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Minister Natalija Trivić
Ministry of Education and Culture
Trg Republike Srpske 1,
78000 Banja Luka
Republika Srpska
Bosnia and Herzegovina

Dear Minister Trivić,

We are writing to urge your ministry to ensure that Slavko Mršević, a 19-year-old from Rudo, returns back to school as soon as possible and to ensure no child is denied education on the basis of their disability.

Human Rights Watch is an independent nongovernmental organization dedicated to defending and protecting human rights, working on more than 90 countries around the world.

Between April 10 and April 11, Human Rights Watch carried out interviews with Slavko's lawyers and his father. Based on our interviews, research, and media reporting we express deep concerns that Slavko, who has autism, has been prevented by the school and the ministry from attending high school since 2016 because of his disability. We express concern over the ministry's April 4 decision to quash the school's decision to welcome the boy back following the first instance judgment of the Višegrad court to allow Slavko to sit in class with his classmates until the end of 2019 school year.

We urge the ministry to honor the court's decision and allow Slavko Mršević to attend the remaining few weeks of high school with his classmates who will be graduating this year—the right which Slavko had been deprived of.

Slavko's father Nenad Mršević told Human Rights Watch that the school's and the ministry's decision to abruptly exclude him from school, and separation from his peers, has had devastating impact on Slavko's emotional wellbeing. According to his dad, "Slavko was a good student

who, with support of a learning assistant, would have graduated high school.”

We understand that your ministry had agreed to provide Slavko with reasonable accommodation in 2016 and we urge you to support him in that direction.

Slavko was a child under the age of 18 when he was told by school three years ago to stop coming to class, without any formal and written notification. Children with disabilities have the same right to education, and this should be provided in an inclusive setting, where children with and without disabilities can learn and play together, free from discrimination.

Under article 28 and 29 of the Convention on the Rights of the Child (CRC), which Bosnia and Herzegovina ratified in 1993, there is a guarantee for the right of the child to education, free from discrimination. Under article 24 of the Convention on the Rights of Persons with Disabilities (CRPD), to which Bosnia and Herzegovina is also a party since 2010, there is a guarantee that children and adults with disabilities have the right to inclusive primary and secondary education in the communities where they live along with reasonable accommodation of the individual’s educational requirements.

Restricting or eliminating for children with disabilities is a direct violation of both article 28 and 29 of the CRC and article 24 of the CRPD. State parties must take the appropriate measure to ensure that all children and people with disabilities are receiving adequate access to education. Looking specifically at Republika Srpska Law, all persons have right to free secondary education under equal conditions. Additionally, a number of state and entity’s laws also explicitly prohibit discrimination on the basis of disability including the law on education.

We urge the ministry to take the following steps to ensure that children and young people with disabilities enjoy their right to inclusive education:

- Take immediate steps to ensure Slavko Mršević can go back to school and that his right to inclusive and quality education and reasonable accommodation is respected.
- Ensure all children with disabilities are able to access mainstream schools that are accessible, free of violence, and receive a quality education that addresses and accommodates their needs.
- Ensure that teachers and other education professionals receive training on inclusive education
- Take concrete steps to make progress towards ensuring that all education facilities are inclusive of and accessible for children with different types of disabilities.


- Hold education officials, including school officials, responsible for education to account, including on progress made toward guaranteeing all children with disabilities access inclusive education.

We look forward to your response to this letter and welcome the opportunity to further discuss these issues with you. We further look forward to any information on the ministry's efforts to ensure that children and young people with disabilities enjoy their rights.

Sincerely

A handwritten signature in black ink, appearing to read 'B. Ward', with a long horizontal flourish extending to the right.

Benjamin Ward
Deputy Director, Europe and Central Asia Division
Human Rights Watch

A handwritten signature in black ink, appearing to read 'J. Buchanan', with a long horizontal flourish extending to the right.

Jane Buchanan
Deputy Director, Disability Rights Program
Human Rights Watch