

Liubou Krasnitskaya

Uniwersytet w Białymstoku

e-mail: domovo4ka@tut.by

phone: +48 85 745 71 72

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Development of higher education in Belarus (from 1991 to 2013)

SUMMARY

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According to recent statistical research the index of literacy in the population of Belarus is very high in comparison with other European countries. Higher education is a key element in the development of the economy and sustainability of the cultural and intellectual potential of the nation. Belarus is a young independent country that is passing through years of integration and international cooperation. This paper describes the development of higher education in Belarus starting from the collapse of the Soviet Union. Using a comparative approach the author focuses on legislation regulating the higher educational system and its development. A few aspects of international cooperation are explored along with the reasons behind exclusion of the country from the Bologna process and its consequences on society.

Key words: higher education, legislation, Belarus

Słowa kluczowe: szkolnictwo wyższe, ustawodawstwo, Białoruś

For the larger part of the XX century Belarus was part of the Soviet Union. After declaring state sovereignty in July 1990¹ the Republic of Belarus began to develop in a democratic way, slowly releasing itself from its communist past. The legislative body – the Supreme Soviet – ratified almost all international treaties on human rights and passed a number of laws that reinforce the

¹ On 27th of July 1990 the Supreme Soviet passed the Declaration “On the State Sovereignty of the Republic of Belarus”. The Declaration proclaimed the “full state sovereignty of the Republic of Belarus that means a leadership, independence and power of the government of the republic within its territory, the legitimacy of its laws, independent foreign policy”. On the 25th of August 1991 the Declaration had the power of the constitutional act.

democratic principles of government². From that moment on the republic began to build up a new legislation by passing totally new laws or by amending acts passed during the Soviet Union period.

1. Higher education in 1991–2001

a) The law on education

The first Belarusian law regulating an educational process was the law on education in the Republic of Belarus³ passed by the Supreme Soviet in 1991. It was the first step in forming a national educational system following its own rules and strategy, however, a few elements of the educational system inherited from the Soviet Union period were carried through into the new stage. Article 3 shows that the state policy in the field of education is based on the principles of democracy and an intent to achieve world level standards of education⁴. On the other hand, following the communist's ideology the law defines the aim of education as the development of scientific, technological and cultural activities in order to satisfy the needs of the country.

Nevertheless, it was the basic document which guaranteed the right to education and regulated current and established educational institutions of different types including higher education.

The law on education dedicates article 5 to the right of human beings to education. It provides every citizen (including foreigners and stateless persons who are residents of the Republic of Belarus) with equal opportunities in the national system of education. Secondary 9-year education is mandatory for everybody⁵. The provision establishes the principle that education in state schools is free of charge for those who successfully passed entrance examinations and fulfilled the required obligation of the educational process or who possess fringe benefits specified by the legislature⁶.

The significant provision for maintaining national culture and heritage was article 6 which states that the main language of education is Belarusian. Schools with the Belarusian language of teaching appeared and one of the most famous

² М. Пастухов, *Развитие правовой системы Беларуси (до и после ноябрьского 1996 года референдума)*, [w:] Россия и Белоруссия: общества и государства, Москва, Издательство "Права человека", 1998 год, с. 296.

³ Закон об образовании в Республике Беларусь от 29.10.1991 № 1202–XII, ведомости Верховного Совета, 1991, № 33, ст. 598 [law on education] (Russian).

⁴ *Idem*, article 3.

⁵ *Idem*, article 5.

⁶ *Idem*.

was the Jakub Kolas National Humanitarian Lyceum⁷. However, this situation had to be changed after the national referendum in 1995⁸ where the majority voted for giving to the Russian language the status of an official language of the state⁹. The government and elected president A. Lukashenko, then pursued the policy of Russian language domination in all spheres of life.

b) Constitution of the Republic of Belarus

The second important provision regulating the right to education was the Constitution passed by the Supreme Soviet in 1994¹⁰.

Article 49 guarantees free and accessible general secondary and vocational education. Specialised secondary and higher education shall be accessible to all in accordance with the capabilities of each individual. Everyone may, on a competitive basis, obtain appropriate education at state educational institutions free of charge.

Thus, the Constitution included the provisions of the law on education and confirmed the competitive procedure to become a student of a state higher educational institution.

c) Hierarchy of governmental institutions regulating the educational process

According to the law on education¹¹ different governmental bodies regulate the right to education on several levels with different tools. The legislative body

⁷ The decision to establish the lyceum with the Belarusian language of learning was made by the General Assembly of members of the Frantsishak Skaryna Belarusian Language Society on 15.01.1989, see *Партизанский лицей празднует 20-летие*, <http://charter97.org/ru/news/2010/1/13/25339/> (last visited Oct.20, 2013). In 1990 the Ministry of education proposed to add the lyceum to the list of national educational institutions because the work of the academic staff developed a new substance of humanitarian education, see *"Другой Беларуси" посвящается, часть третья*, <http://markgrigorian.livejournal.com/92066.html?thread=6472354> (last visited Oct.20, 2013).

⁸ Постановление Верховного Совета Республики Беларусь от 13.04.1995 № 3728-XII "О проведении республиканского референдума по вопросам, предложенным Президентом Республики Беларусь, и мерах по его обеспечению" [decision on national referendum in 1995] (Russian), <http://www.pravoby.info/docum09/part33/akt33605.htm> (last visited, Nov.11, 2013).

⁹ 83,3% of voters answered "yes" to the question "Do you agree with assigning the Russian language the status equal to that of the Belarusian language?", 12,7% votes were given against equality. See сообщение Центральной комиссии Республики Беларусь по выборам и проведению республиканских референдумов "Об итогах голосования на республиканском референдуме 14 мая 1995 года" [Information of Central Commission on Elections and Holding Republican Referenda] (Russian), <http://web.archive.org/web/20110720220048/http://www.rec.gov.by/refer/ref1995resdoc.html> (last visited, Nov.11, 2013).

¹⁰ Конституция Республики Беларусь от 15.03.1994 № 2875-XII, нац. реестр 05.01.1999 г., № 1, 1/0 [Constitution of the Republic of Belarus] (Russian).

¹¹ Статья 26 Закона об образовании в Республике Беларусь от 29.10.1991 № 1202-XII, ведомости Верховного Совета, 1991, № 33, ст. 598 [law on education, art. 26] (Russian).

– Parliament – drafts provisions referred to the educational system and passes them. All bodies of the executive branch starting from the Cabinet of Ministers (since 1996 – Council of Ministers¹²) to the local authority, implement the provisions according to their duties.

For example, the Cabinet of Ministers in the field of education defines the state educational requirements and a procedure for monitoring the quality of education; determines the order of establishment, reorganization and liquidation of educational institutions¹³. The Ministry of education shall perform the following functions: to approve standard curricula, to organize the preparation and publication of textbooks, manuals and training materials, to create, reorganize and liquidate schools and educational institutions at national level¹⁴. The departments of education of regional authorities are empowered to solve problems at local level.

Further on in this article, the issue of academic freedom and autonomy will be discussed in terms of the Bologna process and obstacles in Belarus to join the European Higher Educational Area. However, it is crucial to emphasize the content of the following extract from the law on education: “Educational institutions have autonomy in matters of the educational process, financial, economic and other activities taking into account the public interest and state education requirements, the rights of students, pupils and students, teachers and other employees in accordance with the law. Public authorities may intervene in the activities of educational institutions which are in conflict with the Constitution of the Republic of Belarus, the applicable law, the principles of state policy in the field of education, the statute of these institutions.”¹⁵ Governmental bodies have powerful tools to influence the educational process and its content in the country. Government develops state policy and the Ministry of Education monitors its implementation and, if necessary, puts pressure on the institutions and their employees.

The European Humanities University (EHU) is a private, non-profit making liberal arts university founded in Minsk in 1992. In the years of its existence in Belarus, the EHU was an experimental platform for the internationalization

¹² The new edition of the Constitution was submitted by the President for voting on the national referendum on 24.11.1996. The amendments concerned the name and/or functions of the state institutions including the government. 70,45% votes were given in favour of the amendments offered, *See* сообщение Центральной комиссии Республики Беларусь по выборам и проведению республиканских референдумов “Об итогах голосования на республиканском референдуме 24 ноября 1996 года” available at <http://web.archive.org/web/20120113110720/http://www.rec.gov.by/sites/default/files/pdf/Archive-Referenda-1996-Soob.pdf> [Information of Central Commission on Elections and Holding Republican Referenda] (Russian).

¹³ Статья 26 Закона об образовании в Республике Беларусь от 29.10.1991 № 1202-XII, ведомости Верховного Совета, 1991, № 33, ст. 598 [law on education, art. 26] (Russian).

¹⁴ *Idem*.

¹⁵ *Idem*, article 27.

and liberalization of higher education. It was not accepted by the authorities. In 2004 it was expelled from Belarus and is now located in Vilnius, Lithuania where it is referred to as “the university in exile”¹⁶. EHU is said to be the only university in the history of the Belarusian higher education system which created a real university autonomy and maintained academic freedoms despite pressure from the authorities¹⁷.

2. Types of higher education institutions

According to article 20 of the law on education, training of specialists with higher education is based on secondary education at universities, academies, colleges and other educational institutions¹⁸.

The period from 1991 to 2001 is notable for the intensive growth of higher educational institutions. In the 1990/1991 academic year, 33 higher educational institutions accepted first year students, in 2001/2002 there were 44 institutions, including 14 private ones, which offered higher education in the country¹⁹.

Higher education is completed by passing the state exam on the profile of the chosen specialty and/or by defense of a thesis. Students who successfully complete their studies with sufficient credits, are awarded a bachelor's degree and issued with the relevant certificate. Students who successfully complete post-graduate studies are awarded a master's degree and/or the standard qualification diploma²⁰. Although the law mentions bachelor's and master's degrees of graduates, higher educational institutions only issue diplomas stating the qualification. The bachelor's degree is not recognized by employers as being sufficient qualification to obtain employment²¹.

¹⁶ In 2004 the minister of education asked the rector of the university Anatoliy Mikhailov to resign but he refused. Although the EHU was an independent, privately funded university, Mikhailov was told the government had another candidate for the position of rector. The Ministry annulled the EHU's license on a technicality, claiming the premises were unsuitable for classes. See Lucy Ash, *Belarus's university in exile*, BBC news, 23.04.2013, <http://www.bbc.co.uk/news/magazine-22254545> (last visited Nov.11, 2013).

¹⁷ *Немного из истории ЕГУ*, <http://students.ehu.lt/docs/niemnoho-iz-istorii-ehu> (last visited Nov.11, 2013).

¹⁸ Закон об образовании в Республике Беларусь от 29.10.1991 № 1202-XII, ведомости Верховного Совета, 1991, № 33, ст. 598 [law on education] (Russian).

¹⁹ Система образования Республики Беларусь в цифрах 1940–2000 годы (статистический сборник) / Под ред. Листопада Н.И. – Мн.: ГИАЦ Министерства образования, 2001 – 58 с. [The educational system in Belarus in numbers 1940–2000] (Russian).

²⁰ Статья 20 Закона об образовании в Республике Беларусь от 29.10.1991 № 1202-XII, ведомости Верховного Совета, 1991, № 33, ст. 598 [law on education, art. 20] (Russian).

²¹ See, e.g., *Бакалавров в Беларуси пока не будет*, Комсомольская правда в Белоруссии (June 19, 2007, 9:33 AM) <http://news.tut.by/society/89686.html>.

3. Higher education in 2002–2009

a) Amendment of the law on education

Recent challenges in the economic and political spheres, the empowerment of several figures in the political system of the country and the President's thirst to spread his power on all of society, demands many amendments to the existing law on education.

A new edition of the law on education was passed in 2002²² which included new provisions concerning the languages applicable to study. Article 5 of the law defined two main languages in the educational process – Russian and Belarusian. Under the provisions of article 5, government grants the student the right to select the language of study but created certain conditions upon which that right could be realized. In reality the provision was in fact unworkable²³.

In comparison with the 1991 law on education where only one article was dedicated to higher education²⁴, the new edition became more substantial with a separate section containing several articles regulating the system²⁵. The President received the power to rule the educational process in the republic along with other bodies such as the Council of Ministers, the Ministry of Education and local authorities²⁶. The governmental bodies monitor the quality of education by organizing inspections and certification²⁷. As a result, many more provisions regulating recruitment, entrance examinations, job assignment after graduation and the like. were passed during a very short period by different governmental bodies²⁸.

²² Закон “О внесении изменений и дополнений в Закон Республики Беларусь “Об образовании в Республике Беларусь” от 19.03.2002 № 95–З, нац. реестр, 25.03.2002 г. № 2/844 [amendment of law on education] (Russian).

²³ The author was a student of law at the Belarusian State University from 2001 to 2006. Two subjects out of forty were taught in the Belarusian language (The History of Law and State; Professional Vocabulary in Belarusian Language). The possibility to select subjects taught in Belarusian language was not provided.

²⁴ Статья 20 Закона об образовании в Республике Беларусь от 29.10.1991 № 1202-XII, нац. реестр 15.03. 2001 г. № 2/303 [law on education, art. 20] (Russian).

²⁵ Глава 8 Закона “Об образовании в Республике Беларусь” от 29.10.1991 № 1202-XII, ведомости Верховного Совета, 1991, № 33, ст. 598 в ред. Закона от 19.03.2002 [part 8, law on education with amendment on 19.03.2002] (Russian).

²⁶ *Idem*, article 44.

²⁷ *Idem*, article 47.

²⁸ See, e.g. Указ Президента Республики Беларусь “О правилах приема в высшие и средние специальные учебные заведения” от 07.02.2006 г. № 80, нац. реестр, 15.02.2006, № 24, 1/7253 [Presidential decree on admission rules to higher educational and vocational insititutions] (Russian).

Since 2002 the law on education, including the section dealing with higher education, was developed and amended 7 times²⁹ and resulted in composing separate acts regulating education on different levels including the law on higher education of 2007³⁰.

b) Law on higher education

The main idea of passing a law on higher education was to cumulate the provisions about higher education into a single act, largely because there were many regulations of different validity concerning education in the country. Moreover, it was an attempt to refrain from repetitions and fill gaps in provisions. In general the law did not bring much by way of new rules, but a few innovative articles were passed.

Implementation of the two-level system of higher education was modified and included a diploma of higher education after 4–5 years of study (specialist diploma); a master's after one or two years of additional study following upon the first degree³¹. The specialist's diploma is a professional qualification that gives the right to exercise professional activities and/or to apply for further educational programmes. The master's degree leads to obtaining knowledge and skills in teaching and scientific research.

According to the model curriculum adopted by the Ministry of Education legal studies of the first degree last 5 years and entitle the graduate to practice as a lawyer³². The master's degree is awarded after the successful completion of a further 1-year of studies³³. The model curriculum is defined and confirmed by the Ministry of Education with the consent of all stakeholders. Higher education institutions define curricula in areas of expertise on the basis of the model curricula.

For the first time the law on higher education enabled studies in foreign languages³⁴. As a rule, classes are taught in Russian and foreign students enrolled in the higher educational institutions will be admitted to the Preliminary Training Course. This is 10 months study program to learn the Russian

²⁹ Закон "Об образовании в Республике Беларусь" от 29.10.1991 № 1202-XII, ведомости Верховного Совета, 1991, № 33, ст. 598 в ред. от 09.11.2009 [law on education with amendment on 09.11.2009] (Russian).

³⁰ Закон "О высшем образовании в Республике Беларусь" от 11.07.2007 № 252-3, нац. реестр правовых актов, 19.07.2007, № 171, 2/1349 [law on higher education] (Russian).

³¹ *Idem*, article 6.

³² See Типовой учебный план I ступени высшего образования, специальность 1–24 01 02 правоведение, (2007) available at <http://elib.bsu.by/bitstream/123456789/395/1/53173.pdf>.

³³ See Типовой учебный план II ступени высшего образования (магистратуры), специальность 1–24 80 01 юриспруденция, (2006) available at <http://elib.bsu.by/bitstream/123456789/1484/1/1–24.80.01–2006.pdf>.

³⁴ *Idem*, article 21.

language. So far, there are 3 universities in the country that provide classes in English for foreign students³⁵. Courses in medicine are taught in Russian or English³⁶.

c) Admission to higher education

Secondary education ends with the passing of final exams in 3 subjects. Annually the Ministry of Education defines the list of subjects of the final exams³⁷. They are usually mathematics, language (Russian or Belarusian), with the third subject being of the pupils choice either at ordinary level or as an advanced study subject³⁸. Those who successfully pass these examinations can then apply for entry to a selected higher educational institution and participate in the competitive process of sitting the required entrance exams. During the research period the admission rules to higher educational institutions were changed several times affecting mostly the form of the examination. Traditionally, higher educational institutions were independent in selecting subjects for the entrance competition, its complexity and a form of assignments. Three-four exams were required³⁹.

Following the experience of the Russian Federation the Ministry of Education of the Republic of Belarus elaborated a new form of entrance examination – mandatory centralized testing⁴⁰. The idea of centralized testing is based on

³⁵ Е. Спасюк, *Иностранных студентов Беларусь будет завлекать английским образованием*, Белорусские новости naviny.by (July 10, 2012, 06:55 PM) http://naviny.by/rubrics/society/2012/07/10/ic_articles.116.178421/. See e.g. “Belarusian State University of Informatics and Radioelectronics offers 35 first degree courses, including 5 of them that are taught in English”, *General information*, Belarusian State University of Informatics and Radioelectronics, <http://www.bsuir.by/index.jsp?lang=en> (last visited Jan. 9, 2014).

³⁶ Study in Belarus – International Students Information Center, *Study medicine in Belarus*, <http://www.studyinbelarus.com.ng/education-in-belarus/study-medicine-in-belarus.html> (last visited Jan. 9, 2014).

³⁷ Статья 36 Закона “Об общем среднем образовании” от 05.07.2006 № 141-3, нац. реестр, 2006, № 108, 2/1238 [law on general secondary education, art. 36] (Russian).

³⁸ See e.g. постановление Министерства образования Республики Беларусь “Об итоговой аттестации выпускников учреждений, обеспечивающих получение общего среднего образования в 2003/2004 учебном году” от 28.09.2003 № 63, нац. реестр, 2003, № 11 [decision on final evaluation in high school] (Russian)

³⁹ In 2001 the author applied for studies both at the law faculty of the Belarusian State University and Belarus State Economic University. Four entrance exams (maths, Russian or Belarusian languages, foreign language and social science) were required by the first institution, two of the exams being organized as interviews, the other two in a written form. Conversely, Belarus State Economic University required three subjects only (excluding the oral exam on social science). To the author’s subjective opinion, the examinational assignments prepared by the Belarus State University were much more complicated, particularly the written exams, and required much deeper knowledge and skills than those required for the exams held by the Belarus State Economic University.

⁴⁰ Н. Феськов, *Об основных итогах централизованного тестирования 2005 г.*, Адукацыя і выхаванне, 2006, № 4, с. 56, available at <http://www.rikc.by/ru/testing/articlesCT.aspx>.

organizing an entrance examination on the selected subject for all entrants on a specific date. The content of the testing is prepared by the Ministry of Education and includes assignments at different levels of difficulty. All entrants take the same tests throughout the country and results are submitted to the higher educational institution of their choice. Centralized testing was created as a tool to fight corruption and break the assumption that admission to the country's leading universities was not possible without the patronage of university staff⁴¹.

The first testing on a limited number of subjects was organized as an experiment in the period 1998–2002. The admission commissions appraised centralized testing positively and in 2004 higher educational institutions did not prepare examination assignment on Russian and Belarusian languages and required the testing certificate only, examinations on other subjects were composed by higher education institutions accordingly. Belarusian Medical State University required the testing certificates only and did not prepare its own examinations⁴². Later, centralized testing became the main admission procedure in all higher educational institutions with the exception of the faculty of fine art and the faculty of musical art, where, in addition to the results achieved in centralized testing, entrants are required to pass an examination on art skills⁴³.

d) Obstacles in international cooperation for students

According to the law⁴⁴, a student has to obtain permission from the university administration and the Ministry of Education in order to leave the country during their studies for the purpose of participating in scientific, sport or cultural events. The procedure is challenging and time-consuming. It requires collecting many papers and submitting them to the Ministry of Education 30 days before the date of departure to the international event⁴⁵. Even if the

⁴¹ Обязательное централизованное тестирование доказало право на существование, считают в Минобразовании, БелаПАН (Aug 18, 2004, 14:47) <http://news.tut.by/society/43009.html>.

⁴² Н. Феськов, Об основных итогах централизованного тестирования 2005 г., Адукацыя і выхаванне, 2006, № 4, с. 58, available at <http://www.rikc.by/ru/testing/articlesCT.aspx>.

⁴³ See e.g. Справочник абитуриента 2014, УО Белорусский государственный университет культуры и искусств, Порядок приема в БГУКИ на 2014 available at <http://www.tamby.info/vuz/buk.htm>.

⁴⁴ Декрет Президента Республики Беларусь "О некоторых мерах по противодействию торговле людьми" от 09.03.2005 № 3, нац. реестр, 16.03.2005, № 40, 1/6300 [Presidential decree on certain measures to combat human trafficking] (Russian).

⁴⁵ П. 8 Инструкции о выдаче письменных разрешений на направление граждан Республики Беларусь, обучающихся в организациях системы образования Республики Беларусь, на учебу за границу, а также для участия в течение учебного года в спортивных, культурных и иных массовых мероприятиях, утв. постановлением Министерства образования 13.05.2005 № 39, нац. реестр, от 06.06.2005 г., № 88, 8/12646 [instruction on issuing written permission, art. 8] (Russian).

student is attending 1-day conference abroad this rule still applies. Thus, students either refrain from attending international events to avoid going through the complicated procedure of obtaining permission, or they simply leave the country without informing the university administration about the real purpose of the trip. Such permission is not mandatory if the trip abroad is for personal reasons.

It is hard to estimate the number of students attending trainings programmes, seminars and conferences abroad without the written permission of Ministry of Education. However, there are a lot of announcements about intercultural programmes and sport events, educational study visits and scientific conferences for Belarusian youth⁴⁶ and students from Belarus try to take an active part in them. Fortunately, the bureaucratic procedure in the Ministry was cancelled with the passing of a new law on combating human trafficking⁴⁷. Since 2012 students may participate in international events during their studies with the written permission of the higher educational institution administration only.

4. Higher education after 2010

a) Code of education

2010 year was remarkable in terms of hard work on a new legislation regulating educational systems in Belarus in general and higher education in particular. Parliament passed the Code of education⁴⁸ as a legislative tool to cover the management and all levels of education in the country. The Code consists of 295 articles divided into two parts: general and special provisions. The general provisions define principals, participants of educational relationships, management and quality of education, background for international cooperation, disciplinary liability of pupils and students and the financial and technical issues of education. The second part is dedicated to regulation at all levels of education, i.e. general secondary education, vocational education, higher education, etc.

Section XI regulates higher education serving two levels – level I which leads to a specialist's diploma and level II which results in a master's degree⁴⁹.

⁴⁶ See e.g. Study Tours to Poland Programme *available at* www.studytours.pl, EU programme Youth in Action replaced in 2014 by Erasmus+ aims at Eastern European countries, including Belarus *available at* <http://ec.europa.eu/programmes/erasmus-plus>.

⁴⁷ Закон “О противодействии торговли людьми” от 07.01.2012 № 350-З, нац. реестр, 12.01.2012, № 10, 2/1902 [law on combating human trafficking] (Russian).

⁴⁸ Кодекс об образовании от 13.01.2011, № 243-З, нац. реестр, 01.02.2011, № 13, 2/1795 [Code of education] (Russian).

⁴⁹ *Idem*, article 202.

The Code did not change the duration of studies which remained at 4–5 and 1–2 years at the I and II levels of education respectively⁵⁰.

The model curricular of legal studies was not changed until the President and the Ministry of Education intervened in 2012. On the instructions of the President the Ministry of Education ratified a list of 234 professions where training on level I could be accomplished in less than 5 years⁵¹. Legal studies were included on the list and could be shortened to 4 years. Thus students who applied for legal studies and successfully passed the entrance examination in 2013 started their course according to the new model curriculum⁵² and will obtain their specialist's diploma on completion of 4 years of study.

In comparison with the law on education⁵³ neither the law on higher education nor the Code of education included provisions on academic freedoms. Moreover, there is much evidences of violations of European democratic values such as the autonomy of the universities, academic freedom of students, freedom of scientific research, democratic principles of management of universities. For example, article 208 of the Code of education entitles the Minister of Education to appoint the Rector of a private higher educational institution, while the President has the right to define the procedure of the Rector's appointment in a state higher educational institution. This is an administrative restriction in comparison with western universities where the head of institution is elected by the Senate or Scientific Council or other body of the institution.

The rector of the Belarusian State University admits that over-regulation of educational processes prevents the innovative development of forms and methods of teaching. The principle "everything that is not regulated by law is forbidden" works well in Belarus, thus, it is hard to bring innovations into higher education. Distance e-learning, module courses, optional subjects and creation of a personal curriculum, has yet to be fully implemented in higher education due to a lack of legal regulation of these elements⁵⁴.

⁵⁰ *Idem*, article 206.

⁵¹ Приказ Министерства образования Республики Беларусь "О переходе на дифференцированные сроки получения высшего образования II ступени" от 28.05.2012, № 389, сборник нормативных документов Министерства образования, 2012, № 20 [Order about varied terms of education] (Russian).

⁵² Типовой учебный план I ступени высшего образования, специальность 1–24 01 02 правоведение, (2013) available at http://elib.bsu.by/bitstream/123456789/45904/1/1.24_01.02_2013.pdf.

⁵³ Статья 34 Закона об образовании в Республике Беларусь от 29.10.1991 № 1202-XII в ред. Закона от 19.03.2002, ведомости Верховного Совета, 1991, № 33, ст. 598 [law on education, art. 34] (Russian). The article was deleted by the law on amendments of certain provisions about education, 09.11.2009, № 51-3.

⁵⁴ А. Нестеров, *Кодекс об образовании на пороге изменений*, Interfax.by (Dec. 5, 2013) <http://www.interfax.by/article/1142971>.

Professor Vladimir Dunaev, head of the Belarusian Bologna Committee, regrets that the Code of education seems an unsuccessful attempt to create an educational law branch in Belarus. It is based on the administrative principle of subordination “chief-worker” instead of implementing democratic values. Although the Code of education is the only unified law on education in the world the best solution is to repeal it – as was done in Moldova⁵⁵.

b) Job assignment

While mentioning the restriction of academic freedoms it is crucial to describe the restrictions on the freedom of Belarusian students. The current educational system, inherited from the Soviet period, encompasses the obligatory employment of graduates. What this means is that each student who studies for free at a public higher educational institution⁵⁶ will have to accept employment and work in any place in the country designated by the special committee for a period of two years following graduation⁵⁷. During those two years the graduates cannot resign from the position to which they have been assigned but they can be dismissed for certain reasons.

The pressure on graduates was increased in 2006 by the adoption of a decision of the Council of Ministries concerning the reimbursement of education costs⁵⁸ in cases where a graduate is unable to complete the two year tour of duty to which he or she has been assigned. The government gave three reasons why job assignment is fair and legal. Firstly, article 2 of the Constitution declares the reciprocity principle which means on the one hand, the State guarantees the right for free education and subsidizes education in state higher educational institutions, on the other hand, it has the right to define the place and terms of employment of graduates of these institutions immediately following completion of their studies. Secondly, the State uses job assignment as a tool to avoid unemployment of young specialists. Thirdly, there are regions in the

⁵⁵ Д. Гуштын, *Кодекс об образовании: принимать поправки или отменить вообще?* Куда поступать.by (Dec. 13, 2013) <http://kudapostupat.by/article/item/id/1161>.

⁵⁶ Over 395 thousand students study at 54 higher educational institutions in the beginning of 2013/2014 academic year, 36,2% students study for free at 46 public higher educational institutions. See Statistic on education in Belarus (2013/2014 academic year), <http://belstat.gov.by/homep/ru/indicators/pressrel/education.php> (last visited Jan.11, 2014).

⁵⁷ Приказ Министерства образования Республики Беларусь “Об утверждении временного положения о распределении выпускников высших, средних специальных и профессионально-технических учебных заведений Республики Беларусь” от 15.03.1993, № 84, опубликован не был [Order about the instructions on job assignment of graduates] (Russian).

⁵⁸ Постановление Совета Министров Республики Беларусь “Об утверждении Положения о возмещении средств в республиканский и (или) местные бюджеты, затраченных государством на подготовку рабочего (служащего), специалиста” от 23.09.2006 г. № 1255, нац. реестр, 04.10.2006 г., № 161, 5/23131 [Decision on reimbursment of cost of education] (Russian).

country (rural areas, regions effected by the Chernobyl disaster and the like) where people of different professions are required and the State distributes young specialists there⁵⁹.

Conversely, human rights defenders claim that job assignment is a form of forced labour and breaches the norms of the Constitution⁶⁰ as well as international treaties and pacts concerning forced labour ratified by Belarus⁶¹. They applied to the Constitutional Tribunal with the appropriate request to control the legality of the acts⁶². Unfortunately, but as was to be expected, the Constitutional Tribunal did not respond to the application other than to say that according to the Constitution a non-governmental organization is not eligible to make such request.

So far, the rules concerning job assignment and reimbursement of educational costs still exist⁶³ and are applied to all graduates from state higher educational institutions.

c) Belarus vs. the Bologna process and the European Higher Education Area

The Bologna Declaration was signed in 1999 by 29 European countries. Today 47 countries are involved in the Bologna process – European Higher Education Area⁶⁴. All EU countries are members, but there is a blank spot on the European educational map – it's Belarus. In order to join the European Higher Education Area, a country must be party to the European Cultural Convention and make a commitment to implement the area's main objectives and policies⁶⁵.

⁵⁹ В. Пашкевич, *Распределение молодых специалистов в вопросах и ответах* (ч. 1) (Mar. 2, 2013 23:21) <http://www.jurcatalog.by/articles/20246/raspredelenie-molodyx-specialistov-v-voprosax-i-otvetax-ch-1>.

⁶⁰ Article 41 of Constitutions states "...forced labour shall be prohibited, other than work or service specified in the verdict of a court of law or in accordance with the law on the state of emergency or martial law".

⁶¹ Forced Labour Convention, 1930, № 29 ratified by Belarus on 21.08.1956, Abolition of Forced Labour Convention, 1957, № 105 ratified by Belarus on 25.09.1995.

⁶² Е. Спасюк, *Распределение противоречит Конституции, считают в БХК*, Белорусские новости naviny.by (Nov. 15, 2007 15:16) <http://naviny.by/rubrics/society/2007/11/15/ic.articles.116.153964/>.

⁶³ Статьи 83 и 88 Кодекса об образовании от 13.01.2011, № 243-3, нац. реестр, 01.02.2011, № 13, 2/1795 [Code on education, article 83, 88] (Russian).

⁶⁴ History of Bologna process-European Higher Educational Area. See <http://www.ehea.info/article-details.aspx?ArticleId=3> (last visited Jan.11, 2014).

⁶⁵ Communiqué of the Conference of Ministers responsible for Higher Education, Berlin, 2003 available at <http://www.ond.vlaanderen.be/hogeronderwijs/bologna/documents/MDC/Berlin.Communique1.pdf>.

Belarus signed the European Cultural Convention in 1993⁶⁶ and could have become part of the European educational system many years ago. Unfortunately, in April 2012 the Bologna Follow-up Group decided that Belarus is not ready to join the European Higher Educational Area, at the very least until 2015. Belarus violates the goals of the Bologna process – academic independence, institutional autonomy and student participation in higher-education governance – and this was the official explanation of the exclusion⁶⁷.

5. Conclusions

The Belarusian system of higher education is on its way to transformation. In 2011 statistical data informed that 90% of the population over the age of 15 had received higher, secondary or basic education, with some 20% of the population successfully completing higher education⁶⁸. Since the Soviet era entering university has become not an opportunity but rather a social rule. Society frowns upon those who do not have a higher education. On the other hand, the university diploma does not guarantee a high level of professionalism. Although the index of literacy in the country is high, some obstacles still need to be removed in order to enhance the prestige of Belarusian higher education.

The needs and demands of modern society, the labour market and the new generation require flexibility and a high quality of higher education. In general, the capacity of higher education shall answer to the current and future needs of society at local, national and international levels. This is hard to achieve without being a part of the European Higher Educational Area. Professor Elena Korosteleva, an expert in Belarusian and European politics, believes that “education is a potentially powerful tool of stimulation for Belarusian civil society, and it was blocked by the exclusion of Belarus from the Bologna process”⁶⁹.

The President of Belarus, the Ministry of Education and other governmental bodies are aware of current challenges and the steps needing to be taken to overcome them. They also appear keen to enhance the prestige of the country in general and the higher education system in particular. Being a member of

⁶⁶ European Cultural Convention. Chart of signatures and ratifications. See <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=018&CM=&DF=&CL=ENG> (last visited Jan.11, 2014).

⁶⁷ F. Kaczmarek (PPE), *Exclusion of Belarus from the Bologna Process*, Question for written answer, European Parliament, 7 June 2012 <http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2012-005772&language=EN> (last visited Jan. 11, 2014).

⁶⁸ Доля лиц, имеющих высшее образование, в Беларуси составила 19%, Marketing.by (Sep.9, 2011) <http://marketing.by/main/market/news/0050818/>.

⁶⁹ Bologna process: last outsider in Europe, Belarus project http://belarus-project.eu/2012/11/bologna-process-outsider/#_ftn3 (last visited Jan.11, 2014).

the European Higher Education Area will open the Belarusian higher educational institutions to foreign students which, in this age of demographic crisis, is an important consideration. More importantly, as the quality of higher education in the country increases the migration of Belarusian students to other European countries, the so called 'brain-drain', will diminish. Finally, international mobility will support innovation and cooperation in higher education arena. Students and academic staff will bring new ideas to national education by participating in international cooperation. providing a window of opportunity that, in the long-term, could hugely benefit the future economic development of Belarus.

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