CORRUPTION IN HIGHER EDUCATION:
FICTION OR REALITY?

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Corruption in Higher Education: Fiction or Reality?

“Corruption in Higher Education: Fiction or Reality” is authored by assistant professor Armin Kržalić, PhD. For the purposes of this study, we used the data gathered and analyses conducted by the research team of the “ITC-INTERLOGIS CENTER” University comprising: Aida Kržalić, project coordinator, Katica Deljak, project assistant, and researchers Džemal Cinac MSc, Sanja Miličević and Dajana Mrnjavac MSc. I am much grateful to the whole team for obtaining the information and data. The study is one of the results of the “Education against Corruption” Project which ITC implemented during a period between December 2013 and October 2015. The Project was funded by the European Union. I am particularly grateful to Ms. Lejla Hrustanović-Isović and Mr. Renato Radić for their support to the project implementation.

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“Politicizing of higher education increases propensity for corruption and the risk of conflict of interest, weakens supervising mechanisms and affects quality and credibility of higher education as a whole”

PREFACE

Prevention of corruption is the biggest challenge of modern era because corruption is causing a great damage to every society. Since mid-1990s corruption has become deeply rooted in many societies and is creating the impression in all areas of social life that a society cannot function without corruption. The etiology and phenomenology of corruption varies among the states, but it exists in all states. The basic sectors of a society, including education, are not immune to this fact. Knowing how education is important for the prosperity of a society, we can say that corruption in the education sector represents a great challenge. Besides, it affects the efficiency and quality of education, security, stability of social development and competitiveness of the market. In extreme cases, corruption contributes to reducing public trust in institutions of education, the academic community and processes.

This study provides an analysis of the possible forms of corruption and the main problems facing higher education (both the staff and organisations) which lead to corrupt behaviour, and the characteristics of these problems and conditions under which they occur. The goal is to identify the main manifestations of corrupt behaviour in higher education and to launch a discussion within the academic community, law enforcement agencies, among students, civil society organisations and other organisations in order to make a contribution to supressing corruption and to identify ways in which the academic community can help.

Bosnia and Herzegovina has introduced a majority of the necessary legal instruments and has created most of institutions responsible for prevention and suppression of corruption. The Education Ministries have completed, though with some delays, the process of harmonising the sub-national higher education laws with the Framework Law on Higher Education in Bosnia and Herzegovina. The analysis of 12 higher education laws in BiH shows that they do not contain a precise definition of anti-corruption actions, although they contain legal
provisions which protect integrity of providers of higher education. Higher education institutions have codes of ethics treating the issue of corruption. The results of implementation of primary and secondary legislation are not satisfactory in BiH and the mechanisms that could be used to enhance integrity of higher education institutions and improve their performance are ignored. The systemic problems in higher education institutions founded by the government are not addressed efficiently enough, while the institutions responsible for supervision and control lack will and ability for enforcement of the rules.

We use a broad definition of corruption as every “abuse of power for personal gain” from international legal instruments, notably, the United Nations Convention against Corruption and the legal instruments of the Council of Europe for prevention of corruption. In addition, the study analyses numerous questions about perception of corruption in higher education. The analysis of the quantitative research places an emphasis on the issues treating public perception of corruption in higher education, corrupt activities in higher education institutions and the expressed will and manners of combating corruption in higher education institutions. The analysis is focusing mainly on the future and it presents the measures to build integrity and reduce corruption in the education sector and identifies the problems which require more attention.
METHODOLOGY

The Corruption in Higher Education: Fiction or Reality study is one of the results of the “Education against Corruption” Project focusing on a limited number of key issues related to corruption in higher education. The paper does not contain the general value positions on a higher education model or how a line is drawn between public and private providers of higher education. The research is neutral regarding the structure of ownership of providers of higher education, although it does mention the possible manifestations of corruption in institutions of higher education, the factors which contribute to corruption or whether there are the appropriate supervising mechanisms in place to manage risks of corruption.

In order to avoid overlapping with the existing reports on corruption in education, for the purpose of data collection, we developed in-depth questionnaires and a survey questionnaire which helped us collect the important information which is a part of this analysis. The survey incorporates a lot of information gathered in the field across the whole of Bosnia and Herzegovina, as well as the information obtained from other sources, including the state, entity and cantonal institutions and organisations, the findings of the surveys conducted by academic institutions, independent experts, civil society organisations, etc. Furthermore, we used the information related to corruption in higher education institutions covering a whole range of issues (student-professor relationship, funding, public procurement, faculty appointments, promotions to senior ranks, transparency) which we obtained at 15 workshops held with the representatives of the relevant agencies (Anti-Corruption Agency of BiH (APIK), Agency for Development of Higher Education and Quality Assurance (HEA), various providers of higher education). Through project activities we formed a partnership network and a group for fighting corruption in higher education institutions, comprising corruption experts. The experts were selected by higher education institutions, associations and agencies within the network, a total of 7 (School for Criminalistics, Criminology and Security Studies of the Sarajevo University; Law School of the University in Bihać; “Logos Centre” College, Mostar; “CEPS” College, Kiseljak; New Security Initiative, Sarajevo; European Defendology Centre, Banja Luka; and APIK). This group worked towards improving the integrity of higher education institutions through advocacy of an increased transparency and improvement of quality of higher education institutions. For this purpose, a
“Public Communication Strategy to Improve Integrity of Education Institutions in Fighting Corruption in Higher Education” was developed and its has already yielded some results.

The analysis is based on the quantitative and qualitative data. The qualitative approach helped us assess the possible factors contributing to corrupt behaviours and we assessed integrity of some higher education institutions which were willing to participate in the Project. An emphasis was put on what contributes to strengthening integrity in higher education institutions and what contributes to the development of corrupt behaviours.

By using quantitative approach, we surveyed student and citizen perceptions of corruption in the higher education sector. Bearing in mind a clandestine nature of corruption, we believe that this survey represents an important indicator of the proportions of the problem. For this purpose, a questionnaire was developed to collect the information in the field. The information was collected on a representative sample of adult population during a period between September and December 2014. The findings of citizen perceptions are presented in the fifth thematic chapter.

Sample
It was a personal interview survey, conducted on a representative sample of adult population in Bosnia and Herzegovina (18+ years old). The size of the sample of randomly selected respondents was N=1,000. It was stratified by region and size of places, as per the 1991 census. A random selection was done in every sampling unit by using the random walk technique in concentric circles.

Limitations of the survey research
By definition, surveys are limited by the number of respondents and largely depend on the respondents’ frankness. The results of a survey are undoubtedly affected by the direct developments or current events taking place at the time of data gathering in the field. Also, when the agencies undertake comprehensive measures and actions to suppress corruption, which lead to uncovering a number of cases, an increased media coverage, raised public awareness and research into perceptions typically focus on negative dynamics – more people will report a higher level of corruption. Also, responses may be politically motivated, depending on the respondents’ affiliation with a government. Regardless of these limitations, perceptions of the levels of corruption may be regarded as an indicator of ineffectiveness of policies which should contribute to suppressing corruption successfully.
I CORRUPTION IN EDUCATION

1.1. Is corruption in higher education reality or fiction?

Despite the great importance of the education sector for the development of a society, the majority of studies developed by non-governmental organisations\(^1\) have assessed the education sector in Bosnia and Herzegovina as one of the most corrupt sectors. Transparency International’s Corruption Perceptions Index ranks BiH among 177 states scored by the Index 72nd, together with Serbia, Brazil and South Africa. Among the main factors which lead to corrupt behaviour are poverty and low pay in the education sector, frequently delayed payment of salaries and non-systematic channelling of funds in the education sector. This contributes to petty corruption, and this form of corrupt behaviour is often regarded in poor countries as a normal form of behaviour or as a norm for buying a service (this is not the case with systemic corruption, which is present and is generated everywhere and exists at high (often political) decision-making levels in various societies). But the existing literature dealing with this issue shows that corruption is related to the level of stability of political systems, the existing legal frameworks, transparency of public information, the level of accountability of individuals and institutions, effectiveness of management and control mechanisms, the importance and characteristics of external assistance, etc. The review of literature we conducted for the purposes of this study suggests the existence of a very small number of available documents providing a comprehensive and systemic overview of various aspects of corruption in the education sector. Nevertheless, it is clear that fighting corruption in the field of education should be considered as one of the top priorities because it affects not only the quantity of education services, including their quality and effectiveness, but also fairness and impartiality in education and public trust in the education system.

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\(^1\) According to some reports, currently BiH is the most corrupt country in the region, in which corruption takes away BAM 47 every second and corruption is most widespread in the police, health sector and education - CCI: Fighting Corruption in Public Health Care Systems. Around 30 per cent of citizens of BiH show tendency of giving bribes in exchange for various public services (police, education, judiciary) - ACCOUNT
Regarding corruption, we can say that there is a generally accepted definition of corruption. Etymologically, the term “corruption” derives from the Latin world “corruptio” meaning depravation, venality, debauchery, payoff, bribery, rotting, decay, forgery (of documents, measures, weights, etc.). \(^2\) In this study we accepted the definition of corruption provided by the Interpol Group of Experts on Corruption (IGEC), under which “corruption is every activity or inactivity of an individual or an organization, either public or private, in violation of law or trust for profit or gain”. \(^3\) This definition is acceptable because it is broad and applicable to both individuals and groups – teachers, students, employees, public officials, police and organisations, and also citizens. It should also be emphasized that it would be difficult to identify and classify corruption objectively. This is why we have chosen to carry out an analysis of corruption through two different aspects. The first aspect is the legal situation. It includes the analysis of the state’s approach to the problem of corruption. More precisely, we shall analyse whether the state prohibits activity or inactivity by the law. The other aspect refers to perception, i.e. whether the findings of the focus groups/public opinion survey indicate that a certain type of activity or inactivity is most often perceived as corruption. By analysing these two aspects, we shall try to paint a picture of how corruption is perceived in the education sector.

Corruption is the plague which seriously impedes an efficient functioning of every social sector. It deeply permeates all pores of our society and, as such, it represents a great challenge equally for the economic, security, health care and education sectors. Corruption in education is not a new or recent revelation. Several decades ago, researchers who focused in their research on the management of education systems across the world noticed various cases of disturbances in the use of education resources, such as: faculty appointments and promotions to senior ranks, implementation of courses and monitoring of teachers/professors (Brazil); personality of a professor/teacher (Indonesia); papers/writing/publication, publishing and distribution of textbooks (Philippines); private training and instruction (Mauritius); the use of official cars and technical equipment of higher education institutions for private purposes by teachers or management (Haiti), etc. Indeed, corruption in education poses a serious threat to successfully achieving all of the goals of education. Primarily, these goals include improvement of education resources, a comprehensive approach to education (particularly by the most vulnerable groups), improvement of quality of education, and


\(^3\) Toolkit on Police Integrity. DCAF, 2012, page 22
reduction of social inequality. Moreover, in the long run, we can say that corruption implies the wrong allocation of talent and proliferation of the “culture of corruption” which manifests itself in the following:

- Unequal use of education resources;
- Unlawful enrolment fees and also various other examples in which bribe is paid to earn a degree as easily and quickly as possible, etc. Besides, corruption in the selection of teachers/professors and management staff (principals, deans, rectors/presidents of universities) has an adverse impact on the quality of instruction and teaching process. The same is true for corruption in the procurement of teaching aids, which may lead to incomplete classrooms, libraries, equipment, textbooks or a poor quality of education services;
- The wrong allocation of talent;
- Furthermore, meddling in the promotion of the profession of teaching and awarding academic titles (in higher education) is a frequent practice of giving academic ranks to teachers who have not met the legal requirements for promotion to senior academic ranks. With this approach, corruption may jeopardise employers and trust of the public at large in the values of education. More generally, this manifestation of corruption in education contributes not only to developing unskilled adult persons but also to distorting the whole mechanism of making progress of the given society. This has numerous implications for the political, social and economic development of a country. Politicians with big appetites, in combination with low morality and dubiously earned bachelor's degrees, are often inspired to do academic jobs. In order to achieve their goals, they use all possible means, ranging from paying others to write their papers and theses, raising funds for higher education institutions, printing books for professors or mentors with the money of the department under one's own management, to enrolling a certain number of students to study programs. During their term in office, such politicians or party cadres ensure academic titles for themselves and jobs in higher education institutions. In view of diversity of the existing education supplies of such party cadres, the conclusion is that teaching in higher education institutions and universities is provided by a certain number of “experts” in other fields far more than by those holding academic ranks. To this we should add that such individuals lack teaching education and require additional pedagogical and psychological education required by the teaching profession.
Injustice and bias. Injustice and bias in education may convey the wrong message to younger generations that we teach them that cheating and bribery are an acceptable way of advancing one’s career; that personal efforts and merits are disregarded; that success comes from favouritism, manipulation and bribery. Such an approach contributes to the development of the “culture of corruption and cynicism”. It undermines all incentives which would motivate young people to work hard. In this regard, it contradicts one of the main goals of education – the application of the principle of openness, flexibility and creativity, and the achievement of stronger links with interests and needs of the economic and business development of a society.

Compromising the morality and reputation of the academic staff and academic community, the civic culture, combined with the values of wholeness, equality, justice and social justice. Even rare examples of corruption in the education sector many mar the reputation of the entire sector and have an adverse impact on the public trust in the academic community and the process of education in a country. The pride that the academic community members feel for serving in one of the most select missions of the country – education – is seriously degraded when we know that their academic leadership or staff is corrupt. If we add to this the fact that highly positioned academic leaders usually go unpunished, this additionally undermines the morality of academic staff and reputation which the academic community enjoys in the public.

Due to the above, we believe that this is the time when we should pay more attention to the development of education systems and programs “free from corruption”. Accordingly, there is a need to:

- clearly map the possibilities for corruption in the education sector,
- design the conceptual framework for reducing corruption in the higher education sector, taking into consideration the main internal and external factors conducive to corruption in higher education, and
- recognize some “red cards” which may help decision makers, education departments and higher education institutions to identify risks of corruption in higher education.
1.2. Mapping the possible forms of corruption in higher education

Mapping the possible forms of corruption focuses on identifying the main problems facing higher education (both the staff and organisation) which lead to corrupt behaviour, considering the characteristics of those problems as well as conditions under which they are created. Mapping the corruption problems is the result of a descriptive analysis of gathered qualitative data which we obtained through structured and in-depth interviews, desk analysis and content analysis. Mapping the problems regarding corruption in education requires that the current levels and manifestations and forms of corruption, the areas in which corruption exists and factors and a driving force behind corruption be taken into consideration. Through the analysis we shall try to explore the effectiveness of the current anti-corruption strategies and effectiveness of institutional mechanisms used to fight corruption, meaning the instruments of internal and external controls. Prior to the analysis of the problems regarding corruption in education, we shall identify what is covered by corrupt activities/acts of corruption in education. The term “corruption in the education sector” means a wide spectrum of activities, notably:

- the assessment of student achievement which is not based on merits but on the amount of the bribes received, material services or on the basis of family connections;
- taking a test or an examination for another person;
- embezzlement of funds originally earmarked for teaching materials, building of institutions, etc.;
- accepting bribes from manufacturers for the purpose of selecting teaching materials which are typically of low quality;
- blackmailing students to buy the textbook or manual authored by a particular teacher/professor;
- provision of private tuition to the students from the teacher’s own class;
- use of the properties of education institutions for private or commercial purposes;
- blackmailing students to perform unpaid jobs for administrative or teaching staff;
- abuse and harassment of pupils and students in various ways (physically, sexually, etc.);
- appointments and promotions of the teaching staff on the basis of the bribes received or in exchange for sexual services;
- advance sales of exam questions;
• issue of certificates for papers in the process of their publication and their validation as relevant evidence, i.e. a published paper or faking requirements for appointments and promotions/commission reports;
• publishing activity for promotions – where the school’s managers publish their papers or the papers of acceptable university professors in order to help them fulfil the requirement for promotion to senior ranks, while disregarding the quality of the paper;
• “ghost teachers” – payments made to individuals who are no longer, or have never been, employed for various reasons; a high level of absence of teachers;
• licensing privately owned universities or schools in an illegal procedure;
• an artificial increase of pupils and students in order to get more funds;
• bribing accountants so that they do not uncover embezzlement of funds by the persons holding positions of trust or responsibility over those funds;
• embezzlement of funds received from local organisations and parent organisations;
• allocation of funds to some schools in exchange for political support, particularly during an election campaign; and
• direct or indirect influence on the commission in order to ensure accreditation of a higher education institution.

These corrupt activities will be in focus of our further analysis. These corrupt activities in higher education pose a serious obstacle to an efficient functioning of the education sector and their analysis requires the collection of important and sensitive information and making an assessment on the basis of that information. Such corrupt behaviours in education prevent progress of a society, damage the reputation of teachers, professors and the entire academic community in the public and among international partners, and eventually undermine democratic mechanisms of management, and even the foundations of modern states.

In addition to the above, such corrupt behaviours prevent young people from adopting positive codes of ethics and conduct during the education process and contribute to a declining quality of education, a declining reputation of education institutions of the state, creating the system susceptible to political, religious or ethnic influences, deepening the rift between the poor and the rich, and leading to the lack of quality, experts and labour force.
When it comes to defining corruption/corrupt behaviour, literature contains different approaches to this definition. The definition by author Amundsen (2000) is closest to us. In his definition, he identifies the five major manifestations of corruption:

- embezzlement;
- bribery;
- fraud;
- extortion; and
- favouritism.

On the basis of the findings of the field survey into corrupt behaviours in higher education and the previous research of corruption in higher education, we have extended the above five major manifestations of corruption with three more forms:

- clientelist corruption;
- conflict of interest, and
- abuse of office.

Figure 1. Forms of corruption in higher education
Below we shall elaborate on and describe eight identified forms of corruption in higher education.

**Embezzlement** – fraudulently withholding assets or other property/theft of public assets by public officials in a position of trust or responsibility over those assets. The act of embezzlement implies unauthorised conversion of assets owned by somebody else who is in legal possession of those assets. The example in higher education is the use of funds earmarked for construction or reconstruction of buildings for the purpose of funding other activities which are often related to political activities. This is typically done by accepting unrealistic bids for works. The bids are sometimes twice as big as a real price. The best example of embezzlement in other sectors in BiH includes “privatisation sales”, “a large number of formerly state-owned enterprises were sold to friends and family members of cabinet ministers and rectors for symbolic sums of money.”

**Bribery** – offering or accepting a service, money or other gain in exchange for an unlawful decision, the best illustration of paying the bribe in order to get a job of a university professor or an assistant, including situations in which persons do not fulfil the requirements for the appointment and resort to bribery. In the end, gain does not necessarily have to imply money. It may be in the form of a service, gift, entertainment, employment, loan or other incentives. Giving and accepting bribes are considered as corruption. Giving a bribe/money for enrolment (11.9%) and giving a bribe for passing an exam (7.6%) are the most present activities amounting to acts of corruption at the universities and colleges, which the respondents in the survey conducted for the purpose of this study experienced.

**Fraud** – obtaining personal gain by wrongfully deceiving another, misleading him or her into taking an action causing a loss to his or her or somebody else’s property/the criminal offence that includes bluffs, deception or fraudulent acts. Regarding this form of corrupt behaviour, we attempted to get responses to two questions. The first question was “Do students engage in dishonest practices?” and the other one was “Do professors engage in dishonest practices?” We learned in focus groups with students in Bihac, Mostar, Kiseljak and Banja Luka that students engage in dishonest practices typically when they use cheating as a strategy to get through a test and an exam, when they are talking or communicating with other students within a partnership method and presenting other student’s papers/tests as their own. Every

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third respondent in the focus groups said he or she had been involved in such activities. It is worrying that nearly 80% would not inform the teacher that another student is cheating on a test or an exam. They said they would not do that because anyway their colleague would not be punished, while the one who informed the teacher/professor would end up in a difficult situation, without any protection from the management of a higher education institution.

“Why would I cause a problem to myself informing the teacher that another student is cheating when I can see that some teachers tolerate cheating to some students? In the end, I would get the shaft because other students and professors would perceive me as a snitch”, said a participant of the focus group in Bihac.

Such a dishonest behaviour of students is not typical of our country only. A recent research conducted at the University in Rijeka shows that dishonesty among students is present also at that University, particularly when it comes to cheating on tests and exams (60.8%), exchanging responses with other students during the exam (56.6%) or passing off as one’s own piece of work that is partly or wholly someone else’s work without accurate referencing (33.3%). The University’s Vice President for Teaching and Student Affairs, Professor Snjezana Prijic Samardzija, says it is important to emphasize that the noticed forms of dishonesty among students at the University in Rijeka do not deviate from the results obtained in the research conducted in the universities elsewhere in the world.5

Regarding the other part of our hypothetical question, “Do university professors engage in dishonest practices?” the analysis of the qualitative data shows that teachers/professors are prone to dishonest behaviour. The most typical form of the academic and research fraud and lack of ethics is related to authorship, that is, to adding the names of an author/authors who did not participate in producing the given piece of work or to omitting those who were involved. Some members of the focus groups, seminars and those interviewed admitted that they knew some teachers/professors prone to plagiarism, stealing ideas, results, methods of others, without the accurate referencing, and to presenting someone else’s words as their own.

5For more information on the findings of the survey of ethical behaviour at the University of Rijeka, see http://www.novilist.hr/Vijesti/Rijeka/Varaju-i-studenti-i-profesori-Prvi-prepisuju-drugi-krse-autorska-prava
“In some cases, a professor, in order to fulfill the requirements for promotion to a senior academic rank, published a piece of work or a book, which was, in fact, a piece of work of a student. When you read the piece of work or the book, you will find a line reading ‘in this seminar/master’s paper…’ Of course, such books are recalled from stores.”

In addition, fraud in education has other manifestations as well. One of the manifestations of fraud in the education sector is the abuse of budget. The media reports often mention the abuse of funds by the University in Sarajevo. According to the information posted on Sarajevo-based Klix.ba website, “The University in Sarajevo, or more precisely, the seven schools of the integrated Sarajevo University, allocated, at the request of the managing board, BAM 2.26 million in housing loans and borrowing to their staff. Of that money, less than a half has been repaid, with the remaining 1.18 million still not repaid. Some university professors think that the loans were grants and do not think of returning the money, while others see the loans as the money they earned teaching at the university branches in other cantons and as the University's original revenues, believing that they were compensated for their work. Regardless of who thinks what of the Sarajevo University's decision and action, knowing the poor conditions in which students live in dormitories and also the poor condition of some buildings of the Sarajevo University, the question is whether the allocation of funding for housing and other purposes was the most appropriate choice made by the management?

Another form of fraud which has become ever more frequent in education concerns the issue of documents (certificates or diplomas), where it is possible to buy a fake diploma directly via the World Wide Web; and also the acceptance of dubious diplomas as proper by higher education institutions. Of course, this is not the only place where acts of fraud are possible in obtaining diplomas. Our higher education institutions and secondary schools are not immune to this form of behaviour either. In Bosnia and Herzegovina’s smaller entity, Republika Srpska, 43 forged secondary school certificates and university diplomas were identified in

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6 Interview with a representative of the academic community in Banja Luka.
7 “The most generous” was the School of Political Science which allocated for that purpose BAM 1.56 million; the next is the School of Criminalistics which allocated BAM 504,264. The Office of President of the Sarajevo University allocated BAM 107,882; the School of Economics and Business BAM 28,257; the School of Forestry BAM 48,000; and the School of Sports BAM 7,000. A total tranche from the budget of the Sarajevo Canton for the Sarajevo University is close to BAM 66 million, and expenditures, although it is more probable that they were covered by original revenues and not from the budget, in the amount of BAM 2.26 million account for 3.4 per cent of the total amount of the tranche. Source: Klix 14 April 2015. See: http://www.klix.ba/vijesti/bih/na-unsa-izdvojeno-vise-od-dva-miliona-km-za-pozajmice-zaposlenima/150414023
2014. “There is a reasonable ground to believe that 41 secondary school certificates and 2 university degrees are fake, according to the RS Office for Inspection in Education. During that year, the RS Office for Inspection in Education inspected in Republika Srpska 153 certificates and established in 43 cases that there was a reasonable ground to believe that a crime of forging certificates had been committed. The inspectors carried out 1,251 inspections and found out irregularities in 374 or 29.9/ cases”.  

The monitoring of the implementation of the Higher Education Act revealed, among other things, that the examination dates were set in contravention of the legally set deadlines, students were taking exams from the next academic year without passing all of the exams from the previous years, the faculty council was not formed in accordance with the law, teachers of some subjects were not appointed under the Higher Education Act and a Statute of a higher education institution, the statutes of some higher education institutions are not in harmony with the law, etc.

In order to fix the irregularities, 333 decisions were made ordering that some measures and actions be taken; 32 misdemeanour charges were filed seeking BAM 39,000 in damages. The question is what the message of such penal policy for these criminal offences is. With such penal policy, the state makes it clear that it will not tolerate such behaviour but is contributing to the spread of these phenomena. In order words, such a mild penal policy will not prevent corrupt or other unlawful forms of behaviour in the education sector.

Manifestations of acts of fraud include the existence of “ghost teachers” who do not show up in classrooms but only “sell their signatures”. Acts of fraud and faking requirements for appointments and promotions of teachers are also frequent. Inappropriate articles and books are palmed off as the relevant requirements for appointments and promotions to senior academic ranks. The appointments and promotions commissions are cheating the faculty staff and the rector’s office through their reports. Inspectorates, or more precisely, education inspectors, play the biggest role in supressing such phenomena. The empirical data indicate that if you have a professional, moral, courageous, independent person in that position, you will supress fraud, and on the other hand, if you have someone who wants to obtain personal gain or to protect another person who made it possible for him or her to obtain illegal gain and does not possess all the characteristics of a moral and accountable person, then you have

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8 For more information see http://www.vesti.rs/Republika-Srpska/URS-prosle-godine-otkrivena-43-falsifikovana-svjedocanstva.html
an act of fraud. In the latter case, you have two types of inspectors and professors: “vegetarians”, those who accept bribe in exchange for an act of fraud, and “meat-eaters”, those who seek or demand bribes. It is obvious that fighting corruption requires courageous, professional and moral people who are willing to monitor properly the implementation of the law and do not have any liability that could prevent them from proper monitoring. The best example of building integrity in higher education is the cantonal education inspector of the Sarajevo Canton, Sifet Kokuruz, who found out during inspection\(^9\) some irregularities in the promotions of professors at the Medical School of the Sarajevo University. Through proper inspection and his brave conduct, the inspector ordered that the decision to promote somebody to full professor, previously confirmed by the President of the University\(^10\), be abolished. However, these are rare examples of good practice. Unfortunately, there are many more examples of bad practices. We obtained the minutes of the inspection process\(^11\) which proves the opposite. Responding to the complaint filed in 2014 about a violation of the law and an act of fraud committed in the report on appointment to an academic rank, the inspector asked the dean whether the selection in response to an appeal had been conducted under the law. The dean confirmed it had been conducted under the law, and said he would make the entire documentation available. Instead of carrying out proper inspection and examining the actions taken to meet the legal requirements, that is, the scope of work, the volume in which a piece of work was published, reviews and qualification of the piece of work, the inspector accepted the dean’s statement as reliable for a positive evaluation of the fulfilment of the legal requirements. Such arbitrary, unlawful behaviour contributes to acts of fraud in higher education, which is the reason why it is necessary to take action to suppress such phenomena with stricter punishments and to ban from office the persons who show tendency to such behaviour.

**Extortion** – demanding or obtaining gain by use of force or threat/money and other resources extorted by use of coercion, violence or a threat to use force. A threat to expose embarrassing and damaging information amounts to extortion. The examples of violence or threat in the education sector include sexual harassment of pupils/students or extortion of money from their parents, demanding that parents pay certain amounts of money in illegal or unauthorised fees if they want their children to enrol in school/college or pass an exam. Clearly, this procedure may be grouped under blackmail or extortion.

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\(^9\) Decision number: 14-09/10-38-15353-1/11 of 8 February 2011.

\(^10\) Decision of the Office of President of the Sarajevo University, No. CIC011-34-330/12, of 22 May 2012.

\(^11\) Minutes of the inspection, No. UP-1-14-09-38-16318/14-09/20
Favouritism – the mechanism of applying “privatisation” and extremely biased distribution of public assets. There are numerous examples of favouritism in the education sector, including employment of directors/deans/teachers/professors on their basis of their membership in a political party and teachers on the basis of their membership in trade unions. This form of corruption is not typical of teachers only, it exists in numerous cases of enrolment in study programmes where the children of politicians or famous citizens are favoured against other children. The ACCOUNT’s research\textsuperscript{12} shows that the managers of education institutions often fail to consider such behaviour as corruptive. “For the sake of illustration, let us take the example of Professor Olana Sijaric, who teaches at the Music Academy, who was promoted to part-time professor in the year 2000 – when her brother served as the dean of the Music Academy”.\textsuperscript{13}

Clientelist corruption – we want to emphasize that we make a distinction between clientelism and clientelist corruption. We look as clientelism as a form of social organisation which as such always includes certain relations between a “patron” and a “client”. We view clientelist corruption as a special form of individual social behaviour which may, or may not, grow into a massive phenomenon. These two phenomena are often equated in BiH, as is the case in other West Balkan countries. Clientelism serves the promotion and preservation of position by some social groups for whom participation in clientelist corruption is a group-rational way of behaviour in a specific political and social structure. The nature and future of clientelist corruption largely depend on the manner of privatisation of higher education, privatisation of property and education projects. Clientelist structures have their primary interest in reducing just any transparency of reproduction of the existing dependency relations. At the same time this means that not only openness and building integrity are sufficient for fighting clientelist corruption but primarily the emergence of new social forces which will have a real and permanent interest in seeing the existing institutions function in a transparent way, and in such a way that they will swiftly identify just any form of corrupt or clientelist behaviour.

Conflict of interest – the situation in which a public official has a professional or private interest that affects his or her objectivity. Presumed conflict of interest, even when proper decisions are made, may damage the reputation of an organisation and lower the public trust just like the real conflict of interest. The most frequent examples of conflict of interest in higher education include the procurement of services of printing books and other materials

\textsuperscript{12} Anti-Corruption Network of Civil Society Organisations in BiH - ACCOUNT
\textsuperscript{13} Five stories about corruption in Bosnia and Herzegovina, Sarajevo: ACCOUNT 2014, page 21
from the bidder who is a friend or a relative of the person who selects the best bidder. There are also examples which include procurement of services in the form of “professional” analyses or draft bills from academic institutes of the universities by government institutions. These examples show the existence of friendly or family links between the representatives of academic institutes as bidders and those of government institutions who select the best bid.

**Abuse of office** – any other form of behaviour in discharging duties in such a way that personal interests are placed ahead of public interests. The laws define abuse of office as an act where an official or responsible person who for private or another person’s material or non-material gain or for causing damage to another person abuses his or her office or power, exceeds his power or fails to perform his or her duties. This definition of this manifestation of corruption shows that the circle of perpetrators is narrowed. The perpetrator of this criminal offence can be only the person who has the status of official or responsible person. The act of this form of corrupt behaviour may be committed by activity and inactivity. Activity as the first form of the commission of this criminal offence implies abuse of or exceeding official powers. The other form of commission is inactivity or failure to perform an official duty or execute power. In order to classify this form as inactivity, it is necessary that there is an obligation for an official or responsible person to take a certain activity or that there is an obligation to perform an official duty which the perpetrator knowingly fails to perform. In all Criminal Codes in Bosnia and Herzegovina the consequence of this criminal offence includes material and non-material gain or damage or a violation of the rights of another person. The most typical example of abuse of office in the education sector by activity is related to disbursement of budget allocations or setting an unlawful university tuition fee. In most cases the manager knowingly and deliberately approves payment of the budget money to a staff member or a party in contravention of the regulations dealing with a specific issue for which money is disbursed.\(^\text{14}\) Regarding the other form of abuse of office, when managers of higher

\(^{14}\) Student Teufik Hadziahmetovic filed an action against the School of Political Science of the Sarajevo University in regard to unlawfully charged tuition fee. If a decision on appeal is upheld, there will be no dilemma: master’s degrees earned under the same programme that Hadziahmetovic enrolled at will be null and void, and the School of Political Science charged unlawfully BAM 5,500 per student. Teufik Hadziahmetovic, who is the first one to file an action against the School, says that the court ruled that the master’s study 4+1 contracts are null and void which is why 626 students lost any hope of earning a master’s degree legally. The court ruling proves fraud and theft from 626 students of the School of Political Science. Apart from not being allowed to award a master’s degree to enrolled students, regardless of the exams that they may have passed, the School of Political Science unlawfully charged its students around BAM 2.5 million. In his opinion, it is the responsibility of professor Pejanovic (and his legal advisers Saban Begovic and Ismet Salkic), who was appointed to the BiH Parliament and the BiH Academy of Sciences and Arts, in an attempt to escape responsibility for the unlawful act. In addition, responsible are also the current dean, professor Sacir Filandra, who took an active part in the organisation and implementation of the so-called post-graduate studies, professor
education institutions abuse office by inactivity, it concerns tacit approval of fraud related to promotions to senior academic ranks. More specifically, when a commission writes a report on appointment or promotion of professors to senior ranks, while the report is not based on the legal facts, the manager of the higher education institution is obliged under the law to suspend the report and procedure and punish the commission members. However, we have found out through a specific example at the Sarajevo University that in such cases managers of higher education institutions by their inactivity allow the appointments and promotions procedures to proceed, which they typically compensate by a certain non-material gain, that is, by hiring new professors through service contracts with a view to receiving support from the commission members who faked the report in order to have a specific teacher hired.

1.3. Factors which contribute to corruption

The analysis of the previous research into corruption in Bosnia and Herzegovina shows that there are numerous factors that contribute to development of corruption in higher education. We divided them into internal and external factors. Internal factors are related to decision making and management structures of higher education.

Unlike internal factors, external factors are related to the overall environment or climate in which the education sector operates. Strategies to improve transparency and accountability in education must take these factors into consideration if they are to be successfully implemented. Besides, there is an obvious link between internal and external factors.

For the purposes of this study, among various internal factors which are conducive to corruption in education are the following:

- The absence of clear norms/standards and regulations. This is a serious problem in the majority of areas of planning and management in education being mentioned, particularly specific fees, management, accreditation and the whole area of public procurement.

Asim Mujkic, who strongly defended the programme in the media as a valuable European achievement, and professor Senadin Lavic, who as director of Preporod is facing an extremely difficult task of transforming the illegal and unlawful action into something legal and lawful. A huge responsibility, which is no smaller than the responsibility of the School’s management, rests with Professor Faruk Caklovica, the president of the Sarajevo University, who, together with his legal adviser Zoran Seleskovic, was continually trying to deceive the public into believing that the organisation of the post-graduate studies had been done in a legal way, Hadziahmetovic has said. For more information see: [http://www.oslobodjenje.ba/vijesti/bih/ko-ce-ponistiti-diplome-nelegalnog-studija-na-fakultetu-politickih-nauka-uns-a-bez-zvanja-i-novca-626-studenata](http://www.oslobodjenje.ba/vijesti/bih/ko-ce-ponistiti-diplome-nelegalnog-studija-na-fakultetu-politickih-nauka-uns-a-bez-zvanja-i-novca-626-studenata)
• The absence of transparent procedures at every level creates possibilities for corruption. The lack of clear procedures in supervision and disciplinary sanctions creates room for the spread of the “ghost teacher” phenomenon. Here we should add also complicated procedures.

• Monopoly and discretionary right. Klitgaard developed a corruption formula (Picture 1) in which he says that there is a strong reason to suggest that this formula is applicable also to the education sector.


Klitgaard’s corruption formula

Corruption (C) = monopoly (M) + discretion of institutions (D) – accountability (A)

Figure 2. Klitgaard's corruption formula

• Lack of professional norms. Some countries developed professional norms for teaching jobs. These norms derive from the fact that in a specific situation teachers do not have a clear idea about what they may and what they may not do.

• Low pay and poor incentive systems. Low pay in education combined with low incentives for academic/research work, finances and various projects may lead to bad forms of behaviour in both sides of education: administration and teaching.

• Low governance ability. Good governance requires adequate management, enabling accounting and auditing tools and capacities, i.e. knowledge of how to use them. Low ability of absorption, poor accounting practices and system monitoring and the lack of supervision and controlling mechanisms obviously can create a risk of corruption, such as embezzlement. This is particularly worrying for our higher education because academic activity is linked to management activity. For example, a dean must take care of the quality of teaching process and staff as well as of whether water, electricity and other utility bills and salaries are paid and other running costs covered on time. This system leads to increased abuse.

• The lack of transparency and poor provision of information to the public. The lack of information and its inaccessibility may fuel corruption.

15 Klitgaard, 2000
Modern trends that have impact on the education sector, such as decentralisation of education resources, diffusion of new information technologies, privatisation and globalisation, may not be separated when it comes to internal factors of corruption in the education sector. Unfortunately, in the context of financial limitations, without checks and balances, where there are no reliable information systems, and without the review of mechanisms, it is possible to contribute to reviving and spreading corruption. Some examples of internal factors which revive corruption are shown below.

- Decentralising education resources: in some contexts, by decentralising the education system, the possibility of corruption, which spreads to a greater number of individuals, is also decentralised.
- Management: the experience shows that senior management levels are involved in funding of the education system. For this reason, some managers are trying to give funds directly to education institutions, in order to skip the management structure.
- Development of information and communication technologies: development of new technologies encourages the emergence of new, widespread forms of fraud.
- Privatisation of parts of secondary and higher education requires the establishment of reliable accreditation systems. But this may be jeopardised in various ways, including accreditation which is based on non-transparent criteria, giving bribes in exchange for accreditation.
- Globalisation: internationalisation of the student labour markets poses new challenges.

External factors are also important in terms of explaining corruption in the education sector and particularly manifest themselves in the following:

- The lack of political will to improve the quality of education;
- Political, economic and/or social structures;
- Decline in ethical values;
- Low pay;
- Politicising higher education;
- The lack of external audit combined with the open door judiciary and without the right to information;
- The absence of the right to information; the lack of knowledge about the criteria for access to education institutions, the lack of timely release of information on enrolment
in higher education institutions, list of teachers, results of exams, the result of internal
evaluation and financial flows, etc.

- Strong competition on the labour market: vacancies for well paid jobs and fear of
unemployment contributed to the arrival of the people into academic ranks who had
not received knowledge and experience or had not wanted to receive them. The main
consequences of this situation are: more academic fraud; more pressure on decision-
makers in the system. Politicians – ministers are increasingly thriving academically
and fulfil the requirements and get appointed to academic jobs during their term in
office and secure teaching jobs for themselves after the end of their term, while young
people, talented assistants are sent to employment offices to look for a job elsewhere.
II LEGAL REGULATION AND INTERNATIONAL COOPERATION

The education system in the state largely reflects the constitutional system of the state. The same is true of Bosnia and Herzegovina. The education system of Bosnia and Herzegovina is defined by the entity and cantonal constitutions and in the Statute of the Brčko District of Bosnia and Herzegovina. The responsibilities and powers in education are defined on the basis of these legal acts. So, education is assigned to the entity of the BiH Federation, which consists of 10 cantons, the entity of Republika Srpska, and the Brčko District of BiH. Below you can find a brief description of the responsibilities in education at these levels.

In the entity of the Federation of Bosnia and Herzegovina, the Federation Ministry of Education and Science is responsible for: administrative, professional and other activities as defined by the law which refer to coordination of planning and activities at all levels of education, preschool, primary, secondary and higher education, as well as the activities related to pedagogical standards and spatial norms, equipment and teaching aids, validation and equivalency evaluation of foreign certificates and diplomas, vocational education and training and professional development of the teaching staff, textbooks for primary and secondary education, implementation of the Bologna process, academic and research work towards improving education, students’ standards, development of academic research activity, coordination of academic research and research and development activities, development of academic research organisations, encouragement of research and development activities, development of academic research organisations, encouragement of fundamental applied research, development of investment technologies and staff in academic research activity, following innovations, development and improvement of technologies, coordination of the implementation of the rights of young people in the field of education and science, and any other activity defined by the law.
In Republika Srpska, under the entity’s Ministries Act, administrative and other professional activities in the field of education are the responsibility of the Ministry of Education and Culture of Republika Srpska: preschool, primary and secondary education; education of children; validation and equivalency evaluation of foreign certificates; student standards; preparation of programmes for educational cooperation with other states and international organisations and international agreements in education; higher education (colleges and universities); student standards; preparation of programmes for cooperation in the field of education with the Federation of Bosnia and Herzegovina.

The Education Department of the Government of the Brcko District of BiH carries out professional, administrative and other activities from the scope of responsibility of the Government which refer to enforcement of laws and regulations of the relevant bodies and institutions of BiH and the District in the field of education, under the supervision and instructions by the mayor, material, technical and staffing support to education institutions of the District, development of the curricula in accordance with the standards of modern, democratic and multiethnic society, cooperation between parents and teaching staff, implementation of curricula in the District, as well as other activities from the scope of the Department in accordance with the laws and regulations of BiH and those approved by the Assembly of the Brcko District of BiH or issued by the mayor.

Under the Constitution of Bosnia and Herzegovina, the state, entities and the Brcko District are obliged to ensure the right to education, as one of the fundamental human rights.

2.1. Education in Bosnia and Herzegovina

In Bosnia and Herzegovina, education is organised at four basic levels:

- Early childhood (preschool) education;
- Primary education;
- Secondary education; and
- Higher education.

The integral parts of each level of education are briefly described below:

**Early childhood education** is an integral part of the education system in BiH, under the Framework Law on Early Childhood Education in BiH. It is the first and specific level of the
education system which deals with education of preschool children during the earliest phases of childhood. Early childhood education should be understood as a broad term covering: development, education, care and protection. It is mandatory for every child of preschool age one year prior to formal schooling.

**Primary education**, under the Framework Law on Primary and Secondary Education in BiH, is mandatory for every child. It begins in a calendar year in which a child has turned 6 before 1 April and lasts continually during a period which may not be shorter than 8 years. In the Federation of Bosnia and Herzegovina, the process of introducing compulsory nine year primary education was completed at the beginning of the 2009/2010 school year, while in the RS compulsory nine year education was introduced in the 2003/2004 school year. Under the Framework Law, compulsory education is free of charge and is ensured for every child. However, due to the lack of funds, this legal provision is enforced selectively, depending on available funds, and most often under the criteria of the social status of the child and his or her belonging to an ethnic minority, typically the Roma community, in order to ensure the full and equal access to formal regular education system. Only the Brcko District implements these provisions and provides free textbooks and home-to-school transport to all pupils. Children with special needs go to mainstream schools and are taught under the mainstream curricula, and also to specialised institutions, i.e. primary schools for children with special needs, where they are taught under special curricula.

**Secondary education**, under the Framework Law on Primary and Secondary Education in BiH, is accessible to everybody, in accordance with the child’s success in primary school, personal interests and abilities of the child.

**Higher education**, under the Framework Law on Higher Education in BiH, is post-secondary academic education which leads to earning internationally recognised degrees. Access to higher education is provided to all those who successfully completed four-year secondary education in Bosnia and Herzegovina.

The students who finished secondary education abroad, and who present the proof of a successful completion of secondary education, i.e. a certificate or diploma, to the relevant institution for evaluation under the criteria and procedures for recognition of foreign qualifications, defined in accordance with the principles of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, may enrol. The procedure of validation and equivalency evaluation establishes whether adequate
education has been successfully completed for continued education at a higher education institution.

The criteria for enrolment in a higher education institution are set by the university senates, at the proposal of the school’s faculty staff. These criteria are different at different schools. Generally, there are three criteria: *general criteria* (secondary school grades and educational achievement at the level of secondary education), *individual criteria* (average grades in one of the three subjects which are relevant for a particular study) and *admission test* (to be taken in one of the three subjects relevant for a particular study). Depending on the enrolment policy of a university/school, only the general criteria are applied by some schools, or only general and individual criteria or the general criteria and an admission test are applied by others. All three criteria together are applied by some university departments.

Admission quotas are set by the ministries at the proposal of a university/school. Students are full time or part time students. The current selection of applicants is based only on academic merits of students, that is, the scores received for each criterion. Students are ranked in order of success until a set quota for full time students is filled and their study is financed from public funds, for whom the ministries set the quota and bear the costs, while other applicants who fulfil the requirements may enrol as part time, self-financing students.

Higher education may be full time education, part time education, distance learning or a combination of these three models, as it is defined by the statute of a higher education institution. Higher education is provided by higher education institutions in Bosnia and Herzegovina, which are the universities and colleges.

Higher education is organised in three cycles:

- the first cycle leads to an academic degree of bachelor or an equivalent, which is worth at least 180 or 240 ECTS;
- the second cycle leads to an academic title of master or an equivalent and is worth 60 or 120 ECTS, and together with the first cycle it is worth 300 ECTS;
- the third cycle leads to an academic title of PhD or an equivalent.

Since our research and the project focus on higher education, we shall analyse higher education below.
2.2. Review of the legislation which regulates higher education in Bosnia and Herzegovina

2.2.1. State level

The complex constitutional system of Bosnia and Herzegovina is reflected also in the education system of BiH. Annex IV of the Framework Peace Agreement (Constitution of Bosnia and Herzegovina) defines that all governmental functions and powers not expressly assigned in this Constitution to the institutions of BiH shall be those of the entities (and cantons). Education is not among the 10 responsibilities of the institutions of Bosnia and Herzegovina. However, although education was not included among the ten matters which are the responsibility of the institutions of BiH, the Constitution of Bosnia and Herzegovina provides that the state and entities must ensure and protect the right to education as one of the fundamental human rights. In accordance with this obligation, the institutions of BiH launched activities to establish higher education at the state level. A coordinating body was formed at the state level and its activities resulted in the Framework Law on Higher Education in Bosnia and Herzegovina, passed in 2007. The Framework Law on Higher Education in Bosnia and Herzegovina (“Official Gazette of BiH”, Nos. 59/07, 59/09) regulates higher education in Bosnia and Herzegovina. The Law defines the organisation of higher education in BiH, responsibilities of the competent authorities in this field, the formation of a body responsible for enforcement of the law and international obligations of BiH, and the manner of assuring quality in higher education. In addition to defining higher education frameworks, the Law defines the basic principles and standards for higher education in BiH. The Law orders an integrated university model; three study cycles; introduction of the European Credit Transfer System (ECTS); clearly defined academic titles and minimum requirements for obtaining them; equality of public and privately-owned higher education institutions; formation of two higher education agencies at the state level: the Agency for Development of Higher Education and Quality Assurance (HEA) and the Centre for Information and Recognition of Higher Education Documents (CIP).

16 The following matters are the responsibility of the institutions of Bosnia and Herzegovina: 1. Foreign policy; 2. Foreign trade policy; 3. Customs policy; 4. Monetary policy; 5. Finances of the institutions and for international obligations of BiH; 6. Immigration, refugee and asylum policy and regulation; 7. International and inter-entity criminal law enforcement, including relations with Interpol; 8. Establishment and operation of common and international communications facilities; 9. Regulation of inter-entity transportation; 10. Air space control.

17 “Official Gazette of BiH”, Nos. 59/07, 59/09
Also, the Law sets the basic principles and standards for higher education in Bosnia and Herzegovina, in accordance with the relevant provisions of the European Convention on the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950) and its Protocols, the Recommendation of the Committee of Ministers of the Council of Europe on the Recognition and Quality Assessment of Private Institutions of Higher Education [R(97)1], Recommendation of the Committee of Ministers on Access to Higher Education [R(98)3] and Recommendation of the Committee of Ministers on the Research Mission of Universities [R(2000)8] and other relevant principles of internationally recognised legal instruments that Bosnia and Herzegovina acceded to, and in accordance with the Convention of the Council of Europe/UNESCO on Recognition of Qualifications concerning Higher Education in the European Region (ETS No. 165, 1997).

The Framework Law on Higher Education sets precise deadlines for harmonisation of the laws at lower levels (six months after the Framework Law becomes effective, Article 63, paragraph 1) and for harmonisation of the statutes and other general enactments of the universities and colleges (Article 60, paragraph 1). This is the reason why we analyse below the extent at which the obligations arising from the Framework Law for the lower levels were fulfilled. The analysis is done under 8 criteria which are of primary importance for Bosnia and Herzegovina’s accession to the European Higher Education Area. The following criteria are analysed:

- Passage or harmonisation of Higher Education Laws, which are harmonised with the Framework Law (Article 63; deadline: February 2008);
- Three study cycles introduced in higher education (Articles 5 and 58; deadline: August 2008);
- The European Credit Transfer System (ECTS) introduced (Articles 5 and 58; deadline: August 2008);
- Integrated university (Article 60; deadline: August 2008);
- Statutes and other general enactments of an institution of higher education harmonised with the Framework Law (Articles 12,20,24,25,34,38,39,40,53 and 60; deadline: February 2008);
- The status of two-year post-secondary colleges of education solved (Article 64; deadline August 2008);
- Preparations for accreditation of institutions of higher education (Article 61; deadline: August 2011);
- A diploma supplement introduced (Article 54; deadline; August 2008).
2.2.2. Lower levels of government

In this chapter we shall give an overview of the legislation which defines higher education at the entity, cantonal and the Brcko District of BiH levels. Here we have carried out research into the pace and level of harmonisation of Higher Education Laws at subnational levels with the Framework Law, and the implementation of activities requested under the Framework Law which are of primary importance for Bosnia and Herzegovina joining the European Higher Education Area.

2.2.2.1. Entity of Republika Srpska

The present Higher Education Law of the RS entity (“Official Gazette of Republika Srpska”, Nos 85/06 and 30/07) requested a number of changes, which was the reason why a new Higher Education Law was drafted (“Official Gazette of Republika Srpska”, No. 73/10) and passed the entity parliament on 7 July, 2010. The Law prescribes three study cycles, the European Credit Transfer System, integration of universities, and resolving the status of post-secondary two-year education colleges as institutions of higher education dealing with teaching and research activities and providing the first study cycle programmes and implementing at least one study programme from one education area. The statute and other general enactments of the higher education institutions are in the process of being harmonised with the Framework Law, although the deadline for completion of this activity under the new Law was 2011. The Law envisages the award of diploma supplements and accreditation of institutions of higher education, where the deadline for implementation is 2010. The accreditation process has not been completed yet and it was still going on at the time of writing of this study. Within the entity of Republika Srpska there are five public institutions of higher education, the University of Banja Luka, the University of East Sarajevo, Medical College in Prijedor, Catering and Tourism College in Trebinje, and the Home Affairs College in Banja Luka. The Ministry of Education and Culture of Republika Srpska licensed 17 private providers of higher education for higher education activities in that entity. Two public higher education institutions were accredited by the Agency for Development of Higher Education and Quality Assurance of Bosnia and Herzegovina: the University of Banja Luka and the University of East Sarajevo. Of 17 privately-owned higher education institutions, 6 have been accredited, and 3 are in the process of being accredited.
2.2.2.2. **Entity of the Federation of Bosnia and Herzegovina**

Regarding the legal regulation and organisation of higher education activity at the level of the Federation entity, we can say that the entity government does not have responsibility for or control over higher education. Under the complex and decentralised constitutional structure of the Federation of BiH, higher education is assigned to lower levels, i.e. cantons which are responsible for regulating and implementing higher education activities within this entity. Although the Federation government has its Education Ministry, it does not have any responsibility in this matter.

2.2.2.3. **Cantons**

*Una-Sana Canton*

The Government of the Una-Sana Canton needed nearly two years to complete the activities required under the Framework Law on Higher Education and pass the Higher Education Law (“Official Gazette of the Una-Sana Canton” No. 8/09) and the University of Bihac Law (“Official Gazette of the Una-Sana Canton” No. 16/09). The laws legally introduced three study cycles, and preparations were made for introduction of the second cycle starting from the 2010/2011 academic year. The University of Bihac was registered in January 2010 at the court, under the cantonal laws and the Framework Law, as an integrated university, while it is said that this is just the beginning of the full integration, since the management structures must be created, numerous pieces of secondary legislation must be made and various bodies formed prior to that. The Governing Board of the University of Bihac made the Statute of the University. The status of post-secondary two-year colleges of education was resolved by integrating them into institutions of higher education. The Ministry of Education, Science, Culture and Sports of the Una-Sana Canton carried out temporary accreditation of institutions of higher education within the Canton. Regarding the introduction of diploma supplements, the report of the Education Ministry emphasized that the rulebook on the content of public documents, including a diploma supplement, was in the process of being drafted. At the time of writing of this study, the University of Bihac was in the process of institutional accreditation at the Agency for Development of Higher Education and Quality Assurance of Bosnia and Herzegovina. In addition to the University of Bihac, the Ministry of Education accredited also the private school “College for Industrial and Business Management” in Bosanska Krupa. At the time of writing, this privately-owned higher education institution has not been accredited nor has it been in the process of being accredited by the Agency for Development of Higher Education and Quality Assurance of Bosnia and Herzegovina.
**Posavina Canton**

The Assembly of the Posavina Canton passed a new Law on Higher Education on 18 February 2010 (“Official Gazette of the Posavina Canton”, No. 1/10). The analysis of this Law shows that the basic principles of the Bologna process, which are contained also in the Framework Law, are included in the cantonal law, like, the organisation of three study cycles, introduction of ECTS, integration of universities, resolution of the status of the post-secondary two-year college (as the institution of higher education accredited for the provision of the first cycle degree programmes and award of diplomas), while the law does not define a diploma supplement. Within the Posavina Canton there are no providers of higher education, and the Posavina Canton is a co-founder of the University of Mostar. The University of Mostar is an institution of higher education in BiH accredited by the Agency for Development of Higher Education and Quality Assurance of Bosnia and Herzegovina.

**Tuzla Canton**

The Assembly of the Tuzla Canton passed at its meeting held on 18 July 2008 the Law on Higher Education (“Official Gazette of the Tuzla Canton”, No. 8/08) and amendments by the end of 2009 (“Official Gazette of the Tuzla Canton”, Nos. 11/09 and 12/09). The Law on University of Tuzla was passed on 16 September 2008 (“Official Gazette of the Tuzla Canton”, No. 9/08). In October 2009 the Statute of the University of Tuzla was adopted. The Higher Education Law is harmonised with the Framework Law, and it defines three study cycles as well as ECTS, the University is integrated, the statutes and other general enactments are harmonised with the Framework Law, the status of post-secondary two-year education colleges is resolved as higher education institutions accredited to provide students with first cycle degree programme and temporary accreditation of higher education institutions was done in this canton. For the purpose of implementing Article 54 of the Framework Law, i.e. introducing a diploma supplement, the rulebook on public documents issued by higher education institutions in the Tuzla Canton was adopted. The University in Tuzla is a higher education institution in BiH accredited by the Agency for Development of Higher Education and Quality Assurance of BiH. In addition to the University in Tuzla, two privately-owned higher education institutions are registered within the canton: the American University in BiH and the International Business and Information Academy in Tuzla. At the time of writing of this study, the American University in BiH was in the process of accreditation by the Agency for Development of Higher Education and Quality Assurance of BiH.
Zenica-Doboj Canton

The Assembly of the Zenica-Doboj Canton passed on 31 March 2009 the Law on Higher Education (“Official Gazette of the Zenica-Doboj Canton”, No. 6/09) and the Law on Amendments to the Law on the Public Institution University of Zenica, which became effective on 6 May, 2009. The implementation of the Bologna process at the University of Zenica, which is the only provider of higher education within the responsibility of the Ministry, began during the 2005/2006 academic year. The University of Zenica is integrated and is the only institution with legal personality, and its schools have the status of organisational units. The teaching process, departments and administrative duties were integrated at the University, the ECTS was introduced, the quality system established, cooperation for the purpose of quality assurance is promoted, exchange of teachers and students is intensified and the second study cycle exists at all schools. The status of post-secondary two-year colleges of education was resolved under the principle of higher education institutions which are accredited to provide first study cycle degree programmes and to award diplomas. The University of Zenica is a higher education institution in BiH accredited by the Agency for Development of Higher Education and Quality Assurance of Bosnia and Herzegovina.

Bosnia-Podrinje Canton

The Bosnia-Podrinje Canton got the Law on Higher Education in January 2010 (“Official Gazette of the Bosnia-Podrinje Canton”, No. 2/10). The Ministry of Education, Science, Culture and Sports of the Bosnia-Podrinje Canton is developing pedagogical standards for higher education and is continually working on the development of other documents. In this Canton there are branches of the School of Economic and the Law School of the University of Sarajevo where the Law School provides classes of I and III year and the School of Economics provides classes of I and II year, teaching students under the Bologna principles. The Bosnia-Podrinje Canton does not have higher education institutions accredited by the Agency for Development of Higher Education and Quality Assurance of Bosnia and Herzegovina and in 2014 the first privately owned higher education institution in the Canton was opened: International University in Gorazde.
Central Bosnia Canton
The Central Bosnia Canton is the canton which needed the longest period of time to pass the cantonal Law on Higher Education in harmony with the Framework Law. It took the Ministry of Education, Science, Culture and Sports and the Government of the Central Bosnia Canton three years to draft a Higher Education Bill. It took the legislative authority nearly the same length of time to pass the Bill into law, March 2013. The drafting process and the passage of the law lasted for as long as six years. The Canton is one of the co-founders of the University of Mostar. The Ministry of Education, Science, Culture and Sports proposed and the Government approved the following decisions: the decision to approve the formation of six privately owned providers of higher education within the Canton: the “CEPS College-Centre for Business Studies”, Kiseljak; the University in Travnik; the International University Travnik; the “Vitez” University in Vitez; the University “ITC – INTERLOGOS CENTER” Kiseljak; and the “Archdiocesan University” in Travnik. The present law is in full harmony with the Framework Law and the principles of the Bologna process, i.e. three study cycles and ECTS, an integrated university model and a diploma supplement are introduced, and the statutes and other general enactments will be harmonised with the provisions of the Framework Law, the status of post-secondary two-year colleges has been resolved, the higher education institutions in the Central Bosnia Canton have been temporarily accredited, and at the time of writing, only the “CEPS College-Centre for Business Studies”, Kiseljak has launched the accreditation process at the Agency for Development of Higher Education and Quality Assurance of Bosnia and Herzegovina.

Herzegovina-Neretva Canton
The Law on Higher Education of the Herzegovina-Neretva Canton was passed in 2012. However, the implementation of the Bologna process in this canton began earlier, which means that three study cycles, the European Credit Transfer System (ECTS) and a diploma supplement were introduced before the law was passed. The process of integration of universities is still ongoing, and the status of post-secondary two-year education colleges has been resolved by transforming them into the first study cycle programmes. There are seven higher education institutions within the Herzegovina-Neretva Canton (two public and five privately owned). Both public higher education institutions (the University of Mostar and the “Dzemal Bijedic” University in Mostar) were accredited by the Agency for Development of Higher Education and Quality Assurance of BiH. Of the five privately owned higher
education institutions, the “Herzegovina” University, the University of Modern Sciences CKM-Mostar, the “Logos Centre” College of Mostar, the College for Tourism and Management in Konjic and the College of Applied Economics Fircon Mostar, only the “Logos Centre” College of Mostar has been accredited by the Agency for Development of Higher Education and Quality Assurance of Bosnia and Herzegovina.

West Herzegovina Canton

The Law on Higher Education was passed in 2009 ("Official Gazette of the West Herzegovina Canton", No. 10/09). The Canton accepts the European strategic objectives in the higher education area, defined in the Bologna Declaration of the European Ministers of Education (1999) and later development of this concept. In this regard, the Law defines the introduction of three cycles, the European Credit Transfer System, university integration, harmonisation of the statutes and other general enactments of higher education institutions with the Framework Law. The status of post-secondary two-year colleges is resolved: they became higher education institutions accredited to provide the first study cycle degree programmes, at least one study programme in one academic area and they fulfil other requirements under the law. One of the public documents issued by higher education institutions is a diploma supplement. The content of the diploma and a diploma supplement is defined in detail by the relevant public authority at the state level. Accreditation is mandatory for all higher education institutions since academic titles, vocational and academic degrees and diplomas awarded by higher education institutions which are not accredited are not recognized. A higher education institution may, in agreement with its founder, select a relevant international agency for accreditation purposes. The West Herzegovina Canton is one of the co-founders of the University in Mostar.

Sarajevo Canton

The Sarajevo Canton is also the region with the longest tradition of organising and providing higher education in BiH. The Law on Higher Education was passed on 31 December 2008 ("Official Gazette of the Sarajevo Canton", No. 43/08). This Law defines three cycles of higher education, the European Credit Transfer System and a diploma supplement for every successfully completed study cycle. Integration of universities is almost completed. The Statute of the University is adopted. The Ministry of Education and Science of the Sarajevo
Canton has completed temporary accreditation of higher education institutions within the Canton. There are a total of five higher education institutions within the Canton. The Universities were accredited by the Agency for Development of Higher Education and Quality Assurance of BiH. In addition to the University in Sarajevo, there are four privately owned higher education institutions: the International University in Sarajevo, the Sarajevo School of Science and Technology, the American School of Economics and Business, and International Burch University in Sarajevo. Of the five privately owned higher education institutions, three are accredited by the Agency for Development of Higher Education and Quality Assurance of BiH (International University in Sarajevo, Sarajevo School of Science and technology and International Burch University in Sarajevo).

Canton 10 - Livno

The Law on Higher Education was passed in November 2009 (“Official Gazette of the Herzeg-Bosnia Canton”, No. 9/09). The Law is harmonised with the Framework Law and all obligations are incorporated in the Higher Education Law. No provider of higher education is registered within the territory of this Canton. There are only branches of the Departments of Information Science and Agronomy of the University in Mostar.

2.2.2.4. Brcko District of Bosnia and Herzegovina

The Brcko District of Bosnia and Herzegovina passed the Law on Higher Education in October 2009 (“Official Gazette of the Brcko District of Bosnia and Herzegovina”, No. 30/09). The analysis of the Law shows that the activities required under the Framework Law were properly incorporated in the law. As a result, there are three study cycles, the European Credit Transfer System (ECTS), integration of universities and a diploma supplement. The statutes and other general enactments of each higher education institution must be harmonised with the Framework Law. The status of a post-secondary two-year education college is resolved in such a way that the college provides the first study cycle, and at least one study programme in one field of study in science or arts, and has the status of a legal entity. Within the Brcko District of BiH there is the department of the School of Economics of the University of East Sarajevo, accredited by the Agency for Development of Higher Education and Quality Assurance of BiH. There is also a privately owned higher education institution, the College of Accounting and Business Communications eMPIRICA and the
European University. At the time of writing, these privately owned higher education institutions were not accredited nor had they begun the accreditation process at the Agency for Development of Higher Education and Quality Assurance of BiH.

Generally, the analysis of the obligations arising from the Framework Law for lower levels under 8 criteria which are of primary importance for Bosnia and Herzegovina’s inclusion in the European Higher Education Area shows delays in the fulfilment of the obligations under all 8 criteria observed at all levels. Slow administration, the lack of understanding of the values of higher education for the whole society and frequent politicization of this sector have contributed to the situation in which it took the authorities at certain subnational levels as many as six years to fulfil the requirements set in the Framework Law. The pace of fulfilling the requirement of harmonising the cantonal laws with the Framework Law is shown in the Table below.

<table>
<thead>
<tr>
<th>FRAMEWORK LAW ON HIGHER EDUCATION OF BIH</th>
<th>Official Gazette No.</th>
<th>Date of publication</th>
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<tbody>
<tr>
<td>59/07</td>
<td></td>
<td>30 July 2007</td>
</tr>
<tr>
<td>59/09</td>
<td></td>
<td>23 July 2009</td>
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<tr>
<th>HIGHER EDUCATION LAWS IN THE CANTONS OF THE FEDERATION OF BOSNIA AND HERZEGOVINA</th>
<th>Delay in months&lt;sup&gt;18&lt;/sup&gt;</th>
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<tbody>
<tr>
<td>Tuzla Canton</td>
<td>5</td>
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<tr>
<td>Zenica-Doboj Canton</td>
<td>14</td>
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<tr>
<td>Una-Sana Canton</td>
<td>16</td>
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<tr>
<td>West Herzegovina Canton</td>
<td>16</td>
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<tr>
<td>Canton 10/Livno</td>
<td>22</td>
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<tr>
<td>Bosnia-Podrinje Canton</td>
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<td>Posavina Canton</td>
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<tr>
<td>Sarajevo Canton</td>
<td>30</td>
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<tr>
<td>Herzegovina-Neretva Canton</td>
<td>49</td>
</tr>
<tr>
<td>Central Bosnia Canton</td>
<td>61</td>
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</tbody>
</table>

The analysis shows that the activities required under the Framework Law are incorporated in the laws and, as a result, the three study cycles, the European Credit Transfer System (ECTS), integration of universities and a diploma supplement are applied in BiH. The statutes and other general enactments of each higher education institution are formally harmonised with the Framework Law, although the level of their harmonisation with the Framework Law should be examined. The status of post-secondary two-year colleges is resolved in such a way

<sup>18</sup> The Framework Law on Higher Education in BiH (“Official Gazette”, No. 59/07) sets a six month deadline for its implementation by other relevant ministries in BiH. More precisely, all sub-national levels are given a six month deadline to harmonise their laws on higher education with the Framework Law on Higher Education in Bosnia and Herzegovina.
that the college provides the first study cycle, and at least one study programme in one field of study in science or arts and has the status of a legal entity. The first process of accreditation by the Agency for Development of Higher Education and Quality Assurance of BiH has not been completed yet. As a result, of 11 higher education institutions, 7 have been accredited, and 1 is in the process of being accredited. Of 38 privately owned higher education institutions, 10 have been accredited and 8 higher education institutions are in the process of being accredited.

2.3. Recognition of corrupt behaviour in primary and secondary legislation governing higher education institutions

Regulation on higher education is found in the Framework Law on Higher Education in Bosnia and Herzegovina (“Official Gazette of BiH”, No. 59/07, 59/09) and the laws on higher education of Republika Srpska, the Brcko District and the laws of ten cantons in the Federation of BiH. More detailed legal frameworks are established under statutes of higher education institutions, their rulebooks and codes of ethics. Line ministry and management bodies in higher education institutions are in charge of enforcement of laws and monitoring of their proper implementation. The analysis of twelve Laws on Higher Education in BiH shows that they do not precisely define anti-corruption activities. Thus, in accordance with the Framework Law on Higher Education in BiH, based on their respective laws, lower levels regulate activities in the field of higher education, namely, general issues related to establishing, organisation, financing, administration and management of higher education institutions; activities and conditions for the performance of activities in the field of higher education, rights and obligations of competent authorities in the field of higher education; the quality assurance in education; organisation of studies; rights and obligations of students; conditions for acquiring diplomas and other public documents; status-related issues of academic staff, as well as scientific and artistic development and other issues of importance for higher education activities.19 Although the laws do not contain provisions with clearly defined anti-corruption measures, there are certain provisions which strengthen the integrity of the university if implemented. In order to achieve greater transparency when it comes to

knowledge examination, the Law provides that all forms of examination are public.\textsuperscript{20} According to the Law, if a student is not satisfied with a grade in a certain course, the teacher of that course cannot chair the Examination Committee. The defence of thesis, master's theses and doctoral thesis, is public, as is the diploma award ceremony. In order to tackle the current practice of abuse of evaluation of papers in the process of election of academic staff, the Law on Higher Education of the Sarajevo Canton regulates in its Article 94 that the Senate of a higher education institution is to establish a register of national and international bibliography within two months following the adoption of the Statute. However, this requirement was not complied with. When it comes to the selection of the academic staff, the Law provided for a number of mechanisms that strengthen the integrity of higher education institutions, and in particular the integrity of managers of higher education institutions. Thus, the Law on Higher Education of the Sarajevo Canton, in its Article 88, paragraph 4, sets forth that “A member of the academic staff concludes a contract with a higher education institution for the period for which he was elected”. Further, the Law provides that the rector of a higher education institution is responsible for complying with the law and the execution of decisions of competent bodies. Also, it is envisaged that the rector/president, college director as well as a dean must cancel or suspend the decision of a head of an organisational unit or other body of an organisational unit provided that such decision runs against the law, regulations and implementing regulations, and the statute of the higher education institution. The manager of the higher education institution must inform accordingly the governing board, as well as the administrative body - an inspection which supervises the legality of work of the higher education institution.

Based on focus group discussions with teachers and students in Bihac, Mostar, Banja Luka and Fojnica, professors and students equally feel that the risk of corruption in higher education institutions and corrupt behaviour do not occur as a result of poor-quality laws or lack of anti-corruption provisions, but due to failure to comply with the laws, inadequate penalties and poor application of control mechanisms. Mechanisms that can be used to increase the integrity of higher education institutions and improve their work are clearly neglected.

“As a result of mild penal policy, both for the responsible persons as well as for higher education institutions, virtually anyone would take up a leadership position. Deans and presidents of universities knowingly violate legal regulations especially in the process of selection and promotion of academic staff, arguing that they would pay a penalty if sued by a plaintiff” (Statement by N.T., a focus group participant in Bihac).

“We often see cases where inspectors abuse their position in an attempt to ensure some benefit for those who are close to them, and in return, they perform illegal inspections, thus protecting crime and corruption in the ranks of managers or professors in higher education institutions” (Statement by A.K. - focus group participant in Fojnica).

According to Article 63 of the Framework Law on Higher Education in BiH, the laws of Republika Srpska and cantonal laws in the field of higher education will be harmonised with the provisions of this law within six months following its entry into force, in accordance with the criteria defined under this Law. Additionally, this implies the adoption of the statute of the higher education institution which is to detail the procedures to regulate activities, teaching, funding, enrolment policies, internal quality assurance and sanctions for unacceptable behaviour. The Statute defines the specific anti-corruption mechanisms, such as the Ethics Committee and the adoption of the Codes of Ethics - Code of Business Ethics and the Code of Conduct. The staff of higher education institutions, its professors, assistants, employees and students are all required to comply with the Code of Ethics of the University. In order to identify the anti-corruption mechanisms in the secondary legislation, we have analysed the Code of Ethics of the Dzemal Bijedić University in Mostar. The analysis has shown that the basic principles of the Code of Business Ethics and the Code of Conduct arise from the Framework Law on Higher Education, the Anti-Discrimination Law in BiH and the Law on Higher Education. The analysed Code of Ethics defines as follows:

**Professional conduct** – An academic institution seeks the highest level of professional conduct, demonstrated in consistent respect of all legal regulations, general and specific, relating to higher education, and especially of all regulations of the School/Department (rules, ordinances, curricula, teaching schedule, etc.).

**Professional relation with students** - Respect for the dignity of a person, mutual respect and appreciation, respecting distance in teacher-student relation, demonstrated welcoming attitude, patience and willingness to help, seriousness in work and communication without familiarity, intimacy and expressing special attention to individuals-students.
Professional relation of students - Respect for professors, regularly following classes without truancy, individual work, attending tests without using cheat-sheets or ‘peeking-partner’, deception, plagiarism, and alike, a fair relation in all activities at the school. It is unacceptable to abuse teaching materials (presentations, written materials) in any form or for any purpose.

Honesty in academic work - In their written scientific, technical and educational papers, academic staff must cite the sources used, that is, the person whose ideas were presented or challenged. Papers must be based on the principles of honesty and integrity, and focused on the general well-being.

Mobbing and harassment - Any conduct intended to belittle or hurt another person, for example, biased criticism, disparagement, humiliation, gossiping, half-truths, inappropriate jokes, hindering work, the use of high tone of voice and all other forms of mobbing are strictly prohibited.

Sexual harassment - Any form of sexual harassment, not only of students but also of the staff, is prohibited; it is prohibited to link such harassment with grades, promotions at work and alike. It is prohibited to make any comments about physical appearance, clothing and the like.

Intimacy - All forms of intimacy that exceed professional relations are prohibited, especially meeting with students in official and off the official premises, except for meetings that are taking place at a specific time and place as consultations and work with students.

The analysis of the codes of ethics of other universities has shown that some codes of ethics of universities, such as the University of Sarajevo, the University of Mostar and the University of East Sarajevo have provisions to tackle corruption. Thus, these provisions read “the obligation of members of the academic community to eliminate any attempt of corruption”. It is also precisely defined that “members of the academic community cannot seek gifts, encourage or receive gifts for themselves or any other person ...” Such actions, that is, establishing anti-corruption mechanisms, clearly demonstrate the commitment of the academic community to fighting corrupt behaviour in their own ranks. However, practice shows that these mechanisms are insufficient to be implemented consistently. This claim is corroborated by the statement raised in the focus group in Bihac: "It is not enough to just have it on paper, or Code of Ethics in this case, that professors should not seek or accept gifts. It is also necessary that they comply accordingly. And they will do it until they are sanctioned or disciplined for taking gifts. The best example of violation of the code of ethics
is the defence of the final thesis, when professors/members of the commission openly take gifts and consider it normal. We all believe that this is corruption but remain silent when it comes to this behaviour”. Student of the School of Law of the University of Bihac

2.3.1. Governing Board as a screen for corrupt behaviour

In our discussions within focus groups as well as individual in-depth interviews, we have learned that the Governing Board of the higher education institution is a politicisation mechanism of higher education and that it often serves as a front for corrupt activities. A more detailed analysis of the role and appointment of this board raises the question of justification of its existence. What is the actual purpose of having the board? First things first.

Article 124 (1) of the Law on Higher Education of the Sarajevo Canton\(^{21}\) prescribes that the Governing Board of the University as a public institution has eleven members appointed for a term of four years of which six members are appointed by the Government, and other members, of which at least one is a student representative, are appointed by the Senate in accordance with the Statute.

Such legal definition has ensured the majority for the government in the Governing Board. This, however, is not the question of majority, considering that the appointment of all members of the Governing Board is politicised in almost all cases. We will focus here on the actual role of the Governing Board. What is the role of the Governing Board? To control the operations and work of the academic community? Why do we have the Senate then, and the President of the University, the Dean? It is logical that they as managers and responsible persons are be responsible for the management of a public good, that is, a higher education institution. Thus, the sequence would be for the dean to be accountable to the Senate, the President of the University to report to the Government and there we avoid all governing boards. We would thus avoid the constant doubts about whether the decision is made by the Governing Board or the Senate. It is hardly unlikely to believe that persons appointed by the Government and who are not in the academic community, which is often the practice, would be able to have a better understanding of the needs for development and investment in higher education than members of the academia, that is, the Senate. Obviously, such practice prevents those in the academic community to have a greater say in things that interest them,

\(^{21}\) consolidated version and 15/13, “Official Gazette of the Sarajevo Canton”, No. 22/10
while the opinion of partisan cronies appointed to governing boards is mainly being heard. Political parties often resort to practices of appointing persons who are responsible for political success, eligible staff or close relatives to steering board. For all these reasons, we believe that the governing boards of higher education institutions are superfluous and that their elimination could bring both budget savings, and new funds to finance the development of research in higher education institutions, which is not yet fully available.

### 2.4. International standards in national legislation in Bosnia and Herzegovina

Bosnia and Herzegovina, as a member state in various international organisations, has become a party to a number of international legal instruments for sanctioning certain criminal conduct in national criminal law, which contribute to the prevention of crime. These instruments may directly or indirectly be focused on combating corrupt behaviour in higher education.

Signed international treaties and generally accepted rules of international law are an integral part of the internal legal order and have supremacy over national legislation and are directly applicable when they regulate the relations differently from the national legislation.

The Bologna Declaration is the most significant international document that directly deals with the higher education reform, signed in 1999 by 26 European Ministers of Education in Bologna. It served as the basis for the Bologna process which was accepted as the greatest reform of higher education in Europe. The process was conducted as an intergovernmental initiative which has so far been joined by 47 European and Euro-Asian countries. It has initiated a number of reforms in European universities and European countries, with the aim of establishing a single European Higher Education Area (EHEA), which will facilitate the mobility of students, but also the mobility of labour within the area and promote higher education and greater focus on students. Quality assurance is a primary goal of the Bologna process, established as one of the six goals in the Bologna Declaration (1999). One of the outputs of the Conference of European Ministers of Education in Bergen in 2005 included the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG).

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Under the Recommendation of the European Parliament and the Council on the Future European cooperation in the Field of Quality Assurance in Higher Education, No. 2006/143/EC dated 15 February 2006 (Official Journal of the European Union, No. L/64/60), the ESG has been recommended as a key document for quality assurance in higher education, while its principles of independent review of higher education institutions have been established as a norm for the Member States. ESG is a document that establishes uniform standards for quality assurance in higher education in Europe, with 23 standards divided into 3 groups: Standards for Internal Quality Assurance (7 Standards and Guidelines), Standards for External Quality Assurance (8 Standards and Guidelines) and Standards for Quality Assurance of Agencies (8 Standards and Guidelines). The process of external quality assurance (evaluation, audit, and accreditation) is carried out by agencies independent of political structures and higher education institutions. Today in Europe there are more than 80 quality assurance agencies in higher education, with different legal status, mission, and carrying out various activities, but what they all have in common is that they operate or strive to operate according to the principles of the ESG, which has been confirmed for a total of 41 agencies so far in the formal procedure.

Bosnia and Herzegovina has joined the Bologna process in 2003, at the Conference of European Ministers of Education in Berlin, and thus undertook the commitment to reform its higher education according to the principles of the Bologna process. This obligation is further confirmed by the Stabilisation and Association Agreement between the European Communities and their Member States and Bosnia and Herzegovina (SAA), signed in 2008, which in its Article 100 states that “a priority for higher education systems will be to achieve the goals of the Bologna Declaration in the intergovernmental Bologna process”.

In London, in 2007, at the Conference of European Ministers of Education, a decision was made to set up the European Quality Assurance Register (EQAR) which, following an external and independent verification of the work of European agencies, will maintain a publicly available registry of agencies operating in accordance with the standards of the ESG. The criteria are clear and measurable, and external activities for quality assurance that are not in line with the European rules will not be recognised in Europe. In this sense, it is expected from Bosnia and Herzegovina to base the quality of education on the standards of the ESG, considering that deviations from the principles of the ESG can bring difficulties for our education system when it comes to European recognisability of the system itself, which means the recognition of diplomas awarded by higher education institutions.
At the time of writing of the study, one of the ongoing projects was also the *Temus* Project - Framework for Higher Education Qualifications in BiH - BHHEQF\(^{23}\), also important for the development and implementation of the Qualification Frameworks\(^{24}\) in Bosnia and Herzegovina. At the Ministerial Conference in Bucharest in 2012, the Ministers adopted ten priorities for the period from 2012 to 2015. One of the priorities is to revise national legislation so as to ensure full alignment with the Lisbon Convention.

The last Conference of Ministers of the European Higher Education Area was held in Yerevan, Armenia, on 14 and 15 May 2015. In addition to the analysis of the progress made in the Bologna Process reforms, the Yerevan Communiqué identified future obligations under the Bologna reforms, namely:

- Increase the quality and relevance of teaching and learning (primary mission);
- Encouraging employment of graduates during their working life;
- Make our systems more inclusive; and
- Implement the agreed structural reforms.\(^{25}\)

Bosnia and Herzegovina should continue to actively participate in international initiatives, and to build a framework for lifelong learning in order to encourage mobility and lifelong learning for all citizens. It is necessary to work to support and accelerate the development and implementation of qualifications frameworks and the development and implementation of assessment and recognition of non-formal and informal learning. Aligning domestic framework with international standards and communiqués will contribute to easier recognition and comparison of qualifications, facilitate the mobility of citizens, will ensure the concept of lifelong learning and the quality of education and recognition of qualifications. The goal is to create a fully functional, high-quality system of higher education that will benefit the labour market, policy makers, students, employers and employees.

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\(^{24}\) A qualifications framework is an instrument of classification of qualifications acquired in Bosnia and Herzegovina, which provides the basis for transparency, access, permeability, acquiring and quality of qualifications. - National Quality of Educational Programmes and Qualifications Awarded. On 24 March 2011, the Council of Ministers adopted the Decision on enactment of the Qualifications Framework in Bosnia and Herzegovina, and on 11 January 2013, the Decision on the appointment of the Commission for the development of the Qualifications Framework in Bosnia and Herzegovina.

III EMPLOYEES, FINANCING AND ENROLMENT POLICY OF THE EDUCATION SECTOR

3.1. Employment in the education sector in Bosnia and Herzegovina

Education sector is an area employing the greatest number of people in the public sector, and is thus the largest or second largest expense in the budgets of the entities (the Federation of Bosnia and Herzegovina and Republika Srpska) and of the Brcko District of BiH. According to the Agency for Statistics of BiH, entity institutes, as well as the Cantonal Governments, the National Assembly of Republika Srpska and the Government of the Brcko District of BiH, employment figure in Bosnia and Herzegovina is about 653,257 people, of which the public education sector alone employs about 47,973 people, or 7.34%. Thus, given the number of employees, the education sector stands out from among other sectors in BiH.

In BiH on average, the share from the gross domestic product (GDP) spent for education in the Federation of BiH is about 6%, in Republika Srpska around 4% of GDP, and in the Brcko District about 11.2% of the budget of the District, which amounts to the highest percentage of spending on the education sector in the countries of South Eastern Europe, where the average is about 3.5%, while in OECD countries, it is about 5% of GDP.

Of the total number of employees in the education sector, around 10,305 were employed in the higher education sector as teachers and staff, or 21.48%. This number of teachers and staff in higher education holds classes for 116,336 students enrolled in the academic year 2014/15, or nearly 12 students per teacher or assistant. If we analyse these relations by higher education institutions on the basis of the share capital, that is, compare the ratio of private and public higher education institutions, we get various data in support of higher education.

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26 Research conducted by University ITC-INTERLOGOS CENTAR in Kiseljak.
27 Data from 2014.
28 The private sector of the education system in BiH employs around 2,756, which is far less in spending that the public education system.
institutions of private capital. In privately owned higher education institutions, there are 3.41 students per employed teacher or assistant, and in public higher education institutions, the number is even higher with more than 9 students per one teacher. Out of 10,305 teachers and assistants, 43.43% are women. Also, more than half of the employed teachers are employed full-time at the higher education institutions, or 53.51% of them.

According to the FBiH Statistics Institute, the total number of employees in the public sector of education in the Federation of BiH is about 32,286 people. Of these, 1,537 are employed in kindergartens, 15,410 in primary schools, 8,836 in secondary schools and in higher education, the number is around 6,503 teachers/assistants (5,475 public and 1,055 privately owned higher education institutions). This number of teachers runs classes for 71,873 students who had enrolled in the academic year 2014/15 in the Federation of BiH. Out of 6,503 employed teachers and assistants, most of them are assistant professors or 1,563 of them, followed by 1,391 senior assistants, 1,145 associate professors, and 1,008 full-time professors. Given the largest number of students studying at the University of Sarajevo, this University has the highest number of employed teachers and assistants or 2,090.

If the collected statistical data is to be analysed against the ownership structure of higher education institutions, in the Federation of Bosnia and Herzegovina, there are 62,461 students studying at 6 public higher education institutions, that is, 86.90% of the total number of students, which at the same time employ 5,475 teachers and assistants. There are 11 students per one teacher. The number of students in privately owned higher education institutions in the academic year 2014/2015 was 9,412 students or 13.10%, employing 1,055 teachers and assistants, meaning almost 9 students per one teacher/assistant.

When it comes to financing of higher education, it should be noted that it falls on the cantonal budgets. Therefore, five cantons in the Federation of BiH that organised the higher education system through public higher education institutions (Zenica-Doboj Canton, Una-Sana, Tuzla, and Herzegovina-Neretva Canton) allocate nearly 136 million BAM for higher education. Of this total amount of public funds, most funds are allocated by the Sarajevo Canton or 66 million, followed by the Tuzla Canton with over 35 million and then Zenica-Doboj Canton with 16 million. If the funds allocated by cantons are compared against the number of students studying in public universities, we get the costs of studies per one student in the Federation of BiH, whose costs are funded from the budget. On average, studies at public

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31 Data from 2014.
universities cost 2,175 BAM,\(^{32}\) while self-financing students pay far less tuition of around 1,000 BAM.\(^{33}\) Based on previous parameters, we come to the average monthly salary of teachers, which is 2,067 BAM. Sources of funding are not an incentive for higher education institutions to improve efficiency and graduation rates. Public funds received through the budget are allocated to universities on the basis of input indicators, such as the number of students and professors. This leaves room for corrupt activities.

The current state of play shows that public higher education institutions in general only receive enough funds to cover salaries, leaving them limited space for activities beyond teaching. Although public funding remains relatively low, public higher education institutions are given the option to raise financial resources from tuition fees (self-financed students),\(^ {34}\) as well as from providing professional and expert analysis for businesses. However, it is noticeable that the current tuitions and current public funding encourage the retention of a large number of students in the system to ensure that greater financial resources, which contributes to reducing the efficiency of educational programmes. Although the government sets quotas for the number of students to be financed, higher education institutions are allowed to enrol more students provided that requirements were met in terms of the conditions relevant to space and other standards. Tuition fees paid by those enrolled for the first time are quite high.

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\(^{32}\) In Croatia, annual tuition fees at public universities range between 1,350 to 2,500 BAM. Universities in Montenegro charge annual tuition fees of about 2,000 BAM. Tuition at private higher education institutions in Bosnia and Herzegovina range between 2000 to 4500 BAM.

\(^{33}\) According to research of the Agency for Development of Higher Education and Quality Assurance, in 2010, at the level of BiH, budget allocations had an average of 1,674.16 BAM per student in public higher education institutions.

\(^{34}\) At the University of Sarajevo, self-financed students pay fees in the amount of 1,000 BAM and the same amount of tuition is paid by foreign students. Interview with the Dean of the School of Criminal Sciences of the University of Sarajevo. Sarajevo, 14 May 2015.
### Table 1. The ratio of expenditures of the education system in the Federation of BiH and total expenditures (March 2014)

<table>
<thead>
<tr>
<th>Cantons</th>
<th>Ministries of education</th>
<th>Primary education</th>
<th>Secondary education</th>
<th>Higher education</th>
<th>Total expenditures of cantons for education</th>
<th>Total expenditures of cantons</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZDC</td>
<td>9,601,378</td>
<td>66,656,347</td>
<td>37,431,050</td>
<td>16,255,841</td>
<td>129,944,616</td>
<td>289,024,120</td>
</tr>
<tr>
<td>WHC</td>
<td>1,681,940</td>
<td>8,473,233</td>
<td>8,705,844</td>
<td>0</td>
<td>18,861,017</td>
<td>70,208,147</td>
</tr>
<tr>
<td>USC</td>
<td>8,270,957</td>
<td>57,014,611</td>
<td>28,204,395</td>
<td>12,113,126</td>
<td>105,603,089</td>
<td>213,671,904</td>
</tr>
<tr>
<td>TC</td>
<td>6,311,777</td>
<td>78,009,076</td>
<td>45,397,106</td>
<td>35,719,889</td>
<td>165,437,849</td>
<td>377,274,623</td>
</tr>
<tr>
<td>CBC</td>
<td>9,036,715</td>
<td>43,913,990</td>
<td>25,208,390</td>
<td>0</td>
<td>78,159,095</td>
<td>159,194,990</td>
</tr>
<tr>
<td>PC</td>
<td>1,071,360</td>
<td>7,093,490</td>
<td>3,617,860</td>
<td>0</td>
<td>11,782,710</td>
<td>33,413,160</td>
</tr>
<tr>
<td>HNC</td>
<td>4,562,430</td>
<td>41,001,010</td>
<td>25,843,380</td>
<td>5,600,000</td>
<td>77,006,820</td>
<td>189,051,520</td>
</tr>
<tr>
<td>BPC</td>
<td>2,124,150</td>
<td>6,161,742</td>
<td>3,456,925</td>
<td>0</td>
<td>11,742,817</td>
<td>41,807,746</td>
</tr>
<tr>
<td>SC</td>
<td>22,181,100</td>
<td>87,690,900</td>
<td>55,077,600</td>
<td>66,144,000</td>
<td>231,093,600</td>
<td>639,169,600</td>
</tr>
<tr>
<td>C10</td>
<td>2,967,919</td>
<td>14,591,052</td>
<td>8,065,236</td>
<td>0</td>
<td>25,624,207</td>
<td>75,477,245</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>67,809,726.00</strong></td>
<td><strong>410,605,451.5</strong></td>
<td><strong>241,007,786.2</strong></td>
<td><strong>135,832,856</strong></td>
<td><strong>855,255,820.62</strong></td>
<td><strong>2,088,293,055</strong></td>
</tr>
</tbody>
</table>

Source: Federal Institute of Statistics, Cantonal Governments

Funds allocated for higher education directly through the budget should also include amounts earmarked by cantons for the work of Ministries of Education. For the work of these ministries, the cantons annually allocate 67,809,762.00 BAM. Specifically 3.29% of total budget expenditure is spent on ministries of education. If we add to this amount another 135,832,856 million of direct allocations for higher education, we reach the percentage of 9.75% of funds allocated from the total budget expenditure of cantons in the Federation of BiH for higher education. With the exception of the funds spent by Ministries of Education, it is evident that public spending on higher education institutions, represented as a percentage of GDP in the Federation of BiH is 0.80%, which is at a low level, but corresponds to levels of allocations in the region. However, if we add to these also funds allocated for Ministries of Education, then the percentage is 1.20 which is slightly higher than the average for the EU, which amounts to 1.1 percent.

If the number of employees in the education sector is analysed by the education level, it is evident that the primary education employs approximately 47.73%, which is an area with the majority of employees in this sector. High schools are second ranked with the employment of 27.37%. Employment in higher education amounts to 20.14%, while the remaining 4.76% are in kindergartens.
CORRUPTION IN HIGHER EDUCATION: FICTION OR REALITY?

Table 2. Number of employees in the education sector in the FBiH (April 2015)

<table>
<thead>
<tr>
<th>Kindergartens</th>
<th>Primary schools</th>
<th>Secondary schools</th>
<th>Higher education</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.537</td>
<td>15.410</td>
<td>8.836</td>
<td>5,475</td>
</tr>
</tbody>
</table>

Number of students 71,873

Source: Federal Institute of Statistics

According to the RS Institute of Statistics, the total number of employees in the education sector in this entity amounts to approximately 17,373. Of these, 1,110 persons are employed in kindergartens, 8,756 people in primary schools, and 3,949 people in secondary schools. In Republika Srpska, 23 higher education institutions employ 3,558 teachers/assistants, or 20.48% of the total number of employees in this sector. These teachers hold classes for 44,463 students who enrolled in the school year 2014/15. This means that there are 12 students per teacher or assistant in higher education. If we look at the above information, we will notice that the primary education in the RS employs approximately 50.40%, compared to the entire education sector, which is also the area with the largest number of employees in relation to the total number of employees in the education sector in RS. Next in line are secondary schools which employ 22.73%. Employment in higher education amounts to 20.48%, while the remaining 6.39% are in kindergartens. The above data are shown in the following table.

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35 Data from 2014.
When analysing the share in the number of public and privately owned higher education institutions, as well as the number of teachers and assistants in higher education institutions, the data show that there are 17 private higher education institutions in the RS, which employs 1,484 teachers and assistants and five public higher education institutions that employ 2,074 teachers/assistants. Public funding of higher education in the RS costs 81,325,600 of taxpayers’ money, not including the funds of the Ministry of Education and Culture, with annual budget of 6,933 million BAM. This implies that tuition fees for 44,463 students, currently enrolled in higher education institutions in the RS in the academic year 2014/15, amounted to BAM 81,325 million KM, or 4.02% of the total expenditure budget of the RS. If this amount is added to the amount of the Ministry of Education and Culture, then the percentage increases to the amount of 4.36% of total budget expenditures of the entity. If we are to compare the number of students enrolled in the school year with the amount of public funding for higher education, it is evident that tuition at public faculties paid per student is BAM 1,829, while the salaries of teachers/assistants amounted to about BAM 3,000. Public funding for higher education, both in the Federation of BiH and RS, are spent mostly on salaries of teaching staff and overhead costs. For example, from the total budget of BAM 34,105,000,000 for expenditures, the University of Banja Luka allocates BAM 32,732,000,000 for income. It is important to note that the amounts of personal income increases with the increase in the amount of budgets at universities, and the question arises whether the cause of such increase in the budget is an increase in staffing or salary increase for the existing staff? The answer to this question would imply an overall analysis of the distribution of funds for higher education in cantonal and entity budgets, which is not the focus of this research. The RS allocates 0.90% of GDP for higher education which is higher than the neighbouring Croatia but slightly lower than the EU average.
Table 4. Expenditures in the education sector in Republika Srpska (April 2014)

<table>
<thead>
<tr>
<th>Ministry of Education and Culture</th>
<th>Primary education</th>
<th>Secondary education</th>
<th>Higher education</th>
<th>Total expenditures for education</th>
<th>Total expenditures of entities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6,933,000</td>
<td>76,840,000</td>
<td>81,325,600</td>
<td>356,326,600</td>
<td>2,025,000,000</td>
</tr>
</tbody>
</table>

Source: Statistical Institute of the RS (Statistical Yearbook 2014)

According to the Agency for Statistics of Bosnia and Herzegovina, the total number of employees in the education sector in the Brcko District of BiH is around 826 people. Of these, 69 persons were employed in kindergartens, 516 in primary schools, while 241 persons were employed in secondary schools. These data show that the primary education in the Brcko District of BiH employs approximately 62.47% of people. Second ranked are high schools with employment of 29.18%, and the remainder of about 8.35% is kindergartens. These data show that the Brcko District has neither organised higher education nor expenses on that basis. Higher education in the District was organized in the framework of private higher education institutions, with their overview provided in the following chapter.

Table 5. Number of employees in the education sector in the Brcko District of BiH (April 2015)

<table>
<thead>
<tr>
<th>Kindergarten</th>
<th>Primary schools</th>
<th>Secondary schools</th>
<th>Higher education</th>
</tr>
</thead>
<tbody>
<tr>
<td>69</td>
<td>516</td>
<td>241</td>
<td>Public</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Private</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>217</td>
</tr>
</tbody>
</table>

Source: Agency for Statistics of Bosnia and Herzegovina (Education statistics from late 2010/2011 to early 2014/2015 academic year)

According to data of the Federal Institute of Statistics, around 31,258 are employed in public education institutions in the Federation of Bosnia and Herzegovina alone, which amounts to 7.18% compared to the total number of employees in the Federation of BiH. The RS education system employs about 15,889 in public education institutions, which is 7.87% compared to the total number of employees in this entity, and in the Brcko District of BiH, there are approximately 826 people employed in public education institutions, or about 5.08% relative to the total number of employees. Following a detailed consideration of the whole picture, as well as the above data, it can be conclude that the proportion of education sector in BiH is a massive 7.34% compared to the total number of employed citizens in BiH,

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36 Ibid.
37 Data from 2014.
38 According to data from 2014, the total number of employees in the FBiH is about 435,113.
39 According to data from 2014, the total number of employees in the RS is about 201,890.
40 According to data from 2014, the total number of employees in the BD BiH is about 16,254.
which amounts to 653,257\textsuperscript{41}. Specifically, of the specified number of employees in BiH, the employees in the higher education account for 1.42%.

Table 6. Ratio of expenses of the education system in the BD BiH and total expenses (March 2014)

<table>
<thead>
<tr>
<th>Department of Education</th>
<th>Primary education</th>
<th>Secondary education</th>
<th>Higher education</th>
<th>Total expenditures of the BD BiH for education</th>
<th>Total expenditures of the BD BiH</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,402,902</td>
<td>22,546,718</td>
<td>12,005,243</td>
<td>0</td>
<td>36,954,863</td>
<td>220,865,171</td>
</tr>
</tbody>
</table>

Source: Government of the Brčko District of BiH

Table 7. Employment in the education sector and total employment in BiH (April 2015)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Public sector</td>
<td>32,286</td>
<td>15,889</td>
<td>826</td>
<td>49,011</td>
</tr>
<tr>
<td>Private sector</td>
<td>1,055</td>
<td>1,484</td>
<td>217</td>
<td>2,756</td>
</tr>
<tr>
<td>Total number of employees</td>
<td>435,113</td>
<td>201,890</td>
<td>16,254</td>
<td>653,257</td>
</tr>
<tr>
<td>Percentage</td>
<td>7.42%</td>
<td>7.87%</td>
<td>5.08%</td>
<td>7.50%</td>
</tr>
</tbody>
</table>

Source: Entity Statistics Offices, Government of Brčko District

It is evident that the current system of higher education has multiple funding sources, primarily when it comes to financing of higher education institutions founded by the government. These higher education institutions are financed from public funds that is, budgets of cantonal governments. In addition to this main source in accordance with the laws

\textsuperscript{41} Data from 2014.
on education in cantons/entities in BiH, higher education institutions obtain funds for their activities also from other sources:

a) the funds of founders;\textsuperscript{42}

b) the funds;

c) donations, endowments and gifts;

d) tuition fees;

e) sales of intellectual, cultural, material and commercial goods and services;

f) income based on copyrights and patents;

g) other sources in accordance with the law.

Unlike the public, private higher education institutions do not have a source of funding from public budgets, but instead, equity share is provided by its founder. Detailed information about own revenues of higher education institutions is not available, nor is the information on all sources of financing of higher education institutions (in addition to financing from the budget). For the purposes of this analysis, data from respective Institutes of Statistics were used, as well as budgets of cantons and entities. It should be stressed that in the analysis of the ratio of private funds (own revenues) and budget funds allocated for various study programmes at the University of Sarajevo, we have noted the growth in funds allocated from the budget, compared to the decline in their own funds secured by a higher education institution. This ratio ranges between 56.10 of the public budget as opposed to 43.90 of secured own resources. In addition to private (own) sources, higher education institutions may be financed from the funds for education. These funds are intended for financing various types of higher education activities and currently in BiH, there are two funds. The Fund for Science of the Federation of BiH, whose role is to facilitate investment in scientific research and research-development activity, which is of particular interest for the development of the Federation of BiH.\textsuperscript{43} In Republika Srpska, there is the dr. Milan Jelic Fund, under the Ministry of Science and Technology as a separate organisational unit, whose purpose is to support the most talented students of Republika Srpska in the financing of studies of 1\textsuperscript{st}, 2\textsuperscript{nd} and 3\textsuperscript{rd} cycles at domestic and foreign universities; encouraging talented young people to scientific research; promotion of results achieved by scholarship recipients; supporting the

\textsuperscript{42} Considering that according to the laws on higher education, founders of higher education institutions may be public (competent governments) and private, then these entities provide funds for financing higher education institutions in this category.

development of professional and research careers of scholarship recipients; as well as other activities in the field of science.

In 2015, out of 49 higher education institutions, 76% of these are privately owned, while founders of 24% of these are cantonal governments or entities.

Table 8. The ratio of expenditures of the education system in BiH and total expenditures (March 2014)

<table>
<thead>
<tr>
<th></th>
<th>Ministries of education</th>
<th>Primary education</th>
<th>Secondary education</th>
<th>Higher education</th>
<th>Total expenditures for education</th>
<th>Total expenditures in BiH</th>
</tr>
</thead>
<tbody>
<tr>
<td>F BiH</td>
<td>67.810</td>
<td>410.605</td>
<td>241.008</td>
<td>135.833</td>
<td>855.256</td>
<td>2,088.293</td>
</tr>
<tr>
<td>RS</td>
<td>6.933</td>
<td>191.228</td>
<td>76.840</td>
<td>81.326</td>
<td>356.327</td>
<td>2,025.000</td>
</tr>
<tr>
<td>BD BiH</td>
<td>2.403</td>
<td>22.547</td>
<td>12.005</td>
<td>0</td>
<td>36.955</td>
<td>220.865</td>
</tr>
<tr>
<td>Σ</td>
<td>77.146</td>
<td>624.380</td>
<td>329.853</td>
<td>217.159</td>
<td>1,248.538</td>
<td>4,344.158</td>
</tr>
<tr>
<td>Agencies at the national level</td>
<td>2,060</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2,060</td>
<td>1,563,580</td>
</tr>
<tr>
<td>Σ</td>
<td>79.206</td>
<td>624.380</td>
<td>329.853</td>
<td>217.159</td>
<td>1,250.598</td>
<td>5,907.738</td>
</tr>
</tbody>
</table>

Source: Entity Statistics Offices, Governments of Cantons and Government of the Brcko District of BiH.

When it comes to higher education (11 public higher education institution founded by the government), Bosnia and Herzegovina spends 0.83% of GDP, which is less than the average in European countries. However, the percentage of spending on higher education in all countries of South-Eastern Europe is lower than the EU average. Therefore, if we look at our next-door neighbours in the EU, Croatia, it can be said that BiH allocates 0.02% more of its GDP in higher education than Croatia, and also more of GDP than Macedonia and Albania, and we are quite close to Hungary that stands at 1.03% of GDP.

Total spending on higher education as a percentage of GDP
3.2. Enrolment policy, studying and student mobility

Highly qualified workforce is of particular importance to achieve a knowledge-based society. The development of innovation and technological progress means that the economies of various countries will see a strengthened demand for competencies that require higher education. This trend has been already witnessed in developed countries, given the rise in participation in higher education and an increase in high-skilled labour. Total number of highly skilled labour force in Bosnia and Herzegovina is insufficient. This is supported by the fact that the percentage of the population with a higher education degree in BiH is between 6 and 7%, while the rate in Montenegro is up to 20% (Betcherman et al. 2007). In Croatia, around 12% of the adult population has a college degree. These figures are worrying and should be an alarm to the authorities to place development of higher education at the very centre of development strategies, so as to reduce the number of drop-outs from education and training, and to encourage a greater number of adults to complete tertiary education.

This approach would support the Europe 2020 growth strategy, which the European Commission had adopted already back in 2011. The strategy defines reference values determined at the EU level, as follows:

- share of early drop-outs from education and training should be below 10% by 2020, and
- at least 40% of people aged 30-34 should complete tertiary or equivalent education by 2020.

The reference value of the Europe 2020 Strategy has been transposed into national and regional objectives and therefore it should be transposed also into the enrolment policy in Bosnia and Herzegovina. Enrolment policy defines the conditions, procedures and criteria for admission of students in all study cycles in higher education institution. In Bosnia and Herzegovina, enrolment policy of higher education institution is defined at the level of higher education institutions in cantons and Republika Srpska. The Senate of the higher education institution proposes a number of students in the first year of study. By 31 January of the current year, the higher education institution submits to the competent university its proposals...
of quotas for the following academic year, divided by curricula. In addition to its proposal, higher education institutions are required to submit an analysis of its maximum capacity in terms of teaching, given the infrastructural capacities, standards and norms, as well as the need for teachers to devote 50% of their working hours to research. The University considers the proposed quota and gives its opinion, then submits a proposed enrolment policy for all schools/departments within the University to the competent Ministry of Education, which, after considering the proposals (and possibly reducing/increasing the number of students per course), approves the proposal submitted to the government (cantonal/entity) for adoption. According to an interview with the Minister of Education in the Ministry of Education of the Central Bosnia Canton,\textsuperscript{46} it is not a practice to drastically reduce the proposed quota, which are rarely reduced or changed. The number and breakdown of students financed by the public budget, is determined by the government on the basis of a reasoned and coordinated proposal of the Ministry of Education, based on the capacity of higher education institutions (one should also take into consideration an analysis of the needs of the labour market\textsuperscript{47}). After the government accepts the proposal of the enrolment policy for the next academic year, the Ministry of Education decides on the enrolment policy for the year, and schools/departments announce enrolment quotas for their programmes.

It should be noted that we learned in our talks with representatives of private higher education institutions that this procedure for enrolment quota can be a mechanism for corruption by ministry officials. They believe that in this case, the standards for admission to private higher education institutions should be infrastructural capacities, standards and norms, as well as the number of students enrolled. It is not necessary to use the government quota, since the government does not provide funds for the study. Instead, the Ministry of Education should only ensure that the appropriate number of students was registered in accordance with the infrastructure and standards. This procedure would help avoid potential areas for corrupt activities, and improve standards in higher education.

Statistical data that we collected suggest significant changes in the last three years in a massive nature of higher education in BiH, that is, an increase in the number of students, an increase in the number of faculties and an increase in higher education financing from public and private sources. Thus, in the academic year 2014/15, in the Federation of BiH, in public

\textsuperscript{46} Interview, Zoran Matošević, Assistant Minister. October 2014. Travnik.

\textsuperscript{47} Council of Ministers of Bosnia and Herzegovina, Strategic Directions of Development of Education in Bosnia and Herzegovina with its Implementation Plan, 2008 - 2015. Council of Ministers of Bosnia and Herzegovina 51\textsuperscript{st} session held in June, 2008.
higher education institutions, there was an increase in the number of students enrolled in the first year by 10.85% compared to the academic year 2012/13. An even greater growth trend of student enrolment was recorded at private higher education institutions where in 2014/15, the number of student enrolment increased by 30%, compared to the academic year 2012/13. Also, in the last three years there has been a growth in enrolment of students in private higher education institutions by almost 2.5%, while the percentage is recorded as a decline in enrolment in public higher education institutions. The highest concentration of higher education institutions and the number of students in the private sector is in the Central Bosnia Canton, with 4,688 students or 49.81 of the total number of students in private higher education institutions. In the Federation of BiH, 12,183 students graduated in 2014, mostly from the University of Sarajevo or 5,055 of them, then at the University of Mostar and Tuzla with 2,353 and 1,847 respectively. The situation is similar in Europe, where in recent decades, there is a present increase in the number of students. According to UIS (UNESCO Institute of Statistics), the average enrolment rate in Central and Eastern Europe is 50%, and most of these countries fall between 30 and 40%. In Central and Eastern Europe, the Baltic countries and Slovenia are the only countries approaching the average enrolment in North America and Western European countries, which have a net enrolment ratio of 67%. Albania is far behind the countries of the region, while Croatia and Serbia are typical of the region. However, all of these countries can be classified as countries with massive higher education systems.

When it comes to the ratio of the number of students who graduated from both public and private higher education institutions, the number goes high in favour of the public higher education institutions where 10,292 students graduated, while 1,254 graduated from private higher education institutions (89.71: 10.29%). More than half of the students enrolled in the first year or 56.55% are enrolled as full-time students. Certainly, it should be noted that there are least adults aged below 22, or 150 of them. Such data is confirmed by the Feasibility Study for the reform of higher education financing, where it was noted that "each year, on higher education institutions in the Federation of BiH, nearly 24% of students repeat a year and nearly 13% leave their studies. Barely 50% of students who begin studies ‘survive’ until graduation (ratio 522/1,000)." This means that on the average, it takes 7 years to end the four-year study. When we compare it with the financial costs, 43% of the budget of public

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48 The lack of efficiency of the tertiary education system in BiH can be supported by the fact that only 3% of students at the University of Sarajevo complete their studies on time.
higher education institutions goes to finance those who leave studies and repeat years, which has no educational or economic impact. Obviously, a system that relies only on the enrolment criteria when determining the amount of funding for higher education is not sufficiently effective. Also, the number of enrolment in higher education is quite low and it is high time for catching up in terms of increasing total enrolment in higher education institutions. Thus, statistical data, presented by the European Centre for Higher Education, show that Slovenia enrols 5,618 students per 100,000 inhabitants; while the corresponding figures for Bosnia and Herzegovina and Croatia are 2,166 and 3,632 respectively.

Bosnia and Herzegovina also faces significant problems with the quality of higher education. The students we spoke with in focus groups in Bihac, Mostar, Banja Luka and Sarajevo, complained that some professors in public higher education institutions still have outdated teaching methods and examination used to test learning and factual memory. Some professors train arbitrariness, generate dead ends in the schools, which leads to a large number of students giving up. As a result, they believe it is necessary to create a system where for a course/module, there would always be two spare professors for exams, and they would be chosen electronically. This would reduce the opportunities for corrupt behaviour by teachers and students in terms of paying for the exams. This approach brings about low enrolment of foreigners in higher education institutions, that is, the mobility of students. From a total of 962 foreign students enrolled in 2014 at the University of Sarajevo, the majority comes from the region; out of 110 foreign students at the University of Tuzla, 93 are from Croatia, Serbia and Montenegro, and out of 243 at the Dzemal Bijedic University in Mostar, 215 of them are from Croatia and 20 are from Serbia. The largest number of foreign students enrolled in the last four years is at the University of Mostar or 9,798 of them. Unlike public higher education institutions with mostly foreign students from the neighbouring countries enrolled, the private higher education institutions enrol students from other EU countries, Turkey and the United States. Thus, at the International University of Sarajevo (IUS) and the International Burch University, most foreign students are from Turkey (3,900 out of over 4,400 at IUS), while at the Sarajevo School of Science and Technology (SSST),

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49 According to a recent study of the Centre for the Ranking of World Universities (CWUR) for 2015, the best university is Harvard University, followed by Stanford, Massachusetts Institute of Technology, Cambridge, Oxford, Columbia University, University of California, University of Chicago, Princeton and Cornell University. As for countries of the Western Balkans, Croatian, Serbian and Slovenian universities may be found on the list of 1,000 best universities, but no universities from Bosnia and Herzegovina, Albania, Macedonia, Kosovo and Montenegro on the list. According to CWUR research, the University of Ljubljana is ranked 504\textsuperscript{th}, while another Slovenian university, the University of Maribor is 820\textsuperscript{th} on the list, the University of Zagreb 551\textsuperscript{st} and the University of Belgrade 726\textsuperscript{th}.
most foreign students come from the United States. Based on the statistical data we have collected during the research, it can be said that the enrolment of foreign students in the last two years has slightly increased. Thus, according to research by the Dnevni Avaz Daily on 7 higher education institutions (UNSA, UNMO, University of Mostar, UNTZ, SSST, IUS and Burch) 16,300 foreign students attended courses in the academic year 2013/14.\textsuperscript{50}

In addition to the above problems that burden the higher education, and which have been identified in the financing system, enrolment policy and the quality of the teaching process, higher education, that is, the teaching staff of higher education institutions, is burdened with the scientific condition defined by the fulfilment of the OECD standards, according to which each university professor should use half of his/her total working time (0.5 FTE) as an educator, while the other half of working hours should be spent as a researcher. In BiH, the norm was met with only 3\%, which is an extremely low indicator, compared to the EU. We have seen that this segment leaves a lot of room for corruptive behaviour - from falsifying research/scientific papers to plagiarism. Thus, indicators of research output, which is measured by the number of publications in reference journals, per 100,000 population, show poor results. BiH was 3.2 times lower in 2000 than its results in 1990; 5.6 times lower than in Montenegro, 8.6 times than in Macedonia, 18.5 times in Serbia, 42.6 times in Croatia and 125.9 times from Slovenia.\textsuperscript{51} Such low indicators of the scientific condition in BiH are also indicative of poor record of involvement of academic staff in research projects or the low level of research capacity at the academic level in BiH.


\textsuperscript{51} Data from 2000.
IV INSTITUTIONAL CAPACITIES OF HIGHER EDUCATION AND HIGHER EDUCATION INSTITUTION

According to the arrangement in the country, in this chapter we will present and analyse the institutional capacity in accordance with the prescribed competencies. Also in this chapter, we will give an overview of the higher education institutions that have jurisdiction in the field of higher education and are working in the area of Bosnia and Herzegovina.

4.1. Institutional capacities in the field of education

Based on the analysis of the BiH Constitution, the constitutions of entities and cantons, and the Statute of the Brcko District, it can be concluded that there is still full and undivided jurisdiction in education, in Republika Srpska, ten cantons in the Federation of BiH and the Brcko District. On the basis of such jurisdiction, institutional capacities of the state level through the entity and cantonal levels have been established.

4.1.1. State level

At the state level, the Ministry of Civil Affairs is active within the Council of Ministers, and responsible for carrying out tasks and discharging duties which are within the competence of BiH and relate to defining basic principles for coordination of activities, harmonisation of plans of the entity authorities and defining a strategy at the international level, among other, for education as well. In addition to this Ministry, the following agencies have been established at the state level:
In the following section, we will briefly introduce the competence of these agencies.

4.1.1.1. **Agency for Development of Higher Education and Quality Assurance**

The Agency for Development of Higher Education and Quality Assurance was established under the Framework Law on Higher Education in Bosnia and Herzegovina in 2008 as an independent administrative organisation with its headquarters in Banja Luka. The Agency is headed by Director of the Agency in cooperation with two deputies, appointed on the basis of an open vacancy by the Council of Ministers for a period of four years. Basic organisational units are managed by assistant directors and departments by heads of department.

Responsibilities of the Agency are set out in Articles 48, 49 and 50 of the Framework Law on Higher Education in BiH and relate to:

- setting clear, transparent and accessible criteria for accreditation of higher education institutions and adoption of norms setting minimum standards in the field of higher education;
- determining the criteria for selection of domestic and international experts to provide assessment and conduct quality reviews and give recommendation on accreditation of higher education institutions;
- giving recommendations on criteria and standards to the Ministry of Republika Srpska, cantonal ministries and the Brcko District of BiH for establishment or termination of higher education institutions and for restructuring of study programmes;
- making recommendations on criteria for licensing of higher education institutions and study programmes;

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56 Official Gazette of BiH No. 59/07 and 59/09
57 Decision of the Council of Ministers on the start and determining the seat of the Agency, published in the Official Gazette of BiH, No. 10/08
giving recommendations on the lowest fees for all students at higher education institutions in order to align the lowest fees across the entire Bosnia and Herzegovina;

- providing advice on the work and development policy of the Ministry of Republika Srpska, cantonal ministries and the Brcko District of BiH;

- providing advice and information on issues within its competence to all sides;

- setting quality standards, quality analyses, giving recommendations for removal of shortcomings in the quality of studies and higher education institutions;

- representing Bosnia and Herzegovina in international organisations for quality in higher education;

- proposing general guidelines and criteria based on which funds may be allocated from the budget of BiH institutions to higher education institutions for scientific research;

- adopting regulations and other acts within its competence;

- announcing a call for tenders for the selection of local and international experts for quality assessment and audit and giving recommendations on accreditation of higher education institutions and their study programmes (hereinafter referred to as experts);

- establishing the Commission for identifying a list of experts who meet the criteria referred to in Article 48, subparagraph 2 of the Law. The Commission has five members, comprising one representative of the Rectors' Conference, one cantonal ministry, the ministry of Republika Srpska, the Brcko District of BiH, and a representative of the Agency;

- delivering the set list of experts for adoption to all the ministries of education in Bosnia and Herzegovina and the relevant department of the Brcko District of Bosnia and Herzegovina;

- appointment of a committee of experts, based on the proposal by the competent education authorities regarding the selection of experts from the set list of experts;

- providing recommendations to the competent education authorities on accreditation of higher education institutions, or a programme, based on the opinion of the commission of experts;

- procedure and decision on accreditation and licensing of higher education institutions by the Ministry of Republika Srpska, cantonal ministries and the Brcko District, in accordance with Article 48, subparagraph 1 of this Law;

- conformity assessment of accreditation decisions with standards and criteria set out in Article 48, item 1 of this Law, and in the case of a mismatch, giving recommendations
to the Board of Directors for further measures, including the measure of the decision on annulment of accreditation.

- an appeal against the decision on annulment of an accreditation is submitted to the Governing Board of the Agency by competent education authorities;
- maintaining a state register of accredited higher education institutions;
- continuous availability on its website of the list of accredited higher education institutions in Bosnia and Herzegovina and its publication at least once a year in the Official Gazette of BiH, and at least twice a year in three high-circulation daily newspapers; and
- Under Article 50 of the Framework Law, the Agency is given statutory authority to issue instructions on the form and content of Diploma and Diploma Supplement awarded by accredited higher education institutions.

4.1.1.2. Centre for Information and Recognition in Higher Education - CIP

The Centre for Information and Recognition of Qualifications in Higher Education - CIP as an independent administrative organisation established in 2008 in accordance with the Framework Law on Higher Education in Bosnia and Herzegovina (Official Gazette of BiH, No. 59/07). In accordance with the Framework Law on Higher Education in Bosnia and Herzegovina, the CIP is responsible for:

- information and recognition in the field of higher education;
- coordination of international exchange of academic staff, students and programmes in the field of higher education;
- representing BiH in international projects in the field of higher education within its competence; - Through an international network of information centres (ENIC/NARIC networks), provides information to higher education institutions in Bosnia and Herzegovina, in relation to foreign higher education institutions and programmes as the basis for the recognition of degrees and diplomas for further education at higher education institutions in Bosnia and Herzegovina and represents Bosnia and Herzegovina in these networks;
- giving information and opinions on foreign degrees and diplomas in Bosnia and Herzegovina, with the aim of continuing education at higher education institutions in Bosnia and Herzegovina.
• providing advice and information on issues within its mandate to parties with legitimate interest; and
• in accordance with the Lisbon Convention and its accompanying documents, makes recommendations to the Ministry of Republika Srpska, cantonal ministries and the Brcko District of BiH on recognition of diplomas obtained outside Bosnia and Herzegovina with a view to employment, education and the exercise of other rights arising from the qualification acquired.

In its activities, CIP cooperates with the relevant national institutions: the Ministry of Civil Affairs of BiH, the Ministry of Education and Culture of Republika Srpska, Federal Ministry of Education and Science, cantonal Ministries of Education, Department of Education of the Brcko District of Bosnia and Herzegovina, the Agency for Development of Higher Education and Quality Assurance, the Commission for Information and Recognition of Republika Srpska, as well as higher education institutions in Bosnia and Herzegovina.

The seat of the Centre for Information and Recognition of Qualifications in Higher Education is in Mostar.

4.1.1.3. **Agency for Preschool, Primary and Secondary Education**

Agency for Preschool, Primary and Secondary Education commenced its operations in 2009. The Agency's activities are focused on ensuring the quality of education in BiH, by setting the standards for student achievement, evaluation of results and the development of common core curricula in preschool, primary and secondary education. The Agency has its seat in Mostar, while the regional units are located in Sarajevo and Banja Luka.

In addition to these three agencies and the Ministry of Civil Affairs, the national level has also bodies for the coordination of the education sector, namely: the Conference of Ministers of Education in BiH and the Council for General Education in BiH. The Rectors' Conference of BiH has also been established, and it identifies and represents the common interests of universities in Bosnia and Herzegovina, cooperates with the institutions in the field of education in Bosnia and Herzegovina and acts as an advisory body for the implementation of the reform of higher education.
4.1.2. Entity and cantonal levels and the Brcko District of BiH

When it comes to entity levels and the levels of 10 cantons, it can be said that these levels have Ministries of Education and Science with education competence. Thus, at the level of the Federation of BiH, the Federal Ministry of Education and Science performs administrative, professional and other tasks stipulated by law. The competence of this Ministry is outlined in the second chapter. In Republika Srpska, there is the RS Ministry of Education and Culture, which performs administrative and other professional tasks in the field of education, while in the Brcko District of BiH, these operations are performed by the Department of Education with the Government of the Brcko District. Also in all 10 Cantons in the Federation of BiH, respective Ministries of Education carry out administrative, professional and other activities related to education. At these levels, there are 13 institutions in charge of education, namely 10 cantonal ministries of education, two entity ministries and the Department of Education in the Government of the Brcko District of BiH.

4.2. Higher education institutions in Bosnia and Herzegovina

The number of higher education institutions in the last 15 years has increased from 7 to 49, with the expansion taking place in the private sector. In contrast to this upward trend, the number of students enrolled in universities has declined. In the Federation of BiH, in the last five years, the number of those enrolled dropped from 74,594 to 71,873 students, that is, to 3.65%. In 2015, 116,336 students enrolled in 49 higher education institutions in BiH. One-third of them enrolled in their freshman year, and more than 11% were seniors. The following table gives an outline of higher education institutions by entities and cantons, as well as the status of accreditation by the Agency for Development of Higher Education and Quality Assurance - HEA.

<table>
<thead>
<tr>
<th>HIGHER EDUCATION INSTITUTION</th>
<th>Entity / Canton</th>
<th>City</th>
<th>Ownership</th>
<th>Accredited by HEA</th>
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<tr>
<td>University of Sarajevo</td>
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<td>Mostar</td>
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</tr>
<tr>
<td>HIGHER EDUCATION INSTITUTION</td>
<td>Entity / Canton</td>
<td>City</td>
<td>Ownership</td>
<td>Accredited by HEA</td>
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<td>Pending</td>
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<tr>
<td>International Business and Information Academy College</td>
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<td>Private</td>
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</tr>
<tr>
<td>University ITC – INTERLOGOS CENTAR</td>
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<td>Kiselaŋjak</td>
<td>Private</td>
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<td>University Vrhbosna</td>
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<td>CEPS College – Business Studies Centre</td>
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<td>Bosna-Podrinje</td>
<td>Gorazde</td>
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<td>University of East (Istocno) Sarajevo</td>
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<td>East Sarajevo</td>
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<td>College of Internal Affairs</td>
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<td>Medical College Prijedor</td>
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<td>Tourism College Trebinje</td>
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<td>Slobomir P University</td>
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<td>Bijeljina</td>
<td>Private</td>
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</tr>
</tbody>
</table>
Out of 49 registered higher education institutions in Bosnia and Herzegovina, 11 are publicly, and 38 are privately owned. Of the total registered, half are in the territory of the Federation of BiH - 25 higher education institutions. Of these 25, six are public, and 19 are private. Of the six public higher education institutions, five are accredited by the HEA and the University of Bihac is in the process of accreditation together with another five private institutions. Out of 19 private higher education institutions currently operating in the FBiH, only four are private higher education institution accredited by the HEA.
In the smaller of the two entities in BiH - Republika Srpska, there are 22 higher education institutions registered, of which five are public and 17 are private. Eight higher education institutions are accredited, of which two are public and six are private, while the accreditation is currently pending for three private institutions of higher education. In the area of the Brcko District, there are two higher education institutions, both private and non-accredited.

In conclusion, out of 49 higher education institutions, 17 are accredited (nine in the FBiH and eight in the RS). Out of 17 accredited, seven are public and ten are private higher education institutions. Accreditation is pending for nine higher education institutions.

In the 49 higher education institutions, students may choose to study out of 1627 programs, within the 221 organisational units. There are 798 first cycle, 603 second cycle and 271 third cycle programs.
“Good Sir, you are an Athenian, a citizen of the greatest state with the greatest reputation for both wisdom and power; are you not ashamed of your eagerness to possess as much wealth, reputation, and honours as possible, while you do not care for nor give thought to wisdom or truth, or the best possible state of your soul?“
Socrates

V PERCEPTIONS AND VIEWS OF CORRUPTION IN HIGHER EDUCATION

5.1. Public perceptions of corruption in institutions of higher education

Below are presented the results of the quantitative research conducted by way of a questionnaire within Bosnia and Herzegovina. Looking for an answer to the question whether corruption in higher education is fact or fiction, the results which we obtained through the survey show that corruption in higher education in Bosnia and Herzegovina is perceived as a part of the bad situation and corrupt society of Bosnia and Herzegovina as a whole. A great number of respondents (73.9%) in Bosnia and Herzegovina believe that the university departments and colleges are affected by corruption.58

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58 The results of the Eurobarometer's survey from 2013 on perceptions and experiences of corruption in 28 EU Member-States show that most of respondents believed that corruption in the EU Member-States was widespread – an EU average is 74%.
Correlation between the level of education of the respondents and their perceptions of the presence of corruption in higher education is quite convincing. Among the respondents with the lowest level of education, the largest number of them believe that there is corruption in higher education institutions, and 56.2% of them account for the majority of those who said “I don’t know” - 21.9%. Regarding the ratio between men and women in the responses to this question, it should be stressed that men and women share the same perceptions of corruption in the higher education institutions. The majority of those unemployed and students among respondents – around 88% - said there is corruption in the higher education institutions, while the frequency of that response was slightly lower among the employed, 84%. The respondents in the BiH Federation entity more often chose the answer that there is corruption in the higher education institutions, compared to the respondents in the RS entity (84.2% vs.74.2%).

11.6% of respondents experienced personally corruption at the university departments and colleges, and the acts of corruption involved giving bribes (cash) for the purpose of enrolment in the university, and later, during studies, giving bribes (cash) for the purpose of passing exams. A number of citizens seem to be quite sceptical about these questions, because the percentage of those who said “I don’t know” or “I do not want to answer” this question is significant – 14.8%.

This Figure shows that giving bribes/cash for the purpose of enrolment is the phenomenon most often present among the respondents who personally experienced corruption at the universities and colleges. However, after bribes are given for the purpose of enrolment, corrupt practices do not stop at these institutions. They begin with the enrolment and proceed...
with taking exams and the defence of a final paper/thesis. This shows that these three areas (enrolment, taking exams and defence of final papers/theses) are the most vulnerable and frequent areas which are most susceptible to corruption in higher education institutions. We heard almost identical positions at focus group meetings held in Banja Luka, Mostar and Bihac, where the participants of the three focus groups identified the same areas in which corrupt behaviour is most frequent. However, it should be said that there are differences among the responses to the question “How was the act of corruption committed?” among the focus group participants. A greater number of students who participated in the focus groups in Sarajevo and Banja Luka see giving bribes/cash for the purpose of passing exams or enrolment as a violation of the rules, while the respondents from the Bihac focus group were unanimous that this form of behaviour is a typical example of corruption. In addition to giving cash, the students participating in the focus group in Bihac believe that as of late exams at their universities are increasingly passed on the basis of personal connections and the practice of putting in a word for some students to pass.

“All of us who are discussing this problem here know that children of politicians and highly positioned officials often just ‘walk through’ the university. It is obvious that some of those children follow in their parents’ footsteps because many of our politicians bought degrees to hold their offices. Now they are buying degrees for their children in a different way. Of course, prosecution and other law enforcement institutions are observing it without taking any action”, Anela D. – statement by a participant of the focus group in Bihac.

This opinion is shared by the respondents within the quantitative research. More than a half of them (55.1%) believe that most of interventions are made to help children of politicians enrol in the university and pass exams. Second-ranked are the children of parents holding senior positions, the next are the children of parents working in the public sector, and lastly, the children of the people working at the Education Ministry. It is interesting that no respondent believe that interventions are made to help children of unemployed parents, while only 2.2% believe that interventions are made to help children of those employed in the private sector.
CORRUPTION IN HIGHER EDUCATION: FICTION OR REALITY?

These results show that there is no dilemma that corruption fell on fertile ground in higher education. This is the reason why one of the questions of our survey was whether corruption has a significant impact on the quality of higher education. The majority of respondents – 83.2% - believe that corruption has a significant impact on the quality of higher education. Let us illustrate this in a greater detail: nearly one fourth of respondents think that corruption affects fully the quality of higher education; nearly one third of respondents think that its impact is partial; and more than one fourth of respondents share the view that corruption largely affects the quality of higher education. Only 1.6% of respondents do not think there is any link between corruption in higher education and the quality of education or that corruption in higher education has adverse impact on the quality of higher education. To this we should add the results in which over one third of respondents (36.3%) believe that they do not receive the adequate level of knowledge for the money invested in education. Nearly one fifth of respondents disagree, believing that they receive the adequate level of knowledge for the money invested in education.
5.2. Perception of corrupt practices at the university departments

Since corruption includes a broad range of different forms of behaviour in institutions of higher education, ranging from the forms which are clearly recognizable (giving a bribe for the purpose of enrolment or giving a passing grade in an exam) to those who are typically not easily recognizable, while they are frequent and fall under the grey zone, we wanted to identify through this survey the forms of behaviour which citizens consider as acts of corruption.

The respondents identify the form of behaviour in which cash was given/received as an act of corruption. The majority of respondents, 82.9%, believe that giving bribes for the purpose of enrolment amounts to corruption, and 82.2% think that giving a bribe for the purpose of getting the job of an assistant at a university is corruption. A slightly lower percentage of respondents think that giving gifts and providing various services amount to corruption.

### Which of the actions below come under corruption? Percentage of "yes" responses

<table>
<thead>
<tr>
<th>Action</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Giving gifts to professors after successful defence of thesis</td>
<td>73.4</td>
</tr>
<tr>
<td>Giving cash for the purpose of getting the job of assistant</td>
<td>82.2</td>
</tr>
<tr>
<td>Giving cash for the purpose of enrolment</td>
<td>82.9</td>
</tr>
<tr>
<td>Putting in a word to the dean/director for purpose of enrolment</td>
<td>73.3</td>
</tr>
<tr>
<td>Providing service to officer or professor for enrolment</td>
<td>73.4</td>
</tr>
<tr>
<td>Giving gifts to an officer or professor for the purpose of enrolment</td>
<td>77.7</td>
</tr>
</tbody>
</table>

Putting in a word for somebody on the basis of private connections is also considered as corruption, just like the abuse of one’s office for putting in a word for somebody, which is different from the survey conducted in 2012 by the Vesta organization from Tuzla, when this form of behaviour was considered as a violation of the rules. The respondents think that giving or sending gifts to professors and, in particular, giving gifts to professors after a successful defence of a final paper/thesis, amount to corruption.

These indicators show that the public has an adequate picture about what corruption in higher education is and which forms of behaviour are corrupt, however, it is worrying that every
fourth respondent would accept to give cash to bribe somebody or to give a gift or provide a service in order to have his or her personal problem solved, be it enrolment in a university, writing a final paper/thesis or getting the job of an assistant at a university. Such acts are justified by the arguments that there are no punishments and some cases are discovered only accidentally, and the one who gave cash does not suffer from any consequences as exams and degrees are not annulled. It is obvious that integrity in higher education is slowly declining, and the ethical codes of conduct are an exception rather than a rule. Even where codes of ethics exist, they usually lack effective monitoring mechanisms or clear penal provisions. Under such conditions of insufficient responsibility, there is a public perception that it is not possible to uproot corruption from higher education and that efforts to combat corruption in higher education are insufficient. This is why we believe that it is necessary that the institutions of higher education give a higher priority to fighting corruption and take important steps towards a radical reform of the existing education system.

The focus group participants identified politicization of employment in the institutions of higher education as a serious problem. Politicization is present at the academic level and also at medium and lower levels of management. “Such practice is destroying higher education as the basic segment of development of a society”, said a participant of the focus group in Mostar.
5.3. How much is corruption a serious problem in higher education

The survey on perceptions of corruption shows that the vast majority of respondents (78.7%) think that corruption is a big problem in higher education. On the other hand, a small number of respondents, 13.4%, think that corruption is a small problem, while only 0.2% of respondents think that it is not a problem in higher education. It is important to mention that there are no statistical differences among the responses between the two entities.

In your opinion, corruption in higher education represents...

However, there are significant statistical gender differences because more respondents who believe that corruption is a big problem in higher education are females – 84% vs. 73% of males. Students and unemployed respondents – 75% - believe that corruption is a big problem in higher education. Also other target groups, the employed and pensioners, share this opinion. This is why we can say that there is a balanced opinion in all target groups that corruption in higher education represents a big problem.
Quick wealth building that the people in positions of power are aspiring to is the main reason for corruption in the institutions of higher education. However, this is not the only reason for corrupt behaviour. In addition, 44% of respondents believe that the main reason for corruption in higher education is the absence of strict inspection controls and administrative controls; 29.9% believe the reason is inefficient judicial system; 27.8% nepotism; 26.3% small salaries; 26.3% think the reason is the moral crisis; 26.2% think it is politicization of teachers, and 18.5% think the reason is the legislation which is not good enough. The number of respondents who perceive that the absence of strict inspection and administrative controls is the main reason for corruption in higher education is bigger in the Federation of BiH than in Republika Srpska. It is precisely this reason that was most often chosen as a motive for corruption in the F BiH. In RS, it is ranked second, while the most frequently selected reason is quick wealth building and amassing money that the people in positions of power are aspiring to. More than a half of respondents in this entity chose this reason—56.8%.

Over the last four years, anti-corruption strategies have been approved and they were considered as a universal basis for giving a high priority to fighting corruption. The results of these strategies are diverse. The large number of agencies involved in investigating acts of corruption shows that the anti-corruption agencies are trendy. This is why, they should be considered differently. Some cases show that the agencies with broad powers largely depend on the role of independent and decisive management in investigating and prosecuting acts of corruption. On the other hand, the creation of the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption – APIK – may have had a negative impact as it created the impression that other law enforcement agencies do not have to do their portion of the job in fighting corruption and prosecuting corruption cases. It is worrying that 44.1% of citizens think that the general level of corruption in higher education has increased over the last two years.

One of the survey questions was – Have you heard over the last two years that somebody who holds a suspiciously awarded degree works as a university professor? The results show that 16% of respondents, or 160, of them said that they had heard of such cases, while nearly one half of respondents (49.3%) said they were not aware of such cases. When we asked the respondents who were aware of such cases whether they knew where those with suspiciously earned degrees worked as teachers, 12.7% said they taught at the universities founded by the government, and 2.7% said they knew that such teachers worked at the universities founded by individuals.
The public perceptions of corruption in the higher education institutions founded by the government – public institutions – and in the higher education institutions founded by individuals are almost identical. We wanted to hear whether corruption is more present in public or private higher education institutions. 33.8% of respondents said corruption is present in the public institutions of higher education, and 36.4% said that corruption is present at privately owned higher education institutions. A detailed analysis of this question confirms that there are differences in the responses depending on socio-demographic variables. The highest frequency of the responses that corruption is present in the public higher education institutions was in the Republika Srpska entity (44.5%). In the BiH Federation entity and in the Brcko District of BiH, the respondents believe that corruption is more present in privately owned higher education institutions – 38.8% in the BiH Federation, and 36.4% in the Brcko District of BiH.

Students are respondents who think that corruption is more present in the public higher education institutions than in privately-owned universities (43.1% vs. 31.3%), while pensioners and employed people are the respondents who think that corruption is more present in privately-owned than in the public higher education institutions. Also, the responses to this question varied with the level of education of the respondents. We have to say that the trend is irregular. This means that the respondents with the lowest and the highest levels of education believe that corruption is more present in privately owned higher education institutions, while the respondents with secondary school education and a university degree believe that corruption equally exists in all institutions of higher education.

It is obvious that integrity of higher education institutions is undermined, and that it has become an established practice to enrol students through private connections, that students give gifts to their mentors during the writing and defence of their final papers/theses. These positions are confirmed also by the responses of the public, more than one half of them, 59.5%, are aware of one more cases over the past two years in which somebody enrolled in a university in an unfair way only because he or she has a close relative in a position of power. Almost one half of the respondents confirm that they knew that a student paid somebody else to write a final thesis, either a master’s or a doctoral thesis, and slightly less than a half of them, 49%, knew that somebody had given a gift when defending a thesis.
CORRUPTION IN HIGHER EDUCATION: FICTION OR REALITY?

<table>
<thead>
<tr>
<th>Have you heard of the following cases in the last two years…?</th>
<th>YES</th>
<th>NO</th>
<th>I do not know</th>
</tr>
</thead>
<tbody>
<tr>
<td>That somebody enrolled in a university by giving a bribe to an administrative officer at the university department</td>
<td>35.8</td>
<td>36.3</td>
<td>27.9</td>
</tr>
<tr>
<td>That somebody enrolled in a university department only because he/she has a close relative in a position of power</td>
<td>59.5</td>
<td>19.4</td>
<td>21.1</td>
</tr>
<tr>
<td>That somebody gave a bribe for the purpose of getting a job in the Education Ministry</td>
<td>27.8</td>
<td>39.8</td>
<td>29.7</td>
</tr>
<tr>
<td>That somebody whom you know got a job at the university department/college under suspicious conditions</td>
<td>23.5</td>
<td>43.9</td>
<td>33.2</td>
</tr>
<tr>
<td>That somebody with suspiciously earned degree works as a university professor because he/she has a relative in a position that protects him/her</td>
<td>26.4</td>
<td>38.2</td>
<td>35.4</td>
</tr>
<tr>
<td>That somebody behaves improperly at work but continues to work at the university/college because he/she has a relative in a position that protects him/her</td>
<td>38.1</td>
<td>29.8</td>
<td>32.1</td>
</tr>
<tr>
<td>That somebody paid somebody else to write a final paper/master’s thesis/doctoral thesis/ for him/her</td>
<td>49.0</td>
<td>34.8</td>
<td>16.2</td>
</tr>
<tr>
<td>That somebody gave a gift when defending a final paper/ master’s thesis/doctoral thesis</td>
<td>46.5</td>
<td>34.6</td>
<td>18.9</td>
</tr>
<tr>
<td>That somebody passed an exam because he/she is a relative of a university professor</td>
<td>42.2</td>
<td>37.2</td>
<td>20.6</td>
</tr>
<tr>
<td>That somebody had intimate relations with a university professor for the purpose of passing an exam</td>
<td>25.2</td>
<td>52.2</td>
<td>22.6</td>
</tr>
<tr>
<td>That somebody had intimate relations with a university professor for the purpose of enrolling in a university</td>
<td>20.2</td>
<td>59.2</td>
<td>20.6</td>
</tr>
<tr>
<td>That somebody had intimate relations with a university professor to get a job at the university</td>
<td>22.1</td>
<td>53.8</td>
<td>24.1</td>
</tr>
</tbody>
</table>

More than one half of the respondents heard over the past two years of somebody having intimate relations with a university professor for the purpose of enrolling in the university, passing an exam or getting a job at the university.

<table>
<thead>
<tr>
<th>In your opinion, who is the initiator of corruption at university departments/colleges?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professor</td>
</tr>
<tr>
<td>Student</td>
</tr>
<tr>
<td>Family/parents</td>
</tr>
<tr>
<td>Mediator</td>
</tr>
<tr>
<td>I do not want to respond</td>
</tr>
<tr>
<td>I do not know</td>
</tr>
</tbody>
</table>

On the basis of the responses to the question “Who initiates corruption in the higher education institutions”, more than one fourth think that it is a mediator, which was the most frequent response. Slightly more than one fifth (21.1%) of all respondents think that
university professors are initiators of corrupt practices, and 20.1% chose the option “students”. The least frequently chosen mediators are parents – 11% of respondents chose this option. The most frequent response that professors are initiators of corruption was chosen by pensioners (43.6%), the next are students (31.3%), while unemployed people think that students are initiators of corruption.

5.4. Expressed readiness for fighting corruption and the manner of fighting corruption in higher education

It is encouraging that nearly one third of respondents expressed their readiness to report corruption in higher education institutions. This is encouraging because nearly 30% of them said that ineffective judicial system was the main reason for corruption. Perhaps this is the reason why the number of those who are not willing to report corruption cases is almost identical, 28.4%. During the focus group discussions we realised that most of the focus group participants are afraid to report corruption cases because of their fear of revenge and disclosure of their identity. More precisely, the respondents believe that a university professor would quickly find out who reported against him/her. Perhaps a response to the question “How would you report a corruption case?” shows that disclosure of identity is one of the most frequently mentioned reasons why the respondents would not report corruption. The largest number of respondents would report corruption anonymously - 44.8%. Only a small number of respondents would summon courage and report corruption publicly – only 1.8% - while 17.8% of respondents did not want to respond.

Regarding anonymous reports, we believe that the institutions of higher education should introduce an electronic system of reporting corruption since an e-report would improve an efficient procedure of reporting cases of corruption in higher education institutions. In addition to introducing an electronic system of reporting corruption, it would be necessary to establish a central body at the level of institutions of higher education which would be responsible for taking action in response to the reports. If these bodies are to be independent and professional, they should be free from political and academic influence. Likewise, the appointment of their managers and staff should be free from political influence. Such an anti-corruption programme would increase the number of reports sent either by post, telephone or electronically.
In our country, corruption is identified in criminal cases as giving and accepting bribes. We believe that in addition to punishing corrupt behaviour or conflict of interest, it would be necessary to launch special civil procedures in which the result of the corrupt behaviour would be annulled. Of course, this requires long procedures and risks, and sometimes it is difficult to compensate the loss completely (e.g., public documents are declared null and void and those involved in corrupt behaviour get punished). Also, in our country, the criminal cases do not yield good results and a small number of final decisions are made in corruption cases. Those procedures are very long, and before a corrupt behaviour is detected, activities have already been done and services provided. It is necessary to have well-trained prosecutors and/or judges in corruption in higher education. In this regard, the vast majority of respondents (80.9%) believe that corruption in higher education would decrease if more corruption cases involving higher education institutions were investigated and prosecuted. It should also be mentioned that most of respondents, 61.7%, never heard of the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption – APIK. This result tells us that most of citizens are not informed about the anti-corruption agency APIK, and in the future it will be necessary to work towards informing the public and target groups about the institutions involved in combating corruption in order to change the mind-set of those involved in strengthening integrity of the institutions of higher education. When it comes to informing the public, APIK should place a particular focus on the public in the Republika Srpska entity because the results of the survey show that the vast majority of respondents who did not hear of APIK live in the RS entity – 75.7% - the second-largest group of such respondents are the Brcko District of BiH. Of course, there are many respondents in the entity of the Federation of BiH who have never heard of APIK - 52.3%.

<table>
<thead>
<tr>
<th>BiH</th>
<th>FBiH entity</th>
<th>RS entity</th>
<th>Brcko District of BiH</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.8</td>
<td>61.7</td>
<td>32.7</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>52.3</td>
<td>40.7</td>
<td></td>
</tr>
<tr>
<td>3.8</td>
<td>75.7</td>
<td>20.5</td>
<td></td>
</tr>
<tr>
<td>0</td>
<td>63.6</td>
<td>36.4</td>
<td></td>
</tr>
</tbody>
</table>

Have you heard of APIK?
CONCLUSIONS

The analysis of the possible forms of corruption in higher education shows that corruption fell on fertile ground in the field of higher education. The aspects of corruption and unlawful actions such as bribery, fraud and clientelist corruption in institutions of higher education are omnipresent, and there are such forms as fraud and abuse of office which are unique in some contexts.

Contemporary trends which affect the education sector, such as decentralisation of education resources, diffusion of new information technologies, privatisation and globalisation, cannot be separated from internal factors of corruption in education. It would be wrong to expect educators and managers of the institutions of higher education to supervise themselves properly. This is particularly true for serious forms of corruption and improper forms of behaviour. Academic communities which are making serious efforts to fight corruption must create and preserve in their own ranks truly independent anti-corruption commissions. The commissions should be attached to the central body of a higher education institution which should keep records of all degrees awarded, promotions and all other public documents issued by higher education institutions.

Of course, such bodies and commissions may encounter potential obstacles such as difficulties in identifying the proper individuals who would be members of such a commission – a sufficient number of professional, experienced individuals who would be truly independent from the academic community and political authorities.

Also, when addressing identified factors which lead to corrupt behaviour, it is important that the managers of higher education institutions react promptly as soon as they have identified a problem and that actions are taken in response to a corruption report at the higher education institution. Swift response is key to success.

In order to suppress identified corrupt behaviours at higher education institutions, it is necessary to establish an increased interaction between students and their teachers, between the public and the academic community, the academic community and inspection services, and between the academic community and institutions responsible for the prevention of
corruption in order to increase understanding and trust on all sides. The voice of all interested parties should be heard and this should take place in a transparent manner.

Bosnia and Herzegovina should continue to participate actively in international initiatives and develop frameworks for life-long learning in order to encourage mobility and life-long learning of all citizens. It is necessary to build support and to speed up the process of developing and implementing qualification frameworks and to develop and implement validation and recognition of informal and formal learning. Harmonisation of national frameworks with international standards and communications will contribute to an easier recognition and comparison of qualification; will facilitate mobility of citizens; ensure the life-long learning concept and quality of education as well as recognition of acquired qualifications. The goal is to establish the functioning higher education of a higher quality which will be useful for the labour market, policy makers, students, employers and employees.

Regarding the funding of higher education, it is necessary to emphasize that it is funded from cantonal budgets. The current situation shows that the allocations for public institutions of higher education are generally sufficient for salaries, leaving little room for other activities, apart from teaching. Although public funding remains relatively low, the public higher education institutions have the possibility of raising funds through tuition fees (self-financing students) and provision of professional and expert analyses to businesses. This opportunity should be used.

Bosnia and Herzegovina spends on higher education (12 higher education institutions founded by the government) 0.83% of its GDP, which is less than an average in the European states. However, the percentage of allocations for higher education in all countries of the South East European region is below the average in the EU Member States.

The number of employees of the higher education institutions, the number of departments and the number of the curricula lessons should be determined in accordance with the Standards and Norms for Higher Education Activity in all cantons, the RS and the Brcko District. Although there are standards and norms in place which define staffing and material issues relating to the establishment and performance of higher education institutions as well as the maximum number of students per teacher, in most cases there is no link between the
standards and the model of funding the universities. Material costs are typically planned on the basis of budget allocations in the previous year.

When planning an enrolment policy and entrance quotas for various study programmes, there is no significant link between the labour market needs assessment and the planning of entrance quotas in higher education. We can conclude that the planning of enrolment in higher education institutions is not harmonised with the real situation or the demands of the labour market. The manner of determining shortage occupations or comparing them with indicators of unemployed people registered on the labour market is not established. Together with limited mobility of labour force, such enrolment policies are creating problems which will have long-term consequences for the development of BiH.

The results obtained during the survey show that perception of corruption in the field of higher education in Bosnia and Herzegovina is a part of the bad situation and corrupt society of Bosnia and Herzegovina as a whole. Numerous respondents (73.9%) believe that corruption exists at the universities and colleges. Corruption at the universities and colleges was experienced by 11.6% of respondents, and corrupt behaviour was manifested as giving bribes (cash) for the purpose of enrolment, and later during studies, as giving bribes (cash) for the purpose of passing exams.

The respondents identify the form of behaviour involving an exchange of cash as corrupt behaviour. The largest number of respondents, 82.9%, believe that giving cash for the purpose of enrolment is corruption and 82.2% believe that giving cash for the purpose of getting the job of an assistant at a higher education institution amounts to corruption. A slightly lower percentage of respondents believe that giving gifts and providing services are corrupt behaviour. Amassing wealth quickly that people holding senior positions aspire to is the main reason for corruption in higher education institutions, however, this is not the sole reason for corrupt behaviour in higher education.

Over the past four years, anti-corruption strategies have been approved and they have been considered as the basis for giving a high priority to fighting corruption. The results of these strategies have been diverse. Because of the large number of agencies formed to investigate acts of corruption, anti-corruption agencies are obviously trendy. This is why they should be considered differently. Some cases show that the agencies which have broad powers largely depend on their independent and resolved management in identifying and prosecuting the
corruption cases. On the other hand, the formation of the Agency for the Prevention of Corruption and Coordination of the Fight against Corruption – APIK – may have had a negative role as it left the impression that other institutions do not have to do their job in fighting corruption and prosecuting cases of corruption. It is worrying that 44.1% of citizens believe that the general level of corruption in higher education has increased over the past two years.

It is encouraging that nearly one third of respondents have expressed their will to report cases of corruption in higher education institutions. Regarding the anonymous report, we believe that the higher education institutions should introduce an electronic reporting system as it would improve the efficiency of the reporting procedure in higher education institutions. In addition to an electronic reporting system, it would be necessary to establish a central body at the level of higher education institutions which would respond to e-reports and take the necessary action. If such bodies are to be independent and professional, they should be free from political and academic influence, among other, on the appointment of their managers and staff.

We believe that in addition to punishing corrupt behaviour or conflict of interest, it is necessary to launch special civil procedures seeking the annulment of the outcomes of corrupt behaviour.

In the end, it can be concluded that corruption is deeply rooted in the higher education sector and that it can be considered as fact rather than fiction.
RECOMMENDATIONS

R1. Higher education institutions should work towards establishing e-transparency as urgently as possible. This implies access to information, primary and secondary legislation via the Internet and websites of all institutions of higher education in BiH.

R1.1. To make all reports on the selection of teaching staff and promotions as well as biographies of all teachers publicly accessible.

R1.2. To strengthen the status of inspection authorities in order for inspections to work on one of the main problems together with the managers of higher education institutions and anti-corruption commissions. Inspection authorities should be responsible for internal anti-corruption programmes.

R1.3. To create anti-corruption commissions at the level of institutions of higher education, cantons or entities. An anti-corruption commission would analyse complaints and reports on corruption, monitor academic appointments and promotions and compliance with deadlines and procedures.

R1.4. To create an anti-corruption body for higher education. Such a body would keep records of all degrees awarded by institutions of higher education, selection, appointments and promotions, and would decide on appeals against decisions made by the anti-corruption commission.

R1.5. To abolish governing boards and to depoliticize higher education. The managers of institutions of higher education, the Senate and the Councils should report to founders of higher education institutions for the activities of institutions of higher education.

R1.6. To ensure the possibility for students to choose another relevant professor before whom they would take an exam.

R1.7. To introduce an efficient electronic reporting system.

P1.8. To assess how much every organisational unit is susceptible to corruption and to plan elimination or reduction of weaknesses.
**R2. To conduct a detailed analysis of the existing procedures of studying and grading criteria as well as other pieces of secondary legislation.**

R2.1. To enable equal implementation of the Bologna process by all providers of education.

R2.2. To harmonize statistical data bases.

R2.3. The institutions of higher education should speed up the process of harmonising their statutes and secondary legislation with the Framework Law on Higher Education in BiH.

R2.4. The authorities in Bosnia and Herzegovina should make it possible for providers of education – at the state, entity and cantonal levels – to enhance cooperation among institutions of higher education with a view to improving teacher knowledge from practice on the one hand and general academic skills and competences, on the other.

R2.5. The institutions of higher education should actively encourage teachers and students to participate in joint discussions at the end of exam terms in order to analyse all the weaknesses in the education process and to increase their engagement in continuous reporting of corrupt behaviours.

**R3. It is necessary to continue and improve the process of accreditation of higher education institutions.**

R3.1. The number of employees of institutions of higher education, the number of curriculum lessons and programmes should be defined in accordance with the standards and norms for higher education activity in all cantons, RS and the Brcko District.

R3.2. To create a system of informing future students about the current demands of the labour market and the quality of individual schools/departments.
R4. **The managers of institutions of higher education must punish university professors and ban them from teaching and students from studying in the future if it is proved that they were involved in any form of corrupt behaviour.**

R4.1. Institutions of higher education should establish better internal and external control.

R4.2. It is necessary to infirm all stakeholders (university professors, managers and students) about what corruption is and which forms of corrupt behaviour may undermine the integrity of the institution and make it clear that such acts will not be tolerated but punished. We recommend that an integrity statement be signed with those stakeholders.

R4.3. To create a continuous mechanism of monitoring all forms of corrupt behaviour. We recommend that reports on corrupt behaviour at a higher education institution be issued on an annual basis.

R4.4. Where it does not exist, to establish a system of releasing all results of examinations instead of releasing selectively the results of the students who successfully passed examination criteria.

R4.5. To introduce the practice under which another independent body will prepare entry exams at the universities. Since the public recognises giving cash for the purpose of enrolment in the university as the most widespread phenomenon, we believe that this practice would eliminate it, and the managers of higher education institutions would be free from pressure and persistent telephone calls during the enrolment procedure.

R4.6. To change the existing model of funding of the higher education institutions and to create a system of funding of the higher education institutions based on a combination of entry and exit criteria.

R4.7. To form public-private partnership in higher education.

R4.8. To create a system of communication between employers and education sector with a view to improving the links between the labour market and education and creating new modes of funding of higher education (funding of higher education from the business sources, scholarships, support to research, etc.).
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Uputstva za očuvanje policijskog integriteta", Ženevski centar za demokratsku kontrolu oružanih snaga (DCAF), 2012

Zakoni, konvencije i drugi dokumenti

➢ Okvirnim zakonom o visokom obrazovanju u Bosni i Hercegovini ("Službeni glasnik BiH", broj 59/07, 59/09)

➢ Zakon o visokom obrazovanju RS („Službeni glasnik Republike Srpske“ br. 85/06 i 30/07)

➢ Zakon o visokom obrazovanju RS („Službeni glasnik Republike Srpske“, broj 73/10)

➢ Zakon o visokom obrazovanju („Službeni glasnik Unsko-sanskog kantona“, broj 8/09)

➢ Zakon o Univerzitetu u Bihaću („Službeni glasnik Unsko-sanskog kantona“, broj 16/09).

➢ Zakon o visokom obrazovanju („Narodne novine Županije Posavske“, broj 1/10).

➢ Zakon o visokom obrazovanju („Službene novine Tuzlanskog kantona“, broj 8/08,)

➢ Zakon o izmjenama i dopunama Zakon o visokom obrazovanju („Službene novine Tuzlanskog kantona“, broj 11/09 i 12/09).

➢ Zakon o visokom obrazovanju („Službene novine Zeniĉko–dobojskog kantona“, broj 6/09)

➢ Zakon o izmjenama i dopunama Zakona o javnoj ustanovi Univerzitet u Zenici,
- Zakon o visokom obrazovanju (Službene novine Bosansko-podrinjskog kantona“, broj 2/10)
- Zakon o visokom obrazovanju („Narodne novine Županije Zapadnohercegovačke“, broj 10/09)
- Zakon o visokom obrazovanju („Službene novine Kantona Sarajevo“, broj 43/08).
- Zakon o visokom obrazovanju („Narodne novine Hercegbosanske županije“, broj 9/09).
- Zakon o visokom obrazovanju („Službeni glasnik Brčko Distrikta Bosne i Hercegovine“, broj 30/09).
- Konvencijom Vijeća Europe/UNESCO-a o priznavanju kvalifikacija u visokom obrazovanju u europskoj regiji
- Europske konvencije o zaštiti ljudskih prava i osnovnih sloboda
- Preporukom Komiteta ministara Vijeća Europe o priznavanju i ocjeni kvaliteta privatnih visokoškolskih ustanova [R(97)1]
- Preporukom o pristupu visokom obrazovanju [R(98)3]
- Preporukom o istraživačkom zadatku univerziteta [R(2000)8]
- Standardi i smjernice za osiguranje kvalitete u Europskom prostoru visokog obrazovanja (ESG).
- Preporukom Europskog parlamenta i Vijeća o budućoj europskoj suradnji u oblasti osiguranja kvalitete u visokom obrazovanju, broj 2006/143/EC od 15.2.2006. godine („Službeni glasnik Europske unije“, br. L/64/60),