

**Universal Periodic Review (32nd session, January-February 2019)
Contribution of UNESCO**

Slovakia

I. Background and framework

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	State Party to this Convention (31/03/1993)	Reservation to this Convention shall not be permitted		Right to education
<i>Convention on Technical and Vocational Education 1989</i>	Not a State Party to this Convention			Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage 1972</i>	31/03/1993 Notification of succession			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage 2003</i>	24/03/2006 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005</i>	18/12/2006 Ratification	<i>Declaration of the European Community in application of Article 27(3) (c) of the Convention indicating the competences transferred to the Community by the Member States under the Treaties, in the</i>		Right to take part in cultural life

		<i>areas covered by the Convention.</i>		
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Right to education

II. Promotion and protection of human rights on the ground

1. The **Constitution of the Slovak Republic of 1992, as amended in 2014**¹, enshrines the right to education. **Article 42** provides that school attendance is **compulsory** and that citizens have the right to free education in primary and secondary schools. **Discrimination** is explicitly prohibited under **Article 12**, which also guarantees equal rights for all by stating that “all human beings are free and equal in dignity and rights”. Moreover, **Article 34** guarantees the right to citizens belonging to national minorities or ethnic groups to establish and maintain educational and cultural institutions, as well as the right to be educated in their own language. The **Act No. 171/1990 of the Law Code, as amended in 1998**², introduced ten years of compulsory schooling. Non-discrimination is also guaranteed under the **Anti-Discrimination Act, as amended in 2013**³.
2. In terms of reporting to UNESCO, Slovakia participated in the latest Member States Consultations by submitting national report within the framework of the **9th** (2016-2017) and the **8th** (2011-2013) Consultations of Member States on the measures taken to implement the UNESCO 1960 Convention against discrimination in education. Likewise, Slovakia reported to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the **4th** (2005-2008) Consultation of Member States. Although Slovakia did not report within the framework of the **5th** (2012-2013) Consultation of Member States, it did submit a report within the framework of the **6th** (2016-2017) Consultation of Member States.

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

3. The Constitution of the Slovak Republic guarantees freedom of expression and of the press. Article 26 of the Constitution states that the freedom of speech and the right to information are guaranteed, and that everyone has the right to express their views in word, writing, print, picture, or other means.⁴
4. A freedom of information law was adopted in Slovakia in 2000.
5. Article 373 of the Criminal Code states that any person who communicates a false information about another person, which can damage a person’s career and business,

¹ https://www.constituteproject.org/constitution/Slovakia_2014.pdf

² <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

³ http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---

[ilo_aids/documents/legaldocument/wcms_128039.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_128039.pdf) (link to the non-amended version as the new one is not available)

⁴ <http://www.wipo.int/wipolex/en/details.jsp?id=16326>

disturb his family relations, or cause that person other serious harm, shall be liable to a term of imprisonment of up to two years.⁵

➤ Implementation of legislation:

6. The Council for Broadcasting and Retransmission⁶, established as per the Act on Broadcasting and Retransmission⁷, is a regulatory body, which executes state regulation in the field of radio and TV broadcasting, retransmission and on-demand audiovisual media services. The Council consist of nine members, who are elected by the national legislator.

➤ Safety of journalists

7. UNESCO recorded one killing of journalist in Slovakia since 2008. Journalist Jan Kuciak was killed in 2018 thus information on judicial follow up will be requested by UNESCO in 2019.

III. UPR Recommendations

Right to education

8. **Below are the recommendations made within the framework of the 2nd cycle of the Working Group on the Universal Periodic Review (February 2014)⁸:**

110.13. *Implement recommendations made in the Office of the Ombudswoman's extraordinary report related to human rights complaints on access to education, procedural guarantees in the demolition of illegal dwellings and police conduct*

110.28. *Continue its efforts particularly to ensure equal treatment in the education system and equal access to job opportunities*

110.47. *Intensify efforts in the field of ethnic diversity, including by strengthening the inclusive and multicultural education system*

110.54. *Make all necessary efforts to address discrimination against Roma, including in employment, education, health care, housing and loan practices*

110.82. *Ensure that assistance is provided to all victims of human trafficking and that the authorities devise specific programmes aiming at the reintegration of victims of human trafficking into the labour market and education system*

110.112. *Ensure women's access to quality sexual education as well as to condoms and other means necessary for the practice of an informed and responsible sexual health*

110.114. *Continue pursuing appropriate and efficient policies aimed at further improving access to education for socially disadvantaged children and consider, if necessary, the adoption of additional measures*

⁵ <http://www.legislationline.org/documents/section/criminal-codes/country/4>

⁶ <http://www.rvr.sk/en/documents/index.php?aktualitaId=3178>

⁷ http://www.rvr.sk/cms/data/modules/download/1462523380_act_on_broadcasting_and_retransmission.pdf

⁸ <http://www.ohchr.org/EN/HRBodies/UPR/Pages/SKindex.aspx>

110.125. *Promote a more effective policy aimed at integrating Roma on issues related to education, employment, housing and health, that will produce positive results*

110.126. *Focus on education as the most important part of a long term sustainable solution for the Roma population and have patience and perseverance with this work. Roma children must be given the same opportunities and not put in schools aimed at mentally challenged students*

110.127. *Strengthen efforts to include Roma children in mainstream education*

110.128. *Introduce a clear duty on all schools to desegregate education and end discrimination against Romani children*

110.129. *That further steps are taken in order to review existing policies and practices that lead to segregation of Roma children in schools; adopt a concrete plan and measures leading to the abolition of segregated settings and achievement of better education outcomes for children from Romani communities*

110.131. *Adopt and implement a sound legal framework and appropriate policies to address the issue of discriminatory practices against Roma in the education system, utilizing the definition of segregation provided by the case law of the European Court of Human Rights and of the regional court in Prešov, including measures to ensure that the court's definition of ethnic segregation in education is disseminated and promoted to the relevant stakeholders*

110.133. *Establish a task force of relevant ministries and civil society organizations to develop a plan to desegregate Roma education and to ensure the necessary resources are available to begin implementation*

110.134. *That appropriate steps are taken to ensure inclusive education in Slovak schools and to desegregate students that have been placed in special classes or special schools on other grounds than mental disability*

110.135. *Intensify efforts to increase the rate of registration and participation in the educational system of Roma children*

110.136. *Adopt a national strategy and plan of action to ensure access to adequate and acceptable education for Roma children*

110.142. *Take steps to facilitate access to education, health and housing for the Roma community*

110.146. *Implement laws and policies that protect and promote the civil, political, social and economic rights of migrants, Roma people, refugees and asylum seekers, especially the rights to health, to education and to work*

IV. Review and specific recommendations

9. During the previous UPR cycle, a number of recommendations were addressed to Slovakia concerning the necessity to ensure equal access, treatment and opportunities in education and intensify its efforts regarding inclusive and multicultural education system. Many recommendations called for the necessity to address discrimination and segregation against Roma population and ensure their integration into the education system, including through the development of new measures at the legal and policy level.

10. In terms of **equal access to education and combat against discriminations**, the adoption of an amendment to the Antidiscrimination Act in April 2013⁹ represented a **major step** in the direction of more protection of human rights by providing a broader definition of indirect discrimination in accordance with EU directives¹⁰. Slovakia reaffirmed its commitment to ensure access to education for all with a special emphasis on addressing the issue of Roma children's segregation.
11. Nevertheless, despite numerous measures, the situation of Roma children has not significantly improved. Roma children continue to face multiple forms of discrimination, especially when living in segregated settlements, mainly in the fields of education, health care and standard of living¹¹. In this regard, Slovakia should be strongly encouraged to take additional steps using legislative, policy and educational measures in order to ensure the equal enjoyment by Roma children of their right to education. Among them, Slovakia could be encouraged to introduce in its legislation a definition of racial/ethnic segregation in education and adopt systematic measures to effectively monitor and eradicate this practice in all its forms. Slovakia should revise education financing to disincentivize enrolment in special education and incentivize inclusive education and measures that encourage integration. It should also be encouraged to provide educators in primary schools with sufficient guidance on how to include Roma children in mainstream education. Finally, in order to further counter discrimination, Slovakia should be encouraged to intensify its advocacy strategies to address stereotypical and discriminatory attitudes against the Roma population within classrooms and communities.
12. In terms of **the right to education of minority groups**, Slovakia should be encouraged to take the necessary measures to respond to the needs of minority groups in terms of education, and ensure that their right to education in their language, as enshrined in the Slovak Constitution, is respected.
13. Regarding **gender equality in education**, Slovakia should be encouraged to adopt measures to promote non-traditional educational choices of women and girls and to accelerate appointment of women to the highest positions in academic institutions. It should also be strongly encouraged to provide educational trainings on sexual and reproductive health and rights which is age-appropriate and based on scientific evidence and international human rights standards to girls and boys, as part of the regular school curricula. In this process, Slovakia should give particular attention to vulnerable groups of women such as Roma women, migrant women and women with disabilities. Finally, Slovakia should be encouraged to carry out awareness-raising and education initiatives for both women and men and to review curricula and textbooks at all levels of education to address stereotypical and patriarchal attitudes within classrooms and communities.
14. In terms of **education for children with disabilities**, Slovakia should be encouraged to take all necessary measures to ensure the implementation of its National Plan, with a particular emphasis on ensuring that the provision set out in article 29 (11) of the Act

⁹ http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_128039.pdf (link to the non-amended version as the new one is not available)

¹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0078&from=FR>

¹¹ Concluding observations on the combined third to fifth period reports of Slovakia, Committee on the Rights of the Child, p4. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSVK%2fCO%2f3-5&Lang=en

on Education be removed. In addition to this, Slovakia should be strongly encouraged to adopt a human rights-based approach to disability and set up a comprehensive strategy for the inclusion of children with disabilities into the mainstream education system. At the legal level, Slovakia should be encouraged to amend the Education Act in order to enshrine the principle and right to inclusive education in its national legislation, as well as to establish comprehensive measures to ensure its implementation.

➤ **Specific recommendations:**

1. Slovakia should be strongly encouraged to intensify its efforts to ensure equal access to education for all and address the persistent challenge of discrimination and segregation within the educational system.
2. Slovakia should be encouraged to take additional steps using legislative, policy and educational measures in order to ensure the equal enjoyment by Roma children of their right to education, including through the introduction in its legislation of a definition of racial/ethnic segregation in education and the development of adequate measures for implementation.
3. Slovakia should be encouraged to incentivize inclusive education and measures that encourage the integration of Roma children and children with disabilities into the mainstream educational system.
4. Slovakia should be encouraged to take adequate and concrete measures to ensure that the right to education of minority groups, alongside the right to education in a minority language, are respected.
5. Slovakia should be strongly encouraged to continue its efforts to develop comprehensive measures to address gender inequality in education, with a particular emphasis on vulnerable groups of women such as Roma women, Roma migrants and women with disabilities.
6. Slovakia should be encouraged to integrate human rights education in primary and secondary school curricular, as well as to use human rights education as a mean to counter discriminatory, stereotypical and patriarchal attitudes.
7. Slovakia should be encouraged to continue its efforts to submit national reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
8. Slovakia should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education.¹²

Freedom of opinion and expression

15. The Government is encouraged to decriminalize defamation and subsequently incorporate it into the civil code in accordance with international standards.

¹² <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

16. The Government is urged to investigate the cases of killed journalists, and to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.

Right to culture

17. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)¹³, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)¹⁴ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)¹⁵, Slovakia is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Slovakia is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of scientific research and the right to benefit from scientific progress and its applications

18. Slovakia has not submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore Slovakia is encouraged to report to UNESCO in future on the implementation of the revised 1974 Recommendation, which is now entitled Recommendation on Science and Scientific Researchers (2017), on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to the Right to Science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as scientists' rights of autonomy, freedom of research, expression and publication.

¹³ Periodic Report available at: <http://whc.unesco.org/en/activities/862>

¹⁴ Periodic Report available at: <http://ich.unesco.org/doc/download.php?versionID=33225>

¹⁵ Periodic Report available at: <http://en.unesco.org/creativity/governance/periodic-reports/slovakia-2016-report>