

OMBUDSMAN FOR CHILDREN
OF REPUBLIC OF SRPSKA



OMBUDSMAN ZA DJECU
REPUBLIKE SRPSKE

Number: 1879/11

SPECIAL REPORT

NO CHILD OUTSIDE THE EDUCATIONAL SYSTEM

Banaja Luka, 2011.

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I INTRODUCTION

The Ombudsman for Children of Republic of Srpska, acting ex officio, in accordance with the powers stipulated by the Law on Ombudsman for Children of Republic of Srpska¹, notes the need for the submission of this Special Report which indicates the violation of the right to education of children who leave school and the related violation of numerous other rights and interests of children which are the result of unrealized right to education.

The Ombudsman for Children, with this, emphasizes the necessity of taking concrete systemic actions to achieve situation in which the child's best interest will be priority, which requires that in each individual case of leaving school, the causes that led to this decision are eliminated and all with the aim that no child remains outside the educational system.

II POWERS OF THE OMBUDSMAN FOR CHILDREN OF RS

By the Law on Ombudsman for Children of Republic of Srpska, jurisdiction and powers of the Institution are clearly defined so that:

In carrying out activities under its jurisdiction the Ombudsman for Children acts in the framework of the Constitution, laws and other regulations and general acts and international treaties and generally accepted rules of international law, guided by the principle of fairness and moral²:

1 - monitors harmonization of laws and regulations related to the protection of the rights of the child with the provisions of the Constitution of Republic of Srpska, Convention on the Rights of the Child and other international documents related to the protection of the rights and interests of the child³.

The Ombudsman for Children is entitled to submit to the Government or National Assembly, the initiative for amendments of laws and other regulations and general acts, if it considers that violations of the rights of the child are due to the lack in regulations, and to initiate passing of new laws, other regulations and general acts, when it considers it vital for the exercise and protection of the rights of the child⁴.

¹ Law on Ombudsman for Children, "Official Gazette of Republic of Srpska" number 103/08,

² Law on Ombudsman for Children, Article 3

³ The same, Article 5

⁴ The same, Article 7

The Government or the competent committee of the National Assembly, are obliged to consider the initiatives that are submitted by the Ombudsman for Children.

All the bodies of state administration, bodies or services of local self-government as well as all legal and natural persons performing activities related to a child, are obliged to provide the Ombudsman for Children with access to all data, information and acts which are related to the rights and protection of the child, regardless of the degree of their confidentiality, unless this is contrary to the law⁵.

III INTERNATIONAL REGULATIONS

International community stresses the importance of education with a number of documents, its accessibility to all children without discrimination on any grounds, and calls upon states to establish quality legislative framework that will provide free primary education which will include all children and secondary education accessible to all children according to their capabilities.

1. UN CONVENTION ON THE RIGHTS OF THE CHILD⁶

Article 28.

1. States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- a) Make primary education compulsory and available free to all;
- b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- d) Make educational and vocational information and guidance available and accessible to all children;
- e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

The States Parties shall take all appropriate measures to enforce discipline in the way the child's human dignity and in accordance with this Convention.

⁵ Law on Ombudsman for Children, Article 11

⁶ UN Convention on the Rights of the Child was adopted by the UN General Assembly on November 20.1989, and Bosnia and Herzegovina has taken over the Convention by a notification of succession on 11.23.1993.

States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29.

States Parties agree that the education of the child shall be directed to:

- a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national 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;
- d) 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 all peoples, ethnic, national and religious groups and persons of indigenous origin;
- e) The development of respect for the natural environment.

No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

2. CONVENTION AGAINST DISCRIMINATION IN EDUCATION (1960.)⁷

The Convention against Discrimination in Education condemns all forms of discrimination in education and promotes equal educational opportunities for all.

Among other things, all States Parties undertake furthermore to formulate, develop and apply national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular:

⁷ The Convention against Discrimination in Education, adopted at the 11. session of the General Conference of the United Nations Educational, Scientific and Cultural Organization on December 14. 1960.

(a) To make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law⁸.

3. THE MILLENNIUM DEVELOPMENT GOALS OF THE UNITED NATIONS

At the Special Session on Children of the United Nations General Assembly held in May 2002 the Millennium Development Goals were adopted to which 189 member states of the United Nations have committed and the final document "World adapted to children" with the objectives to be achieved.

Objective 2 of the Millennium Goals to be achieved by 2015 is as follows:

2. To achieve universal primary education

- Ensure that all boys and girls complete primary education completely.

"A WORLD FIT FOR CHILDREN"⁹

Is the final document that outlines goals, strategies and activities so that each child is provided with better future. An important segment is securing of quality education and finding children who are not involved in educational system or have, for some reason, abandoned it. In line with this goal, a variety of activities are provided such as:

(2) Promote innovative programs that encourage schools and communities to seek more actively children who left school or have been excluded from school and learning, especially girls and working children, children with special needs and children with disabilities, and to help them to enroll in school, attend classes and successfully complete their education, thereby including the governments, as well as families, communities and NGOs as partners in educational process. Special measures should be taken to prevent leaving school and to reduce the number of children who do so, among other things, to start work¹⁰.

This document provides for programs aimed at providing support to families with low incomes and children of school age, because poverty is often reason why children leave school. "A world fit for us"¹¹ contains statements of children which were part of children's presentation

⁸ The Convention against Discrimination in Education, Article 4

⁹ A world fit for children, the final document adopted at the Special Session on Children of the United Nations General Assembly held in May 2002, taken from UNICEF brochure "A world fit for children"

¹⁰ A world fit for children, p. 34, Article 40, par 2

¹¹ "A world fit for children," the declaration and plan of action that the United Nations General Assembly adopted in May 2002, from the UNICEF booklet, "A world fit for children," page 9

to the opening of the Special Session on Children of the United Nations General Assembly. Children see securing education through equal opportunities and access to quality education which is free and mandatory¹².

4. BEIJING DECLARATION¹³

Beijing Declaration addresses numerous issues of the rights of women, including the right to education. It was noted that a number of girls are not in school or leave school just because they are girls. Therefore, the Beijing Declaration signatory governments committed to take all necessary measures in the field of education to eliminate all forms of discrimination against women and female children and remove all obstacles of gender equality and the advancement and empowerment of women and ensure equal access and equal treatment of women and men in education and health care and improve sexual and reproductive health and education of women¹⁴.

5. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN¹⁵

Article 10: Education

States Parties shall take all appropriate measures to eliminate 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 among other things:

(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;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(h) Access to specific educational information to help ensure the health and well-being of families, including information and advice on family planning.

¹² The same, page 10

¹³ Beijing Declaration, adopted at the Fourth World Conference on women in Beijing on September 15, 1995.

¹⁴ Beijing Declaration, Article 24 and 30

¹⁵ Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on December 18, 1979. and came into force in September 1981. B&H has ratified it in 1993.

IV DOMESTIC REGULATIONS

The right to education as one of the guaranteed rights that are prescribed by the Convention on the Rights of the Child is also protected by the Constitution of Republic of Srpska.

1. THE CONSTITUTION OF REPUBLIC OF SRPSKA

Article 38

Everyone has the right to education under equal conditions.

Primary education is compulsory and free.

Everyone has equal access to secondary and higher education.

2. THE LAW ON PRIMARY EDUCATION OF RS¹⁶

With this law primary education is the activity of general public interest which includes:

- a) compulsory education,
- b) other forms of education of children and youth and
- v) adult education¹⁷.

Article 3.

- (1) Primary education lasts for nine years.
- (2) Primary education is compulsory and free for all children, usually from 6 to 15 years of age.
- (3) Simultaneously with the acquisition of primary education art education can also be acquired (music, ballet, etc.) under the terms and conditions stipulated by this law.

Article 9.

- (1) Every child has equal right of access and equal opportunities in primary education without discrimination on any grounds.
- (2) Equal access and equal opportunities mean ensuring equal conditions and opportunities for all children at the beginning and continuation of primary education. Since primary education is compulsory for all children, units of local self government are

¹⁶ Law on Primary Education, "Official Gazette of Republic of Srpska" No. 74/08, 71/09, 104/11

¹⁷ Law on Primary Education, Article 2

obliged to submit by the end of February to each school a list of children ready to enroll in first grade from the enrollment area of that school¹⁸.

According to Article 54. of the Law:

- (2) Children are enrolled in the first grade who by September 1. in the current year turn six years old and who are psychologically and physically capable of following and mastering educational programs in school.
- (3) A child older than six years is also enrolled in first grade who due to illness or other reasons was not enrolled in school.

Article 55.

- (1) A child with mild mental and physical disabilities is enrolled in regular classes, given that he is provided with special professional assistance within the observation period which may not be less than six months.

This Law, in Article 56. stipulates the responsibilities of both parents and school so that all children are enrolled in primary school and attend classes regularly:

- (1) Parents are obliged to enrol a child in due course in elementary school, take care that the child regularly attends classes and performs other school duties.
- (2) The school is obliged to warn the parents if the child is not enrolled or does not regularly attends classes and if a child does not start to attend classes, the school shall notify the competent body of unit of local self government and the Ministry, and initiate proceedings before the competent court.

Since primary education is compulsory, the student can not be excluded from school¹⁹ and a student who has attained 15 years of age may, after the decision of the director, and if by then he has not completed primary education, continue education to the age of 17 years, while a student with difficulties in psychophysical development can acquire primary education even after 18 years of age in special institutions²⁰.

In order to enable all children to finish started grade, or education, the Law in Article 76. provides for the possibility of taking the class exam for a student who, for justifiable reason, did not attend classes for more than a third of the annual number of classes envisaged by curriculum and by assessment is determined that he has not mastered the content established by the program as well as the student who is not graded in one or more subjects. A student under this Law shall have the right and duty to regularly attend classes and perform

¹⁸ Law on Primary Education, Article 54, paragraph 8

¹⁹ The same, Article 58

²⁰ The same, Article 58

school obligations²¹ and a parent is required to, no later than 8 days, excuse the absence of a student²².

By penal provisions of this Law monetary fines are provided for a school that does not inform the parents and the Ministry about the students who do not attend school²³ and a monetary fine for parents who do not enroll their child in primary school or if a child is unjustifiably absent from school²⁴.

3. THE LAW ON SECONDARY EDUCATION²⁵

Under the Law, secondary education is an activity of general social interest²⁶ which includes various types and forms of education by which, after primary school, knowledge and skills are acquired needed to work in profession and for further education²⁷.

Article 2

(1) Secondary education is available to all under equal conditions, in accordance with this Law and capabilities of individuals.

(2) Secondary education is not compulsory.

Article 5.

In secondary education discrimination in access of children to education can not be made on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, on the basis of disability or on any other basis²⁸.

Article 43.

(1) A person who has finished elementary school and can not be older than 17 years of age is enrolled in first grade.

(2) Persons who are enrolled in schools for pupils with special educational needs may have a different age limit for enrollment in first grade.

(3) Enrolment of students is performed based on open competition.

²¹ The same, Article 79

²² The same, Article 82, Paragraph 6

²³ The same, Article 158, Paragraph ž

²⁴ The same, Article 160

²⁵ Law on Secondary Education, "Official Gazette of Republic of Srpska" no 74/08, 106/09, 104/11

²⁶ The same, Article 1, Paragraph 2

²⁷ The same, Article 1, Paragraph 3

²⁸ The same, Article 5

Article 48.

- (1) Children with special educational needs have the right to secondary education.
- (2) Education of children and youth with special educational needs is a part of unified educational system.

Article 53.

- (1) All students from the territory of the Republic and of Bosnia and Herzegovina compete on equal terms for enrolment into first grade of public or private school, regardless of where they have finished primary school.
- (2) School provides each student with the best way to develop its knowledge, abilities and skills.
- (3) A student is required to regularly attend classes and perform school duties, acts in accordance with this Law and by - laws governing the rights and obligations of students and acts responsibly towards students, teachers, other school personnel and the school property.

In Article 55 and 56 the rights and obligations of parents regarding their children's secondary education are defined.

Article 55.

- (1) Parents have the right and obligation to care about the education of their children and are most important educators of their children.
- (4) Parents are required to continuously contact and cooperate with the school.

The law provides for the participation of parents in the work of school body and all in the interest of quality education for their children.

Students under certain conditions can transfer from one school to another and must have a withdrawal from school, but the school the child goes to is not required to inform the school that the child comes from.

For children who are unable to regularly attend classes the possibility of taking class exam is foreseen.

Article 68.

- (1) The student loses the status of regular student by:
 - a) completion of education,
 - b) withdrawal from school,
 - v) exclusion from school,
 - g) by leaving the school.

- (2) A student who is excluded from school is issued with a withdrawal from school containing information about his academic achievement.
- (3) The procedure and conditions for determining the termination of the status of a full-time student are determined by school acts.

Article 69.

A regular student who is excluded from school is not entitled to enroll in the same or another school as a full or part time student or a student for adult education in the same school year.

Article 65.

- (10) Teachers' Council makes a decision to exclude a student from school.
- (11) A student or his parent has the right to appeal the decision on exclusion of the student from the school to the school board within eight days from the date of receipt of the decision.
- (12) School board decision is final.
- (13) The school is required to inform students and parents at the start of school year on their rights or duties and responsibilities determined by this law and school rules.

4. THE FAMILY LAW OF REPUBLIC OF SRPSKA²⁹

regulates family relations and the rights and obligations of parents, and in this regard determines:

Article 6.

Parents are obliged to care for life and health of their children, as well for their upbringing and education.

Article 83.

- (1) Parents have the right and duty to care for education of their minor children.
- (2) Parents are obliged to take care of regular elementary education of their children.
- (3) Parents have the duty and right, according to their abilities, to provide further education of their children, taking into account their abilities, affinities and justifiable wishes.

²⁹ Family Law of Republic of Srpska "Official Gazette of Republic of Srpska" number 54/02, 41/08

5. THE LAW ON SOCIAL PROTECTION³⁰

Article 58.

Social welfare institutions in performing their activities cooperate with beneficiaries, family, citizens, institutions in the area of health, upbringing, education, training and rehabilitation, Red Cross organizations, disability and other humanitarian organizations, other institutions and companies, religious organizations and foundations.

6. THE LAW ON CHILD PROTECTION³¹

In order for children with lower financial status to be provided with the opportunity to acquire primary education the Law prescribes:

Article 20.

Supplement for children belongs to children at the longest up to age of 15, if they are in regular education.

Regular education in terms of this Law refers to the time established by the law for the acquisition of primary and secondary education.

7. THE FRAMEWORK LAW ON PRIMARY AND SECONDARY EDUCATION IN B&H³²

II. PRINCIPLES IN EDUCATION

1. The right of the child to education

Article 4.

Every child has equal right of access and equal opportunities to participate in appropriate education, without discrimination on any grounds.

Equal access and equal opportunities mean ensuring equal conditions and opportunities for all, for the beginning and continuation of education.

Appropriate education means education that, in accordance with established standards, allows a child to, in the best possible way, develop its innate and potential mental, physical and moral abilities, at all levels of education.

³⁰ Law on Social Protection, "Official Gazette of Republic of Srpska", 5/93, 15/96, 110/03 33/08

³¹ Law on Child Protection, "Official Gazette of the Republic of Serbian", No. 4/02, 17/08, 1/09

³² Framework Law on Primary and Secondary Education in B&H "Official Gazette of B&H", No. 18/03

8. RECOMMENDATIONS OF THE UN COMMITTEE ON THE RIGHTS OF THE CHILD³³

The Committee on the Rights of the Child has reviewed in 2005 the Initial Report of Bosnia and Herzegovina on the state of children's rights concerning education and has made certain recommendations:

- that the state strengthens efforts in the process of harmonization of laws on education and ensure their effective and uniform application throughout the country.
- to take all necessary measures to implement Article 28. and Article 29. of the Convention with regard to children belonging to the most vulnerable groups (minority groups, who live in poverty, children refugees and returnees, Roma children, children with disabilities, etc.).
- to increase the efficiency of education and reduce the number of children leaving school³⁴.

V RESEARCH OF THE OMBUDSMAN FOR CHILDREN OF REPUBLIC OF SRPSKA ON LEAVING SCHOOL

1. INTRODUCTION

The Ombudsman for Children of Republic of Srpska, in order to protect the right of the child to education, has conducted research with the aim of determining the presence of leaving primary and secondary schools in Republic of Srpska, number, gender and age of children who leave school, reasons that lead to leaving school and the measures taken by the competent with the aim to protect the child. In the strategic directions of development of education in Bosnia and Herzegovina with the implementation plan 2008-2015. as one of long-term goals the increase in enrollment and completion of primary education to 100 percent was stated³⁵.

One of the EU indicators on the quality of educational system (Indicator n ° 23) is an indicator on the number of students who start and do not complete their education. In the strategic directions of development of education in Bosnia and Herzegovina with the implementation plan 2008-2015. as one of mid-term goals the reduction in dropout rate to 7,5 percent was stated³⁶.

³³ Recommendations of THE UN Committee on the Rights of the Child after submitting the first report on the implementation of the Convention on the Rights of the Child in B&H

³⁴ Recommendations of the UN Committee, Education, leisure and cultural activities

³⁵ Education Development Strategy of Republic of Srpska for the period 2010-2014, Banja Luka, November 2009, 1.3 Primary education, p. 15

³⁶ Education Development Strategy of Republic of Srpska, 1.4 Secondary Education, p. 17

Education Development Strategy of Republic of Srpska for the period 2010-2014. addresses the issue of early leaving school and in accordance with European standards envisages an increase in coverage of children in primary education to 100% and 85% in secondary education.

The Ombudsman for Children of RS has sent the questionnaire to all primary and secondary schools in Republic of Srpska that requested from schools the answer to whether and in what number they have recorded students who in two school years have left school, which gender and age they are – in what grade they have left school and the reasons for leaving school.

The questionnaire, also, examines cooperation between school, local community, social welfare centers and the Ministry of Education as provided by the Laws on Primary and Secondary Education.

2. OBJECTIVES, METHODS AND SAMPLE RESEARCH OF THE OMBUDSMAN FOR CHILDREN

OBJECTIVES of the research that the Ombudsman for Children has conducted in primary and secondary schools of Republic of Srpska related to leaving school are determining:

- the presence of the appearance of leaving primary and secondary school,
- number, gender and age of children who leave school,
- reasons why children leave school,
- reactions of the competent when children leave school,
- school suggestions for preventing and resolving cases of leaving school.

METHODS - In the research the questionnaire method was used, and the questionnaire contains 7 questions which are adjusted to primary and secondary school. The questions were mainly of open - ended type so that schools only had to specify the relevant data from their records on cases, if they had them.

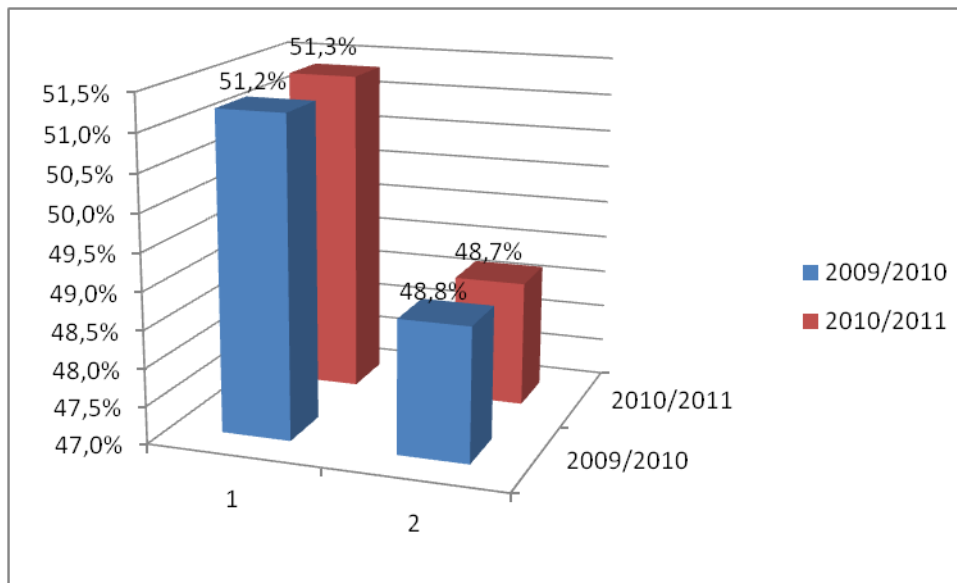
SAMPLE - The above questionnaire was distributed to all primary and secondary schools in Republic of Srpska in order to come to more objective data. To cooperation responded 120 elementary and 61 secondary schools (64.41% of the total number of primary and secondary schools) that have provided data on students who left school for two school years 2009/2010. and 2010/2011.

3. RESULTS

The questionnaire on leaving school was distributed to 191 primary schools in Republic of Srpska, and responses were obtained from 120 primary schools. This means that the data speak about the state in 62.82% of primary schools in Republic of Srpska.

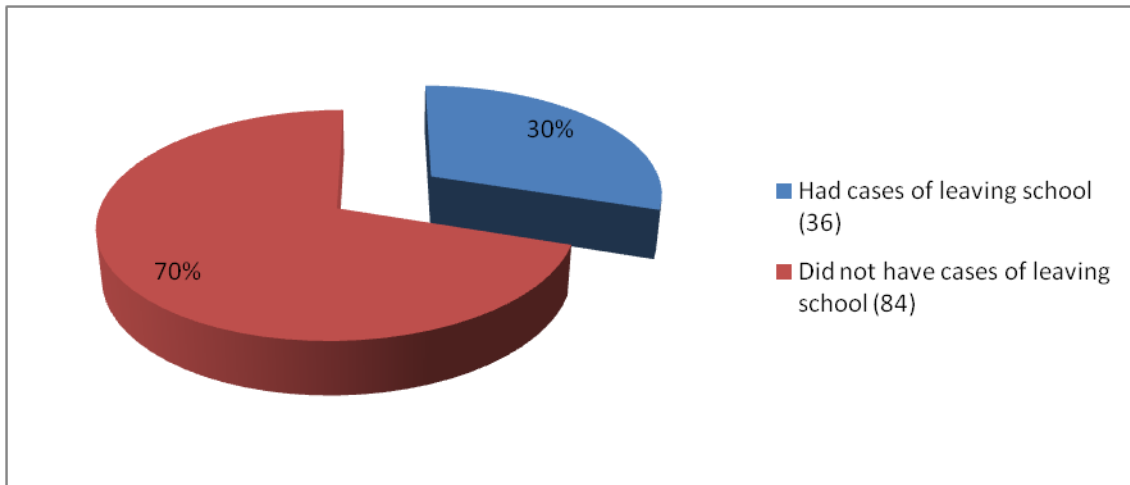
Total number of students who were attending school in these 120 schools during the school year 2009/2010. was **71 318** of which 36 535 boys and 34 783 girls, and the total number of students for the school year 2010/2011. was **69 115** of which 35 472 boys and 33 643 girls.

Number of students in school					
Year	Male		Female		Total
2009/2010	36535	51.2%	34783	48.8%	71318
2010/2011	35472	51.3%	33643	48.7%	69115



1. Boys 2. Girls

1. How many primary schools record cases of leaving school?



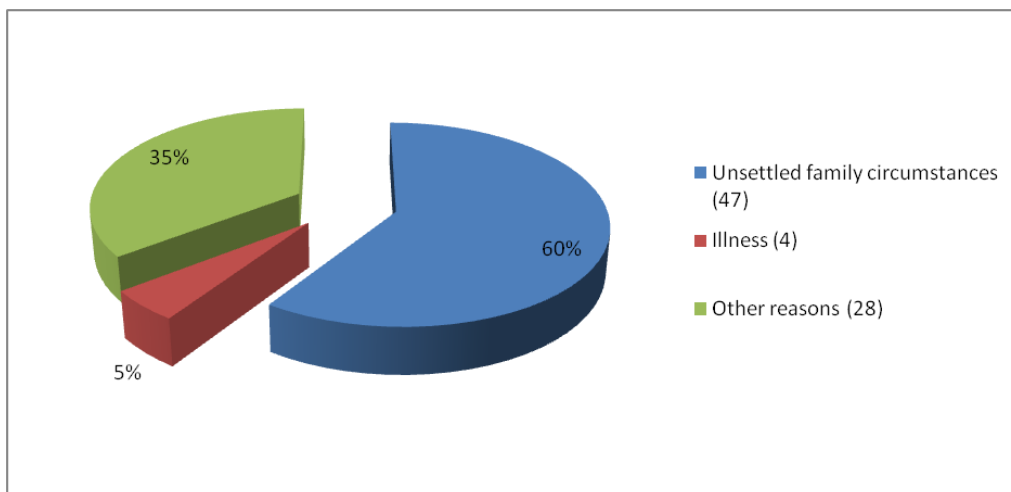
During the school years 2009/2010 and 2010/2011, 36 primary schools or 30%, of 120 that submitted data, recorded students who left school.

In 84 primary schools or 70% there were no cases of students who left school.

2. How many students left primary school during the school years 2009/2010 and 2010/2011?

In 36 elementary schools during the two school years 79 cases of leaving school have been recorded and that is 35 girls and 44 boys.

3. What are the reasons why students leave primary school?

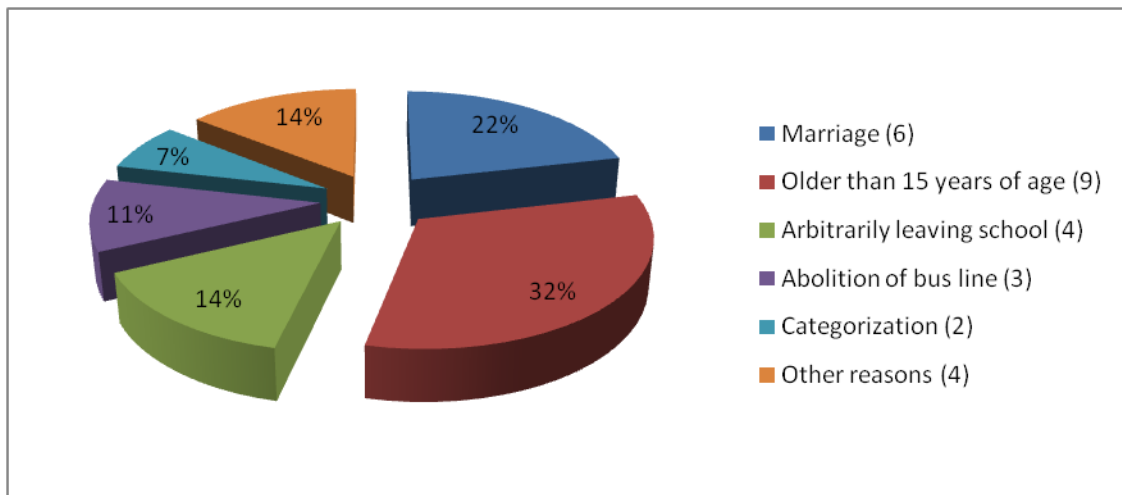


By the analysis of responses that speak about the reasons why children leave school we came to the data that:

- 47 children or 60% left school because of unsettled family circumstances
- 4 children left school because of illness
- 28 children left school for other reasons.

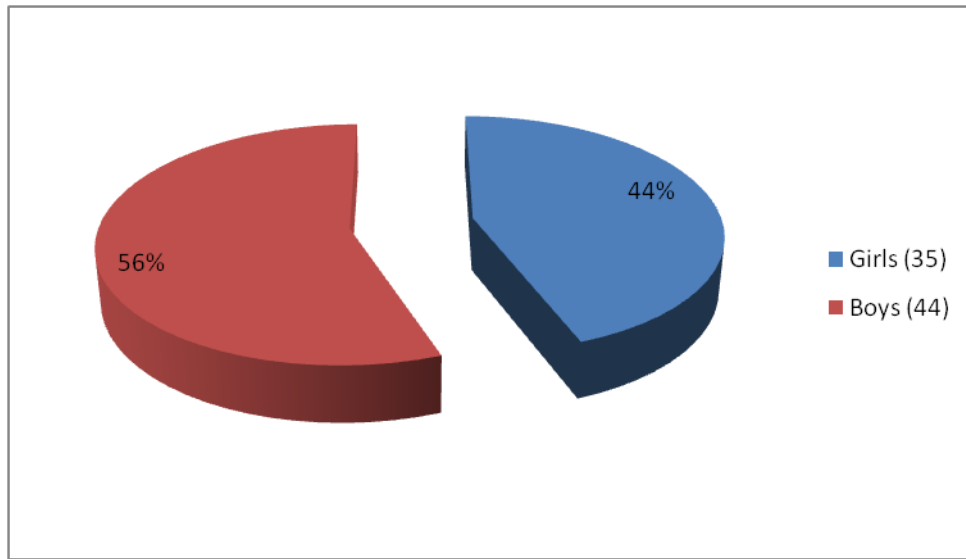
Most of children, according to the data obtained, leave school because of unsettled family circumstances. Leaving school due to unsettled family circumstances was recorded in 18 primary schools during two school years.

For 28 students the schools have indicated some other reasons for leaving schools.

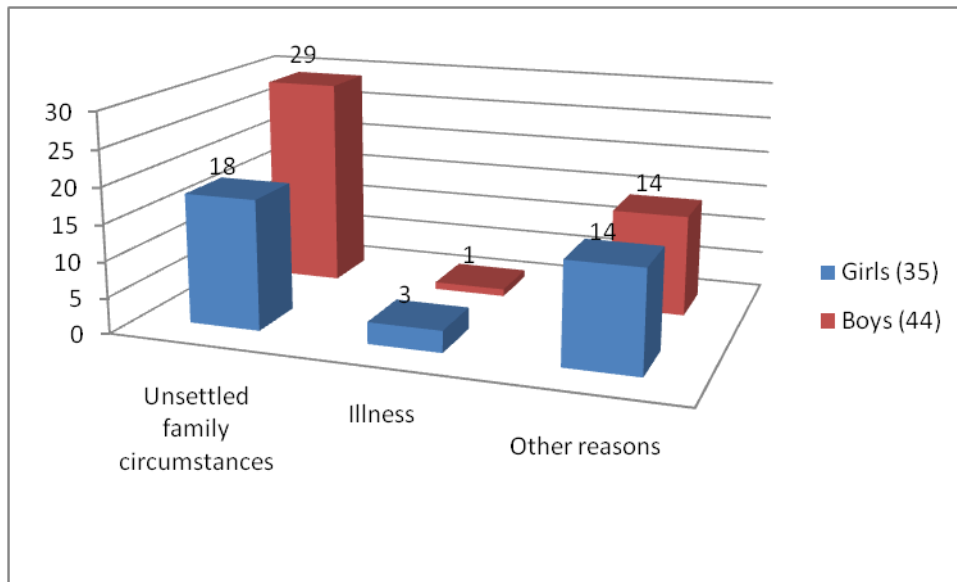


Primary schools also state other reasons why children leave school. The most numerous are students who leave school because they are older than 15 years of age, and schools state that they are not obliged to attend school although the law permits the attendance of primary school up to age of 17. Marriage is the reason why six girls left primary school. Inability to get to school because of the abolition of the bus lines is the reason why three girls left primary school. In cases of categorization of children, for one child transfer to another school was secured and second child refuses to go to school.

4. What is the gender of children who leave school?



Of 79 students who during two school years left primary school there were 44 boys and 35 girls. Boys are in larger number recorded for leaving primary education than girls. According to the total number of children that are enrolled in primary school the number of boys is greater than the number of girls.



Analysis of the reasons due to which children leave primary school shows that there are specificities of leaving school related to gender of a child. So boys in larger number than girls leave school due to unsettled family circumstances, 29 boys and 18 girls.

Although the number of boys and girls is the same in other reasons, it is notable that 6 girls left school because of marriage, 3 girls because of the abolition of bus lines, and 4 boys arbitrarily left school.

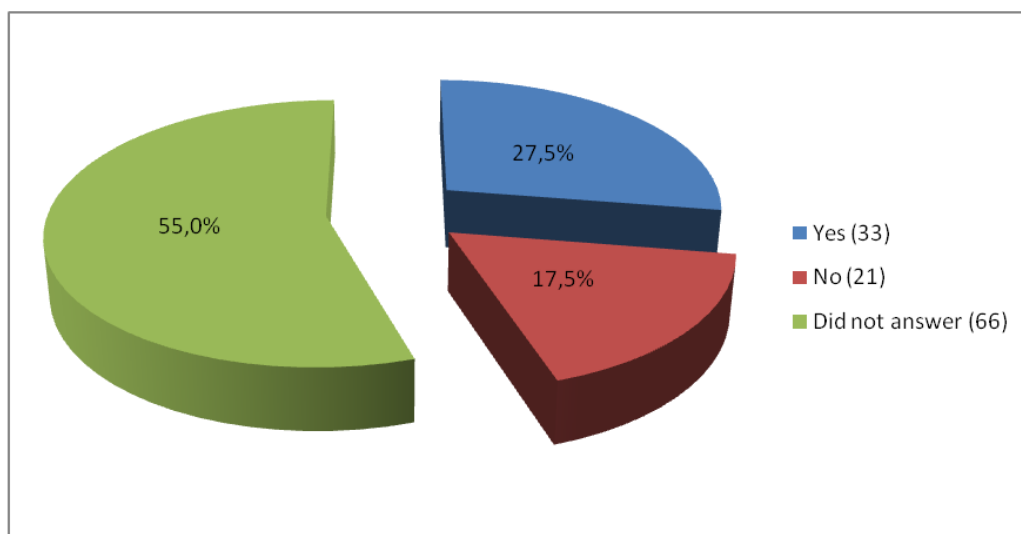
5. What is the age of children who leave primary school?

By examining the data on students who left school one comes to the data that:

- due to unsettled family circumstances children of all ages leave school and in most cases from IV to VIII grade, and only one case each in grade I and IX
- for other reasons (among which is arbitrarily leaving school, attaining the accrual age of 15 when the obligation of regular education ceases, abolition of bus lines, etc.). children who left school mainly attended VII, VIII and IX grade
- girls who married mainly attended VII and IX grade
- children who left school due to illness attended I, VI, VIII and IX grade

From the data on age of children who left primary school, it can be concluded that a very small number of children leave school in the first two triads, that is up to the sixth grade of primary school. Not until the sixth grade that number is growing, no matter what are the reasons for leaving school.

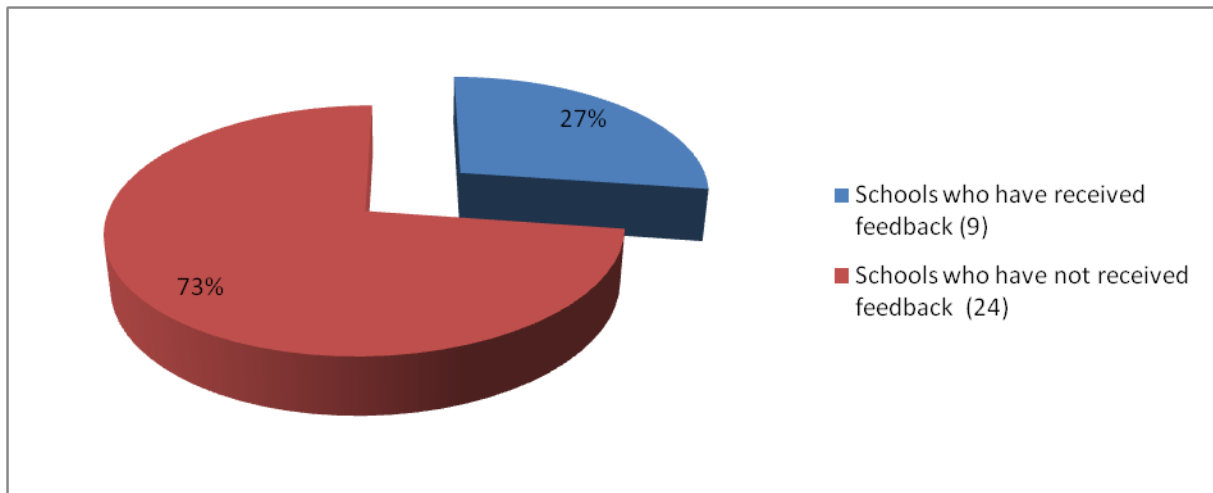
6. Did you inform social welfare center or other competent institution on the case that you have had?



Of the 36 primary schools that have had cases of leaving school, 33 notified some of the competent institutions and in most cases they only informed social welfare centers, and a

smaller number of schools, in accordance with the Law, also notified the municipal authorities (8 schools), the Ministry of Education (7 schools), and in specific cases other institutions as well - the MIA, Educational Inspection, Republic Pedagogical Institute.

7. Do you have information that related to the stated case / cases appropriate proceedings are being conducted before the competent authority, and why?



Of the 33 schools that addressed some of competent institutions only 9 primary schools have feedback.

If the information are analyzed that schools have on children who left schooling one comes to the conclusion that in the three cases criminal proceedings against the parents are being conducted, and other are interventions of social welfare centers, but almost there are no returns of children to schools (just in one case of categorized child transfer to another school was secured).

8. Comments and suggestions related to prevention

120 primary schools responded to our call to fill out the questionnaire, and only 21 schools have comments and suggestions. They are as follows:

- Educational and counseling work with students and parents, inclusion of pedagogues and social worker and home class teacher in those activities.
- Greater involvement of services of social protection and more resources to the same institutions to assist in solving of these problems.
- It is necessary to financially support the families of lower economic status: secure employment to parents and snacks for children in school.

- Early prevention and involvement of children with hearing and speech problems in education (Social welfare centers accept that children stay at home as parents require, and thus violate the right to education of children).

Secondary schools

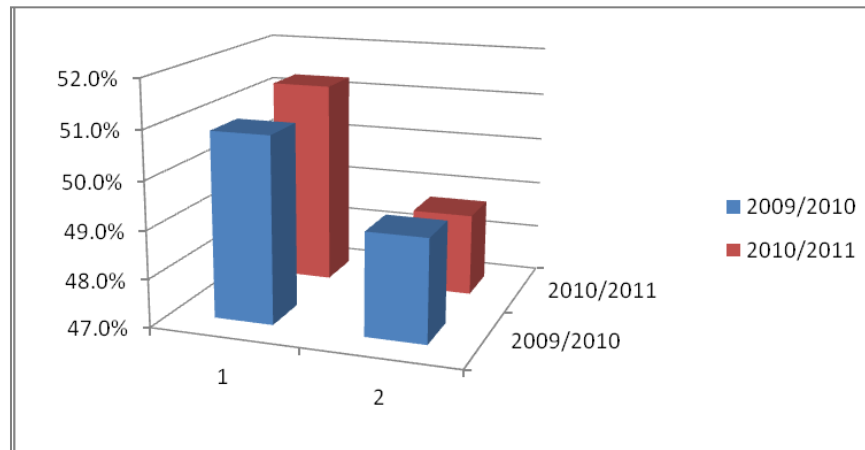
According to the Law on Secondary Education, secondary education is not compulsory.

In accordance with the UN Convention on the Rights of the Child and the Education Strategy of Republic of Srpska it is necessary to make efforts to achieve the greatest possible number of enrolled in secondary education and to reduce the rate of leaving school.

Its contributions in the analysis of the situation in secondary schools gave 61 secondary schools in Republic of Srpska, which responded to the questionnaire, which makes 67.8% of secondary schools from 90 schools from which we requested data.

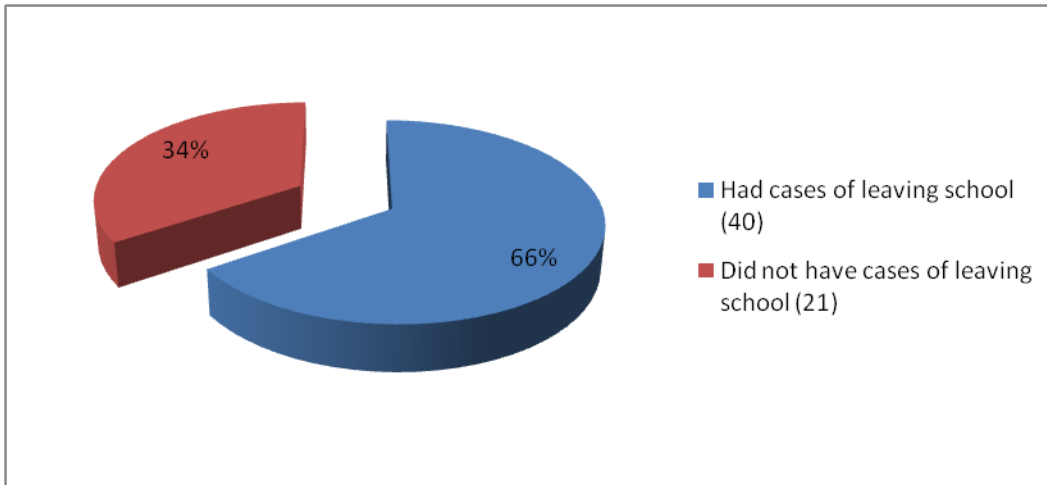
Number of students in school					
Year	Male		Female		Total
2009/2010	15779	50.9%	15243	49.1%	31022
2010/2011	16222	51.3%	15411	48.7%	31633

During 2009/10. school year 61 secondary schools in Republic of Srpska were attended by 31 022 students, of which 15 779 boys and 15 243 girls, and during 2010/11. school year, 31 633 students, of which 16 222 boys and 15 411 girls.



1 - girls, 2 - boys

1. How many secondary schools record cases of leaving school during the school years 2009/2010. and 2010/2011?

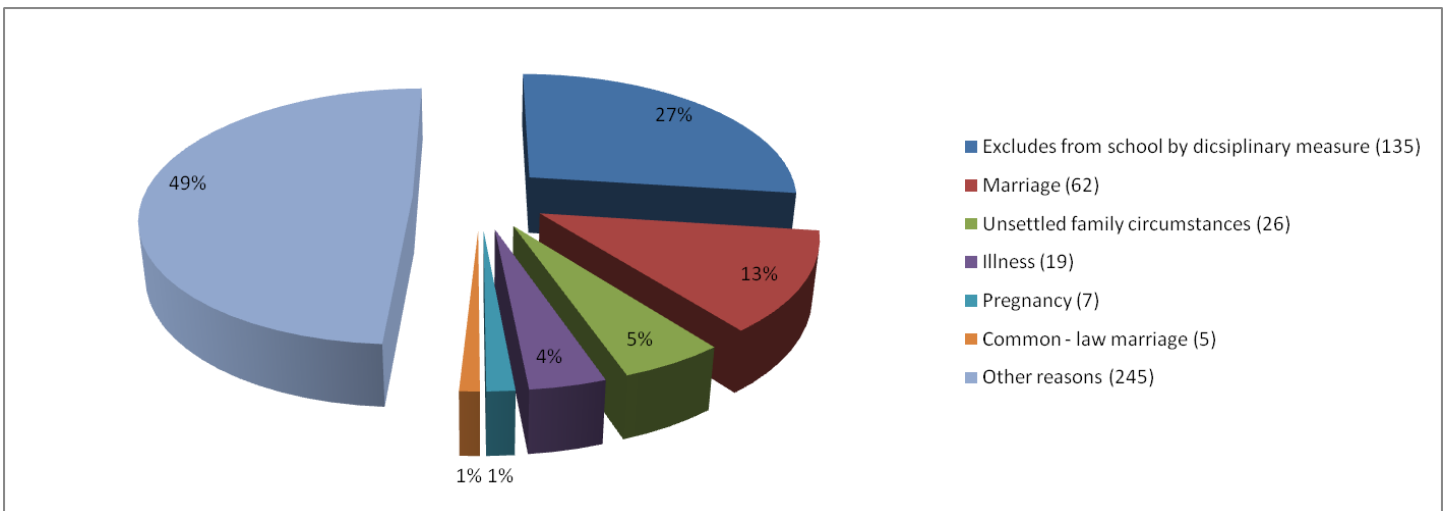


Of 61 secondary schools that responded to the questionnaire, 40 schools or 66% recorded cases of leaving school, while in 21 schools or 34% there were no cases of leaving school during the school years 2009/10. and 2010/11.

2. How many students left secondary school during the school years 2009/2010. and 2010/2011?

During two school years 499 students left 40 secondary schools of which 328 boys and 164 girls, while for 7 students gender was not specified.

3. What are the reasons why students leave secondary school?



There are many reasons that secondary schools cite for cases of leaving school.

The Law on Secondary Education stipulates that due to serious violation of duty disciplinary - educational measure of exclusion from school is imposed to student³⁷. This measure, in two school years, was imposed in 35 schools for 135 students. The reasons for imposing these measures are primarily the large number of unexcused absences, misconduct, arbitrarily leaving school, delinquent behavior in and out of school, peer violence and bringing weapons to school. If we take into account that some schools in other reasons indicated that children had a large number of unexcused absences and inappropriate behavior, then this number is even higher.

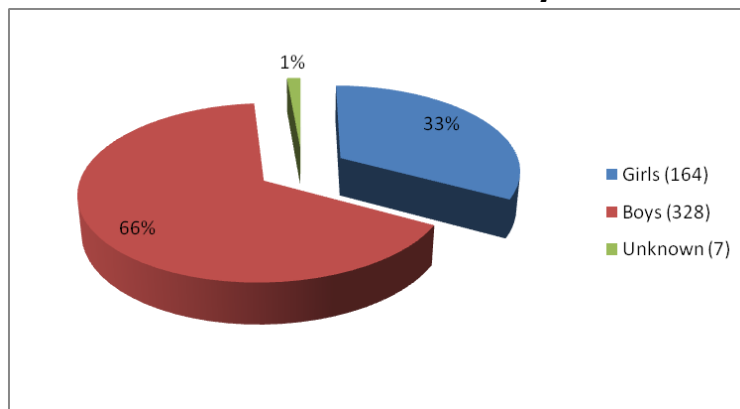
Establishment of marriage is the reason why 62 girls (13%) left school. Due to unsettled family circumstances 26 students (5%) left school, and due to illness 19 students. 7 secondary school female students ceased to attend school due to pregnancy, and 5 due to establishment of common law marriage.

Other reasons for leaving secondary school

In 36 secondary schools 245 students were recorded who due to other reasons left school during two school years. By examining the responses one comes to information that other reasons are:

- Poor success
- Large number of unexcused absences
- Bad behaviour
- Arbitrary leaving school

4. What is the gender of children who leave secondary school?



³⁷ Law on Secondary Education, Article 65, Paragraph 8, 9, 10, 11, 12

Of 499 students who left school there were **328 boys and 164 girls**, while for 7 students gender was not specified. The number of girls who have left secondary school is by half less than the number of boys (33%: 66%).

Reasons for leaving secondary school can also be observed by gender.

- Unsettled family circumstances are the reason why girls in larger number leave school in comparison to boys - 16 girls, 10 boys (62%: 38%)
- By disciplinary measures in 119 cases boys were excluded from school and girls in 16 cases (88%: 12%)
- Marriage, pregnancy are the reasons why 74 girls left secondary school.

5. What is the age of children/young persons who leave school?

Students who leave secondary school are of all ages from I to IV grade and is not possible to relate specific reason to age.

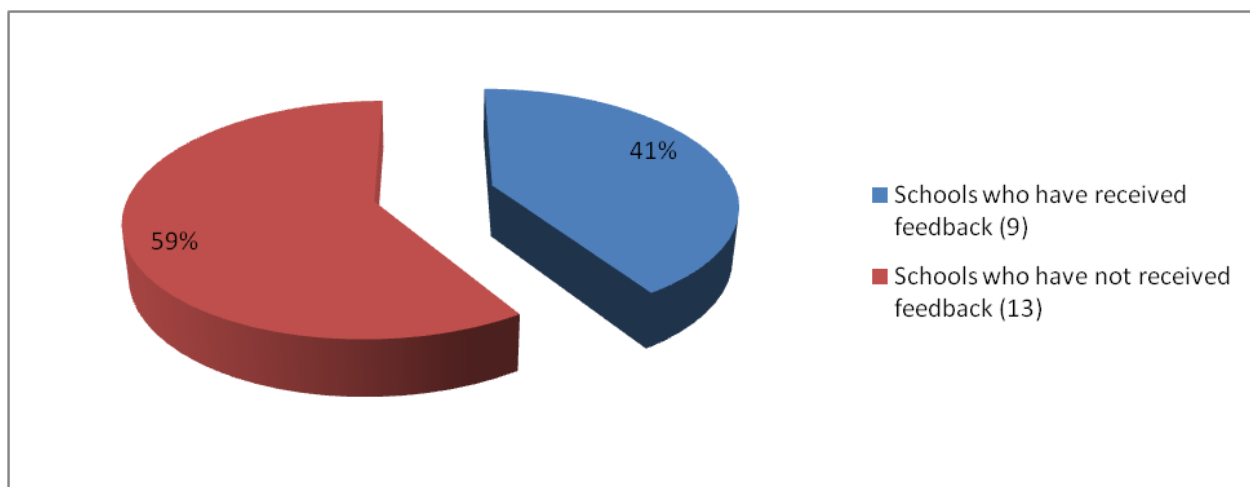
6. Did you inform social welfare center or other competent institution on the case that you have had?

Of 40 schools who during school years 2009/10. and 2010/11. recorded cases of leaving school, 22 secondary schools, according to the responses, realize collaboration with social welfare centers.

Schools, in cases of leaving school, withdrawing, or imposition of disciplinary - educational measure of exclusion from school have performed conversations with the parents and centers, and one school with public safety center for bringing weapons to school and one school with mental health center.

In 26 schools was not considered that it is necessary to inform anyone as, according to their statements, parents agreed that child leaves the school or to withdraw. All mostly performed conversations with parents and concluded that there is no need to inform institutions.

7. Do you have information that related to the stated case / cases appropriate proceedings are being conducted before the competent authority, and why?



Of 22 secondary schools who have addressed some of institutions, 9 schools have feedback, while 13 schools do not have it.

Schools are familiarized with the proceedings taken before court in cases of divorce of parents and custody, in the case of bringing bomb to the school the proceeding is conducted for one student. For 4 excluded students from 3 schools they have knowledge that proceedings are conducted for criminal offenses that students have committed earlier, in one case misdemeanor procedure against the student is conducted.

8. Comments and suggestions related to prevention of cases of leaving school

15 secondary schools answered to this question from 61 schools that submitted data.

Schools propose:

- Education of parents and students about the importance of completion of secondary school
- Strengthening cooperation between parents and schools.
- Grants or financial assistance to parents of students from rural areas because there are direct testimonies that parents do not have the ability to finance their children (monthly pass, snacks etc).
- Lack of knowledge, education and information on the establishment of marriage in secondary school period and the consequences of such unions on the development of a child

4. SUMMARIZING THE DATA

In accordance with the objectives of the conducted research on the number, reasons and treatment of school and competent institutions when children leave educational system,

the Ombudsman for Children states:

- By research of the phenomena of student leaving educational system in Republic of Srpska in school years 2009/10. and 2010/11, 120 elementary and 61 secondary schools were included. The questionnaire was distributed to all primary and secondary schools, and to the same responded the total of 64.41% of all primary and secondary schools in RS.
- During 2009/10. and 2010/11. school year in 36 primary schools or 30% of the 120 who responded to the questionnaire the cases of leaving school were recorded. In the same period, 40 secondary schools or 66% of the 61 secondary schools that have submitted the data record cases of leaving school.
- During the two school years 79 primary school children have left education, that is 44 boys and 35 girls and 499 secondary school students of which 326 boys and 164 girls (for 7 students the gender was not documented). From these data it can be seen that boys in larger number leave school, in secondary school the number of boys is two times higher than the number of girls.
- From the obtained data it is noted that students leave primary school, mostly in the third triad, i.e. from 6. to 9. grade, regardless of the reasons that lead to it.
- Secondary school students leave school in equal number from 1. to 4. grade
- When analyzing the reasons why students leave primary school, then one comes to data that 60% of primary school students leave school due to unsettled family life, 35% for other reasons, and 5% due to illness. Other reasons due to which primary school students leave school are, in most cases, attaining the age of 15, and then marriage, voluntarily leaving school, etc.

Secondary schools most children (49% cases) leave due to poor success, unexcused absences or voluntarily.

Due to the pronouncement of educational - disciplinary measure of exclusion from school 27% of students in secondary schools leave education, and that number is even higher if one considers that among other reasons schools cited a large number of unexcused absences, for which this measure is mostly pronounced.

Establishment of marriage is the reason of leaving school in 13% of cases. By analysis of the data on the reasons for leaving secondary school it was found that 74 girls or almost 15% of the total number left school because of the establishment of marriage or cohabitation and pregnancy.

Unsettled family circumstances are the reason for leaving secondary school in 5% of cases, and students in 4% of cases left secondary school due to illness.

- The Law on Primary Education obliges schools, in cases when a child does not attend school or leaves the school, to inform social welfare centers, bodies of local self governance and the Ministry of Education and Culture. Of the 36 schools that have had cases of leaving school, 33 schools have notified social welfare centers and only a quarter of these schools notified bodies of local self governance and the Ministry of Education and Culture. By the analysis of responses provided by the schools it is concluded that in the same situations schools react differently, and that one number of schools inform on each case all the competent institutions in accordance with the Law, while one number of schools transfer responsibility to parents, social workers or the students themselves.

Of 40 schools that had cases of leaving school 22 schools addressed social welfare centers, one school addressed public safety center and one mental health center.

- Considering that primary school is compulsory and that all children who enroll in primary school must finish it, each informing the competent authorities on cases of leaving school requires feedback on the measures taken to support and assist the child and his parents, depending on the reasons that have led to leaving school. Feedback from the institutions that were addressed received only 9 primary schools and that data indicates the lack of cooperation between the competent institutions in recognition of the need and obligation to, by working together, in accordance with its authorities, take measures with the aim to protect a child.

In 9 secondary schools there is feedback about the students who left school and that is from courts and social welfare center.

- A total of 36 schools out of 181 schools that provided data yielded their comments and 21 primary and 15 secondary schools have almost the same proposals that would prevent or minimize the occurrence of leaving school:
 - Educational and counseling work with students and parents, inclusion of pedagogues and social worker and home class teacher in those activities.
 - Greater involvement of services of social protection and more resources to the same institutions to assist in solving of these problems.
 - Necessary assistance and support to families with lower income.
 - Early prevention and involvement of children with hearing and speech problems in education.
 - Lack of knowledge, education and information on the establishment of marriage and pregnancy in the period when they are still children.

VI ROUND TABLE

In order to obtain the opinions of experts who in the field deal with the issue of leaving school, the Ombudsman for Children has organized, in collaboration with the Government of Republic of Srpska Gender Centre, a roundtable with the topic "No child outside the educational system". This round table was held on November 22. 2011. on the occasion of the International Children's Day in Banja Luka.

The right to education is a basic human right, because its exercise directly affects the ability to access and exercise many other rights. Primary school is mandatory and the law does not know any reasons why a student may be excluded from primary school. Secondary school is not mandatory, but child care is mandatory. Any leaving of education is a violation of the basic right of a child. The aim of the roundtable was to seek an answer to the question of whether we have identified all the risks and taken all necessary measures to enable the realization of this right for every child.

Topics that have opened the discussion were:

- "The right to education is a basic human right" Dr. Draženko Jorgić, Faculty of Philosophy, University of Banja Luka,
- "Causes and consequences of leaving school" Dr. Ivana Zečević, Faculty of Philosophy, University of Banja Luka
- "Leaving school" - data from schools, Prof. Zlata Hadžić - Bajrić, Deputy Ombudsman for Children of Republic of Srpska
- "Gender equality and education," MA Dijana Tepšić, Public Relations Officer, Government of Republic of Srpska Gender Centre.

The round table was attended by representatives of the Ministry of Education and Culture, Ministry of Family, Youth and Sports, Ministry of Internal Affairs, Republic Pedagogical Institute, Educational Inspection, Public Security Center Banja Luka, Social Welfare Centres Banja Luka, Kozarska Dubica and Srbac, primary schools from Bronzani Majdan, Sitneši, Kozarska Dubica, Banja Luka and secondary schools from Kneževo, Prnjavor and Banja Luka, Board of Directors of Elementary Schools, Children's Home "Rada Vranješević", Youth Council of RS, Young Advisors of the Ombudsman for Children, OSCE, Save the Children Norway and Genesis Project.

The attendees in the discussion emphasized the importance of education and provided the data on similar studies as well as the need to act educationally and preventively on students and parents to reduce the number of children who leave school. To solve this problem the multidisciplinary approach is necessary, because the reasons for leaving school are various and the consequences for the child are severe and long term.

From the discussion the following conclusions resulted:

- leaving school is not child's choice, nor his will, but a consequence of failure to recognize situations that lead to it,
- lack of information of parents on various issues and problems in their children's growing up, frequently, results in lack of adequate and timely support and assistance to the child in his growing up,
- inadequate cooperation between parents and school is a key problem that is present in all issues of realization and protection of the rights of the child,
- primary education is compulsory and the law does not know any reasons why a child can leave primary school, therefore in each single case the reasons that led to it must be eliminated,
- leaving secondary school on the basis of unexcused absences requires determining the causes of absence from school and taking the necessary measures so that the child and parents understand the full weight and consequences of such behavior,
- leaving secondary school because of bad success and behavior is a result of lack of preparation and motivation of children for school in which they have enrolled, which requires more attention to be given to the matters of professional orientation and enrollment in secondary school,
- passing of entrance examination for enrolment to secondary school would contribute that children enroll in schools for which they have real capabilities,
- teaching children about their health, healthy lifestyles, sexual behavior would have to be a part of educational system in a manner adopted to children, their age and needs,
- determining disciplinary responsibility of students must be made under clearly defined rules and procedures of treatment and measures that are taken with the aim of educational and disciplinary sanctions,
- professional services in schools would have to, through additional programs, pay special attention to all risk factors that lead to leaving school,
- a school should, together with the report on work, show the number of students and the basis on which the students left the school in school year for which the report is filed,
- strengthen cooperation between school, social welfare centers and local community with the aim of common recognition and solving problems that were identified as risk factors.

VII CONCLUSION

For each child individually and for society as a whole, education is key factor that must be priority for all. Children who leave school, already as children are brought into social sector, it is not their choice, but failure to recognize situations in which children grow up and lack of adequate support for the elimination of the causes that led to it. That is not problem only today, nor just theirs, the problem is long term and for each child, his family and society as a whole. A child, who leaves educational system, is excluded from all other systems, except social, unfortunately.

By leaving school, regardless of the reasons that lead to this, children become additionally vulnerable category exposed to numerous problems, economic and social and personal. Due to the low level of education, already as children they are exposed to risks of poverty and social exclusion long term, due to inability of employment and any kind of work engagement they become dependent on welfare.

Unfortunately, the decision to leave school, is not only based on an isolated cause, very often, the decision is the result of several factors which, in mutual connection, have led to this decision.

Understanding the reasons why children leave school is crucial, only in that manner this category of children will be identified. Understanding the reasons requires multidisciplinary approach as well as elimination of the causes that lead to leaving school.

By leaving school not only the child's right to education is violated but also the right to adequate parental care, the right to protection from all forms of neglect, the right to unhindered growth and development ...

By leaving school the society as a whole faces many problems, because:

- the number of welfare cases is increasing and the number of people whose existence depends on social sector,
- the number of persons seeking employment with a very low level of education is increasing,
- it contributes to increased delinquent behavior in children because these children because of exclusion from educational system are exposed to various risks.

Although the data obtained from schools, statistically speaking and in comparison with neighboring countries³⁸, are not disturbing, disturbing is even if only one child for ever, while still a child, remains on the margins of society. And each that remains outside the educational system is exposed to risks of poverty and social exclusion long - term.

³⁸ According to data that the European Commission has published in the Report on progress towards Lisbon objectives in the field of education and skills development, early leaving of school in most European countries ranges between 5% and 15%, and in Strategic directions of development of education in Bosnia and Herzegovina with the implementation plan 2008 - 2015. as one of mid - term goals reduction in leaving school to 7.5 percent was noted.

Bearing in mind the consequences that leaving school has on the development and growing up of a child and on the society as a whole,

it is necessary

- Primary school is mandatory and the Law does not know any reason nor possibility that a child leaves primary school.
- It is the responsibility of each school in each single case, in accordance with Article 56, paragraph 2 of the Law to notify on that the competent authorities who are obliged to take the necessary measures to return the child in educational system. The notification that is submitted to authorities is not notice on that but a request for an adequate response and support to the student and family to eliminate the cause that led up to it. No child in elementary school can remain outside educational system, without the knowledge of the relevant ministry.
- Secondary school under the Law is not mandatory, but child care is mandatory, therefore in each single case, the school ought to request that the competent institutions, in cooperation with the child and his parents take the necessary measures to eliminate the causes that led to such decision.
- Poor success, lack of interest of student and their lack of motivation already in first year of secondary school lead to leaving school.
- Leaving school due to poor learning and behavior very often is a result of inadequate preparation and motivation of children for school in which they have enrolled, which requires that special attention is given to the issues of professional orientation and enrolment in secondary school.
- The introduction of entrance examinations for admission to secondary schools would reduce the risks that children in first grade are faced with the curriculum which realistically they can not master and they see the solution in leaving school.
- Very often the reason for leaving school is educational - disciplinary measure of exclusion. The Regulation on disciplinary responsibility very often does not define the conduct of disciplinary proceedings (initiation of proceedings, giving statement, hearing, passing decision and its delivery) with the aim that the student realizes that with his behavior he violated rules of school discipline and that due to such unacceptable behavior the sanction would follow, which should be in the function of prevention, so that student would not make new violation. Unique Regulation on disciplinary responsibility of students that would be passed by the line ministry, which would in accordance with the Law define the rules for conducting disciplinary proceedings and treatment proceedings, would help to reduce the number of students who on this basis leave school.
- Cooperation of parents and school is essential for educational process and any failure of parents to cooperate with the school, not responding to the invitation of the school, not recognizing the needs of the child and failing to take the necessary measures with the aim to protect the child, is the neglect of a child that must be recognized on time,

because the lack of timely responses lead to different consequences above all to the detriment of the child.

- It is unacceptable that children leave school because of entering into marriage. Teaching children about their health, about healthy lifestyles, sexual behavior, sexually transmitted diseases and similar by pre - defined programs, adapted to the age and needs of children would have to be part of educational system. Teaching children about all the risks and consequences of entering into early marriage, regardless of its form of organization - an optional subject, homeroom class, additional class in cooperation with appropriate faculties, must be recognized in order to prevent the consequences not only for each child individually, but for society as a whole and the long term.
- Annual Report of school work would have to include not only the number of children who left school but also the reasons that led to it and the measures taken in this regard.
- It is necessary that professional services in schools through additional programs pay special attention to children at risk including the risk factors leading to leaving school.
- It is necessary to constantly work on strengthening the cooperation between school and local community with the aim of mutual recognition and resolving of all issues in order to improve the position of children in society.

Ombudsman for Children

Nada Grahovac LLM