

## **Material for the report on the implementation of the UNESCO Convention against discrimination in education for the years 2012–2015**

### **II Information on the implementation of the Convention and recommendations**

#### **I. Non-discrimination in education**

Universal protection against discrimination is laid down in article 12 of the Constitution of the Slovak Republic, which states that “People are free and equal in dignity and their rights. Basic rights and freedoms are inviolable, inalienable, secured by law, and unchallengeable. Basic rights and freedoms are guaranteed to everyone on the territory of the Slovak Republic regardless of sex, race, colour of skin, language, creed and religion, political or other beliefs, national or social origin, affiliation to a nation or ethnic group, property, descent, or another status. No one shall be harmed, advantaged or discriminated against on these grounds.”

Under article 42(1) to (3) of the Constitution, everyone has the right to education. School attendance is compulsory. Its period and age limit are defined by law. Citizens have the right to free education in primary and secondary schools and, according to their abilities and the available social resources, also in higher education. The establishment of schools other than state schools and teaching in them is permitted only under conditions laid down by law; in such schools a fee may be charged for education.

Under article 34 of the Constitution the children of citizens belonging to national minorities and ethnic groups have in addition to the right to learn the state language, the right to upbringing and education in their language. In the upbringing and education of children belonging to national minorities, the education authorities uphold and apply the democratic right of parents to choose a school’s language of teaching.

Furthermore, the Slovak Republic is a state party to a number of international conventions and treaties on human rights and fundamental freedoms that have been ratified and promulgated in the manner laid down by law and which establish prohibitions of discrimination on various grounds. Under article 7(2) and (5) of the Constitution of the Slovak Republic, these international treaties have priority over Slovak law. Furthermore, under article 154c of the Constitution of the Slovak Republic, international treaties on human rights and fundamental freedoms that Slovakia has ratified and that were promulgated in the manner laid down by law prior to 30/06/2001 have priority over laws where they establish a greater extent of rights and freedoms.

These international instruments for protection against discrimination include the following the conventions:

- ✓ Council of Europe Convention for the protection of human rights and fundamental freedoms including its additional protocols;
- ✓ Council of Europe Framework convention for the protection of national minorities;
- ✓ The United Nations International convention on the elimination of all forms of racial discrimination;
- ✓ UN international covenant on civil and political rights;
- ✓ UN International covenant on economic, social and cultural rights;
- ✓ UN convention on the elimination of all forms of discrimination against women;
- ✓ UN Convention on the rights of the child;
- ✓ UN Convention on the Rights of Persons with Disabilities.

To ensure effective implementation of the right to non-discrimination, Slovakia has adopted legislation to specify the principles of the prohibition of discrimination in certain

areas regulated by law (social security, employment law, education, healthcare, the provision of goods and services).

In July 2004 there entered into force in the Slovak Republic an “Anti-Discrimination Act”<sup>1</sup>, which built upon the provisions on equality laid down in the Constitution of the Slovak Republic (Constitutional Act No 460/1992) and other legislation with related content which was directly amended by this act to establish a general legal framework implementing the principle of equal treatment.

The original Anti-Discrimination act adopted in 2004 took over and transposed Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 2000/78/EC of establishing a general framework for equal treatment in employment and occupation, and Council Directive 96/97/EC amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes.

Section 2(1) of the Anti-Discrimination Act states that “the principle of equal treatment is implemented by the prohibition of discrimination on grounds of sex, religious belief or faith, race, membership of a national or ethnic group, disability, age, sexual orientation, marital or family status, skin colour, language, political or other views, national or social origin, property, lineage or other status.”

In 2007 the Anti-Discrimination Act was amended by Act No 326/2007, which entered into effect on 01/09/2007. The Anti-Discrimination Act was amended again by Act No 85/2008, effective from 01/04/2008, which strengthened the principle of non-discrimination in all the material areas covered by the act. This means not only in the area of labour-law relations and similar legal relations, but also the areas of social security, healthcare, the provision of goods and services and also education. In the present legal framework, the principle of non-discrimination is applied equally in labour-law relations and similar legal relations, social security, healthcare, the provision of goods and services and education (section 5(1) and section 6(1) of the Anti-Discrimination Act). An amendment of the Anti-Discrimination Act in 2008 permitted state administration bodies to implement temporary balancing measures. Such balancing measures must be used to achieve equal opportunities in practice with a view to eliminating forms of social and economic disadvantage and disadvantage due to age or disability. Temporary balancing measures include in particular measures to increase interest in employment, education, culture, health care and services amongst members of disadvantaged groups.

The act permits state administration bodies to implement temporary balancing measures in compliance with the act for the elimination of forms of social and economic disadvantage and disadvantage resulting from age and disability in order to ensure equal opportunities in practice. The amendment includes a demonstrative definition of temporary balancing measures as follows:

- measures to support the interest of members of disadvantaged groups in employment, education, culture, health care and services,
- measures to ensure equal access to employment and education, in particular through preparatory programmes for the members of disadvantaged groups or through the dissemination of information about such programmes or about opportunities to apply for jobs or places in education.

The amendment also stipulated that temporary balancing measures could be adopted only in the areas specified in the antidiscrimination act and that the measures could last only until the elimination of the inequalities that they were adopted to address (section 8a(3) of the

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<sup>1</sup> Act No 365/2004 on equal treatment in certain areas and on protection against discrimination and amending certain acts, as amended

antidiscrimination act). The Anti-Discrimination Act was also amended by the following acts: 384/2008, 448/2008 (indirectly), 400/2009 (indirectly), 568/2009 (indirectly), 48/2011, 388/2011, 32/2013, 307/2014, 378/2015.

**The Ministry of Education, Science, Research and Sport of the Slovak Republic** takes continuous and responsible action to ensure non-discrimination in access to education for all nationalities, ethnic groups and disadvantaged sections of the population living in the territory of the Slovak Republic in order to increase levels of social inclusion.

**Current legislative framework** - the implementation of inclusive education in the school system on the regional level is governed by Act No 245/2008 on upbringing and education (the Schools Act) and the amendment of certain acts, as amended, which establishes the following guarantees:

- a) **all school-age children/pupils** in the Slovak Republic have the right to:
  - ✓ equal access to upbringing and education having regard for the educational needs of the individual and their shared responsibility for their education
  - ✓ a free choice of education having regard for the children's and pupils' expectations and potential, as well as the possibilities of the educational system
  - ✓ an individual approach respecting their capabilities and possibilities, talents and health condition
  - ✓ provision of advice and services connected with upbringing and education
  - ✓ organisation of upbringing and education appropriate to their age, abilities, interests, health conditions and in accordance with the principles of mental health
- b) **children/pupils with special educational needs have the right to**
  - ✓ upbringing and education making use of specialised forms and methods corresponding to their needs and the creation of the necessary conditions to permit such upbringing and education (*the state education programmes for each level of education include education programmes for categories covering the various types of health challenges setting the specific characteristics of education for pupils with health challenges*)
  - ✓ the use of special textbooks and special didactic and compensatory aids
  - ✓ education using sign language for the deaf
  - ✓ upbringing and education using Braille writing
  - ✓ upbringing and education using alternative methods of communication
- c) **children and pupils belonging to national minorities and ethnic groups**
  - ✓ have, in addition to the right to learn the state language, the right to upbringing and education in their language.
- d) **children of foreigners**
  - ✓ receive upbringing and education, accommodation and meals in schools under the same conditions as citizens of the Slovak Republic (if they have permission to reside in the Slovak Republic or they are the children of people applying for asylum)

The Schools Act also prohibits all forms of discrimination, in particular segregation. No measures under the Schools Act lead to the exclusion of Roma children from the standard school system and their placement in special educational establishments or otherwise promote segregation. Pupils for whom school attendance is obligatory attend school at a basic school in the school district in which they have permanent residence, unless their parents choose another basic school for them. This applies to all children regardless of their nationality, sex, race, religious belief etc. A child's legal representative has the right to choose a school for their child in line with the child's health condition, interests and hobbies, their beliefs, world view, nationality and ethnicity. The rights laid down by the Schools Act are guaranteed

equally for everyone in accordance with the principle of equal treatment in education established by the Anti-Discrimination Act. Roma children and pupils have equal standing in the education system of the Slovak Republic, with the same guaranteed rights and obligations as all children and pupils.

## ***2. Equal opportunities in education***

The Ministry has been working for some time on legislation on segregation and discrimination to implement the intention of the Schools Act that special educational needs resulting exclusively from a socially disadvantaged background must not be misdiagnosed as special educational needs resulting from a health challenge. The reason is that the development of a child in a socially disadvantaged environment does not automatically lead to a health challenge requiring the placement of the child or pupil in a special school or special class. This means **improving the situation in the education of pupils from socially disadvantaged backgrounds, a significant proportion of whom are children from marginalised Roma communities.**

On 30/06/2015, the National Council of the Slovak Republic (the parliament) passed an amendment of Act No 245/2008 on upbringing and education (the Schools Act) and amending certain acts, as amended, and other acts, which introduced measures to improve the situation in the education of pupils from socially disadvantaged backgrounds, a significant proportion of whom are children from marginalised Roma communities. The amendment of section 107 introduced an express prohibition on placing a child or pupil in a special school, special class of nursery school, special class of basic school or special class of secondary school if the child has special educational needs resulting only from development in a socially disadvantaged environment. In practice this means that child cannot be placed in a special school just because they come from a socially disadvantaged background. The law expressly and directly requires the placement of children and pupils from socially disadvantaged backgrounds in classes with other children and pupils. This measure unambiguously prohibits segregation. The amendment also introduced changes in the functioning of specialised classes in which pupils who would not manage education in a given year can “catch up” on knowledge that they lack. Pupils can be placed in such classes at the recommendation of a class teacher after consultation with the upbringing counsellor and with the consent of the child’s parent (legal representative) for at most one year. The amendment also changed the provision of allowances for pupils from socially disadvantaged backgrounds. These will now be provided only to pupils from socially disadvantaged backgrounds who are placed in a “typical class”, with effect from 01/09/2016.

The amendment to the provision of allowances is designed to ensure that they fulfil their function, which is to support a basic school in meeting the special educational needs of the pupil, i.e. the need to provide conditions, content, forms, methods and approaches in upbringing and education that support the development of the abilities and personality of the pupil and provide an adequate level of education and integration in society (section 2(i) of the Schools Act).

This means that allowances should be used to make a real increase in the quality of the educational process and pedagogical and psychological influences on pupils with regard to their educational needs and compensation for the disadvantages that have affected their development, and not with regard to poverty.

From 01 September 2016 the allowances will be provided only to pupils from socially disadvantaged backgrounds who have been assessed by a centre for pedagogical-psychological counselling and prevention and who have been placed in a “typical class” in basic school.

Allowances will not be provided for pupils in:

- special basic schools
- special classes in basic schools or
- pupils with an individual programme in basic school because they have a health challenge or are intellectually gifted.

This also prevents the use of increased funds to provide for special educational needs using the rates for pupils who have health challenges and/or who are intellectually gifted and also the allowance for pupils with special educational needs.

The amendment also strengthened state control over the activities of school establishments for educational counselling and prevention and permitted relevant parties to review diagnostic procedures and proposals to place a child or pupil in a specific form of upbringing and education. It permits the State School Inspection to find an incorrect diagnosis to be a serious deficiency in the activities of a special educational establishment or a school establishment for educational counselling and prevention.

As a further measure to promote the integration of pupils from socially disadvantaged backgrounds in typical classes in basic school, the Ministry issued:

- a) in January 2016 Information **on the changes in section 107 of Act No 245/2008 on upbringing and education (the Schools Act) and amending certain acts, as amended** – published on the Ministry’s website <http://www.minedu.sk/data/att/9389.pdf>
- b) in March 2016 a sectoral regulation, i.e. guidelines entitled **Procedures of centres for pedagogical-psychological counselling and prevention in the assessment of the readiness for school attendance of children from socially disadvantaged backgrounds** with an annex by the Research Institute for Child Psychology and Pathopsychology - **METHODOLOGICAL INFORMATION for professionals employed by counselling establishments**. Published on the Ministry’s website:  
[http://www.minedu.sk/data/files/5853\\_usmernenie\\_cpppap\\_diagnostika.pdf](http://www.minedu.sk/data/files/5853_usmernenie_cpppap_diagnostika.pdf)  
[http://www.minedu.sk/data/files/5854\\_metodicka\\_informacia\\_k\\_usmerneniu\\_szp.pdf](http://www.minedu.sk/data/files/5854_metodicka_informacia_k_usmerneniu_szp.pdf)

The Ministry places a particular emphasis on desegregation in ensuring equal access to education in compulsory school attendance in municipalities where there is a high concentration of pupils from marginalised Roma communities. The aim is to reduce the number attending special basic schools / special classes in basic schools by creating capacity in basic schools, in particular by building module schools in areas where schools operate two shifts, i.e. places where there are critical problems in arrangements for compulsory school attendance.

An important point is that any solution must achieve the greatest possible satisfaction of all the parties, i.e. on the one hand, the prevention of segregation and a reduction in the number of pupils attending special basic schools by creating capacity in the typical basic school, and on the other hand, respecting the requirements of the population of the affected area by enabling pupils to attend school close to the place where they live.

Since 2012 the Ministry of Education has issued a call for a development project – Support for the creation of positive social climate and motivation in multicultural classes in basic schools, and **Support for the upbringing and education of pupils from socially disadvantaged backgrounds in basic schools**.

### **Priority topics of the call:**

The priority areas for support are activities that help to balance pupils' social disadvantages and ensure equality of opportunity by increasing interest in education amongst pupils from socially disadvantaged backgrounds.

Other supported areas include:

- ✚ applications of new forms and methods of education, in particular support for reading literacy in the teaching process,
- ✚ innovative methods for using ICT in the learning process and innovative didactic resources for digital learning,
- ✚ providing teaching aids, texts and methodological materials,
- ✚ **activities supporting an intercultural environment,**
- ✚ **activities developing cooperation with parents**

<b>Year</b>	<b>Number of development projects supported in basic schools</b>	<b>Cost</b>
2012	23	EUR 60,500
2013	16	EUR 52,437
2014	21	EUR 50,000
2015	20	EUR 50,000

The Ministry demonstrates its unambiguous rejection of segregation not only in legislation but also in sectoral regulations such as the Pedagogical Organisational Instructions for each school year, starting from school year 2012/2013 in section 1.6.4. National minorities, socially disadvantaged environments, foreigners, discrimination. For example, in school year 2015/2016, point 7 states: "Consistently implement the prohibition of all forms of discrimination and segregation in schools and school facilities. Eliminate adverse phenomena such as spatial, organisational, physical or symbolic exclusion or separation of Roma children and pupils from other children and pupils on the basis of their ethnicity (frequently in combination with social disadvantage). Find solutions for the problems of children and pupils coming from marginalised groups that complicate the process of their placement in typical schools and school facilities, their integration into typical classes and the subsequent educational process. Create suitable conditions for their education in schools and classes together with the majority population.

Under point 8 Implement inclusive education for children and pupils in all nursery, basic and secondary schools, in state, private and church schools, making use of appropriate teaching methods. Details – Official Journal of the European Union 24/12/2013, Council recommendation of 09/12/2013 on effective Roma integration measures in the member states.

Ministry of Education, Science, Research and Sport of the Slovak Republic and Lifelong Learning Department performs within the Act no. 568/2009 Coll. on Lifelong learning. The Lifelong Learning Department itself is responsible for education of adult learners after they finished their formal schooling. Accreditation committee for further education issues accreditation for different kinds of re-qualification courses for adults, including adult foreigners.

Lifelong Learning Department is currently working on a new concept for the Act on Lifelong learning. This will establish new processes for monitoring and prognostics in the field of educational needs in direct correspondence with the labour market needs. The new law will establish the financing process for further education, quality of education and accreditation of further education, recognising the results of further education and informal learning. This will involve employer's representatives and the representatives of employees in the process of further education, control and consulting. However, it's important to state that the current legislation is set up to allow for the involvement of foreigners as well as every citizen of Slovak Republic in the process of further education.

A Programme Declaration of the New Government had been issued in April 2016. The document stated that there will be development of a new concept of the National programme of education and education of adults, focusing on lifelong learning and further education and the key themes should be education towards the human rights and fight against extremism.

According to the Act no. 568/2009 Coll on Lifelong Learning in Slovakia, it is possible to prepare programmes for lifelong learning and further education in all regions of the country. This kind of education can be provided by wide range of fields and it's generally accessible for the population. The demand varies in relation to fields – the popular fields of accredited educational programmes include agriculture, beauty industry, accounting, etc. As for the education in connection to human rights, for example, there are currently only few programmes accredited. Since the accreditation is not compulsory in relation to special interest education, many providers in this field offer it as such, or pick a certain theme and adapt it to education suitable for work environment etc.

### ***3. Progress achieved in the implementation of the right to education***

#### ***3.1 Universal primary education***

Education is a universally recognised value in our society. It increases people's life chances, develops personality and professional skills, opens horizons, broadens perspectives and improves potential quality of life. The right to education is an important basic right that is **guaranteed for all by the Constitution of the Slovak Republic**. It is also included in international treaties that are binding for the Slovak Republic.

The foundation of law in the Slovak Republic and the country's supreme law is the Constitution of the Slovak Republic (Constitutional Act No 460/1992). Education is referred to in Article 42:

- (1) Everyone has the right to education. School attendance is compulsory. Its period and age limit are defined by law.
- (2) Citizens have the right to free education in primary and secondary schools and, according to their abilities and the available social resources, also in higher education.
- (3) The establishment of schools other than state schools and teaching in them is permitted only under conditions laid down by law; in such schools a fee may be charged for education.
- (4) A law will determine under what conditions citizens are entitled to state assistance during study.

As the founding act of the state, the Constitution defines the primary rights of citizens, determines the standing of state authorities, defines the competences of state bodies and their relations to each other, the symbols of the state, the justice system and other fundamental matters. The Constitution creates conditions for the implementation of other legislation.

Upbringing and education is governed by Act No 245/2008 on upbringing and education (the Schools Act) and amending certain acts, as amended (hereinafter the "Schools

Act”), which defines the principles, objectives, conditions, scope, content, forms and organisation of upbringing and education in schools and school establishments.

**Upbringing and education under the Schools Act is based on the following principles<sup>2</sup>:**

- equal access to upbringing and education having regard for the educational needs of the individual and their shared responsibility for their education
- the prohibition of all forms of discrimination, in particular segregation,
- a free choice of education having regard for the children’s and pupils’ expectations and potential, as well as the possibilities of the educational system
- preparation for living responsibly in a free society in a spirit of understanding and tolerance, **equality of men and women**, friendship between nations, nationalities and ethnic groups and religious tolerance,
- balanced development of all aspects of the child or pupil’s personality during school education.

**The Schools Act guarantees children and pupils the following rights<sup>3</sup>:**

- **equal** access to education,
- an individual approach respecting their capabilities and possibilities, talents and health condition in the scope determined by the Schools Act,
- respect for their beliefs, world view, nationality and ethnicity,
- provision of advice and services connected with upbringing and education,
- organisation of upbringing and education appropriate to their age, abilities, interests, health conditions and in accordance with the principles of mental health.

It follows from the foregoing that **both boys and girls have the right to primary education free of charge**. The principle of **equality of men and women** is applied consistently in the territory of the Slovak Republic and sex discrimination is prohibited. Discrimination is prohibited on a wide range of grounds, in which Slovak law even goes beyond the framework of EU directives.

On the constitutional level, the prohibition of discrimination was first established in article 3 of the Charter of fundamental rights and freedoms. 11 According to the first sentence of article 12(1) of the Constitution of the Slovak Republic: *“People are free and equal in dignity and rights.”* Article 12(2) of the Constitution of the Slovak Republic expands on the principle of equality as follows: *“Basic rights and liberties on the territory of the Slovak Republic are guaranteed to everyone **regardless of sex, race, colour of skin, language, creed and religion, political or other beliefs, national or social origin, affiliation to a nation or ethnic group, property, descent, or another status. No one shall be harmed, advantaged or disadvantaged on such grounds.**”*

Although European legislation only became directly binding for the Slovak Republic from 01 May 2004, it was necessary to adapt our legislation to it during the accession process and the majority of Anti-Discrimination legislation was implemented in Slovak law during this period. The prohibition of discrimination on grounds of sex was gradually incorporated throughout labour law, including the Act on Employment, whose amendment in 1999 introduced a prohibition on the publication of job advertisements containing any restrictions and discrimination, and the Labour Code.

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<sup>2</sup> The principles of upbringing and education are set out in section 3 of the Schools Act

<sup>3</sup> The rights of children and pupils are laid down in section 144 of the Schools Act:

Women and men have the right to equal treatment in the Slovak Republic in access to employment, remuneration and working procedures, vocational training and working conditions.

Numerous provisions of Act No 245/2008 on upbringing and education (the Schools Act) and amending certain acts, as amended – e.g. section 3(c), (d), (e), (j), (l) and (o) expressly state that upbringing and education under the act is based on **equal access to upbringing and education having regard for the educational needs of the individual** and their **shared responsibility** for their education; also **the prohibition of all forms of discrimination, in particular segregation**, the **equal value** and inseparability of upbringing and education in the process of upbringing and education, the **preparation for a free life in a free society in the spirit of understanding and tolerance, equality of men and women**, friendship between nations, nationalities and ethnic groups and religious tolerance, integration of the system for upbringing and education in the Slovak Republic in the **European education process** having regard for Slovakia's own experience and traditions, the **prohibition of the provision or disclosure of information or the abuse of information resources** that could **harm morality or incite national, racial or ethnic hatred or other forms of intolerance**. The provision of upbringing and education is subject to the Anti-Discrimination Act.<sup>4</sup>

The government of the Slovak Republic **has no problem** with implementing universal access to free primary education. With reference to this question, we would again like to highlight section 3 of the Schools Act, which establishes the following principles of upbringing and education:

- a) **education free of charge** in nursery schools for one year before the start of compulsory school attendance,
- b) **education free of charge in basic schools and secondary schools** under the establishing authority of local state administration bodies for education, a central state administration body or a territorial self-government body (hereinafter a “state school”),
- c) **equal access to upbringing** and education having regard for the educational needs of the individual and their shared responsibility for their education,
- d) **the prohibition of all forms of discrimination, in particular segregation**,
- e) **the equal value** and inseparability of upbringing and education in the process of upbringing and education,
- f) lifelong learning,
- g) upbringing counselling as specified in section 130,
- h) **a free choice of education** having regard for the children's and pupils' expectations and potential, as well as the possibilities of the educational system,
- i) improvement of the process of upbringing and education reflecting the findings of science, research and development,
- j) preparation for living **responsibly** in a free society in a spirit of understanding and tolerance, **equality of men and women**, friendship between nations, nationalities and ethnic groups and religious tolerance,
- k) monitoring and evaluation of the quality of upbringing and education and the quality of the education system,
- l) **integration** of the education system in the Slovak Republic in the **European educational area** while having regard for Slovakia's own experience and traditions,
- m) strengthening of the upbringing side of the upbringing and education process in all teaching subjects and also through specialised upbringing positions for the development of

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<sup>4</sup> Act No 365/2004 on equal treatment in certain areas and on protection against discrimination and amending certain acts (the Anti-Discrimination Act)

- feeling and emotions, motivation and interests, socialisation and communication, self-control and self-discipline, moral values and creativity,
- n) the balanced development of all aspects of the child or pupil's personality during school education,
  - o) the prohibition of the provision or disclosure of information or the abuse of information resources that could harm morality or incite national, racial or ethnic hatred or other forms of intolerance,
  - p) the equal status of schools and school establishments regardless of their establishing authority or entity,
  - q) the equal value of education acquired in state schools, schools established by a church or religious society recognised by the state (hereinafter a "church school") and schools established by another natural person or legal entity (hereinafter a "private school").
  - r) the prohibition of the use of all forms of corporal punishments and penalties in upbringing and education.

In addition, under section 144 of the Schools Act children or pupils and their legal representatives have the following rights and obligations:

- (8) The legal representative of a child or the representative of an establishment is obliged to register a child for compulsory school attendance and to ensure that the child attends school regularly and on time, if another form of education under this act is not provided; reasons for a child's absence from upbringing and education must be documented in accordance with the school rules.
- (9) If a child or pupil cannot participate in upbringing and education in a school or school establishment, their legal representative or the representative of the establishment must promptly notify the school or school establishment of the cause of their absence. Acceptable reasons for the absence of a child or pupil are in particular illness, a doctor's instruction not to attend school, extraordinary adverse weather conditions or the sudden stoppage of public transport, an extraordinary event in the family or the participation of a child or pupil in a competition.
- (10) The absence of a minor child or pupil lasting not more than three consecutive teaching days must be explained by their legal representative or the representative of the establishment; in exceptional and specially justified cases the school may require a doctor's note on the illness of the child or pupil or other documentary evidence of the reason for their absence. If the absence of a child or pupil caused by illness lasts longer than three consecutive teaching days, the child, pupil, their legal representative or a representative of the institution must present a doctor's note.
- (11) Pupils who have reached the age of maturity explain their absence themselves.

The failure of a child's legal representative to comply with the foregoing obligations is subject to proceedings on infractions and administrative offences under Act No 596/2003 on state administration in education and school self-government, and amending certain acts, as amended.

#### **"Section 37 Infractions**

- (1) An infraction is committed by the legal representative of a child who endangers their upbringing and education by neglecting to ensure the child's compulsory school attendance, in particular if the child is not registered for compulsory school attendance or if the child misses more than 60 teaching hours in a school year without explanation.

#### **Section 37a Administrative offences**

- (1) A municipality shall impose a fine of up to EUR 331.50 on the legal representative of a child that is a legal entity and has endangered their upbringing and education by neglecting to ensure the child's compulsory school attendance, in particular if the child was not registered

for compulsory school attendance or if the child missed more than 60 teaching hours in a school year without explanation.

### **3.2 Secondary education**

The right to education free of charge is guaranteed in the Constitution of the Slovak Republic, Title II, section five, article 42(2).

- ✓ Secondary education is available and accessible to all in the Slovak Republic. One of the principles of upbringing and education established by Act No 245/2008 on upbringing and education (the Schools Act) and amending certain acts, as amended, is equality in access to upbringing and education having regard for the educational needs of the individual and their shared responsibility for their education (section 3(c) of the Schools Act),
- ✓ Education in secondary vocational schools in Slovakia is free of charge, universally available and open to all.
- ✓ Upbringing and education in Slovakia is based on the principles laid down in section 3 of Act No 245/2008 on upbringing and education (the Schools Act) and amending certain acts.
- ✓ Access to education is guaranteed by the Schools Act. Applicants for admission to the first year of secondary vocational education must have completed lower secondary education pursuant to section 16(3)(b) of the Schools Act and satisfied the conditions of the admissions procedure.

Section 3(b) of the cited act states that upbringing and education are based on the principle of education free of charge in basic and secondary schools under the establishing authority of a local state administration body for education, a central state administration body or a territorial self-government body.

The Ministry of Education has no record of significant problems related to access to education in secondary schools.

#### **Progress: Act on vocational education and training**

- ✓ The National Council of the Slovak Republic adopted a new Act on vocational education and training on 12 March 2015 and it entered into effect on 01 April 2015. The purpose of the new act is to make it easier for the graduates of secondary vocational schools to transition from education to the labour market and to reduce the risk that young school leavers will be unemployed. The new act on vocational education and training incorporates elements that allow the training of pupils in a dual education system.
- ✓ **The main elements of dual education supporting the acquisition of knowledge and skills include:**
  - training to perform an occupation according to the employer's requirements,
  - practical instruction in the employer's own workplace
  - an education contract between the pupil and the employer
  - a contract between the school and the employer on practical instruction,
  - the employer's responsibility for the provision of practical instruction,
  - motivational incentives for employers to provide vocational education and training.
- ✓ **The new act on vocational education and training regulates the following areas:**
  - vocational education and training in secondary vocational schools,
  - the types of secondary vocational schools and the characteristics of the areas of education in which schools provide vocational education and training,
  - the procedure for practical instruction,

- the procedure for practical instruction in a system where an employer participates directly in vocational education and training based on the provision of practical instruction to a pupil under contract, i.e. the dual education system,
  - verification of an employer's ability to provide practical instruction in the dual education system,
  - the rights and obligations of the pupil, the secondary vocational school and the employer in relation to each other in the dual education system,
  - financial arrangements and material conditions for pupils,
  - coordination of vocational education and training for the labour market.
- ✓ Pupils have been able to receive education in the dual education system since school year 2015/2016.

### **3.3 Higher education**

The Slovak government has made great efforts to ensure that there is no discrimination as evidenced by Section 55, article 2 of the Act No. 131/2002 of Law on Higher Education and its supplements as amended by subsequent regulations: „The rights set out by this Act shall be equally guaranteed to all applicants and students in agreement with the principle of equal treatment in education as laid down by a special act. In agreement with the principle of equal treatment the discrimination is likewise prohibited on the grounds of sex, denomination or faith, marital status and family status, colour, language, political or other convictions, trade union activity, national or social background, disability, age, property, descent or other status.“

In agreement with Section 56, article 1 of the Act No. 131/2002 on Higher Education and its supplements as amended by subsequent regulations the admission to the bachelor study or to courses in the study programme, is a subject of completing general secondary education or technical secondary education with school-leaving certificates giving access to higher education.

A higher education institution or a faculty, if the programme is carried out at a faculty, may determine additional requirements with the aim to ensure that only applicants with required abilities and qualifications are admitted. The conditions and method determined for verification of their fulfilment shall enable selection of the applicants showing the highest level of abilities for the study. A higher education institution may not condition the admission to study by any financial compliance, except for the fees paid for material provision of admission procedure.

The student of public higher education institution that studies in Slovak or in a minority language in full-time form of study, who did not exceed the standard length of study determined for the study programme, shall not pay the tuition. Tuition fees and study-related fees at a private higher education institution shall be determined by the private higher education institution in its internal regulations.

### **3.4 Adult education and lifelong learning**

***- What efforts has your government made to establish a system of continuing education on the basis of individual capacity?***

Project defined measures for young adults and adults were developed and implemented in the context of implementation of the national project “Further education and guidance for adults as a tool for better enforceability in the labour market” (hereinafter referred to as CVANU).

The aim of the project was to gain better access to appropriate learning, training and career guidance. The key outputs of the project are the methodology of designing of educational and training programmes for adults followed by pilot-launch of 40 modular educational programmes. These educational programmes were targeted at the professions generated by market demand; 40 most requested qualifications in 10 industrial sectors (crafts and services, mining and quarrying of materials, metallurgy, agriculture, wood industry, paper and printing industry, automotive industry, construction, mechanical and electrical machinery). Each candidate interested in taking the exam of professional competence (regarding the scheduled educational programmes) needed to show the evidence of his or her praxis. In terms of meeting the prescribed minimum level of professional practice, each candidate had to document 5 year of praxis in the area of interest. The assessment by trained professionals allowed candidates to take the examination of professional competence. This training was piloted in 120 educational groups and 93 exams of acquisition of professional competence were carried out. The overall number of participants involved in the pilot education was 3 439 people.

In addition to the above mentioned educational programmes, CVANU developed 5 more programmes focusing on the lecturer of further education; manager of further education, tutor of further education, project manager of EU funded projects. These are also educational programmes consisting of modules retaining the same conditions for taking the examination on professional competence. This education was piloted in 67 educational groups and 85 exams of acquisition of professional competence were carried out. The overall number of participants involved in the pilot education was 1 424 people.

Both types of piloted education involved 4 863 participants/trainees, including the minority representatives, persons with disability and migrants, engaged in the pilot education of adults. So were the technical devices to ensure the compliance with the quality standards.

The content of all listed educational programmes for adults originated with the assistance of the employers and their associations in order to meet their requirements and quality assurance to foster the relevance with the labour market.

***- What are the concrete measures implemented to ensure equitable access to continuing education?***

The Slovak Educational Act no. 245/2008 Coll. states, that it is possible to continue unfinished basic education during adulthood, there are options available at regional level. There are also specific policies and projects implemented concerning unemployed youth (aged 16-26 who left educational process and are unemployed for long periods of time) and people from marginalized groups. So called „second chance“ programmes offer not only continuation in unfinished education, they also provide a chance to gain new skills and reintegrate their participants into the labour market.

### ***3.5 Quality education***

Section 5 of the Schools Act states that upbringing and education in schools must conform to programmes of upbringing and education. The applicable education programmes are the state education programme and the school education programme.

**State education programmes define the obligatory content of upbringing and education in schools for skills acquisition in accordance with the Schools Act. State education programmes are issued and published by the Ministry of Education, Science, Research and Sport of the Slovak Republic.** This means that the state education programme is hierarchically the supreme programming document and is binding for the determination of

the general objectives of education and the key competences towards which education should be directed. The objectives of education are designed to ensure the balanced development of the pupil's personality.

**State education programmes contain:**

- a) the title of the education programme, which is also the name of the educational course; in secondary vocational schools it is also the name of a group of educational courses,
- b) specific objectives of upbringing and education in compliance with section 4,
- c) the level of education that will be achieved by completing the education programme or a self-contained part of it,
- d) a profile of a person who has completed the education programme,
- e) areas of education,
- f) the characteristic of the topic of education, its length, the form of upbringing and education and the conditions of admission,
- g) education standards; in the case of vocational education and training provided in a dual education system under separate legislation<sup>6aa)</sup> also sample teaching syllabuses,
- h) forms of practical instruction,
- i) framework teaching plans; in the case of vocational education and training provided in a dual education system, also sample teaching plans,
- j) the teaching language,
- k) the organisational requirements for upbringing and education in each form of upbringing and education,
- l) the method and conditions for completing upbringing and education and the issuing of a certificate for the completed education,
- m) personnel requirements,
- n) requirements for materials, technical equipment and space,
- o) the conditions for ensuring occupational safety and health in upbringing and education,
- p) special characteristics and conditions for the upbringing and education of children and pupils with special educational needs, in particular the requirements for materials and personnel, including special compensatory, rehabilitative, didactic and audiovisual equipment required by a particular type and level of disability,
- q) rules and conditions for the elaboration of school education programmes.

The procedure for the upbringing and education of pupils with special educational needs is designed to ensure that these pupils receive education of the same value as that provided to pupils without disabilities. Pupils with a health challenge other than pupils with a mental disability have the opportunity to achieve the same level of education as other pupils. The relevant educational programmes and applicable legislation guarantee pupils special educational support in the educational process.

**The state education programmes for vocational education and training** are issued by the Ministry of Education after consultation with institutions for the coordination of vocational education and training for the labour market on the national level, in the case of study courses in the area of health preparing pupils to work in the healthcare sector, the programmes are issued by the Ministry of Health of the Slovak Republic.

**The state education programme for a study course is binding for:**

- a) the elaboration of the school education programme,
- b) the writing and assessment of textbooks, teaching texts and workbooks,
- c) the evaluation of schools and the evaluation of the results achieved by children and pupils.

**Latest applicable pedagogical documents as of 01/09/2015:**

- State educational programme for nursery schools approved by the Ministry of Education, Science, Research and Sport of the Slovak Republic for nursery schools on 10/03/2015 with effect from 01/09/2015.
- State educational programme for basic schools approved by the Ministry of Education, Science, Research and Sport of the Slovak Republic for nursery schools on 06/02/2015 with effect from 01/09/2015.
- State educational programme for general secondary schools (in Slovak “gymnázia”) approved by the Ministry of Education, Science, Research and Sport of the Slovak Republic for general secondary schools on 20/03/2015 with effect from 01/09/2015.
  
- The framework teaching plans for basic schools with teaching in Slovak, with teaching in the language of a national minority and with teaching of the language of a national minority approved by the Ministry of Education, Science, Research and Sport of the Slovak Republic as part of the State education programme for basic schools on 06/02/2015 with effect from 01/09/2015.
- The framework teaching plans for general secondary schools and eight-year general secondary schools with teaching in Slovak and with teaching in the language of a national minority approved by the Ministry of Education, Science, Research and Sport of the Slovak Republic as part of the State education programme for general secondary schools on 20 March 2015 with effect from 01 September 2015.

As part of the revised state education programmes in force since 01/09/2015, content and performance standards on human rights, in particular as regards vulnerable sections of the population – the rights of children, women and minorities – were added to the subject civics.

The pedagogical documents approved in 2008 and 2011 also remain in force:

**Framework teaching plans** (hereinafter the “FTP”):FTP in force from 2008:

- FTP for basic schools with teaching in Slovak (ISCED1, ISCED2)
- FTP for basic schools with teaching in the language of nationalities (ISCED1, ISCED2)
- FTP for four-year and eight-year general secondary schools with teaching in Slovak (ISCED3A).
- FTP for four-year and eight-year general secondary schools with teaching in the language of nationalities (ISCED3A).

FTP in force from 01/09/2011:

- FTP for basic schools with teaching in Slovak (ISCED1, ISCED2)
- FTP for basic schools with teaching in the language of nationalities (ISCED1, ISCED2)
- FTP for four-year and eight-year general secondary schools with teaching in Slovak (ISCED3A).
- FTP for four-year and eight-year general secondary schools with teaching in the language of nationalities (ISCED3A).

Schools with upbringing and teaching in the language of national minorities and teaching in the language of national minorities are an integral part of the system for upbringing and education in the Slovak Republic. The education provided in these schools is equivalent to the education provided by schools with teaching in Slovak. In the upbringing and education of children and pupils belonging to national minorities, the education authorities uphold and apply the democratic right of parents to choose a school’s language of teaching.

The state education programmes for basic and secondary schools include educational standards for each compulsory subject which are equally binding for all types and kinds of

schools. Educational standards are also set for the following languages of national minorities – Hungarian language and literature, Roma language and literature, Ruthenian language and literature, Ukrainian language and literature.

- Performance and content standards for Roma language and literature at primary level (first stage of basic school), lower secondary level (second stage of basic school) and higher secondary education (secondary schools) are included in the revised state education programmes for each level of education;
- Performance and content standards for Roma studies at primary level (first stage of basic school), lower secondary level (second stage of basic school) and higher secondary education (secondary schools) have been elaborated and are currently undergoing revision;
- Target requirements for the *Maturita* school graduation exam in Roma language and literature have been elaborated. Pupils who have completed a set number of hours in the subject Roma language and literature may take this subject as part of the *Maturita* exam. Roma language and literature is registered in the list of optional subjects for the *Maturita* exam and schools are responsible for organising the exam.
- Schools that are interested in teaching Roma language and literature and Roma studies can incorporate these subjects in their school education programmes as part of the hours for elective study.

**The State Institute for Vocational Education** is responsible for the preparation of educational standards for vocational education and training for all educational courses in the vocational education system that are part of state educational programmes (hereinafter “SEP”) approved by the Ministry of Education, Science, Research and Sport of the Slovak Republic (hereinafter the “Ministry”).

The Schools Act stipulates that educational standards are binding for all secondary vocational schools and conservatories in the Slovak Republic providing the relevant educational courses at the relevant level of education regardless of the school’s establishing entity (state, church or private) and must be the basis for the schools’ own education programmes.

During the period under review, the State Institute for Vocational Education prepared revised education programmes for vocational education in all fields in cooperation with expert committees and employers’ representatives. These were approved by the Ministry with effect from 01/09/2013. A total of 16 addenda to the SEP entered into effect from 01/09/2014 and 01/09/2015.

In order to ensure an equal baseline for material and technical conditions in all secondary vocational schools and conservatories in Slovakia, the State Institute for Vocational Education prepares standards for materials, technical equipment and space for each educational course and these standards are submitted to the Ministry for approval. In the period under review, the State Institute for Vocational Education prepared such standards for 203 educational courses.

The educational standards for vocational education and training and the material-technical standards for educational courses at the relevant level of education are the basis for the evaluation of quality of secondary vocational schools and conservatories in the Slovak Republic by the State School Inspection.

### **3.6 Teaching profession**

Pedagogical employees at all levels of provision of education have

- the same rights and obligations under applicable legislation (e.g. the Labour Code, Act No 552/2003) international treaties and conventions by which the Slovak Republic is

bound and section 5 of Act No 317/2009 on pedagogical staff and school-related professionals and amending certain acts (Act No 317/2009),

- the same requirements for the performance of pedagogical activities (qualification requirements, integrity, health, command of the state language and authorisation to teach a religion or religious education under the rules of the competent registered church or registered religious society),
- qualification requirements that pedagogical employees must satisfy for the whole duration of their teaching career,
- qualification requirements are defined by the acquisition of professional competence by completing a study programme (higher education) or an education programme (secondary school) in the required field of study,
- the level of education required for the performance of pedagogical activities by particular categories of pedagogical employees ranges from completed secondary vocational education through higher vocational education to the first and second levels of university education,
- teachers require the second level of university education except for teachers in nursery schools and basic art schools, who may have a lower level of education.

The following measures are planned to improve living and working conditions for pedagogical employees:

- to create conditions for state and territorial self-government authorities to reduce the shortfall in modernisation of the equipment of basic and secondary schools having regard for requirements for materials, technical equipment and space,
- to implement criteria related to length of experience in the remuneration of pedagogical employees,
- to increase efficiency in the financing of schools and school establishments having regard for the necessary number of pupils per class and classes per school and their fulfilment,
- to improve conditions for the creation of digital content and its use in the educational process; to support digital skill development for children, pupils and pedagogical employees by creating a central archive of digital educational content and providing schools with access to it,
- increasing opportunities for employers to participate in computer education and continuing professional education for the teachers and trainers in vocational education by supporting their work experience in firms,
- to support measures, including optimisation of employee structure, in order to increase professional staff in schools, in particular teaching assistants, social teachers, school psychologists and special teachers, in order to increase the effectiveness of upbringing and education,
- to create conditions that will make a teaching career more attractive through financial remuneration, the quality of the working environment (availability of digital technology, teaching aids, methodological guidance, textbooks etc.) and support for increasing the quality of teachers' work,
- to reduce the burden of unnecessary bureaucracy.

### **3.7 Respect for human rights and fundamental freedoms**

#### **Inclusion in the content of the state education programmes**

The state education programme<sup>5</sup> (hereinafter the “SEP”) is a binding document for the determination of the general objectives of education and the key competences towards which education should be directed. The objectives of education are designed to ensure the balanced development of the pupil’s personality. The state education programme also defines the outline of the content of education. It is the basis for the elaboration of the school education programme, which also takes into account the specific conditions and needs of the region.

Education must include cross-cutting themes, covering a range of educational areas. Cross-cutting themes can be implemented in various forms – as an integrated component of the educational content of an educational area and appropriate teaching subjects, as a separate teaching subject in extension lessons (according to the school’s profile) – project learning (using the number of hours assigned to the theme) is an appropriate approach, or a course can be very effective. The scheduling and methodology of cross-cutting theme implementation is within the competence of every school.

One of the compulsory cross-cutting themes is multicultural education. In 2011 and 2012 were elaborated and approved the Objectives and content for multicultural education in the state education programmes for ISCED 0 and ISCED 1: Mistrík, E. /ŠPÚ 2011/ and the Objectives and content for multicultural education in the state education programmes for ISCED 2 and ISCED 3A: Mistrík, E. /ŠPÚ 2012/, which have been published and made available on the website of the Slovak National Institute for Education (ŠPÚ) for all levels of education.<sup>6</sup>

The Slovak National Institute for Education has addressed the issue of human rights in detail in the pedagogical documentation of the state education programmes for basic school and secondary school. Based on the pedagogical documentation of the SEP, including the subjects Slovak language and literature, Hungarian language and literature, Slovak language and Slovak literature, Ukrainian language and literature, Ruthenian language and literature, Roma language and literature and the curricula for the children of migrants, it can be said that the idea of human rights is a constant presence, especially at the level of objectives, whether the focus is on the objectives of a teaching subject or of an educational area. The objectives usually incorporate the topic expressly, referring in particular to the group of human rights directly associated with linguistic or cultural identity and the acceptance of cultural and linguistic diversity.

Another way in which the teaching languages reflect the issue of human rights in a much broader scope is on the procedural level, which is based on work with texts. Thanks to the broad spectrum of topics that lessons can draw on, the teaching languages continuously contribute to discussions of human rights, though it is necessary to ensure that content is appropriate for pupils’ age and level of knowledge.

The theme of human rights is thus fully supported and represented in all subjects. It must however be noted that it always has been, and continues to be, up to the individual teacher how the issue is addressed. The pedagogical documentation and the SEP merely create a space for its incorporation into the teaching process. This means that the **extent of the theme’s presence in the teaching of individual subjects is individual and depends entirely on the particular teacher**. Pedagogical documentation promotes working with this topic not only through the reception of information, but also requires teachers to allow pupils

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<sup>5</sup> Section 6 of Act No 245/2008

<sup>6</sup> [http://www.statpedu.sk/files/documents/svp/ms/mkv\\_isced\\_0\\_1.pdf](http://www.statpedu.sk/files/documents/svp/ms/mkv_isced_0_1.pdf)  
[http://www.statpedu.sk/files/documents/svp/2stzs/isced2/prierez/multikulturalna/mkv\\_isced\\_2\\_3a.pdf](http://www.statpedu.sk/files/documents/svp/2stzs/isced2/prierez/multikulturalna/mkv_isced_2_3a.pdf)

to express themselves on the issue both through their own texts and through discussion taking place in lessons of all subjects in the SEP.

From 2005 to 2014 the Ministry implemented the Plan for Human Rights Education in Schools 2005–2014, which was focussed on the regional school system. (hereinafter the “Plan”). The Plan was designed to ensure that there were institutional arrangements for upbringing and education on human rights in the regional school system in accordance with the competences of the Ministry and its directly subordinate organisations and that the arrangements would be linked to monitoring including feedback on implementation. These were the basic areas that tasks targeted, together with their internal relations: legislation, content for the education process, continuing education for pedagogical employees, the publication of methodological materials and teaching texts and other related activities.

Independently, alongside the implementation of the Plan in formal education and the regional school system, non-formal and informal education was also provided for children and adolescents outside school and the family. All human rights activities were directed towards a permanent improvement in the quality of life of children and adolescents and the promotion and development of work with them in the governmental and non-governmental sector, in particular in the following areas: training and education projects on the national level, support activities for work with talented young people and also for the development of work with young people through international training, education and information activities.

**In September 2015 the Ministry**, working in cooperation with the Slovak National Institute for Education, the Methodological and Pedagogical Centre, the State Institute for Vocational Education, the Slovak Centre of Scientific and Technical Information, the Research Institute for Child Psychology and Pathopsychology, the State School Inspection, the youth department of the Ministry, the organisation IUVENTA and an independent expert, elaborated an “**Analysis of the current situation in upbringing and education on human rights in the regional school system**” after the implementation of the Plan for Human Rights Education in Schools 2005 – 2014. **The analysis is based on the results of the monitoring and evaluation of human rights in formal education in the regional school system in the context of the work undertaken and the systematic arrangements**, as well as the non-formal and informal education for children and young people. The specific findings regarding the fulfilment of the tasks of individual subjects during implementation are given in the annexes. The material is available on the Ministry’s website <http://www.minedu.sk/detske-a-ludske-prava/>. In its conclusion, the document proposes specific recommendations based on the results achieved in the regional schools system, which also form the basis of measures in the Ministry’s Action plan for upbringing and education on human rights, prepared in compliance with Government Resolution No 71/2015.

The effort to educate the general public about the issues connected to human rights and fundamental freedoms is made mainly in the system of formal education. There was a ten year strategy devoted to strengthening the position of education in the field of human rights, which was implemented during the period of years 2004-2015. The strategy was successful but also identified some interesting findings, for example how the reliability of the internet changed in relation to these topics. The study can be found here:

[http://www.minedu.sk/data/files/5129\\_analyza-lp.pdf](http://www.minedu.sk/data/files/5129_analyza-lp.pdf)

The education and informative agenda concerning the human rights of adults is located within the agenda of National Lifelong Learning Institute.

### ***3.8 Private education and religious and moral education***

- Article 42 of the Constitution of the Slovak Republic states that **everyone has the right to education**. School attendance is compulsory. Its duration and age limits are defined by Act

No 245/2008 on upbringing and education (the Schools Act) and amending certain acts, as amended). In article 42(2) and (3), the Constitution of the Slovak Republic states that citizens have the right to free education in primary and secondary schools and, according to their abilities and the available social resources, also in higher education. The establishment of schools other than state schools and teaching in them is permitted only under conditions laid down by law; in such schools a fee may be charged for education.

- Under section 19(2)(d) and (e) of Act No 596/2003 on state administration in education and school self-government, and amending certain acts, as amended (hereinafter only “Act No 596/2003”), **a school or school establishment may be established by a church or religious society recognised by the state** (a church establishing entity), or **another legal entity or natural person** (a private establishing entity). A church establishing entity must be a church or religious society registered in accordance with Act No 308/1991 on freedom of religious faith and the status of churches and religious societies, as amended by Act No 394/2000.
- Based on section 3(p) and (q) of the Schools Act, the principles of upbringing and education in Slovakia include **the equal standing of schools and school establishments regardless of their establishing entity and the equal value of education** in schools established by a state-recognised church or religious society (church school) and schools established by another natural person or legal entity (private school).
- In accordance with article 13 of the Basic Treaty between the Slovak Republic and the Holy See No 326/2001 and article 13 of the Treaty between the Slovak Republic and the registered churches and religious societies No 250/2002, **parents (legal representatives) have the right to a free choice of school or school establishment**. The foregoing is related to one of the principles laid down in section 3(c) of Act No 245/2008 the Schools Act, that **upbringing and education are based on the principle of equality in access to upbringing and education** having regard for the educational needs of the individual and their shared responsibility for their education.
- Furthermore, section 144(5) of the Schools Act stipulates that the legal representative of a pupil has the right to choose a school or school establishment for their child which provides upbringing and education in accordance with this act, which is in line with the child’s abilities, health condition, interests and hobbies, their **beliefs, world view, nationality** or ethnicity; the right to free choice of school or school establishment must be exercised in accordance with the possibilities offered by the educational system.
- In accordance with the aforementioned documents (Treaty No 326/2001 and Treaty No 250/2002), the educational process applies the principles of religious tolerance, ecumenicalism and cooperation, and respect for the beliefs of persons of another religion and persons without religion.
- The Slovak Republic currently has **18 registered churches and religious societies** operating in accordance with Act No 308/1991 on freedom of religious faith and the status of churches and religious societies, as amended. In order to teach religious education / religion in a school, a church or religion must be a *signatory of the Treaty between the Slovak Republic and the Holy See on Catholic upbringing and education, No 394/2004* or the *Agreement between the Slovak Republic and the registered churches and religious societies on religious upbringing and education, No 395/2004*.
- Section 15(3) of the Schools Act states that **religious education** is taught in basic and secondary schools as a **compulsory optional subject** in alternation with ethics. The subjects are taught in the educational area People and values and are part of the state education programme.
- Section 15(4) of the Schools Act stipulates that **the subject religious education** taught in schools other than church schools **is equivalent to the subject religion taught in church**

**schools.** Under section 15(5) of the Schools Act, religious education and religion are taught by a pedagogical employee with professional and pedagogical competence and also authorisation from a church or religious society in accordance with the internal rules of the church or religious society.

- Schools conduct a survey of interest in the teaching of the compulsory optional subjects religious education or ethics by sending a written notice to the legal representatives of pupils aged 15 or under and arranging tuition of the relevant subjects in the following school year based on the response to the survey.

A final point worth noting is that the international PISA tests conducted in 2012 found that non-state schools ranked high above the OECD average. In all studied categories, pupils of non-state schools scored on average 50 points better than the pupils of state schools.

### **3.9 Rights of national minorities**

In the Slovak Republic, as in every state, there is a single education system in which an equal and integral part is played by the upbringing and education of national minorities in their native language and the teaching of their native language, including institutional arrangements for schools and school establishments with teaching in the language of the national minority and teaching of the language of the national minority.

As a result, the main acts<sup>7</sup> governing the regional education system include provisions on the upbringing and education of children and pupils belonging to national minorities.

The Constitution of the Slovak Republic in combination with international documents including the European Charter for regional or minority languages and the Council of Europe Framework convention for the protection of national minorities guarantee citizens belonging to national and ethnic minorities in the Slovak Republic both the right to learn the state language and the right to education in their own language.

Under section 12 of Act No 245/2008, children and pupils belonging to national minorities and ethnic groups have not only the right to learn the state language but also the right to upbringing and education in their language, subject to the conditions laid down in the act. In primary schools and secondary schools with a teaching language other than the state language, **Slovak language and literature is a compulsory subject that must be taught in the extent necessary for a command of the state language.**

In accordance with the principles of upbringing and education and for the objectives of upbringing and education, the content of state education programmes, school education programmes and upbringing programmes are linked.

Every change in the content and organisation of upbringing and education is identically reflected in the content of upbringing and education in schools and school establishments with teaching in the language of a national minority and teaching of the language of a national minority.

Under section 11 of Act No 245/2008, in combination with section 4(3) of Act No 270/1995 on the state language of the Slovak Republic, as amended, all teaching documentation and other documentation in schools and school establishments must be kept in the state language. In schools and school establishments in which education takes place in the language of national minorities, teaching documentation is kept bilingually in the state language and in the language of the relevant national minority.

As a rule, schools with the teaching language of a national minority use translations of Slovak textbooks and textbooks approved by the Ministry. The most necessary and urgently

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<sup>7</sup> Act No 245/2008; Act No 596/2003, Act No 597/2003, Act No 317/2009, Act No 61/2005.

required textbooks, teaching texts and work books needed by schools with the teaching language of a national minority or with teaching of the language of a national minority are approved on an annual basis.

Under section 13 of Act No 245/2008, in accordance with the right of children and pupils belonging to national minorities and ethnic groups to education in their native language, in textbooks, teaching texts and workbooks published in the language of a national minority, geographical names are used as follows:

- a) geographical names that are established and used in the language of a national minority are used bilingually, first in the language of the national minority concerned and then in parenthesis or after a slash in the state language in the manner that was used in textbooks approved in the years 2002 to 2006,
- b) cartographic works use the state language,
- c) a glossary is inserted at the end of the textbook listing geographical terms in the language of the national minority and in the state language.

Under section 18 of Act No 245/2008, education certificates are issued in the state language. In schools in which teaching takes place in a language other than the state language, they are issued bilingually in the state language and in the language of the national minority concerned; in schools in which upbringing and education are carried out under bilateral agreements, they are issued in both teaching languages or in the state language and in the foreign language.

In the upbringing and education of children belonging to national minorities, the education authorities uphold and apply the **democratic right of parents to choose a school's language of teaching**.

On 30/04/2016 the **Slovak National Institute for Education** completed a project entitled "Innovative training for pedagogical employees of basic schools to increase their intercultural competences in the education of Roma pupils" as part of Programme SK 04 "Local and regional initiatives to reduce national inequalities and promote social inclusion", which was implemented in cooperation with the Council of Europe. The programme is managed by the Office of the government of the Slovak Republic.

- A total of 46 pedagogical employees registered for training from the following basic schools: Basic and nursery school, Hlavná 320/79, Slanec; Church basic school with teaching in Hungarian, Elektrárenska 50, Vojany; Basic school, Hlavná 1, Drahňov; Basic and nursery school Jurské; Basic school, Školská 295, Štítnik; Basic and nursery school, Bánska 116/47, Cinobaňa; Basic and nursery school, Nižná Polianka; Basic school, Spišské Vlchy; Basic school, Kružlová; Basic school, Zlatá 2, Rožňava; Basic school, Nižný Mirošov; Basic school, Závadka, Nálepko; Basic school, Oriškova 9, Leles; Combined school, Chminianske Jakubovany; Private basic and nursery school, Dolná 48/19, Kremnica; Basic school, Kameňany č. 8, Kameňany; Basic school Mníšek nad Hnilcom 497, Basic school, Biskupická 21, Bratislava, Basic school Chminianske Jakubovany 21, Basic and nursery school with teaching in Hungarian, Bol'. Number of persons who completed training: 45 teachers;

Another activity was the preparation of teaching materials:

- Fairy tales in Slovak and Romani, - a Romani-Slovak reader and workbook intended for the second year of basic school. - *Amari Romaňi Čhib/Naša rómčina* (Our Romani) plus workbook, is a textbook for beginners in Romani. - A history reader (*pátrame po minulosti Rómov* - in the footsteps of the Roma), - Romani-Slovak Slovak-Romani dictionary, - Roma History – an excellent supplementary teaching aid for Roma studies in lower secondary education (second stage of basic school) and upper secondary education (secondary school). This is a translation of documents from the Council of Europe into Slovak. - Methodology supporting inclusive education in schools.