

**THE RIGHT TO EDUCATION OF ROMA GIRLS IN THE SLOVAK
REPUBLIC: DOES THE “*PRACTICAL WOMAN*” EDUCATIONAL
PROGRAM VIOLATE THE RIGHT TO EDUCATION OF ROMA
GIRLS IN THE SLOVAK REPUBLIC AS IT IS PROTECTED BY
INTERNATIONAL HUMAN RIGHTS LAW?**

by Magdaléna Musilová

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SUPERVISOR: prof. Violetta Zentai, PhD.
Central European University Private University
Quellenstrasse 51-55, 1100 Vienna
Austria

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EXECUTIVE SUMMARY

The right to education is one of the fundamental human rights. However, this right is often violated by the States, especially when it comes to vulnerable and disadvantaged groups. Roma children have been facing segregation and discrimination in the Slovak educational system for years. Moreover, they are forced to attend schools of a low quality within the segregated educational system. However, the research on this topic has rarely dealt with the segregation of Roma children in secondary education or the gender aspect of discrimination and segregation of Roma children in the Slovak educational system. This thesis therefore concentrates on the right to education of Roma girls in the Slovak Republic who are discriminated based on their race and gender and are often trapped in generational poverty. The thesis analyzes whether one specific program of lower secondary vocation education called the *“Practical Woman”* is in accordance with the provisions of the international law on the right to education enshrined in human right treaties ratified by the Slovak Republic. The analysis discovers numerous violations of the right to education of Roma girls by this educational program. The *“Practical Woman”* educational program is based on racial and gender stereotypes and, therefore, violates the principles of equality and non-discrimination and does not offer its graduates skills and knowledge required by the labor market or necessary for the full personal development. The Slovak Republic should abolish this educational program. Therefore, it is worrisome that the number of students of this educational program has been increasing in the last ten years.

INTRODUCTION

The Slovak Republic has been known as one of the Central European countries with systematic and persisting discrimination and segregation of Roma children in education, especially after an infringement procedure has been initiated by the European Commission in this regard.¹ However, the right to education of Roma children in the Slovak Republic is rarely analyzed from the gender perspective of this right. It has been assumed that the segregation in primary education, which gets the most focus² is “genderless”³ and experienced equally by girls and boys. Still, the segregation of Roma children does not occur solely within primary education, but it is present at all stages of education, including secondary schools as is discussed later in the thesis. Therefore, this thesis adds to the substantial amount of research on the segregation of Roma children in education in Slovakia, an analysis of the right to education of Roma girls, who are discriminated against based on their gender and race concentrating on one specific educational program called the “*Practical Woman*”, which is a program belonging to lower secondary vocational education.

By identifying the relevant international human rights standards relating to the right to education and to the States’ obligations in this regard, concentrating on the provisions relevant to the right to education of Roma girls in the Slovak Republic, this thesis answers the research question whether the right to education of Roma girls in the Slovak educational system is violated by the “*Practical Woman*” educational program. Moreover, this thesis concentrates

¹ Amnesty International, *Slovakia 2020*, AMNESTY INTERNATIONAL (2021), <https://www.amnesty.org/en/countries/europe-and-central-asia/slovakia/report-slovakia/> (last visited June 26, 2021).

² J. Lajčáková, ROVNÉ ŠANCE I. Podpora stredoškolského vzdelávania rómskej mládeže prostredníctvom dočasných vyrovnávacích opatrení (Equal Opportunities. Support of Secondary Education of Roma Youth through Affirmative Action) (Bratislava: Centrum pre výskum ethnicity a kultúry, 2015) at 10.

³ European Union Agency for Fundamental Rights, *Education: The Situation of Roma in 11 EU Member States. Roma survey – Data in Focus* (Luxembourg: Publications Office of the European Union, 2016) at 19 (hereinafter FRA).

on various aspects of the right to education identified in international human rights law, such as right of access to education, rights within the education or rights through the education, as well as on the principles of equality and non-discrimination, specifically in relation to the right to education of Roma girls in lower secondary vocational education in the Slovak Republic. In addition, this thesis identifies the specific provisions of the relevant international human rights treaties that are violated by this program.

The analysis in this thesis uses the normative research methods for identification and description of the relevant provisions of international human rights laws on the right to education of Roma girls which can be found in international treaties, and which have been further developed in the General Comments or Recommendations of the relevant UN Treaty Bodies and for determination whether (and which of) these provisions of international law the Slovak Republic violates by the “*Practical Woman*” educational program. As the analysis concludes that the “*Practical Woman*” violates the right to education of Roma girls in the Slovak Republic, specific aspects of this right, which have been violated by the “*Practical Woman*” educational program, are identified as well.

The first chapter of the thesis describes the right to education of Roma children in the Slovak Republic in general. It identifies the importance of the right to education as one of the fundamental human rights, describes the gender aspect of the right to education and provides information on the segregation and discrimination of Roma children in the Slovak education system using the data from numerous international human rights organizations.

The second chapter of the thesis identifies and describes the provisions of six relevant international treaties enshrining the right to education (Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, International Convention on the Elimination of All Forms of Racial Discrimination,

Convention on the Elimination of All Forms of Discrimination against Women and UNESCO Convention Against Discrimination in Education) and the relevant General Comments/Recommendations of the UN Treaty Bodies.

The third chapter of the thesis analyzes if the “*Practical Woman*” educational program is in accordance with the provisions on the right to education of each of the six international treaties and identifies which articles of these treaties the Slovak Republic has been violating with this educational program.

CHAPTER I: THE RIGHT TO EDUCATION OF ROMA CHILDREN IN THE SLOVAK REPUBLIC

The Slovak Republic has a Roma population of around 320,000 to 480,000 (6 – 8% of the Slovak population) who are concentrated mainly in Eastern and Southern Slovakia.⁴ The latest mapping of Roma communities from 2019, entitled the “*Atlas of Roma Communities*”, identified around 440,000 people belonging to the Roma minority living in 825 municipalities.⁵ Out of this number, 261,000 Roma live in shanty towns and serious problems have been identified in one third of these municipalities.⁶

The education of Roma children presents in many countries, including Slovakia, a pressing political, social and human rights issue which needs to be addressed.⁷ The situation of the Roma minority in Europe is especially striking, as compared to other racial or ethnic minority groups, they suffer the most from deprivation and poverty, with a high proportion of members of this minority living in extreme poverty.⁸ Moreover, there has been a long tradition of residential segregation and segregationist educational policies in the Central and Eastern European region since the socialist era but, unfortunately, they persist to this day.⁹ The segregation in education in the Slovak educational system is present from kindergarten, through primary schools and

⁴ Amnesty International, *Lekcia z diskriminácie. Segregácia rómskych detí v základom vzdelávaní v Slovenskej republike (A Lesson in Discrimination. Segregation of Roma Children in the Primary Education in the Slovak Republic)*, AMNESTY INTERNATIONAL (2017), <https://www.amnesty.sk/wp-content/uploads/2017/02/Amnesty-report-Slovak-WEB.pdf>, (last visited June 26, 2021), at 13.

⁵ European Commission against Racism and Intolerance, *ECRI Report on the Slovak Republic*, ECRI (December 2020), <https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>, (last visited June 24, 2021), para. 73 (hereinafter ECRI).

⁶ *Id.* para. 73.

⁷ L. Farkas, *Segregation of Roma Children in Education: Addressing Structural Discrimination through the Race Equality Directive* (Luxembourg: Office for Official Publications of the European Communities, 2017), at 4.

⁸ *Id.*

⁹ J. Kontseková and C. Košťál, *Desegregácia a inklúzia vo vzdelávaní sociálne znevýhodnených žiakov v európskych školských systémoch: výzva pre Slovensko (Desegregation and Inclusion in the Education of Socially Disadvantaged Pupils in European School Systems: A Challenge for Slovakia.)* in Open Society Foundation, *Odpovede na otázky (de)segregácie rómskych žiakov vo vzdelávacom systéme na Slovensku (Answers to Questions of (De)segregation of Roma Pupils in the Educational System in Slovakia)*, OPEN SOCIETY FOUNDATION (2011), <https://eduroma.sk/docs/odpovede-na-otazky-desegregacie.pdf>, (last visited March 20, 2021), at 5.

secondary schools.¹⁰ However, as it is analyzed in this thesis, segregation is not the only violation of the right to education Roma girls face in Slovakia.

1.1 The Importance of the Full Enjoyment of the Right to Education by Roma Children in the Slovak Republic

Human rights are universal, indivisible, interrelated and interdependent. Hence, the right to education should not be deemed as just a single human right but considered in a broader context as a key to achieving several other economic, social and cultural rights, as well as civil and political rights¹¹ which, in addition, enhances their enjoyment.¹² Moreover, education is a tool contributing to the possibility of escaping concentrated and generational poverty¹³ and, therefore, it is crucial in relation to Roma communities which are among the poorest in Slovakia.¹⁴ The right to education is very closely connected to the right to work, as education of desired quality improves the chances on the labor market to find a job, which is stable and decently paid.¹⁵ Without a high-quality education corresponding to the current requirements of the labor market, a person is not able to find a job, becomes unemployed, hence has no income, which again leads to poverty. In addition, the unemployment caused by the low quality of education contributes to the widely spread stereotype of Roma being unwilling to work and

¹⁰ To dá rozum (It Makes Sense), *Segregácia rómskych detí (Segregation of Roma Children)*, TO DÁ ROZUM <https://analyza.todarozum.sk/docs/320420001yw1a/#k-oddelenemu-vzdelavaniu-romskych-deti-dochadza-aj-na-urovni>, (last visited January 30, 2021).

¹¹ I. E. Koch. *The Right to Education for Roma Children under the European Convention on Human Rights*, On-line Festschrift in Honour of Katarina Tomaševski (2011), http://works.bepress.com/idaelisabeth_koch/58/. (last visited January 15, 2021) at 1.

¹² Committee on the Elimination of Discrimination against Women, *General Recommendation No. 36 (2017) on the Right of Girls and Women to Education*, para. 9, U.N. Doc CEDAW/C/GC/36 (November 27, 2017) [hereinafter CEDAW Committee General Recommendation 36].

¹³ Committee on the Elimination of Racial Discrimination. *Thirteenth Periodic Report Submitted by Slovakia under Article 9 of the Convention, due in 2020*, para. 97, U.N. Doc CERD/C/SVK/13 (July 20, 2020) [hereinafter CERD Committee].

¹⁴ See e.g., ECRI, *supra* note 5, para. 77.

¹⁵ FRA, *Second European Union Minorities and Discrimination Survey. Roma Women in Nine EU Member States* (Luxembourg: Office for Official Publications of the European Communities, 2019) at 7 [hereinafter FRA 2019].

misusing the social system. Therefore, it is clear that high-quality education is absolutely crucial for the improvement of the standard of living of the Roma minority in the Slovak Republic.

1.2 The Gender Aspect of the Right to Education – Right of Education of Roma Girls

Women are generally more vulnerable on the labor market as they usually are the ones responsible for the upbringing of children, taking care of the household and suffering from the gender pay gap and insufficient work-life balance.¹⁶ Education empowers women and girls and is one of the means of achieving gender equality.¹⁷ Moreover, education is a tool to fight against discrimination and patriarchy in the society and within the family.¹⁸ Therefore full realization of the right to education according to international human rights standards is crucial for the rights of girls and women's rights in the Slovak Republic in general. However, in reality, educational systems often further reinforce gender stereotypes, and male domination and female subordination instead of challenging them and, therefore, these systems contribute to the shaping and reproduction of gender-based inequalities.¹⁹

Roma women are one of the most vulnerable groups as they face multiple layers of discrimination and exclusion,²⁰ especially based on their race and gender.²¹ However, often another ground for discrimination might occur, e.g., based on age (as is the case of Roma girls),

¹⁶ Splnomocnenec vlády SR pre rómske komunity (Plenipotentiary of the Government for Roma) Communities, *Stratégia rovnosti, inklúzie a participácie Rómov do roku 2030 (Strategy of Equality, Inclusion and Participation of Romas until 2030)* (MINISTERSTVO VNÚTRA SR, 2021) at 16 (hereinafter Plenipotentiary).

¹⁷ CEDAW Committee General Recommendation 36, *supra* note 12, para. 1.

¹⁸ Council of Europe. *Strategy on the Advancement of Romani Women and Girls (2014-2020)*, COUNCIL OF EUROPE, <https://rm.coe.int/16806f32ff,%20COUCNCIL%20of%20EUROPE>, (last visited June 28, 2021), at 2.

¹⁹ CEDAW Committee General Recommendation 36, *supra* note 12, para. 16.

²⁰ Lajčáková, *supra* note 2, at 12.

²¹ M. Robayo-Abril et al, *Closing the Gender Gaps among Marginalized Roma in the Western Balkans*, THE WORLD BANK (2019), <https://elibrary.worldbank.org/doi/abs/10.1596/34557>, (last visited May 15, 2021), p. 8.

class²² or spatial marginalization in rural areas. Raising the educational level of Roma girls and women is not only crucial to combat their social exclusion, but also for overall social and economic growth.²³ Moreover, there are many prevalent stereotypes within societies about Roma women and Roma families. The stereotypical view is that girls only care about getting married and having children and their families are not keen on them getting education, but rather becoming a “homemaker”.²⁴ This stereotypical view is very much reflected in the content of the “*Practical Woman*” educational program. In addition, gender stereotypes are one of the main obstacles to full enjoyment of the right to education by girls.

1.3 The Challenges of Roma Children in Education in the Slovak Republic

Although antidiscrimination legislation was passed in Slovakia and discrimination in schools is prohibited by law, and there have been many governmental and non-governmental initiatives, the Roma population remains disadvantaged and discriminated, among other areas, in education, on the labor market and health care.²⁵

Several problems continue to persist with regard to education of Roma children in the Slovak Republic, including the segregation of Roma children within the educational system or lower quality of education provided to Roma children. Segregation can be defined “...as differences in the proportions of ethnic or racial groups in various residential areas or educational institutions”²⁶ or as a physical/social separation of members of various groups.²⁷ It is the

²² I. Ilisei, *Education of Roma Women between Feminism and Multiculturalism Case Study: Roma Women in Romania* 12(1) JOURNAL OF SOCIAL SCIENCE EDUCATION at 67 (2013).

²³ Ilisei, *supra* note 22, at 67.

²⁴ G. Marcus, *Gypsy and Traveller Girls. Silence, Agency and Power* (Palgrave Macmillan, 2019) at 5.

²⁵ A. Kende et al, *Anti-Roma Attitudes as Expressions of Dominant Social Norms in Eastern Europe* 60 INTERNATIONAL JOURNAL OF INTERCULTURAL RELATIONS at 14 (2017).

²⁶ K. Kovács, *Advancing Marginalisation of Roma and Forms of Segregation in East Central Europe* 30(7) LOCAL ECONOMY at 784 (2015).

²⁷ Plenipotentiary, *supra* note 16, at 6.

obligation of States to prevent possible segregation and eliminate the already existing one.²⁸

The segregation of Roma children in education in Slovakia is related to a broader issue of marginalization of the Roma communities. Besides the education gap between the Roma and non-Roma population (caused also by the different standards of quality of education) the marginalization is caused by the employment gap and territorial/spatial marginalization of the Roma minority in rural and urban areas.²⁹ In this regard, often “two-fold territorial exclusion” is present, where the Roma settlements are segregated within disadvantaged regions with a high level of unemployment compared to other regions of the country.³⁰ The marginalization of the Roma minority results in a high level of extreme poverty and social exclusion of this minority. The fact that the discrimination, segregation and social exclusion mutually reinforce each other further worsens the situation of the Roma minority.³¹ Moreover, the gap between the Roma and non-Roma population has been widening.³² However, the marginalization of the Roma minority is unfortunately not present only in the Slovak Republic but can be found in almost all post-socialist Central and Eastern European countries with a substantial Roma minority.³³

The combination of territorial/spatial marginalization, social exclusion and segregation in education has a negative impact on the prospects of the marginalized young person or child.³⁴

The segregation of Roma children in the course of primary education influences their future

²⁸ Plenipotentiary, *supra* note 16, at 6.

²⁹ Kovács, *supra* note 26, at 784.

³⁰ *Id.* at 788.

³¹ S. van den Bogaert, *Roma Segregation in Education: Direct or Indirect Discrimination? An Analysis of the Parallels and Differences between Council Directive 2000/43/EC and Recent ECtHR Case Law on Roma Educational Matters* (2011), https://www.zaoerv.de/71_2011/71_2011_4_a_719_754.pdf/ (last visited February 13, 2021), at 721.

³² Kovács, *supra* note 26, at 784.

³³ *Id.* at 783.

³⁴ *Id.* at 785.

education and therefore their prospects in life,³⁵ as well as their employment and career options.³⁶

1.3.1 The Legal Framework of the Right to Education of Roma Children in the Slovak Law

The Slovak Constitution protects the right to education in Article 42 (1) which states: *“Everyone shall have the right to education. School attendance is compulsory. A law shall lay down the length of attendance.”*³⁷ Another very important article in the context of the right to education of Roma children is Article 12 (1) of the Slovak Constitution which states: *“All human beings are free and equal in dignity and in rights. Their fundamental rights and freedoms are sanctioned, inalienable, imprescriptible and irreversible.”*³⁸

Another crucial provision with regard to the right to education of Roma girls can be found in Section 3 (d) of Law No. 245/2008 Coll. on Education and Upbringing (“School Law”) as amended, which states that education and upbringing are based on the principles of prohibition of discrimination and segregation.³⁹ However, as Amnesty International states, the law was not supported by any practical measures and therefore these principles are not applied in reality, and thousands of Roma children have been facing discrimination and segregation for years even though it is prohibited by law.⁴⁰

³⁵ Kovács, *supra* note 26, at 785.

³⁶ Amnesty International, *supra* note 4, at 14.

³⁷ Law No. 460/1992 Coll. *Constitution of the Slovak Republic*, version of law valid on June 30, 2021, art. 42 (1).

³⁸ *Id.* art. 12 (1).

³⁹ Law No. 245/2008 Coll. *on Education and Upbringing (“School Law”)*, as amended, version of law valid on June 30, 2021, sec. 3 (d).

⁴⁰ Amnesty International, *supra* note 4, at 15.

1.3.2 Segregation of Roma Children in Education in the Slovak Republic

Segregation in education is considered to be an especially serious form of discrimination of children coming from the minority population.⁴¹ Nevertheless, some forms of segregation are easy to determine and overt, some are more covert.⁴² The segregation of Roma children in schools can generally have several forms – intra-school, intra-class, inter-school and individual segregation.⁴³ Intra-school segregation occurs when there are separate classes for Roma students in a school, while intra-class segregation takes place when there are different levels of curricular standards within the same class.⁴⁴ Inter-school segregation is more complex and can have 3 different causes. The first of these causes occurs when there is regional or housing segregation of the Roma minority and other ethnic groups.⁴⁵ The second cause occurs when there is culturally biased or inappropriate psychological testing which results in non-disabled Roma children being considered mentally disabled and therefore assigned to special schools for mentally disabled children.⁴⁶ And the third cause occurs when there are extra requirements imposed by private or religious schools, such as extra exams or tuition fees which de facto exclude Roma children from entering such schools as they cannot meet these extra requirements based on social disadvantages they and their families face.⁴⁷ Individual segregation occurs in the form of alleged home schooling.⁴⁸

⁴¹ J. Lajčáková et al, *Školy proti segregácii. Metodická príručka na prevenciu a odstraňovanie segregácie rómskych žiakov (Schools against Segregation. Methodological Guidelines on the Prevention and Elimination of Segregation of Roma Pupils)* (Oz eduRoma – Roma Education Project 2017), at 19.

⁴² Kovács, *supra* note 26, at 785.

⁴³ Farkas, *supra* note 7, at 4.

⁴⁴ *Id.*

⁴⁵ Farkas, *supra* note 7, at 4.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

In the Slovak educational system, there are also 4 forms of segregation of Roma children⁴⁹, which are however based on a somewhat different classification than the abovementioned one. Two of them occur in the system of special education designated for children with a “lighter form of mental disadvantage” and this occurs specifically, when there are special classes in ordinary schools or within classes in the special schools.⁵⁰ The other two occur in the system of ordinary education, when there are ordinary schools with a majority of Roma pupils or exclusively Roma pupils, or in ordinary classes within ordinary schools, when they are composed exclusively of Roma pupils, often even in separate buildings of the school premises.⁵¹

All of these abovementioned four types of segregation are inadmissible and based on spatial segregation.⁵² The exception is segregation within the same class where there is no physical distance between the Roma and non-Roma children, however, the segregation occurs even within such classes either virtually or symbolically by means of different treatment of the two groups of children or spatially based on how the pupils are seated, how they are divided into segregated groups for some courses, etc.⁵³ In addition to segregation, another deficiency of the Slovak system of education is a lack of courses in the minority language (Roma language) or Roma content in the curricula.⁵⁴ The more covert types of segregation in education include the establishment or “zero grades” for children who do not pass a “readiness test” as well as special

⁴⁹ M. Hapalová and P. Dráľ, *Regulácia a riadenie školského systému (Regulation and Management of the School System)* in Open Society Foundation, *Odpovede na otázky (de)segregácie rómskych žiakov vo vzdelávacom systéme na Slovensku (Answers to Questions of (De)segregation of Roma Pupils in the Educational System in Slovakia)*, OPEN SOCIETY FOUNDATION (2011), <https://eduroma.sk/docs/odpovede-na-otazky-desegregacie.pdf/>, (last visited March 23, 2021), at 62.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² Hapalová and Dráľ, *supra* note 49, at 62, footnote 8.

⁵³ *Id.*

⁵⁴ Farkas, *supra* note 7, at 4.

classes within regular schools with easier curricula aimed at poor performers in order for them to catch-up.⁵⁵

Additionally, NGOs working in this field came across schools in Slovakia, which further segregate Roma children by having separate school entrances, separate floors in the school buildings or separate sections in school canteens, so the Roma and non-Roma children eat separately in “mixed schools”.⁵⁶ Another phenomenon present in the Slovak Republic is the flight of non-Roma children out of schools with a majority of Roma pupils.⁵⁷ Moreover, prejudices and harassment of Roma children by their classmates and/or teachers are present in “mixed schools”.⁵⁸ However, it must be noted that on some occasions the segregation in schools might be a result of necessity, especially in rural areas where parents do not want their children to commute and the only available schools are segregated school and there are no alternatives.⁵⁹ Nevertheless, the segregation of Roma children in education, their placement in special schools and their high drop-out rates result in a vicious circle of poverty and discrimination.⁶⁰

Segregated education has been discriminating Roma children instead of developing their potential which prevents the universal development of their personality and a full socialization and integration into society.⁶¹ Segregation in education does not necessarily have to be a

⁵⁵ Kovács, *supra* note 26, at 785.

⁵⁶ A. Holka Chudzikova, *Dlho očakávaná zmena – ministerstvo školstva priznáva problém segregácie rómskych detí a podniká kroky na zmenu situácie* (*The Long-Awaited Change – The Ministry of Education Admits a Problem in the Segregation of Roma Children and Takes Steps to Change This Situation*) MENŠINOVÁ POLITIKA (September 15, 2020), <https://mensinovapolitika.eu/dlho-ocakavana-zmena-ministerstvo-skolstva-priznava-problem-segregacie-romskych-deti-a-podnika-kroky-na-zmenu-situacie/>, (last visited January 28, 2021).

⁵⁷ M. Bednarik, S. Hidas and G. Machlica, *Enhancing the social integration of Roma in Slovak Republic* (Paris: OECD Publishing, 2019), at 21.

⁵⁸ Amnesty International, *supra* note 4, at 14.

⁵⁹ Kovács, *supra* note 26, at 785.

⁶⁰ Amnesty International, *supra* note 4, at 15.

⁶¹ V. Rafael and B. Kahátová, *Úvod do problému* (*Introduction to the problem*) in Open Society Foundation, *Odpovede na otázky (de)segregácie rómskych žiakov vo vzdelávacom systéme na Slovensku* (*Answers to Questions of (De)segregation of Roma Pupils in the Educational System in Slovakia*), OPEN SOCIETY FOUNDATION (2011), <https://eduroma.sk/docs/odpovede-na-otazky-desegregacie.pdf/> (last visited March 25, 2021), at 5.

negative phenomenon, when the situation requires such treatment of children in order to accommodate their special needs or special talents (e.g., in sports or in arts), however, in relation to the Roma minority, segregation in education prevents them from attaining education of a higher level or better quality without a justified reason and thus these children become victims of the educational system in Slovakia.⁶² As regards Roma children and their education, the poverty and deprivation faced by the Roma minority are manifested by the fact that the children often come to school unfed and they do not have proper equipment at home necessary for studying,⁶³ what proved to be especially problematic during the COVID-19 pandemic.

1.3.3 Segregation of Roma Students in Secondary Education in the Slovak Republic

Usually when the segregation of Roma children in education is discussed, the focus is not on segregation within primary schools. It might be caused by the assumption that when a Roma child manages to go through pre-school and primary education, s/he will also be able to manage in secondary education.⁶⁴ Secondary education is as important for Roma children as primary and pre-school education for their inclusion into the (majority) society.⁶⁵ However, secondary education among the Roma in Slovakia is generally low, the major reason being a general lack of interest in education among the Roma youth from segregated communities.⁶⁶ Therefore, if the child is not motivated from a young age, it will show later and it is unlikely that her or his attitude will change when s/he enters secondary (vocational) education, hence, the role of the

⁶² Rafael and Kahátová, *supra* note 61, at 5.

⁶³ Farkas, *supra* note 7, at 4.

⁶⁴ Z. Balážová, *Elokované pracoviská stredných odborných škôl pri marginalizovaných rómskych komunitách. Cesta k začleneniu alebo vylúčeniu rómskej mládeže? (Elocated Workplaces of Secondary Vocational Schools near Marginalized Roma Communities. The Road to Inclusion or Exclusion of Roma Youth?)* (Bratislava: Centrum pre výskum etnicity a kultúry, 2015), at 5.

⁶⁵ *Id.* at 5.

⁶⁶ *Id.* at 10.

family, the school and the teachers is crucial in this process.⁶⁷ Another important factor, when the Roma youth decided not to continue their secondary education was a lack of finances, the necessity to help in the household (this “family reasons” were reported more by women than men),⁶⁸ and marriage and the establishment of their own family.⁶⁹ However, the geographical distance was not a barrier to secondary vocational education.⁷⁰

The presence of “*elocated*” workplaces of secondary vocational schools is specific for the Slovak educational system.⁷¹ The rationale behind their establishment was to provide geographically close vocational secondary education for the Roma youth, although, as mentioned above, the distance from the school was not a decisive factor for the Roma youth when deciding on secondary education.⁷² However, the impact of these types of schools on the inclusion/exclusion of the Roma minority was not analyzed.⁷³ The educational program “*Practical Woman*” is taught at the “*elocated*” workplaces of secondary vocational schools as well.

1.3.4 Data on Education of Roma Children in the Slovak Republic

The segregation in education created a parallel system of lower quality of education in Slovakia intended for Roma children⁷⁴ and is present at all levels of education – pre-primary, primary and secondary education.⁷⁵ The European Commission against Racism and Intolerance stated in its latest report on Slovakia from 2020 that more than half of the Roma children suffer from

⁶⁷ Balážová, *supra* note 64, at 10.

⁶⁸ Lajčáková, *supra* note 2, at 14.

⁶⁹ Balážová, *supra* note 64, at 10.

⁷⁰ *Id.*

⁷¹ They are described in more detail in Chapter III.

⁷² Balážová, *supra* note 64, at 10.

⁷³ *Id.*

⁷⁴ Kovács, *supra* note 26, at 785.

⁷⁵ To dá rozum, *supra* note 10.

segregation and a high proportion of them are still assigned to special schools or classes.⁷⁶ The overall educational statistics are alarming – the FRA data from 2016 show huge differences between the Roma and non-Roma population in Slovakia. Only one third of Roma children between aged 15-18 years (which corresponds to secondary education) are in a class corresponding to their age compared to 74% of the whole population.⁷⁷ In addition, there is an even higher difference between Roma children and non- Roma children aged 15-18 who are not in any form of education – the percentage is 42% for the Roma children compared to only 9% of the whole population.⁷⁸ Moreover, only 51% of children from marginalized communities continue their education after completion of the mandatory education, while the proportion in the overall population is 75%.⁷⁹

In relation to the excessive and unjustified placement of Roma children in special schools or classes⁸⁰, in 2017, a very high share of Roma children (18.2%) were enrolled in special schools compared to only 3.2% of non-Roma children and the Roma children represented 50.8% of pupils in special classes and 42% of pupils in special schools.⁸¹ One of the options how to reduce the oversized system of special education is to transfer the resources to pre-primary education of Roma children.⁸²

From the gender point of view, the percentage of men who finished at least upper secondary education is higher than the percentage of women in all age groups, whereby Slovakia is one of the few observed countries where the gender differences in this indicator persist even in the

⁷⁶ ECRI, *supra* note 5, para. 77.

⁷⁷ FRA, *Second European Union Minorities and Discrimination Survey Roma – Selected Findings* (Luxembourg: Publications Office of the European Union, 2018), at 25 [hereinafter FRA 2018].

⁷⁸ *Id.*

⁷⁹ Plenipotentiary, *supra* note 16, at 16.

⁸⁰ *Id.* at 19.

⁸¹ Centre for the Research of Ethnicity and Culture et al, *Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Slovakia* (Luxembourg: Publications Office of the European Union, 2018), at 66.

⁸² ECRI, *supra* note 5, para. 88.

youngest cohort.⁸³ In addition, there is a difference of several percentage points between girls (61%) and boys (54%) with regard to early school leavers. However, it is crucial to note that both these shares are several times higher than the share of early school leavers in the overall population (7%).⁸⁴ There is also a substantial difference between the percentage of Roma girls and boys who are neither in work, nor in education or training as their main activity (NEET) in the age group of 16-24 years. The portion of girls who were NEET in 2016 was 70% compared to 61% of boys, however, truly worrisome is the fact that the portion of the overall population was only 14%,⁸⁵ which shows a huge racial gap in secondary education and employment of young people in Slovakia.

In addition, data from Slovakia shows that young people are less likely (than is OECD average) to attain higher education than their parents (second worst result in OECD).⁸⁶ Therefore, it is crucial for the Slovak Republic to implement policies which will contribute to “breaking the vicious circle”, as the low level of education attained by the Roma children will not only influence their future social life and career, but might also negatively influence the life and opportunities of their future children.

Chapter I provided the background on the situation of Roma children in the Slovak educational system. The situation is alarming, as the segregation and discrimination in education has not been eliminated but they rather spread to all levels of educations. The failure of the State to act against segregation and discrimination has had a negative impact on thousands of Roma children and now-adults.

⁸³ FRA 2019, *supra* note 15, at 17-18.

⁸⁴ ECRI, *supra* note 5, para. 77.

⁸⁵ FRA 2018, *supra* note 77, at 21.

⁸⁶ OECD, *Education at a Glance 2015: OECD Indicators. Slovak Republic* (Paris: OECD Publishing, 2015), https://read.oecd-ilibrary.org/education/education-at-a-glance-2015/slovak-republic_eag-2015-78-en#page1 (last visited April 25, 2021).

CHAPTER II: THE RIGHT TO EDUCATION IN INTERNATIONAL HUMAN RIGHTS LAW

This chapter of the thesis describes the provisions of international human rights treaties on the right to education. The right to education as a fundamental human right is protected by several binding and non-binding human rights instruments which deal with various aspects of this right and specify the States' obligation in this regard. This thesis concentrates on the universal multilateral international human rights treaties ratified by the Slovak Republic,⁸⁷ hence the Slovak Republic is bound by their provisions and is obliged to fulfill obligations stemming from them.

Firstly, the provisions on the right to education enshrined in the international treaties dealing with the right to education as one of several rights protected by these treaties (Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child) or in an international treaty dealing solely with the right to education (UNESCO Convention Against Discrimination in Education) are defined in chronological order of these treaties. Later, provisions of international treaties which deal specifically with the racial (the International Convention on the Elimination of All Forms of Racial Discrimination) or gender (Convention on the Elimination of All Forms of Discrimination against Women) aspect of the right to education (but also contain a broader set of rights) are discussed.

In addition, relevant provisions of General Comments and Recommendations of the UN Treaty Bodies with respect to the right to education of Roma girls are discussed as well. Although they

⁸⁷ See United Nations Human Rights Treaty Bodies, *Ratification Status for Slovakia* https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=158&Lang=EN (last visited May 2, 2021) or UNESCO, *Conventions – Slovakia* <https://en.unesco.org/countries/slovakia/conventions> (last visited May 2, 2021).

are generally not considered to be legally binding, they still offer important guidelines on various aspects of the right to education, they extend the provisions of the respective international treaties and, hence, are also an important source of law.⁸⁸

The right to education is also enshrined in the relevant regional human rights treaties, which were ratified by the Slovak Republic, such as the European Convention of Human Rights, European Social Charter, or the EU Charter of Fundamental Rights. However, they are not discussed here due to space limitations.

2.1 The Right to Education in the Universal Declaration of Human Rights and in the Sustainable Development Goals

The Universal Declaration of Human Rights (hereinafter UDHR) was the first international treaty which acknowledged the right to education as a fundamental human right⁸⁹ and since then this right has been incorporated in various other human rights treaties. The UDHR states in Article 26 (1) that the right to education belongs to everybody.⁹⁰ It is important to read this article together with Articles 2 and 7 which enshrine the principles of equality regardless of race or gender and non-discrimination.⁹¹ In addition, Article 26 (2) of the UDHR states that education “*shall be directed to the full development of the human personality*”.⁹² The provisions of this article also reflect the idea of inclusion and mutual respect in education and the prohibition of racial segregation in education which is incompatible with the full realization

⁸⁸ S. Kalantry et al, *Enhancing Enforcement of Economic, Social, and Cultural Rights Using Indicators: A Focus on the Right to Education in the ICESCR* 32 HUMAN RIGHTS QUARTERLY at 267 (2010).

⁸⁹ CEDAW Committee General Recommendation 36, *supra* note 12, para. 6.

⁹⁰ G.A. Res. 217 (III) A, *Universal Declaration of Human Rights*, (December 10, 1948), art. 26 (1) [hereinafter UDHR].

⁹¹ *Id.* arts. 2 and 7.

⁹² *Id.* art. 26 (2).

of the right to education⁹³ as education is recognized as key in promoting of understanding, tolerance and friendship among various groups.⁹⁴

Moreover, the specific obligations of States in the area of the right to education were framed by Special Rapporteur on Education Katarina Tomaševski into a 4-A scheme. This scheme consists of four essential features schools, specifically primary schools, should contain, that is availability, accessibility, acceptability and adaptability.⁹⁵ Availability means that schools are available for all children regardless of their race and gender.⁹⁶ The States' obligation to make schools accessible means that schools shall be accessible to all children without discrimination, while the obligation of non-discrimination shall be fulfilled immediately and fully.⁹⁷ In this regard the Special Rapporteur further differentiates between unreached and excluded groups of children.⁹⁸ Exclusion occurs when children without access to education share the same feature such as race or gender.⁹⁹ Acceptability refers to education being acceptable to children and their parents while, at the same time, the State is responsible for the minimum criteria set by it being fulfilled in all schools.¹⁰⁰ The State is responsible for its educational system to become and remain adaptable and responsive to the rapidly changing conditions both globally and in their communities.¹⁰¹ This obligation includes the obligation of the State to fight racial

⁹³ Š. Ivanco, *Rasová segregácia vo vzdelávaní z hľadiska medzinárodnej legislatívy na ochranu ľudských práv (Racial Segregation in Education in the International Legislation on Human Rights Protection)* in Open Society Foundation, *Odpovede na otázky (de)segregácie rómskych žiakov vo vzdelávacom systéme na Slovensku (Answers to Questions of (De)segregation of Roma Pupils in the Educational System in Slovakia)*, OPEN SOCIETY FOUNDATION (2011), <https://eduroma.sk/docs/odpovede-na-otazky-desegregacie.pdf/>, (last visited March 15, 2021), at 11.

⁹⁴ UDHR, *supra* note 89, art. 26 (2).

⁹⁵ Commission on Human Rights, *Preliminary Report of the Special Rapporteur on the Right to Education, Ms. Katarina Tomaševski, Submitted in Accordance with Commission on Human Rights Resolution 1998/33*, para. 50, U.N. Doc E/CN.4/1999/49 (January 13, 1999).

⁹⁶ *Id.* paras. 51-53.

⁹⁷ *Id.* para. 57.

⁹⁸ *Id.* para. 58.

⁹⁹ *Id.* para. 58.

¹⁰⁰ *Id.* para. 62.

¹⁰¹ *Id.* paras. 70-71.

and gender stereotypes through education as well as to acknowledge that some women face intersectional stereotypes based on their gender and race.¹⁰²

This scheme was later broadened by the Committee on Economic, Social and Cultural Rights (hereinafter ICESCR Committee) into a “4-A Right to Education Framework”.¹⁰³ The most important in this regard is that the ICESCR Committee expanded the applicability of this framework to education in all forms and all levels,¹⁰⁴ including secondary education which is relevant in relation to the “*Practical Woman*” educational program.

With regard to the gender aspect of the right to education, an important source of guidelines in this respect at the universal level is also one of the Sustainable Development Goals, namely Target 4.5 under the Sustainable Development Goal 4 (Ensure Inclusive and Equitable Quality Education and Promote Lifelong Learning Opportunities for All) which states that the target by 2030 is to “... *eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations*”.¹⁰⁵ Target 4.1 is also substantial, especially in the light of the quality of the secondary education educational program “*Practical Woman*” and the skills its graduates leave the program with. This target states that by 2030 the States should “...*ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes*”.¹⁰⁶ In relation to the rights of girls and women in general, Sustainable Development Goal 5 (Achieve Gender

¹⁰² Commission on Human Rights, *supra* note 95, para. 72.

¹⁰³ Kalantry, *supra* note 88, at 274.

¹⁰⁴ Committee on Economic, Social and Cultural Rights, *General Comment No. 13 (Twenty-first session, 1999) on the Right to Education (Art. 13)*, para. 6, U.N. Doc E/C.12/1999/10 (December 8, 1999) [hereinafter ICESCR Committee General Comment 13].

¹⁰⁵ United Nations. Department of Economic and Social Affairs, *Ensure Inclusive and Equitable Quality Education and Promote Lifelong Learning Opportunities for All*, <https://sdgs.un.org/goals/goal4>, (last visited March 27, 2021).

¹⁰⁶ *Id.*

Equality and Empower All Women and Girls) is also crucial, with target 5.1 which is to “*end all forms of discrimination against all women and girls everywhere*”.¹⁰⁷

2.2 The Prohibition of Discrimination in Education in the UNESCO Convention Against Discrimination in Education

The UNESCO Convention Against Discrimination in Education (hereinafter UNESCO Convention) defines discrimination as “*any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education*”.¹⁰⁸ Article 1 (1) of the UNESCO Convention also specifies four types of conduct which constitute discrimination in education. They are – depriving a person(s) of access to education of any type and at any level, limiting person(s) to an education of an inferior standard, establishing or maintaining separate educational systems for persons, or groups of persons or inflicting on person(s) conditions which are against human dignity.¹⁰⁹ Based on Article 1 (1) (c) of the UNESCO Convention it is clear that this Convention recognizes segregation in education as a form of discrimination in education, however, provision (d) of this Article is also relevant.¹¹⁰ This Convention also allows for the establishment and maintenance of separate educational systems or institutions for girls and boys.¹¹¹ However the “*Practical Woman*” educational program does not fulfil the criteria set by the Article as this program is attended also by boys and it does not provide the same access

¹⁰⁷ United Nations. Department of Economic and Social Affairs, *End All Forms of Discrimination Against All Women and Girls Everywhere*, <https://sdgs.un.org/goals/goal5>, (last visited March 27, 2021).

¹⁰⁸ UNESCO Convention Against Discrimination in Education, *opened for signature* December 14, 1960, 429 U.N.T.S. 93, art. 1 (1) (entered into force May 22, 1962) [hereinafter UNESCO Convention].

¹⁰⁹ *Id.* art. 1 (1).

¹¹⁰ Ivanko, *supra* note 93, at 13.

¹¹¹ UNESCO Convention, *supra* note 108, art. 2 (a).

to education for both genders,¹¹² nor does it provide Roma girls with equivalent study as boys as it is very gender stereotypical.

Moreover, the States shall abrogate any statutory provisions or administrative practices, which are discriminatory.¹¹³ In addition, the States recognize that education should allow the students to fully develop their personality.¹¹⁴

2.3 The Right to Education in the International Covenant on Economic, Social and Cultural Rights and in General Comment No. 13 of the Committee on Economic, Social and Cultural Rights

One of the first recognitions of the right to education in a legally binding instrument can be found in the International Covenant on Economic, Social and Cultural Rights (hereinafter ICESCR) of 1966. This treaty contains detailed provisions on the right to education in Article 13 and Article 14, with Article 13 being the longest provision in the ICESCR and the most complex and comprehensive provision on the right to education in the international human rights law.¹¹⁵ The ICESCR incorporates both the socialist and liberal theoretical approaches towards the right to education resulting in the States being the primary duty bearers of providing the education, but at the same time obliging the States to respect the rights of the parents to make decisions about the education of their children.¹¹⁶ Therefore, the ICESCR imposes both positive and negative obligations on the States regarding the right to education.¹¹⁷

¹¹² This is elaborated in more detail in Chapter III.

¹¹³ UNESCO Convention, *supra* note 108, art. 3 (a).

¹¹⁴ *Id.* art. 5 (1) (a).

¹¹⁵ ICESCR Committee General Comment 13, *supra* note 104, para. 2.

¹¹⁶ Kalantry, *supra* note 88, at 262.

¹¹⁷ *Id.* at 262.

The right to education in general is enshrined in Article 13 (1) of the ICESCR which states: *“The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.”*¹¹⁸

The ICESCR has a provision on the obligation of States concerning secondary education as well, which is especially important as the *“Practical Woman”* program belongs to secondary education. In Article 13 (2) (b) the ICESCR states that *“Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education”*.

Articles 2 (2) and 3 of the ICESCR are crucial with regard to the enjoyment of the right to education regardless of race or gender. Article 2 (2) of the ICESCR prohibits discrimination among other grounds of discrimination, also based on race, sex and property when exercising the rights enshrined in the ICESCR.¹¹⁹ The prohibited ground of discrimination, “sex”¹²⁰, has evolved since the adoption of the ICESCR and nowadays includes also the broader concept of gender, such as gender stereotypes, prejudices and gender roles, not just physiological differences between women and men.¹²¹ Therefore, discrimination of women occurs either

¹¹⁸ International Covenant on Economic, Social and Cultural Rights, *opened for signature* December 16, 1966, 993 U.N.T.S. 3, art. 13 (1) (entered into force January 3, 1976) [hereinafter ICESCR].

¹¹⁹ *Id.* art. 2 (2).

¹²⁰ Although the older documents use the term “sex”, I use the term “gender” in the text as it is nowadays more widely used.

¹²¹ Committee on Economic, Social and Cultural Rights, *General Comment No. 20 on Non-discrimination in Economic, Social and Cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and*

when different treatment is due to the biological differences or stereotypical assumptions about women.¹²²

In addition, Article 3 of the ICESCR deals specifically with the prohibition of gender discrimination and states that all economic, social and cultural rights, that means also the right to education should be equally enjoyed by men and women and the States are responsible for guaranteeing the equal enjoyment.¹²³ The provision contained in Article 3 of the ICESCR is a cross-cutting one and applies to the rights enshrined in Articles 6 to 15 of the ICESCR.¹²⁴ The obligation of the States to secure equal enjoyment of economic, social and cultural rights for women and men is mandatory and immediate¹²⁵ and represents a non-derogable standard in relation to the rights enshrined in the ICESCR.¹²⁶ The equality between women and men in their enjoyment of economic, social and cultural rights incorporates both formal and substantive equality.¹²⁷ The gender aspect of the right to education requires the States to refrain from discriminatory actions which would directly and indirectly result in unequal enjoyment of this right by women and men.¹²⁸ Therefore, the States shall refrain from any laws, policies, measures or programs which would violate the principle of equality and non-discrimination based on gender, even when they appear gender-neutral¹²⁹ and, hence, the curricula in schools should promote gender equality and non-discrimination.¹³⁰ Moreover, the States are obliged to

Cultural Rights), para. 20, U.N. Doc E/C.12/GC/20 (July 2, 2009) [hereinafter ICESCR Committee General Comment 20].

¹²² Committee on Economic, Social and Cultural Rights, *General Comment No. 16 (2005) on the Equal Right of Men and Women to the Enjoyment of all Economic, Social and Cultural Rights (art. 3 of the International Covenant on Economic, Social and Cultural Rights)*, para. 11, U.N. Doc E/C.12/2005/4 (August 11, 2005) [hereinafter ICESCR Committee General Comment 16].

¹²³ ICESCR, *supra* note 118, art. 3.

¹²⁴ ICESCR Committee General Comment 16, *supra* note 122, para. 22.

¹²⁵ *Id.* para. 16.

¹²⁶ *Id.* para. 17.

¹²⁷ *Id.* para. 7.

¹²⁸ *Id.* para. 18.

¹²⁹ *Id.* para. 18.

¹³⁰ *Id.* para. 30.

take steps to directly eliminate gender-based prejudices and any practices that perpetuate superiority or inferiority of any of the genders.¹³¹

Specifically regarding the right to education, the States have an obligation to integrate the principles of equality between women and men in the educational system and to promote the equal participation of girls (women) and boys (men) in schools or educational programs.¹³²

What is also important regarding the educational program “*Practical Woman*” is the question, whether discrimination based on gender and race is prohibited also in private schools as they are often the ones who provide this educational program. The answer to this question can be found in General Comment No. 20 by the ICESCR Committee. As mentioned above, the right to education imposes both positive and negative obligations on the States and, thus, the States are responsible for adopting such measures which would prevent discrimination in education by individuals or entities in the private sphere.¹³³ In addition, the States are obliged to monitor and regulate the non-state actors to ensure that they do not violate the principles of non-discrimination and equality between women and men.¹³⁴ Therefore, the Slovak Republic is bound by Article 13 of the ICESCR, regardless of the type of school where the “*Practical Woman*” educational program is taught.

In relation to the right to education in general, another important legal source is General Comment No. 13 on the right to education. This General Comment from 1999 is a broad and comprehensive source of definition and clarification of the provisions on the right to education as it is enshrined in the ICESCR,¹³⁵ including the right to secondary education, right to technical and vocational education and the prohibition of discrimination in education. As the

¹³¹ ICESCR Committee General Comment 16, *supra* note 122, para. 19.

¹³² *Id.* para. 21.

¹³³ ICESCR Committee General Comment 20, *supra* note 121, para. 11.

¹³⁴ ICESCR Committee General Comment 16, *supra* note 122, para. 20.

¹³⁵ Kalantry, *supra* note 88, at 267.

provisions on education in the ICESCR, in connection with the General Comment No. 13, form the basis of the right to education in international law, I describe the provisions of General Comment No. 13 in detail, concentrating on those which are relevant to the “*Practical Woman*” educational program.

General Comment No. 13 contains, among others, a broad interpretation and expansion of Article 13 (2) (b) of the ICESCR which concerns the right to secondary education. The ICESCR Committee states that secondary education should also fulfill the requirements of availability, accessibility, acceptability and adaptability, that is the 4-A right to education framework, as described above.¹³⁶ Secondary education should provide the foundations for life-long learning and development.¹³⁷ Moreover, secondary education should be available to all on the same basis and should not be dependent on a student's apparent capacity or ability.¹³⁸

General Comment No. 13 also deals with the technical and vocational education (hereinafter TVE), which Article 13 (2) (b) of the ICESCR includes in its provisions on secondary education. TVE is important in relation to the “*Practical Woman*” educational program as it is part of vocational education in Slovakia. Notable is also that the ICESCR Committee considers TVE not just as a component of the right to education but of the right to work as well.¹³⁹ Article 6 of the ICESCR which enshrines the right to work recognizes TVE as necessary in order to fully realize the right to work and as a means to achieve full and productive employment, which provides an individual with fundamental political and economic freedoms,¹⁴⁰ however, in relation to the right to work TVE is not limited only to secondary education, but to education in general.¹⁴¹ According to the ICESCR Committee, by means of TVE students should receive

¹³⁶ ICESCR Committee General Comment 13, *supra* note 104, para. 11.

¹³⁷ *Id.* para. 12.

¹³⁸ *Id.* para. 13.

¹³⁹ *Id.* para. 15.

¹⁴⁰ ICESCR, *supra* note 118, art. 6 (2).

¹⁴¹ ICESCR Committee General Comment 13, *supra* note 104, para. 15.

knowledge and skills which will support their personal development, self-reliance and employability,¹⁴² as well as “*the skills, knowledge and levels of qualification needed in the various sectors of the economy*”.¹⁴³ Moreover, TVE should take into consideration the education, social and cultural background of the students.¹⁴⁴ In relation to gender equality within the system of technical and vocational education, the ICESCR Committee states that the right to TVE includes also programs which promote this type of education for women and girls.¹⁴⁵

General Comment No. 13 also interprets the right to education in the context of the prohibition of discrimination enshrined in Article 2 (2) of the ICESCR. What is crucial in relation to prohibition of discrimination in education according to the ICESCR is that, although the right to secondary education should be realized progressively, the prohibition of discrimination is not limited by the progressive realization and availability of resources, and therefore the prohibition of discrimination in education is applicable fully and immediately.¹⁴⁶

2.4 The Right of a Child to Education in the Convention on the Rights of the Child and in General Comment No. 1 by the Committee on the Rights of the Child

The Convention on the Rights of the Child (hereinafter CRC) considers as a child “*every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier*”.¹⁴⁷ As the “*Practical Woman*” educational program is part of

¹⁴² ICESCR Committee General Comment 13, *supra* note 104, para. 16 (a).

¹⁴³ *Id.* para. 16 (b).

¹⁴⁴ *Id.*

¹⁴⁵ *Id.* para. 16 (e).

¹⁴⁶ ICESCR Committee General Comment 13, *supra* note 104, para. 31.

¹⁴⁷ Convention on the Rights of the Child, *opened for signature* November 20, 1989, 1577 U.N.T.S. 3, art. 28 (1) (entered into force Sept. 2, 1990) [hereinafter CRC].

lower secondary education it is very likely that the vast majority of current students of this program are under 18 and, therefore, they are protected by the CRC. This subchapter concentrates on the provisions on the right to education enshrined in the CRC which are relevant to the “*Practical Woman*” educational program.

The child’s right to education is enshrined in Articles 28 and 29 of the CRC. According to Article 28 of the CRC, the States recognize the right of a child to education which should be achieved progressively and on the basis of equal opportunities.¹⁴⁸ Specifically in relation to secondary education the CRC states in Article 28 (1) (b) that the States shall “*encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need*”.¹⁴⁹

It is recognized that the right to education consists not only of the access to education (enshrined in Article 28 of the CRC), but also of the content of the education which is regulated by Article 29 of the CRC.¹⁵⁰ Article 29 of the CRC imposes on the States the responsibility that the education shall contribute to the development of the child’s personality, talents and abilities to their fullest potential,¹⁵¹ maximize her or his ability and opportunity to participate fully in society¹⁵² and prepare the child for life in the spirit of gender equality, among other principles.¹⁵³ In addition, education shall respect the dignity of a child¹⁵⁴ and ensure that children acquire in school skills which are necessary to face the challenges they might endure

¹⁴⁸ CRC, *supra* note 147, 28 (1).

¹⁴⁹ *Id.* art. 28 (1) (b).

¹⁵⁰ Committee on the Rights of the Child, *General Comment No. 1 (2001) on Article 29 (1): The Aims of Education*, para 3, U.N. Doc CRC/GC/2001/1 (April 17, 2001) [hereinafter CRC Committee General Comment 1].

¹⁵¹ CRC, *supra* note 147, art. 29 (1) (a).

¹⁵² CRC Committee General Comment 1, *supra* note 150, para. 12.

¹⁵³ CRC, *supra* note 147, art. 29 (1) (d).

¹⁵⁴ CRC Committee General Comment 1, *supra* note 150, para. 8.

in the future.¹⁵⁵ Therefore, it is important that the education provides children not only with literacy and numeracy but also with more complex skills such as conflict resolution, critical thinking or the ability, creativity, to make well-balanced decisions, etc.¹⁵⁶

Moreover, similarly as the ICESCR, also the CRC includes provisions on the prohibition of discrimination on the basis of race or gender in relation to the rights enshrined in the CRC, including the right to education.¹⁵⁷ Discrimination in education violates a child's dignity and partially or completely hinders her/his capacity to benefit from the opportunities education offers.¹⁵⁸ General Comment No. 1 by the Committee on the Rights of the Child (hereinafter CRC Committee) specifically states that "*gender discrimination can be reinforced by practices such as a curriculum which is inconsistent with the principles of gender equality, by arrangements which limit the benefits girls can obtain from the educational opportunities offered*".¹⁵⁹ In relation to discrimination based on race, the CRC Committee states that racism is linked with the requirements for the content of the education elaborated in Article 29 (1) of the CRC.¹⁶⁰ It is the role of education to challenge all aspects of prejudices and discrimination and to promote respect for differences.¹⁶¹

¹⁵⁵ CRC Committee General Comment 1, *supra* note 150, para. 9.

¹⁵⁶ *Id.*

¹⁵⁷ CRC, *supra* note 147, art. 2 (1).

¹⁵⁸ CRC Committee General Comment 1, *supra* note 150, para. 10.

¹⁵⁹ *Id.*

¹⁶⁰ *Id.* para. 11.

¹⁶¹ *Id.*

2.5 Prohibition of Racial Discrimination in Education in the International Convention on the Elimination of All Forms of Racial Discrimination and General Recommendation XXVII of the Committee on the Elimination of Racial Discrimination

The International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter ICERD) prohibits discrimination based on race. It defines racial discrimination as *“any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”*.¹⁶² Moreover, Article 5 of this Convention imposes on States an obligation to prohibit and eliminate racial discrimination in any form and to guarantee that the right to equality is available to everyone without distinction based on race, color or ethnic origin and this also in relation to the right to education and training.¹⁶³ What is also important is that this Convention imposes on States the obligation to take immediate and effective measures in relation to education and teaching which lead to the prevention of prejudices resulting in racial discrimination and which promote understanding among racial and ethnic groups.¹⁶⁴ With regard to this provision it is questionable, if Slovakia fulfills this obligation in relation to the segregated education of the Roma minority or in the light of the educational program *“Practical Woman”* which is, as I argue later, based on gender and racial stereotypes and thus contrary to this provision.

¹⁶² International Convention on the Elimination of All Forms of Racial Discrimination, *opened for signature* December 21, 1965, 660 U.N.T.S. 1, art. 1 (1) (entered into force January 4, 1969) [hereinafter ICERD].

¹⁶³ *Id.* art. 5 (e) (v).

¹⁶⁴ *Id.* art. 7.

Among other documents by the Committee on the Elimination of Racial Discrimination (hereinafter CERD Committee) especially “*General Recommendation XXVII on discrimination against Roma*” is relevant; it also deals with measures in the field of education. This General Recommendation specifically states that the States should support the inclusion of Roma children in the educational systems,¹⁶⁵ prevent and avoid their segregation in education, improve and raise the quality of education and level of achievement in schools which are attended by Roma children¹⁶⁶ and take measures to lower the high drop-out rate of Roma children, especially Roma girls.¹⁶⁷ Paragraph 22 of this General Recommendation is crucial in relation to the “*Practical Woman*” educational program as it states that the State should “*ensure that their programmes, projects and campaigns in the field of education take into account the disadvantaged situation of Roma girls and women*”.¹⁶⁸

2.6 The Right of Girls to Education in the Convention on the Elimination of All Forms of Discrimination against Women and in General Recommendation No. 36 by the Committee on the Elimination of Discrimination against Women

The right to education of women and girls is vested in Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter CEDAW). The most important provision of this article with regard to the “*Practical Woman*” educational program is Article 10 (c) of the CEDAW which states that the States shall take appropriate measures to eliminate “*any stereotyped concept of the roles of men and women at all levels and in all forms*

¹⁶⁵ Committee on the Elimination of Racial Discrimination, *General Recommendation XXVII on Discrimination Against Roma*, para. 17, U.N. Doc A/55/18 (August 16, 2000).

¹⁶⁶ *Id.* para. 18.

¹⁶⁷ *Id.* para. 17.

¹⁶⁸ *Id.* para. 22.

of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods”.¹⁶⁹ Although this article also imposes on the States the obligation to organize programs for girls who left the school prematurely,¹⁷⁰ as is the case of the students of the “*Practical Woman*” educational program, these programs should nevertheless fulfill the criteria put forward by the rest of the provisions of this article. Additionally, the Committee on the Elimination of Discrimination against Women (hereinafter CEDAW Committee) recognizes that education must be accessible in reality and in practice to all girls, including the ones coming from a disadvantaged and marginalized background,¹⁷¹ nevertheless a gap still persists between the *de jure* protection of the right to education and its *de facto* implementation.¹⁷²

Moreover, there are factors which prevent girls from the full enjoyment of their right to education as a fundamental human right, such as gender stereotypes in the curricula and in the teaching process¹⁷³ or other barriers faced by girls from disadvantaged or marginalized communities, such as cultural barriers, for example traditional roles associated to women and girls by the patriarchal system.¹⁷⁴ Nonetheless, it is the obligation of the States to provide appropriate conditions for the right to education to be fully and freely exercised and enjoyed by girls of all backgrounds.¹⁷⁵ It is important to add that the CEDAW Committee, similarly to the ICESCR Committee recognizes that States have both negative and positive obligations in the area of the right to education.¹⁷⁶

¹⁶⁹ Convention on the Elimination of All Forms of Discrimination Against Women, *opened for signature* December 18, 1979, 1249 U.N.T.S. 13, art 10 (c) (entered into force September 3, 1981).

¹⁷⁰ *Id.* art. 10 (f).

¹⁷¹ CEDAW Committee General Recommendation 36, *supra* note 12, para. 20.

¹⁷² *Id.* para. 5.

¹⁷³ *Id.* para. 4.

¹⁷⁴ *Id.* para. 51.

¹⁷⁵ *Id.* para. 21.

¹⁷⁶ *Id.* para. 22.

The CEDAW Committee proposes a tripartite human rights framework in relation to the right to education consisting of three dimensions of this right, specifically of the right of access to education, rights within education and the rights through education.¹⁷⁷ The right to access to education dimension corresponds to the availability criterion in the 4-A Right to Education Framework¹⁷⁸ and rights within education to the acceptability criterion.¹⁷⁹

Especially the second two dimensions seem to be profoundly important in relation to the “*Practical Woman*” educational program. Rights within the education dimension recognizes schools as critical institutions in the process of dismantling gender stereotypes and challenging stereotypical gender norms.¹⁸⁰ However, on the other side, schools can also reinforce these stereotypes and gender inequality, maintain the inferior position of women in the society, the public/private dichotomies and the education system is often a means for the States to reproduce the gender order.¹⁸¹ Rights within education incorporate also the quality of education which applies to the educational content as well as the method of education.¹⁸² Girls shall have access to the same quality of education as boys and education should contribute to their self-determination and self-actualization.¹⁸³ As education has a transformational potential, it should substantially improve the position and advance other human rights of girls or women in other areas of their lives, that is outside of the educational system, otherwise it failed to allow girls to enjoy other rights through education.¹⁸⁴ Nevertheless, the right of access to education is also relevant for the “*Practical Woman*” educational program as the incorporates condition that educational institutions and programs should be available in sufficient quality.¹⁸⁵

¹⁷⁷ CEDAW Committee General Recommendation 36, *supra* note 12, para. 14.

¹⁷⁸ *Id.* para. 28.

¹⁷⁹ *Id.* para. 56.

¹⁸⁰ *Id.* para. 16.

¹⁸¹ *Id.* para. 16.

¹⁸² *Id.* para. 56.

¹⁸³ *Id.*

¹⁸⁴ *Id.*, para. 17.

¹⁸⁵ *Id.* para. 29.

Chapter II identified and described the provisions of several international human rights treaties ratified by the Slovak Republic which deal with the right to education, including the prohibition of discrimination in education based on race or gender which is crucial for the full enjoyment of the right to education by Roma girls. This chapter serves as the basis for the analysis in Chapter III which aims to determine whether these provisions of international human rights law are violated by the “*Practical Woman*” educational program.

CHAPTER III: ANALYSIS OF THE “*PRACTICAL WOMAN*” EDUCATIONAL PROGRAM WITH REGARD TO THE RELEVANT PROVISIONS OF INTERNATIONAL HUMAN RIGHTS LAW

This chapter concentrates on one specific educational program in the Slovak Republic and conducts an analysis as to whether this program violates the right to education as protected by international human rights law. The educational program “*Practical Woman*” is described in the first subchapter. The next subchapter analyzes whether the content of this educational program violates the relevant articles of international human rights treaties which were described in the previous chapter and therefore can be considered to be violating the human rights of Roma girls in the Slovak Republic.

3.1 Characteristics of the “*Practical Woman*” Educational Program

The following subchapter provides a brief description of the “*Practical Woman*” educational program as an educational program belonging to the “*F Programs*” in the Slovak educational system and mainly being taught at the “*elocated workplaces*” of the lower secondary vocational schools. Therefore, this subchapter starts with definition of “*F Programs*” and the “*elocated workplaces*” and then it defines the “*Practical Woman*” educational program.

3.1.1 “*Elocated*” Workplaces of Secondary Vocational Schools and the “*F Programs*”

In order for a child to study at a secondary school, s/he has to finish primary education, however, not every Roma child has the opportunity to finish this level of education, e.g. due to

a lack of staff at schools or ineffective inclusion of children with special needs.¹⁸⁶ The share of students in the Slovak Republic who do not continue their education in (higher) secondary education is much higher within the Roma communities.¹⁸⁷ From the gender point of view, the share of Roma women who did not finish primary education is just slightly higher than the share of men; the share of women whose highest attained level of education is primary education, is significantly higher than of men.¹⁸⁸

Then, often the only option left for these children to continue their studies in the Slovak educational system are the two- or three-year programs of lower secondary vocational education, the so-called “*F programs*”.¹⁸⁹ These programs are intended only for students who did not finish their primary education.¹⁹⁰ The educational level obtained in these programs (ISCED 2) is not equivalent to lower secondary education, which is the equivalent of finished primary education, but lower secondary vocational education.¹⁹¹ The Slovak educational system does not allow the graduates of lower secondary vocational education to continue their studies in secondary schools, in order to obtain higher secondary education.¹⁹² Moreover, the quality of education provided in these programs is considered not to achieve the level of primary education,¹⁹³ neither do they significantly improve the chances of their graduates on the labor market compared to the graduates of primary education.¹⁹⁴ Not only are these

¹⁸⁶ Z. Havirová, Na neefektívnosť nižšieho stredného odborného vzdelávania doplácajú najmä Rómovia (Mainly the Romas are Hurt by the Ineffectivity of the Lower Secondary Vocational Education) MENŠINOVÁ POLITIKA (May 19, 2021), <https://mensinovapolitika.eu/na-neefektivnost-nizsieho-stredneho-odborneho-vzdelavania-doplacaju-najma-romovia/>, (last visited June 12, 2021).

¹⁸⁷ Plenipotentiary, *supra* note 16, at 14.

¹⁸⁸ Lajčáková, *supra* note 2, at 12.

¹⁸⁹ Havirová, *supra* note 186.

¹⁹⁰ Ministerstvo financií Slovenskej republiky (Ministry of Finance of the Slovak Republic), *Revízia výdavkov na skupiny ohrozené chudobou alebo sociálnym vylúčením. Záverečná správa (Revision of Expenditures on Groups Endangered by Poverty or Social Exclusion)* (2020), <https://www.minedu.sk/data/att/15944.pdf>, (last visited May 21, 2021), at 27 [hereinafter MF SR].

¹⁹¹ *Id.* at 27.

¹⁹² *Id.*

¹⁹³ *Id.* at 75.

¹⁹⁴ *Id.*

educational programs of low quality, they have also a low rate of completion (29%).¹⁹⁵ Truly worrisome is that sometimes these programs are attended also by students who finished primary education, due to their close proximity and financial availability.¹⁹⁶

It has been recognized that the only active policy of the Slovak Republic regarding the education of Roma children in secondary schools is to educate children at “*elocated*” workplaces of secondary vocational schools (hereinafter “*elocated*” workplaces)¹⁹⁷ or more generally in lower secondary vocational education.¹⁹⁸ “*Elocated*” workplaces, which are physically detached from their “core” schools,¹⁹⁹ are being established by public as well as private schools.²⁰⁰ “*Elocated*” workplaces represent 40% of the schools providing secondary vocational education.²⁰¹ A very high share (96%) of the “*elocated*” workplaces can be found in villages with Roma population; these schools can even often be found close to segregated or separated Roma settlements.²⁰² Therefore, these schools further perpetuate the segregation of Roma children in education and, hence, it can be concluded that the segregation of Roma children in education can be now found also in secondary education.

Although the original idea behind the establishment of “*elocated*” workplaces was to provide secondary education geographically close to Roma children²⁰³ as mentioned above, the education provided by these schools is of low quality, ineffective and it deepens the segregation in education.²⁰⁴ Moreover, the educational programs provided by the “*elocated*” workplaces are sometimes based on stereotypical expectations of future careers of Roma students.²⁰⁵ What

¹⁹⁵ MF SR, *supra* note 190, at 75.

¹⁹⁶ Balážová, *supra* note 64, at 25.

¹⁹⁷ Lajčáková, *supra* note 2, at 36.

¹⁹⁸ Plenipotentiary, *supra* note 16, at 14.

¹⁹⁹ MF SR, *supra* note 190, at 76.

²⁰⁰ Balážová, *supra* note 64, at 13.

²⁰¹ MF SR, *supra* note 190, at 76.

²⁰² *Id.*

²⁰³ Balážová, *supra* note 64, at 10.

²⁰⁴ *Id.* at 44.

²⁰⁵ *Id.*

is worrisome is that some professionals working in the education system are satisfied with the mere existence of the “*elocated*” workplaces as for them it is sufficient that Roma children are attending any education at all.²⁰⁶

3.1.2 The “*Practical Woman*” Educational Program

The “*Practical Woman*” educational program is one of the programs provided by the “*elocated*” workplaces as an “*F program*” (it is an ISCED 2C program), belonging to the group of programs “*Textile and Garmenting*”.²⁰⁷ This program was prepared by various state institutions²⁰⁸ and has been provided from 2000.²⁰⁹ The skills and knowledge provided by this educational program are shocking as they are very gender and racially stereotypical (as is discussed in more detail later in Chapter III). The curriculum of this program includes – the basics of hygiene and esthetics of the family and life environment, comprehension of the role and function of the family and comprehension of the meaning of the relationship between partners or spouses and the principles of family life.²¹⁰ Students are also taught how to keep the household in good shape, how to shop and store food, how to prepare food, keep the house bills or how to raise a child.²¹¹ Skills such as knitting and crocheting are also part of the curriculum.²¹² These skills should allow the graduates to find simple and auxiliary jobs in the textile, agricultural or forest industry, or in the field of family life and child upbringing.²¹³

²⁰⁶ Balážová, *supra* note 64, at 44.

²⁰⁷ *Id.* at 33.

²⁰⁸ *Id.*

²⁰⁹ Information was provided by the Slovak Centre of Scientific and Technical Information at the request by the author of the thesis.

²¹⁰ Balážová, *supra* note 64, at 33.

²¹¹ *Id.*

²¹² *Id.*

²¹³ Inštitút zamestnanosti (Employment Institute), *Koncepčný materiál: Uplatnenie absolventov vybraného učebného odboru na trhu práce – praktická žena je nepraktická (Conceptual Document: The Position on the Labor Market of the Graduates of Chosen Vocational Education Program – the Practical Woman is Unpractical)* (2020), <https://www.iz.sk/download-files/sk/evs/prakticka-zena-je-neprakticka.pdf>, at 3.

The following table shows the development of the number of students and graduates of the “*Practical Woman*” educational program.²¹⁴ As can be seen, both numbers are growing. In the last ten years, the number of students of the “*Practical Woman*” program has tripled; a similar development can also be observed in the number of graduates, although, as mentioned above, the rate of completion of this program is low. This trend is worrisome, as due to the content and quality of this program, the number of its students should rather be declining.

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Number of students	220	216	234	263	364	431	501	600	663	658	656	667
Number of graduates	13	61	45	44	49	57	108	75	133	108	136	175

This program does not enable its graduates to easily get employed (not even compared to graduates of primary education),²¹⁵ which should be one of the aims of (secondary vocational) education.²¹⁶ What is more problematic, is that this education is clearly based on gender stereotypes about women and their position in society,²¹⁷ as well as on racial stereotypes about women from marginalized Roma communities and their role in their communities,²¹⁸ and on the assumption that Roma girls do not have these skills and knowledge and, therefore, the State should include them in the curriculum. This program violates the principles of gender equality and deepens the stereotypes about Roma women being unable to manage their income and take care of children and the household.²¹⁹ The schools at which the “*Practical Woman*” is taught often offer other, more practical and less stereotypical programs and, therefore, it is not clear why they even offer such a stereotypical program of low quality.

²¹⁴ The data were provided by the Slovak Centre of Scientific and Technical Information at the request by the author of the thesis.

²¹⁵ MF SR, *supra* note 190, at 75.

²¹⁶ Employment Institute, *supra* note 213, at 2.

²¹⁷ This educational program is attended also by boys; however, the vast majority of students are girls, therefore, this thesis concentrates only on the right to education of girls.

²¹⁸ Balážová, *supra* note 64, at 34.

²¹⁹ *Id.*

3.2 Analysis of the “*Practical Woman*” Educational Program with Regard to the Relevant International Human Rights Documents

This subchapter analyzes whether the “*Practical Woman*” educational program is in accordance with the relevant provisions of international human rights treaties which enshrine the right to education and determines which articles of these treaties are violated by this educational program. The treaties are analyzed in the same order as they were described in Chapter II.

3.2.1 Analysis of the “*Practical Woman*” Educational Program with Regard to the Universal Declaration of Human Rights and Sustainable Development Goals

The right to education should be equally enjoyed by everybody regardless of their gender or race. However, the “*Practical Woman*” educational program does not allow its students and graduates to equally enjoy the right to education as this educational program is due to its content and outcomes of a lower quality compared to other (lower) secondary educational programs and, in addition, it is based on gender and racial stereotypes. As this educational program is mostly attended by Roma girls due to their race and gender, they cannot enjoy their education equally like other Roma boys and non-Roma girls and boys.

In addition, this program is not directed in such a way that its graduates can reach full development of their personality as it provides them only with basic skills which are stereotypically expected from women, which probably many of the students already knew before attending this education. As the “*Practical Woman*” educational program is part of the segregated education designated for students who did not finish primary education, it is very

unlikely that children in such a segregated system can achieve their full potential. Therefore, it is absolutely crucial to eliminate segregation at all levels of education in order for the Roma children to achieve their full potential. Hence, the right to education of Roma girls is being violated by the “*Practical Woman*” educational program.

The “*Practical Woman*” educational program does not fulfill especially the requirement of acceptability and adaptability from the 4-A framework, either. Acceptability includes a requirement for the curricula and teaching methods to be relevant and of a good quality to students.²²⁰ The “*Practical Woman*” educational program does not fulfill this criterion as skills such as shopping or basic crocheting are neither relevant in the 21st century characterized by rapid digitalization and automatization, nor can the content of the education be considered to be of good quality as it does not provide its graduates with useful skills. This educational program cannot be considered as fulfilling the requirement of adaptability, as it does not reflect in its curriculum the rapid changes in society and on the labor market, as the skills the students can acquire are not really needed in the 21st century. On the other hand, they do not obtain currently required skills.

With regard to the “*Practical Woman*” educational program the Slovak Republic does not perform its duties stemming from the Sustainable Development Goals, either. The reason is that the “*Practical Woman*” perpetuates gender disparities in education, instead of eliminating them, and it does provide its graduates with effective and valuable learning outcomes. As discussed, several times throughout this Chapter, it is also a form of discrimination of Roma girls in education based on gender and race.

²²⁰ ICESCR Committee General Comment 13, *supra* note 104, para. 6 (c).

Therefore the *“Practical Woman”* educational program violates the Universal Declaration of Human Rights, precisely Article 26 read together with Articles 2 and 7.

3.2.2 Analysis of the “Practical Woman” Educational Program with Regard to the UNESCO Convention Against Discrimination in Education

The *“Practical Woman”* educational program can be considered as discrimination of Roma girls in education in the Slovak Republic according to the UNESCO Convention. First, it discriminates Roma girls based on their gender and race in education as it limits this group to education of inferior standard. The educational programs belonging to the *“F programs”* are of a lower quality and they do not provide their graduates with any certificate they could use in their future professional life. The whole system of segregated education, where educational programs of this category belong, are generally of lower quality, which is another very crucial problem besides the segregation itself.

Specifically, the *“Practical Woman”* educational program is of lower quality than the majority of programs belonging to the *“F programs”*, as it does not provide its graduates with any specific skills. As it is based on deeply embedded gender and racial stereotypes, it is also arguable that it inflicts conditions which are at variance with human dignity as it puts Roma girls in a very stereotypical position both as women and as members of the Roma minority. In addition, it implies that the Slovak Republic believes they do not even know the basic skills, such as hygiene just because of their racial background which is a violation of human dignity as well.

Moreover, the very essence of the segregation in education is incompatible with the notion of human dignity as it sends a message that the members of the segregated community are not “good enough” to be with the majority and that the majority does not wish to spend their time

with them. Concluding the abovementioned, the *“Practical Woman”* educational program is discriminatory based on the provisions of the UNESCO Convention.

The Slovak Republic fails its obligation to abrogate any statutory provisions or administrative practices which are discriminatory by providing the *“Practical Woman”* educational program. This program does not allow its students and graduates to fully develop their personality either, as it provides them only with very basic skills which are mostly connected to households and, hence, probably many of the students will not learn many new skills compared to what they already knew when entering the program. Hence, the right to education of Roma girls is being violated by the *“Practical Woman”* educational program.

Therefore the *“Practical Woman”* educational program violates the UNESCO Convention, precisely Articles 3 (a) and 5 (1) (a).

3.2.3 Analysis of the “Practical Woman” Educational Program with Regard to the International Covenant on the Economic, Social and Cultural Rights

According to Article 13 (1) of the ICESCR, education *“shall be directed to the full development of the human personality”*. It is questionable if the content of the *“Practical Woman”* program contributes to the development of the personality of Roma girls, as it provides them with very basic and gender stereotypical skills and knowledge which do not give them many opportunities on the labor market. Moreover, education *“shall enable all persons to participate effectively in a free society”*. Similarly, the skills and knowledge provided by the *“Practical Woman”* educational program do not provide the Roma girls with any specific skills required by the employers, especially compared to graduates of other lower secondary vocational education, who are in a disadvantaged position on the labor market compared to graduates of

complete secondary vocational education anyway, as is evident for example in the disproportionately high number of unemployed graduates of this type of education.

What is also crucial when determining whether the “*Practical Woman*” educational program is in accordance with the ICESCR, is whether this program meets the requirements set out by Articles 2 and 3 of the ICESCR as it is an educational program specifically targeting Roma girls, who are at intersection of at least two of the protected grounds – race and gender. As described in more detail in the previous chapter, these articles prohibit discrimination based on gender and race in education. More specifically, the provisions contained in these articles were developed by the ICESCR Committee. States have the obligation to secure that girls and boys enjoy the right to education equally. The Slovak Republic does not meet this obligation.

Although, the “*Practical Woman*” educational program is not attended solely by girls, it is designed predominantly for them as its name also implies. The “*Practical Woman*” educational program does not allow girls to equally enjoy their right to education compared to boys in other educational programs, especially the educational programs outside of the “*F programs*”, as the “*Practical Woman*” does not provide their graduates with any specific skills differentiating these graduates from other ones, nor does it increase their employability. The “*Practical Woman*” educational program discriminates Roma girls based on their gender and race as it provides them with stereotypical education of low quality based on prejudices against women and especially Roma women.

Moreover, the States should actively work on the elimination of gender stereotypes and promotion of gender equality. With the “*Practical Woman*” educational program, the Slovak Republic does not fulfill this obligation as it further perpetuates the gender stereotypes of women being primarily the “housekeepers”, mothers and wives/partners and the private/public dichotomies. In reality, the “*Practical Woman*” does not concentrate on preparing Roma girls

for the labor market as education should and even though its intention is to provide its graduates with “basic” education remedying the fact they did not finish primary education, the education provided by this program does little for its graduates in regard to their future employability, their personal development or self-determination. Hence, the “*Practical Woman*” educational program might also result in violation of right to work of Roma girls in the Slovak Republic, among other rights.

It rather implicitly teaches girls that their primary duty is to take care of the household, of their partners and family and that their main area of “realization” is at home. So, the “*Practical Woman*” education program does not contribute to challenging the gender stereotypes and stereotypical gender norms, it also provides further generations of girls from already disadvantaged backgrounds with the idea of inferiority of women and their stereotypical position in society based on the curriculum of this educational program which violates the principle of gender equality.

Therefore, the Slovak Republic does not fulfill its obligation stemming from the ICESCR in connection with the relevant General Comments by the ICESCR Committee, as it neither refrains from programs and practices which violate the principle of equality and non-discrimination based on gender, nor does it take direct steps to eliminate gender inequality in relation to this program. Moreover, the curriculum of this education program does not at all promote gender equality, quite the opposite, it further maintains the gender inequality which exists in society and hence the principle of gender equality was not integrated in the educational system.

Moreover, secondary education and technical and vocational education should provide the foundations for life-long learning and development. The “*Practical Woman*” educational program does not provide its graduates with such skills and knowledge which would contribute

to them, as through its curriculum its graduates do not acquire skills other than housekeeping or very basic skills in other areas of work. Based on this program the Roma girls might never acquire such a level personal development as they might have if provided a higher quality education. In addition, they might not reach a more career in the sense of prestige and income, which would allow them to escape poverty and become independent. Hence, the right to education of Roma girls, including the right to secondary and technical is being violated by the “*Practical Woman*” educational program.

Therefore the “*Practical Woman*” educational program violates the ICESCR, precisely Article 13 and Articles 2 (2) and 3 read together with Article 13.

3.2.4 Analysis of the “Practical Woman” Educational Program with Regard to the Convention on the Rights of the Child

The “*Practical Woman*” educational program enables Roma girls access to (lower) secondary education. However, as recognized also by the CRC Committee among other human rights bodies the right to education does not only equate to the right of access to education, but the content and quality of education are crucial as well. Due to its content which, to a great extent, concentrates on skills relating to the household or family life, the “*Practical Woman*” does not give its graduates an opportunity to fully achieve their potential nor does it prepare them for future challenges. This program neither maximizes the graduates’ ability to fully participate in society, nor does it teach the students skills so necessary nowadays, such as critical thinking or conflict solving.

The curriculum of the “*Practical Woman*” educational program is not based on the principle of gender equality and it seems that it limits the benefits its graduates could have obtained from education if it was not based on gender and racial stereotypes. Therefore, in accordance with

the opinion stated by the CRC Committee it can be concluded that this educational program reinforces the gender discrimination of Roma girls. Moreover, this program does not prepare its graduates for future life in accordance with the principle of gender equality as it at least implicitly imposes on its graduates the concept of inferiority of women and the stereotypical gender roles. It is also questionable whether this program respects the human dignity of children as this concept also incorporates life without gender or racial stereotypes. In relation to racial discrimination this educational program does not challenge racial prejudices and discrimination, quite the opposite, it segregates Roma girls within education, and it is based on racial stereotypes. Hence, the Slovak Republic does not fulfil its obligations stemming from the CRC with regard to the right of a child to education.

Therefore the “*Practical Woman*” educational program violates the CRC, precisely Articles 28 and 29 and Article 2 (1) read together with Articles 28 and 29.

3.2.5 Analysis of the “Practical Woman” Educational Program with Regard to the International Convention on the Elimination of All Forms of Racial Discrimination

The ICERD specifically prohibits discrimination based on race in education and training. The “*Practical Woman*” educational program violates this provision. Although this program is not overtly intended for Roma students, as it is only for those who did not finish primary education, it is attended predominantly by Roma children. The “*Practical Woman*” educational program also does not contribute to the prevention and elimination of prejudices based on race or promote understanding among various racial groups, neither does it support the inclusion of Roma children in education. First, the educational programs belonging to the “*F programs*” are based on racial segregation as they are mainly attended by Roma children, especially as

they are often taught in “*elocated*” workplaces near the marginalized Roma communities. Similarly, the in the “*Practical Woman*” educational program Roma girls are taught separately from non-Roma girls (and boys) and the educational program is of lower quality than the programs offered to non-Roma children which satisfies the definition of segregation in education and thus is a form of discrimination of Roma girls in education. Secondly, the “*Practical Woman*” educational program is based on racial stereotypes that Roma girls are not taught at home what is part of the curriculum (e.g. hygiene, how to shop, etc.) and the message this program sends out to the broader public only deepens the racial stereotypes. Hence, the Slovak Republic fails its obligation to prevent and eliminate segregation in education and does not fulfil its obligation to take immediate and effective measures to prevent racial stereotypes through education in relation to the “*Practical Woman*” educational program. Neither does this program take into consideration the already disadvantaged position of Roma girls, whereas it further disadvantages them as they are not given the proper skills and knowledge to find a job, receive their own income and use this income to escape poverty, become independent and improve their quality of life.

Therefore the “*Practical Woman*” educational program violates the ICERD, precisely Articles 5 (e) (v) and 7.

3.2.6 Analysis of the “Practical Woman” Educational Program with Regard to the Convention on the Elimination of All Forms of Discrimination against Women

The CEDAW obliges the Slovak Republic in Article 10 to eliminate any stereotypical gender roles in education. The “*Practical Woman*” educational program is a direct violation of this provision as the curriculum of this program is based on a very stereotypical image of the role

of women in society and in the family as housekeeper and homemaker and on the public/private dichotomies considering home as the primary place for women. Therefore, gender stereotypes constitute, in and through the case of the “*Practical Woman*”, an imminent part of the Slovak educational system. Moreover, gender stereotypes in curricula were identified by the CEDAW Committee as one of the barriers to full enjoyment of the right to education. In addition, by means of this educational program patriarchal patterns in society are reproduced and traditional roles of women and men are maintained and even reinforced in society as the younger generations of women are taught a very “traditional” view of the role of women in society. Due to its gender stereotypical curriculum, the “*Practical Woman*” presents a barrier to the full enjoyment of the right to education by Roma girls and contributes to the preservation of gender inequalities in the country.

With regard to the tripartite human rights framework proposed by the CEDAW Committee, the “*Practical Woman*” educational program violates all 3 dimensions of the right to education. The right of access to education dimension also includes access to education of sufficient quality. Although, the “*Practical Woman*” educational program is often taught at schools which are in or in very close proximity to marginalized Roma communities, to have physical access to education is not enough to be able to fully enjoy the right to education as the quality of this educational program is not sufficient, because it does not provide its graduates with any skills or knowledge which would be truly desired by the employers, and which would differentiate them from graduates of other educational programs. Nor are the Roma girls provided with knowledge or skills which would allow them to fully participate in society. Therefore, the “*Practical Woman*” educational program seems to offer Roma girls access to education, however, in reality, it does not allow them to enjoy their right to education.

Moreover, girls should have access to education of the same quality as boys. There is no similar gender stereotypical educational program for boys in the Slovak Republic, boys rather acquire through education, even within the “*F programs*”, skills which can, at least to some extent, be used in their future life. Example of such program is the “*Assistant in the Kitchen*”.²²¹ Although this program seems to not provide its graduates with skills required by the employers, at least the skills they acquire are related to the labor market, not their homes and are not based on gender stereotypes. Therefore, the “*Practical Woman*” educational program does not fulfill the right of access to education criterion, neither does the Slovak Republic approach equally towards the education of girls and boys.

When concentrating on the rights within education dimension, it is necessary to analyze the content of education, that is the curriculum of the “*Practical Woman*” educational program. This curriculum is highly stereotypical towards women. Therefore, the Slovak educational system reinforces and maintains gender stereotypes through the “*Practical Woman*” instead of dismantling them, even though schools are in a great position to challenge them as they can influence the future opinions and views of the next generations, so this educational program can be also considered to be a wasted opportunity to provide the younger generations of women from a disadvantaged background with ideals of gender equality from which they would benefit. This hinders the Roma girls from enjoying their rights in education.

The rights through education dimension is also crucial. As described above, education shall prepare students for their future life, enable them to find a job and achieve other rights, such as the right to work or the right to political participation. As the “*Practical Woman*” educational program does not provide its graduates with skills required by the employers²²² or skills necessary to fully participate in society, e.g., critical thinking, its graduates do not acquire any

²²¹ Employment Institute, *supra* note 213, at 5.

²²² *Id.*

rights or very little rights through education. Neither does it substantially improve the position of Roma girls, therefore the education does not use its transformational potential and thus the rights through education criterion is not fulfilled. Nor does this program take into consideration the already disadvantaged position of the Roma girls, whereas it further disadvantages them as they are not given the proper skills and knowledge to find a job, get their own income and use this income to escape poverty and improve their quality of life and contribute to their self-determination and self-actualization.

Full enjoyment of the right to education by Roma girls should be the core of the State's interest as it as a gateway to a higher quality of life for these girls and their families, and it would also bring financial and societal benefits to the Slovak Republic. Hence, it is difficult to understand why the Slovak Republic so markedly fails to protect the right to education of Roma girls as it is obliged to do according to international law, national law and as would be even beneficial for it.

Therefore the “Practical Woman” educational program violates the CEDAW, precisely Article 10.

Chapter III analyzed whether the “*Practical Woman*” educational program is in accordance with all six international human rights treaties discussed in Chapter II of this thesis. The analysis discovered that each treaty is violated by the “*Practical Woman*” educational program and, therefore, this program represents multiple violations of international human rights law.

CONCLUSION

The analysis conducted in this thesis discovered that the Slovak Republic violates numerous international human rights treaties on the right to education by the “*Practical Woman*” educational program and, hence, the Slovak Republic is in violation of international human rights law. Roma girls are vulnerable, and the opportunity to fully enjoy the right to education according to international human rights standards has long-term positive effects on their lives, not just in relation to their future career, but to the quality of their personal life in general.

However, instead of enabling Roma girls to acquire all means necessary to escape poverty and social exclusion, to gain independence and generally to achieve a higher quality of life, the Slovak Republic provides several hundreds of Roma girls a year with education of low quality, teaching them old fashioned skills which have no place in the 21st century. Moreover, this educational program further deepens their segregation (not just) in education and strengthens the negative image the majority society has about Roma girls and women and their families. Therefore, it is worrisome that the number of students of this educational program has been steadily increasing in the past ten years.

The Slovak Republic should abolish this educational program immediately and, instead, provide Roma girls with high-quality education where they will obtain skills and knowledge desired by the labor market and where they can develop their personality and improve their prospects for the future. It is not enough for the right to education of Roma girls to be enshrined in the national law and to ratify the international treaties which protect it. The Slovak Republic should immediately implement into the practice of the educational system in Slovakia the human rights standard on education which it is bound by and with which it agreed by ratifying the relevant treaties.

Moreover, the educational system of the Slovak Republic should reflect the international human rights standards which specifically state that the right to education does not only consist of the right of access to education, but that also the content and quality of education are crucial for the full enjoyment of the right to education. Therefore, it is not enough to provide just any education in the close proximity of Roma settlements. This education should also enable the enjoyment of rights within and through the education and be based on principles of gender equality and non-discrimination based on race, gender, class, etc. It is about time for the Slovak Republic to finally work on the desegregation of Roma children in education by providing high-quality education, not just any education.

In addition, it is absolutely unacceptable and in violation of international and national law, especially of the provisions on principles of equality and non-discrimination, for a State to offer such gender and racial stereotypical education based on deeply embedded prejudices. It has negative effects not only on the students of this program, but the majority also gets the message that this type of education is needed, not being aware of the fact that Roma girls often have no other choice of education.

It needs to be added that the right to education is key to enjoying other human rights. Therefore, with the *“Practical Woman”* educational program, the Slovak Republic does not only violate the right to education of Roma girls, but consequently several other rights protected by numerous human rights treaties. Hence, the Slovak Republic should immediately start to improve the access to and realization of the right to education of Roma girls (and boys as well). It is very likely that the quality of education and the segregation of Roma children in education has gotten worse during the COVID-19 pandemic and the related quarantine. Nowadays, the violations of the right to education will be reflected in the lower quality of life of graduates of

this program in the future, and this will very likely result in higher costs for the Slovak Republic (e.g., for unemployment benefits).

Nevertheless, the “*Practical Woman*” educational program should be abolished as soon as possible, not because it is not efficient to have such a program from the financial point of view,²²³ but because it poses a grave violation of human rights of hundreds of girls in the Slovak Republic who are already in a disadvantaged and vulnerable position.

This thesis ends with a message of hope that the Slovak Republic will start fulfilling its international law obligation regarding the right to education and that the infringement proceeding against the Slovak Republic by the European Commission will result in true and thorough desegregation at all levels of education, and in an improvement of the quality of education obtained by Roma girls and boys. Let’s hope it will happen rather sooner than later.

²²³ Employment Institute, *supra* note 213, at 3.

BIBLIOGRAPHY

Primary Sources

Committee on Economic, Social and Cultural Rights, *General Comment No. 13 (Twenty-first session, 1999) on the Right to Education (Art. 13)*, U.N. Doc E/C.12/1999/10 (December 8, 1999).

Committee on Economic, Social and Cultural Rights, *General Comment No. 16 (2005) on the Equal Right of Men and Women to the Enjoyment of all Economic, Social and Cultural Rights (art. 3 of the International Covenant on Economic, Social and Cultural Rights)*, U.N. Doc E/C.12/2005/4 (August 11, 2005).

Committee on Economic, Social and Cultural Rights, *General Comment No. 20 on Non-discrimination in Economic, Social and Cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)*, U.N. Doc E/C.12/GC/20 (July 2, 2009).

Committee on the Elimination of Discrimination against Women, *General Recommendation No. 36 (2017) on the Right of Girls and Women to Education*, U.N. Doc CEDAW/C/GC/36 (November 27, 2017).

Committee on the Elimination of Racial Discrimination, *General Recommendation XXVII on Discrimination Against Roma*, U.N. Doc A/55/18 (August 16, 2000).

Committee on the Rights of the Child, *General Comment No. 1 (2001) on Article 29 (1): The Aims of Education*, U.N. Doc CRC/GC/2001/1 (April 17, 2001).

Convention on the Elimination of All Forms of Discrimination Against Women, *opened for signature* December 18, 1979, 1249 U.N.T.S. 13 (entered into force September 3, 1981).

Convention on the Rights of the Child, *opened for signature* Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force September 2, 1990).

G.A. Res. 217 (III) A, *Universal Declaration of Human Rights*, (December 10, 1948).

International Convention on the Elimination of All Forms of Racial Discrimination, *opened for signature* December 21, 1965 660 U.N.T.S. 1 (entered into force January 4, 1969).

International Covenant on Economic, Social and Cultural Rights, *opened for signature* Dec. 16, 1966, 993 U.N.T.S. 3 (entered into force January 3, 1976).

Law No. 460/1992 Coll. *Constitution of the Slovak Republic*, version of law valid on June 30, 2021.

Law No. 245/2008 Coll. *on Education and Upbringing ("School Law")*, as amended, version of law valid on June 30, 2021, sec. 3 (d).

UNESCO Convention Against Discrimination in Education, *opened for signature* Dec. 14, 1960, 429 U.N.T.S. 93 (entered into force May 22, 1962).

Secondary Sources

Amnesty International. “Lekcia z diskriminácie. Segregácia rómskych detí v základom vzdelávaní v Slovenskej republike (A Lesson in Discrimination. Segregation of Roma Children in the Primary Education in the Slovak Republic),” AMNESTY INTERNATIONAL (2017), <https://www.amnesty.sk/wp-content/uploads/2017/02/Amnesty-report-Slovak-WEB.pdf>.

Amnesty International. “Slovakia 2020,” AMNESTY INTERNATIONAL (2021), <https://www.amnesty.org/en/countries/europe-and-central-asia/slovakia/report-slovakia/>

Balážová, Z. *Elokované pracoviská stredných odborných škôl pri marginalizovaných rómskych komunitách. Cesta k začleneniu alebo vylúčeniu rómskej mládeže? (Elocated Workplaces of Secondary Vocational Schools near Marginalized Roma Communities. The Road to Inclusion or Exclusion of Roma Youth?)* (Bratislava: Centrum pre výskum etnicity a kultúry, 2015).

Bednarik, M., S. Hidas and G. Machlica. *Enhancing the social integration of Roma in Slovak Republic*, (Paris: OECD Publishing, 2019).

Centre for the Research of Ethnicity and Culture et al. *Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Slovakia* (Luxembourg: Publications Office of the European Union, 2018).

Commission on Human Rights. *Preliminary Report of the Special Rapporteur on the Right to Education, Ms. Katarina Tomasevski, Submitted in Accordance with Commission on Human Rights Resolution 1998/33, U.N. Doc E/CN.4/1999/49* (January 13, 1999).

Committee on the Elimination of Racial Discrimination. *Thirteenth Periodic Report Submitted by Slovakia under Article 9 of the Convention, due in 2020*, U.N. Doc CERD/C/SVK/13 (July 20, 2020).

Council of Europe. “Strategy on the Advancement of Romani Women and Girls (2014-2020),” COUNCIL OF EUROPE, <https://rm.coe.int/16806f32ff,%20COUCNCIL%20of%20EUROPE>.

European Commission against Racism and Intolerance. “ECRI Report on the Slovak Republic,” ECRI (December 2020), <https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>.

European Union Agency for Fundamental Rights. *Education: The Situation of Roma in 11 EU Member States. Roma survey – Data in focus* (Luxembourg: Publications Office of the European Union, 2016).

European Union Agency for Fundamental Rights. *Second European Union Minorities and Discrimination Survey, Roma – Selected Findings* (Luxembourg: Publications Office of the European Union, 2018).

European Union Agency for Fundamental Rights. *Second European Union Minorities and Discrimination Survey. Roma Women in Nine EU Member States* (Luxembourg: Office for Official Publications of the European Communities, 2019).

Farkas, L. *Segregation of Roma Children in Education: Addressing Structural Discrimination through the Race Equality Directive* (Luxembourg: Office for Official Publications of the European Communities, 2017).

Hapalová, M. and P. Dráľ. “Regulácia a riadenie školského systému (Regulation and Management of the School System),” in Open Society Foundation, “Odpovede na otázky (de)segregácie rómskych žiakov vo vzdelávacom systéme na Slovensku

(Answers to Questions of (De)segregation of Roma Pupils in the Educational System in Slovakia),” OPEN SOCIETY FOUNDATION (2011), <https://eduroma.sk/docs/odpovede-na-otazky-desegregacie.pdf/>.

Havirová, Z. “Na neefektívnosť nižšieho stredného odborného vzdelávania doplácajú najmä Rómovia (Mainly the Romas are Hurt by the Ineffectivity of the Lower Secondary Vocational Education)” MENŠINOVÁ POLITIKA (May 19, 2021), <https://mensinovapolitika.eu/na-neefektivnost-nizsieho-stredneho-odborneho-vzdelavania-doplacaju-najma-romovia/>.

Holka Chudzikova, A. “Dlho očakávaná zmena – ministerstvo školstva priznáva problém segregácie rómskych detí a podniká kroky na zmenu situácie (The Long-Awaited Change – The Ministry of Education Admits a Problem in the Segregation of Roma Children and Takes Steps to Change This Situation)” MENŠINOVÁ POLITIKA (September 15, 2020), <https://mensinovapolitika.eu/dlho-ocakavana-zmena-ministerstvo-skolstva-priznava-problem-segregacie-romskych-deti-a-podnika-kroky-na-zmenu-situacie/>.

Ilisei, I. *Education of Roma Women between Feminism and Multiculturalism Case Study: Roma Women in Romania* 12(1) JOURNAL OF SOCIAL SCIENCE EDUCATION at 67 (2013), pp. 67 – 74.

Inštitút zamestnanosti (Employment Institute). “Konceptný materiál: Uplatnenie absolventov vybraného učebného odboru na trhu práce – praktická žena je nepraktická (Conceptual Document: The Position on the Labor Market of the Graduates of Chosen Vocational Education Program – the Practical Woman is Unpractical),” (2020), <https://www.iz.sk/download-files/sk/evs/prakticka-zena-je-neprakticka.pdf>.

Ivanco, Š. “Rasová segregácia vo vzdelávaní z hľadiska medzinárodnej legislatívy na ochranu ľudských práv (Racial Segregation in Education in the International Legislation on

Human Rights Protection),” In Open Society Foundation, “Odpovede na otázky (de)segregácie rómskych žiakov vo vzdelávacom systéme na Slovensku (Answers to Questions of (De)segregation of Roma Pupils in the Educational System in Slovakia),” OPEN SOCIETY FOUNDATION (2011), <https://eduroma.sk/docs/odpovede-na-otazky-desegregacie.pdf/>.

Kalantry, S. et al. *Enhancing Enforcement of Economic, Social, and Cultural Rights Using Indicators: A Focus on the Right to Education in the ICESCR* 32 HUMAN RIGHTS QUARTERLY (2010), pp. 253-310.

Kende, A. et al. *Anti-Roma Attitudes as Expressions of Dominant Social Norms in Eastern Europe* 60 INTERNATIONAL JOURNAL OF INTERCULTURAL RELATIONS at 14 (2017), pp. 12-27.

Koch, I. E. The Right to Education for Roma Children under the European Convention on Human Rights, On-line Festschrift in Honour of Katarina Tomaševski (2011), http://works.bepress.com/idaelisabeth_koch/58/.

Kontseková, J. and C. Košťál. “Desegregácia a inklúzia vo vzdelávaní sociálne znevýhodnených žiakov v európskych školských systémoch: výzva pre Slovensko (Desegregation and Inclusion in the Education of Socially Disadvantaged Pupils in European School Systems: A Challenge for Slovakia),” in Open Society Foundation, “Odpovede na otázky (de)segregácie rómskych žiakov vo vzdelávacom systéme na Slovensku (Answers to Questions of (De)segregation of Roma Pupils in the Educational System in Slovakia),” OPEN SOCIETY FOUNDATION (2011), <https://eduroma.sk/docs/odpovede-na-otazky-desegregacie.pdf>.

Kovács, K. *Advancing Marginalisation of Roma and Forms of Segregation in East Central Europe* 30(7) LOCAL ECONOMY at 784 (2015), pp. 783 – 799.

- Lajčáková, J. ROVNÉ ŠANCE I. *Podpora stredoškolského vzdelávania rómskej mládeže prostredníctvom dočasných vyrovnávacích opatrení (Equal Opportunities. Support of Secondary Education of Roma Youth through Affirmative Action)* (CVEK, 2015).
- Lajčáková, J. et al. *Školy proti segregácii. Metodická príručka na prevenciu a odstraňovanie segregácie rómskych žiakov (Schools against Segregation. Methodological Guidelines on the Prevention and Elimination of Segregation of Roma Pupils)* (Oz eduRoma – Roma Education Project 2017).
- Marcus, G. *Gypsy and Traveller Girls. Silence, Agency and Power* (Palgrave Macmillan, 2019).
- Ministerstvo financií Slovenskej republiky (Ministry of Finance of the Slovak Republic). “Revízia výdavkov na skupiny ohrozené chudobou alebo sociálnym vylúčením. Záverečná správa (Revision of Expenditures on Groups Endangered by Poverty or Social Exclusion),” (2020), <https://www.minedu.sk/data/att/15944.pdf>.
- OECD. *Education at a Glance 2015: OECD Indicators. Slovak Republic* (Paris: OECD Publishing, 2015), https://read.oecd-ilibrary.org/education/education-at-a-glance-2015/slovak-republic_eag-2015-78-en#page1.
- Rafael, V. and B. Kahátová. “Úvod do problému (Introduction to the problem),” in Open Society Foundation, “Odpovede na otázky (de)segregácie rómskych žiakov vo vzdelávacom systéme na Slovensku (Answers to Questions of (De)segregation of Roma Pupils in the Educational System in Slovakia),” OPEN SOCIETY FOUNDATION (2011), <https://eduroma.sk/docs/odpovede-na-otazky-desegregacie.pdf/>.
- Robayo-Abril, M. et al. *Closing the Gender Gaps among Marginalized Roma in the Western Balkans,* THE WORLD BANK (2019), <https://elibrary.worldbank.org/doi/abs/10.1596/34557>.

Splnomocnenec vlády SR pre rómske komunity (Plenipotentiary of the Government for Roma) Communities, *Stratégia rovnosti, inklúzie a participácie Rómov do roku 2030* (*Strategy of Equality, Inclusion and Participation of Romas until 2030*) (MINISTERSTVO VNÚTRA SR, 2021).

To dá rozum (It Makes Sense), “Segregácia rómskych detí (Segregation of Roma Children),“ TO DÁ ROZUM <https://analyza.todarozum.sk/docs/320420001yw1a/#k-oddelenemu-vzdelavaniu-romskych-deti-dochadza-aj-na-urovni>.

UNESCO. “Conventions – Slovakia,” <https://en.unesco.org/countries/slovakia/conventions>

United Nations. Department of Economic and Social Affairs “End All Forms of Discrimination Against All Women and Girls Everywhere,” <https://sdgs.un.org/goals/goal5>.

United Nations. Department of Economic and Social Affairs. “Ensure Inclusive and Equitable Quality Education and Promote Lifelong Learning Opportunities for All,” <https://sdgs.un.org/goals/goal4>.

United Nations Human Rights Treaty Bodies. “Ratification Status for Slovakia,” https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=158&Lang=EN

van den Bogaert, S. “Roma Segregation in Education: Direct or Indirect Discrimination? An Analysis of the Parallels and Differences between Council Directive 2000/43/EC and Recent ECtHR Case Law on Roma Educational Matters,” (2011), https://www.zaoerv.de/71_2011/71_2011_4_a_719_754.pdf/.