

Universal Periodic Review (34th session, October-November 2019)
Contribution of UNESCO

Slovenia
(Right to Education)

I. Background and framework

<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 (05/11/1992)	Reservation to this Convention shall not be permitted		Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage (1972)</i>	05/11/1992 Notification of succession			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage (2003)</i>	18/09/2008 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			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The **1991 Constitution of the Republic of Slovenia**¹ guarantees the right to education. **Article 57** ensures freedom of education, compulsory primary education financed from public funds and specifies that the State shall create the opportunities for citizens to obtain a proper education. The Constitution also guarantees the right to education for disabled persons (**Article 52**). In addition, the principles of non-discrimination and equality before the law are enshrined in **Article 14**.

2. According to the **1996 Law on Organization and Financing of Education**², the objectives of the education system are notably to guarantee optimum development to individuals without discrimination and equal opportunities to socially deprived children and persons with special needs.

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. Freedoms of expression and the press are protected under Article 39 of the Slovenian Constitution (1991).³

4. The press is further regulated under the Mass Media Act (2001)⁴ that provides the “right of correction” for anyone offended or insulted by information published in the media.

5. Audiovisual media outlets are further regulated under the Audio Visual Media Services Act (2011).⁵

6. Defamation continues to be a criminal offence under Articles 160-161 of the Slovenian Penal Code, imposing a maximum penalty of one year in prison.⁶ Under Articles 163-165, insults to the State, foreign countries or international organizations, Slovenia people and national communities are punishable by a fine or a jail term not exceeding one year.

7. Slovenia passed the Access to Public Information Act in 2003.

Implementation of legislation:

8. The Agency for Communication Networks and Services of the Republic of Slovenia (AKOS)⁷ is an independent organization that regulates and supervises the electronic communications. The Agency issues broadcasting licenses after receiving the broadcaster’s

¹ <http://www.unesco.org/education/edurights/media/docs/8be6c0a02f7389032e70875a50a521f6ab30e1b8.pdf>

² <http://www.unesco.org/education/edurights/media/docs/a36b2378af3f193c33cdfc3eb7044b55d326c81e.pdf>

³ http://www.wipo.int/wipolex/en/text.jsp?file_id=180804

⁴ http://www.rtvsl.si/files/razno/mass_media_act.pdf

⁵ http://www.wen.uni.lu/content/download/46784/536648/file/Slovenia_translation.pdf

⁶ 2012 amended version: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/92890/108410/F945022980/SVN-2012-L-92890.pdf>

⁷ <https://www.akos-rs.si/akos-ang>

application and a prior opinion from the Broadcasting Council.⁸ The Council consists of seven members, appointed by the National Assembly on the basis of a public invitation.

Safety of Journalists:

9. Since 2008, UNESCO recorded no killing of journalists in Slovenia.

III. Review and specific recommendations

A. Education

10. A number of recommendations was addressed to Slovenia during the previous UPR cycle concerning: discrimination faced by Roma people in the enjoyment of their right to education and human rights education.

Discrimination faced by Roma people

- With regard to **early childhood care and education for Roma children**, Slovenia reported to the CEDAW Committee that since the adoption of an appendix to the pre-school curriculum for work with Roma children, several measures have been adopted. Nursery school units “with Roma children have a more favourable pupil-staff ratio, which also applies to primary-school classes attended by at least three Roma pupils; Roma culture is offered as one of the optional subjects; in the first grade of primary school, classes attended by Roma children are taught by two teachers; a primary school attended by Roma pupils may employ an additional teacher or social worker; if there are more than 45 Roma pupils, the school may employ two additional teaching staff members to provide teaching and other assistance”.⁹
- However, Roma children are rarely enrolled at preschool level. At primary and secondary level, the majority of Roma children are enrolled in classes for **children with special needs**¹⁰. According to a 2012 study, the share of pupils with special needs in total compulsory education pupil population stood at 3%, with more than 60% of them in separate schools.¹¹ Lower school performance and higher school drop-out rate also are important challenges for the Roma community.¹²

Girls’ and women’s educational opportunities

⁸ https://www.srdf.si/en/about_the_council

⁹ Periodic report submitted by Slovenia to the CEDAW, 16 June 2014, CEDAW/C/SVN/5-6, para.78.

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSVN%2f5-6&Lang=en

¹⁰ Concluding observations on the periodic report of Slovenia, CESCR, 15 December 2014, E/C.12/SVN/CO/2, para.27.

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSVN%2fCO%2f2&Lang=en

¹¹ UNESCO, Global Education Monitoring Report, 2016, *Education for people and planet: Creating sustainable futures for all*, p.266 <https://unesdoc.unesco.org/ark:/48223/pf0000245752>

¹² Concluding observations on the periodic report of Slovenia, CESCR, *op. cit.*, para.27.

- The CEDAW Committee highlighted **the persistent segregation of fields of study** at the tertiary level, with women being concentrated in traditionally female-dominated areas and underrepresented in the fields of mathematics, informatics, natural science and technology.¹³
- Indeed, ITU database's data reveals that far fewer women than men have ICT skills, for instance in computer programming language.¹⁴
- Furthermore, the **employment rate** for 25-34 year-old-men with tertiary education is 90%, compared with 81% for women. Among 25-34 year-olds with below upper secondary education, the rate is 75% for men versus 43% for women.¹⁵

Immigrants

- Immigrants are more likely than natives to leave school early: in 2017, the early leaver rate from education and training among youth aged 18 to 24 was 5% among natives, against approximately 16% among foreign-born.¹⁶
- Regarding **language support** provided to new arrivals to overcome the lack of language proficiency, the Ministry of Education allocates funds for more than 35 hours of Slovene language classes per school year.¹⁷ Nevertheless, an estimated 13% of low-literacy first-generation immigrant students were in extra out-of-school literacy courses. Compared to the average of 53% in OECD countries, this figure is one of the lowest.¹⁸
- In terms of learning outcomes, the percentage of first-generation immigrant students aged 15 achieving PISA level 2 proficiency decreased from more than 60% in 2006 to approximately 45% in 2015. The same figure for second-generation immigrant students during the same period did not evolve significantly.¹⁹

Financing education

- Education expenditure has decreased between 2010 and 2015. Expenditure per student in primary and secondary education fell by 13%, one of the highest decreases among OECD countries (OECD average: 5%).²⁰

Tertiary education

- In terms of **funding higher education**, the household expenditure as a share of total expenditure for tertiary education institutions is around 10%, i.e. below the European average. Besides, the support to students account for around 25% of the public tertiary education expenditure.²¹
- OECD Indicators show that **a majority of students enroll in tertiary education** after completing upper secondary education. In 2016, Slovenia had a particularly high percentage of the population enrolled in tertiary education at the age of 19 and 20: 54% and 57%

¹³ Concluding observations on the periodic report of Slovenia, CEDAW, *op. cit.*, para. 27.

¹⁴ UNESCO, Global Education Monitoring Report, 2017/8, *Accountability in education: meeting our commitments*, p.173
<https://unesdoc.unesco.org/ark:/48223/pf0000259338>

¹⁵ OECD, *Education at a Glance 2018: OECD Indicators*, 2018, Slovenia – Country Note https://read.oecd-ilibrary.org/education/education-at-a-glance-2018/slovenia_eag-2018-65-en#page1

¹⁶ UNESCO, Global Education Monitoring Report, 2019, *Migration, displacement and education: Building bridges, not walls*, p.41. <https://unesdoc.unesco.org/ark:/48223/pf0000265866>

¹⁷ UNESCO, Global Education Monitoring Report, 2019, *op. cit.*, p.241.

¹⁸ *Ibid.*, pp.47-48.

¹⁹ *Ibid.*, p.43.

²⁰ OECD, *Education at a Glance 2018: OECD Indicators*, 2018, *op. cit.*

²¹ UNESCO, Global Education Monitoring Report, 2016, *op. cit.*, p.233.

respectively, compared with 34% and 39% on average in OECD countries.²² The majority of tertiary education students aged 19 to 24 (85% in 2015/16) do not pay tuition fees.²³

- Nevertheless, the gap between the tertiary education gross enrolment and the gross graduation ratios for the first-degree programmes in tertiary education remains important. The gross enrolment ratio is slightly below 90%, while gross graduation ratio is close to 50%.²⁴

Adult education

- Even though adults who have attained tertiary education still have more access to formal adult opportunities than adults who have only attained secondary education, Eurostat data showed that in European countries, the **smallest gaps in formal education participation rates between the more and less educated** were observed in countries such as Slovenia.²⁵

Upward mobility in education

- Only 9% of adults whose parents have not attained upper secondary education attained tertiary education (OECD average: 21%). Similarly, among adults with at least one tertiary-educated parent, 59% attained tertiary education themselves (OECD average: 68%).²⁶

Human rights education

- A 2010 study estimated that around 80% of students were familiar with the Universal Declaration of Human Rights.²⁷
- The **persistence of stereotypes regarding the roles and responsibilities of women and men** in the family and in society identified by the CEDAW Committee shows nevertheless that the principles of non-discrimination and equality should be strengthened into educational policies.²⁸

Specific recommendations:

11. Slovenia should be encouraged to:
 1. Take further measures to ensure the right to education of Roma people without discrimination, through the adoption of legal and policy measures to strengthen their access to education at all levels, to promote their retention within the educational system, inclusion in mainstream schools and their achievement through education.
 2. Adopt targeted measures in order to promote equality of opportunities for girls and women in the field of education, including to access equal learning outcomes, career opportunities, and ensure that girls and women are represented in all fields of study.
 3. Adopt legal and practical measures, aiming to counter school drop-out and language barriers among immigrants.

²² OECD, *Education at a Glance 2018: OECD Indicators*, 2018, *op. cit.*

²³ European Commission, EACEA National Policies Platform, Eurydice, Slovenia Overview. https://eacea.ec.europa.eu/national-policies/eurydice/content/slovenia_en.

²⁴ UNESCO, *Global Education Monitoring Report*, 2016, *op. cit.*, p.229.

²⁵ *Ibid.*, p.239.

²⁶ OECD, *Education at a Glance 2018: OECD Indicators*, 2018, *op. cit.*

²⁷ UNESCO, *Global Education Monitoring Report*, 2016, *op. cit.*, p.300.

²⁸ Concluding observations on the periodic report of Slovenia, CEDAW, *op. cit.*, para. 17.

4. Allocate sufficient funding to education, in line with international and regional benchmarks endorsed by SDG4-Education 2030 – at least 4% to 6% of the gross domestic product (GDP) and/or at least 15% to 20% of public expenditure to education.
5. Submit more regularly national reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
6. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education²⁹.

B. Freedom of opinion and expression

12. The Government is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards. Insult law may be reviewed in terms of international standards of freedom of expression and limitations needing to be justifiable in terms of democracy.

13. The Government is recommended to review whether the right to correction is in accordance with international standards.

C. Cultural rights

14. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)³⁰, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)³¹ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)³², Slovenia 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, Slovenia 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.

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

15. **Slovenia** 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

²⁹ <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

³⁰ Periodic Report available at: <http://whc.unesco.org/archive/2015/whc15-39COM-10A-en.pdf>

³¹ Periodic Report available at: <https://ich.unesco.org/en/state/slovenia-SI?info=periodic-reporting>

³² Periodic Report available at: <https://en.unesco.org/creativity/governance/periodic-reports/2012/slovenia>

2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). **Slovenia** reported that the guiding principles of the 1974 Recommendation, including the principles of respect for autonomy, freedom of research, non-discrimination, and respect for the human rights of researchers, are guaranteed by the Constitution of the Republic of Slovenia. Slovenia indicated that the National Strategy of Open Access to Scientific Publications and Research Data in Slovenia 2015-2020 was adopted in September 2015. In future, **Slovenia** is encouraged to report to UNESCO on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it 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 science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.