pay 30% of total cost and children of both parents employed 100%.

PI for preschool upbringing and education Children's kindergarten "Palčić - Wren" Teslić	Public institution, founder Municipality Teslić	Institution is on the budget of Municipality ²³⁵	Whole day stay : 115 BAM
PI Children's kindergarten "Neven- Marigold" Čelinac	Public institution, founder Municipality Čelinac	70%	Whole day stay : 120 BAM
PI for preschool upbringing and education "Lepa Radić" Gradiška		/	Whole day stay : 130 BAM
PI Children's kindergarten "Larisa Šugić" Kotor Varoš	Public institution, founder Municipality Kotor Varoš	/	Whole day stay : 120 BAM
Children's centre "Bubamara – Ladybird" Pale	Public institution	Budget of the Municipality Pale (130.000 BAM), payments of parents, small donations mostly different material and intended for other purposes	/
PI for preschool upbringing and education Sokolac	Public institution, founder Municipality Sokolac	Founder is mostly financing the institution ²³⁶	Whole day stay : 130 BAM ²³⁷
PI Children's kindergarten "Poletarac" Srebrenica	Public institution, founder Municipality Srebrenica	95%	Whole day stay : 50BAM Half day stay : 30BAM
PI for preschool upbringing and education "Prvi koraci – First steps" Vlasenica	Public institution, founder Municipality Vlasenica	70%	Whole day and prolonged stay:90 BAM Half day stay : 50BAM Playroom: 30 BAM
PI Centre for preschool upbringing and education, Banja Luka	Public institution, founder THE City of Banja Luka	The founder is financing the wages, maintenance of the kindergarten and didactic material ²³⁸	Whole day stay : 165 BAM
Children's kindergarten "Naša radost – Our joy", Prnjavor	Public institution, founder Municipality Prnjavor	For the last 4 years they are on the budget of Municipality Prnjavor	Whole day stay : 100BAM

235 Material costs, wages and fees of the employees are fully paid by the founder

236 For the last 4 years on the budget of Municipality Prnjavor

237 100BAM for other child and for the child that goes into the kindergarten over 50% of work days, children of self-supporting mothers and children of disabled parents

238 Program of the children prior to enrolment into school, as well as licencing is financed by the Ministry and education of RS, and Ministry of health of RS pays the costs of prevention. Ministry for family of RS occasionally co-finances.

ANNEX VI – Institutions visited

Institution²³⁹	Date of visit	Composition of delegation of preschool institution²⁴⁰
PI Children's kindergarten "Majke – Mothers Jugović" Dobož	May 11th 2011.	Gordana Cvijanović, director
PI Centre for preschool upbringing and education, Banja Luka	May 11th 2011	Slavica Keča, assistant director
PI for preschool upbringing and education "Lepa Radić" Gradiška²⁴¹	May 11th 2011.	director
Children's kindergarten "Naša radost – Our joy", Prnjavor	May 12th 2011	Milovan Vasilić, director
PI Children's kindergarten "Neven - Marigold" Čelinac	May 13th 2011	Ljiljana ŠiBAMen, director
PI Children's kindergarten "Larisa Šugić" Kotor Varoš	May 13th 2011.	Nebojša Marković, director
PI Children's kindergarten "Palčić - Wren" Teslić	May 13th 2011.	Jela kasapović, director
PI Preschool upbringing and education Zenica	May 16th 2011.	Edina Hodžić, director
Preschool institution "Sinbad" Zenica	May 16th 16.05.2011.	Šefika Softić, director
Children's kindergarten "Don Ivica Čondrić" Žepče	May 16th 2011.	Edita Vuković-Antulović, supervisor
PI for Preschool upbringing and education "Mladost - Youth" Kakanj	May 17th 2011.	director
PI for Preschool upbringing and education "Umihana Čuvidina" Breza	May 17th 2011.	Hamida Nuhić, director
PI Kindergarten "Travnik" Travnik	May 18th 2011.	Emina Midžić, director
"Children's kindergarten" Novi Travnik	May 18th 2011.	Branka Krišto, director
PI "Centre for Preschool upbringing and education" Bugojno	May 18th 2011.	Suada Alibegović, director
Children's kindergarten „Busovača“	May 20th 2011.	Časna sestra Leopolda, supervisor
PI Children of Sarajevo	May 24th 2011.	Vasva Janjetović, person who performs the duty of director
Preschool institution Bi-Lingual nursery school	May 24th 2011.	Shazia Noureen Sahi, supervisor Halil Pepić, pedagogue
Preschool institution "Palčić - Wren"	May 24th 2011.	Eldin Karić, director
SOS Social centre "Herman Gmeiner" Sarajevo	May 25th 2011	Azra Baščelija, supervisor
Kindergarten "Saint Francis" Kiseljak	May 26th 2011.	Wholly sister- nun Dominika Anica Anić
Preschool institution "Behar"	May 27th 2011.	Azra Čehić, director

239 Institutions are listed depending on the date of the visit

240 Representative of the Institution of Ombudsmen who contacted the go-rounds was consultant on the project

241 Meeting held on the phone

Caritas Vrhbosnia archdiocese children's kindergarten "Sveta obitelj – Wholly family "	May 30th 2011.	Kata Ostojić, supervisor Dragana Peka-Guska, assistant
Preschool institution „An-nur“ Hadžići	May 30th 2011.	Dževada Ždralović, assistant
Institution for preschool education "Amel and Nur" Sarajevo	June 1st 2011.	Bahrudin Kurtagić, chairman of the administrative board of the institution Edisa Havelta, director
PI Children's kindergarten "Edina Čamdžić" Kladanj	June 7th 2011.	Adem Kanjić, director
PI "Children's kindergarten" Banovići	June 7th 2011.	Ibrahim Rizvić, person who performs the duty of director
PI "Children's kindergarten" Živinice	June 7th 2011.	Edisa Šljivić, director
PI Children's kindergarten "Our child" Tuzla	June 7th 2011	Muharemović Šefik, director Jasmila Mehić, coordinator of the OU Ciciban Šehović Indira, coordinator of the OU Jelenko
Children's kindergarten "Aladdin"	June 8th 2011.	Čudić Dženana, pedagogue
PI Lukavac	June 8th 2011.	Nešad Ušanović, director Alisa Ahmetović, bookkeeper
PI Our children, Gračanica	June 8th 2011.	Ćoso Senada, director
PI Children's kindergarten "Kolibri - Hummingbird" Gradačac	June 8th 2011.	Hamidović Anđa, director
PI for preschool upbringing and education "Prvi koraci – First steps" Vlasenica	June 9th 2011.	Milan Deurić, director
PI Children's kindergarten "Poletarac" Srebrenica		Dobrića Trifković, director
PI Children's kindergarten "Radost – Cheerfulness" Bratunac		director
Children's centre "Bubamara – Ladybird" Pale	June 20th 2011.	Miodrag Ćirić, director
PI for preschool upbringing and education Sokolac	June 20th 2011.	director
PI Children's kindergarten "Zulejha Begeta" Konjic	June 21th 2011.	Esma Proho, director
PI Children's kindergarten "Pčelica - Bee" Jablanica	June 21st 2011.	Naziha Budim, person who performs the duty of director
Institution "Children's kindergarten" Mostar	June 21st 2011.	Danijela Kegelj, director
Institution "Children's kindergarten" Čapljina	June 22nd 2011.	Ozrenka Vego, director
"Children's kindergarten" "Ljubuški"	June 22nd 2011.	Nedjeljko Zovak, director
Institution for preschool upbringing and social care "Majčino selo – Mother's village" Čitluk	June 22nd 2011.	Wholly sister-nun S Lidija Glavaš, supervisor
PI Children's kindergarten "Ciciban" Mostar	June 23r 2011.	Mevlida Palikuća, secretary accountant ²⁴²
SOS children's villages Mostar	June 23rd 2011.	Selma Čatić, supervisor

242 Director had the justified reason not to be present

ANNEX VII – Review of used international documents, laws of b&h and other documents

International instruments

1. Convention on children's rights²⁴³
2. Optional protocol to the Convention on rights of the child on the sale of the children, child prostitution and child pornography²⁴⁴
3. Optional protocol on children in armed conflict²⁴⁵
4. International covenant on economic, social and cultural rights²⁴⁶
5. International covenant on civil and political rights and Optional protocol²⁴⁷
6. Convention for elimination of all forms of racial discrimination²⁴⁸
7. Convention against torture and other cruel, inhumane or degrading treatments or punishment²⁴⁹
8. European convention on human rights and basic freedoms with protocols²⁵⁰
9. Convention on fight against discrimination in the area of education²⁵¹

Constitution of B&HN

Is the component part of the Universal framework agreement for peace in Bosnia and Herzegovina better known as the Dayton peace agreement that was initialled on November 21st 1995 in the American town Dayton and signed on December 14th 1995 in Paris. Text of the constitution of B&H represents the Annex IV of the adopted Peace agreement.

Constitution of FB&H

Was adopted by the Constitutional Assembly of Federation of Bosnia and Herzegovina at the session held on March June 24th 1994 and the Constitution of Federation of Bosnia and Herzegovina came into effectiveness on March 30th 1994. The constitution contains the amendments – instruments for protection of human rights (total number of 21) that have the legal power of constitutional norms.

243 Opened for signing, ratification and approach by Resolution of the Universal assembly of UN 44/42, 20.11.1989., and it came in effect on September 2nd 1990. after it was ratified by the 20 states. B&H with notification has took over the Convention On November 23rd.1993.

244 B&H has ratified the Protocol on September 4th 2002

245 Came into effect on February 12th.2002.

246 Republic B&H with the succession on September 1st .1993. has took over the Covenant named in the Annex of the Constitution of B&H

247 Republic B&H with the succession on September 1st .1993. has took over the Covenant named in the Annex of the Constitution of B&H

248 Republic B&H with the succession on September 1st .1993. has took over the Covenant named in the Annex of the Constitution of B&H

249 International contracts 6/08

250 From April 22nd.2002. B&H became 44th member of the Council of Europe and signed on the obligation to fulfill all the obligations contained in the Opinion of the Parliamentary assembly of the Council of Europe, among others to sign and ratify the European Convention on human rights and basic freedoms that was done in July 12th .2002.

251 UNESCO's Convention on fight against discrimination in education that was ratified by SFRY on October 9th.1963.

Constitution of RS

Passed on February 28th 1992 and from that day until the Framework agreement on peace in B&H was signed in Paris on December 14th 1995 it was change many times with XLIII amendments and than by adopting of Annex IV of the Constitution of B&H the amendments XLIV-XLI were adopted.

Statute of Brčko District B&H (official gazette number 17/08- reviewed text).

Reviewed Statute of Brčko District of BaH came in effectiveness in May 6th 2008.

The laws

1. The Framework law on preschool education of Bosnia and Herzegovina (official gazette B&H number 88/07)
2. The Law on the Agency for preschool, primary and secondary education (official gazette B&H number 88/07)
3. The Law on preschool upbringing and education of Republic of Srpska (official gazette of RS, number: 119/08)
4. The Law on preschool upbringing and education of Brčko district B&H (official gazette BD number: 10/08 review 25/08)
5. The Law on preschool upbringing and education of Zenica – Doboј Canton (official gazette ZDK 5/97 and 11/98)
6. The Law on preschool upbringing and education of Canton Sarajevo (official gazette Canton number: 26/08)
7. The Law on preschool upbringing and education of Tuzla Canton (official gazette Tuzla Canton, br. 12/10)
8. The Law on preschool upbringing and education of Una – Sana Canton (official gazette USK number: 3/97)
9. The Law on preschool upbringing and education of Posavina Canton (official gazette of Canton number 8/08)
10. The Law on preschool upbringing and education of Herzegovina – Bosnia Canton (official gazette HNZ, number 5/00)
11. The Law on preschool upbringing and education of Bosnia - Podrinje Canton

Strategic documents

1. Agreement on common core curricula of comprehensive development programs for work in preschool institutions²⁵²
2. The agreement on formation of Council for universal education in Bosnia and Herzegovina (official gazette B&H number 22/09)
3. Action plan for children 2002-2010
4. Strategic for development of preschool upbringing and education in B&H²⁵³

²⁵² Agreement was signed by the minister of education of the entity of Republic of Srpska, ministers of education of all cantons from the Federation of B&H and the head of the Department for education of the Government of Brčko District of B&H

²⁵³ Passed by the Council of Ministers of B&H from February 2005.

ANNEX VIII – LIST OF ACRONYMS

ADE – Associate degree of education

BAM – International abbreviation for convertible mark

BD BIH - Brčko District of Bosnia and Herzegovina

B&H - Bosnia and Herzegovina

BPK – Bosnia -Podrinje canton

CAT – The Convention against Torture

CEDAW - The Convention on the Elimination of all Forms of Discrimination against Women

CRC - Convention on the Rights of the Child

ECHR - European Convention on Human Rights

ETC – Et cetera

FB&H – Federation of Bosnia and Herzegovina

HDE- High school degree of education

ICCPR - International Covenant on Civil and Political Rights

ICERD - International Convention on the Elimination of All Forms of Racial Discrimination

ICESCR - International Covenant on Economic, Social and Cultural Rights

Ibid– From the same source

PI – Public institution

KM – Convertible mark

Eg. - For example

OHCHR - Office of the High Commissioner for Human Rights

OSCE - Organization for Security and Co-operation in Europe

PS – Primary school

prof. – Professor

PRSP – Poverty reduction strategy paper

PTT services – Post office – telecommunication

PS- Primary school

RS – Republic of Srpska

RTV-Radio - television

SFRY- Socialistic Federative Republic of Yugoslavia

SOS –

St – Saint

TK – Tuzla canton

UDE – University degree of education

UDHR - Universal Declaration of Human Rights

UN - United Nations

UNESCO - United Nations Educational, Scientific and Cultural Organization

UNICEF - United Nations International Children’s Emergency Fund

USK – Una – Sana canton

Ze-Do canton – Zenica – Dobojo canton



